

Public Law 111–281
111th Congress

An Act

To authorize appropriations for the Coast Guard for fiscal year 2011, and for other purposes.

Oct. 15, 2010
[H.R. 3619]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Coast Guard
Authorization
Act of 2010.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Coast Guard Authorization Act of 2010”.

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

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

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

TITLE II—COAST GUARD

Sec. 201. Appointment of civilian Coast Guard judges.

Sec. 202. Industrial activities.

Sec. 203. Reimbursement for medical-related travel expenses.

Sec. 204. Commissioned officers.

Sec. 205. Coast Guard participation in the Armed Forces Retirement Home (AFRH) system.

Sec. 206. Grants to international maritime organizations.

Sec. 207. Leave retention authority.

Sec. 208. Enforcement authority.

Sec. 209. Repeal.

Sec. 210. Merchant Mariner Medical Advisory Committee.

Sec. 211. Reserve commissioned warrant officer to lieutenant program.

Sec. 212. Enhanced status quo officer promotion system.

Sec. 213. Coast Guard vessels and aircraft.

Sec. 214. Coast Guard District Ombudsmen.

Sec. 215. Coast Guard commissioned officers: compulsory retirement.

Sec. 216. Enforcement of coastwise trade laws.

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

Sec. 218. Home port of Coast Guard vessels in Guam.

Sec. 219. Supplemental positioning system.

Sec. 220. Assistance to foreign governments and maritime authorities.

Sec. 221. Coast guard housing.

Sec. 222. Child development services.

Sec. 223. Chaplain activity expense.

Sec. 224. Coast Guard cross; silver star medal.

TITLE III—SHIPPING AND NAVIGATION

Sec. 301. Seaward extension of anchorage grounds jurisdiction.

Sec. 302. Maritime Drug Law Enforcement Act amendment-simple possession.

Sec. 303. Technical amendments to tonnage measurement law.

Sec. 304. Merchant mariner document standards.

Sec. 305. Ship emission reduction technology demonstration project.

Sec. 306. Phaseout of vessels supporting oil and gas development.

Sec. 307. Arctic marine shipping assessment implementation.

TITLE IV—ACQUISITION REFORM

- Sec. 401. Chief Acquisition Officer.
- Sec. 402. Acquisitions.
- Sec. 403. National Security Cutters.
- Sec. 404. Acquisition workforce expedited hiring authority.

TITLE V—COAST GUARD MODERNIZATION

- Sec. 501. Short title.

Subtitle A—Coast Guard Leadership

- Sec. 511. Vice admirals.

Subtitle B—Workforce Expertise

- Sec. 521. Prevention and response staff.
- Sec. 522. Marine safety mission priorities and long-term goals.
- Sec. 523. Powers and duties.
- Sec. 524. Appeals and waivers.
- Sec. 525. Coast Guard Academy.
- Sec. 526. Report regarding civilian marine inspectors.

TITLE VI—MARINE SAFETY

- Sec. 601. Short title.
- Sec. 602. Vessel size limits.
- Sec. 603. Cold weather survival training.
- Sec. 604. Fishing vessel safety.
- Sec. 605. Mariner records.
- Sec. 606. Deletion of exemption of license requirement for operators of certain towing vessels.
- Sec. 607. Log books.
- Sec. 608. Safe operations and equipment standards.
- Sec. 609. Approval of survival craft.
- Sec. 610. Safety management.
- Sec. 611. Protection against discrimination.
- Sec. 612. Oil fuel tank protection.
- Sec. 613. Oaths.
- Sec. 614. Duration of licenses, certificates of registry, and merchant mariners' documents.
- Sec. 615. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.
- Sec. 616. Merchant mariner assistance report.
- Sec. 617. Offshore supply vessels.
- Sec. 618. Associated equipment.
- Sec. 619. Lifesaving devices on uninspected vessels.
- Sec. 620. Study of blended fuels in marine application.
- Sec. 621. Renewal of advisory committees.
- Sec. 622. Delegation of authority.

TITLE VII—OIL POLLUTION PREVENTION

- Sec. 701. Rulemakings.
- Sec. 702. Oil transfers from vessels.
- Sec. 703. Improvements to reduce human error and near miss incidents.
- Sec. 704. Olympic Coast National Marine Sanctuary.
- Sec. 705. Prevention of small oil spills.
- Sec. 706. Improved coordination with tribal governments.
- Sec. 707. Report on availability of technology to detect the loss of oil.
- Sec. 708. Use of oil spill liability trust fund.
- Sec. 709. International efforts on enforcement.
- Sec. 710. Higher volume port area regulatory definition change.
- Sec. 711. Tug escorts for laden oil tankers.
- Sec. 712. Extension of financial responsibility.
- Sec. 713. Liability for use of single-hull vessels.

TITLE VIII—PORT SECURITY

- Sec. 801. America's Waterway Watch Program.
- Sec. 802. Transportation Worker Identification Credential.
- Sec. 803. Interagency operational centers for port security.
- Sec. 804. Deployable, specialized forces.
- Sec. 805. Coast Guard detection canine team program expansion.
- Sec. 806. Coast Guard port assistance Program.
- Sec. 807. Maritime biometric identification.

“§ 47. Vice commandant; appointment”.

(2) The section caption for section 52 of title 14, United States Code, is amended to read as follows:

“§ 52. Vice admirals and admiral, continuity of grade”.

(3) The table of contents for chapter 3 of such title is amended—

(A) by striking the item relating to section 47 and inserting the following:

“47. Vice Commandant; appointment.”;

(B) by striking the item relating to section 50a;

(C) by striking the item relating to section 50 and inserting the following:

“50. Vice admirals.”; and

(D) by striking the item relating to section 52 and inserting the following:

“52. Vice admirals and admiral, continuity of grade.”.

(g) TECHNICAL CORRECTION.—Section 47 of such title is further amended by striking “subsection” in the fifth sentence and inserting “section”.

(h) TREATMENT OF INCUMBENTS; TRANSITION.—

14 USC 50 note.

(1) Notwithstanding any other provision of law, an officer who, on the date of enactment of this Act, is serving as Chief of Staff, Commander, Atlantic Area, or Commander, Pacific Area—

(A) shall continue to have the grade of vice admiral with pay and allowance of that grade until such time that the officer is relieved of his duties and appointed and confirmed to another position as a vice admiral or admiral; or

(B) for the purposes of transition, may continue at the grade of vice admiral with pay and allowance of that grade, for not more than 1 year after the date of enactment of this Act, to perform the duties of the officer’s former position and any other such duties that the Commandant prescribes.

Subtitle B—Workforce Expertise**SEC. 521. PREVENTION AND RESPONSE STAFF.**

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

“§ 57. Prevention and response workforces

“(a) CAREER PATHS.—The Secretary, acting through the Commandant, shall ensure that appropriate career paths for civilian and military Coast Guard personnel who wish to pursue career paths in prevention or response positions are identified in terms of the education, training, experience, and assignments necessary for career progression of civilians and members of the Armed Forces to the most senior prevention or response positions, as appropriate. The Secretary shall make available published information on such career paths.

Availability.

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

“(1) marine inspector shall have the training, experience, and qualifications equivalent to that required for a similar position at a classification society recognized by the Secretary under section 3316 of title 46 for the type of vessel, system, or equipment that is inspected;

“(2) marine casualty investigator shall have the training, experience, and qualifications in investigation, marine casualty reconstruction, evidence collection and preservation, human factors, and documentation using best investigation practices by Federal and non-Federal entities; or

“(3) marine safety engineer shall have knowledge, skill, and practical experience in—

“(A) the construction and operation of commercial vessels;

“(B) judging the character, strength, stability, and safety qualities of such vessels and their equipment; or

“(C) the qualifications and training of vessel personnel.

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

“(d) MANAGEMENT INFORMATION SYSTEM.—The Secretary, acting through the Commandant, shall establish a management information system for the prevention and response workforces that shall provide, at a minimum, the following standardized information on persons serving in those workforces:

“(1) Qualifications, assignment history, and tenure in assignments.

“(2) Promotion rates for military and civilian personnel.

“(e) ASSESSMENT OF ADEQUACY OF MARINE SAFETY WORKFORCE.—

“(1) REPORT.—The Secretary, acting through the Commandant, shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by December 1 of each year on the adequacy of the current marine safety workforce to meet that anticipated workload.

“(2) CONTENTS.—The report shall specify the number of civilian and military Coast Guard personnel currently assigned to marine safety positions and shall identify positions that are understaffed to meet the anticipated marine safety workload.

“(f) SECTOR CHIEF OF PREVENTION.—There shall be in each Coast Guard sector a Chief of Prevention who shall be at least a Lieutenant Commander or civilian employee within the grade GS-13 of the General Schedule, and who shall be a—

“(1) marine inspector, qualified to inspect vessels, vessel systems, and equipment commonly found in the sector; and

“(2) qualified marine casualty investigator or marine safety engineer.

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

“(h) SECTOR CHIEF OF RESPONSE.—There shall be in each Coast Guard sector a Chief of Response who shall be at least a Lieutenant Commander or civilian employee within the grade GS-13 of the General Schedule in each Coast Guard sector.

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

“(a) ESTABLISHMENT.—The Commandant of the Coast Guard may establish and operate one or more centers of expertise for prevention and response missions of the Coast Guard (in this section referred to as a ‘center’).

“(b) MISSIONS.—Each center shall—

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

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

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

“(c) JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.—The Commandant may enter into an agreement with an appropriate official of an institution of higher education to—

“(1) provide for joint operation of a center; and

“(2) provide necessary administrative services for a center, including administration and allocation of funds.

“(d) ACCEPTANCE OF DONATIONS.—

“(1) Except as provided in paragraph (2), the Commandant may accept, on behalf of a center, donations to be used to defray the costs of the center or to enhance the operation of the center. Those donations may be accepted from any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any individual.

“(2) The Commandant may not accept a donation under paragraph (1) if the acceptance of the donation would compromise or appear to compromise—

“(A) the ability of the Coast Guard or the department in which the Coast Guard is operating, any employee of the Coast Guard or the department, or any member of the Armed Forces to carry out any responsibility or duty in a fair and objective manner; or

“(B) the integrity of any program of the Coast Guard, the department in which the Coast Guard is operating, or of any person involved in such a program.

“(3) The Commandant shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a donation from a foreign source would have a result described in paragraph (2).

Guidelines.

“§ 59. Marine industry training program

“(a) IN GENERAL.—The Commandant shall, by policy, establish a program under which an officer, member, or employee of the Coast Guard may be assigned to a private entity to further the institutional interests of the Coast Guard with regard to marine safety, including for the purpose of providing training to an officer, member, or employee. Policies to carry out the program—

“(1) with regard to an employee of the Coast Guard, shall include provisions, consistent with sections 3702 through 3704 of title 5, as to matters concerning—

“(A) the duration and termination of assignments;

“(B) reimbursements; and

“(C) status, entitlements, benefits, and obligations of program participants; and

“(2) shall require the Commandant, before approving the assignment of an officer, member, or employee of the Coast Guard to a private entity, to determine that the assignment is an effective use of the Coast Guard’s funds, taking into account the best interests of the Coast Guard and the costs and benefits of alternative methods of achieving the same results and objectives.

“(b) ANNUAL REPORT.—Not later than the date of the submission each year of the President’s budget request under section 1105 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes—

“(1) the number of officers, members, and employees of the Coast Guard assigned to private entities under this section; and

“(2) the specific benefit that accrues to the Coast Guard for each assignment.”

14 USC 41.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is further amended by adding at the end the following new items:

“57. Prevention and response workforces.

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

“59. Marine industry training programs.”

SEC. 522. MARINE SAFETY MISSION PRIORITIES AND LONG-TERM GOALS.

(a) IN GENERAL.—Chapter 21 of title 46, United States Code, is amended by adding at the end the following new section:

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

“(a) LONG-TERM STRATEGY AND GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary shall develop a long-term strategy for improving vessel safety and the safety of individuals on vessels. The strategy shall include the issuance each year of an annual plan and schedule for achieving the following goals:

“(1) Reducing the number and rates of marine casualties.

“(2) Improving the consistency and effectiveness of vessel and operator enforcement and compliance programs.

“(3) Identifying and targeting enforcement efforts at high-risk vessels and operators.

“(4) Improving research efforts to enhance and promote vessel and operator safety and performance.

“(b) CONTENTS OF STRATEGY AND ANNUAL PLANS.—

“(1) MEASURABLE GOALS.—The strategy and annual plans shall include specific numeric or measurable goals designed to achieve the goals set forth in subsection (a). The purposes of the numeric or measurable goals are the following:

“(A) To increase the number of safety examinations on all high-risk vessels.

“(B) To eliminate the backlog of marine safety-related rulemakings.

“(C) To improve the quality and effectiveness of marine safety information databases by ensuring that all Coast Guard personnel accurately and effectively report all safety, casualty, and injury information.

“(D) To provide for a sufficient number of Coast Guard marine safety personnel, and provide adequate facilities and equipment to carry out the functions referred to in section 93(c).

“(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of—

“(A) the funds and staff resources needed to accomplish each activity included in the strategy and plans; and

“(B) the staff skills and training needed for timely and effective accomplishment of each goal.

“(c) SUBMISSION WITH THE PRESIDENT’S BUDGET.—Beginning with fiscal year 2011 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan not later than 60 days following the transmission of the President’s budget submission under section 1105 of title 31.

Effective date.
Deadline.
Plans.

“(d) ACHIEVEMENT OF GOALS.—

“(1) PROGRESS ASSESSMENT.—No less frequently than semi-annually, the Coast Guard Commandant shall assess the progress of the Coast Guard toward achieving the goals set forth in subsection (b). The Commandant shall convey the Commandant’s assessment to the employees of the marine safety workforce and shall identify any deficiencies that should be remedied before the next progress assessment.

Deadline.

“(2) REPORT TO CONGRESS.—The Secretary shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

“(A) on the performance of the marine safety program in achieving the goals of the marine safety strategy and annual plan under subsection (a) for the year covered by the report;

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

“(C) recommendations on how to improve performance of the program.”.

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

46 USC 2101.

“2116. Marine safety strategy, goals, and performance assessments.”.

(c) CERTIFICATES OF INSPECTION.—Section 3309 of title 46, United States Code, is amended by adding at the end the following:

“(d) A certificate of inspection issued under this section shall be signed by the senior Coast Guard member or civilian employee who inspected the vessel, in addition to the officer in charge of marine inspection.”.

SEC. 523. POWERS AND DUTIES.

Section 93 of title 14, United States Code, is amended by adding at the end the following new subsections:

“(c) **MARINE SAFETY RESPONSIBILITIES.**—In exercising the Commandant’s duties and responsibilities with regard to marine safety, the individual with the highest rank who meets the experience qualifications set forth in section 50(a)(3) shall serve as the principal advisor to the Commandant regarding—

“(1) the operation, regulation, inspection, identification, manning, and measurement of vessels, including plan approval and the application of load lines;

“(2) approval of materials, equipment, appliances, and associated equipment;

“(3) the reporting and investigation of marine casualties and accidents;

“(4) the licensing, certification, documentation, protection and relief of merchant seamen;

“(5) suspension and revocation of licenses and certificates;

“(6) enforcement of manning requirements, citizenship requirements, control of log books;

“(7) documentation and numbering of vessels;

“(8) State boating safety programs;

“(9) commercial instruments and maritime liens;

“(10) the administration of bridge safety;

“(11) administration of the navigation rules;

“(12) the prevention of pollution from vessels;

“(13) ports and waterways safety;

“(14) waterways management; including regulation for regattas and marine parades;

“(15) aids to navigation; and

“(16) other duties and powers of the Secretary related to marine safety and stewardship.

“(d) **OTHER AUTHORITY NOT AFFECTED.**—Nothing in subsection (c) affects—

“(1) the authority of Coast Guard officers and members to enforce marine safety regulations using authority under section 89 of this title; or

“(2) the exercise of authority under section 91 of this title and the provisions of law codified at sections 191 through 195 of title 50 on the date of enactment of this paragraph.”.

SEC. 524. APPEALS AND WAIVERS.

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

“§ 102. Appeals and waivers

“Except for the Commandant of the Coast Guard, any individual adjudicating an appeal or waiver of a decision regarding marine safety, including inspection or manning and threats to the environment, shall—

“(1) be a qualified specialist with the training, experience, and qualifications in marine safety to effectively judge the

facts and circumstances involved in the appeal and make a judgment regarding the merits of the appeal; or

“(2) have a senior staff member who—

“(A) meets the requirements of paragraph (1);

“(B) actively advises the individual adjudicating the appeal; and

“(C) concurs in writing on the decision on appeal.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item: “102. Appeals and waivers.”. 14 USC 81.

SEC. 525. COAST GUARD ACADEMY.

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

“§ 200. Marine safety curriculum

“The Commandant of the Coast Guard shall ensure that professional courses of study in marine safety are provided at the Coast Guard Academy, and during other officer accession programs, to give Coast Guard cadets and other officer candidates a background and understanding of the marine safety program. These courses may include such topics as program history, vessel design and construction, vessel inspection, casualty investigation, and administrative law and regulations.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item: “200. Marine safety curriculum.”. 14 USC 181.

SEC. 526. REPORT REGARDING CIVILIAN MARINE INSPECTORS.

Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on Coast Guard’s efforts to recruit and retain civilian marine inspectors and investigators and the impact of such recruitment and retention efforts on Coast Guard organizational performance.

TITLE VI—MARINE SAFETY

Maritime Safety Act of 2010.

SEC. 601. SHORT TITLE.

This title may be cited as the “Maritime Safety Act of 2010”.

46 USC 101 note.

SEC. 602. VESSEL SIZE LIMITS.

(a) LENGTH, TONNAGE, AND HORSEPOWER.—Section 12113(d)(2) of title 46, United States Code, is amended—

(1) by inserting “and” after the semicolon at the end of subparagraph (A)(i);

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

(3) by striking subparagraph (A)(iii);

(4) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(5) by inserting at the end the following:

“(C) the vessel is either a rebuilt vessel or a replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112