

HOWARD COBLE COAST GUARD AND MARITIME
TRANSPORTATION ACT OF 2014

MARCH 25, 2014.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 4005]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom
was referred the bill (H.R. 4005) to authorize appropriations for the
Coast Guard for fiscal years 2015 and 2016, and for other purposes,
having considered the same, report favorably thereon with an
amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Howard Coble Coast Guard and Maritime Transportation Act of 2014”.

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

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD

Sec. 201. Commissioned officers.
Sec. 202. Prevention and response workforces.
Sec. 203. Centers of expertise.
Sec. 204. Agreements.
Sec. 205. Coast Guard housing.
Sec. 206. Determinations.
Sec. 207. Annual Board of Visitors.
Sec. 208. Repeal of limitation on medals of honor.
Sec. 209. Mission need statement.
Sec. 210. Transmission of annual Coast Guard authorization request.
Sec. 211. Inventory of real property.
Sec. 212. Active duty for emergency augmentation of regular forces.
Sec. 213. Acquisition workforce expedited hiring authority.
Sec. 214. Icebreakers.
Sec. 215. Multiyear procurement authority for Offshore Patrol Cutters.
Sec. 216. Maintaining Medium Endurance Cutter mission capability.
Sec. 217. Coast Guard administrative savings.
Sec. 218. Technical corrections to title 14.
Sec. 219. Flag officers.
Sec. 220. Aviation capability in the Great Lakes region.
Sec. 221. e-LORAN.

TITLE III—SHIPPING AND NAVIGATION

Sec. 301. Treatment of fishing permits.
Sec. 302. International ice patrol reform.
Sec. 303. Repeal.
Sec. 304. Donation of historical property.
Sec. 305. Small shipyards.
Sec. 306. Drug testing reporting.
Sec. 307. Recourse for noncitizens.
Sec. 308. Penalty wages.
Sec. 309. Crediting time in the sea services.
Sec. 310. Treatment of abandoned seafarers.
Sec. 311. Clarification of high-risk waters.
Sec. 312. Uninspected passenger vessels in the Virgin Islands.
Sec. 313. Offshore supply vessel third-party inspection.
Sec. 314. Survival craft.
Sec. 315. Technical correction to title 46.
Sec. 316. Enforcement.
Sec. 317. Severe marine debris events.
Sec. 318. Minimum tonnage.
Sec. 319. Merchant Marine Personnel Advisory Committee.
Sec. 320. Report on effect of LNG export carriage requirements on job creation in the United States maritime industry.

TITLE IV—FEDERAL MARITIME COMMISSION

Sec. 401. Authorization of appropriations.
Sec. 402. Terms of Commissioners.

TITLE V—COMMERCIAL VESSEL DISCHARGE REFORM

Sec. 501. Short title.
Sec. 502. Discharges incidental to the normal operation of certain vessels.

TITLE VI—MISCELLANEOUS

Sec. 601. Distant water tuna fleet.
Sec. 602. Vessel determination.
Sec. 603. Lease authority.
Sec. 604. National maritime strategy.
Sec. 605. IMO Polar Code negotiations.
Sec. 606. Valley View Ferry.
Sec. 607. Competition by United States flag vessels.
Sec. 608. Survey.
Sec. 609. Fishing safety grant programs.

TITLE I—AUTHORIZATION**SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are authorized to be appropriated for each of fiscal years 2015 and 2016 for necessary expenses of the Coast Guard as follows:

- (1) For the operation and maintenance of the Coast Guard—
(A) \$6,981,036,000 for fiscal year 2015; and

- (B) \$6,981,036,000 for fiscal year 2016.
- (2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto—
 - (A) \$1,546,448,000 for fiscal year 2015; and
 - (B) \$1,546,448,000 for fiscal year 2016;
 to remain available until expended.
- (3) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services—
 - (A) \$140,016,000 for fiscal year 2015; and
 - (B) \$140,016,000 for fiscal year 2016.
- (4) For environmental compliance and restoration of Coast Guard vessels, aircraft, and facilities (other than parts and equipment associated with operation and maintenance)—
 - (A) \$16,701,000 for fiscal year 2015; and
 - (B) \$16,701,000 for fiscal year 2016;
 to remain available until expended.
- (5) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission with respect to search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness—
 - (A) \$19,890,000 for fiscal year 2015; and
 - (B) \$19,890,000 for fiscal year 2016.

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 43,000 for each of fiscal years 2015 and 2016.
- (b) **MILITARY TRAINING STUDENT LOADS.**—The Coast Guard is authorized average military training student loads for each of fiscal years 2015 and 2016 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. COMMISSIONED OFFICERS.

Section 42(a) of title 14, United States Code, is amended by striking “7,200” and inserting “6,700”.

SEC. 202. PREVENTION AND RESPONSE WORKFORCES.

Section 57 of title 14, United States Code, is amended—

- (1) in subsection (b)—
 - (A) in paragraph (2) by striking “or” at the end;
 - (B) in paragraph (3) by striking the period at the end and inserting a semicolon; and
 - (C) by adding at the end the following:
 - “(4) waterways operations manager shall have knowledge, skill, and practical experience with respect to marine transportation system management; or
 - “(5) port and facility safety and security specialist shall have knowledge, skill, and practical experience with respect to the safety, security, and environmental protection responsibilities associated with maritime ports and facilities.”;
- (2) in subsection (c) by striking “or marine safety engineer” and inserting “marine safety engineer, waterways operations manager, or port and facility safety and security specialist”; and
- (3) in subsection (f)(2) by striking “investigator or marine safety engineer.” and inserting “investigator, marine safety engineer, waterways operations manager, or port and facility safety and security specialist.”.

SEC. 203. CENTERS OF EXPERTISE.

Section 58(b) of title 14, United States Code, is amended to read as follows:

- “(b) **MISSIONS.**—Any center established under subsection (a) may—
 - “(1) promote, facilitate, and conduct—
 - “(A) education;
 - “(B) training; and
 - “(C) activities authorized under section 93(a)(4); and

“(2) be a repository of information on operations, practices, and resources related to the mission for which the center was established.”.

SEC. 204. AGREEMENTS.

(a) **IN GENERAL.**—Section 93(a)(4) of title 14, United States Code, is amended—
 (1) by striking “, investigate” and inserting “and investigate”; and
 (2) by striking “, and cooperate and coordinate such activities with other Government agencies and with private agencies”.

(b) **AUTHORITY.**—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

“§ 102. Agreements

“(a) **IN GENERAL.**—In carrying out section 93(a)(4), the Commandant may—

“(1) enter into cooperative agreements, contracts, and other agreements with Federal entities and other public or private entities, including academic entities; and

“(2) impose on and collect from an entity subject to an agreement or contract under paragraph (1) a fee to assist with expenses incurred in carrying out such section.

“(b) **DEPOSIT AND USE OF FEES.**—Fees collected under this section shall be deposited in the general fund of the Treasury as offsetting receipts. The fees may be used, to the extent provided in advance in an appropriation law, only to carry out activities under section 93(a)(4).”.

(c) **CLERICAL AMENDMENT.**—The analysis for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

“102. Agreements.”.

SEC. 205. COAST GUARD HOUSING.

(a) **COMMANDANT; GENERAL POWERS.**—Section 93(a)(13) of title 14, United States Code, is amended by striking “the Treasury” and inserting “the fund established under section 687”.

(b) **LIGHTHOUSE PROPERTY.**—Section 672a(b) of title 14, United States Code, is amended by striking “the Treasury” and inserting “the fund established under section 687”.

(c) **CONFORMING AMENDMENT.**—Section 687(b) of title 14, United States Code, is amended by adding at the end the following:

“(4) Monies received under section 93(a)(13).

“(5) Amounts received under section 672a(b).”.

SEC. 206. DETERMINATIONS.

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

“§ 103. Determinations

“The Secretary may only make a determination that a waterway, or any portion thereof, is navigable for purposes of the jurisdiction of the Coast Guard through a rulemaking that is conducted in a manner consistent with subchapter II of chapter 5 of title 5.”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 5 of title 14, United States Code, as amended by this Act, is further amended by adding at the end the following:

“103. Determinations.”.

SEC. 207. ANNUAL BOARD OF VISITORS.

Section 194 of title 14, United States Code, is amended to read as follows:

“§ 194. Annual Board of Visitors

“(a) **IN GENERAL.**—A Board of Visitors to the Coast Guard Academy is established to review and make recommendations on the operation of the Academy.

“(b) **MEMBERSHIP.**—

“(1) **IN GENERAL.**—The membership of the Board shall consist of the following:

“(A) The chairman of the Committee on Commerce, Science, and Transportation of the Senate, or the chairman’s designee.

“(B) The chairman of the Committee on Transportation and Infrastructure of the House of Representatives, or the chairman’s designee.

“(C) 3 Members of the Senate designated by the Vice President.

“(D) 4 Members of the House of Representatives designated by the Speaker of the House of Representatives.

“(E) 6 individuals designated by the President.

“(2) **LENGTH OF SERVICE.**—

“(A) MEMBERS OF CONGRESS.—A Member of Congress designated under subparagraph (C) or (D) of paragraph (1) as a member of the Board shall be designated as a member in the First Session of a Congress and serve for the duration of that Congress.

“(B) INDIVIDUALS DESIGNATED BY THE PRESIDENT.—Each individual designated by the President under subparagraph (E) of paragraph (1) shall serve as a member of the Board for 3 years, except that any such member whose term of office has expired shall continue to serve until a successor is appointed.

“(3) DEATH OR RESIGNATION OF A MEMBER.—If a member of the Board dies or resigns, a successor shall be designated for any unexpired portion of the term of the member by the official who designated the member.

“(c) ACADEMY VISITS.—

“(1) ANNUAL VISIT.—The Board shall visit the Academy annually to review the operation of the Academy.

“(2) ADDITIONAL VISITS.—With the approval of the Secretary, the Board or individual members of the Board may make other visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy.

“(d) SCOPE OF REVIEW.—The Board shall review, with respect to the Academy—

“(1) the state of morale and discipline;

“(2) the curriculum;

“(3) instruction;

“(4) physical equipment;

“(5) fiscal affairs; and

“(6) other matters relating to the Academy that the Board determines appropriate.

“(e) REPORT.—Not later than 60 days after the date of an annual visit of the Board under subsection (c)(1), the Board shall submit to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the actions of the Board during such visit and the recommendations of the Board pertaining to the Academy.

“(f) ADVISORS.—If approved by the Secretary, the Board may consult with advisors in carrying out this section.

“(g) REIMBURSEMENT.—Each member of the Board and each adviser consulted by the Board under subsection (f) shall be reimbursed, to the extent permitted by law, by the Coast Guard for actual expenses incurred while engaged in duties as a member or adviser.”

SEC. 208. REPEAL OF LIMITATION ON MEDALS OF HONOR.

Section 494 of title 14, United States Code, is amended by striking “medal of honor,” each place that it appears.

SEC. 209. MISSION NEED STATEMENT.

(a) IN GENERAL.—Section 569 of title 14, United States Code, is amended to read as follows:

“§ 569. Mission need statement

“(a) IN GENERAL.—On the date on which the President submits to Congress a budget for fiscal year 2016 under section 1105 of title 31, on the date on which the President submits to Congress a budget for fiscal year 2019 under such section, and every 4 years thereafter, 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 an integrated major acquisition mission need statement.

“(b) DEFINITIONS.—In this section, the following definitions apply:

“(1) INTEGRATED MAJOR ACQUISITION MISSION NEED STATEMENT.—The term ‘integrated major acquisition mission need statement’ means a document that—

“(A) identifies current and projected gaps in Coast Guard mission capabilities using mission hour targets;

“(B) explains how each major acquisition program addresses gaps identified under subparagraph (A) if funded at the levels provided for such program in the most recently submitted capital investment plan; and

“(C) describes the missions the Coast Guard will not be able to achieve, by fiscal year, for each gap identified under subparagraph (A).

“(2) MAJOR ACQUISITION PROGRAM.—The term ‘major acquisition program’ has the meaning given that term in section 569a(e).

“(3) CAPITAL INVESTMENT PLAN.—The term ‘capital investment plan’ means the plan required under section 663(a)(1).”

(b) CLERICAL AMENDMENT.—The analysis for chapter 15 of title 14, United States Code, is amended by striking the item relating to section 569 and inserting the following:

“569. Mission need statement.”.

SEC. 210. TRANSMISSION OF ANNUAL COAST GUARD AUTHORIZATION REQUEST.

(a) IN GENERAL.—Title 14, United States Code, as amended by this Act, is further amended by inserting after section 662 the following:

“§ 662a. Transmission of annual Coast Guard authorization request

“(a) IN GENERAL.—Not later than 30 days after the date on which the President submits to Congress a budget for a fiscal year pursuant to section 1105 of title 31, the Secretary 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 Coast Guard authorization request with respect to such fiscal year.

“(b) COAST GUARD AUTHORIZATION REQUEST DEFINED.—In this section, the term ‘Coast Guard authorization request’ means a proposal for legislation that, with respect to the Coast Guard for the relevant fiscal year—

“(1) recommends end strengths for personnel for that fiscal year, as described in section 661;

“(2) recommends authorizations of appropriations for that fiscal year, including with respect to matters described in section 662; and

“(3) addresses any other matter that the Secretary determines is appropriate for inclusion in a Coast Guard authorization bill.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 662 the following:

“662a. Transmission of annual Coast Guard authorization request.”.

SEC. 211. INVENTORY OF REAL PROPERTY.

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

“§ 679. Inventory of real property

“(a) IN GENERAL.—Not later than September 30, 2014, the Commandant shall establish an inventory of all real property, including submerged lands, under the control of the Coast Guard, which shall include—

“(1) the size, the location, and any other appropriate description of each unit of such property;

“(2) an assessment of the physical condition of each unit of such property, excluding lands;

“(3) an estimate of the fair market value of each unit of such property;

“(4) a determination of whether each unit of such property should be—

“(A) retained to fulfill a current or projected Coast Guard mission requirement; or

“(B) subject to divestiture; and

“(5) other information the Commandant considers appropriate.

(b) INVENTORY MAINTENANCE.—The Commandant shall—

“(1) maintain the inventory required under subsection (a) on an ongoing basis; and

“(2) update information on each unit of real property included in such inventory not later than 30 days after any change relating to such property.

(c) RECOMMENDATIONS TO CONGRESS.—Not later than March 30, 2015, and every 5 years thereafter, 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 includes—

“(1) a list of all real property under the control of the Coast Guard and the location of such property by property type;

“(2) recommendations for divestiture with respect to any units of such property, including an estimate of—

“(A) the fair market value of any property recommended for divestiture; and

“(B) the costs or savings associated with divestiture; and

“(3) recommendations for consolidating any units of such property, including—

“(A) an estimate of the costs or savings associated with each recommended consolidation; and

“(B) a discussion of the impact that such consolidation would have on Coast Guard mission effectiveness.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 17 of title 14, United States Code, as amended by this Act, is further amended by adding at the end the following:

“679. Inventory of real property.”.

SEC. 212. ACTIVE DUTY FOR EMERGENCY AUGMENTATION OF REGULAR FORCES.

Section 712(a) of title 14, United States Code, is amended by striking “not more than 60 days in any 4-month period and”.

SEC. 213. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

Section 404(b) of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 2951) is amended by striking “2015” and inserting “2017”.

SEC. 214. ICEBREAKERS.

(a) COAST GUARD POLAR ICEBREAKERS.—Section 222 of the Coast Guard and Maritime Transportation Act of 2012 (Public Law 112–213; 126 Stat. 1560) is amended—

(1) in subsection (d)(2)—

(A) in the paragraph heading by striking “; BRIDGING STRATEGY”; and

(B) by striking “Commandant of the Coast Guard” and all that follows through the period at the end and inserting “Commandant of the Coast Guard may decommission the Polar Sea.”;

(2) by adding at the end of subsection (d) the following:

“(3) RESULT OF NO DETERMINATION.—If in the analysis submitted under this section the Secretary does not make a determination under subsection (a)(5) regarding whether it is cost-effective to reactivate the Polar Sea, then—

“(A) the Commandant of the Coast Guard may decommission the Polar Sea; or

“(B) the Secretary may make such determination, not later than 90 days after the date of enactment of this paragraph, and take actions in accordance with this subsection as though such determination was made in the analysis previously submitted.”;

(3) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(4) by inserting after subsection (d) the following:

“(e) STRATEGIES.—

“(1) IN GENERAL.—Not later than 180 days after the date on which the analysis required under subsection (a) is submitted, 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) a strategy to meet the Coast Guard’s Arctic ice operations needs through September 30, 2050; and

“(B) unless the Secretary makes a determination under this section that it is cost-effective to reactivate the Polar Sea, a bridging strategy for maintaining the Coast Guard’s polar icebreaking services until at least September 30, 2024.

“(2) REQUIREMENT.—The strategies required under paragraph (1) shall include a business case analysis comparing the leasing and purchasing of icebreakers to maintain the needs and services described in that paragraph.”.

(b) LIMITATION.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating may not expend amounts appropriated for the Coast Guard for any of fiscal years 2015 through 2024, for—

(A) design activities related to a capability of a Polar-Class Icebreaker that is based on an operational requirement of another Federal department or agency, except for amounts appropriated for design activities for a fiscal year before fiscal year 2016; or

(B) long-lead-time materials, production, or post-delivery activities related to such a capability.

(2) OTHER AMOUNTS.—Amounts made available to the Secretary under an agreement with another Federal department or agency and expended on a capability of a Polar-Class Icebreaker that is based on an operational requirement of that or another Federal department or agency shall not be treated as amounts expended by the Secretary for purposes of the limitation established under paragraph (1).

SEC. 215. MULTIYEAR PROCUREMENT AUTHORITY FOR OFFSHORE PATROL CUTTERS.

In fiscal year 2015 and each fiscal year thereafter, the Secretary of the department in which the Coast Guard is operating may enter into, in accordance with sec-

tion 2306b of title 10, United States Code, multiyear contracts for the procurement of Offshore Patrol Cutters and associated equipment.

SEC. 216. MAINTAINING MEDIUM ENDURANCE CUTTER MISSION CAPABILITY.

Not later than 30 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 a report that includes—

(1) a schedule and plan for decommissioning, not later than September 30, 2029, each of the 210-foot, Reliance-Class Cutters operated by the Coast Guard on the date of enactment of this Act;

(2) a schedule and plan for enhancing the maintenance or extending the service life of each of the 270-foot, Famous-Class Cutters operated by the Coast Guard on the date of enactment of this Act—

(A) to maintain the capability of the Coast Guard to carry out sea-going missions with respect to such Cutters at the level of capability existing on September 30, 2013; and

(B) for the period beginning on the date of enactment of this Act and ending on the date on which the final Offshore Patrol Cutter is scheduled and planned to be commissioned under paragraph (4);

(3) an identification of the number of Offshore Patrol Cutters capable of sea state 5 operations that, if 8 National Security Cutters are commissioned, are necessary to return the sea state 5 operating capability of the Coast Guard to the level of capability that existed prior to the decommissioning of the first High Endurance Cutter in fiscal year 2011;

(4) a schedule and plan for commissioning the number of Offshore Patrol Cutters identified under paragraph (3); and

(5) a schedule and plan for commissioning, not later than September 30, 2034, a number of Offshore Patrol Cutters not capable of sea state 5 operations that is equal to—

(A) 25; less

(B) the number of Offshore Patrol Cutters identified under paragraph (3).

SEC. 217. COAST GUARD ADMINISTRATIVE SAVINGS.

(a) **ELIMINATION OF OUTDATED AND DUPLICATIVE REPORTS.—**

(1) **MARINE INDUSTRY TRAINING.—**Section 59 of title 14, United States Code, is amended—

(A) by striking “(a) IN GENERAL.—The Commandant” and inserting “The Commandant”; and

(B) by striking subsection (b).

(2) **OPERATIONS AND EXPENDITURES.—**Section 651 of title 14, United States Code, and the item relating to such section in the analysis for chapter 17 of such title, are repealed.

(3) **DRUG INTERDICTION.—**Section 103 of the Coast Guard Authorization Act of 1996 (14 U.S.C. 89 note), and the item relating to that section in the table of contents in section 2 of that Act, are repealed.

(4) **NATIONAL DEFENSE.—**Section 426 of the Maritime Transportation Security Act of 2002 (14 U.S.C. 2 note), and the item relating to that section in the table of contents in section 1(b) of that Act, are repealed.

(5) **LIVING MARINE RESOURCES.—**Section 4(b) of the Cruise Vessel Security and Safety Act of 2010 (16 U.S.C. 1828 note) is amended by adding at the end the following: “No report shall be required under this subsection, including that no report shall be required under section 224 of the Coast Guard and Maritime Transportation Act of 2004 or section 804 of the Coast Guard and Maritime Transportation Act of 2006, for fiscal years beginning after fiscal year 2013.”.

(b) **CONSOLIDATION AND REFORM OF REPORTING REQUIREMENTS.—**

(1) **MARINE SAFETY.—**

(A) **IN GENERAL.—**Section 2116(d)(2)(B) of title 46, United States Code, is amended to read as follows:

“(B) on the program’s mission performance in achieving numerical measurable goals established under subsection (b), including—

“(i) the number of civilian and military Coast Guard personnel assigned to marine safety positions; and

“(ii) an identification of marine safety positions that are understaffed to meet the workload required to accomplish each activity included in the strategy and plans under subsection (a); and”.

(B) **CONFORMING AMENDMENT.—**Section 57 of title 14, United States Code, as amended by this Act, is further amended—

(i) by striking subsection (e); and

(ii) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g) respectively.

(2) **MINOR CONSTRUCTION.**—Section 656(d)(2) of title 14, United States Code, is amended to read as follows:

“(2) **REPORT.**—Not later than the date on which the President submits to Congress a budget under section 1105 of title 31 each year, the Secretary 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 describing each project carried out under paragraph (1), in the most recently concluded fiscal year, for which the amount expended under such paragraph for such project was more than \$1,000,000. If no such project was carried out during a fiscal year, no report under this paragraph shall be required with respect to that fiscal year.”.

(3) **RESCUE 21.**—Section 346 of the Maritime Transportation Security Act of 2002 (14 U.S.C. 88 note) is amended to read as follows:

“SEC. 346. MODERNIZATION OF NATIONAL DISTRESS AND RESPONSE SYSTEM.

“(a) **REPORT.**—Not later than March 30, 2014, 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 a report on the implementation of the Rescue 21 project in Alaska and in Coast Guard sectors Upper Mississippi River, Lower Mississippi River, and Ohio River Valley.

“(b) **CONTENTS.**—The report required under subsection (a) shall—

“(1) describe what improvements are being made to the distress response system in the areas specified in subsection (a), including information on which areas will receive digital selective calling and direction finding capability;

“(2) describe the impediments to installing digital selective calling and direction finding capability in areas where such technology will not be installed;

“(3) identify locations in the areas specified in subsection (a) where communication gaps will continue to present a risk to mariners after completion of the Rescue 21 project;

“(4) include a list of all reported marine accidents, casualties, and fatalities occurring in the locations identified under paragraph (3) since 1990; and

“(5) provide an estimate of the costs associated with installing the technology necessary to close communication gaps in the locations identified under paragraph (3).”.

SEC. 218. TECHNICAL CORRECTIONS TO TITLE 14.

Title 14, United States Code, as amended by this Act, is further amended—

(1) in section 93(b)(1) by striking “Notwithstanding subsection (a)(14)” and inserting “Notwithstanding subsection (a)(13)”;

(2) in section 197(b) by striking “of Homeland Security”; and

(3) in section 573(c)(3)(A) by inserting “and shall maintain such cutter in such class” before the period at the end.

SEC. 219. FLAG OFFICERS.

(a) **IN GENERAL.**—Title 14, United States Code, is amended by inserting after section 295 the following:

“§ 296. Flag officers

“During any period in which the Coast Guard is not operating as a service in the Navy, section 1216(d) of title 10 does not apply with respect to flag officers of the Coast Guard.”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 295 the following:

“296. Flag officers.”.

SEC. 220. AVIATION CAPABILITY IN THE GREAT LAKES REGION.

The Secretary of the department in which the Coast Guard is operating may—

(1) request and accept through a direct military-to-military transfer under section 2571 of title 10, United States Code, such H-60 helicopters as may be necessary to establish a year-round operational capability in the Coast Guard’s Ninth District; and

(2) use funds provided under section 101 of this Act to convert such helicopters to Coast Guard MH-60T configuration.

SEC. 221. E-LORAN.

(a) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating may not carry out activities related to the dismantling or disposal of infrastructure that supported the former LORAN system until the later of—

- (1) the date that is 1 year after the date of enactment of this Act; or
- (2) the date on which the Secretary provides to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate notice of a determination by the Secretary that such infrastructure is not required to provide a positioning, navigation, and timing system to provide redundant capability in the event GPS signals are disrupted.
- (b) EXCEPTION.—Subsection (a) does not apply to activities necessary for the safety of human life.
- (c) AGREEMENTS.—The Secretary may enter into cooperative agreements, contracts, and other agreements with Federal entities and other public or private entities, including academic entities, to develop a positioning, timing, and navigation system, including an enhanced LORAN system, to provide redundant capability in the event GPS signals are disrupted.

TITLE III—SHIPPING AND NAVIGATION

SEC. 301. TREATMENT OF FISHING PERMITS.

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

“§ 31310. Treatment of fishing permits

- “(a) LIMITATION ON MARITIME LIENS.—This chapter—
- “(1) does not establish a maritime lien on a fishing permit; and
- “(2) does not authorize any civil action to enforce a maritime lien on a fishing permit.
- “(b) TREATMENT OF FISHING PERMITS UNDER STATE AND FEDERAL LAW.—A fishing permit—
- “(1) is governed solely by the State or Federal law under which it is issued; and
- “(2) shall not be treated as part of a vessel, or as an appurtenance or intangible of a vessel, for any purpose under Federal law.
- “(c) AUTHORITY OF SECRETARY OF COMMERCE NOT AFFECTED.—Nothing in this section shall be construed as imposing any limitation upon the authority of the Secretary of Commerce—
- “(1) to modify, suspend, revoke, or impose a sanction on any fishing permit issued by the Secretary of Commerce; or
- “(2) to bring a civil action to enforce such a modification, suspension, revocation, or sanction.
- “(d) FISHING PERMIT DEFINED.—In this section the term ‘fishing permit’ means any authorization of a person or vessel to engage in fishing that is issued under State or Federal law.”.
- (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 31309 the following:

“31310. Treatment of fishing permits.”.

SEC. 302. INTERNATIONAL ICE PATROL REFORM.

(a) IN GENERAL.—Section 80301 of title 46, United States Code, is amended by adding at the end the following:

“(c) PAYMENTS.—Payments received pursuant to subsection (b)(1) shall be credited to the appropriation for operating expenses of the Coast Guard.

“(d) LIMITATION.—

“(1) IN GENERAL.—A Coast Guard vessel or aircraft may not be used to carry out an agreement under subsection (a) in fiscal year 2015 and any fiscal year thereafter unless payments are received by the United States Government pursuant to subsection (b)(1) in the preceding fiscal year in a total amount that is not less than difference between—

“(A) the cost incurred by the Coast Guard in maintaining the services; minus

“(B) the amount of the proportionate share of the expense generated by vessels documented under the laws of the United States.

“(2) EXCEPTION.—Notwithstanding paragraph (1), Coast Guard aircraft may be used to carry out an agreement under subsection (a) if the President determines it necessary in the interest of national security.

“(3) NOTIFICATION.—The President shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of a determination made under paragraph (2) within 15 days after such determination.”.

(b) REPEAL.—Section 80302 of title 46, United States Code, and the item relating to such section in the analysis for chapter 803 of such title, are repealed on October 1, 2014.

SEC. 303. REPEAL.

Chapter 555 of title 46, United States Code, is amended—

- (1) by repealing section 55501;
- (2) by redesignating section 55502 as section 55501; and
- (3) in the analysis by striking the items relating to sections 55501 and 55502 and inserting the following:

“55501. United States Committee on the Marine Transportation System.”.

SEC. 304. DONATION OF HISTORICAL PROPERTY.

Section 51103 of title 46, United States Code, is amended by adding at the end the following:

“(e) DONATION FOR HISTORICAL PURPOSES.—

“(1) IN GENERAL.—The Secretary may convey the right, title, and interest of the United States Government in any property administered by the Maritime Administration, except real estate or vessels, if—

“(A) the Secretary determines that such property is not needed by the Maritime Administration; and

“(B) the recipient—

“(i) is a nonprofit organization, a State, or a political subdivision of a State;

“(ii) agrees to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos, polychlorinated biphenyls, or lead paint, after conveyance of the property;

“(iii) provides a description and explanation of the intended use of the property to the Secretary for approval;

“(iv) has provided to the Secretary proof, as determined by the Secretary, of resources sufficient to accomplish the intended use provided under clause (iii) and to maintain the property;

“(v) agrees that when the recipient no longer requires the property, the recipient shall—

“(I) return the property to the Secretary, at the recipient’s expense and in the same condition as received except for ordinary wear and tear; or

“(II) subject to the approval of the Secretary, retain, sell, or otherwise dispose of the property in a manner consistent with applicable law; and

“(vi) agree to any additional terms the Secretary considers appropriate.

“(2) REVERSION.—The Secretary shall include in any conveyance under this subsection terms under which all right, title, and interest conveyed by the Secretary shall revert to the Government if the Secretary determines the property has been used other than as approved by the Secretary under paragraph (1)(B)(iii).”.

SEC. 305. SMALL SHIPYARDS.

Section 54101(i) of title 46, United States Code, is amended by striking “2009 through 2013” and inserting “2015 and 2016”.

SEC. 306. DRUG TESTING REPORTING.

Section 7706 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting “an applicant for employment by a Federal agency,” after “Federal agency,”; and

(2) in subsection (c), by—

(A) inserting “or an applicant for employment by a Federal agency” after “an employee”; and

(B) striking “the employee.” and inserting “the employee or the applicant.”.

SEC. 307. RECOURSE FOR NONCITIZENS.

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

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

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

“(b) RESTRICTION ON RECOVERY FOR NONRESIDENT ALIENS EMPLOYED ON FOREIGN PASSENGER VESSELS.—A claim for damages or expenses relating to personal injury, illness, or death of a seaman who is a citizen of a foreign nation, arising during or from the engagement of the seaman by or for a passenger vessel duly registered

under the laws of a foreign nation, may not be brought under the laws of the United States if—

- “(1) such seaman was not a permanent resident alien of the United States at the time the claim arose;
- “(2) the injury, illness, or death arose outside the territorial waters of the United States; and
- “(3) the seaman or the seaman’s personal representative has or had a right to seek compensation for the injury, illness, or death in, or under the laws of—
 - “(A) the nation in which the vessel was registered at the time the claim arose; or
 - “(B) the nation in which the seaman maintained citizenship or residency at the time the claim arose.”.

SEC. 308. PENALTY WAGES.

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

- (1) in paragraph (2)—
 - (A) by striking “all claims in a class action suit by seamen” and inserting “each claim by a seaman”; and
 - (B) by striking “the seamen” and inserting “the seaman”; and
- (2) in paragraph (3)—
 - (A) by striking “class action”; and
 - (B) in subparagraph (B), by striking “, by a seaman who is a claimant in the suit,” and inserting “by the seaman”.

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

- (1) in paragraph (2)—
 - (A) by striking “all claims in a class action suit by seamen” and inserting “each claim by a seaman”; and
 - (B) by striking “the seamen” and inserting “the seaman”; and
- (2) in paragraph (3)—
 - (A) by striking “class action”; and
 - (B) in subparagraph (B), by striking “, by a seaman who is a claimant in the suit,” and inserting “by the seaman”.

SEC. 309. CREDITING TIME IN THE SEA SERVICES.

(a) ENDORSEMENTS FOR VETERANS.—Section 7101 of title 46, United States Code, is amended by adding at the end the following:

“(j) The Secretary may issue a license under this section in a class under subsection (c) to an applicant that—

- “(1) has at least 3 months of qualifying service on vessels of the uniformed services (as that term is defined in section 101(a) of title 10) of appropriate tonnage or horsepower within the 7-year period immediately preceding the date of application; and
- “(2) satisfies all other requirements for such a license.”.

(b) SEA SERVICE LETTERS.—

- (1) IN GENERAL.—Title 14, United States Code, as amended by this Act, is further amended by inserting after section 427 the following:

“§ 428. Sea service letters

“(a) IN GENERAL.—The Secretary shall provide a sea service letter to a member or former member of the Coast Guard who—

- “(1) accumulated sea service on a vessel of the armed forces (as such term is defined in section 101(a) of title 10); and
- “(2) requests such letter.

“(b) DEADLINE.—Not later than 30 days after receiving a request for a sea service letter from a member or former member of the Coast Guard under subsection (a), the Secretary shall provide such letter to such member or former member if such member or former member satisfies the requirement under subsection (a)(1).”.

- (2) CLERICAL AMENDMENT.—The analysis for chapter 11 of title 14, United States Code, as amended by this Act, is further amended by inserting after the item relating to section 427 the following:

“428. Sea service letters.”.

(c) CREDITING OF UNITED STATES ARMED FORCES SERVICE, TRAINING, AND QUALIFICATIONS.—

- (1) MAXIMIZING CREDITABILITY.—The Secretary of the department in which the Coast Guard is operating, in implementing United States merchant mariner license, certification, and document laws and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, shall maximize the extent to which United States Armed Forces service, train-

ing, and qualifications are creditable toward meeting the requirements of such laws and such Convention.

(2) NOTIFICATION.—Not later than 90 days after the date of enactment of this Act, the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the steps taken to implement this subsection.

SEC. 310. TREATMENT OF ABANDONED SEAFARERS.

(a) IN GENERAL.—The Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) is amended—

(1) by adding at the end the following:

“SEC. 18. TREATMENT OF ABANDONED SEAFARERS.

“(a) ABANDONED SEAFARERS FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury a separate account to be known as the Abandoned Seafarers Fund.

“(2) CREDITING OF AMOUNTS TO FUND.—

“(A) IN GENERAL.—There shall be credited to the Fund the following:

“(i) Penalties deposited in the Fund under section 9, except as provided in subparagraph (B).

“(ii) Amounts reimbursed or recovered under subsection (d).

“(B) LIMITATION.—Amounts may be credited to the Fund under subparagraph (A)(i) only if the unobligated balance of the Fund is less than \$2,000,000.

“(3) REPORT REQUIRED.—On the date on which the President submits each budget for a fiscal year pursuant to section 1105 of title 31, United States Code, the Secretary 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—

“(A) the amounts credited to the Fund under paragraph (2) for the preceding fiscal year; and

“(B) amounts in the Fund that were expended for the preceding fiscal year.

“(b) AUTHORIZATION OF APPROPRIATIONS FROM FUND.—Amounts in the Fund may be appropriated to the Secretary for use to—

“(1) pay necessary support of—

“(A) a seafarer that—

“(i) enters, remains, or is paroled into the United States; and

“(ii) is involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of this Act by the Coast Guard; and

“(B) a seafarer that the Secretary determines was abandoned in the United States and has not applied for asylum under section 208 or 235 of the Immigration and Nationality Act (8 U.S.C. 1158, 1225); and

“(2) reimburse a vessel owner or operator that has provided necessary support of a seafarer who has been paroled into the United States to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of this Act by the Coast Guard, for the costs of such necessary support.

“(c) LIMITATION.—Nothing in this section shall be construed—

“(1) to create a private right of action or any other right, benefit, or entitlement to necessary support for any person; or

“(2) to compel the Secretary to pay or reimburse the cost of necessary support.

“(d) REIMBURSEMENT; RECOVERY.—

“(1) IN GENERAL.—A vessel owner or operator shall reimburse the Fund an amount equal to the total amount paid from the Fund for necessary support of a seafarer, if—

“(A) the vessel owner or operator—

“(i) during the course of an investigation, reporting, documentation, or adjudication of any matter under this Act that the Coast Guard referred to a United States attorney or the Attorney General, fails to provide necessary support of a seafarer who was paroled into the United States to facilitate the investigation, reporting, documentation, or adjudication; and

“(ii) subsequently is—

“(I) convicted of a criminal offense related to such matter; or

“(II) required to reimburse the Fund pursuant to a court order or negotiated settlement related to such matter; or

- “(B) the vessel owner or operator abandons a seafarer in the United States, as determined by the Secretary based on substantial evidence.
- “(2) ENFORCEMENT.—If a vessel owner or operator fails to reimburse the Fund under paragraph (1), the Secretary may—
- “(A) proceed in rem against the vessel on which the affected seafarer served in the Federal district court for the district in which the vessel is found; and
- “(B) withhold or revoke the clearance required under section 60105 of title 46, United States Code, for the vessel.
- “(3) REMEDY.—A vessel may obtain clearance from the Secretary after it is withheld or revoked under paragraph (2)(B) if the vessel owner or operator—
- “(A) reimburses the Fund the amount required under paragraph (1); or
- “(B) provides a bond, or other evidence of financial responsibility sufficient to meet the amount required to be reimbursed under paragraph (1).
- “(e) DEFINITIONS.—In this section:
- “(1) ABANDONS; ABANDONED.—Each of the terms ‘abandons’ and ‘abandoned’ means—
- “(A) a vessel owner’s or operator’s unilateral severance of ties with a seafarer; and
- “(B) a vessel owner’s or operator’s failure to provide necessary support of a seafarer.
- “(2) FUND.—The term ‘Fund’ means the Abandoned Seafarers Fund established under this section.
- “(3) NECESSARY SUPPORT.—The term ‘necessary support’ means normal wages and expenses the Secretary considers reasonable for lodging, subsistence, clothing, medical care (including hospitalization), repatriation, and any other support the Secretary considers to be appropriate.
- “(4) SEAFARER.—The term ‘seafarer’ means an alien crewman who is employed or engaged in any capacity on board a vessel subject to this Act.”; and
- (2) in section 9, by adding at the end the following:
- “(g) Any penalty collected under subsection (a) or (b) that is not paid under that subsection to the person giving information leading to the conviction or assessment of such penalties shall be deposited in the Abandoned Seafarers Fund established under section 18, subject to the limitation in subsection (a)(2)(B) of such section.”.

SEC. 311. CLARIFICATION OF HIGH-RISK WATERS.

Section 55305(e) of title 46, United States Code, is amended—

- (1) in paragraph (1)—
- (A) by striking “provide armed personnel aboard” and inserting “reimburse, subject to the availability of appropriations, the owners or operators of”; and
- (B) by inserting “for the cost of providing armed personnel aboard such vessels” before “if”; and
- (2) by striking paragraphs (2) and (3) and inserting the following:
- “(2) In this subsection, the term ‘high-risk waters’ means waters—
- “(A) so designated by the Commandant of the Coast Guard in the maritime security directive issued by the Commandant and in effect on the date on which an applicable voyage begins; and
- “(B) in which the Secretary of Transportation determines an act of piracy is likely to occur based on documented acts of piracy that occurred in such waters during the 12-month period preceding the date on which an applicable voyage begins.”.

SEC. 312. UNINSPECTED PASSENGER VESSELS IN THE VIRGIN ISLANDS.

(a) IN GENERAL.—Section 4105 of title 46, United States Code, is amended—

- (1) by redesignating subsection (b) as subsection (c); and
- (2) by inserting after subsection (a) the following:
- “(b) In applying this title with respect to an uninspected vessel of less than 24 meters overall in length that carries passengers to or from a port in the United States Virgin Islands, the Secretary shall substitute ‘12 passengers’ for ‘6 passengers’ each place it appears in section 2101(42) if the Secretary determines that the vessel complies with—
- “(1) the Code of Practice for the Safety of Small Commercial Motor Vessels (commonly referred to as the ‘Yellow Code’), as published by the U.K. Maritime and Coastguard Agency and in effect on January 1, 2014; or
- “(2) the Code of Practice for the Safety of Small Commercial Sailing Vessels (commonly referred to as the ‘Blue Code’), as published by such agency and in effect on such date.”.
- (b) TECHNICAL CORRECTION.—Section 4105(c) of title 46, United States Code, as redesignated by subsection (a)(1) of this section, is amended by striking “Within

twenty-four months of the date of enactment of this subsection, the” and inserting “The”.

SEC. 313. OFFSHORE SUPPLY VESSEL THIRD-PARTY INSPECTION.

Section 3316 of title 46, United States Code, is amended by redesignating subsection (f) as subsection (g), and by inserting after subsection (e) the following:

“(f)(1) Upon request of an owner or operator of an offshore supply vessel, the Secretary shall delegate the authorities set forth in paragraph (1) of subsection (b) with respect to such vessel to a classification society to which a delegation is authorized under that paragraph. A delegation by the Secretary under this subsection shall be used for any vessel inspection and examination function carried out by the Secretary, including the issuance of certificates of inspection and all other related documents.

“(2) If the Secretary determines that a certificate of inspection or related document issued under authority delegated under paragraph (1) of this subsection with respect to a vessel has reduced the operational safety of that vessel, the Secretary may terminate the certificate or document, respectively.

“(3) Not later than 2 years after the date of the enactment of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, and for each year of the subsequent 2-year period, the Secretary 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 describing—

“(A) the number of vessels for which a delegation was made under paragraph (1);

“(B) any savings in personnel and operational costs incurred by the Coast Guard that resulted from the delegations; and

“(C) based on measurable marine casualty and other data, any impacts of the delegations on the operational safety of vessels for which the delegations were made, and on the crew on those vessels.”.

SEC. 314. SURVIVAL CRAFT.

(a) IN GENERAL.—Section 3104 of title 46, United States Code, is amended to read as follows:

“§ 3104. Survival craft

“(a) REQUIREMENT TO EQUIP.—The Secretary shall require that a passenger vessel be equipped with survival craft that ensures that no part of an individual is immersed in water, if—

“(1) such vessel is built or undergoes a major conversion after January 1, 2016; and

“(2) operates in cold waters as determined by the Secretary.

“(b) HIGHER STANDARD OF SAFETY.—The Secretary may revise part 117 or part 180 of title 46, Code of Federal Regulations, as in effect before January 1, 2016, if such revision provides a higher standard of safety than is provided by the regulations in effect on or before the date of enactment of the Howard Coble Coast Guard and Maritime Transportation Act of 2014.

“(c) INNOVATIVE AND NOVEL DESIGNS.—The Secretary may, in lieu of the requirements set out in part 117 or part 180 of title 46, Code of Federal Regulations, as in effect on the date of the enactment of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, allow a passenger vessel to be equipped with a life saving appliance or arrangement of an innovative or novel design that—

“(1) ensures no part of an individual is immersed in water; and

“(2) provides an equal or higher standard of safety than is provided by such requirements as in effect before such date of enactment.

“(d) BUILT DEFINED.—In this section, the term ‘built’ has the meaning that term has under section 4503(e).”.

(b) REVIEW; REVISION OF REGULATIONS.—

(1) REVIEW.—Not later than December 31, 2015, 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 a review of—

(A) the number of casualties for individuals with disabilities, children, and the elderly as a result of immersion in water, reported to the Coast Guard over the preceding 30-year period, by vessel type and area of operation;

(B) the risks to individuals with disabilities, children, and the elderly as a result of immersion in water, by passenger vessel type and area of operation;

(C) the effect that carriage of survival craft that ensure that no part of an individual is immersed in water has on—

- (i) passenger vessel safety, including stability and safe navigation;
- (ii) improving the survivability of individuals, including individuals with disabilities, children, and the elderly; and
- (iii) the costs, the incremental cost difference to vessel operators, and the cost effectiveness of requiring the carriage of such survival craft to address the risks to individuals with disabilities, children, and the elderly;

(D) the efficacy of alternative safety systems, devices, or measures in improving survivability of individuals with disabilities, children, and the elderly; and

(E) the number of small businesses and nonprofit vessel operators that would be affected by requiring the carriage of such survival craft on passenger vessels to address the risks to individuals with disabilities, children, and the elderly.

(2) REVISION.—Based on the review conducted under paragraph (1), the Secretary may revise regulations concerning the carriage of survival craft pursuant to section 3104(c) of title 46, United States Code.

SEC. 315. TECHNICAL CORRECTION TO TITLE 46.

Section 2116(b)(1)(D) of title 46, United States Code, is amended by striking “section 93(c)” and inserting “section 93(c) of title 14”.

SEC. 316. ENFORCEMENT.

(a) IN GENERAL.—

(1) DETERMINATION OF COVERED PROGRAMS.—Section 55305(d) of title 46, United States Code, is amended—

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

“(1) The Secretary of Transportation shall annually review programs administered by other departments and agencies and determine whether each such program is subject to the requirements of this section.”;

(B) by redesignating paragraph (2) as paragraph (5), and by inserting after paragraph (1) the following:

“(2) The Secretary shall have the sole responsibility to make determinations described in paragraph (1).

“(3) A determination made by the Secretary under paragraph (1) regarding a program shall remain in effect until the Secretary determines that such program is no longer subject to the requirements of this section.

“(4) Each department or agency administering a program determined by the Secretary under paragraph (1) to be subject to the requirements of this section shall administer such program in accordance with this section and any rules or guidance issued by the Secretary. The issuance of such rules or guidance is not a prerequisite to the issuance of final determinations under paragraph (1).”;

(C) in paragraph (5)(A), as so redesignated, by striking “section;” and inserting “section, to determine compliance with the requirements of this section;”;

(D) by adding at the end the following:

“(6) On the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Secretary 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—

“(A) lists the programs determined under paragraph (1) to be subject to the requirements of this section; and

“(B) describes the results of the most recent annual review required by paragraph (5)(A), including identification of the departments and agencies that transported cargo in violation of this section and any action the Secretary took under paragraph (5) with respect to each violation.”.

(2) DEADLINE FOR FIRST REVIEW.—The Secretary of Transportation shall complete the first review and make the determinations required under the amendment made by paragraph (1)(A) by not later than December 31, 2015.

(b) RULEMAKING.—

(1) AUTHORITY.—Section 55305(d) of title 46, United States Code, is further amended by adding at the end the following:

“(7) The Secretary may prescribe rules, including interim rules, necessary to carry out paragraph (5). An interim rule prescribed under this paragraph shall remain in effect until superseded by a final rule.”.

(2) CONFORMING AMENDMENT.—Section 3511(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (46 U.S.C. 55305 note) is repealed.

SEC. 317. SEVERE MARINE DEBRIS EVENTS.

(a) NOAA MARINE DEBRIS PROGRAM.—Section 3 of the Marine Debris Act (33 U.S.C. 1952) is amended—

(1) in subsection (c)—

(A) in the subsection heading by striking “AND CONTRACTS” and inserting “CONTRACTS, AND OTHER AGREEMENTS”;

(B) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—To carry out the purposes set forth in section 2, the Administrator, acting through the Program, may—

“(A) enter into cooperative agreements, contracts, and other agreements with Federal agencies, States, local governments, regional agencies, interstate agencies, and other entities, including agreements to use the personnel, services, equipment, or facilities of such entities on a reimbursable or non-reimbursable basis; and

“(B) make grants to—

“(i) State, local, and tribal governments; and

“(ii) institutions of higher education, nonprofit organizations, and commercial organizations with the expertise or responsibility to identify, determine sources of, assess, prevent, reduce, and remove marine debris.”; and

(C) by striking paragraphs (4), (5), and (6) and inserting the following:

“(4) GRANTS.—

“(A) ELIGIBILITY.—To be eligible for a grant under paragraph (1)(B), an entity specified in that paragraph shall submit to the Administrator a marine debris project proposal.

“(B) REVIEW AND APPROVAL.—The Administrator shall—

“(i) review each marine debris project proposal submitted under subparagraph (A) to determine if the proposal meets grant criteria established by the Administrator and supports the purposes set forth in section 2;

“(ii) after considering any written comments and recommendations with respect to the review conducted under clause (i), approve or disapprove a grant for the proposal; and

“(iii) provide notification of that approval or disapproval to the entity that submitted the proposal.

“(C) REPORTING.—Each entity receiving a grant under paragraph (1)(B) shall provide reports to the Administrator as required by the Administrator. Each report provided shall include all information determined necessary by the Administrator for evaluating the progress and success of the project for which the grant was provided and describe the impact of the grant on the identification, determination of sources, assessment, prevention, reduction, or removal of marine debris.

“(D) TRAINING.—The Administrator may require a recipient of a grant under this subsection to provide training to persons engaged in marine debris response efforts funded by such grant with respect to the potential impacts of marine debris, including nonindigenous species related to the debris, on the economy of the United States, the marine environment, and navigation safety.”; and

(2) by adding at the end the following:

“(d) SEVERE MARINE DEBRIS EVENTS.—

“(1) GRANT PREFERENCE.—In evaluating proposals for grants under subsection (c), the Administrator may give preference in approving grants to proposals that address a severe marine debris event.

“(2) REQUEST FOR A DECLARATION.—

“(A) IN GENERAL.—For purposes of paragraph (1), the Governor of a State may request that the Administrator declare a severe marine debris event in such State or a region that includes such State.

“(B) RESPONSE TO REQUESTS.—Not later than 30 days after the Administrator receives a request under subparagraph (A), the Administrator shall either—

“(i) declare a severe marine debris event with respect to the request;

or

“(ii) submit a response to the Governor who submitted the request, explaining why the Administrator has not declared a severe marine debris event with respect to the request.”.

(b) DEFINITIONS.—Section 7 of the Marine Debris Act (33 U.S.C. 1956) is amended—

- (1) by moving paragraph (5) to appear before paragraph (6);
- (2) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and
- (3) by inserting after paragraph (4) the following:

“(5) NONINDIGENOUS SPECIES.—The term ‘nonindigenous species’ has the meaning given that term in section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702).”.

(c) SEVERE MARINE DEBRIS EVENT DETERMINATION.—

(1) AUTHORITY TO PROVIDE FUNDS.—

(A) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration may provide funds to an eligible entity impacted by the covered severe marine debris event to assist such entity with the costs of any activity carried out to address the effects of such event.

(B) FUNDING.—The Administrator may provide funds under subparagraph (A) using any funds provided by the Government of Japan for activities to address the effects of the covered severe marine debris event.

(C) DEFINITIONS.—In this subsection, the following definitions apply:

(i) COVERED SEVERE MARINE DEBRIS EVENT.—The term “covered severe marine debris event” means the events, including marine debris, resulting from the March 2011 Tohoku earthquake and subsequent tsunami.

(ii) ELIGIBLE ENTITY.—The term “eligible entity” means any State (as defined in section 7 of the Marine Debris Act (33 U.S.C. 1956)), local, or tribal government.

(2) REPEAL.—The Coast Guard and Maritime Transportation Act of 2012 (Public Law 112–213) is amended—

- (A) in the table of contents in section 1(b) by striking the item relating to section 609; and
- (B) by striking section 609.

SEC. 318. MINIMUM TONNAGE.

Section 55305 of title 46, United States Code, is amended by adding at the end the following:

“(f) MINIMUM TONNAGE.—With respect to commodities transported under the activities specified in section 55314(b), the percentage specified in subsection (b) of this section shall be treated as 75 percent.”.

SEC. 319. MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE.

(a) ESTABLISHMENT OF ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Chapter 81 of title 46, United States Code, is amended by adding at the end the following:

“§ 8108. Merchant Marine Personnel Advisory Committee

“(a) ESTABLISHMENT.—The Secretary shall establish a Merchant Marine Personnel Advisory Committee (in this section referred to as ‘the Committee’). The Committee—

“(1) shall act solely in an advisory capacity to the Secretary through the Commandant of the Coast Guard on matters relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards, and other matters as assigned by the Commandant;

“(2) shall review and comment on proposed Coast Guard regulations and policies relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards;

“(3) may be given special assignments by the Secretary and may conduct studies, inquiries, workshops, and fact finding in consultation with individuals and groups in the private sector and with State or local governments;

“(4) shall advise, consult with, and make recommendations reflecting its independent judgment to the Secretary;

“(5) shall meet not less than twice each year; and

“(6) may make available to the Congress recommendations that the Committee makes to the Secretary.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of not more than 19 members who are appointed by and serve terms of a duration determined by the Secretary. Before filling a position on the Committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

“(2) REQUIRED MEMBERS.—The Secretary shall appoint as members of the Committee—

“(A) 9 United States citizens with active licenses or certificates issued under chapter 71 or merchant mariner documents issued under chapter 73, including—

“(i) 3 deck officers who represent the viewpoint of merchant marine deck officers, of whom—

“(I) 2 shall be licensed for oceans any gross tons;

“(II) 1 shall be licensed for inland river route with a limited or unlimited tonnage;

“(III) 2 shall have a master’s license or a master of towing vessels license;

“(IV) 1 shall have significant tanker experience; and

“(V) to the extent practicable—

“(aa) 1 shall represent the viewpoint of labor; and

“(bb) another shall represent a management perspective;

“(ii) 3 engineering officers who represent the viewpoint of merchant marine engineering officers, of whom—

“(I) 2 shall be licensed as chief engineer any horsepower;

“(II) 1 shall be licensed as either a limited chief engineer or a designated duty engineer; and

“(III) to the extent practicable—

“(aa) 1 shall represent a labor viewpoint; and

“(bb) another shall represent a management perspective;

“(iii) 2 unlicensed seamen, of whom—

“(I) 1 shall represent the viewpoint of able-bodied seamen; and

“(II) another shall represent the viewpoint of qualified members of the engine department; and

“(iv) 1 pilot who represents the viewpoint of merchant marine pilots;

“(B) 6 marine educators, including—

“(i) 3 marine educators who represent the viewpoint of maritime academies, including—

“(I) 2 who represent the viewpoint of State maritime academies and are jointly recommended by such State maritime academies; and

“(II) 1 who represents either the viewpoint of the State maritime academies or the United States Merchant Marine Academy; and

“(ii) 3 marine educators who represent the viewpoint of other maritime training institutions, 1 of whom shall represent the viewpoint of the small vessel industry;

“(C) 2 individuals who represent the viewpoint of shipping companies employed in ship operation management; and

“(D) 2 members who are appointed from the general public.

“(c) CHAIRMAN AND VICE CHAIRMAN.—The Committee shall elect one of its members as the Chairman and one of its members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman, or in the event of a vacancy in the office of the Chairman.

“(d) SUBCOMMITTEES.—The Committee may establish and disestablish subcommittees and working groups for any purpose consistent with this section, subject to conditions imposed by the Committee. Members of the Committee and additional persons drawn from the general public may be assigned to such subcommittees and working groups. Only Committee members may chair subcommittee or working groups.

“(e) TERMINATION.—The Committee shall terminate on September 30, 2020.”.

(2) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

“8108. Merchant Marine Personnel Advisory Committee.”.

(b) COMPETITIVENESS OF THE U.S. MERCHANT MARINE.—

(1) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Merchant Marine Personnel Advisory Committee established under the amendment made by subsection (a) shall—

(A) review—

(i) the merchant mariner licensing, certification, and documentation programs and STCW Convention implementation programs of the 3 flag-states; and

(ii) State maritime academy problems regarding implementation of the STCW Convention; and

(B) report to the Commandant of the Coast Guard—

(i) a description of each specific provision for which United States merchant mariner license, certification, and document and STCW Convention implementation requirements are more stringent than the requirements of such flag-state programs, and a recommendation of whether such United States provision should be retained, modified, or eliminated;

(ii) a description of which United States merchant mariner license, certification, and document evaluation requirements must be complied with separately from similar STCW Convention evaluation requirements, any statutory requirement for such separate compliance, and steps that can be taken by the Coast Guard or by the Congress to minimize such redundant requirements; and

(iii) a description of problems State maritime academies are having in implementing the STCW Convention and recommendations on how to address such problems.

(3) REPORT TO CONGRESS.—Within 6 months from the date the Commandant receives the report under paragraph (1)(B), the Commandant shall forward to the Congress a copy of the report with recommendations for actions to implement the report’s recommendations.

(4) DEFINITIONS.—In this subsection:

(A) 3 FLAG STATES.—The term “3 flag states” means the 3 countries that are parties to the Annex to the International Maritime Organization Maritime Safety Committee Circular MSC.1/Circ.1163/Rev.8 dated January 7, 2013, and, of all such countries, have the greatest vessel tonnage documented under the laws of each respective country.

(B) STCW CONVENTION.—The term “STCW Convention” means the amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 that entered into force on January 1, 2012.

SEC. 320. REPORT ON EFFECT OF LNG EXPORT CARRIAGE REQUIREMENTS ON JOB CREATION IN THE UNITED STATES MARITIME INDUSTRY.

No later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States 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 number of jobs, including vessel construction and vessel operating jobs, that would be created in the United States maritime industry each year in 2015 through 2025 if liquified natural gas exported from the United States were required to be carried—

(1) before December 31, 2018, on vessels documented under the laws of the United States; and

(2) after such date, on vessels documented under the laws of the United States and constructed in the United States.

TITLE IV—FEDERAL MARITIME COMMISSION

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Federal Maritime Commission \$24,700,000 for each of fiscal years 2015 and 2016.

SEC. 402. TERMS OF COMMISSIONERS.

(a) IN GENERAL.—Section 301(b) of title 46, United States Code, is amended—

(1) by amending paragraph (2) to read as follows:

“(2) TERMS.—The term of each Commissioner is 5 years. When the term of a Commissioner ends, the Commissioner may continue to serve until a successor is appointed and qualified, but for a period not to exceed one year. Except as provided in paragraph (3), no individual may serve more than 2 terms.”; and

(2) by redesignating paragraph (3) as paragraph (5), and inserting after paragraph (2) the following:

“(3) VACANCIES.—A vacancy shall be filled in the same manner as the original appointment. An individual appointed to fill a vacancy is appointed only for the unexpired term of the individual being succeeded. An individual appointed to fill a vacancy may serve 2 terms in addition to the remainder of the term for which the predecessor of that individual was appointed.

“(4) CONFLICTS OF INTEREST.—

“(A) LIMITATION ON RELATIONSHIPS WITH REGULATED ENTITIES.—A Commissioner may not have a pecuniary interest in, hold an official relation to,

or own stocks or bonds of any entity the Commission regulates under chapter 401 of this title.

“(B) LIMITATION ON OTHER ACTIVITIES.—A Commissioner may not engage in another business, vocation, or employment.”.

(b) APPLICABILITY.—The amendment made by subsection (a)(1) does not apply with respect to a Commissioner of the Federal Maritime Commission appointed and confirmed by the Senate before the date of enactment of this Act.

TITLE V—COMMERCIAL VESSEL DISCHARGE REFORM

SEC. 501. SHORT TITLE.

This title may be cited as the “Commercial Vessel Discharge Reform Act of 2014”.

SEC. 502. DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF CERTAIN VESSELS.

Section 2(a) of Public Law 110–299 (33 U.S.C. 1342 note) is amended by striking “during the period beginning on the date of the enactment of this Act and ending on December 18, 2014,”.

TITLE VI—MISCELLANEOUS

SEC. 601. DISTANT WATER TUNA FLEET.

Section 421 of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241; 120 Stat. 547) is amended—

(1) in subsection (b)—

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

“(1) IN GENERAL.—Subsection (a) only applies to a foreign citizen who holds a credential to serve as an officer on a fishing vessel or vessel of similar tonnage.”; and

(B) in paragraph (2), by striking “An equivalent credential” and inserting “A credential”; and

(2) by striking subsections (c), (e), and (f) and redesignating subsection (d) as subsection (c).

SEC. 602. VESSEL DETERMINATION.

The vessel assigned United States official number 1205366 is deemed a new vessel effective on the date of delivery of the vessel after January 1, 2012, from a privately owned United States shipyard, if no encumbrances are on record with the Coast Guard at the time of the issuance of the new certificate of documentation for the vessel.

SEC. 603. LEASE AUTHORITY.

(a) AUTHORITY.—The Commandant of the Coast Guard may lease under section 93(a)(13) of title 14, United States Code, submerged lands and tidelands under the control of the Coast Guard without regard to the limitation under that section with respect to lease duration.

(b) LIMITATION.—The Commandant may lease submerged lands and tidelands under subsection (a) only if—

(1) lease payments are—

(A) received exclusively in the form of cash;

(B) equal to the fair market value of the leased submerged lands or tidelands, as determined by the Commandant; and

(C) deposited in the fund established under section 687 of title 14, United States Code; and

(2) the lease does not provide authority to or commit the Coast Guard to use or support any improvements to such submerged lands or tidelands, or obtain goods or services from the lessee.

SEC. 604. NATIONAL MARITIME STRATEGY.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with 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 a national maritime strategy.

(b) CONTENTS.—The strategy required under subsection (a) shall—

(1) identify—

- (A) Federal regulations and policies that reduce the competitiveness of United States flag vessels in the international trade; and
- (B) the impact of reduced cargo flow due to reductions in the number of members of the United States Armed Forces stationed or deployed outside of the United States; and
- (2) include recommendations to—
 - (A) make United States flag vessels more competitive in shipping routes between United States and foreign ports;
 - (B) increase the use of United States flag vessels to carry cargo imported to and exported from the United States;
 - (C) assure compliance by Federal agencies with chapter 553 of title 46, United States Code;
 - (D) increase the use of third-party inspection and certification authorities to inspect and certify vessels;
 - (E) increase the use of short sea transportation routes designated under section 55601(c) of title 46, United States Code, to enhance intermodal freight movements; and
 - (F) enhance United States shipbuilding capability.

SEC. 605. IMO POLAR CODE NEGOTIATIONS.

Not later than 30 days after the date of the enactment of this Act, and thereafter with the submission of the budget proposal submitted for each of fiscal years 2016, 2017, and 2018 under section 1105 of title 31, United States Code, 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, a report on—

- (1) the status of the negotiations at the International Maritime Organization regarding the establishment of a draft international code of safety for ships operating in polar waters, popularly known as the Polar Code, and any amendments proposed by such a code to be made to the International Convention for the Safety of Life at Sea and the International Convention for the Prevention of Pollution from Ships;
- (2) the coming into effect of such a code and such amendments for nations that are parties to those conventions;
- (3) impacts, for coastal communities located in the Arctic (as that term is defined in the section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111)) of such a code or such amendments, on—
 - (A) the costs of delivering fuel and freight; and
 - (B) the safety of maritime transportation; and
- (4) actions the Secretary must take to implement the requirements of such a code and such amendments.

SEC. 606. VALLEY VIEW FERRY.

(a) EXEMPTION.—Section 8902 of title 46, United States Code, shall not apply to the vessel John Craig (United States official number D1110613) when such vessel is operating on the portion of the Kentucky River, Kentucky, located at approximately mile point 158, in Pool Number 9, between Lock and Dam Number 9 and Lock and Dam Number 10.

(b) APPLICATION.—Subsection (a) shall apply on and after the date on which the Secretary determines that a licensing requirement has been established under Kentucky State law that applies to an operator of the vessel John Craig.

SEC. 607. COMPETITION BY UNITED STATES FLAG VESSELS.

(a) IN GENERAL.—The Commandant of the Coast Guard shall enter into an arrangement with the National Academy of Sciences to conduct an assessment of authorities under subtitle II of title 46, United States Code, that have been delegated to the Coast Guard that impact the ability of vessels documented under the laws of the United States to effectively compete in the carriage of merchandise and passengers in the international trade.

(b) REVIEW OF DIFFERENCES WITH IMO STANDARDS.—The assessment under subsection (a) shall include a review of differences between United States laws, policies, regulations, and guidance governing the inspection of vessels documented under the laws of the United States and standards set by the International Maritime Organization governing the inspection of vessels.

(c) DEADLINE.—Not later than 180 days after the date on which the Commandant enters into an arrangement with the National Academy of Sciences under subsection (a), the Commandant shall submit the assessment required under such subsection to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 608. SURVEY.

Not later than 30 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 survey of the parcel of real property under the administrative control of the Coast Guard, consisting of approximately 1.95 acres (measured at the mean low-water mark) located at the entrance to Gig Harbor, Washington, and commonly known as the Gig Harbor Sand Spit Area.

SEC. 609. FISHING SAFETY GRANT PROGRAMS.

(a) FISHING SAFETY TRAINING GRANT PROGRAM.—Section 4502(i)(4) of title 46, United States Code, is amended by striking “2010 through 2014” and inserting “2015 and 2016”.

(b) FISHING SAFETY RESEARCH GRANT PROGRAM.—Section 4502(j)(4) of title 46, United States Code, is amended by striking “2010 through 2014” and inserting “2015 and 2016”.

PURPOSE OF LEGISLATION

H.R. 4005, the Howard Coble Coast Guard and Maritime Transportation Act of 2014, authorizes \$8.7 billion in discretionary funding for the Coast Guard for each of the fiscal years (FY) 2015 and 2016. The bill authorizes the end-of-year strength for active duty military personnel at 43,000 for each of the FYs 2015 and 2016. The bill also authorizes \$24.7 million for the Federal Maritime Commission (FMC) in each of the FYs 2015 and 2016. Finally, the bill makes several reforms to Coast Guard authorities and laws governing shipping and navigation.

BACKGROUND AND NEED FOR LEGISLATION

COAST GUARD

The United States Coast Guard was established on January 28, 1915, through the consolidation of the Revenue Cutter Service (established in 1790) and the Lifesaving Service (established in 1848). The Coast Guard later assumed the duties of three other agencies: the Lighthouse Service (established 1789), the Steamboat Inspection Service (established in 1838), and the Bureau of Navigation (established in 1884).

Under section 2 of title 14, United States Code, the Coast Guard has primary responsibility to enforce or assist in the enforcement of all applicable federal laws in, under, and over the high seas and waters subject to the jurisdiction of the United States; to ensure safety of life and property at sea; to protect the marine environment; to carry out icebreaking activities; and to ensure the safety and security of vessels, ports, waterways, and related facilities.

As one of the five Armed Services that comprise the Armed Forces, the Coast Guard also maintains defense readiness to operate as a specialized service in the Navy upon the declaration of war or when the President directs. The Coast Guard is composed of approximately 42,000 military personnel, 8,000 reservists, 8,500 civilian employees, and 30,000 volunteers of the Coast Guard Auxiliary. The Coast Guard or its predecessors have defended the Nation in every war since 1790.

Pursuant to section 101 of the Coast Guard and Maritime Transportation Act of 2012 (P.L. 112–213), the activities of the Coast Guard are authorized through FY 2014. H.R. 4005 authorizes \$8.7 billion in discretionary funds for the Coast Guard for each of the FYs 2015 and 2016.

Coast Guard mission performance

As the Coast Guard's own data shows, the Service is not meeting its mission performance targets. In FY 2012, the Coast Guard met less than half of its mission performance measures. Over the last five fiscal years, the Service never scored better than 61 percent. Other metrics of mission performance paint an equally bleak picture. For instance, the Coast Guard has reported that since FY 2005, the total number of flight hours for aircraft and underway hours for cutters has declined by over 110,000 hours or 14 percent.

The reduction in these and other metrics that judge mission performance are largely attributable to the fact that the Coast Guard's fleets of aircraft and vessels are not reliably available to conduct missions. Most Coast Guard assets have surpassed their service lives and become increasingly prone to failures. This fact coupled with the decommissioning of assets before their replacements arrive and cuts to maintenance funds as a result of the sequester have significantly reduced operational readiness and undermined mission performance. The only way to reverse the decline in the Coast Guard's mission performance is to make the necessary investments to acquire new and improved assets and maintain sufficient and reliable funding for operations.

The Service is nearly half way through its 20- to 25-year major acquisition program to recapitalize most of its aging vessels and aircraft, as well as to modernize its information technology systems. The Coast Guard has undertaken a series of acquisition reforms in recent years which have helped to stabilize the major acquisition program and enabled the Service to begin taking delivery of new and improved assets in a cost-effective manner.

While the Committee commends the Coast Guard for its reform efforts, it continues to have several concerns with the major acquisition program of record. First, the document the Coast Guard relies on to justify and guide its major acquisition program of record represents an outdated assessment of its mission needs and capability gaps. Second, current fiscal year funding levels and projected funding levels over the next five fiscal years for Coast Guard acquisitions jeopardize the Service's ability to complete the major acquisition program of record on schedule and on budget. Finally, once the major acquisition program of record is completed, the Service will continue to suffer from significant capability gaps in its missions.

In 1996, the Coast Guard developed a Mission Need Statement (MNS) to establish a baseline for the numbers, types, and capabilities of new and recapitalized assets that would be needed to meet the Service's mission requirements and to identify how its \$24 billion major acquisition program of record would address capability gaps in its missions. In 2005, the Coast Guard revised the 1996 MNS to accommodate additional capabilities needed to meet post-September 11th mission requirements. Although the Service has reviewed the impact different mixes of assets would have on mission capability gaps, it has not reviewed the underlying mission needs since the MNS was last updated in 2005.

In July 2011, the Government Accountability Office (GAO) reported that funding requested by current and past administrations has not been sufficient to meet acquisition timelines in the MNS (GAO-11-743). The GAO reported that at least \$1.9 billion in ac-

quisition funding would be required each year to build all of the assets included in the major acquisition program of record on schedule. Appropriated funding for the Coast Guard's Acquisition, Construction, and Improvement (AC&I) account has never exceeded \$1.6 billion. Furthermore, in recent fiscal years, the administration has proposed to cut AC&I funding by over 40 percent from enacted levels.

Projected funding requests for the Coast Guard acquisitions also falls significantly short of what is required to build the acquisition program of record on schedule. The Service's FY 2014–2018 Capital Investment Plan (CIP) identifies funding requests for major acquisition programs over the next five fiscal years. Funding requests for the AC&I account do not exceed \$1.19 billion for any fiscal year in the CIP. Under the funding projections provided in the CIP, the gaps between the 2005 MNS mission hour targets and projected mission hours from new and legacy assets will not close.

However, even if sufficient funding was requested and appropriated, the program of record does not provide the capability necessary to meet mission performance targets. Building the program of record still leaves the Coast Guard tens of thousands of hours short of what is needed to meet its post-September 11th mission requirements. GAO has faulted the Coast Guard for not conducting a comprehensive reanalysis of its current major acquisition program of record to examine trade-offs between budget constraints, timelines, capabilities, and asset quantities.

H.R. 4005 addresses these concerns in several ways. First, the bill authorizes over \$1.5 billion in AC&I funding for each of the FYs 2015 and 2016. Although less than the \$1.9 billion target level identified by GAO, this level of funding rejects the irresponsible cuts proposed by the administration in recent years and will help keep the major acquisition program of record on a more sustainable footing. Second, the bill requires the Service to provide the Committee with a plan to maintain operational capability for its legacy Medium Endurance Cutter (MEC) fleet while it transitions to the replacement Offshore Patrol Cutter (OPC), and would require the Service to reexamine OPC capabilities to control acquisition and operations costs. Third, the bill authorizes the use of innovative acquisition strategies to reduce the cost of the OPC. Finally, the bill directs the Coast Guard to submit to the Committee a single, new MNS covering all of its major acquisition programs on a regular basis; to base the MNS on the funding provided in the CIP; and to describe which missions it will not be able to achieve for any year in which a gap exists between the MNS mission hour targets and projected mission hours from new and legacy assets.

FEDERAL MARITIME COMMISSION

The FMC is the independent federal agency responsible for regulating the U.S. international ocean transportation system for the benefit of U.S. exporters, importers, and the U.S. consumer. The activities of the FMC have not been reauthorized since FY 2008. Unlike commissioners on similar independent federal commissions, there are no term limits on FMC commissioners. In addition, FMC commissioners can continue to serve beyond the date their terms expire until a replacement is confirmed by the Senate. H.R. 4005 reauthorizes the FMC through FY 2016 at current appropriated

levels and it conforms the terms of its commissioners to that of other independent federal commissions or boards.

MARITIME TRANSPORTATION

The maritime sector of our national transportation system is essential to our economy and vital to our national security. The U.S. maritime industry currently employs more than 260,000 Americans providing nearly \$29 billion in annual wages. There are more than 40,000 commercial vessels currently flying the American flag. The vast majority of these vessels are engaged in domestic commerce, moving over 100 million passengers and \$400 billion worth of goods between ports in the United States on an annual basis. Each year, the U.S. maritime industry accounts for over \$100 billion in economic output.

Beyond the important contributions to our economy, a healthy maritime industry is vital to our national security. Throughout our history, the Navy has relied on U.S. flagged commercial vessels crewed by American Merchant Mariners to carry troops, weapons, and supplies to the battlefield. During Operations Enduring Freedom and Iraqi Freedom, U.S. flagged commercial vessels transported 63 percent of all military cargos moved to Afghanistan and Iraq. Since the United States cannot rely on foreign vessels and crews to provide for its national security, it is critical to maintain a robust fleet of U.S. flagged vessels, a large cadre of skilled American mariners, and a strong shipyard industrial base.

However, over the last 35 years, the number of U.S. flagged vessels sailing in the international trade has dropped from 850 to less than 100. In the same period, the United States has lost over 300 shipyards and thousands of American jobs. Preserving and strengthening our Nation's maritime industry is important to our economy and vital to our national security.

H.R. 4005 addresses these issues by making important improvements to reform and strengthen cargo preference laws to ensure that cargo financed by the American taxpayers is transported on U.S. flagged vessels crewed with U.S. mariners. The bill also requires the Maritime Administration to develop a strategy to improve the competitiveness of the U.S. flagged fleet, increase the use of short seas shipping, and enhance U.S. shipbuilding capacity. Finally, the bill encourages job growth in the U.S. maritime sector by reducing several regulatory burdens on small business.

HEARINGS

On April 16, 2013, the Subcommittee on Coast Guard and Maritime Transportation held a hearing to examine the FY 2014 budget requests for the Coast Guard, the Federal Maritime Commission, and the Maritime Administration. On May 21, 2013, the Subcommittee held a hearing to review the current condition of the marine transportation system. On June 26, 2013, the Subcommittee held a hearing on ways to improve the Coast Guard's acquisition program. On September 10, 2013, the Subcommittee held a hearing on ways to reduce regulatory burdens on small business. On October 29, 2013, the Subcommittee held a hearing on Coast Guard and maritime transportation authorization issues. On De-

ember 11, 2013, the Subcommittee held a hearing on Coast Guard mission execution.

LEGISLATIVE HISTORY AND CONSIDERATION

On February 6, 2014, Subcommittee on Coast Guard and Maritime Transportation Chairman Duncan Hunter introduced for himself and Transportation and Infrastructure Committee Chairman Bill Shuster and Ranking Member Nick Rahall, H.R. 4005, the Coast Guard and Maritime Transportation Act of 2014. On February 11, 2014, the Committee met in open session to consider H.R. 4005, and ordered the bill, as amended, reported favorably to the House of Representatives by voice vote with a quorum present.

Amendments were offered in Committee by Representatives Hunter, Hahn, Garamendi (who offered three amendments), Larsen, Maloney, and Shuster. Representative Hunter offered a manager's amendment which was adopted by voice vote. The amendment made technical changes to the bill and added provisions to amend cargo preference laws; improve response to severe marine debris events; codify an existing advisory committee; encourage the development of a resilient position, timing, and navigation system; extend the authorization for existing fishing vessel safety grant programs; and study the economic impacts of carrying LNG exports on U.S. flagged vessels. Representative Hahn offered and withdrew an amendment regarding cybersecurity at U.S. ports. Representative Garamendi offered and withdrew an amendment to provide a preference under the Title XI Federal Ship Financing Program for the construction of LNG tankers and to require exports of U.S. produced LNG to be carried on U.S. flagged and eventually, U.S. flagged and U.S. built vessels. Representative Garamendi offered and withdrew an amendment to establish unfair and deceptive practices in the sale of cruise vessel tickets, as well as to authorize the FMC to investigate and fine cruise vessel operators for violations of such practices, collect cruise vessel passenger complaints, and collect fees on passenger tickets to offset administrative costs. Representative Garamendi offered an amendment, which failed by a recorded vote of 22 yeas to 33 nays, to strike sections 307 and 308 of the bill. Representative Larsen offered and withdrew an amendment to remove a restriction on the eligibility of certain commercial fishing vessels to apply for federal loan guarantees for the construction of new vessels. Representative Maloney offered and withdrew an amendment concerning a study of the economic and environmental impacts of shipping crude oil by vessel on the Hudson River. Chairman Shuster offered an amendment, which was adopted by voice vote, to amend the short title of the bill.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There was one record vote taken on amendment number 52 offered by Representative Garamendi. The Committee disposed of this amendment by record vote as follows:

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 4005 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 6, 2014.

Hon. BILL SHUSTER,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4005, the Howard Coble Coast Guard and Maritime Transportation Act of 2014.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sarah Puro.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 4005—Howard Coble Coast Guard and Maritime Transportation Act of 2014

Summary: H.R. 4005 would amend laws that govern the activities of the United States Coast Guard (USCG), the Maritime Administration (MARAD) within the Department of Transportation, and the Federal Maritime Commission (FMC). The bill also would authorize appropriations totaling about \$17.5 billion, primarily for ongoing USCG operations over the 2015–2016 period, and would increase the amount of food aid required to be shipped on vessels registered in the United States. Assuming appropriation of the specified and necessary amounts, CBO estimates that implementing the legislation would cost \$16.8 billion over the 2015–2019 period.

Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

H.R. 4005 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4005 is shown in the following table. The costs of this legislation fall within budget function 400 (Transportation).

	By fiscal year, in millions of dollars—					
	2015	2016	2017	2018	2019	2015–2019
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
United States Coast Guard:						
Authorization Level	8,704	8,704	0	0	0	17,408
Estimated Outlays	5,551	7,367	2,309	842	588	16,657
Minimum Tonnage for Certain Exports:						
Estimated Authorization Level	11	11	11	11	11	55
Estimated Outlays	3	9	10	11	11	44
Seafarers Fund:						
Estimated Authorization Level	2	2	2	2	2	10
Estimated Outlays	2	2	2	2	2	10
Maritime Administration:						
Estimated Authorization Level	10	10	0	0	0	20
Estimated Outlays	3	6	6	4	1	20
Federal Maritime Commission:						
Authorization Level	25	25	0	0	0	50
Estimated Outlays	20	20	10	0	0	50
Total:						
Estimated Authorization Level	8,752	8,752	13	13	13	17,543
Estimated Outlays	5,579	7,404	2,337	859	602	16,781

Basis of estimate: For this estimate, CBO assumes that H.R. 4005 will be enacted in fiscal year 2014 and that the amounts authorized by the bill will be appropriated for each year. Estimated outlays are based on historical spending patterns for authorized activities. CBO estimates that appropriating the specified and estimated amounts would cost \$16.8 billion over the 2015–2019 period.

United States Coast Guard

H.R. 4005 would authorize appropriations for ongoing USCG activities for 2015 and 2016. Specifically, the bill would authorize the appropriation of about \$17.4 billion for USCG operations (including about \$14 billion for operations and maintenance, \$3.1 billion for capital acquisitions, \$274 million for reserve training, \$40 million for research programs, and \$34 million for environmental compliance). The bill also would extend the Coast Guard's authority to expedite the hiring of certain personnel in areas where there are staffing shortages and would require the USCG to be the recipient of any payments the U.S. receives from other nations in order to participate in an annual international ice patrol. However, based on information from the USCG, CBO expects that the Department of State will probably not bill foreign nations for ice patrol services because they have historically not done so. Assuming appropriation of the amounts specified in the bill, and no offsetting collections from foreign nations for ice patrol services, CBO estimates that implementing those provisions of H.R. 4005 would cost \$16.7 billion over the 2015–2019 period.

Minimum tonnage for certain exports

Section 318 would increase, from 50 percent to 75 percent, the portion of Government-generated cargo that must be transported on privately owned, U.S.-flag commercial vessels. This provision would primarily affect the Food for Peace program, which provides

donated commodities to foreign countries for emergency and non-emergency food needs. The provision also would affect the McGovern-Dole program, which provides international food assistance for school feeding programs and maternal, infant, and child nutrition programs.

Historically, shipping rates on U.S.-flag vessels have been higher than that of their foreign counterparts by roughly 30 percent, according to data from the Department of Agriculture. In 2013, the Food for Peace program shipped about 1.2 million metric tons of commodities. CBO estimates those shipments cost \$145 per metric ton on U.S. ships and \$111 per metric ton on foreign ships in 2014. Using that difference and projections of foreign food aid, CBO estimates that increasing the cargo preference mandate would cost \$44 million over the 2015–2019 period, assuming appropriation of the necessary amounts.

Seafarers fund

Section 310 would establish a fund to support certain seamen who are required to remain in the United States as witnesses in judicial proceedings and who are not financially supported by the owner of their vessel or who were abandoned by their vessel. The fund also could be used to repay certain vessel owners who supported seamen required to be material witnesses. The bill would authorize the appropriation of up to \$2 million, a year for such costs, and CBO estimates that implementing the provision would cost \$10 million over the 2015–2019 period.

MARAD authorizations

H.R. 4005 would reauthorize a grant program through 2016 that provides assistance to certain small domestic shipyards. That program has received appropriations of \$10 million per year for the last several years. Based on those amounts, CBO estimates that implementing the provision would cost \$20 million, subject to appropriation of the necessary amounts. The bill also would grant MARAD the authority to donate historical artifacts and documents to non-profit organizations or to local governments. Under current law, such artifacts and documents are provided as a long-term loan. CBO estimates that implementing that provision would have no budgetary impact.

Federal Maritime Commission

H.R. 4005 would authorize the appropriation of \$25 million, annually for 2015 and 2016 for the operations of the FMC. The FMC regulates shipping activities in the United States. CBO estimates that enacting those provisions would cost \$50 million over the 2015–2019 period, assuming appropriation of the authorized amounts.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 4005 contains no intergovernmental or private-sector mandates as defined in UMRA and would benefit state, local, or tribal governments by, among other things, limiting expenses related to servicemember benefits; authorizing cooperative agreements with state, local, and tribal governments; authorizing grants; and clarifying that federal

law does not preempt state regulation of fishing permits under certain conditions.

Estimate prepared by: Federal costs: Sarah Puro and Ann Futrell; Impact on state, local, and tribal governments: Michael Hirsch; Impact on the private sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to make the operations of Coast Guard more efficient, as well as to improve the safety and productivity of the marine transportation system.

ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to section 3(j) of H. Res. 5, 113th Cong. (2013), the Committee finds that no provision of H.R. 4005 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(k) of H. Res. 5, 113th Cong. (2013), the Committee estimates that enacting H.R. 4005 does not specifically direct the completion of any specific rule makings within the meaning of section 551 of title 5, United States Code.

FEDERAL MANDATE STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (P.L. 104-4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 4005 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No new advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation. However, H.R. 4005 does codify the Coast Guard's existing Merchant Marine Personnel Advisory Committee. It amends certain functions of the Committee and provides for a termination date in compliance with section 14(a) of the Federal Advisory Committee Act.

APPLICABILITY OF LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

SECTION-BY-SECTION ANALYSIS OF LEGISLATION

Section 1. Short title

This section provides a short title to the bill: "Howard Coble Coast Guard and Maritime Transportation Act of 2014".

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations

This section reauthorizes the Coast Guard at currently authorized levels. Specifically, H.R. 4005 authorizes \$8.7 billion in discretionary funds for the Service in each of the FYs 2015 and 2016. This authorization supports military pay raises for Coast Guard servicemembers at a level consistent with servicemembers of the other Armed Forces. No funds are authorized for bridge alterations under the Truman-Hobbs Act.

Sec. 102. Authorized levels of military strength and training

This section authorizes an end-of-year strength for active duty Coast Guard personnel of 43,000 for each of the FYs 2015 and 2016. The current authorized end strength for the Service is 47,000. The actual end strength of the Coast Guard for FY 2014 is projected to be 42,600.

TITLE II—COAST GUARD

Sec. 201. Commissioned officers

This section sets the number of active duty officers in the Coast Guard at 6,700. The current authorized level is 7,200. As of September 1, 2013, there were 6,576 officers in the Coast Guard.

Sec. 202. Prevention and response workforces

This section ensures servicemembers assigned to certain prevention and response jobs have opportunity for career advancement.

Sec. 203. Centers of expertise

This section clarifies which activities the Coast Guard's six Centers of Expertise are authorized to conduct.

Sec. 204. Agreements

This section authorizes the Coast Guard to enter into cooperative agreements with public and private entities to carry out the research, development, test, and evaluation of technology to improve the performance of Coast Guard missions. It also authorizes the Service to impose and collect a fee on such entities to cover Coast Guard expenses associated with such cooperative agreements. Fees collected are required to be deposited in the Treasury as offsetting receipts.

Sec. 205. Coast Guard housing

Current law requires the Coast Guard to deposit the proceeds from the sale of its real property into its Housing Fund. Appropriations from the Housing Fund are available to construct and renovate servicemember housing. This section would authorize the Coast Guard to deposit in the Housing Fund the proceeds from the lease of certain real property under its control.

Sec. 206. Determinations

The Coast Guard determines whether it has jurisdiction to operate and enforce laws on U.S. waters through a decentralized process that does not provide for input from the public or a consideration of the impact on Coast Guard resources. For instance, in 2010, the Coast Guard Eighth District in New Orleans, Louisiana, determined administratively that Mille Lacs Lake in northern Minnesota was a waterway subject to Coast Guard jurisdiction and that it would be regulated by the Service for the first time. Residents and businesses on the Lake were not notified, nor given opportunity to comment on the determination. Additionally, the Coast Guard did not conduct an analysis to determine whether it had the resources necessary to inspect vessels and regulate the operation of mariners on the Lake.

This section would require the Coast Guard to undertake a rule-making when determining that a waterway is subject to its jurisdiction. This section in no way impacts the criteria the Service uses in making such determinations.

Sec. 207. Annual Board of Visitors

Under current law, the Coast Guard Academy has a Board of Visitors comprised solely of Members of Congress. The Board is authorized to visit the Academy annually and make recommendations on its operation. The Board last met informally in March 2010. It has never visited the Academy or submitted recommendations on its operation.

The Naval Academy Board of Visitors is comprised of Members of Congress and private individuals nominated by the President. It meets and submits recommendations on an annual basis. This section would align the structure and authorities of the Coast Guard Academy Board of Visitors to the Naval Academy Board of Visitors.

Sec. 208. Repeal of the limitation on Medal of Honor

This section enables Coast Guard servicemembers to be awarded a Medal of Honor for each eligible act of valor.

Sec. 209. Mission need statement

This section directs the Coast Guard to submit to the Committee a single, new MNS covering all of its major acquisition programs with the submission of the FY 2016 and 2019 budget request to Congress and every four years thereafter. It further requires the Coast Guard to base the MNS on the funding provided in the CIP submitted for the fiscal year in which a MNS is required to be submitted. Finally, the Coast Guard is required to describe which missions it will not be able to achieve for any year in which a gap exists between the MNS mission hour targets and projected mission hours from new and legacy assets.

Sec. 210. Transmission of annual Coast Guard authorization request

Under current law, the Secretary of Defense is required to submit to Congress an authorization request not later than 30 days after the date the President submits a budget to Congress. The authorization request includes the level of funding requested for the applicable fiscal year, personnel strengths for such fiscal year, and any other matter proposed by the Secretary for inclusion in an authorization bill.

The Coast Guard does not submit a similar request to Congress on a regular basis. The Service has never submitted a request for an authorization of active duty end-of-year strengths. Furthermore, due to bureaucratic delay, the Service only sporadically submits Legislative Change Proposals to amend Coast Guard authorities. This section will require the Coast Guard to submit to the Committee an authorization request on an annual basis.

Sec. 211. Inventory of real property

The Coast Guard currently lacks a centralized inventory to account for all of its real property. The Service could not provide the Committee with the locations of submerged and tidelands it owns. It also recently had to rely on an independent third party to complete an inventory and assessment of its servicemember housing.

This section would require the Coast Guard to establish and maintain an inventory of all of its real property and report to the Committee every five years on which property it recommends for divestiture or consolidation.

Sec. 212. Active duty for emergency augmentation of regular forces

Under current law, the Secretary of Homeland Security may call Coast Guard reservists to active duty to prepare for and respond to a natural or manmade disaster. The Secretary's authority is limited to a call up of not more than 60 days in any four-month period and not more than 120 days in any two-year period. This limitation hampers the ability of the Coast Guard to respond to large-scale or multiple disasters. There is no similar limitation on other reserve components called up by the Secretary of Defense.

This section would eliminate the not more than 60 days in any four-month period limitation on the call up of Coast Guard reservists.

Sec. 213. Acquisition workforce expedited hiring authority

This section would extend through FY 2017 the authority of the Commandant of the Coast Guard to hire experienced acquisition personnel on an expedited basis to maintain progress in building out its recapitalization program of record. The Department of Defense has similar authority that expires at the end of FY 2017.

Sec. 214. Icebreakers

This section requires the Coast Guard to provide the Committee with a strategy to maintain icebreaking capabilities in the Polar Regions that includes an analysis of the cost effectiveness of acquiring or leasing new icebreaker assets. The section also prohibits the Coast Guard from spending any of its funds to pay for the capabilities of a new Polar Class icebreaker that are requested by other federal agencies. The Coast Guard is authorized to use funds transferred from other agencies pursuant to an agreement to address such requests.

Sec. 215. Multiyear procurement authority for Offshore Patrol Cutters

This section would expressly authorize the Secretary of Homeland Security to enter into a multiyear contract for the procurement of the OPC. The OPC is the most expensive acquisition in Coast Guard history. The Navy has successfully used multiyear procurement contracts to achieve savings in at least two of its major ship acquisition programs.

Sec. 216. Maintaining medium endurance cutter mission capability

The 210 foot and 270 foot MECs first entered service nearly 50 years ago. The OPC will eventually be acquired to replace the MECs. However, both GAO and the Congressional Research Service have noted that under current funding levels, the MEC fleet's operational capacity will significantly diminish before the OPC acquisition is complete. GAO has also identified the pending acquisition of the OPC as the largest contributor to anticipated cost escalation and delays in the Coast Guard's major acquisition program of record.

The OPC is currently in preliminary design. This phase in the acquisition process is critical to ensuring the Coast Guard acquires an affordable platform that meets mission requirements. The Coast Guard is planning on acquiring 25 OPCs capable of operating in Sea State 5 conditions. The planned OPC fleet coupled with the planned fleet of eight National Security Cutters would provide the Coast Guard with 33 Sea State 5 capable cutters. The Coast Guard has historically had a fleet of 12 vessels capable of operating in Sea State 5 conditions.

This section requires the Secretary of Homeland Security to provide the Committee with a plan for decommissioning the 210 foot MECs; extending the life of the 270 foot MECs to ensure the Coast Guard can maintain mission capability through the OPC acquisition; identifying the number of OPCs necessary to maintain historical Sea State 5 capability; and acquiring OPCs that maintain historical Sea State 5 capability, as well as OPCs that do not maintain such capability.

Sec. 217. Coast Guard administrative savings

This section would eliminate five annual reports the Coast Guard is required to submit to Congress. The information in these reports is already received in the documents that accompany the President's annual budget request. The Committee expects the Coast Guard to continue to report the information in these reports through annual budget documents. This section also consolidates and modifies three other annual reports.

Sec. 218. Technical corrections to Title 14

This section makes technical and clarifying changes to title 14, United States Code.

Sec. 219. Flag officers

Under current law, the Secretary of Homeland Security's authority to retire Coast Guard flag officers can be reviewed and overturned by the Secretary of Defense. This section clarifies that when the Coast Guard is not operating as a service in the Navy, the Secretary of Homeland Security may retire Coast Guard flag officers without the review of the Secretary of Defense.

Sec. 220. Aviation capability in the Great Lakes

This section authorizes the Secretary of Homeland Security to request and accept through a military-to-military transfer such H-60 helicopters as may be necessary to establish a year-round operating capability in the Coast Guard Ninth District and to convert such helicopters to Coast Guard MH-60T configuration.

Sec. 221. E-LORAN

This section prohibits the Secretary of Homeland Security from dismantling or disposing of any former LORAN system infrastructure for at least one year from the date of enactment of the Act or until the date the Secretary notifies the Committee that such infrastructure is not needed for a positioning, navigation, and timing system to provide redundant capability in the event GPS signals are disrupted, whichever is later. It also authorizes the Secretary to enter into cooperative agreements with public and private entities for the development of a redundant system to GPS, including an enhanced LORAN system.

TITLE III—SHIPPING AND NAVIGATION

Sec. 301. Treatment of fishing permits

This section clarifies that a fishing permit is not an appurtenance to a vessel and therefore not subject to a maritime lien.

Sec. 302. International Ice Patrol reform

In 1912, after the sinking of the TITANIC, the United States entered into the International Convention on the Safety of Life at Sea (SOLAS) to improve passenger vessel safety and to establish an International Ice Patrol (IIP) in the North Atlantic off the coast of Newfoundland, Canada. Under SOLAS, the Coast Guard currently sends aircraft to the area from February through August to identify icebergs, track their movements, and notify mariners of their location. Under SOLAS, the United States is to be reimbursed for

the Coast Guard's costs by foreign flag states whose vessels transit the area. The United States has not received reimbursement for the Coast Guard's costs since at least 2000. Over the last five fiscal years, the Coast Guard has spent \$41 million and 1,779 flight hours on its IIP treaty obligations.

This section would prohibit the Coast Guard from conducting an IIP after FY 2014 unless the Service is reimbursed for its costs by foreign flag states with vessels transiting the area. The section authorizes the Coast Guard to conduct an unreimbursed IIP after FY 2014 only if the President determines it necessary in the interest of national defense. Nothing in this section limits the authority of the Coast Guard to conduct any of its missions in the area.

Sec. 303. Repeal

This section repeals an inoperative section of title 46 that authorizes the Secretary of Commerce to encourage the use of mobile trade fairs.

Sec. 304. Donation of historical property

This section authorizes the Secretary of Transportation to donate historical property, except vessels or real estate, administered by the Maritime Administration to state and local governments or non-profit organizations.

Sec. 305. Small shipyards

This section reauthorizes the Assistance to Small Shipyards program through fiscal year 2016 at currently authorized levels. The program provides capital grants to small privately owned shipyards to expand shipbuilding capacity, efficiency, and competitiveness.

Sec. 306. Drug testing reporting

This section clarifies that federal agencies operating vessels are required to submit the results of failed drug tests administered to applicants for mariner positions on such vessels to the Coast Guard so the Service can take appropriate action with respect to the mariner's merchant mariner credential.

Sec. 307. Recourse for noncitizens

This section clarifies that a foreign citizen may file a personal injury lawsuit in a U.S. court only if the accident occurred in U.S. waters, aboard a U.S. vessel, or the claimant is a permanent resident alien and does not have a right to bring suit in his country of residence or the flag state of the vessel from which the claim arose. The provision does not require a trial in, or under, the laws of the United States for any injury, illness, or death to any foreign seaman engaged aboard a foreign passenger vessel.

Sec. 308. Penalty wages

Current law provides that if a vessel owner does not pay a seaman what the seaman is owed under his employment contract without sufficient cause, the vessel owner must pay the seaman two days' wages for each day the owner does not pay the seaman the contractual amount. In case of a class action suit brought by seamen who serve on cruise ships, the total amount of the penalty is limited to 10 times the amount of wages owed. This section caps

the penalty amount at 10 times the amount of wages owed for any seaman serving on a cruise ship, regardless of whether the relief is sought in a class action.

Sec. 309. Crediting time in the sea services

Current Coast Guard regulations require merchant mariners seeking to serve as officers on commercial vessels demonstrate that they have served at least three months on a similarly sized vessel within the last three years. This presents a hardship to many retired Navy and Coast Guard servicemembers who otherwise qualify to serve as an officer, but may not have served aboard a vessel during their last tour of duty.

This section would enable retired servicemembers who meet all other qualifications to serve as an officer aboard a commercial vessel to demonstrate three months of service within the last seven years.

In order to work on a commercial vessel in the United States an individual needs a merchant mariner's license or document issued by the Coast Guard. In order to be eligible for certain licenses and documents, the Coast Guard requires individuals to provide a "sea service letter" from their past employers to document their work experience on a vessel. Coast Guard servicemembers leaving the Service and seeking employment as merchant mariners are having trouble receiving timely sea service letters from the Coast Guard documenting their service on Coast Guard vessels.

This section would require the Commandant to provide a sea service letter to a current or retired member of the Coast Guard within 30 days of receiving a request for such letter. The section also requires the Coast Guard to maximize the extent to which time served in the Armed Forces is creditable toward meeting the requirements of a merchant mariner license or document.

Sec. 310. Treatment of abandoned seafarers

This section establishes a fund to repatriate foreign seafarers abandoned in the United States and cover the expenses of foreign seafarers that must remain in the United States to serve as material witnesses in federal criminal trials against vessel owners. The fund is capitalized through a partial diversion of existing penalties imposed on vessel owners guilty of certain environmental crimes.

Sec. 311. Clarification of high risk waters

This section clarifies the definition of high risk waters for the purposes of section 55305(e) of title 46, United States Code.

Sec. 312. Uninspected passenger vessels in the Virgin Islands

This section enables U.S. owned uninspected passenger vessels operating in the U.S. Virgin Islands to carry up to 12 passengers provided the vessels meet certain safety requirements.

Sec. 313. Offshore supply vessel third-party inspection

This section establishes a process for the Coast Guard to follow to enable classification societies to inspect offshore supply vessels.

Sec. 314. Survival craft

This section would phase in a requirement to carry out-of-water survival craft by passenger vessels operating in certain waters. It would also require the Coast Guard to review the number of casualties for individuals with disabilities, the elderly, and children from immersion in water and the effect out-of-water survival craft would have on improving the survivability of such individuals, as well as the impact requiring the carriage of such survival craft would have on small business.

Sec. 315. Technical corrections to Title 46

This section makes technical and clarifying changes to title 46, United States Code.

Sec. 316. Enforcement

Section 55305 of title 46, United States Code, requires that at least 50 percent of certain cargoes procured or financed by the federal government be transported on U.S. flagged vessels. Section 3511 of the Duncan Hunter National Defense Authorization Act for FY 2009 (P.L. 110-417) amended section 55305 to require the Secretary of Transportation to conduct an annual review of cargoes shipped by other federal agencies to ensure compliance with the 50 percent requirement. It also authorized the Secretary to take various actions to rectify violations. P.L. 110-417 became law on October 14, 2008. MARAD has yet to begin a rulemaking process to implement section 3511.

This section would require the Secretary of Transportation to determine which programs conducted by federal government agencies are subject to section 55305 and ensure such programs are conducted in accordance with the law. This section further requires the Secretary to report to the Committee on an annual basis on the results of the annual audit of such programs for compliance cargo preference law and the actions taken to address violations of the law.

Sec. 317. Severe marine debris events

This section establishes a structure for states to request and receive a declaration of a severe marine debris event and makes response activities to such events eligible for existing grant funding.

Sec. 318. Minimum tonnage

This section restores to 75 the percentage of certain commodities that are required to be shipped on U.S. flagged vessels under chapter 553 of title 46, United States Code.

Sec. 319. Merchant Marine Personnel Advisory Committee

This section codifies the Merchant Marine Personnel Advisory Committee (MERPAC) which was established on January 23, 1992, by the Secretary of Transportation. MERPAC provides advice to the Secretary of the department in which the Coast Guard is operating on matters relating to the training, qualification, licensing, certification, and fitness of U.S. mariners. This section provides a termination date for MERPAC and requires the Committee to review and report to the Coast Guard on issues involving the implementation of amendments to the International Convention on

Standards of Training, Certification, and Watchkeeping for Seafarers, 1978, that entered into force on January 1, 2012.

TITLE IV—FEDERAL MARITIME COMMISSION

Sec. 401. Authorization of appropriations

This section would authorize the activities of the Federal Maritime Commission (FMC) for each of FYs 2015 and 2016 at the current enacted level of \$24.7 million. The activities of the FMC have not been authorized since FY 2008.

Sec. 402. Terms of commissioners

Unlike commissioners on similar federal commissions, once an FMC commissioner's term expires, the law allows the commissioner to continue to serve until a replacement is confirmed by the Senate. There is also no statutory limit on the number of terms an FMC commissioner may serve.

This section prohibits a commissioner from serving more than one year after the five year appointment term expires. It also imposes a term limit of two terms. These changes are applicable to commissioners appointed after the date of enactment of this Act. Finally, this section codifies current conflict of interest prohibitions on the actions of commissioners.

TITLE V—COMMERCIAL VESSEL DISCHARGE REFORM

Sec. 501. Short title

This section provides a short title to Title V.

Sec. 502. Discharges incidental to the normal operation of a vessel

Pursuant to a federal court order, in December 2008, the Environmental Protection Agency (EPA) promulgated final regulations establishing a Vessel General Permit (VGP) under the Clean Water Act's National Pollution Discharge Elimination System program to govern ballast water and other discharges incidental to the normal operation of vessels. The VGP requires vessel operators to be in compliance with best management practices covering 26 types of discharges incidental to normal vessel operations, including deck runoff, air conditioner condensate, bilge water, graywater, and ice slurry from fish holds on commercial fishing vessels. The VGP also incorporates local water quality regulatory requirements added by 26 states, two Indian tribes, and one territory that vessel operators must comply with while transiting those jurisdictions.

The Clean Boating Act of 2008 (P.L. 110–288) exempted recreational vessels regardless of size from compliance with the VGP. Instead the law required the Administrator of the EPA to issue best management practices for recreational vessel owners to follow to manage incidental discharges. Commercial fishing vessels and commercial vessels less than 79 feet without ballast tanks operate under a moratorium from the VGP which was included in P.L. 112–213. The moratorium expires on December 18, 2014.

This section exempts commercial fishing vessels and commercial vessels less than 79 feet without ballast tanks from the VGP. This section does not impact the regulation of ballast water discharges by the Coast Guard, EPA, or state governments.

TITLE VI—MISCELLANEOUS

Sec. 601. Distant water tuna fleet

This section eliminates requirements on U.S. flag distant water tuna fleet vessels that are inconsistent with the requirements the Coast Guard places on all other U.S. flagged commercial fishing vessels. This section requires distant water tuna fleet vessels to pass a Coast Guard administered vessel safety examination every five years instead of each year. It also removes the requirement that these vessels call on certain U.S. ports at least once each year. Finally, it clarifies the requirements for licenses by foreign officers serving on such vessels.

Sec. 602. Vessel determination

This section deems the build date of a vessel rebuilt after being lost in a fire as the date on which the rebuilt vessel was delivered.

Sec. 603. Lease authority

This section authorizes the Commandant of the Coast Guard to lease submerged and tidelands under the control of the Coast Guard for a period of more than five years.

Sec. 604. National maritime strategy

This section requires the Secretary of Transportation to provide the Committee with a national maritime strategy that includes recommendations on ways to reduce regulatory burdens on U.S. flag vessel owners, improve the competitiveness of the U.S. flag fleet, increase the use of short seas shipping, and enhance shipbuilding capacity in the United States.

Sec. 605. IMO Polar Code negotiations

This section requires the Secretary of Homeland Security to report to the Committee on the status of negotiations on the Polar Code at the International Maritime Organization and the impacts the implementation of the Code will have on coastal communities in the Arctic.

Sec. 606. Valley View Ferry

This section would remove the requirement that any master of the Valley View Ferry be licensed by the Coast Guard if the Commonwealth of Kentucky implements a similar licensing requirement.

Sec. 607. Competition by United States flag vessels

This section would authorize the National Academy of Sciences (NAS) to conduct an assessment of Coast Guard regulations governing the inspection of vessels to determine what impact such regulations have on the competitiveness of U.S. flag vessels in the international trade. It also authorizes NAS to conduct an assessment of factors impacting U.S. flag vessel competitiveness.

Sec. 608. Survey

This section would require the Coast Guard to survey a parcel of property under its administrative control located in Gig Harbor, Washington.

Sec. 609. Fishing Safety Grant Programs

This section extends through FY 2016 the authorization for the Fishing Safety Training Grant Program and the Fishing Safety Research Grant Program.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 14, UNITED STATES CODE

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PART I—REGULAR COAST GUARD

* * * * *

CHAPTER 3—COMPOSITION AND ORGANIZATION

* * * * *

§ 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 **[7,200]** *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.

* * * * *

§ 57. Prevention and response workforces

(a) * * *

(b) **QUALIFICATIONS FOR CERTAIN ASSIGNMENTS.**—An officer, member, or civilian employee of the Coast Guard assigned as a—

(1) * * *

(2) marine casualty investigator shall have the 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) * * *

* * * * *

(C) the qualifications and training of vessel personnel~~].~~;

(4) *waterways operations manager shall have knowledge, skill, and practical experience with respect to marine transportation system management; or*

(5) *port and facility safety and security specialist shall have knowledge, skill, and practical experience with respect to the*

safety, security, and environmental protection responsibilities associated with maritime ports and facilities.

(c) APPRENTICESHIP REQUIREMENT TO QUALIFY FOR CERTAIN CAREERS.—The Commandant may require an officer, member, or employee of the Coast Guard in training for a specialized prevention or response career path to serve an apprenticeship under the guidance of a qualified individual. However, an individual in training to become a marine inspector, marine casualty investigator, [or marine safety engineer] *marine safety engineer, waterways operations manager, or port and facility safety and security specialist* shall serve a minimum of one-year as an apprentice unless the Commandant authorizes a shorter period for certain qualifications.

* * * * *

[(e) 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 adequacy 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.]

[(f) (e) SECTOR CHIEF OF PREVENTION.—There shall be in each Coast Guard sector a Chief of Prevention 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—

(1) * * *

(2) qualified marine casualty [investigator or marine safety engineer.] *investigator, marine safety engineer, waterways operations manager, or port and facility safety and security specialist.*

[(g) (f) SIGNATORIES OF LETTER OF QUALIFICATION FOR CERTAIN PREVENTION PERSONNEL.—Each individual signing a letter of qualification for marine safety personnel must hold a letter of qualification for the type being certified.

[(h) (g) SECTOR CHIEF OF RESPONSE.—There shall be in each Coast Guard sector a Chief of Response 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.

§ 58. Centers of expertise for Coast Guard prevention and response

(a) * * *

[(b) MISSIONS.—Each center shall—

[(1) promote and facilitate education, training, and research;

[(2) develop a repository of information on its missions and specialties; and

[(3) perform any other missions as the Commandant may specify.]

(b) MISSIONS.—Any center established under subsection (a) may—

(1) promote, facilitate, and conduct—

(A) education;

(B) training; and
(C) activities authorized under section 93(a)(4); and
(2) be a repository of information on operations, practices,
and resources related to the mission for which the center was
established.

* * * * *

§ 59. Marine industry training program

[(a) IN GENERAL.—The Commandant] *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) * * *

* * * * *

[(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.]

* * * * *

CHAPTER 5—FUNCTIONS AND POWERS

Sec.

81. Aids to navigation authorized.

* * * * *

102. Agreements.

103. Determinations.

* * * * *

§ 93. Commandant; general powers

(a) For the purpose of executing the duties and functions of the Coast Guard the Commandant may:

(1) * * *

* * * * *

(4) conduct experiments[, investigate] *and investigate*, or cause to be investigated, plans, devices, and inventions relating to the performance of any Coast Guard function, including research, development, test, or evaluation related to intelligence systems and capabilities[, and cooperate and coordinate such activities with other Government agencies and with private agencies];

* * * * *

(13) rent or lease, under such terms and conditions as are deemed advisable, for a period not exceeding five years, such real property under the control of the Coast Guard as may not be required for immediate use by the Coast Guard, the monies received from any such rental or lease, less amount of expenses incurred (exclusive of governmental personal services), to be deposited in **the Treasury** *the fund established under section 687;*

* * * * *

(b)(1) **Notwithstanding subsection (a)(14)** *Notwithstanding subsection (a)(13)*, a lease described in paragraph (2) of this subsection may be for a term of up to 20 years.

* * * * *

§ 102. Agreements

(a) *IN GENERAL.—In carrying out section 93(a)(4), the Com-mandant may—*

(1) *enter into cooperative agreements, contracts, and other agreements with Federal entities and other public or private entities, including academic entities; and*

(2) *impose on and collect from an entity subject to an agree-ment or contract under paragraph (1) a fee to assist with ex-penses incurred in carrying out such section.*

(b) *DEPOSIT AND USE OF FEES.—Fees collected under this section shall be deposited in the general fund of the Treasury as offsetting receipts. The fees may be used, to the extent provided in advance in an appropriation law, only to carry out activities under section 93(a)(4).*

§ 103. Determinations

The Secretary may only make a determination that a waterway, or any portion thereof, is navigable for purposes of the jurisdiction of the Coast Guard through a rulemaking that is conducted in a manner consistent with subchapter II of chapter 5 of title 5.

* * * * *

CHAPTER 9—COAST GUARD ACADEMY

* * * * *

§ 194. Annual Board of Visitors

[(a) In addition to the Advisory Committee, a Board of Visitors to the Academy is established to visit the Academy annually and to make recommendations on the operation of the Academy.

[(b) The Board shall be composed of—

[(1) two Senators designated by the Chairman of the Com-mittee on Commerce, Science, and Transportation of the Sen-ate;

[(2) three Members of the House of Representatives des-ignated by the Chairman of the Committee on Transportation and Infrastructure of the House of Representatives;

[(3) one Senator designated by the President of the Senate;

[(4) two Members of the House of Representatives des-ignated by the Speaker of the House of Representatives; and

[(5) the Chairman of the Committee on Commerce, Science, and Transportation of the Senate and the Chairman of the Committee on Transportation and Infrastructure of the House of Representatives, as ex officio Members.

[(c) When a Member is unable to attend the annual meeting another Member may be designated as provided under subsection (b).

[(d) When an ex officio Member is unable to attend the annual meeting that Member may designate another Member.

[(e) Members of the Board shall be designated in the First Session and serve for the duration of the Congress.

[(f) The Board shall visit the Academy annually on the date chosen by the Secretary. Each Member of the Board shall be reimbursed, to the extent permitted by law, by the Coast Guard for actual expenses incurred while engaged in duties as a Member of the Board.]

§ 194. Annual Board of Visitors

(a) *IN GENERAL.*—A Board of Visitors to the Coast Guard Academy is established to review and make recommendations on the operation of the Academy.

(b) *MEMBERSHIP.*—

(1) *IN GENERAL.*—The membership of the Board shall consist of the following:

(A) The chairman of the Committee on Commerce, Science, and Transportation of the Senate, or the chairman's designee.

(B) The chairman of the Committee on Transportation and Infrastructure of the House of Representatives, or the chairman's designee.

(C) 3 Members of the Senate designated by the Vice President.

(D) 4 Members of the House of Representatives designated by the Speaker of the House of Representatives.

(E) 6 individuals designated by the President.

(2) *LENGTH OF SERVICE.*—

(A) *MEMBERS OF CONGRESS.*—A Member of Congress designated under subparagraph (C) or (D) of paragraph (1) as a member of the Board shall be designated as a member in the First Session of a Congress and serve for the duration of that Congress.

(B) *INDIVIDUALS DESIGNATED BY THE PRESIDENT.*—Each individual designated by the President under subparagraph (E) of paragraph (1) shall serve as a member of the Board for 3 years, except that any such member whose term of office has expired shall continue to serve until a successor is appointed.

(3) *DEATH OR RESIGNATION OF A MEMBER.*—If a member of the Board dies or resigns, a successor shall be designated for any unexpired portion of the term of the member by the official who designated the member.

(c) *ACADEMY VISITS.*—

(1) *ANNUAL VISIT.*—The Board shall visit the Academy annually to review the operation of the Academy.

(2) *ADDITIONAL VISITS.*—With the approval of the Secretary, the Board or individual members of the Board may make other

visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy.

(d) *SCOPE OF REVIEW.—The Board shall review, with respect to the Academy—*

- (1) *the state of morale and discipline;*
- (2) *the curriculum;*
- (3) *instruction;*
- (4) *physical equipment;*
- (5) *fiscal affairs; and*
- (6) *other matters relating to the Academy that the Board determines appropriate.*

(e) *REPORT.—Not later than 60 days after the date of an annual visit of the Board under subsection (c)(1), the Board shall submit to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the actions of the Board during such visit and the recommendations of the Board pertaining to the Academy.*

(f) *ADVISORS.—If approved by the Secretary, the Board may consult with advisors in carrying out this section.*

(g) *REIMBURSEMENT.—Each member of the Board and each adviser consulted by the Board under subsection (f) shall be reimbursed, to the extent permitted by law, by the Coast Guard for actual expenses incurred while engaged in duties as a member or adviser.*

* * * * *

§ 197. Cadets: charges and fees for attendance; limitation

(a) * * *

(b) **EXCEPTION.**—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994. The Secretary **[of Homeland Security]** shall notify Congress of any change made by the Academy in the amount of a charge or fee authorized under this subsection.

* * * * *

CHAPTER 11—PERSONNEL

Sec.	*	*	*	*	*	*
211. Original appointment of permanent commissioned officers.						
296. <i>Flag officers.</i>	*	*	*	*	*	*
428. <i>Sea service letters.</i>	*	*	*	*	*	*

§ 296. Flag officers

During any period in which the Coast Guard is not operating as a service in the Navy, section 1216(d) of title 10 does not apply with respect to flag officers of the Coast Guard.

* * * * *

§428. Sea service letters

(a) *IN GENERAL.*—The Secretary shall provide a sea service letter to a member or former member of the Coast Guard who—

- (1) accumulated sea service on a vessel of the armed forces (as such term is defined in section 101(a) of title 10); and
- (2) requests such letter.

(b) *DEADLINE.*—Not later than 30 days after receiving a request for a sea service letter from a member or former member of the Coast Guard under subsection (a), the Secretary shall provide such letter to such member or former member if such member or former member satisfies the requirement under subsection (a)(1).

* * * * *

CHAPTER 13—PAY, ALLOWANCES, AWARDS, AND OTHER RIGHTS AND BENEFITS

* * * * *

§ 494. Insignia for additional awards

No more than one [medal of honor,] Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, or one Coast Guard medal shall be issued to any one person; but for each succeeding deed or service sufficient to justify the awarding of a [medal of honor,] Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, or Coast Guard medal, the President may award a suitable emblem or insignia to be worn with the decoration and a corresponding rosette or other device.

* * * * *

CHAPTER 15—ACQUISITIONS

SUBCHAPTER I—GENERAL PROVISIONS

Sec.

561. Acquisition directorate.

* * * * *

[569. Report on former Coast Guard officials employed by contractors to the agency.]

569. *Mission need statement.*

* * * * *

SUBCHAPTER I—GENERAL PROVISIONS

* * * * *

[§ 569. Report on former Coast Guard officials employed by contractors to the agency

[(a) REPORT REQUIRED.—Not later than December 31, 2011, 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 individuals 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.】

§ 569. Mission need statement

(a) *IN GENERAL.*—*On the date on which the President submits to Congress a budget for fiscal year 2016 under section 1105 of title 31, on the date on which the President submits to Congress a budget for fiscal year 2019 under such section, and every 4 years thereafter, 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 an integrated major acquisition mission need statement.*

(b) *DEFINITIONS.*—*In this section, the following definitions apply:*

(1) *INTEGRATED MAJOR ACQUISITION MISSION NEED STATEMENT.*—*The term “integrated major acquisition mission need statement” means a document that—*

(A) *identifies current and projected gaps in Coast Guard mission capabilities using mission hour targets;*

(B) *explains how each major acquisition program addresses gaps identified under subparagraph (A) if funded at the levels provided for such program in the most recently submitted capital investment plan; and*

(C) *describes the missions the Coast Guard will not be able to achieve, by fiscal year, for each gap identified under subparagraph (A).*

(2) *MAJOR ACQUISITION PROGRAM.*—The term “major acquisition program” has the meaning given that term in section 569a(e).

(3) *CAPITAL INVESTMENT PLAN.*—The term “capital investment plan” means the plan required under section 663(a)(1).

* * * * *

SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES

* * * * *

§ 573. Preliminary development and demonstration

(a) * * *

* * * * *

(c) **TECHNICAL CERTIFICATION.**—

(1) * * *

* * * * *

(3) **CUTTER CLASSIFICATION.**—

(A) **IN GENERAL.**—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 the Coast Guard Authorization Act of 2010 to be classed by the American Bureau of Shipping before final acceptance and shall maintain such cutter in such class.

* * * * *

CHAPTER 17—ADMINISTRATION

Sec.

631. Delegation of powers by the Secretary.

* * * * *

[651. Annual report.]

* * * * *

662a. *Transmission of annual Coast Guard authorization request.*

* * * * *

679. *Inventory of real property.*

* * * * *

[§ 651. Annual report

[In April of each year, the Commandant, through the Secretary, shall report to Congress the operations and expenditures of the Coast Guard during the preceding fiscal year, including amounts collected as provided under section 664 of this title.]

* * * * *

§ 656. Use of certain appropriated funds

(a) * * *

* * * * *

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

(1) * * *

[(2) REPORTING REQUIREMENTS.—Not later than 90 days after the end of each fiscal year, the Secretary shall submit to

the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on each project undertaken during the course of the preceding fiscal year for which the amount expended under paragraph (1) exceeded \$500,000.】

(2) *REPORT.*—Not later than the date on which the President submits to Congress a budget under section 1105 of title 31 each year, the Secretary 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 describing each project carried out under paragraph (1), in the most recently concluded fiscal year, for which the amount expended under such paragraph for such project was more than \$1,000,000. If no such project was carried out during a fiscal year, no report under this paragraph shall be required with respect to that fiscal year.

* * * * *

§ 662a. Transmission of annual Coast Guard authorization request

(a) *IN GENERAL.*—Not later than 30 days after the date on which the President submits to Congress a budget for a fiscal year pursuant to section 1105 of title 31, the Secretary 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 Coast Guard authorization request with respect to such fiscal year.

(b) *COAST GUARD AUTHORIZATION REQUEST DEFINED.*—In this section, the term “Coast Guard authorization request” means a proposal for legislation that, with respect to the Coast Guard for the relevant fiscal year—

(1) recommends end strengths for personnel for that fiscal year, as described in section 661;

(2) recommends authorizations of appropriations for that fiscal year, including with respect to matters described in section 662; and

(3) addresses any other matter that the Secretary determines is appropriate for inclusion in a Coast Guard authorization bill.

* * * * *

§ 672a. Long-term lease authority for lighthouse property

(a) * * *

(b) Amounts received from leases made under this section, less expenses incurred, shall be deposited in 【the Treasury】 the fund established under section 687.

* * * * *

§ 679. Inventory of real property

(a) *IN GENERAL.*—Not later than September 30, 2014, the Com-mandant shall establish an inventory of all real property, including

submerged lands, under the control of the Coast Guard, which shall include—

- (1) the size, the location, and any other appropriate description of each unit of such property;
- (2) an assessment of the physical condition of each unit of such property, excluding lands;
- (3) an estimate of the fair market value of each unit of such property;
- (4) a determination of whether each unit of such property should be—
 - (A) retained to fulfill a current or projected Coast Guard mission requirement; or
 - (B) subject to divestiture; and
- (5) other information the Commandant considers appropriate.

(b) INVENTORY MAINTENANCE.—The Commandant shall—

- (1) maintain the inventory required under subsection (a) on an ongoing basis; and
- (2) update information on each unit of real property included in such inventory not later than 30 days after any change relating to such property.

(c) RECOMMENDATIONS TO CONGRESS.—Not later than March 30, 2015, and every 5 years thereafter, 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 includes—

- (1) a list of all real property under the control of the Coast Guard and the location of such property by property type;
- (2) recommendations for divestiture with respect to any units of such property, including an estimate of—
 - (A) the fair market value of any property recommended for divestiture; and
 - (B) the costs or savings associated with divestiture; and
- (3) recommendations for consolidating any units of such property, including—
 - (A) an estimate of the costs or savings associated with each recommended consolidation; and
 - (B) a discussion of the impact that such consolidation would have on Coast Guard mission effectiveness.

* * * * *

CHAPTER 18—COAST GUARD HOUSING AUTHORITIES

* * * * *

§ 687. Coast Guard Housing Fund

(a) * * *

(b) CREDITS TO FUND.—There shall be credited to the Fund the following:

(1) * * *

* * * * *

- (4) Monies received under section 93(a)(13).
- (5) Amounts received under section 672a(b).

* * * * *

**PART II—COAST GUARD RESERVE AND
AUXILIARY**

* * * * *

CHAPTER 21—COAST GUARD RESERVE

SUBCHAPTER A—GENERAL

* * * * *

§ 712. Active duty for emergency augmentation of regular forces

(a) Notwithstanding another law, and for the emergency augmentation of the Regular Coast Guard forces during a, or to aid in prevention of an imminent, serious natural or manmade disaster, accident, catastrophe, act of terrorism (as defined in section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16))), or transportation security incident as defined in section 70101 of title 46, the Secretary may, without the consent of the member affected, order to active duty of [not more than 60 days in any 4-month period and] not more than 120 days in any 2-year period an organized training unit of the Coast Guard Ready Reserve, a member thereof, or a member not assigned to a unit organized to serve as a unit.

* * * * *

COAST GUARD AUTHORIZATION ACT OF 2010

* * * * *

TITLE IV—ACQUISITION REFORM

* * * * *

SEC. 404. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

(a) * * *

(b) **LIMITATION.**—The Commandant may not appoint a person to a position of employment under this section after September 30, [2015] 2017.

* * * * *

**COAST GUARD AND MARITIME TRANSPORTATION ACT
OF 2012**

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) * * *

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

* * * * *

TITLE VI—MARINE DEBRIS

* * * * *
 [Sec. 609. Severe marine debris event determination.]
 * * * * *

TITLE II—COAST GUARD

* * * * *
SEC. 222. COAST GUARD POLAR ICEBREAKERS.
 (a) * * *

* * * * *
 (d) REQUIREMENT FOR REACTIVATION OF POLAR SEA.—
 (1) * * *

(2) DECOMMISSIONING[; BRIDGING STRATEGY].—If the analysis required under subsection (a) is submitted in accordance with subsection (c) and the Secretary determines under subsection (a)(5) that it is not cost-effective to reactivate the Polar Sea, then not later than 180 days after the date on which the analysis is required to be submitted under subsection (c) the Commandant of the Coast Guard—

- [(A) may decommission the Polar Sea; and
- [(B) shall submit a bridging strategy for maintaining the Coast Guard’s polar icebreaking services until at least September 30, 2022, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.] *Commandant of the Coast Guard may decommission the Polar Sea.*

(3) RESULT OF NO DETERMINATION.—*If in the analysis submitted under this section the Secretary does not make a determination under subsection (a)(5) regarding whether it is cost-effective to reactivate the Polar Sea, then—*

- (A) *the Commandant of the Coast Guard may decommission the Polar Sea; or*
- (B) *the Secretary may make such determination, not later than 90 days after the date of enactment of this paragraph, and take actions in accordance with this subsection as though such determination was made in the analysis previously submitted.*

(e) STRATEGIES.—
 (1) IN GENERAL.—*Not later than 180 days after the date on which the analysis required under subsection (a) is submitted, 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) *a strategy to meet the Coast Guard’s Arctic ice operations needs through September 30, 2050; and*
- (B) *unless the Secretary makes a determination under this section that it is cost-effective to reactivate the Polar Sea, a bridging strategy for maintaining the Coast Guard’s polar icebreaking services until at least September 30, 2024.*

(2) *REQUIREMENT.*—The strategies required under paragraph (1) shall include a business case analysis comparing the leasing and purchasing of icebreakers to maintain the needs and services described in that paragraph.

[(e)] (f) *RESTRICTION.*—Except as provided in subsection (d), the Commandant of the Coast Guard may not—

(1) * * *

* * * * *

[(f)] (g) *DEFINITION.*—For purposes of this section—

(1) * * *

* * * * *

[(g)] (h) *REPEAL.*—This section shall cease to have effect on September 30, 2022.

* * * * *

TITLE VI—MARINE DEBRIS

* * * * *

[SEC. 609. SEVERE MARINE DEBRIS EVENT DETERMINATION.

[(a)] *IN GENERAL.*—The Administrator of the National Oceanic and Atmospheric Administration shall determine whether the March 2011, Tohoku earthquake and subsequent tsunami and the October 2012, hurricane Sandy each caused a severe marine debris event (as that term is defined in section 7(6) of the Marine Debris Act (33 U.S.C. 1956(6)), as amended by this Act).

[(b)] *DEADLINE.*—Not later than 30 days after the date of enactment of this Act, the Administrator shall provide the determination required under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives.]

* * * * *

COAST GUARD AUTHORIZATION ACT OF 1996

* * * * *

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

* * * * *

TITLE I—AUTHORIZATION

* * * * *

[Sec. 103. Annual reports on drug interdiction.]

* * * * *

TITLE I—AUTHORIZATION

[SEC. 103. ANNUAL REPORT ON DRUG INTERDICTION.

【Not later than 30 days after the end of each fiscal year, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on all expenditures related to drug interdiction activities of the Coast Guard on an annual basis.】

* * * * *

MARITIME TRANSPORTATION SECURITY ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) * * *

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

* * * * *

TITLE IV—OMNIBUS MARITIME IMPROVEMENTS

Sec. 401. Short title.

* * * * *

【Sec. 426. Annual report on Coast Guard capabilities and readiness to fulfill national defense responsibilities.】

* * * * *

TITLE III—COAST GUARD PERSONNEL AND MARITIME SAFETY

* * * * *

Subtitle D—Miscellaneous

* * * * *

[SEC. 346. MODERNIZATION OF NATIONAL DISTRESS AND RESPONSE SYSTEM.

【(a) REPORT.—The Secretary of the department in which the Coast Guard is operating shall prepare a status report on the modernization of the National Distress and Response System and transmit the report, not later than 60 days after the date of enactment of this Act and annually thereafter until completion of the project, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

【(b) CONTENTS.—The report required by subsection (a) shall—

【(1) set forth the scope of the modernization, the schedule for completion of the System, and information on progress in meeting the schedule and on any anticipated delays;

【(2) specify the funding expended to-date on the System, the funding required to complete the System, and the purposes for which the funds were or will be expended;

【(3) describe and map the existing public and private communications coverage throughout the waters of the coastal and internal regions of the continental United States, Alaska, Hawaii, Guam, and the Caribbean, and identify locations that possess direction-finding, asset-tracking communications, and digital selective calling service;

【(4) identify areas of high risk to boaters and Coast Guard personnel due to communications gaps;

【(5) specify steps taken by the Secretary to fill existing gaps in coverage, including obtaining direction-finding equipment, digital recording systems, asset-tracking communications, use of commercial VHF services, and digital selective calling services that meet or exceed Global Maritime Distress and Safety System requirements adopted under the International Convention for the Safety of Life at Sea;

【(6) identify the number of VHF-FM radios equipped with digital selective calling sold to United States boaters;

【(7) list all reported marine accidents, casualties, and fatalities occurring in areas with existing communications gaps or failures, including incidents associated with gaps in VHF-FM coverage or digital selected calling capabilities and failures associated with inadequate communications equipment aboard the involved vessels during calendar years 1997 and thereafter;

【(8) identify existing systems available to close all identified marine safety gaps before January 1, 2003, including expeditious receipt and response by appropriate Coast Guard operations centers to VHF-FM digital selective calling distress signal; and

【(9) identify actions taken to-date to implement the recommendations of the National Transportation Safety Board in its Report No. MAR-99-01.】

SEC. 346. MODERNIZATION OF NATIONAL DISTRESS AND RESPONSE SYSTEM.

(a) *REPORT.*—Not later than March 30, 2014, 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 a report on the implementation of the Rescue 21 project in Alaska and in Coast Guard sectors Upper Mississippi River, Lower Mississippi River, and Ohio River Valley.

(b) *CONTENTS.*—The report required under subsection (a) shall—

(1) describe what improvements are being made to the distress response system in the areas specified in subsection (a), including information on which areas will receive digital selective calling and direction finding capability;

(2) describe the impediments to installing digital selective calling and direction finding capability in areas where such technology will not be installed;

(3) identify locations in the areas specified in subsection (a) where communication gaps will continue to present a risk to mariners after completion of the Rescue 21 project;

(4) include a list of all reported marine accidents, casualties, and fatalities occurring in the locations identified under paragraph (3) since 1990; and

(5) provide an estimate of the costs associated with installing the technology necessary to close communication gaps in the locations identified under paragraph (3).

* * * * *

TITLE IV—OMNIBUS MARITIME IMPROVEMENTS

* * * * *

[SEC. 426. ANNUAL REPORT ON COAST GUARD CAPABILITIES AND READINESS TO FULFILL NATIONAL DEFENSE RESPONSIBILITIES.

[Not later than February 15 each year, 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 a report, prepared in conjunction with the Commandant of the Coast Guard, setting forth the capabilities and readiness of the Coast Guard to fulfill its national defense responsibilities.]

* * * * *

CRUISE VESSEL SECURITY AND SAFETY ACT OF 2010

* * * * *

SEC. 4. OFFSET OF ADMINISTRATIVE COSTS.

(a) * * *

(b) COMBINATION OF FISHERIES ENFORCEMENT PLANS AND FOREIGN FISHING INCURSION REPORTS.—The Secretary of the department in which the Coast Guard is operating shall combine the reports required under section 224 of the Coast Guard and Maritime Transportation Act of 2004 (16 U.S.C. 1861b) and section 804 of the Coast Guard and Maritime Transportation Act of 2006 (16 U.S.C. 1828) into a single annual report for fiscal years beginning after fiscal year 2010. *No report shall be required under this subsection, including that no report shall be required under section 224 of the Coast Guard and Maritime Transportation Act of 2004 or section 804 of the Coast Guard and Maritime Transportation Act of 2006, for fiscal years beginning after fiscal year 2013.*

* * * * *

TITLE 46, UNITED STATES CODE

* * * * *

SUBTITLE I—GENERAL

* * * * *

CHAPTER 3—FEDERAL MARITIME COMMISSION

Sec.
301. General organization.

* * * * *

§ 301. General organization

(a) * * *

(b) COMMISSIONERS.—

(1) * * *

[(2) TERMS.—The term of each Commissioner is 5 years, with each term beginning one year apart. An individual appointed to fill a vacancy is appointed only for the unexpired term of the individual being succeeded. A vacancy shall be filled in the same manner as the original appointment. When the term of a Commissioner ends, the Commissioner may continue to serve until a successor is appointed and qualified.]

(2) TERMS.—*The term of each Commissioner is 5 years. When the term of a Commissioner ends, the Commissioner may continue to serve until a successor is appointed and qualified, but for a period not to exceed one year. Except as provided in paragraph (3), no individual may serve more than 2 terms.*

(3) VACANCIES.—*A vacancy shall be filled in the same manner as the original appointment. An individual appointed to fill a vacancy is appointed only for the unexpired term of the individual being succeeded. An individual appointed to fill a vacancy may serve 2 terms in addition to the remainder of the term for which the predecessor of that individual was appointed.*

(4) CONFLICTS OF INTEREST.—

(A) LIMITATION ON RELATIONSHIPS WITH REGULATED ENTITIES.—*A Commissioner may not have a pecuniary interest in, hold an official relation to, or own stocks or bonds of any entity the Commission regulates under chapter 401 of this title.*

(B) LIMITATION ON OTHER ACTIVITIES.—*A Commissioner may not engage in another business, vocation, or employment.*

[(3)] (5) REMOVAL.—The President may remove a Commissioner for inefficiency, neglect of duty, or malfeasance in office.

* * * * *

Subtitle II—Vessels and Seamen

PART A—GENERAL PROVISIONS

CHAPTER 21—GENERAL

* * * * *

§ 2116. Marine safety strategy, goals, and performance assessments

(a) * * *

(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) * * *

* * * * *

(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)]** *section 93(c) of title 14.*

* * * * *

(d) ACHIEVEMENT OF GOALS.—

(1) * * *

(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) * * *

[(B) on the program’s mission performance in achieving numerical measurable goals established under subsection (b); and]

(B) on the program’s mission performance in achieving numerical measurable goals established under subsection (b), including—

- (i) the number of civilian and military Coast Guard personnel assigned to marine safety positions; and*
- (ii) an identification of marine safety positions that are understaffed to meet the workload required to accomplish each activity included in the strategy and plans under subsection (a); and*

* * * * *

PART B—INSPECTION AND REGULATIONS OF VESSELS

* * * * *

CHAPTER 31—GENERAL

* * * * *

[§ 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 the date that is 30 months after the date on which the report described in subsection (c) is submitted, if—

- [(1)** it was approved by the Secretary before January 1, 2010; and
- [(2)** it is in serviceable condition.

[(c) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the carriage

of survival craft that ensures no part of an individual is immersed in water, which shall include—

[(1) the number of casualties, by vessel type and area of operation, as the result of immersion in water reported to the Coast Guard for each of fiscal years 1991 through 2011;

[(2) the effect the carriage of such survival craft has on—

[(A) vessel safety, including stability and safe navigation; and

[(B) survivability of individuals, including persons with disabilities, children, and the elderly;

[(3) the efficacy of alternative safety systems, devices, or measures;

[(4) the cost and cost effectiveness of requiring the carriage of such survival craft on vessels; and

[(5) the number of small businesses and nonprofit entities that would be affected by requiring the carriage of such survival craft on vessels.]

§3104. Survival craft

(a) *REQUIREMENT TO EQUIP.*—The Secretary shall require that a passenger vessel be equipped with survival craft that ensures that no part of an individual is immersed in water, if—

(1) such vessel is built or undergoes a major conversion after January 1, 2016; and

(2) operates in cold waters as determined by the Secretary.

(b) *HIGHER STANDARD OF SAFETY.*—The Secretary may revise part 117 or part 180 of title 46, Code of Federal Regulations, as in effect before January 1, 2016, if such revision provides a higher standard of safety than is provided by the regulations in effect on or before the date of enactment of the Howard Coble Coast Guard and Maritime Transportation Act of 2014.

(c) *INNOVATIVE AND NOVEL DESIGNS.*—The Secretary may, in lieu of the requirements set out in part 117 or part 180 of title 46, Code of Federal Regulations, as in effect on the date of the enactment of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, allow a passenger vessel to be equipped with a life saving appliance or arrangement of an innovative or novel design that—

(1) ensures no part of an individual is immersed in water; and

(2) provides an equal or higher standard of safety than is provided by such requirements as in effect before such date of enactment.

(d) *BUILT DEFINED.*—In this section, the term “built” has the meaning that term has under section 4503(e).

* * * * *

CHAPTER 33—INSPECTION GENERALLY

* * * * *

§ 3316. Classification societies

(a) * * *

* * * * *

(f)(1) Upon request of an owner or operator of an offshore supply vessel, the Secretary shall delegate the authorities set forth in para-

graph (1) of subsection (b) with respect to such vessel to a classification society to which a delegation is authorized under that paragraph. A delegation by the Secretary under this subsection shall be used for any vessel inspection and examination function carried out by the Secretary, including the issuance of certificates of inspection and all other related documents.

(2) If the Secretary determines that a certificate of inspection or related document issued under authority delegated under paragraph (1) of this subsection with respect to a vessel has reduced the operational safety of that vessel, the Secretary may terminate the certificate or document, respectively.

(3) Not later than 2 years after the date of the enactment of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, and for each year of the subsequent 2-year period, the Secretary 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 describing—

(A) the number of vessels for which a delegation was made under paragraph (1);

(B) any savings in personnel and operational costs incurred by the Coast Guard that resulted from the delegations; and

(C) based on measurable marine casualty and other data, any impacts of the delegations on the operational safety of vessels for which the delegations were made, and on the crew on those vessels.

[(f)] (g) In this section, the term “state sponsor of terrorism” means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979 (as continued in effect under the International Emergency Economic Powers Act), section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law.

* * * * *

CHAPTER 41—UNINSPECTED VESSELS GENERALLY

* * * * *

§ 4105. Uninspected passenger vessels

(a) * * *

(b) In applying this title with respect to an uninspected vessel of less than 24 meters overall in length that carries passengers to or from a port in the United States Virgin Islands, the Secretary shall substitute “12 passengers” for “6 passengers” each place it appears in section 2101(42) if the Secretary determines that the vessel complies with—

(1) the Code of Practice for the Safety of Small Commercial Motor Vessels (commonly referred to as the “Yellow Code”), as published by the U.K. Maritime and Coastguard Agency and in effect on January 1, 2014; or

(2) the Code of Practice for the Safety of Small Commercial Sailing Vessels (commonly referred to as the “Blue Code”), as published by such agency and in effect on such date.

[(b) Within twenty-four months of the date of enactment of this subsection, the] (c) *The* Secretary shall, by regulation, require certain additional equipment which may include liferafts or other life-saving equipment, construction standards, or specify additional operating standards for those uninspected passenger vessels defined in section 2101(42)(A) of this title.

* * * * *

CHAPTER 45—UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS

* * * * *

§ 4502. Safety standards

(a) * * *

* * * * *

(i)(1) * * *

* * * * *

(4) There is authorized to be appropriated \$3,000,000 for each of fiscal years [2010 through 2014] *2015 and 2016* for grants under this subsection.

(j)(1) * * *

* * * * *

(4) There is authorized to be appropriated \$3,000,000 for each fiscal years [2010 through 2014] *2015 and 2016* for activities under this subsection.

* * * * *

PART E—MERCHANT SEAMEN LICENSES, CERTIFICATES, AND DOCUMENTS

* * * * *

CHAPTER 71—LICENSES AND CERTIFICATES OF REGISTRY

* * * * *

§ 7101. Issuing and classifying licenses and certificates of registry

(a) * * *

* * * * *

(j) *The Secretary may issue a license under this section in a class under subsection (c) to an applicant that—*

- (1) *has at least 3 months of qualifying service on vessels of the uniformed services (as that term is defined in section 101(a) of title 10) of appropriate tonnage or horsepower within the 7-year period immediately preceding the date of application; and*
- (2) *satisfies all other requirements for such a license.*

* * * * *

CHAPTER 77—SUSPENSION AND REVOCATION

* * * * *

§ 7706. Drug testing reporting

(a) RELEASE OF DRUG TEST RESULTS TO COAST GUARD.—Not later than 2 weeks after receiving from a Medical Review Officer a report of a verified positive drug test or verified test violation by a civilian employee of a Federal agency, *an applicant for employment by a Federal agency*, an officer in the Public Health Services, or an officer in the National Oceanic and Atmospheric Administration Commissioned Officer Corps, who is employed in any capacity on board a vessel operated by the agency, the head of the agency shall release to the Commandant of the Coast Guard the report.

* * * * *

(c) WAIVER.—Notwithstanding section 503(e) of the Supplemental Appropriations Act, 1987 (5 U.S.C. 7301 note), the report of a drug test of an employee *or an applicant for employment by a Federal agency* may be released under this section without the prior written consent of **the employee.** *the employee or the applicant.*

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PART F—MANNING OF VESSELS

* * * * *

CHAPTER 81—GENERAL

Sec.

8101. Complement of inspected vessels.

* * * * *

8108. *Merchant Marine Personnel Advisory Committee.*

* * * * *

§ 8108. Merchant Marine Personnel Advisory Committee

(a) ESTABLISHMENT.—*The Secretary shall establish a Merchant Marine Personnel Advisory Committee (in this section referred to as “the Committee”). The Committee—*

(1) *shall act solely in an advisory capacity to the Secretary through the Commandant of the Coast Guard on matters relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards, and other matters as assigned by the Commandant;*

(2) *shall review and comment on proposed Coast Guard regulations and policies relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards;*

(3) *may be given special assignments by the Secretary and may conduct studies, inquiries, workshops, and fact finding in consultation with individuals and groups in the private sector and with State or local governments;*

(4) *shall advise, consult with, and make recommendations reflecting its independent judgment to the Secretary;*

(5) *shall meet not less than twice each year; and*

(6) *may make available to the Congress recommendations that the Committee makes to the Secretary.*

(b) MEMBERSHIP.—

(1) *IN GENERAL.*—The Committee shall consist of not more than 19 members who are appointed by and serve terms of a duration determined by the Secretary. Before filling a position on the Committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

(2) *REQUIRED MEMBERS.*—The Secretary shall appoint as members of the Committee—

(A) 9 United States citizens with active licenses or certificates issued under chapter 71 or merchant mariner documents issued under chapter 73, including—

(i) 3 deck officers who represent the viewpoint of merchant marine deck officers, of whom—

(I) 2 shall be licensed for oceans any gross tons;

(II) 1 shall be licensed for inland river route with a limited or unlimited tonnage;

(III) 2 shall have a master's license or a master of towing vessels license;

(IV) 1 shall have significant tanker experience; and

(V) to the extent practicable—

(aa) 1 shall represent the viewpoint of labor; and

(bb) another shall represent a management perspective;

(ii) 3 engineering officers who represent the viewpoint of merchant marine engineering officers, of whom—

(I) 2 shall be licensed as chief engineer any horsepower;

(II) 1 shall be licensed as either a limited chief engineer or a designated duty engineer; and

(III) to the extent practicable—

(aa) 1 shall represent a labor viewpoint; and

(bb) another shall represent a management perspective;

(iii) 2 unlicensed seamen, of whom—

(I) 1 shall represent the viewpoint of able-bodied seamen; and

(II) another shall represent the viewpoint of qualified members of the engine department; and

(iv) 1 pilot who represents the viewpoint of merchant marine pilots;

(B) 6 marine educators, including—

(i) 3 marine educators who represent the viewpoint of maritime academies, including—

(I) 2 who represent the viewpoint of State maritime academies and are jointly recommended by such State maritime academies; and

(II) 1 who represents either the viewpoint of the State maritime academies or the United States Merchant Marine Academy; and

(ii) 3 marine educators who represent the viewpoint of other maritime training institutions, 1 of whom shall represent the viewpoint of the small vessel industry;

- (C) 2 individuals who represent the viewpoint of shipping companies employed in ship operation management; and
- (D) 2 members who are appointed from the general public.

(c) **CHAIRMAN AND VICE CHAIRMAN.**—The Committee shall elect one of its members as the Chairman and one of its members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman, or in the event of a vacancy in the office of the Chairman.

(d) **SUBCOMMITTEES.**—The Committee may establish and disestablish subcommittees and working groups for any purpose consistent with this section, subject to conditions imposed by the Committee. Members of the Committee and additional persons drawn from the general public may be assigned to such subcommittees and working groups. Only Committee members may chair subcommittee or working groups.

(e) **TERMINATION.**—The Committee shall terminate on September 30, 2020.

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PART G—MERCHANT SEAMEN PROTECTION AND RELIEF

CHAPTER 103—FOREIGN AND INTERCOASTAL VOYAGES

§ 10313. Wages

(a) * * *

* * * * *

(g)(1) * * *

(2) The total amount required to be paid under paragraph (1) with respect to **[all claims in a class action suit by seamen]** *each claim by a seaman* 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]** *the seaman* 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,]** *by the seaman* of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.

* * * * *

CHAPTER 105—COASTWISE VOYAGES

* * * * *

§ 10504. Wages

(a) * * *

* * * * *

(c)(1) * * *

(2) The total amount required to be paid under paragraph (1) with respect to **[all claims in a class action suit by seamen]** *each*

claim by a seaman 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] the seaman 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) * * *

(B) the receipt[, by a seaman who is a claimant in the suit,] by the seaman of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.

* * * * *

CHAPTER 301—GENERAL LIABILITY PROVISIONS

* * * * *

§ 30104. Personal injury to or death of seamen

(a) *IN GENERAL.*—A seaman injured in the course of employment or, if the seaman dies from the injury, the personal representative of the seaman may elect to bring a civil action at law, with the right of trial by jury, against the employer. Laws of the United States regulating recovery for personal injury to, or death of, a railway employee apply to an action under this section.

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

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

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

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

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

(B) the nation in which the seaman maintained citizenship or residency at the time the claim arose.

* * * * *

Subtitle III—Maritime Liability

* * * * *

CHAPTER 313—COMMERCIAL INSTRUMENTS AND MARITIME LIENS

SUBCHAPTER I—GENERAL

Sec.
31301. Definitions.

* * * * *

31310. *Treatment of fishing permits.*

* * * * *

SUBCHAPTER I—GENERAL

* * * * *

§ 31310. Treatment of fishing permits

(a) *LIMITATION ON MARITIME LIENS.*—*This chapter—*

(1) *does not establish a maritime lien on a fishing permit; and*

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

(b) *TREATMENT OF FISHING PERMITS UNDER STATE AND FEDERAL LAW.*—*A fishing permit—*

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

(2) *shall not be treated as part of a vessel, or as an appurtenance or intangible of a vessel, for any purpose under Federal law.*

(c) *AUTHORITY OF SECRETARY OF COMMERCE NOT AFFECTED.*—*Nothing in this section shall be construed as imposing any limitation upon the authority of the Secretary of Commerce—*

(1) *to modify, suspend, revoke, or impose a sanction on any fishing permit issued by the Secretary of Commerce; or*

(2) *to bring a civil action to enforce such a modification, suspension, revocation, or sanction.*

(d) *FISHING PERMIT DEFINED.*—*In this section the term “fishing permit” means any authorization of a person or vessel to engage in fishing that is issued under State or Federal law.*

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Subtitle V—Merchant Marine

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Part B—Merchant Marine Service

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CHAPTER 511—GENERAL

* * * * *

§ 51103. General authority of Secretary of Transportation

(a) * * *

* * * * *

(e) *DONATION FOR HISTORICAL PURPOSES.*—

(1) *IN GENERAL.*—*The Secretary may convey the right, title, and interest of the United States Government in any property administered by the Maritime Administration, except real estate or vessels, if—*

(A) *the Secretary determines that such property is not needed by the Maritime Administration; and*

(B) *the recipient—*

(i) is a nonprofit organization, a State, or a political subdivision of a State;

(ii) agrees to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos, polychlorinated biphenyls, or lead paint, after conveyance of the property;

(iii) provides a description and explanation of the intended use of the property to the Secretary for approval;

(iv) has provided to the Secretary proof, as determined by the Secretary, of resources sufficient to accomplish the intended use provided under clause (iii) and to maintain the property;

(v) agrees that when the recipient no longer requires the property, the recipient shall—

(I) return the property to the Secretary, at the recipient's expense and in the same condition as received except for ordinary wear and tear; or

(II) subject to the approval of the Secretary, retain, sell, or otherwise dispose of the property in a manner consistent with applicable law; and

(vi) agree to any additional terms the Secretary considers appropriate.

(2) REVERSION.—The Secretary shall include in any conveyance under this subsection terms under which all right, title, and interest conveyed by the Secretary shall revert to the Government if the Secretary determines the property has been used other than as approved by the Secretary under paragraph (1)(B)(iii).

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PART C—FINANCIAL ASSISTANCE PROGRAMS

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CHAPTER 541—MISCELLANEOUS

§ 54101. Assistance for small shipyards and maritime communities

(a) * * *

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(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Maritime Administration for each of fiscal years [2009 through 2013] 2015 and 2016 to carry out this section—

(1) * * *

* * * * *

PART D—PROMOTIONAL PROGRAMS

* * * * *

CHAPTER 553—PASSENGER AND CARGO PREFERENCES

SUBCHAPTER I—GENERAL

* * * * *

§ 55305. **Cargoes procured, furnished, or financed by the United States Government**

(a) * * *

* * * * *

(d) PROGRAMS OF OTHER AGENCIES.—

【(1) Each department or agency that has responsibility for a program under this section shall administer that program with respect to this section under regulations and guidance issued by the Secretary of Transportation. The Secretary, after consulting with the department or agency or organization or person involved, shall have the sole responsibility for determining if a program is subject to the requirements of this section.】

(1) The Secretary of Transportation shall annually review programs administered by other departments and agencies and determine whether each such program is subject to the requirements of this section.

(2) The Secretary shall have the sole responsibility to make determinations described in paragraph (1).

(3) A determination made by the Secretary under paragraph (1) regarding a program shall remain in effect until the Secretary determines that such program is no longer subject to the requirements of this section.

(4) Each department or agency administering a program determined by the Secretary under paragraph (1) to be subject to the requirements of this section shall administer such program in accordance with this section and any rules or guidance issued by the Secretary. The issuance of such rules or guidance is not a prerequisite to the issuance of final determinations under paragraph (1).

【(2)】(5) The Secretary—

(A) shall conduct an annual review of the administration of programs determined pursuant to paragraph (1) as subject to the requirements of this 【section;】 section, to determine compliance with the requirements of this section;

* * * * *

(6) On the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Secretary 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—

(A) lists the programs determined under paragraph (1) to be subject to the requirements of this section; and

(B) describes the results of the most recent annual review required by paragraph (5)(A), including identification of the departments and agencies that transported cargo in violation of this section and any action the Secretary took under paragraph (5) with respect to each violation.

(7) *The Secretary may prescribe rules, including interim rules, necessary to carry out paragraph (5). An interim rule prescribed under this paragraph shall remain in effect until superseded by a final rule.*

(e) SECURITY OF GOVERNMENT-IMPELLED CARGO.—

(1) In order to ensure the safety of vessels and crewmembers transporting equipment, materials, or commodities under this section, the Secretary of Transportation shall direct each department or agency (except the Department of Defense), when responsible for the carriage of such equipment, materials, or commodities, to **provide armed personnel aboard** *reimburse, subject to the availability of appropriations, the owners or operators of vessels of the United States carrying such equipment, materials, or commodities for the cost of providing armed personnel aboard such vessels* if the vessels are transiting high-risk waters.

[(2) The Secretary of Transportation shall direct each department or agency responsible to provide armed personnel under paragraph (1) to reimburse, subject to the availability of appropriations, the owners or operators of applicable vessels for the cost of providing armed personnel.

[(3) In this subsection, the term “high-risk waters” means waters so designated by the Commandant of the Coast Guard in the Port Security Advisory in effect on the date on which an applicable voyage begins.]

(2) *In this subsection, the term “high-risk waters” means waters—*

(A) so designated by the Commandant of the Coast Guard in the maritime security directive issued by the Commandant and in effect on the date on which an applicable voyage begins; and

(B) in which the Secretary of Transportation determines an act of piracy is likely to occur based on documented acts of piracy that occurred in such waters during the 12-month period preceding the date on which an applicable voyage begins.

(f) *MINIMUM TONNAGE.—With respect to commodities transported under the activities specified in section 55314(b), the percentage specified in subsection (b) of this section shall be treated as 75 percent.*

* * * * *

CHAPTER 555—MISCELLANEOUS

Sec.

[55501. Mobile trade fairs.

[55502. United States Committee on the Marine Transportation System.]

55501. United States Committee on the Marine Transportation System.

[§ 55501. Mobile trade fairs

[(a) IN GENERAL.—The Secretary of Commerce shall encourage and promote the development and use of mobile trade fairs designed to show and sell the products of United States business and agriculture at foreign ports and at other commercial centers throughout the world where the operators of the fairs use, insofar

as practicable, vessels and aircraft of the United States in transporting their exhibits.

[(b) TECHNICAL AND FINANCIAL ASSISTANCE.—When the Secretary determines that a mobile trade fair provides an economical and effective means of promoting export sales, the Secretary may provide to the operator of the fair—

[(1) technical assistance and support; and

[(2) financial assistance to defray certain expenses incurred outside the United States, except the cost of transportation on foreign vessels and aircraft.

[(c) USE OF FOREIGN CURRENCIES.—To carry out this section, the President may use, in addition to amounts appropriated to carry out trade promotion activities, foreign currencies owned by or owed to the United States Government.]

§ [55502] 55501. United States Committee on the Marine Transportation System

(a) * * *

* * * * *

Subtitle VIII—Miscellaneous

* * * * *

CHAPTER 803—ICE AND DERELICTS

Sec.
80301. International agreements.
[80302. Patrol services.]

* * * * *

§ 80301. International agreements

(a) * * *

* * * * *

(c) *PAYMENTS.*—*Payments received pursuant to subsection (b)(1) shall be credited to the appropriation for operating expenses of the Coast Guard.*

(d) *LIMITATION.*—

(1) *IN GENERAL.*—*A Coast Guard vessel or aircraft may not be used to carry out an agreement under subsection (a) in fiscal year 2015 and any fiscal year thereafter unless payments are received by the United States Government pursuant to subsection (b)(1) in the preceding fiscal year in a total amount that is not less than difference between—*

(A) *the cost incurred by the Coast Guard in maintaining the services; minus*

(B) *the amount of the proportionate share of the expense generated by vessels documented under the laws of the United States.*

(2) *EXCEPTION.*—*Notwithstanding paragraph (1), Coast Guard aircraft may be used to carry out an agreement under subsection (a) if the President determines it necessary in the interest of national security.*

(3) *NOTIFICATION.*—The President shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of a determination made under paragraph (2) within 15 days after such determination.

§ 80302. Patrol services

[(a) **GENERAL REQUIREMENTS.**—Unless the agreements made under section 80301 of this title provide otherwise, an ice patrol shall be maintained during the entire ice season in guarding the southeastern, southern, and southwestern limits of the region of icebergs in the vicinity of the Grand Banks of Newfoundland. The patrol shall inform trans-Atlantic and other passing vessels by radio and other available means of the ice conditions and the extent of the dangerous region. During the ice season, there shall be maintained a service of study of ice and current conditions, a service of providing assistance to vessels and crews requiring assistance, and a service of removing and destroying derelicts. Any of these services may be maintained during the remainder of the year as may be advisable.

[(b) **WARNINGS TO VESSELS.**—An ice patrol vessel shall warn any vessel known to be approaching a dangerous area and recommend safe routes.

[(c) **RECORDING AND REPORTING INCIDENTS.**—

[(1) **RECORDING.**—An ice patrol vessel shall record the name of a vessel and the facts of the case when the patrol observes or knows that the vessel—

[(A) is on other than a regular recognized or advertised route crossing the North Atlantic Ocean;

[(B) has crossed the fishing banks of Newfoundland north of latitude 43 degrees north during the fishing season; or

[(C) has passed through regions known or believed to be endangered by ice when proceeding to and from ports of North America.

[(2) **REPORTING.**—The name of the vessel and all pertinent information about the incident shall be reported to the government of the country to which the vessel belongs if that government requests.

[(d) **ADMINISTRATION.**—The Commandant of the Coast Guard, under the direction of the Secretary of the department in which the Coast Guard is operating, shall carry out the services provided for in this section and shall assign necessary vessels, material, and personnel of the Coast Guard. On request of such Secretary, the head of an agency may detail personnel, lend or contribute material or equipment, or otherwise assist in carrying out the services provided for in this section.

[(e) **ANNUAL REPORT.**—The Commandant shall publish an annual report of the activities of the services provided for in this section. A copy of the report shall be provided to each interested foreign government and to each agency assisting in the work.]

* * * * *

ACT TO PREVENT POLLUTION FROM SHIPS

* * * * *

SEC. 9. (a) * * *

* * * * *

(g) Any penalty collected under subsection (a) or (b) that is not paid under that subsection to the person giving information leading to the conviction or assessment of such penalties shall be deposited in the Abandoned Seafarers Fund established under section 18, subject to the limitation in subsection (a)(2)(B) of such section.

* * * * *

SEC. 18. TREATMENT OF ABANDONED SEAFARERS.

(a) **ABANDONED SEAFARERS FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury a separate account to be known as the Abandoned Seafarers Fund.

(2) **CREDITING OF AMOUNTS TO FUND.**—

(A) **IN GENERAL.**—There shall be credited to the Fund the following:

(i) Penalties deposited in the Fund under section 9, except as provided in subparagraph (B).

(ii) Amounts reimbursed or recovered under subsection (d).

(B) **LIMITATION.**—Amounts may be credited to the Fund under subparagraph (A)(i) only if the unobligated balance of the Fund is less than \$2,000,000.

(3) **REPORT REQUIRED.**—On the date on which the President submits each budget for a fiscal year pursuant to section 1105 of title 31, United States Code, the Secretary 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—

(A) the amounts credited to the Fund under paragraph (2) for the preceding fiscal year; and

(B) amounts in the Fund that were expended for the preceding fiscal year.

(b) **AUTHORIZATION OF APPROPRIATIONS FROM FUND.**—Amounts in the Fund may be appropriated to the Secretary for use to—

(1) pay necessary support of—

(A) a seafarer that—

(i) enters, remains, or is paroled into the United States; and

(ii) is involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of this Act by the Coast Guard; and

(B) a seafarer that the Secretary determines was abandoned in the United States and has not applied for asylum under section 208 or 235 of the Immigration and Nationality Act (8 U.S.C. 1158, 1225); and

(2) reimburse a vessel owner or operator that has provided necessary support of a seafarer who has been paroled into the United States to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the

administration or enforcement of this Act by the Coast Guard, for the costs of such necessary support.

(c) *LIMITATION.*—Nothing in this section shall be construed—

(1) to create a private right of action or any other right, benefit, or entitlement to necessary support for any person; or

(2) to compel the Secretary to pay or reimburse the cost of necessary support.

(d) *REIMBURSEMENT; RECOVERY.*—

(1) *IN GENERAL.*—A vessel owner or operator shall reimburse the Fund an amount equal to the total amount paid from the Fund for necessary support of a seafarer, if—

(A) the vessel owner or operator—

(i) during the course of an investigation, reporting, documentation, or adjudication of any matter under this Act that the Coast Guard referred to a United States attorney or the Attorney General, fails to provide necessary support of a seafarer who was paroled into the United States to facilitate the investigation, reporting, documentation, or adjudication; and

(ii) subsequently is—

(I) convicted of a criminal offense related to such matter; or

(II) required to reimburse the Fund pursuant to a court order or negotiated settlement related to such matter; or

(B) the vessel owner or operator abandons a seafarer in the United States, as determined by the Secretary based on substantial evidence.

(2) *ENFORCEMENT.*—If a vessel owner or operator fails to reimburse the Fund under paragraph (1), the Secretary may—

(A) proceed in rem against the vessel on which the affected seafarer served in the Federal district court for the district in which the vessel is found; and

(B) withhold or revoke the clearance required under section 60105 of title 46, United States Code, for the vessel.

(3) *REMEDY.*—A vessel may obtain clearance from the Secretary after it is withheld or revoked under paragraph (2)(B) if the vessel owner or operator—

(A) reimburses the Fund the amount required under paragraph (1); or

(B) provides a bond, or other evidence of financial responsibility sufficient to meet the amount required to be reimbursed under paragraph (1).

(e) *DEFINITIONS.*—In this section:

(1) *ABANDONS; ABANDONED.*—Each of the terms “abandons” and “abandoned” means—

(A) a vessel owner’s or operator’s unilateral severance of ties with a seafarer; and

(B) a vessel owner’s or operator’s failure to provide necessary support of a seafarer.

(2) *FUND.*—The term “Fund” means the Abandoned Seafarers Fund established under this section.

(3) *NECESSARY SUPPORT.*—The term “necessary support” means normal wages and expenses the Secretary considers reasonable for lodging, subsistence, clothing, medical care (includ-

ing hospitalization), repatriation, and any other support the Secretary considers to be appropriate.

(4) SEAFARER.—The term “seafarer” means an alien crewman who is employed or engaged in any capacity on board a vessel subject to this Act.

SECTION 3511 OF THE DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

SEC. 3511. TRANSPORTATION IN AMERICAN VESSELS OF GOVERNMENT PERSONNEL AND CERTAIN CARGOES.

(a) * * *

* * * * *

[(c) REGULATIONS.—The Secretary of Transportation shall prescribe such rules as are necessary to carry out section 55305(d) of title 46, United States Code. The Secretary may prescribe interim rules necessary to carry out section 55305(d) of such title. An interim rule prescribed under this subsection shall remain in effect until superseded by a final rule.]

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MARINE DEBRIS ACT

* * * * *

SEC. 3. NOAA MARINE DEBRIS PROGRAM.

(a) * * *

* * * * *

(c) GRANTS, COOPERATIVE AGREEMENTS, [AND CONTRACTS] CONTRACTS, AND OTHER AGREEMENTS.—

[(1) IN GENERAL.—The Administrator, acting through the Program, shall enter into cooperative agreements and contracts and provide financial assistance in the form of grants for projects to accomplish the purpose set forth in section 2.]

(1) IN GENERAL.—To carry out the purposes set forth in section 2, the Administrator, acting through the Program, may—

- (A) enter into cooperative agreements, contracts, and other agreements with Federal agencies, States, local governments, regional agencies, interstate agencies, and other entities, including agreements to use the personnel, services, equipment, or facilities of such entities on a reimbursable or non-reimbursable basis; and
- (B) make grants to—

- (i) State, local, and tribal governments; and
- (ii) institutions of higher education, nonprofit organizations, and commercial organizations with the expertise or responsibility to identify, determine sources of, assess, prevent, reduce, and remove marine debris.

* * * * *

[(4) ELIGIBILITY.—Any State, local, or tribal government whose activities affect research or regulation of marine debris, and any institution of higher education, nonprofit organization, or commercial organization with expertise in a field related to

marine debris, is eligible to submit to the Administrator a marine debris proposal under the grant program.

【(5) PROJECT REVIEW AND APPROVAL.—The Administrator shall—

【(A) review each marine debris project proposal to determine if it meets the grant criteria and supports the goals of this Act;

【(B) after considering any written comments and recommendations based on the review, approve or disapprove the proposal; and

【(C) provide notification of that approval or disapproval to the person who submitted the proposal.

【(6) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success in meeting its stated goals, and impact of the grant activities on the marine debris problem.】

(4) GRANTS.—

(A) *ELIGIBILITY.*—*To be eligible for a grant under paragraph (1)(B), an entity specified in that paragraph shall submit to the Administrator a marine debris project proposal.*

(B) *REVIEW AND APPROVAL.*—*The Administrator shall—*

(i) review each marine debris project proposal submitted under subparagraph (A) to determine if the proposal meets grant criteria established by the Administrator and supports the purposes set forth in section 2;

(ii) after considering any written comments and recommendations with respect to the review conducted under clause (i), approve or disapprove a grant for the proposal; and

(iii) provide notification of that approval or disapproval to the entity that submitted the proposal.

(C) *REPORTING.*—*Each entity receiving a grant under paragraph (1)(B) shall provide reports to the Administrator as required by the Administrator. Each report provided shall include all information determined necessary by the Administrator for evaluating the progress and success of the project for which the grant was provided and describe the impact of the grant on the identification, determination of sources, assessment, prevention, reduction, or removal of marine debris.*

(D) *TRAINING.*—*The Administrator may require a recipient of a grant under this subsection to provide training to persons engaged in marine debris response efforts funded by such grant with respect to the potential impacts of marine debris, including nonindigenous species related to the debris, on the economy of the United States, the marine environment, and navigation safety.*

(d) SEVERE MARINE DEBRIS EVENTS.—

(1) *GRANT PREFERENCE.*—*In evaluating proposals for grants under subsection (c), the Administrator may give preference in approving grants to proposals that address a severe marine debris event.*

(2) *REQUEST FOR A DECLARATION.*—

(A) *IN GENERAL.*—For purposes of paragraph (1), the Governor of a State may request that the Administrator declare a severe marine debris event in such State or a region that includes such State.

(B) *RESPONSE TO REQUESTS.*—Not later than 30 days after the Administrator receives a request under subparagraph (A), the Administrator shall either—

(i) declare a severe marine debris event with respect to the request; or

(ii) submit a response to the Governor who submitted the request, explaining why the Administrator has not declared a severe marine debris event with respect to the request.

* * * * *

SEC. 7. DEFINITIONS.

In this Act:

(1) * * *

* * * * *

(5) *NONINDIGENOUS SPECIES.*—The term “nonindigenous species” has the meaning given that term in section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702).

[(5)] (6) *PROGRAM.*—The term “Program” means the Marine Debris Program established under section 3.

[(6)] (7) *SEVERE MARINE DEBRIS EVENT.*—The term “severe marine debris event” means atypically large amounts of marine debris caused by a natural disaster, including a tsunami, flood, landslide, or hurricane, or other source.

[(7)] (8) *STATE.*—The term “State” means—

(A) * * *

* * * * *

ACT OF JULY 31, 2008

(Public Law 110–299)

AN ACT To clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels.

* * * * *

SEC. 2. DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

(a) *NO PERMIT REQUIREMENT.*—Except as provided in subsection (b), [during the period beginning on the date of the enactment of this Act and ending on December 18, 2014,] the Administrator, or a State in the case of a permit program approved under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), shall not require a permit under that section for a covered vessel for—

(1) * * *

* * * * *

**COAST GUARD AND MARITIME TRANSPORTATION ACT
OF 2006**

* * * * *

TITLE IV—MISCELLANEOUS

* * * * *

SEC. 421. DISTANT WATER TUNA FLEET.

(a) * * *

(b) LICENSING RESTRICTIONS.—

[(1) IN GENERAL.—Subsection (a) only applies to a foreign citizen who holds a credential that is equivalent to the credential issued by the Coast Guard to a United States citizen for the position, with respect to requirements for experience, training, and other qualifications.]

(1) IN GENERAL.—Subsection (a) only applies to a foreign citizen who holds a credential to serve as an officer on a fishing vessel or vessel of similar tonnage.

(2) TREATMENT OF CREDENTIAL.—[An equivalent credential] A credential under paragraph (1) shall be considered as meeting the requirements of section 8304 of title 46, United States Code, but only while a person holding the credential is in the service of the vessel to which this section applies.

[(c) LIMITATION.—Subsection (a) applies only to vessels operating in and out of American Samoa or Guam.]

[(d)] (c) EXPIRATION.—This section expires on the date the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America ceases to have effect for any party under Article 12.6 or 12.7 of such treaty, as in effect on the date of enactment of the Coast Guard and Maritime Transportation Act of 2012.

[(e) SAFETY INSPECTIONS.—A vessel may not engage a foreign citizen to meet a manning requirement under this section unless it has an annual safety examination by an individual authorized to enforce part B of subtitle II of title 46, United States Code.

[(f) REPORTS.—On March 1, 2007, and annually thereafter until the date of expiration of this section, the Coast Guard and the National Marine Fisheries Service shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Resources of the House of Representatives, providing the following information on the United States purse seine fleet referred to in subsection (a):

[(1) The number and identity of vessels in the fleet using foreign citizens to meet manning requirements pursuant to this section and any marine casualties involving such vessel.

[(2) The number of vessels in the fishery under United States flag as of January 1 of the year in which the report is submitted, the percentage ownership or control of such vessels

by non-United States citizens, and the nationality of such ownership or control.

【(3) Description of any transfers or sales of United States flag vessels in the previous calendar year, and the disposition of such vessel, including whether the vessel was scrapped or sold, and, if sold, the nationality of the new owner and location of any fishery to which the vessel will be transferred.

【(4) Landings of tuna by vessels under flag in the 2 previous calendar years, including an assessment of landing trends, and a description of landing percentages and totals—

 【(A) delivered to American Samoa and any other port in a State or territory of the United States; and

 【(B) delivered to ports outside of a State or territory of the United States, including the identity of the port.

【(5) An evaluation of capacity and trends in the purse seine fleet fishing in the area covered by the South Pacific Regional Fisheries Treaty, and any transfer of capacity from such fleet or area to other fisheries, including those governed under the Western and Central Pacific Fisheries Convention and the Inter-American Tropical Tuna Convention.】

* * * * *

COMMITTEE CORRESPONDENCE

COMMITTEE ON ARMED SERVICES
U.S. House of Representatives
Washington, DC 20515-6035
ONE HUNDRED THIRTEENTH CONGRESS

February 20, 2014

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The Honorable Bill Shuster
Chairman, Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I write concerning H.R. 4005, the Howard Coble Coast Guard and Maritime Transportation Act of 2014, as amended. This legislation includes matters that fall within the Rule X jurisdiction of the Committee on Armed Services.

Our committee recognizes the importance of H.R. 4005, and the need for the legislation to move expeditiously. Our committee also appreciates efforts by your staff to coordinate on matters that fall in our Rule X jurisdiction in advance. Therefore, while we have a valid claim to jurisdiction over this legislation, I do not intend to request sequential referral on H.R. 4005. By waiving consideration of the bill, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider the provisions over which we have jurisdiction.

Please place this letter and your committee's response into the committee report to accompany H.R. 4005 and into the *Congressional Record* during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

Howard P. "Buck" McKeon
Chairman

- cc: The Honorable John A. Boehner
- The Honorable Adam Smith
- The Honorable Nick J. Rahall, II
- The Honorable Thomas J. Wickham, Jr.



Committee on Transportation and Infrastructure
U.S. House of Representatives

Bill Shuster
Chairman

Washington, DC 20515

Nick J. Rahall, Jr.
Ranking Member

Christopher P. Bertram, Staff Director

February 25, 2014

James H. Zola, Democrat Staff Director

The Honorable Howard P. "Buck" McKeon
Chairman
House Armed Services Committee
2120 Rayburn House Office Building
Washington, DC 20515

Dear Chairman McKeon:

Thank you for your letter regarding H.R. 4005, the Howard Coble Coast Guard and Maritime Transportation Act of 2014. I appreciate your willingness to support expediting the consideration of this legislation on the House floor.

I acknowledge that by waiving consideration of this bill, the Committee on Armed Services does not waive any future jurisdictional claim on this or similar legislation. In addition, should a conference on the bill be necessary, I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 4005 in the bill report filed by the Committee on Transportation and Infrastructure, as well as in the *Congressional Record* during House floor consideration of the bill. I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on Armed Services as the bill moves through the legislative process.

Sincerely,

Bill Shuster
Chairman

cc: The Honorable John A. Boehner
The Honorable Nick J. Rahall, II
The Honorable Adam Smith
Mr. Thomas J. Wickham, Jr., Parliamentarian

MICHAEL T. McCAUL, TEXAS
CHAIRMAN



BENNIE G. THOMPSON, MISSISSIPPI
RANKING MEMBER

One Hundred Thirteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

March 25, 2014

The Honorable Bill Shuster
Chairman
House Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Shuster:

On February 11, 2014, the Committee on Transportation and Infrastructure ordered reported, with amendment, H.R. 4005, the "Howard Coble Coast Guard and Maritime Transportation Act of 2014." The reported version of H.R. 4005 includes provisions within the Rule X Jurisdiction of the Committee on Homeland Security regarding border security, port security, research and development, and the organization, administration, and general management of the Department of Homeland Security.

Due to the desire to bring H.R. 4005 to the House floor in an expeditious manner, the Committee on Homeland Security will forgo any consideration of H.R. 4005. I take this action, however, with the mutual understanding that by forgoing consideration at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. In addition, our Committee reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and I ask that you support this request. Finally, I ask that a copy of exchange of letters be included in your committee's report on H.R. 4005 and in the *Congressional Record* during floor consideration thereof.

Sincerely,

A handwritten signature in black ink that reads "Michael McCaul".

MICHAEL T. McCAUL
Chairman

cc: The Honorable John Boehner, Speaker of the House
The Honorable Nick J. Rahall
The Honorable Bennie Thompson
Mr. Tom Wickham, House Parliamentarian



**Committee on Transportation and Infrastructure
U.S. House of Representatives**

Bill Shuster
Chairman

Washington, DC 20515

Nick J. Rahall, III
Ranking Member

March 25, 2014

Christopher P. Bertram, Staff Director

James H. Zeis, Democrat Staff Director

The Honorable Michael T. McCaul
Chairman
Committee on Homeland Security
H2-175 Ford House Office Building
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your letter regarding H.R. 4005, the *Howard Coble Coast Guard and Maritime Transportation Act of 2014*. I appreciate your willingness to support expediting the consideration of this legislation on the House floor.

I acknowledge that by waiving consideration of this bill, the Committee on Homeland Security does not waive any future jurisdictional claim on this or similar legislation. In addition, should a conference on the bill be necessary, I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 4005 in the bill report filed by the Committee on Transportation and Infrastructure, as well as in the *Congressional Record* during House floor consideration of the bill. I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on Homeland Security as the bill moves through the legislative process.

Sincerely,

Bill Shuster
Chairman

cc: The Honorable John A. Boehner
The Honorable Nick J. Rahall, II
The Honorable Bennie G. Thompson
Mr. Thomas J. Wickham, Jr., Parliamentarian

