

# One Hundred Eleventh Congress of the United States of America

## AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday,  
the fifth day of January, two thousand and ten*

### An Act

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

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

#### 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.

vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—

“(i) shall be based on the catch history determination for the vessel made pursuant to section 679.62 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2010; and

“(ii) shall be assigned, for all purposes under this title, in the manner specified by the owner of the vessel being removed to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery cooperative for at least one year after the date on which the vessel being removed leaves the directed pollock fishery.

“(B) ELIGIBILITY FOR FISHERY ENDORSEMENT.—Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

“(C) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed—

“(i) to make the vessels AJ (United States official number 905625), DONA MARTITA (United States official number 651751), NORDIC EXPLORER (United States official number 678234), and PROVIDIAN (United States official number 1062183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the authority of the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Act; or

“(ii) to allow the vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner that is not consistent with the fishery management plan for the fishery developed by the Councils under section 303 of the Magnuson-Stevens Act.”.

**SEC. 603. COLD WEATHER SURVIVAL TRAINING.**

The Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the efficacy of cold weather survival training conducted by the Coast Guard over the preceding 5 years. The report shall include plans for conducting such training in fiscal years 2010 through 2013.

**SEC. 604. FISHING VESSEL SAFETY.**

(a) SAFETY STANDARDS.—Section 4502 of title 46, United States Code, is amended—

(1) in subsection (a), by—

(A) striking paragraphs (6) and (7) and inserting the following:

“(6) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment; and”;

(B) redesignating paragraph (8) as paragraph (7);

(2) in subsection (b)—

(A) in paragraph (1) in the matter preceding subparagraph (A), by striking “documented”;

(B) in paragraph (1)(A), by striking “the Boundary Line” and inserting “3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes”;

(C) in paragraph (2)(B), by striking “lifeboats or life rafts” and inserting “a survival craft that ensures that no part of an individual is immersed in water”;

(D) in paragraph (2)(D), by inserting “marine” before “radio”;

(E) in paragraph (2)(E), by striking “radar reflectors, nautical charts, and anchors” and inserting “nautical charts, and publications”;

(F) in paragraph (2)(F), by striking “, including medicine chests” and inserting “and medical supplies sufficient for the size and area of operation of the vessel”;

(G) by amending paragraph (2)(G) to read as follows: “(G) ground tackle sufficient for the vessel.”;

(3) by amending subsection (f) to read as follows:

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

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

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

(4) by adding at the end the following:

“(g)(1) The individual in charge of a vessel described in subsection (b) must pass a training program approved by the Secretary that meets the requirements in paragraph (2) of this subsection and hold a valid certificate issued under that program.

“(2) The training program shall—

“(A) be based on professional knowledge and skill obtained through sea service and hands-on training, including training in seamanship, stability, collision prevention, navigation, fire fighting and prevention, damage control, personal survival, emergency medical care, emergency drills, and weather;

“(B) require an individual to demonstrate ability to communicate in an emergency situation and understand information found in navigation publications;

“(C) recognize and give credit for recent past experience in fishing vessel operation; and

“(D) provide for issuance of a certificate to an individual that has successfully completed the program.

“(3) The Secretary shall prescribe regulations implementing this subsection. The regulations shall require that individuals who are issued a certificate under paragraph (2)(D) must complete refresher training at least once every 5 years as a condition of maintaining the validity of the certificate.

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

“(h) A vessel to which this chapter applies shall be constructed in a manner that provides a level of safety equivalent to the minimum safety standards the Secretary may establish for recreational vessels under section 4302, if—

“(1) subsection (b) of this section applies to the vessel;

“(2) the vessel is less than 50 feet overall in length; and

“(3) the vessel is built after January 1, 2010.

“(i)(1) The Secretary shall establish a Fishing Safety Training Grants Program to provide funding to municipalities, port authorities, other appropriate public entities, not-for-profit organizations, and other qualified persons that provide commercial fishing safety training—

“(A) to conduct fishing vessel safety training for vessel operators and crewmembers that—

“(i) in the case of vessel operators, meets the requirements of subsection (g); and

“(ii) in the case of crewmembers, meets the requirements of subsection (g)(2)(A), such requirements of subsection (g)(2)(B) as are appropriate for crewmembers, and the requirements of subsections (g)(2)(D), (g)(3), and (g)(4); and

“(B) for purchase of safety equipment and training aids for use in those fishing vessel safety training programs.

“(2) The Secretary shall award grants under this subsection on a competitive basis.

“(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.

“(4) There is authorized to be appropriated \$3,000,000 for each of fiscal years 2010 through 2014 for grants under this subsection.

“(j)(1) The Secretary shall establish a Fishing Safety Research Grant Program to provide funding to individuals in academia, members of non-profit organizations and businesses involved in fishing and maritime matters, and other persons with expertise in fishing safety, to conduct research on methods of improving the safety of the commercial fishing industry, including vessel design, emergency and survival equipment, enhancement of vessel monitoring systems, communications devices, de-icing technology, and severe weather detection.

“(2) The Secretary shall award grants under this subsection on a competitive basis.

“(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.

“(4) There is authorized to be appropriated \$3,000,000 for each fiscal years 2010 through 2014 for activities under this subsection.”.

(b) CONFORMING AMENDMENT.—Section 4506(b) of title 46, United States Code, is repealed.

(c) ADVISORY COMMITTEE.—

(1) CHANGE OF NAME.—Section 4508 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

**“§ 4508. Commercial Fishing Safety Advisory Committee”;**

and

(B) in subsection (a) by striking “Industry Vessel”.

(2) MEMBERSHIP REQUIREMENTS.—Section 4508(b)(1) of that title is amended—

(A) by striking “seventeen” and inserting “eighteen”;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “from the commercial fishing industry who—” and inserting “who shall represent the commercial fishing industry and who—”; and

(ii) in clause (ii), by striking “an uninspected” and inserting “a”;

(C) by striking subparagraph (B) and inserting the following:

“(B) three members who shall represent the general public, including, whenever possible—

“(i) an independent expert or consultant in maritime safety;

“(ii) a marine surveyor who provides services to vessels to which this chapter applies; and

“(iii) a person familiar with issues affecting fishing communities and families of fishermen;” and

(D) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking “representing each of—” and inserting “each of whom shall represent—”;

(ii) in clause (i), by striking “or marine surveyors;” and inserting “and marine engineers;”;

(iii) in clause (iii), by striking “and” after the semicolon at the end;

(iv) in clause (iv), by striking the period at the end and inserting “; and”; and

(v) by adding at the end the following new clause: “(v) owners of vessels to which this chapter applies.”.

(3) TERMINATION.—Section 4508(e)(1) of that title is amended by striking “September 30, 2010.” and inserting “September 30, 2020.”.

(4) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

“4508. Commercial Fishing Safety Advisory Committee.”.

(d) LOADLINES FOR VESSELS 79 FEET OR GREATER IN LENGTH.—

(1) LIMITATION ON EXEMPTION FOR FISHING VESSELS.—Section 5102(b)(3) of title 46, United States Code, is amended by inserting after “vessel” the following “, unless the vessel is built after July 1, 2012”.

(2) ALTERNATE PROGRAM FOR CERTAIN FISHING VESSELS.—Section 5103 of title 46, United States Code, is amended by adding at the end the following:

“(c) A fishing vessel built on or before July 1, 2012, that undergoes a substantial change to the dimension of or type of the vessel completed after the later of July 1, 2012, or the date the Secretary establishes standards for an alternate loadline compliance program, shall comply with such an alternative loadline compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary.”

(e) CLASSING OF VESSELS.—

(1) IN GENERAL.—Section 4503 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

**“§ 4503. Fishing, fish tender, and fish processing vessel certification”;**

(B) in subsection (a) by striking “fish processing”; and  
(C) by adding at the end the following:

“(c) This section applies to a vessel to which section 4502(b) of this title applies that is at least 50 feet overall in length and is built after July 1, 2012.

“(d)(1) After January 1, 2020, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with an alternate safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary, if the vessel—

“(A) is at least 50 feet overall in length;

“(B) is built before July 1, 2012; and

“(C) is 25 years of age or older.

“(2) A fishing vessel, fish processing vessel, or fish tender vessel built before July 1, 2012, that undergoes a substantial change to the dimension of or type of vessel completed after the later of July 1, 2012, or the date the Secretary establishes standards for an alternate safety compliance program, shall comply with such an alternative safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary.

“(3) Alternative safety compliance programs may be developed for purposes of paragraph (1) for specific regions and fisheries.

“(4) Notwithstanding paragraph (1), vessels owned by a person that owns more than 30 vessels subject to that paragraph are not required to meet the alternate safety compliance requirements of that paragraph until January 1, 2030, if that owner enters into a compliance agreement with the Secretary that provides for a fixed schedule for all of the vessels owned by that person to meet requirements of that paragraph by that date and the vessel owner is meeting that schedule.

“(5) A fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies that was classed before July 1, 2012, shall—

“(A) remain subject to the requirements of a classification society approved by the Secretary; and

“(B) have on board a certificate from that society.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

“4503. Fishing, fish tender, and fish processing vessel certification.”

(f) ALTERNATIVE SAFETY COMPLIANCE PROGRAM.—No later than January 1, 2017, the Secretary of the department in which the Coast Guard is operating shall prescribe an alternative safety compliance program referred to in section 4503(d)(1) of the title 46, United States Code, as amended by this section.

**SEC. 605. MARINER RECORDS.**

Section 7502 of title 46, United States Code, is amended—

- (1) by inserting “(a)” before “The”;
- (2) by striking “computerized records” and inserting “records, including electronic records,”; and
- (3) by adding at the end the following:

“(b) The Secretary may prescribe regulations requiring a vessel owner or managing operator of a commercial vessel, or the employer of a seaman on that vessel, to maintain records of each individual engaged on the vessel subject to inspection under chapter 33 on matters of engagement, discharge, and service for not less than 5 years after the date of the completion of the service of that individual on the vessel. The regulations may require that a vessel owner, managing operator, or employer shall make these records available to the individual and the Coast Guard on request.

“(c) A person violating this section, or a regulation prescribed under this section, is liable to the United States Government for a civil penalty of not more than \$5,000.”.

**SEC. 606. DELETION OF EXEMPTION OF LICENSE REQUIREMENT FOR OPERATORS OF CERTAIN TOWING VESSELS.**

Section 8905 of title 46, United States Code, is amended—

- (1) by striking subsection (b); and
- (2) by redesignating subsection (c) as subsection (b).

**SEC. 607. LOG BOOKS.**

(a) IN GENERAL.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following:

**“§ 11304. Additional logbook and entry requirements**

“(a) A vessel of the United States that is subject to inspection under section 3301 of this title, except a vessel on a voyage from a port in the United States to a port in Canada, shall have an official logbook, which shall be kept available for review by the Secretary on request.

“(b) The log book required by subsection (a) shall include the following entries:

- “(1) The time when each seaman and each officer assumed or relieved the watch.
- “(2) The number of hours in service to the vessels of each seaman and each officer.
- “(3) An account of each accident, illness, and injury that occurs during each watch.”.

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

“11304. Additional logbook and entry requirements.”.

**SEC. 608. SAFE OPERATIONS AND EQUIPMENT STANDARDS.**

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