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111TH CONGRESS
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H. R. 2650

[Report No. 111-352]

To amend title 14, United States Code, to modernize the leadership of the Coast Guard, to modernize the administration of marine safety by the Coast Guard, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 2009

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

DECEMBER 3, 2009

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend title 14, United States Code, to modernize the leadership of the Coast Guard, to modernize the administration of marine safety by the Coast Guard, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Coast Guard Mod-
3 ernization Act of 2009”.

4 **TITLE I—COAST GUARD**
5 **LEADERSHIP**

6 **SEC. 101. ADMIRALS AND VICE ADMIRALS.**

7 (a) ADMIRALS.—Section 41 of title 14, United States
8 Code, is amended by striking “an admiral,” and inserting
9 “admirals;”.

10 (b) VICE COMMANDANT.—Section 47 of title 14,
11 United States Code, is amended—

12 (1) in the section heading by striking “ASSIGN-
13 MENT” and inserting “APPOINTMENT”; and

14 (2) in the text by striking “vice admiral” and
15 inserting “admiral”.

16 (c) VICE ADMIRALS.—

17 (1) IN GENERAL.—Section 50 of title 14,
18 United States Code, is amended to read as follows:

19 **“§ 50. Vice admirals**

20 “(a)(1) The President may designate 4 positions of
21 importance and responsibility that shall be held by officers
22 who—

23 “(A) while so serving, shall have the grade of
24 vice admiral, with the pay and allowances of that
25 grade; and

1 “(B) shall perform any duties as the Com-
2 mandant may prescribe.

3 “(2) The 4 vice admiral positions authorized under
4 paragraph (1) are, respectively, the following:

5 “(A) The Deputy Commandant for Mission
6 Support.

7 “(B) The Deputy Commandant for Operations
8 and Policy.

9 “(C) The Commander, Force Readiness Com-
10 mand.

11 “(D) The Commander, Operations Command.

12 “(3) The President may appoint, by and with the ad-
13 vice and consent of the Senate, and reappoint, by and with
14 the advice and consent of the Senate, to each of the posi-
15 tions designated under paragraph (1) an officer of the
16 Coast Guard who is serving on active duty above the grade
17 of captain. The Commandant shall make recommendations
18 for those appointments.

19 “(4)(A) Except as provided in subparagraph (B), the
20 Deputy Commandant for Operations and Policy must have
21 at least 10 years experience in vessel inspection, marine
22 casualty investigations, mariner licensing, or an equivalent
23 technical expertise in the design and construction of com-
24 mercial vessels, with at least 4 years of leadership experi-

1 ence at a staff or unit carrying out marine safety func-
2 tions.

3 “(B) The requirements of subparagraph (A) do not
4 apply to such Deputy Commandant if the subordinate offi-
5 cer serving in the grade of rear admiral with responsibil-
6 ities for marine safety, security, and stewardship possesses
7 that experience.

8 “(b)(1) The appointment and the grade of vice admi-
9 ral under this section shall be effective on the date the
10 officer assumes that duty and, except as provided in para-
11 graph (2) of this subsection or in section 51(d) of this
12 title, shall terminate on the date the officer is detached
13 from that duty.

14 “(2) An officer who is appointed to a position des-
15 ignated under subsection (a) shall continue to hold the
16 grade of vice admiral—

17 “(A) while under orders transferring the officer
18 to another position designated under subsection (a),
19 beginning on the date the officer is detached from
20 duty and terminating on the date before the day the
21 officer assumes the subsequent duty, but not for
22 more than 60 days;

23 “(B) while hospitalized, beginning on the day of
24 the hospitalization and ending on the day the officer

1 is discharged from the hospital, but not for more
2 than 180 days; and

3 “(C) while awaiting retirement, beginning on
4 the date the officer is detached from duty and end-
5 ing on the day before the officer’s retirement, but
6 not for more than 60 days.

7 “(c)(1) An appointment of an officer under sub-
8 section (a) does not vacate the permanent grade held by
9 the officer.

10 “(2) An officer serving in a grade above rear admiral
11 who holds the permanent grade of rear admiral (lower
12 half) shall be considered for promotion to the permanent
13 grade of rear admiral as if the officer was serving in the
14 officer’s permanent grade.

15 “(d) Whenever a vacancy occurs in a position des-
16 ignated under subsection (a), the Commandant shall in-
17 form the President of the qualifications needed by an offi-
18 cer serving in that position to carry out effectively the du-
19 ties and responsibilities of that position.”.

20 (2) APPLICATION OF DEPUTY COMMANDANT
21 QUALIFICATION REQUIREMENT.—The requirement
22 under section 50(a)(4)(A) of title 14, United States
23 Code, as amended by this subsection, shall apply on
24 and after October 1, 2011.

1 (d) REPEAL.—Section 50a of title 14, United States
2 Code, is repealed.

3 (e) CONFORMING AMENDMENT.—Section 51 of that
4 title is amended—

5 (1) by amending subsections (a), (b), and (c) to
6 read as follows:

7 “(a) An officer, other than the Commandant, who,
8 while serving in the grade of admiral or vice admiral, is
9 retired for physical disability shall be placed on the retired
10 list with the highest grade in which that officer served.

11 “(b) An officer, other than the Commandant, who is
12 retired while serving in the grade of admiral or vice admiral,
13 or who, after serving at least two and one-half years
14 in the grade of admiral or vice admiral, is retired while
15 serving in a lower grade, may in the discretion of the
16 President, be retired with the highest grade in which that
17 officer served.

18 “(c) An officer, other than the Commandant, who,
19 after serving less than two and one-half years in the grade
20 of admiral or vice admiral, is retired while serving in a
21 lower grade, shall be retired in his permanent grade.”; and

22 (2) in subsection (d)(2) by striking “Area Com-
23 mander, or Chief of Staff” and inserting “or Vice
24 Admirals”.

1 (f) CONTINUITY OF GRADE.—Section 52 of title 14,
2 United States Code, is amended—

3 (1) in the section heading by inserting “**and**
4 **admirals**” after “**Vice admirals**”; and

5 (2) in the text by inserting “or admiral” after
6 “vice admiral” the first time that term appears.

7 (g) CONTINUATION ON ACTIVE DUTY.—The second
8 sentence of section 290(a) of title 14, United States Code,
9 is amended to read as follows: “Officers, other than the
10 Commandant, serving for the time being or who have
11 served in the grade of vice admiral or admiral are not sub-
12 ject to consideration for continuation under this sub-
13 section, and as to all other provisions of this section shall
14 be considered as having been continued in the grade of
15 rear admiral.”.

16 (h) TREATMENT OF INCUMBENTS; TRANSITION.—

17 (1) VICE COMMANDANT.—Notwithstanding any
18 other provision of law, the officer who, on the date
19 of enactment of this Act, is serving in the Coast
20 Guard as Vice Commandant—

21 (A) shall continue to serve as Vice Com-
22 mandant;

23 (B) shall have the grade of admiral with
24 pay and allowances of that grade; and

1 (C) shall not be required to be reappointed
2 by reason of the enactment of this Act.

3 (2) CHIEF OF STAFF, COMMANDER, ATLANTIC
4 AREA, OR COMMANDER, PACIFIC AREA.—Notwith-
5 standing any other provision of law, an officer who,
6 on the date of enactment of this Act, is serving in
7 the Coast Guard as Chief of Staff, Commander, At-
8 lantic Area, or Commander, Pacific Area—

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

15 (B) for the purposes of transition, may
16 continue, for not more than one year after the
17 date of enactment of this Act, to perform the
18 duties of the officer's former position and any
19 other such duties that the Commandant pre-
20 scribes.

21 (i) CLERICAL AMENDMENTS.—

22 (1) The table of sections at the beginning of
23 chapter 3 of title 14, United States Code, is amend-
24 ed—

1 (A) by striking the item relating to section
2 47 and inserting the following:

“47. Vice Commandant; appointment.”;

3 (B) by striking the item relating to section
4 50 and inserting the following:

“50. Vice admirals.”;

5 (C) by striking the item relating to section
6 50a; and

7 (D) by striking the item relating to section
8 52 and inserting the following:

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

9 (j) TECHNICAL CORRECTION.—Section 47 of title 14,
10 United States Code, is further amended in the fifth sen-
11 tence by striking “subsection” and inserting “section”.

12 **TITLE II—MARINE SAFETY**
13 **ADMINISTRATION**

14 **SEC. 201. MARINE SAFETY.**

15 (a) ESTABLISH MARINE SAFETY AS A COAST GUARD
16 FUNCTION.—Chapter 5 of title 14, United States Code,
17 is amended by adding at the end the following new section:

18 **“§ 99. Marine safety**

19 “To protect life, property, and the environment on,
20 under, and over waters subject to the jurisdiction of the
21 United States and on vessels subject to the jurisdiction
22 of the United States, the Commandant shall promote mar-
23 itime safety as follows:

1 “(1) By taking actions necessary and in the
2 public interest to protect such life, property, and the
3 environment.

4 “(2) Based on the following priorities:

5 “(A) Preventing marine casualties and
6 threats to the environment.

7 “(B) Minimizing the impacts of marine
8 casualties and environmental threats.

9 “(C) Maximizing lives and property saved
10 and environment protected in the event of a
11 marine casualty.”.

12 (b) CLERICAL AMENDMENT.—The analysis at the be-
13 ginning of such chapter is amended by adding at the end
14 the following new item:

“99. Marine safety.”.

15 **SEC. 202. MARINE SAFETY STAFF.**

16 (a) IN GENERAL.—Chapter 3 of title 14, United
17 States Code, is amended by adding at the end the fol-
18 lowing new sections:

19 **“§ 55. Marine safety workforce**

20 “(a) DESIGNATION OF MARINE SAFETY WORK-
21 FORCE.—

22 “(1) IN GENERAL.—The Secretary, acting
23 through the Commandant, shall designate those po-
24 sitions in the Coast Guard that constitute the ma-
25 rine safety workforce.

1 “(2) REQUIRED POSITIONS.—In designating po-
2 sitions under paragraph (1), the Secretary shall in-
3 clude, at a minimum, the following marine safety-re-
4 lated positions:

5 “(A) Program oversight.

6 “(B) Vessel and facility inspection.

7 “(C) Casualty investigation.

8 “(D) Pollution investigation.

9 “(E) Merchant Mariner licensing, docu-
10 mentation, and registry.

11 “(F) Marine safety engineering or other
12 technical activities.

13 “(3) MARINE SAFETY MANAGEMENT HEAD-
14 QUARTER ACTIVITIES.—The Secretary shall also des-
15 ignate under paragraph (1) those marine safety-re-
16 lated positions located at Coast Guard headquarters
17 units, including the Marine Safety Center and the
18 National Maritime Center.

19 “(b) CAREER PATHS.—The Secretary, acting
20 through the Commandant, shall ensure that appropriate
21 career paths for civilian and military Coast Guard per-
22 sonnel who wish to pursue careers in marine safety are
23 identified in terms of the education, training, experience,
24 and assignments necessary for career progression of civil-
25 ians and members of the Armed Forces to the most senior

1 marine safety positions. The Secretary shall make avail-
2 able published information on such career paths.

3 “(c) QUALIFICATIONS.—With regard to the marine
4 safety workforce, an officer, member, or civilian employee
5 of the Coast Guard assigned as a—

6 “(1) marine inspector shall have the training,
7 experience, and qualifications equivalent to that re-
8 quired for a similar position at a classification soci-
9 ety recognized by the Secretary under section 3316
10 of title 46 for the type of vessel, system, or equip-
11 ment that is inspected;

12 “(2) marine casualty investigator shall have
13 training, experience, and qualifications in investiga-
14 tion, marine casualty reconstruction, evidence collec-
15 tion and preservation, human factors, and docu-
16 mentation using best investigation practices by Fed-
17 eral and non-Federal entities; or

18 “(3) marine safety engineer shall have knowl-
19 edge, skill, and practical experience in—

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

22 “(B) judging the character, strength, sta-
23 bility, and safety qualities of such vessels and
24 their equipment; or

1 “(C) the qualifications and training of ves-
2 sel personnel.

3 “(d) APPRENTICESHIP REQUIREMENT.—Any officer,
4 member, or employee of the Coast Guard in training to
5 become a marine inspector, marine casualty investigator,
6 or a marine safety engineer shall serve a minimum of one-
7 year apprenticeship, unless otherwise directed by the Com-
8 mandant, under the guidance of a qualified marine inspec-
9 tor, marine casualty investigator, or marine safety engi-
10 neer. The Commandant may authorize shorter apprentice-
11 ship periods for certain qualifications, as appropriate.

12 “(e) BALANCED WORKFORCE POLICY.—In the devel-
13 opment of marine safety workforce policies under this sec-
14 tion with respect to any civilian employees or applicants
15 for employment with the Coast Guard, the Secretary shall,
16 consistent with the merit system principles set out in para-
17 graphs (1) and (2) of section 2301(b) of title 5, take into
18 consideration the need to maintain a balanced workforce
19 in which women and members of racial and ethnic minor-
20 ity groups are appropriately represented in Government
21 service.

22 “(f) MANAGEMENT INFORMATION SYSTEM.—The
23 Secretary, acting through the Commandant, shall estab-
24 lish a management information system for the marine
25 safety workforce that shall provide, at a minimum, the fol-

1 lowing standardized information on persons serving in ma-
2 rine safety positions:

3 “(1) Qualifications, assignment history, and
4 tenure in assignments of persons in the marine safe-
5 ty workforce.

6 “(2) Promotion rates for military and civilian
7 personnel in the marine safety workforce.

8 “(g) ASSESSMENT OF ADEQUACY OF MARINE SAFE-
9 TY WORKFORCE.—

10 “(1) REPORT.—The Secretary, acting through
11 the Commandant, shall report to the Committee on
12 Transportation and Infrastructure of the House of
13 Representatives and the Committee on Commerce,
14 Science, and Transportation of the Senate by De-
15 cember 1 of each year on the adequacy of the cur-
16 rent marine safety workforce to meet that antici-
17 pated workload.

18 “(2) CONTENTS.—The report shall specify the
19 number of civilian and military Coast Guard per-
20 sonnel currently assigned to marine safety positions
21 and shall identify positions that are understaffed to
22 meet the anticipated marine safety workload.

23 “(h) SECTOR CHIEF OF MARINE SAFETY.—

24 “(1) IN GENERAL.—There shall be in each
25 Coast Guard sector a Chief of Marine Safety who

1 shall be at least a Lieutenant Commander or civilian
2 employee within the grade GS–13 of the General
3 Schedule, and who shall be a—

4 “(A) marine inspector, qualified to inspect
5 vessels, vessel systems, and equipment com-
6 monly found in the sector; and

7 “(B) qualified marine casualty investi-
8 gator.

9 “(2) FUNCTIONS.—The Chief of Marine Safety
10 for a sector—

11 “(A) is responsible for all individuals who,
12 on behalf of the Coast Guard, inspect or exam-
13 ine vessels, conduct marine casualty investiga-
14 tions; and

15 “(B) if not the Coast Guard officer in
16 command of that sector, is the principal advisor
17 to the Sector Commander regarding marine
18 safety matters in that sector.

19 “(i) SIGNATORIES OF LETTER OF QUALIFICATION.—
20 Each individual signing a letter of qualification for marine
21 safety personnel must hold a letter of qualification for the
22 type being certified.

23 **“§ 56. Centers of Expertise for Marine Safety**

24 “(a) ESTABLISHMENT.—The Commandant of the
25 Coast Guard may establish and operate one or more Cen-

1 ters of Expertise for Marine Safety (in this section re-
2 ferred to as a ‘Center’).

3 “(b) MISSIONS.—The Centers shall—

4 “(1) be used to provide and facilitate education,
5 training, and research in marine safety including
6 vessel inspection and causality investigation;

7 “(2) develop a repository of information on ma-
8 rine safety; and

9 “(3) perform any other missions as the Com-
10 mandant may specify.

11 “(c) JOINT OPERATION WITH EDUCATIONAL INSTI-
12 TUTION AUTHORIZED.—The Commandant may enter into
13 an agreement with an appropriate official of an institution
14 of higher education to—

15 “(1) provide for joint operation of a Center;
16 and

17 “(2) provide necessary administrative services
18 for a Center, including administration and allocation
19 of funds.

20 “(d) ACCEPTANCE OF DONATIONS.—(1) Except as
21 provided in paragraph (2), the Commandant may accept,
22 on behalf of a Center, donations to be used to defray the
23 costs of the Center or to enhance the operation of the Cen-
24 ter. Those donations may be accepted from any State or
25 local government, any foreign government, any foundation

1 or other charitable organization (including any that is or-
2 ganized or operates under the laws of a foreign country),
3 or any individual.

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

7 “(A) the ability of the Coast Guard or the de-
8 partment in which the Coast Guard is operating, any
9 employee of the Coast Guard or the department, or
10 any member of the Armed Forces to carry out any
11 responsibility or duty in a fair and objective manner;
12 or

13 “(B) the integrity of any program of the Coast
14 Guard, the department in which the Coast Guard is
15 operating, or of any person involved in such a pro-
16 gram.

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

21 **“§ 57. Marine industry training program**

22 “(a) IN GENERAL.—The Commandant shall, by pol-
23 icy, establish a program under which an officer, member,
24 or employee of the Coast Guard may be assigned to a pri-
25 vate entity to further the institutional interests of the

1 Coast Guard with regard to marine safety, including for
2 the purpose of providing training to an officer, member,
3 or employee. Policies to carry out the program—

4 “(1) with regard to an employee of the Coast
5 Guard, shall include provisions, consistent with sec-
6 tions 3702 through 3704 of title 5, as to matters
7 concerning—

8 “(A) the duration and termination of as-
9 signments;

10 “(B) reimbursements; and

11 “(C) status, entitlements, benefits, and ob-
12 ligations of program participants; and

13 “(2) shall require the Commandant, before ap-
14 proving the assignment of an officer, member, or
15 employee of the Coast Guard to a private entity, to
16 determine that the assignment is an effective use of
17 the Coast Guard’s funds, taking into account the
18 best interests of the Coast Guard and the costs and
19 benefits of alternative methods of achieving the same
20 results and objectives.

21 “(b) ANNUAL REPORT.—Not later than the date of
22 the submission each year of the President’s budget request
23 under section 1105 of title 31, the Commandant shall sub-
24 mit to the Committee on Transportation and Infrastruc-
25 ture of the House of Representatives and the Committee

1 on Commerce, Science, and Transportation of the Senate
2 a report that describes—

3 “(1) the number of officers, members, and em-
4 ployees of the Coast Guard assigned to private enti-
5 ties under this section; and

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

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

“55. Marine safety workforce.

“56. Centers of Expertise for Marine Safety.

“57. Marine industry training program.”.

11 **SEC. 203. MARINE SAFETY MISSION PRIORITIES AND LONG-**
12 **TERM GOALS.**

13 (a) IN GENERAL.—Chapter 21 of title 46, United
14 States Code, is amended by adding at the end the fol-
15 lowing new section:

16 **“§ 2116. Marine safety strategy, goals, and perform-**
17 **ance assessments**

18 “(a) LONG-TERM STRATEGY AND GOALS.—In con-
19 junction with existing federally required strategic planning
20 efforts, the Secretary shall develop a long-term strategy
21 for improving vessel safety and the safety of individuals
22 on vessels. The strategy shall include the issuance each
23 year of an annual plan and schedule for achieving the fol-
24 lowing goals:

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

3 “(2) Improving the consistency and effective-
4 ness of vessel and operator enforcement and compli-
5 ance programs.

6 “(3) Identifying and targeting enforcement ef-
7 forts at high-risk vessels and operators.

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

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

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

17 “(A) To increase the number of safety ex-
18 aminations on all high-risk vessels.

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

21 “(C) To improve the quality and effective-
22 ness of marine safety information databases by
23 ensuring that all Coast Guard personnel accu-
24 rately and effectively report all safety, casualty,
25 and injury information.

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

5 “(2) RESOURCE NEEDS.—The strategy and an-
6 nual plans shall include estimates of—

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

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

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

19 “(d) ACHIEVEMENT OF GOALS.—

20 “(1) PROGRESS ASSESSMENT.—No less fre-
21 quently than semiannually, the Coast Guard Com-
22 mandant and the Assistant Commandant for Marine
23 Safety shall jointly assess the progress of the Coast
24 Guard toward achieving the goals set forth in sub-
25 section (b). The Commandant and the Assistant

1 Commandant shall jointly convey their assessment to
2 the employees of the Assistant Commandant and
3 shall identify any deficiencies that should be rem-
4 edied before the next progress assessment.

5 “(2) REPORT TO CONGRESS.—The Secretary
6 shall report annually to the Committee on Transpor-
7 tation and Infrastructure of the House of Represent-
8 atives and the Committee on Commerce, Science,
9 and Transportation of the Senate—

10 “(A) on the performance of the marine
11 safety program in achieving the goals of the
12 marine safety strategy and annual plan under
13 subsection (a) for the year covered by the re-
14 port;

15 “(B) on the program’s mission perform-
16 ance in achieving numerical measurable goals
17 established under subsection (b); and

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

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

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

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

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

5 **SEC. 204. POWERS AND DUTIES.**

6 Section 93 of title 14, United States Code, is amend-
7 ed by adding at the end the following new subsections:

8 “(c) MARINE SAFETY RESPONSIBILITIES.—In exer-
9 cising the Commandant’s duties and responsibilities with
10 regard to marine safety, the individual with the highest
11 rank who meets the experience qualifications set forth in
12 section 50(a)(4) shall serve as the principal advisor to the
13 Commandant regarding—

14 “(1) the operation, regulation, inspection, iden-
15 tification, manning, and measurement of vessels, in-
16 cluding plan approval and the application of load
17 lines;

18 “(2) approval of materials, equipment, appli-
19 ances, and associated equipment;

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

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

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

1 “(6) enforcement of manning requirements, citi-
2 zenship requirements, control of log books;

3 “(7) documentation and numbering of vessels;

4 “(8) State boating safety programs;

5 “(9) commercial instruments and maritime
6 liens;

7 “(10) the administration of bridge safety;

8 “(11) administration of the navigation rules;

9 “(12) the prevention of pollution from vessels;

10 “(13) ports and waterways safety;

11 “(14) waterways management; including regula-
12 tion for regattas and marine parades;

13 “(15) aids to navigation; and

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

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

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

21 “(2) the exercise of authority under section 91
22 of this title and the provisions of law codified at sec-
23 tions 191 through 195 of title 50 on the date of en-
24 actment of this paragraph.”.

1 **SEC. 205. APPEALS AND WAIVERS.**

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

5 **“§ 102. Appeals and waivers**

6 “Except for the Commandant of the Coast Guard,
7 any individual adjudicating an appeal or waiver of a deci-
8 sion regarding marine safety, including inspection or man-
9 ning and threats to the environment, shall—

10 “(1) be a qualified specialist with the training,
11 experience, and qualifications in marine safety to ef-
12 fectively judge the facts and circumstances involved
13 in the appeal and make a judgment regarding the
14 merits of the appeal; or

15 “(2) have a senior staff member who—

16 “(A) meets the requirements of paragraph
17 (1);

18 “(B) actively advises the individual adjudi-
19 cating the appeal; and

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

22 (b) CLERICAL AMENDMENT.—The analysis for such
23 chapter is further amended by adding at the end the fol-
24 lowing new item:

“102. Appeals and waivers.”.

1 **SEC. 206. COAST GUARD ACADEMY.**

2 (a) IN GENERAL.—Chapter 9 of title 14, United
3 States Code, is amended by adding at the end the fol-
4 lowing new section:

5 **“§ 199. Marine safety curriculum**

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

15 (b) CLERICAL AMENDMENT.—The analysis for such
16 chapter is further amended by adding at the end the fol-
17 lowing new item:

“199. Marine safety curriculum.”.

18 **SEC. 207. REPORT REGARDING CIVILIAN MARINE INSPEC-**
19 **TORS.**

20 Not later than one year after the date of enactment
21 of this Act, the Commandant of the Coast Guard shall
22 submit to the Committee on Transportation and Infra-
23 structure of the House of Representatives and the Com-
24 mittee on Commerce, Science, and Transportation of the
25 Senate a report on Coast Guard’s efforts to recruit and

- 1 retain civilian marine inspectors and investigators and the
- 2 impact of such recruitment and retention efforts on Coast
- 3 Guard organizational performance.

Union Calendar No. 203

111TH CONGRESS
1ST Session

H. R. 2650

[Report No. 111-352]

A BILL

To amend title 14, United States Code, to modernize the leadership of the Coast Guard, to modernize the administration of marine safety by the Coast Guard, and for other purposes.

DECEMBER 3, 2009

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed