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COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2011

OCTOBER 3, 2011.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 2838]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, 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.

(a) SHORT TITLE.—This Act may be cited as the "Coast Guard and Maritime Transportation Act of 2011".

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

Sec. 1. Short title.

TITLE I—AUTHORIZATION

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

TITLE II—COAST GUARD AND SERVICEMEMBER PARITY

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

TITLE III—COAST GUARD REFORM

Sec. 301. Repeals.
Sec. 302. Interference with Coast Guard transmissions.
Sec. 303. National security cutters.
Sec. 304. Major acquisitions report.
Sec. 305. Environmental compliance and restoration backlog.
Sec. 306. Coast Guard auxiliarist enrollment eligibility.
Sec. 307. Decommissionings.
Sec. 308. Assessment of needs for additional coast guard presence in high latitude regions.
Sec. 309. Limitation on expenditures.
Sec. 310. Restriction on the use of aircraft.

TITLE IV—SHIPPING AND NAVIGATION

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

TITLE V—FEDERAL MARITIME COMMISSION

Sec. 501. Authorization of appropriations.

TITLE VI—MISCELLANEOUS

Sec. 601. Technical corrections.
Sec. 602. Report on Coast Guard merchant mariner medical evaluation program.
Sec. 603. Notice of arrival.
Sec. 604. Technical corrections to title 14.
Sec. 605. Distant water tuna fleet.
Sec. 606. Waivers.
Sec. 607. Report on options to improve integration of U.S. Coast Guard and Canadian Coast Guard Great Lakes icebreaking operational information.
Sec. 608. Standby vessels.
Sec. 609. Cap on penalty wages.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

to remain available until expended.

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

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

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

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

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

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

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

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

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 165 student years.

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

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

TITLE II—COAST GUARD AND SERVICEMEMBER PARITY

SEC. 201. ACADEMY EMOLUMENTS.

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

(1) in subsection (c)—

(A) in the first sentence—

(i) by striking "person" and inserting "foreign national"; and

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

(B) in the second sentence—

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

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

(2) in subsection (d), by striking "A person" and inserting "A foreign national".

SEC. 202. POLICY ON SEXUAL HARASSMENT AND SEXUAL VIOLENCE.

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

"§ 200. Policy on sexual harassment and sexual violence

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

"(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

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

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

"(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

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

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

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

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

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

"(c) ANNUAL ASSESSMENT.—

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

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

"(A) to measure—

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

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

"(B) to assess the perceptions of Academy personnel of—

"(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

"(ii) the enforcement of such policies;

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

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

"(d) ANNUAL REPORT.—

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

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

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

"(B) The policies, procedures, and processes implemented by the Commandant and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

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

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

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

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

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

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

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

SEC. 203. APPOINTMENTS OF PERMANENT COMMISSIONED OFFICERS.

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

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

SEC. 204. MINOR CONSTRUCTION.

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

"(d) MINOR CONSTRUCTION AND IMPROVEMENT.—

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

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

(b) CLERICAL AMENDMENT.—

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

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

SEC. 205. TREATMENT OF REPORTS OF AIRCRAFT ACCIDENT INVESTIGATIONS.

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

"§ 678. Treatment of reports of aircraft accident investigations

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

"(b) PUBLIC DISCLOSURE OF CERTAIN ACCIDENT INVESTIGATION INFORMATION.—

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

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

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

"(B) that release of such tapes, reports, or other information—

"(i) would not undermine the ability of accident or safety investigators to continue to conduct the investigation; and

"(ii) would not compromise national security.

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

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

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

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

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

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

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

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

"(2) the term 'safety investigation' means an investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a), that is conducted solely to determine the cause of the accident and to obtain information that may prevent the occurrence of similar accidents.".

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

"678. Treatment of reports of aircraft accident investigations.".

SEC. 206. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

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

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

(2) in subsection (b)—

(A) by striking "paragraph" and inserting "section"; and

(B) by striking "2012." and inserting "2015.".

SEC. 207. COAST GUARD HOUSING REPORT.

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

(1) a statement of the Coast Guard's housing needs requirements;

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

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

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

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

TITLE III—COAST GUARD REFORM

SEC. 301. REPEALS.

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

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

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

(d) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—Section 149(a) of title 14, United States Code, is amended by striking the second and third sentences.

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

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

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

SEC. 302. INTERFERENCE WITH COAST GUARD TRANSMISSIONS.

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

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

"(1) guilty of a class E felony; and

"(2) subject to civil penalty of not more than $1,000 per day for each violation.".

SEC. 303. NATIONAL SECURITY CUTTERS.

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

"§ 569a. National security cutters

"(a) SIXTH NATIONAL SECURITY CUTTER.—The Commandant may not begin production of a sixth national security cutter on any date before which the Commandant—

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

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

"(3) has submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a program execution plan detailing increased aerial coverage to support national security cutter operations.

"(b) SEVENTH NATIONAL SECURITY CUTTER.—The Commandant may not begin production of a seventh national security cutter on any date before which the Commandant has selected an offshore patrol cutter that meets at least the minimum operational requirements set out in the Operational Requirements Document approved by the department in which the Coast Guard is operating on October 20, 2010.".

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

"569a. National security cutters.".

SEC. 304. MAJOR ACQUISITIONS REPORT.

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

"§ 569b. Major acquisitions report

"(a) MAJOR ACQUISITION PROGRAMS IMPLEMENTATION REPORT.—In conjunction with the transmittal by the President of the budget of the United States for fiscal year 2013 and every two fiscal years thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of all major acquisition programs.

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

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

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

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

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

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

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

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

"(6) a description of how the Coast Guard is planning for the integration of each new asset acquired under such program into the Coast Guard, including needs related to shore-based infrastructure and human resources;

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

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

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

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

"(11) an identification of the scope of the anticipated acquisitions workload for the next fiscal year; the number of officers, members, and employees of the Coast Guard currently assigned to positions in the acquisition workforce; and a determination on the adequacy of the current acquisition workforce to meet that anticipated workload, including the specific positions that are or will be understaffed, and actions that will be taken to correct such understaffing.

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

"(d) DEFINITION.—For the purposes of this section, the term 'major acquisition program' means an ongoing acquisition undertaken by the Coast Guard with a lifecycle cost estimate greater than or equal to $300,000,000.".

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

"569b. Major acquisitions report.".

(c) REPEAL.—

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

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

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

(B) in section 573(c)(3), by striking subparagraph (B).

SEC. 305. ENVIRONMENTAL COMPLIANCE AND RESTORATION BACKLOG.

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

"§ 693. Annual report to Congress

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

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

"693. Annual report to Congress.".

SEC. 306. COAST GUARD AUXILIARIST ENROLLMENT ELIGIBILITY.

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

SEC. 307. DECOMMISSIONINGS.

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

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

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

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

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

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

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

SEC. 309. LIMITATION ON EXPENDITURES.

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

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

SEC. 310. RESTRICTION ON THE USE OF AIRCRAFT.

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

(1) A cost-constrained Fleet Mix Analysis.

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

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

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

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

(3) for evacuation purposes including for a medical emergency.

TITLE IV—SHIPPING AND NAVIGATION

SEC. 401. COMMITTEE ON THE MARINE TRANSPORTATION SYSTEM.

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

"§ 55502. Committee on the Marine Transportation System

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

"(b) PURPOSE.—The Committee shall—

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

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

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

"(c) MEMBERSHIP.—

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

"(2) EX-OFFICIO MEMBERS.—The Committee may also consist of so many non-voting members as the Committee Chair, with the approval of a majority of the voting members of the Committee, determines is appropriate to further the purpose and activities of the Committee.

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

"(d) SUPPORT.—

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

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

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

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

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

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

"(4) a plan with recommended actions for improving the marine transportation system to meet current and future challenges; and

"(5) steps taken to implement actions recommended in previous reports required under this subsection.

"(f) CONSULTATION.—In carrying out its purpose and activities, the Committee may consult with the Marine Transportation System National Advisory Council, interested parties, and the public.".

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

"55502. Committee on the Marine Transportation System.".

SEC. 402. REPORT ON DETERMINATIONS.

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

(1) the loss of United States shipyard jobs and industrial base expertise as a result of rebuild, conversion, and double-hull work on United States-flag vessels eligible to engage in the coastwise trade being performed in foreign shipyards;

(2) enforcement of the Coast Guard's foreign rebuild determination regulations; and

(3) recommendations for improving the transparency in the Coast Guard's foreign rebuild determination process.

SEC. 403. DOCKSIDE EXAMINATIONS.

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

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

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

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

(4) by adding at the end the following:

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

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

SEC. 404. RECOURSE FOR NONCITIZENS.

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

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

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

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

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

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

"(3) the seaman or the seaman's personal 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. 405. MARITIME LIENS ON FISHING PERMITS.

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

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

"(a) IN GENERAL.—This chapter—

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

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

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

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

"(b) FISHING PERMIT DESCRIBED.—A fishing permit—

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

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

"(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in subsections (a) and (b) shall be construed as imposing any limitation upon the authority of the Secretary of Commerce to modify, suspend, revoke, or sanction any Federal fishery permit issued by the Secretary of Commerce or to bring a civil action to enforce such modification, suspension, revocation, or sanction.".

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

"31310. Limitation on maritime liens on fishing permit and permit description.".

SEC. 406. SHORT SEA TRANSPORTATION.

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

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

(2) in subsection (c), by inserting "and to promote waterborne transportation between ports within the United States" after "coastal corridors";

(3) in subsection (d), by striking "that the project may—" and all that follows through the end of the subsection and inserting "that the project uses documented vessels and—

"(1) mitigates landside congestion; or

"(2) promotes waterborne transportation between ports of the United States.";

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

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

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

(6) by adding at the end the following:

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

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

SEC. 407. MISSION OF THE MARITIME ADMINISTRATION.

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

(1) in the subsection heading by striking "ORGANIZATION" and inserting "ORGANIZATION AND MISSION"; and

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

TITLE V—FEDERAL MARITIME COMMISSION

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

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

TITLE VI—MISCELLANEOUS

SEC. 601. TECHNICAL CORRECTIONS.

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

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

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

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

"SEC. 905. STUDY OF BRIDGES OVER NAVIGABLE WATERS.

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

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

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

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

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

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

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

SEC. 603. NOTICE OF ARRIVAL.

The regulations required under section 109(a) of Public Law 109–347 (33 U.S.C. 1223 note) on notice of arrival for foreign vessels on the Outer Continental Shelf

shall not apply to a vessel documented under section 12105 of title 46, United States Code, unless such vessel arrives from a foreign port or place.

SEC. 604. TECHNICAL CORRECTIONS TO TITLE 14.

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

"CHAPTER 1—ESTABLISHMENT AND DUTIES

"Sec.
"1. Establishment of Coast Guard.
"2. Primary duties.
"3. Department in which the Coast Guard operates.
"4. Secretary defined.

"§ 1. Establishment of Coast Guard

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

"§ 2. Primary duties

"The Coast Guard shall—

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

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

"(3) administer laws and promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department;

"(4) develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the United States;

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

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

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

"§ 3. Department in which the Coast Guard operates

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

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

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

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

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

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

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

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

"§ 4. Secretary defined

"In this title, the term 'Secretary' means the Secretary of the respective department in which the Coast Guard is operating.".

SEC. 605. DISTANT WATER TUNA FLEET.

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

SEC. 606. WAIVERS.

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

(1) M/V GEYSIR (United States official number 622178).
(2) MACY-RENEE (United States official number 1107319)
(3) OCEAN VERITAS (IMO number 7366805).
(4) LUNA (United States official number 280133).
(5) IL MORO DI VENEZIA IV (United States official number 1028654)

(b) DOCUMENTATION OF LNG TANKERS.—

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

(A) LNG GEMINI (United States official number 595752).
(B) LNG LEO (United States official number 595753).
(C) LNG VIRGO (United States official number 595755).

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

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

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

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

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

SEC. 608. STANDBY VESSELS.

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

"CHAPTER 807—STANDBY VESSELS

"Sec.
"80701. Standby vessels.

"§ 80701. Standby vessels

"(a) IN GENERAL.—The owner or operator of a manned facility, installation, unit, or vessel shall locate a standby vessel—

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

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

"(b) IMPROVED STANDBY VESSEL RESPONSE TIME.—

"(1) IN GENERAL.—A Coast Guard District Commander may reduce the distances prescribed in subsection (a) for the area of command of the District Commander if the District Commander determines the reduction is necessary to ad-

dress delays in standby vessel response times caused by inclement weather, high seas, or other conditions that prolong standby vessel response time or lessen the time survivors of an accident can remain in the water.

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

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

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

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

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

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

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

"807. Standby vessels ..... 80701".

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

(d) REGULATIONS.—

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

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

SEC. 609. CAP ON PENALTY WAGES.

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

(1) in paragraph (2)—

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

(B) by striking "the seamen" and inserting "the seaman"; and

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

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

(1) in paragraph (2)—

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

(B) by striking "the seamen" and inserting "the seaman"; and

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

PURPOSE OF THE LEGISLATION AND SUMMARY

H.R. 2838, the Coast Guard and Maritime Transportation Act of 2011, authorizes $8.4 billion in funding for the Coast Guard in fiscal year 2012, $8.6 billion in fiscal year 2013, and $8.7 billion in fiscal year 2014. The bill authorizes the end-of-year strength for military personnel at 47,000 for each of the fiscal years 2012 through 2014. The bill also authorizes $22 million for the Federal Maritime Commission in each of the fiscal years 2012 through 2015. Finally, the bill makes changes to current law affecting marine safety, marine transportation system, and the authorities of the Coast Guard.

BACKGROUND AND NEED FOR LEGISLATION

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 domestic and international 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, 8,100 reservists, 6,700 civilian employees, and 36,000 volunteers of the Coast Guard Auxiliary. The Coast Guard or it predecessors have defended the Nation in every war since 1790.

Major acquisitions

The Coast Guard is undertaking a 20- to 25-year program to recapitalize most of its aging vessels and aircraft, as well as its outdated command, control, communications, computer, intelligence, surveillance and reconnaissance (C4ISR) systems. In spite of the series of acquisition reforms undertaken in recent years, significant delays, cost overruns and capability gaps remain in the development and implementation of the recapitalization program.

According to the Government Accountability Office (GAO), the current total acquisition costs for the Coast Guard's 17 major acquisitions are expected to exceed $28 billion, nearly $4 billion over the $24.2 billion 2007 baseline. This does not include an updated estimate for the Offshore Patrol Cutter, the largest remaining acquisition program without an approved baseline. Of 12 major acquisitions with approved baselines, 10 were behind schedule, some by several years. The recapitalization program is currently expected to end in early 2030's. Rising prices and schedule delays can be attributed to several factors:

- Funding—Inconsistent and insufficient annual funding for the Service's capital acquisitions especially in the early years of the Deepwater program delayed the development of certain assets.
- Asset Development Failures—The Service spent hundreds of millions to develop assets that failed in their design phase or in operational testing.
- Ongoing Capability Rebaselining—In 2004, the Service began a complete rebaselining of the number and types of assets to accommodate additional capabilities needed to meet post-September 11 mission requirements. Although the rebaseline was approved by DHS in 2007, the Service continues to rewrite capability require-

ments for certain assets under development such as the Offshore Patrol Cutter (OPC) and revise them for others currently in production.

• The Service recently completed a revised, cost-constrained Fleet Mix Analysis which may result in yet another rebaselining of capabilities for all the assets in the recapitalization program. This document, similar to the 2004 rebaseline, could significantly increase total acquisition costs and further delay the delivery of new assets and technology.

• Unrealistic Budget Planning—The Service's Capital Investment Plan (CIP) includes estimates of significantly higher levels of sustained funding for capital acquisitions over the next five years that have been appropriated to the Service for capital improvements in recent years. DHS acquisition oversight officials informed the Service earlier this year that breaches in acquisition schedules are inevitable due to future decreases in available resources.

The Committee is extremely concerned the Service continues to be unable to develop and implement a recapitalization program with predictable costs. The Committee expects the Commandant to provide the cost-constrained Fleet Mix Analysis expeditiously.

National Security Cutters

The Committee is particularly concerned about the inability of the Coast Guard to implement portions of the National Security Cutter (NSC) acquisition program which will allow the NSC to meet the operational parameters on which the purchase of these vessels was predicated. The NSC was to operate more efficiently and effectively through the use of new communications systems and other technologies which would have significantly increased its range and capability. In several ways, the NSCs delivered to date have not provided the full array of anticipated increased capability.

• Vertical take-off Unmanned Aerial Vehicles—The NSC was designed and built to carry as many as four vertical take-off unmanned aerial vehicles (VUAV). The VUAV's were expected to extend the range and effectiveness of the cutter. Two NSC's have been delivered to date without VUAVs. The Service continues to work with the Navy to develop a VUAV, but cannot provide an estimate of when the first NSC will be outfitted with a VUAV. No funds are included in the CIP to acquire VUAVs over the next five years.

• Cutter Boats—The NSC was built to carry two classes of stern launched small boats each with a different size and capability to improve the cutter's range and effectiveness. The larger of the two boats did not perform as required and the smaller boat had to be modified to perform correctly. The Service recently solicited industry for a solution to replace both classes of small boats. Meanwhile, the NSC cannot operate at its full capability without these boats.

• Multi-Crewing—The Coast Guard's plan for meeting mission hour baselines for the NSC requires operating the asset at least 225 days a year. In order to do so, it proposed a multi-crewing strategy whereby four crews would rotate among three ships. Although the Coast Guard has taken delivery of two NSCs, it still has no plan to begin multi-crewing or otherwise achieve the 225 day goal.

The decision to move forward with the NSC was based on the vastly larger area that could be patrolled by the vessel using the VUAVs, cutter boats, and additional days at sea. As the DHS Inspector General recently found (OIG–09–82), without these planned capabilities the NSCs cover little more range than the 40 year old cutters they replace. The Coast Guard has spent over $3 billion on the NSC to date. Given the large percentage of the total cost of recapitalization devoted to the NSC and the need to increase the Service's mission capabilities, the Committee believes it is imperative the NSC meet the stated operational parameters.

Parity

The Coast Guard is one of the Nation's five armed services. However, active, reserve and retired members of the Coast Guard and their dependents do not always receive the same benefits available to members of the other armed services. In addition, the Coast Guard lacks many statutory authorities available to the other armed services to improve administration and operations.

H.R. 2838 addresses several parity issues. Specifically, the bill provides the Coast Guard the authority to pay for certain minor construction projects out of operating accounts, ensures foreign nationals receiving instruction at the Coast Guard Academy reimburse the Service for the cost of their healthcare, as well as extends authority for the Service to expedite the hiring of critically needed personnel. Each of these provisions correspond to existing Department of Defense authorities and improve the Coast Guard's ability to successfully conduct its vital missions.

Administration reform

The Coast Guard does an outstanding job for the Nation. However, in the current budget environment, the Service's authorities must be reviewed to find ways to improve operations while reducing costs. Toward that end, H.R. 2838 repeals antiquated and inoperable authorities, places spending limitations on other authorities, and sets a timeline for decommissioning the Service's currently inoperable POLAR class icebreakers.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

"Coast Guard and Maritime Transportation Act of 2011".

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations

This section authorizes $8.49 billion in discretionary funds for the Coast Guard for fiscal year 2012. Consistent with the fiscal year 2012 budget resolution passed by the House of Representatives, this section also provides $8.6 billion in authorized funding in fiscal year 2013, and $8.7 billion in authorized funding in fiscal year 2014. These levels of funding support 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.

Program	FY2012	FY2013 *	FY2014 **
Operating Expenses	$6,819,505,000	$6,922,645,000	$7,018,498,780
Acquisition, Construction & Improvements	1,503,980,000	1,505,312,000	1,506,549,000
Reserve Training	136,778,000	138,110,990	139,310,681
Environmental Compliance & Restoration	16,699,000	16,699,000	16,699,000
Research, Development, Test & Evaluation	19,779,000	19,848,363	19,913,431
Total	$8,496,741,000	$8,602,615,353	$8,700,970,892

*Assumes a 3% increase in military pay consistent with FY12 budget resolution.
**Assumes a 2.7% increase in military pay consistent with FY12 budget resolution.

Sec. 102. Authorized levels of military strength and training

This section authorizes Coast Guard end-of-year strength for active duty personnel to be 47,000 for fiscal years 2012 through 2014. The current authorized end strength for the Service is 47,000.

TITLE II—COAST GUARD AND SERVICEMEMBER PARITY

Sec. 201. Academy emoluments

This section requires foreign countries that send cadets to the Coast Guard Academy for instruction to reimburse the U.S. Government for the cost of providing healthcare to those cadets.

Sec. 202. Policy on sexual harassment and sexual violence

This section requires the Coast Guard Academy to institute the same sexual harassment policy that exists at the other military service academies. It conforms survey and reporting requirements to those of the other service academies.

Sec. 203. Appointments of permanent commissioned officers

This section would clarify a commissioned officer's status should the officer return to the Coast Guard following a break in service. It preserves the officer's rank as of the departure. This is similar to the status afforded returning officers in the other armed services.

Sec. 204. Minor construction

This section authorizes the Coast Guard to expend not more than $1,500,000 from amounts available for the operating expenses for unspecified minor construction and improvement projects at any one location. It also requires the Secretary of Homeland Security to report to the Committee on each project undertaken during the course of the preceding fiscal year for which the amounts expended exceeded $500,000.

Sec. 205. Treatment of reports of aircraft accident investigations

This section authorizes the Commandant to disclose to the public information regarding investigations of Coast Guard aircraft accidents, so long as doing so would not undermine the ability of accident or safety investigators to continue to conduct the investigation and would not compromise national security. It also makes conclusions of the investigators inadmissible in legal proceedings.

Sec. 206. Acquisition workforce expedited hiring authority

This section clarifies the Coast Guard's expedited hiring authority and extends the authority through fiscal year 2015.

Sec. 207. Coast guard housing report

This section requires the Commandant to submit a report to the Committee on the condition of Coast Guard servicemember housing. The Committee remains very concerned with the current state of Coast Guard servicemember housing. The Committee has heard testimony from the Coast Guard regarding the outdated, obsolete, and even dilapidated housing servicemembers and their families often must live in.

TITLE III—COAST GUARD REFORM

Sec. 301. Repeals

This section repeals certain outdated and duplicative sections of title 14, United State Code.

Section 55 of title 14, United States Code requires that the Commandant of the Coast Guard establish an Ombudsman for each Coast Guard District. The ombudsman is responsible for coordinating and communicating with marine industry in the District.

Section 82 of title 14, United States Code authorizes coordination with the FAA for the maintenance of air aids to navigation. The Committee is repealing this provision because the Coast Guard no longer maintains air aids to navigation.

Section 90 of title 14, United States Code authorizes the Coast Guard to maintain ocean stations. The Committee is repealing this provision because the Service has not maintained an ocean station since the 1970's.

The last two sentences of Section 149(a) of title 14, United States Code allow servicemembers assigned to a foreign country to be paid twice. This repeal corrects that discrepancy.

Section 193 of title 14, United States Code authorizes an advisory committee on the Coast Guard Academy. The Committee is repealing this provision because this advisory committee's authority to meet expired in 1994.

Section 198 of title 14, United States Code authorizes the Commandant to establish Coast Guard History Fellowships. This program has never been funded. The Committee is repealing this provision because the Coast Guard has never used this authority and has no plan to establish History Fellowships.

Section 563 of title 14, United States Code makes employees of the Service's Acquisition Directorate eligible for additional bonuses that other Coast Guard employees and servicemembers are not eligible to receive. The Committee is repealing this provision to ensure parity among all employees at the Coast Guard.

Sec. 302. Interference with Coast Guard transmissions

This section makes the knowing and willful interference with Coast Guard transmissions a class-E felony offense. The Coast Guard has testified before the Committee that its ability to conduct its vital missions including protecting the safety of life at sea is entirely dependent on being able to send and receive radio and microwave signals over its network. Interference with those signals places lives in danger. As nearly all navigation is now electronic, this provision is the logical extension of the penalties for offenses related to interfering or tampering with Aids to Navigation.

Sec. 303. National security cutters

This section prohibits the Commandant from going to production on a sixth national security cutter on any date before which the Commandant has acquired a sufficient number of Long Range Interceptor II and Cutter Boat Over the Horizon IV small boats for each of the first three national security cutters, implemented a system to achieve the goal of 225 days away from homeport for two national security cutters, and submitted a plan to provide the national security cutters with advance aerial surveillance support. Additionally, the Commandant may not begin production on the seventh national security cutter until the Service has selected an OPC. The OPC is intended to replace the Coast Guard's aging fleet of medium endurance cutters. The Service is years behind schedule on the development of the OPC, and still does not have an approved baseline cost estimate in place for the program.

Sec. 304. Major acquisitions report

This section consolidates several reports on Coast Guard acquisitions and expands the reporting requirements beyond the former Deepwater Program to encompass all major acquisitions projects.

Sec. 305. Environmental compliance and restoration backlog

This section requires the Coast Guard to submit to the Committee a prioritized list of projects eligible for environmental compliance and restoration funding in the ensuing fiscal year. The Committee remains concerned about the Service's growing backlog of environmental restoration projects.

Sec. 306. Coast Guard auxiliarist enrollment eligibility

Currently, legal permanent residents can serve in the Armed Forces. This section would expand eligibility for enrollment in the Coast Guard Auxiliary to legal permanent residents.

Sec. 307. Decommissionings

This section requires the Commandant to decommission the POLAR SEA within 6 months of the date of enactment of this Act and the POLAR STAR within 3 years of the date of enactment of this Act. Neither Class I icebreakers is currently operational. The POLAR STAR is currently undergoing a sustainment project and is scheduled to return to service in fiscal year 2013. The Coast Guard estimates the POLAR STAR could be operational through fiscal year 2019.

Sec. 308. Assessment of the needs for additional Coast Guard presence in high latitude regions

This Section requires the Secretary of Homeland Security to report to the Committee on the Coast Guard's high latitude capabilities. This report must address prevention and response capability in the high latitude regions and must touch on all Coast Guard mission areas. Additionally, it must provide an assessment of the high latitude operating capabilities of all current Coast Guard assets other than icebreakers, including assets acquired under the Deepwater program; an assessment of projected needs for Coast Guard forward operating bases in the high latitude regions; and an assessment of shore infrastructure, personnel, logistics, commu-

nications, and resources requirements to support Coast Guard forward operating bases in the high latitude regions.

Sec. 309. Limitation on expenditures

This section limits expenditures on certain Coast Guard programs which provide assistance to foreign nations to $100,000 annually.

Sec. 310. Restriction on the use of aircraft

This section prohibits the Secretary of Homeland Security and the Commandant from traveling aboard any Coast Guard owned or operated fixed wing aircraft until the Secretary provides Congress with a cost-constrained Fleet Mix Analysis and the notification on the Secretary's determination on the need for a backup to GPS as required under section 219 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 2918). The Committee has repeatedly requested these documents. Subsequent to Committee action on H.R. 2838 the Secretary provided the Section 219 report to the Committee.

TITLE IV—SHIPPING AND NAVIGATION

Sec. 401. Committee on the Marine Transportation System

This section provides a formal authorization to the existing interagency Committee on the Marine Transportation System. It also requires the Committee to provide Congress with a strategy on ways to improve the Marine Transportation System every five years.

Sec. 402. Report on determinations

This section requires the Secretary of Homeland Security to report to the Committee on the Coast Guard's foreign rebuild determination regulations, the impact of those regulations on maritime industries, and recommendations for improving the transparency in the Service's foreign rebuild determination process.

Sec. 403. Dockside examinations

This section repeals a provision in current law that has yet to be implemented which would require a publicly accessible database listing the names of commercial fishermen. It also changes the frequency of dockside examinations for commercial fishing vessels from two to five years and changes the date that the requirement for such examinations enters into force from October 15, 2012, to October 15, 2015. The Coast Guard has testified before the Committee that it does not have the resources to conduct examinations on all 35,000 commercial fishing vessels prior to October 15, 2012. The Service has also testified that without an examination, these vessels will not be permitted to leave the dock.

Sec. 404. 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 Unites States for any injury, illness or death to any foreign seaman engaged aboard a foreign passenger vessel.

Sec. 405. Maritime liens on fishing permits

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

Sec. 406. Short Sea Transportation

This section makes technical and clarifying changes to improve the Short Sea Transportation program administered by the Maritime Administration.

Sec. 407. Mission of the Maritime Administration

This section clarifies that the mission of the Maritime Administration shall be to foster, promote, and develop the domestic merchant maritime industry of the United States.

TITLE V—FEDERAL MARITIME COMMISSION

Sec. 501. Authorization of appropriations

This section authorizes funding for the Federal Maritime Commission at $22,100,000 for each of the fiscal years 2012 through 2015, the same level appropriated in fiscal year 2008.

TITLE VI—MISCELLANEOUS

Sec. 601. Technical corrections

This section makes technical corrections to Title 14 to clarify the prohibition on the phase out for the use of lead systems integrators and change the frequency of a report on former Coast Guard Officers. Additionally, this section clarifies the requirements for a report on construction and alteration of bridges over navigable waters.

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

This section requires the Commandant to report to the Committee on the present merchant mariner medical evaluation program and alternatives to the program. The Committee is concerned the current program is unduly burdensome on U.S. mariners, is not equipped to handle the expected demand of moving to a two year licensing regime called for under the amendments to the Standards of Training, Certification, and Watchkeeping recently adopted by the International Maritime Organization, and is not consistent with similar medical review programs in other transportation modes.

Sec. 603. Notice of arrival

This section clarifies that notice of arrival regulations promulgated pursuant to the Security and Accountability for Every Port Act of 2006 only apply to vessels arriving from a foreign port or place.

Sec. 604. Technical correction to title 14

This section makes technical and clarifying amendments to Chapter 1 of title 14, United States Code.

Sec. 605. Distant Water Tuna Fleet

This section extends the expiration of the current vessel manning requirements waiver for the Distant Water Tuna Fleet until the expiration of the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America.

Sec. 606. Waivers

This section allows the issuance of coastwise endorsements to eight vessels and clarifies that vessels carried aboard a certain movable dry dock do not constitute "merchandise".

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

This section requires the Commandant to report to the Committee on options to improve coordination between the United States Coast Guard and the Canadian Coast Guard on matters pertaining to Great Lakes icebreaking.

Sec. 608. Standby vessels

This section requires the operators of offshore drilling platforms to contract for vessels to be in the area of the platform to perform evacuations.

Sec. 609. Cap on penalty wage

Current law provides that if a shipowner does not pay a seaman what the seaman is owed under his employment contract without sufficient cause, the shipowner must pay the seaman two days' wages for each day he 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. Section 404 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.

LEGISLATIVE HISTORY

On September 2, 2011, Subcommittee on Coast Guard and Maritime Transportation Chairman Frank A. LoBiondo introduced for himself, and Transportation and Infrastructure Committee Chairman John L. Mica, H.R. 2838, the Coast Guard and Maritime Transportation Act of 2011. On September 8, 2011, the Committee on Transportation and Infrastructure met in open session to consider H.R. 2838, 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 LoBiondo, Cravaack, Cummings, Landry (who offered two amendments), Brown, and Larsen. Mr. LoBiondo offered a manager's amendment which was adopted by voice vote. The amend-

ment made technical changes to the bill, added a restriction on the use of aircraft by the Secretary and the Commandant, extended the manning exemption for the Distant Water Tuna Fleet, and authorized coastwise endorsements for certain vessels. The Cravaack amendment, which was adopted by voice vote, required the Commandant to provide a report to the Committee on ways to improve the integration of ice breaking operations between the United States and Canada conducted on the Great Lakes. Mr. Cummings offered and withdrew an amendment to strike section 301(a) of the bill relating to Coast Guard ombudsmen. Mr. Landry offered an amendment which was adopted by voice vote to require the operators of offshore drilling platforms to contract for vessels to be in the area of the platform to perform evacuations. Mr. Landry offered and withdrew an amendment to require the Secretary to contract with a private entity for the operation of two polar class icebreakers. Ms. Brown offered an amendment which was adopted by voice vote to cap the penalty on incorrect wages at ten times the incorrect wage. Mr. Larsen offered and withdrew an amendment to strike section 307 of the bill relating to POLAR class icebreakers.

COMMITTEE VOTES

Clause 3(b) of rule XIII 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. During consideration of H.R. 2838, no recorded votes were taken. The bill, as amended, was reported favorably to the House of Representatives by voice vote.

HEARINGS

On March 1, 2011, the Subcommittee on Coast Guard and Maritime Transportation held a hearing on the fiscal year 2012 budget requests for the Coast Guard, the Federal Maritime Commission, and the Maritime Administration. On April 13, 2011, the Subcommittee held a hearing on ways to improve the Coast Guard's acquisition program. On May 24, 2011, the Subcommittee held a hearing on ways to reduce the Coast Guard's regulatory burden on small business. On June 14, 2011, the Subcommittee held a hearing to review the current condition of the marine transportation system. On July 26, 2011, the Subcommittee held a hearing on ways to improve operations and implement efficiencies at the Coast Guard.

COMMITTEE OVERSIGHT FINDINGS

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

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax ex-

penditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974, included below.

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 following cost estimate for H.R. 2838 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 30, 2011.

Hon. JOHN L. MICA,
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. 2838, the Coast Guard and Maritime Transportation Act of 2011.

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. 2838—Coast Guard and Maritime Transportation Act of 2011

Summary: H.R. 2838 would authorize appropriations for United States Coast Guard (USCG) activities through fiscal year 2014, Maritime Administration (MARAD) grants for certain short-distance shipping activities through fiscal year 2016, and Federal Maritime Commission (FMC) activities through fiscal year 2015. In total, the bill would authorize the appropriation of about $25.8 billion for such activities, $25.7 billion of it for ongoing USCG operations. CBO estimates that implementing the bill would cost about $24.4 billion over the 2012–2016 period, assuming appropriation of the authorized amounts.

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

The bill contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA).

H.R. 2838 would impose a private-sector mandate, as defined in UMRA, on owners and operators of offshore facilities used in the production of oil and gas. Based on information from the Department of the Interior and industry sources, CBO estimates that the aggregate cost of the mandate would probably exceed the annual threshold established in UMRA for private-sector mandates ($142 million in 2011, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2838 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation).

	By fiscal year, in millions of dollars—					
	2012	2013	2014	2015	2016	2012–2016
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
United States Coast Guard Activities:						
Authorization Level	8,473	8,578	8,676	0	0	25,727
Estimated Outlays	5,760	7,286	7,889	2,323	1,047	24,305
Grants for Short Sea Transportation:						
Authorization Level	5	5	5	5	5	25
Estimated Outlays	3	5	5	5	5	23
Federal Maritime Commission:						
Authorization Level	22	22	22	22	0	88
Estimated Outlays	15	20	22	22	4	83
Total Proposed Changes:						
Authorization Level	8,500	8,605	8,703	27	5	25,840
Estimated Outlays	5,778	7,311	7,916	2,350	1,056	24,411

Basis of estimate: For this estimate, CBO assumes that H.R. 2838 will be enacted before the end of 2011 and that the amounts authorized by the bill will be appropriated for each year. Estimated outlays are based on historical spending patterns for the authorized activities.

CBO estimates that appropriating the amounts authorized by the bill would result in discretionary spending of about $24.4 billion over the 2012–2016 period. The cost estimate excludes $25 million that would be derived from the Oil Spill Liability Trust Fund (OSLTF) for USCG operating and research expenses because that amount is already authorized under existing law.

United States Coast Guard activities

H.R. 2838 would reauthorize funding for ongoing USCG activities over the 2012–2014 period. Specifically, the bill would authorize the appropriation of about $20.8 billion for USCG operations (including $414 million for reserve training, $51 million for environmental compliance, about $4.5 billion for capital acquisitions, and about $60 million for research programs). Under provisions of the bill, the USCG would be allowed to use certain funds appropriated for operations for small construction projects. Under current law, such projects are only eligible to be funded out of the capital acquisitions budget. The bill would also require the USCG to complete reports to the Congress regarding USCG housing and certain new USCG acquisitions.

Of the amounts authorized by the bill, $45 million would be derived from the OSLTF. Assuming appropriation of the amounts specified in the bill, CBO estimates that implementing those provisions of H.R. 2838 would cost about $24.4 billion over the 2012–2016 period.

Grants for Short Sea transportation

H.R. 2838 would authorize the appropriation of $5 million annually over the 2012–2017 period for MARAD to provide grants to facilitate the transportation of cargo and passengers in the inland waterways of the United States or for other short-distance shipping. Assuming appropriation of the authorized amounts, CBO estimates that those grants would cost $23 million over the 2012–2016 period.

Federal Maritime Commission

H.R. 2838 would authorize the appropriation of $88 million over the 2012–2015 period for the operations of the FMC. The FMC regulates shipping laws in the United States. CBO estimates that enacting those provisions would cost $83 million over the 2012–2016 period, assuming appropriations of the authorized amounts.

Estimated impact on state, local, and tribal governments: H.R. 2838 contains no intergovernmental mandates as defined by UMRA and would impose no costs on state, local, or tribal governments.

Estimated impact on the private sector: H.R. 2838 contains a private-sector mandate as defined in UMRA. The bill would require operators to locate a standby vessel within 3 nautical miles of offshore oil and gas facilities when certain activities are being performed and within 12 nautical miles of facilities at all other times. The cost of that mandate would depend on several factors. The bill would allow operators to share one standby vessel among multiple facilities and to use standby vessels for other purposes. For operators that can use those measures, the cost of the mandate would tend to be lower. At the same time, the bill would authorize the Coast Guard to require standby vessels to be located closer than 3 or 12 nautical miles to offshore facilities if necessary to address delays caused by weather or other conditions. Reducing the minimum distance from facilities would increase the number of vessels necessary for compliance and increase the cost of the mandate for some operators.

Based on information from the Department of the Interior and industry sources, CBO estimates that the aggregate cost of the mandate would probably exceed the annual threshold established in UMRA for private-sector mandates ($142 million in 2011, adjusted annually for inflation).

Estimate prepared by: Federal costs: Sarah Puro; Impact on State, local, and tribal governments: Ryan Miller; 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 the Coast Guard more efficient, as well as to improve the safety and productivity of the nation's marine transportation system.

ADVISORY OF EARMARKS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 2838 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

FEDERAL MANDATES 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 (Public Law 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. 2838 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

APPLICABILITY TO THE 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).

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

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[CHAPTER 1—ESTABLISHMENT AND DUTIES

[§ 1. Establishment of Coast Guard

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

[§ 2. Primary duties

[The Coast Guard shall—

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

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

[(3) administer laws and promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department;

[(4) develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the United States;

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

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

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

[§ 3. Department in which the Coast Guard operates

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

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

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

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

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

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

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

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

[§ 4. Secretary defined

[In this title, the term "Secretary" means the Secretary of the respective department in which the Coast Guard is operating.]

CHAPTER 1—ESTABLISHMENT AND DUTIES

Sec.
1. Establishment of Coast Guard.

2. Primary duties.
3. Department in which the Coast Guard operates.
4. Secretary defined.

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(3) administer laws and promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department;

(4) develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the United States;

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

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

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CHAPTER 3—COMPOSITION AND ORGANIZATION

Sec.
41. Grades and ratings.

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[55. District Ombudsmen.]

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[§ 55. District Ombudsmen

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

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

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

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

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

[(c) FUNCTIONS.—

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

[(2) GUIDELINES FOR DISPUTES.—

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

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

[(C) PRIORITY.—In providing such assistance, the District Ombudsman shall give priority to complaints brought by petitioners who believe they will suffer a significant

hardship as the result of implementing a Coast Guard requirement or being denied a Coast Guard service.

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

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

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

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

[(A) in a timely fashion; and

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

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

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

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

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

[(3) the eventual resolution of each such matter.]

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CHAPTER 5—FUNCTIONS AND POWERS

Sec.
81. Aids to navigation authorized.
[82. Cooperation with Administrator of the Federal Aviation Administration.]
* * * * * * *
[90. Ocean stations.]
* * * * * * *

[§ 82. Cooperation with Administrator of the Federal Aviation Administration

[The Coast Guard, in establishing, maintaining, or operating any aids to air navigation herein provided, shall solicit the cooperation of the Administrator of the Federal Aviation Administration to the end that the personnel and facilities of the Federal Aviation Administration will be utilized to the fullest possible advantage. Before locating and operating any such aid on military or naval bases or regions, the consent of the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, as the case may be,

shall first be obtained. No such aid shall be located within the territorial jurisdiction of any foreign country without the consent of the government thereof. Nothing in this title shall be deemed to limit the authority granted by subchapter II of chapter 22 of title 10 or part A of subtitle VII of title 49.]

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§ 88. Saving life and property

(a) * * *

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

(1) guilty of a class E felony; and

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

* * * * * * *

[§ 90. Ocean stations

[(a) The Coast Guard is authorized to operate and maintain floating ocean stations for the purpose of providing search and rescue, communication, and air navigation facilities, and meteorological services in such ocean areas as are regularly traversed by aircraft of the United States.

[(b) The Coast Guard is authorized, subject to approval by the Administrator of the Federal Aviation Administration, to operate, on floating ocean stations authorized herein, such air navigation facilities as the Administrator may find necessary or desirable for the safe and efficient protection and control of air traffic. The Coast Guard, in establishing, maintaining, or operating such air navigation facilities shall request the cooperation of the Administrator of the Federal Aviation Administration to the end that the personnel and facilities of the Federal Aviation Administration will be utilized to the fullest possible advantage.]

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CHAPTER 7—COOPERATION WITH OTHER AGENCIES

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§ 149. Assistance to foreign governments and maritime authorities

(a) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—The President may upon application from the foreign governments concerned, and whenever in his discretion the public interests render such a course advisable, detail members of the Coast Guard to assist foreign governments in matters concerning which the Coast Guard may be of assistance. [Members so detailed may accept, from the government to which detailed, offices and such compensation and emoluments thereunder appertaining as may be first approved by the Secretary. While so detailed such members shall receive, in addition to the compensation and emoluments allowed

them by such governments, the pay and allowances to which they are entitled in the Coast Guard and shall be allowed the same credit for longevity, retirement, and for all other purposes that they would receive if they were serving with the Coast Guard.]

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(d) AUTHORIZED ACTIVITIES.—
(1) * * *

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

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CHAPTER 9—COAST GUARD ACADEMY

Sec.
181. Administration of Academy.

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[193. Advisory Committee.]

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[198. Coast Guard history fellowships.]

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200. Policy on sexual harassment and sexual violence.

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[§ 193. Advisory Committee

[The Secretary may appoint an Advisory Committee to the Academy, consisting of not more than seven persons of distinction in education and other fields relating to the purposes of the Academy, who shall serve without pay (or, in the case of a member of the Committee who is an officer or employee of the United States, who shall receive no additional pay on account of his service on the Committee). Members of the Advisory Committee shall be appointed for terms of not to exceed three years and may be reappointed. The Secretary shall, in June of each year, appoint one of the members to serve as chairman. The members so appointed shall visit the Academy at least once during the academic year on the call of the chairman and may convene once each year at Headquarters, at the call of the Commandant, for the purpose of examining the course of instruction and advising the Commandant relative thereto. Each member of the Committee shall be reimbursed from Coast Guard appropriations in conformity with the provisions of chapter 57 of title 5. The Secretary shall, not less often than once a year, publish notice in the Federal Register for solicitation of nominations for membership on the Advisory Committee. The Advisory Committee is authorized to make available to Congress any information, advice, and recommendations which the Advisory Committee is authorized to give to the Secretary or the Commandant. The Committee terminates on September 30, 1994.]

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§ 195. Admission of foreign nationals for instruction; restrictions; conditions

(a) * * *

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(c) A [person] *foreign national* receiving instruction under this section is entitled to the same [pay and allowances,] *pay, allowances, and emoluments,* to be paid from the same appropriations, as a cadet appointed pursuant to section 182 of this title. [A person] *A foreign national* may receive instruction under this section only if his country agrees in advance to reimburse the United States, at a rate determined by the Secretary, for the cost of providing such instruction, including [pay and allowances,] *pay, allowances, and emoluments,* unless a waiver therefrom has been granted to that country by the Secretary. Funds received by the Secretary for this purpose shall be credited to the appropriations bearing the cost thereof, and may be apportioned between fiscal years.

(d) [A person] *A foreign national* receiving instruction under this section is—

(1) * * *

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[§ 198. Coast Guard history fellowships

[(a) FELLOWSHIPS.—The Commandant of the Coast Guard may prescribe regulations under which the Commandant may award fellowships in Coast Guard history to individuals who are eligible under subsection (b).

[(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible under this subsection if the individual is a citizen or national of the United States and—

[(1) is a graduate student in United States history;

[(2) has completed all requirements for a doctoral degree other than preparation of a dissertation; and

[(3) agrees to prepare a dissertation in a subject area of Coast Guard history determined by the Commandant.

[(c) LIMITATIONS.—The Commandant may award up to 2 fellowships annually. The Commandant may not award any fellowship under this section that exceeds $25,000 in any year.

[(d) REGULATIONS.—The regulations prescribed under this section shall include—

[(1) the criteria for award of fellowships;

[(2) the procedures for selecting recipients of fellowships;

[(3) the basis for determining the amount of a fellowship; and

[(4) subject to the availability of appropriations, the total amount that may be awarded as fellowships during an academic year.]

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§ 200. Policy on sexual harassment and sexual violence

(a) REQUIRED POLICY.—The Commandant shall direct the Superintendent of the Coast Guard Academy to prescribe a policy on sex-

ual harassment and sexual violence applicable to the cadets and other personnel of the Coast Guard Academy.

(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

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

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

(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

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

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

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

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

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

(c) ANNUAL ASSESSMENT.—

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

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

(A) to measure—

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

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

(B) to assess the perceptions of Academy personnel of—

(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

(ii) the enforcement of such policies;

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

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

(d) ANNUAL REPORT.—

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

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

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

(B) The policies, procedures, and processes implemented by the Commandant and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

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

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

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

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

CHAPTER 11—PERSONNEL

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§ 211. Original appointment of permanent commissioned officers

(a) * * *

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

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CHAPTER 15—ACQUISITIONS

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
561. Acquisition directorate.
* * * * * * *
[563. Recognition of Coast Guard personnel for excellence in acquisition.]
* * * * * * *
569a. National security cutters.
569b. Major acquisitions report.
* * * * * * *

SUBCHAPTER I—GENERAL PROVISIONS

* * * * * * *

§ 562. Improvements in Coast Guard acquisition management

(a) * * *

* * * * * * *

[(e) REPORT ON ADEQUACY OF ACQUISITION WORKFORCE.—

[(1) IN GENERAL.—The Commandant shall report to the appropriate congressional committees and the Committee on Homeland Security of the House of Representatives by July 1 of each year on the scope of the acquisition activities to be performed in the next fiscal year and on the adequacy of the current acquisition workforce to meet that anticipated workload.

[(2) CONTENTS.—The report shall—

[(A) specify the number of officers, members, and employees of the Coast Guard currently and planned to be assigned to each position designated under subsection (c); and

[(B) identify positions that are understaffed to meet the anticipated acquisition workload, and actions that will be taken to correct such understaffing.]

[(f)] *(e)* APPOINTMENTS TO ACQUISITION POSITIONS.—The Commandant shall ensure that no requirement or preference for officers or members of the Coast Guard is used in the consideration of persons for positions in the acquisition workforce.

[(g)] *(f)* CAREER PATHS.—

(1) * * *

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[§ 563. Recognition of Coast Guard personnel for excellence in acquisition

[(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Coast Guard Authorization Act of 2010, the Commandant shall commence implementation of a program to recognize excellent performance by individuals and teams comprised of officers, members, and employees of the Coast Guard that contributed to the long-term success of a Coast Guard acquisition project or program.

[(b) ELEMENTS.—The program shall include—

[(1) specific award categories, criteria, and eligibility and manners of recognition;

[(2) procedures for the nomination by personnel of the Coast Guard of individuals and teams comprised of officers, members, and employees of the Coast Guard for recognition under the program; and

[(3) procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the Government, academia, and the private sector who have such expertise and are appointed in such manner as the Commandant shall establish for the purposes of this program.

[(c) AWARD OF CASH BONUSES.—As part of the program required by subsection (a), the Commandant, subject to the availability of appropriations, may award to any civilian employee recognized pursuant to the program a cash bonus to the extent that the performance of such individual so recognized warrants the award of such bonus.]

§ 564. Prohibition on use of lead systems integrators

(a) * * *

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

[(1) September 30, 2011; or

[(2) the date on which the Commandant certifies in writing to the appropriate congressional committees that the Coast Guard has available and can retain sufficient acquisition workforce personnel and expertise within the Coast Guard, through an arrangement with other Federal agencies, or through contracts or other arrangements with private sector entities, to perform the functions and responsibilities of the lead systems integrator in an efficient and cost-effective manner.]

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

(a) REPORT REQUIRED.—Not later than December 31, 2011, [and annually thereafter,] the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the employment during the preceding year by Coast Guard contractors of 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.

* * * * * * *

§ 569a. National security cutters

(a) SIXTH NATIONAL SECURITY CUTTER.—The Commandant may not begin production of a sixth national security cutter on any date before which the Commandant—

(1) has acquired a sufficient number of Long Range Interceptor II and Cutter Boat Over the Horizon IV small boats for each of the first three national security cutters and has sub-

mitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan to provide such boats upon the date of delivery of each subsequent national security cutter;

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

(3) has submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a program execution plan detailing increased aerial coverage to support national security cutter operations.

(b) SEVENTH NATIONAL SECURITY CUTTER.—The Commandant may not begin production of a seventh national security cutter on any date before which the Commandant has selected an offshore patrol cutter that meets at least the minimum operational requirements set out in the Operational Requirements Document approved by the department in which the Coast Guard is operating on October 20, 2010.

§ 569b. Major acquisitions report

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

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

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

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

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

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

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

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

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

(6) a description of how the Coast Guard is planning for the integration of each new asset acquired under such program into the Coast Guard, including needs related to shore-based infrastructure and human resources;

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

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

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

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

(11) an identification of the scope of the anticipated acquisitions workload for the next fiscal year; the number of officers, members, and employees of the Coast Guard currently assigned to positions in the acquisition workforce; and a determination on the adequacy of the current acquisition workforce to meet that anticipated workload, including the specific positions that are or will be understaffed, and actions that will be taken to correct such understaffing.

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

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

SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES

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§ 573. Preliminary development and demonstration

(a) * * *

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(c) TECHNICAL CERTIFICATION.—

(1) * * *

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(3) CUTTER CLASSIFICATION.—

(A) * * *

[(B) REPORTS.—Not later than December 31, 2011, and biennially thereafter, the Commandant shall provide a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate identifying which, if any, Coast Guard cutters that have been issued a certificate of classification by the American Bureau of Shipping have not been maintained in class and detailing the reasons why they have not been maintained in class.]

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CHAPTER 17—ADMINISTRATION

Sec.
631. Delegation of powers by the Secretary.

* * * * * * *

656. Use of moneys appropriated for acquisition, construction, and improvement; for research, development, test, and evaluation; and for the alteration of bridges over the navigable [waters.] *waters; use of moneys appropriated for operating expenses for minor construction and improvement.*

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678. Treatment of reports of aircraft accident investigations.

* * * * * * *

§ 656. Use of moneys appropriated for acquisition, construction, and improvement; for research, development, test, and evaluation; and for the alteration of bridges over the navigable waters*; use of moneys appropriated for operating expenses for minor construction and improvement*

(a) * * *

* * * * * * *

(d) MINOR CONSTRUCTION AND IMPROVEMENT.—

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

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

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§ 678. Treatment of reports of aircraft accident investigations

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

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

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

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

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

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

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

(ii) would not compromise national security.

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

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

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

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

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

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

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

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

(2) the term "safety investigation" means an investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a), that is conducted solely to determine the cause of the accident and to obtain information that may prevent the occurrence of similar accidents.

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CHAPTER 19—ENVIRONMENTAL COMPLIANCE AND RESTORATION PROGRAM

Sec.
690. Definitions.

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[693. Annual Report to Congress.]
693. Annual report to Congress.

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[§ 693. Annual Report to Congress

[(a) The Secretary shall submit to Congress a report each fiscal year describing the progress the Secretary has made during the preceding fiscal year in implementing this chapter.

[(b) Each report shall include:

[(1) A statement for each facility or vessel for which the Secretary is responsible under section 691(c) of this title where a release of a hazardous substance or pollutant has been identified.

[(2) The status of response actions contemplated or undertaken at each facility.

[(3) The specific cost estimates and budgetary proposals for response actions contemplated or undertaken at each facility.

[(4) The total amount required to clean up contamination at all identified facilities.]

§ 693. Annual report to Congress

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

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PART II—COAST GUARD RESERVE AND AUXILIARY

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CHAPTER 23—COAST GUARD AUXILIARY

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§ 823. Eligibility, enrollments

The Auxiliary shall be composed of [citizens of the United States and its territories and possessions,] *nationals of the United States (as such term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) and aliens lawfully admitted for permanent residence (as such term is defined in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20))),* who are owners, sole or part, of motorboats, yachts, aircraft, or radio stations or who by reason of their special training or experience are deemed by the Commandant to be qualified for duty in the Auxiliary, and who may be enrolled therein pursuant to applicable regulations.

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COAST GUARD AUTHORIZATION ACT OF 2010

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) * * *

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

Sec. 1. Short title; table of contents.

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TITLE II—COAST GUARD

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[Sec. 217. Report on sexual assaults in the Coast Guard.]

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TITLE II—COAST GUARD

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[SEC. 217. REPORT ON SEXUAL ASSAULTS IN THE COAST GUARD.

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

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

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

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

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

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

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TITLE IV—ACQUISITION REFORM

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SEC. 404. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

(a) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Commandant of the Coast Guard may—

(1) designate any category of acquisition positions within the Coast Guard [as shortage category positions;] *as positions for which there exists a shortage of candidates or there is a critical hiring need;* and

* * * * * * *

(b) LIMITATION.—The Commandant may not appoint a person to a position of employment under this [paragraph] *section* after September 30, [2012.] *2015.*

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TITLE IX—MISCELLANEOUS PROVISIONS

* * * * * * *

[SEC. 905. STUDY OF BRIDGES OVER NAVIGABLE WATERS.

[The Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive study on the proposed construction or alteration of any bridge, drawbridge, or causeway over navigable waters with a channel depth of 25 feet or greater of the United States that may impede or obstruct future navigation to or from port facilities.]

SEC. 905. STUDY OF BRIDGES OVER NAVIGABLE WATERS.

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

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COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006

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TITLE IV—MISCELLANEOUS

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SEC. 408. DEEPWATER REPORTS.

[(a) ANNUAL DEEPWATER IMPLEMENTATION REPORT.—Not later than 30 days after the date of enactment of this Act and in conjunction with the transmittal by the President of the budget of the United States for each fiscal year thereafter, 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 the implementation of the Integrated Deepwater Systems Program, as revised in 2005 (in this section referred to as the "Deepwater program"), that includes—

[(1) a justification for how the projected number and capabilities of each Deepwater program asset meets the revised mission needs statement delivered as part of the Deepwater program and the performance goals of the Coast Guard;

[(2) a projection of the remaining operational lifespan of each legacy asset;

[(3) an identification of any changes to the Deepwater program, including—

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

[(B) any changes to the costs for that fiscal year or future fiscal years or the total costs of the Deepwater program, including the costs of new and legacy assets;

[(4) a justification for how any change to the Deepwater program fulfills the mission needs statement for the Deepwater program and performance goals of the Coast Guard;

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

[(6) a detailed explanation of how the costs of the legacy assets are being accounted for within the Deepwater program;

[(7) a description of how the Coast Guard is planning for the integration of Deepwater program assets into the Coast Guard, including needs related to shore-based infrastructure and human resources; and

[(8) a description of the competitive process conducted in all contracts and subcontracts exceeding $2,500,000 awarded under the Deepwater program.]

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SEC. 421. DISTANT WATER TUNA FLEET.

(a) * * *

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(d) EXPIRATION.—This section expires [on December 31, 2012] *on the date the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America ceases to have effect for any party under Article 12.6 or 12.7 of such treaty, as in effect on the date of enactment of the Coast Guard and Maritime Transportation Act of 2011.*

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TITLE 46, UNITED STATES CODE

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Subtitle II—Vessels and Seamen

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PART B—INSPECTION AND REGULATIONS OF VESSELS

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CHAPTER 45—UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS

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§ 4502. Safety standards

(a) * * *

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(f) To ensure compliance with the requirements of this chapter, the Secretary—

(1) shall require the individual in charge of a vessel described in subsection (b) to keep a record of equipment maintenance, and required instruction and drills; [and]

(2) shall examine at dockside a vessel described in subsection (b) [at least once every 2 years] *at least once every 5 years*, and shall issue a certificate of compliance to a vessel meeting the requirements of this chapter[.]*; and*

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

(g)(1) * * *

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(4) The Secretary shall establish [a publicly accessible] *an* electronic database listing the names of individuals who have participated in and received a certificate confirming successful completion of a training program approved by the Secretary under this section.

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PART G—MERCHANT SEAMEN PROTECTION AND RELIEF

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CHAPTER 103—FOREIGN AND INTERCOASTAL VOYAGES

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§ 10313. Wages

(a) * * *

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(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) * * *

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CHAPTER 105—COASTWISE VOYAGES

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§ 10504. Wages

(a) * * *

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(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) * * *

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Subtitle III—Maritime Liability

* * * * * * *

CHAPTER 301—GENERAL LIABILITY PROVISIONS

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

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

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

(3) the seaman or the seaman's personal 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.

* * * * * * *

CHAPTER 313—COMMERCIAL INSTRUMENTS AND MARITIME LIENS

SUBCHAPTER I—GENERAL

Sec.
31301. Definitions.
* * * * * * *
31310. Limitation on maritime liens on fishing permit and permit description.
* * * * * * *

Subchapter I—GENERAL

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

(a) IN GENERAL.—This chapter—

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

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

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

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

(b) FISHING PERMIT DESCRIBED.—A fishing permit—

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

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

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in subsections (a) and (b) shall be construed as imposing any limitation upon the authority of the Secretary of Commerce to modify, suspend, revoke, or sanction any Federal fishery permit issued by the Secretary of Commerce or to bring a civil action to enforce such modification, suspension, revocation, or sanction.

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Subtitle V—Merchant Marine

* * * * * * *

PART D—PROMOTIONAL PROGRAMS

* * * * * * *

CHAPTER 555—MISCELLANEOUS

Sec.
55501. Mobile trade fairs.
55502. Committee on the Marine Transportation System.
* * * * * * *

§ 55502. Committee on the Marine Transportation System

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

(b) PURPOSE.—The Committee shall—

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

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

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

(c) MEMBERSHIP.—

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

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

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

(d) SUPPORT.—

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

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

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

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

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

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

(4) a plan with recommended actions for improving the marine transportation system to meet current and future challenges; and

(5) steps taken to implement actions recommended in previous reports required under this subsection.

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

CHAPTER 556—SHORT SEA TRANSPORTATION

* * * * * * *

§ 55601. Short sea transportation program

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a short sea transportation program and designate short sea transportation projects to be conducted under the program to mitigate [landside congestion.] *landside congestion and to promote increased use of the navigable waters of the United States for transportation of passengers or freight (or both).*

* * * * * * *

(c) SHORT SEA TRANSPORTATION ROUTES.—The Secretary shall designate short sea transportation routes as extensions of the surface transportation system to focus public and private efforts to use the waterways to relieve landside congestion along coastal corridors *and to promote waterborne transportation between ports within the United States*. The Secretary may collect and disseminate data for the designation and delineation of short sea transportation routes.

(d) PROJECT DESIGNATION.—The Secretary may designate a project to be a short sea transportation project if the Secretary determines [that the project may—

[(1) offer a waterborne alternative to available landside transportation services using documented vessels; and

[(2) provide transportation services for passengers or freight (or both) that may reduce congestion on landside infrastructure using documented vessels.] *that the project uses documented vessels and—*

(1) mitigates landside congestion; or

(2) promotes waterborne transportation between ports of the United States.

* * * * * * *

[(f) MULTISTATE, STATE AND REGIONAL TRANSPORTATION PLANNING.—The Secretary, in consultation with Federal entities and State and local governments, shall develop strategies to encourage the use of short sea transportation for transportation of passengers and cargo. The Secretary shall—

[(1) assess the extent to which States and local governments include short sea transportation and other marine transportation solutions in their transportation planning;

[(2) encourage State departments of transportation to develop strategies, where appropriate, to incorporate short sea transportation, ferries, and other marine transportation solutions for regional and interstate transport of freight and passengers in their transportation planning; and

[(3) encourage groups of States and multi-State transportation entities to determine how short sea transportation can address congestion, bottlenecks, and other interstate transportation challenges.]

[(g)] *(f)* GRANTS.—

(1) * * *

* * * * * * *

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

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

* * * * * * *

§ 55605. Short sea transportation defined

In this chapter, the term "short sea transportation" [means the carriage by vessel of cargo—] *means the carriage of passengers or freight (or both) by a vessel documented under the laws of the United States—*

(1) * * *

* * * * * * *

SUBTITLE VIII—MISCELLANEOUS

Chapter.		Sec.
801.	**Wrecks and Salvage**	**80101**
* * * * * * *		
807.	***Standby vessels***	***80701***
* * * * * * *		

CHAPTER 807—STANDBY VESSELS

Sec.
80701. Standby vessels.

§ 80701. Standby vessels

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

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

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

(b) IMPROVED STANDBY VESSEL RESPONSE TIME.—

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

(2) APPROXIMATION OF NORMAL RESPONSE TIME.—Any reduction under paragraph (1) shall be made to a distance that, in weather conditions necessitating the reduction, ensures that a

standby vessel's response time approximates that of a standby vessel covering the distance prescribed in subsection (a) during normal weather conditions.

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

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

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

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

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

TITLE 49, UNITED STATES CODE

* * * * * * *

SUBTITLE I—DEPARTMENT OF TRANSPORTATION

* * * * * * *

CHAPTER 1—ORGANIZATION

* * * * * * *

§ 109. Maritime Administration

(a) [ORGANIZATION] *ORGANIZATION AND MISSION*.—The Maritime Administration is an administration in the Department of Transportation. *The mission of the Maritime Administration is to foster, promote, and develop the domestic merchant maritime industry of the United States.*

* * * * * * *

SECTION 501 OF THE COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004

SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL MARITIME COMMISSION.

There are authorized to be appropriated to the Federal Maritime [Commission—

[(1) for fiscal year 2005, $19,500,000;

[(2) for fiscal year 2006, $20,750,000;

[(3) for fiscal year 2007, $21,500,000; and

[(4) for fiscal year 2008, $22,575,000.] *Commission for each of the fiscal years 2012 through 2015, $22,100,000.*

EXCHANGE OF LETTERS

PETER T. KING, NEW YORK
CHAIRMAN

BENNIE G. THOMPSON, MISSISSIPPI
RANKING MEMBER

One Hundred Twelfth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

September 14, 2011

The Honorable John Mica
Chairman
Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington D.C. 20515

Dear Chairman Mica:

I am writing regarding the jurisdictional interest of the Committee on Homeland Security over provisions in H.R. 2838, the Coast Guard and Maritime Transportation Act of 2011, which the Committee on Transportation and Infrastructure ordered to be reported on September 8, 2011.

I understand the importance of advancing this legislation to the House floor in an expeditious manner. Therefore, the Committee on Homeland Security will not assert its jurisdictional claim over this bill by seeking a sequential referral. This action is conditional on our mutual understanding and agreement that doing so will in no way diminish or alter the jurisdiction of the Committee on Homeland Security over the subject matter included in this or similar legislation. I request that you urge the Speaker to appoint members of this Committee to any conference committee for consideration of any provisions that fall within the jurisdiction of the Committee on Homeland Security in the House-Senate conference on this bill or similar legislation.

I also request that this letter and your response be included in the Transportation and Infrastructure Committee report to H.R. 2838 and in the *Congressional Record* during consideration of this measure on the House floor. Thank you for your consideration of this matter.

Sincerely,

PETER T. KING
Chairman

U.S. House of Representatives
Committee on Transportation and Infrastructure

John L. Mica
Chairman

James W. Coon II, Chief of Staff

Washington, DC 20515
September 27, 2011

Nick J. Rahall, II
Ranking Member

James H. Zoia, Democrat Chief of Staff

The Honorable Peter T. King
Chairman
Committee on Homeland Security
H2-176 Ford House Office Building
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your letter regarding H.R. 2838, the "Coast Guard and Maritime Transportation Act of 2011." I acknowledge that by forgoing a sequential referral on this legislation, your Committee is not diminishing or altering its jurisdiction.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Homeland Security with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and 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. 2838 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,

John L. Mica
Chairman

cc: The Honorable John Boehner
The Honorable Eric Cantor
The Honorable Kevin McCarthy
The Honorable Nancy Pelosi
The Honorable Steny Hoyer
The Honorable Nick J. Rahall, II
The Honorable Bennie G. Thompson
Mr. John Sullivan, Parliamentarian

LAMAR S. SMITH, Texas
CHAIRMAN

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TOM MARINO, Pennsylvania
TREY GOWDY, South Carolina
DENNIS ROSS, Florida
SANDY ADAMS, Florida
BEN QUAYLE, Arizona

ONE HUNDRED TWELFTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON THE JUDICIARY
2138 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6216
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TED DEUTCH, Florida
LINDA T. SÁNCHEZ, California
DEBBIE WASSERMAN SCHULTZ, Florida

September 27, 2011

The Honorable John Mica
Chairman
Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Mica,

I am writing concerning H.R. 2838, the "Coast Guard and Maritime Transportation Act of 2011," which was reported favorably by your committee on September 8. As a result of your having consulted with us on provisions in H.R. 2838 that fall within the Rule X jurisdiction of the Committee on the Judiciary, we are able to agree to forego action on this bill in order that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2838 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 2838, and would ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during floor consideration.

Sincerely,

Lamar Smith
Chairman

cc: The Honorable John Boehner
The Honorable Nick J. Rahall, II
The Honorable John Conyers, Jr.
Mr. John Sullivan, Parliamentarian



U.S. House of Representatives
Committee on Transportation and Infrastructure

John L. Mica
Chairman

James W. Coon II, Chief of Staff

Washington, DC 20515

September 27, 2011

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I will include our letters on H.R. 2838 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,

John L. Mica
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