

Revised #14

**EN BLOC AMENDMENTS TO H.R. 3619**  
**OFFERED BY MR. OBERSTAR OF MINNESOTA**

Page 10, line 14, strike “Department” and insert “department”.

Page 11, line 5, after “Department of Defense” insert “and the Department of Homeland Security”.

Page 17, line 1, strike “**EMERGENCY**”.

Page 24, line 12, after “Coast Guard” insert “is operating”.

Page 38, before line 7, insert the following new subsection:

1 (d) REPORT.—Within 12 months after the date of en-  
2 actment of this Act, the Comptroller General of the United  
3 States shall report to Congress on the Coast Guard’s ef-  
4 forts to recruit minority candidates to the Coast Guard  
5 Academy. The report shall include the following:

6 (1) The status of implementation of the Coast  
7 Guard’s minority recruitment program.

8 (2) An assessment of the effectiveness of the  
9 program, including the number of minority appli-  
10 cants contacted by the Coast Guard Academy, the

1 number of minority candidates who completed appli-  
2 cations to the Academy, the number of minority can-  
3 didates offered appointments to the Academy, and  
4 the number of candidates who accepted such ap-  
5 pointments.

6 (3) A comparison of the Coast Guard's minority  
7 recruitment program with similar programs at other  
8 United States service academies.

9 (4) Recommendations for enhancing the Coast  
10 Guard's minority recruitment program.

11 (5) An assessment of the current geographic di-  
12 versity of cadets currently enrolled at the Coast  
13 Guard Academy including information on the num-  
14 ber of candidates from each State and region of the  
15 United States who were contacted by the Academy,  
16 the number of candidates from each State and re-  
17 gion of the United States who completed applica-  
18 tions to the Academy, the number of candidates  
19 from each State and region of the country offered  
20 appointments to the Academy, and the number of  
21 candidates from each State and region of the coun-  
22 try who accepted such appointments.

23 (6) Recommendations for increasing the geo-  
24 graphic diversity of the student population at the  
25 Coast Guard Academy.

Page 38, line 13, after “ture” insert “and the Committee on Homeland Security”.

Page 44, line 11, strike “or”.

Page 44, line 12, before the period insert “, or an Asian American and a Native American Pacific Islander-serving institution (as defined in section 320 of such Act)”.

Page 54, strike line 19 and all that follows through page 55, line 11, and insert the following:

1       (a) STUDY.—The Commandant of the Coast Guard,  
2 in conjunction with the Administrator of the Environ-  
3 mental Protection Agency, shall conduct a study—

4           (1) that surveys new technology and new appli-  
5 cations of existing technology for reducing air emis-  
6 sions from cargo or passenger vessels that operate in  
7 United States waters and ports; and

8           (2) that identifies the impediments, including  
9 any laws or regulations, to demonstrating the tech-  
10 nology identified in paragraph (1).

11       (b) REPORT.—Within 180 days after the date of en-  
12 actment of this Act, the Commandant shall submit a re-  
13 port on the results of the study conducted under sub-  
14 section (a) to the Committee on Transportation and Infra-  
15 structure and the Committee on Energy and Commerce

1 of the House of Representatives and the Committee on  
2 Commerce, Science, and Transportation and the Com-  
3 mittee on Environment and Public Works of the Senate.

Page 57, line 25, strike “safe, secure, and reliable”  
and insert “safe and secure”.

Page 58, line 7, strike “shall work” and insert “is  
encouraged to enter into negotiations”.

Page 58, line 8, strike “establish” and insert “con-  
clude and execute”.

Page 58, line 14, strike “icebreaking escort” and in-  
sert “marine safety”.

Page 59, line 13, strike “assure the reasonable de-  
mands of commerce” and insert “carry out the purposes  
of this section”.

Page 59, line 17, after “emissions” insert “(includ-  
ing black carbon and other emissions that could con-  
tribute to climate change)”.

Page 62, strike line 12 and all that follows through  
page 64, line 22, and insert the following:

1 **SEC. 559. LORAN-C SIGNAL.**

2 (a) Subject to subsection (b), the Secretary of Home-  
3 land Security may not operate the Loran-C signal after  
4 January 4, 2010.

5 (b) The limitation in subsection (a) shall take effect  
6 only if the Commandant of the Coast Guard certifies  
7 that—

8 (1) the termination of the operation of the  
9 Loran-C signal as of the date specified in subsection  
10 (a) will not adversely impact the safety of maritime  
11 navigation; and

12 (2) the Loran-C system infrastructure is not  
13 needed as a backup to the Global Positioning Sys-  
14 tem or any other Federal navigation requirement.

15 (c) If the Commandant makes the certifications de-  
16 scribed in subsection (b), the Coast Guard shall, com-  
17 mencing January 4, 2010, terminate the operation of the  
18 Loran-C signal and commence a phased decommissioning  
19 of the Loran-C system infrastructure.

20 (d) Not later than 30 days after such certifications  
21 made pursuant to subsection (b), the Commandant 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 setting forth a proposed schedule for the  
26 phased decommissioning of the Loran-C system infra-

1 structure in the event of the decommissioning of such in-  
2 frastructure in accordance with subsection (c).

3 (e) If the Commandant makes the certifications de-  
4 scribed in subsection (b), the Secretary of Homeland Secu-  
5 rity, acting through the Commandant of the Coast Guard,  
6 may, notwithstanding any other provision of law, sell any  
7 real and personal property under the administrative con-  
8 trol of the Coast Guard and used for the Loran-C system,  
9 by directing the Administrator of General Services to sell  
10 such real and personal property, subject to such terms and  
11 conditions that the Secretary believes to be necessary to  
12 protect government interests and program requirements of  
13 the Coast Guard.

Page 65, strike lines 12 and 13 and insert the fol-  
lowing:

14 “(2) PRINCE WILLIAM SOUND, ALASKA.—The  
15 requirement in

Page 66, strike lines 1 through 6 and insert close  
quotation marks and a following period.

Page 66, after line 9, insert the following new sub-  
section:

16 (c) RULEMAKING.—

17 (1) INTERIM FINAL RULE AUTHORITY.—The  
18 Secretary shall issue an interim final rule as a tem-

1       porary regulation implementing this section (includ-  
2       ing the amendments made by this section) as soon  
3       as practicable after the date of enactment of this  
4       section, without regard to the provisions of chapter  
5       5 of title 5, United States Code. All regulations pre-  
6       scribed under the authority of this paragraph that  
7       are not earlier superseded by final regulations shall  
8       expire not later than 1 year after the date of enact-  
9       ment of this Act.

10           (2) INITIATION OF RULEMAKING.—The Sec-  
11       retary may initiate a rulemaking to implement this  
12       section (including the amendments made by this sec-  
13       tion) as soon as practicable after the date of enact-  
14       ment of this section. The final rule issued pursuant  
15       to that rulemaking may supersede the interim final  
16       rule promulgated under this subsection.

Page 77, line 1, insert “or more” after “10”.

Page 79, line 6, insert “or more” after “10”.

Page 98, line 19, strike “10” and insert “15”.

Page 109, line 5, strike “or Level 2”.

Page 139, line 24, strike “and”.

Page 140, line 12, strike “and”.

Page 151, line 17, before the period insert “or marine safety engineer”.

Page 158, beginning at line 3, strike “and the Assistant Commandant for Marine Safety”.

Page 158, line 4, strike “jointly”.

Page 158, beginning at line 6, strike “and the Assistant Commandant”.

Page 158, line 7, strike “jointly convey their” and insert “convey the Commandant’s”.

Page 158, line 8, strike “Assistant Commandant” and insert “marine safety workforce”.

Page 176, line 4, strike “established” and insert “establish”.

Page 180, line 19, strike “major conversion” and insert “substantial change to the dimension of or type of the vessel”.

Page 181, line 10, strike “major conversion” and insert “substantial change to the dimension of or type of the vessel”.

Page 193, line 15, strike “Department” and insert “department”.

Page 210, after line 25, insert the following new sections:

1 **SEC. \_\_\_\_ . PILOT REQUIRED.**

2 Section 8502(g) of title 46, United States Code, is  
3 amended—

4 (1) in paragraph (1), by inserting “and Buz-  
5 zards Bay, Massachusetts” before “, if any,”; and

6 (2) by adding at the end the following:

7 “(3) In any area of Buzzards Bay, Massachu-  
8 setts, where a single-hull tanker or tank vessel car-  
9 rying 5,000 or more barrels of oil or other haz-  
10 arduous material is required to be under the direction  
11 and control of a Federal first class pilot, the pilot  
12 may not be a member of the crew of that vessel, and  
13 shall be a pilot licensed—

14 “(A) by the State of Massachusetts who is  
15 operating under a Federal first class pilot’s li-  
16 cense; or

17 “(B) under section 7101 of this title as a  
18 Federal first class pilot who has made at least  
19 20 round trips on a vessel as a quartermaster,  
20 wheelsman, able seaman, or apprentice pilot, or  
21 in an equivalent capacity, including—

1                   “(i) at least 1 round trip through  
2                   Buzzards Bay in the preceding 12-month  
3                   period; and

4                   “(ii) if the vessel will be navigating in  
5                   periods of darkness in an area of Buzzards  
6                   Bay where a vessel is required by regula-  
7                   tion to have a pilot, at least 5 round trips  
8                   through Buzzards Bay during periods of  
9                   darkness.”.

10 **SEC. \_\_\_\_ . DELEGATION OF AUTHORITY TO CLASSIFICA-**  
11 **TION SOCIETIES REGARDING OFFSHORE FA-**  
12 **CILITIES.**

13           (a) **IN GENERAL.**—Section 3316 of title 46, United  
14 States Code, is amended by adding at the end the fol-  
15 lowing new subsection:

16           “(d)(1) The Secretary may delegate to the American  
17 Bureau of Shipping or another classification society recog-  
18 nized by the Secretary as meeting acceptable standards  
19 for such a society, for a United States offshore facility,  
20 the authority to—

21           “(A) review and approve plans required for  
22 issuing a certificate of inspection, a certificate of  
23 compliance, or any other certification and related  
24 documents issued by the Coast Guard pursuant to

1 regulations issued under section 30 of the Outer  
2 Continental Shelf Lands Act (43 U.S.C. 1356); and

3 “(B) conduct inspections and examinations.

4 “(2) The Secretary may make a delegation under  
5 paragraph (1) to a foreign classification society only if—

6 “(A) the foreign society has offices and main-  
7 tains records in the United States; and

8 “(B)(i) the government of the foreign country  
9 in which the foreign society is headquartered dele-  
10 gates that authority to the American Bureau of  
11 Shipping; or

12 “(ii) the Secretary has entered into an agree-  
13 ment with the government of the foreign country in  
14 which the foreign society is headquartered that—

15 “(I) ensures the government of the foreign  
16 country will accept plan review, inspections, or  
17 examinations conducted by the American Bu-  
18 reau of Shipping and provide equivalent access  
19 to inspect, certify, and provide related services  
20 to offshore facilities located in that country or  
21 operating under the authority of that country;  
22 and

23 “(II) is in full accord with principles of  
24 reciprocity in regards to any delegation con-

1 templated by the Secretary under paragraph  
2 (1).

3 “(3) If an inspection or examination is conducted  
4 under authority delegated under this subsection, the per-  
5 son to which the authority was delegated—

6 “(A) shall maintain in the United States com-  
7 plete files of all information derived from or nec-  
8 essarily connected with the inspection or examina-  
9 tion for at least 2 years after the United States off-  
10 shore facility ceases to be certified; and

11 “(B) shall permit access to those files at all  
12 reasonable times to any officer, employee, or mem-  
13 ber of the Coast Guard designated—

14 “(i) as a marine inspector and serving in  
15 a position as a marine inspector; or

16 “(ii) in writing by the Secretary to have  
17 access to those files.

18 “(4) For purposes of this subsection—

19 “(A) the term ‘offshore facility’ means any in-  
20 stallation, structure, or other device (including any  
21 vessel not documented under chapter 121 of this  
22 title or the laws of another country), fixed or float-  
23 ing, that dynamically holds position or is temporarily  
24 or permanently attached to the seabed or subsoil  
25 under the sea; and

1           “(B) the term ‘United States offshore facility’  
2 means any offshore facility, fixed or floating, that  
3 dynamically holds position or is temporarily or per-  
4 manently attached to the seabed or subsoil under the  
5 territorial sea of the United States or the outer Con-  
6 tinental Shelf (as that term is defined in section 2  
7 of the Outer Continental Shelf Lands Act (43  
8 U.S.C. 1331)), including any vessel, rig, platform, or  
9 other vehicle or structure subject to regulation under  
10 section 30 of the Outer Continental Shelf Lands Act  
11 (43 U.S.C. 1356).”.

12           (b) REVIEW AND APPROVAL OF CLASSIFICATION SO-  
13 CIETY REQUIRED.—Section 3316(c) of title 46, United  
14 States Code, is amended by striking so much as precedes  
15 paragraph (2) and inserting the following:

16           “(c)(1) A classification society (including an em-  
17 ployee or agent of that society) may not review, examine,  
18 survey, or certify the construction, repair, or alteration of  
19 a vessel in the United States unless the society has applied  
20 for approval under this subsection and the Secretary has  
21 reviewed and approved that society with respect to the  
22 conduct of that society under paragraph (2).”.

Page 215, line 11, strike “United States Coast  
Guard” and insert “Coast Guard”.

Page 215, beginning at line 15, strike “U.S. Coast Guard” and insert “Coast Guard”.

Page 218, line 17, strike “United States Coast Guard” and insert “Coast Guard”.

Page 221, beginning at line 12, strike “United States Coast Guard” and insert “Coast Guard”.

Page 226, beginning at line 5, strike “this section or a regulation under this section” and insert “the log book or reporting requirements required under subsection (g)”.

Page 230, line 22, strike “United States Coast Guard” and insert “Coast Guard”.

Page 231, strike lines 17 through 21 and insert the following:

1        “A person who uses force at sea to defend a vessel  
2 against an act of piracy shall not be liable for monetary  
3 damages in any action brought with respect to harm  
4 caused by such use of force to anyone engaging in such  
5 act of piracy, unless the person using such force knew at  
6 the time that it was substantially in excess of what was  
7 reasonable in defending the vessel against such act of pi-  
8 racy.”.

Page 235, line 5, after “local” insert a comma.

Page 235, line 13, strike “and”.

Page 235, line 15, strike the period and insert “;  
and”.

Page 235, after line 15, insert the following new  
subparagraph:

1                   (C) architecture for integrated interagency  
2                   targeting.

Page 237, strike lines 21 and 22 and insert the fol-  
lowing: “Department of Homeland Security; and”.

Page 238, line 9, strike “2008” and insert “2010”.

Page 242, line 5, before the period insert “and facial  
and iris scan technology”.

Page 242, after line 5, add the following new sub-  
section:

3           (e) STUDY ON COMBINATION OF FACIAL AND IRIS  
4 RECOGNITION.—

5           (1) STUDY REQUIRED.—The Secretary of  
6 Homeland Security shall carry out a study on the  
7 use by the Coast Guard of the combination of facial  
8 and iris recognition to rapidly identify individuals  
9 for security purposes. Such study shall focus on—

1 (A) increased accuracy of facial recogni-  
2 tion;

3 (B) enhancement of existing iris recogni-  
4 tion technology; and

5 (C) establishment of integrated face and  
6 iris features for accurate identification of indi-  
7 viduals.

8 (2) PURPOSE OF STUDY.—The purpose of the  
9 study required by paragraph (1) is to facilitate the  
10 use of a combination of facial and iris recognition to  
11 provide a higher probability of success in identifica-  
12 tion than either approach on its own and to achieve  
13 transformational advances in the flexibility, authen-  
14 ticity, and overall capability of integrated biometric  
15 detectors and satisfy one of major issues with war  
16 against terrorists. The operational goal of the study  
17 should be to provide the capability to nonintrusively  
18 collect biometrics (face image, iris) in an accurate  
19 and expeditious manner to assist the Coast Guard in  
20 fulfilling its mission to protect and support national  
21 security.

Page 243, line 4, strike “Card” and insert “Creden-  
tial”.

Page 243, line 23, strike “(3)” and insert “(4)”.

Page 244, line 1, strike “(4)” and insert “(5)”.

Page 244, strike line 5 and all that follows through page 245, line 2 (and redesignate accordingly).

Page 248, strike line 8 and all that follows through page 250, line 11, and insert the following:

1 **SEC. \_\_\_\_ . WATERSIDE SECURITY OF CERTAIN DANGEROUS**

2 **CARGO.**

3 (a) NATIONAL STUDY.—

4 (1) IN GENERAL.—The Secretary of Homeland  
5 Security, acting through the Commandant of the  
6 Coast Guard, shall—

7 (A) initiate a national study to identify  
8 measures to improve the security of maritime  
9 transportation of certain dangerous cargo; and

10 (B) coordinate with other Federal agen-  
11 cies, the National Maritime Security Advisory  
12 Committee, and appropriate State and local  
13 government officials through the Area Maritime  
14 Security Committees and other existing coordi-  
15 nating committees, to evaluate the waterside se-  
16 curity of vessels carrying, and waterfront facili-  
17 ties handling, certain dangerous cargo.

18 (2) MATTERS TO BE INCLUDED.—The study  
19 conducted under this subsection shall include—

1 (A) an analysis of existing risk assessment  
2 information relating to waterside security gen-  
3 erated by the Coast Guard and Area Maritime  
4 Security Committees as part of the Maritime  
5 Security Risk Assessment Model;

6 (B) a review and analysis of appropriate  
7 roles and responsibilities of maritime stake-  
8 holders, including Federal, State, and local law  
9 enforcement and industry security personnel,  
10 responsible for waterside security of vessels car-  
11 rying, and waterfront facilities handling, certain  
12 dangerous cargo, including—

13 (i) the number of ports in which State  
14 and local law enforcement entities are pro-  
15 viding any services to enforce Coast  
16 Guard-imposed security zones around ves-  
17 sels transiting to, through, or from United  
18 States ports or to conduct security patrols  
19 in United States ports;

20 (ii) the number of formal agreements  
21 entered into between the Coast Guard and  
22 State and local law enforcement entities to  
23 engage State and local law enforcement en-  
24 tities in the enforcement of Coast Guard-  
25 imposed security zones around vessels

1 transiting to, through, or from United  
2 States ports or the conduct of port security  
3 patrols in United States ports, the dura-  
4 tion of those agreements, and the aid that  
5 State and local entities are engaged to pro-  
6 vide through such agreements;

7 (iii) the extent to which the Coast  
8 Guard has set national standards for train-  
9 ing, equipment, and resources to ensure  
10 that State and local law enforcement enti-  
11 ties engaged in enforcing Coast Guard-im-  
12 posed security zones around vessels  
13 transiting to, through, or from United  
14 States ports or in conducting port security  
15 patrols in United States ports (or both)  
16 can deter to the maximum extent prac-  
17 ticable a transportation security incident;

18 (iv) the extent to which the Coast  
19 Guard has assessed the ability of State  
20 and local law enforcement entities to carry  
21 out the security assignments that they  
22 have been engaged to perform, including  
23 their ability to meet any national stand-  
24 ards for training, equipment, and resources  
25 that have been established by the Coast

1 Guard in order to ensure that those enti-  
2 ties can deter to the maximum extent prac-  
3 ticable a transportation security incident;

4 (v) the extent to which State and local  
5 law enforcement entities are able to meet  
6 national standards for training, equipment,  
7 and resources established by the Coast  
8 Guard to ensure that those entities can  
9 deter to the maximum extent practicable a  
10 transportation security incident;

11 (vi) the differences in law enforcement  
12 authority, and particularly boarding au-  
13 thority, between the Coast Guard and  
14 State and local law enforcement entities,  
15 and the impact that these differences have  
16 on the ability of State and local law en-  
17 forcement entities to provide the same level  
18 of security that the Coast Guard provides  
19 during the enforcement of Coast Guard-im-  
20 posed security zones and the conduct of se-  
21 curity patrols in United States ports; and

22 (vii) the extent of resource, training,  
23 and equipment differences between State  
24 and local law enforcement entities and the  
25 Coast Guard units engaged in enforcing

1 Coast Guard-imposed security zones  
2 around vessels transiting to, through, or  
3 from United States ports or conducting se-  
4 curity patrols in United States ports;

5 (C) recommendations for risk-based secu-  
6 rity measures to improve waterside security of  
7 vessels carrying, and waterfront facilities han-  
8 dling, certain dangerous cargo; and

9 (D) identification of security funding alter-  
10 natives, including an analysis of the potential  
11 for cost-sharing by the public and private sec-  
12 tors as well as any challenges associated with  
13 such cost-sharing.

14 (3) INFORMATION PROTECTION.—In carrying  
15 out the coordination necessary to effectively com-  
16 plete the study, the Commandant shall implement  
17 measures to ensure the protection of any sensitive  
18 security information, proprietary information, or  
19 classified information collected, reviewed, or shared  
20 during collaborative engagement with maritime  
21 stakeholders and other Government entities, except  
22 that nothing in this paragraph shall constitute au-  
23 thority to withhold information from—

24 (A) the Congress; or

1 (B) first responders requiring such infor-  
2 mation for the protection of life or property.

3 (4) REPORT.—Not later than 12 months after  
4 the date of enactment of this Act, the Secretary, act-  
5 ing through the Commandant, shall submit to the  
6 Committees on Homeland Security and Transpor-  
7 tation and Infrastructure of the House of Represent-  
8 atives and the Committees on Commerce, Science,  
9 and Transportation and Homeland Security and  
10 Governmental Affairs of the Senate a report on the  
11 results of the study under this subsection.

12 (b) NATIONAL STRATEGY.—Not later than 6 months  
13 after submission of the report required by subsection (a),  
14 the Secretary, acting through the Commandant, shall de-  
15 velop, in conjunction with appropriate Federal agencies,  
16 a national strategy for the waterside security of vessels  
17 carrying, and waterfront facilities handling, certain dan-  
18 gerous cargo. The strategy shall utilize the results of the  
19 study required by subsection (a).

20 (c) SECURITY OF CERTAIN DANGEROUS CARGO.—

21 (1) ENFORCEMENT OF SECURITY ZONES.—Con-  
22 sistent with other provisions of Federal law, the  
23 Coast Guard shall coordinate and be responsible for  
24 the enforcement of any Federal security zone estab-  
25 lished by the Coast Guard around a vessel con-

1       taining certain dangerous cargo. The Coast Guard  
2       shall allocate available resources so as to deter and  
3       respond to a transportation security incident, to the  
4       maximum extent practicable, and to protect lives or  
5       protect property in danger.

6               (2) LIMITATION ON RELIANCE ON STATE AND  
7       LOCAL GOVERNMENT.—Any security arrangement  
8       approved after the date of enactment of this Act to  
9       assist in the enforcement of any security zone estab-  
10      lished by the Coast Guard around a vessel carrying  
11      a certain dangerous cargo or around a waterfront fa-  
12      cility handling a certain dangerous cargo may not be  
13      based upon the provision of security by a State or  
14      local government unless the Secretary, acting  
15      through the Commandant of the Coast Guard, en-  
16      sures that the waterborne patrols operated as part  
17      of that security arrangement by a State or local gov-  
18      ernment have the training, resources, personnel, and  
19      experience necessary to carry out the security re-  
20      sponsibilities that they have been engaged to per-  
21      form in order, to the maximum extent practicable, to  
22      deter and respond to a transportation security inci-  
23      dent.

24               (3) DETERMINATION REQUIRED FOR NEW FA-  
25      CILITIES.—The Secretary of Homeland Security,

1 acting through the Commandant of the Coast  
2 Guard, may not approve a facility security plan  
3 under section 70103 of title 46, United States Code,  
4 for a new facility the construction of which is begun  
5 after the date of enactment of this Act, that receives  
6 or ships through maritime commerce certain dan-  
7 gerous cargo unless the Secretary determines that  
8 there are sufficient resources available to ensure  
9 compliance with the facility security plan.

10 (4) RESOURCE DEFICIENCY REPORTING.—The  
11 Secretary, acting through the Commandant of the  
12 Coast Guard, shall provide to the Committees on  
13 Homeland Security and Transportation and Infra-  
14 structure of the House of Representatives and the  
15 Committees on Commerce, Science, and Transpor-  
16 tation and Homeland Security and Governmental  
17 Affairs of the Senate 90 days after the end of each  
18 fiscal year a report indicating—

19 (A) the number of security zones estab-  
20 lished for certain dangerous cargo shipments;

21 (B) the number of certain dangerous cargo  
22 shipments provided a waterborne security es-  
23 cort, subdivided by Federal, State, local, or pri-  
24 vate security; and

1 (C) an assessment as to any additional ves-  
2 sels, personnel, infrastructure, and other re-  
3 sources necessary to provide waterborne escorts  
4 to those certain dangerous cargo shipments for  
5 which a security zone is established.

6 (d) DEFINITIONS.—For the purposes of this section,  
7 the follow definitions apply:

8 (1) CERTAIN DANGEROUS CARGO.—The term  
9 “certain dangerous cargo” means a material, or a  
10 group or class of material, in a particular amount  
11 and form that the Secretary, though the Com-  
12 mandant, determines by regulation poses a signifi-  
13 cant risk of creating a transportation security inci-  
14 dent while being transported in maritime commerce.

15 (2) AREA MARITIME SECURITY COMMITTEE.—  
16 The term “Area Maritime Security Committee”  
17 means each of those committees responsible for pro-  
18 ducing Area Maritime Transportation Security Plans  
19 under chapter 701 of title 46, United States Code.

20 (3) TRANSPORTATION SECURITY INCIDENT.—  
21 The term “transportation security incident” has the  
22 same meaning as that term has in section 70101 of  
23 title 46, United States Code.

Page 250, line 14, strike “DETERMINATION” and in-  
sert “RECOMMENDATION”.

Page 250, lines 17 and 23, strike “determination” each place it appears and insert “recommendation”.

Page 251, strike line 12 and all that follows through page 254, line 13.

Page 254, line 22, strike “September 23, 2009” and insert “the date of enactment of this Act”.

Page 255, after line 6, insert the following new section:

1 **SEC. \_\_\_\_ . ASSESSMENT OF THE FEASIBILITY OF EFFORTS**  
2 **TO MITIGATE THE THREAT OF SMALL BOAT**  
3 **ATTACK IN MAJOR PORTS.**

4 The Secretary of the department in which the Coast  
5 Guard is operating shall assess and report to Congress  
6 on the feasibility of efforts to mitigate the threat of small  
7 boat attack in security zones of major ports, including spe-  
8 cifically the use of transponders or radio frequency identi-  
9 fication devices to track small boats.

Page 255, line 25, strike “United States Coast Guard” and insert “Coast Guard”.

At the end of title XI (page 255, after line 6), add the following new sections:

1 **SEC. \_\_\_\_ . REPORT AND RECOMMENDATION FOR UNI-**  
2 **FORM SECURITY BACKGROUND CHECKS.**

3 Not later than one year after the date of enactment  
4 of this Act, the Comptroller General shall submit to the  
5 Committee on Homeland Security of the House of Rep-  
6 resentatives a report that contains—

7 (1) a review of background checks and forms of  
8 identification required under State and local trans-  
9 portation security programs;

10 (2) a determination as to whether the back-  
11 ground checks and forms of identification required  
12 under such programs duplicate or conflict with Fed-  
13 eral programs; and

14 (3) recommendations on limiting the number of  
15 background checks and forms of identification re-  
16 quired under such programs to reduce or eliminate  
17 duplication with Federal programs.

18 **SEC. \_\_\_\_ . ANIMAL-PROPELLED VESSELS.**

19 Notwithstanding section 70105 of title 46, United  
20 States Code, the Secretary shall not require an individual  
21 to hold a transportation security card, or be accompanied  
22 by another individual who holds such a card if—

23 (1) the individual has been issued a license, cer-  
24 tificate of registry, or merchant mariner's document  
25 under part E of subtitle II of title 46, United States  
26 Code;

1           (2) the individual is not allowed unescorted ac-  
2           cess to a secure area designated in a vessel or facil-  
3           ity security plan approved by the Secretary; and

4           (3) the individual is engaged in the operation of  
5           a live animal-propelled vessel.

6 **SEC. \_\_\_\_ . REQUIREMENTS FOR ISSUANCE OF TRANSPOR-**  
7                                   **TATION SECURITY CARDS; ACCESS PENDING**  
8                                   **ISSUANCE; REDUNDANT BACKGROUND**  
9                                   **CHECKS.**

10          Section 70105 of title 46, United States Code, is  
11          amended by adding at the end the following new sub-  
12          sections:

13          “(n) ESCORTING.—The Secretary shall coordinate  
14          with owners and operators subject to this section to allow  
15          any individual who has a pending application for a trans-  
16          portation security card under this section or is waiting for  
17          reissuance of such card, including any individual whose  
18          card has been lost or stolen, and who needs to perform  
19          work in a secure or restricted area to have access to such  
20          area for that purpose through escorting of such individual  
21          in accordance with subsection (a)(1)(B) by another indi-  
22          vidual who holds a transportation security card.

23          “(o) PROCESSING TIME.—The Secretary shall review  
24          an initial transportation security card application and re-  
25          spond to the applicant, as appropriate, including the mail-

1 ing of an Initial Determination of Threat Assessment let-  
2 ter, within 30 days after receipt of the initial application.  
3 The Secretary shall, to the greatest extent practicable, re-  
4 view appeal and waiver requests submitted by a transpor-  
5 tation security card applicant, and send a written decision  
6 or request for additional information required for the ap-  
7 peal or waiver determination, within 30 days after receipt  
8 of the applicant's appeal or waiver written request. For  
9 an applicant that is required to submit additional informa-  
10 tion for an appeal or waiver determination, the Secretary  
11 shall send a written decision, to the greatest extent prac-  
12 ticable, within 30 days after receipt of all requested infor-  
13 mation.

14       “(p) RECEIPT OF CARDS.—Within 180 days after the  
15 date of enactment of the Transportation Security Admin-  
16 istration Authorization Act, the Secretary shall develop a  
17 process to permit an individual approved for a transpor-  
18 tation security card under this section to receive the card  
19 at the individual's place of residence.

20       “(q) FINGERPRINTING.—The Secretary shall estab-  
21 lish procedures providing for an individual who is required  
22 to be fingerprinted for purposes of this section to be  
23 fingerprinted at facilities operated by or under contract  
24 with an agency of the Department of the Secretary that

1 engages in fingerprinting the public for transportation se-  
2 curity or other security purposes.

3       “(r) **REDUNDANT BACKGROUND CHECKS.**—The Sec-  
4 retary shall prohibit a State or political subdivision thereof  
5 from requiring a separate security background check for  
6 any purpose for which a transportation security card is  
7 issued under this section. The Secretary may waive the  
8 application of this subsection with respect to a State or  
9 political subdivision thereof if the State or political sub-  
10 division demonstrates a compelling homeland security rea-  
11 son that a separate security background check is nec-  
12 essary.”.

13 **SEC. \_\_\_\_ . HARMONIZING SECURITY CARD EXPIRATIONS.**

14       Section 70105(b) of title 46, United States Code, is  
15 amended by adding at the end the following new para-  
16 graph:

17       “(6) The Secretary may extend for up to one year  
18 the expiration of a biometric transportation security card  
19 required by this section to align the expiration with the  
20 expiration of a license, certificate of registry, or merchant  
21 mariner document required under chapter 71 or 73.”.

22 **SEC. \_\_\_\_ . ADMINISTRATION OF MARITIME SECURITY.**

23       (a) **ESTABLISH MARITIME SECURITY AS A COAST**  
24 **GUARD FUNCTION.**—Chapter 5 of title 14, United States

1 Code, is further amended by adding at the end the fol-  
2 lowing new section:

3 **“§ 103. Maritime security**

4 “To protect life, property, and the environment on,  
5 under, and over waters subject to the jurisdiction of the  
6 United States and on vessels subject to the jurisdiction  
7 of the United States, the Commandant shall promote mar-  
8 itime security as follows:

9 “(1) By taking actions necessary in the public  
10 interest to protect such life, property, and the envi-  
11 ronment.

12 “(2) Based on priorities established by the  
13 Commandant including—

14 “(A) protecting maritime borders from all  
15 intrusions, reducing the risk from terrorism to  
16 United States passengers at foreign and domes-  
17 tic ports and in designated waterfront facilities,  
18 and preventing and responding to terrorist at-  
19 tacks and other homeland security threats;

20 “(B) protecting critical maritime infra-  
21 structure and other key resources; and

22 “(C) preventing, to the maximum extent  
23 practicable, a transportation security incident  
24 as defined in section 70101 of title 46.”.

1 (b) CLERICAL AMENDMENT.—The analysis at the be-  
2 ginning of such chapter is further amended by adding at  
3 the end the following new item:

“103. Maritime security.”

4 (c) MARITIME SECURITY STAFF.—

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

8 **“§ 60. Maritime security workforce**

9 “(a) DESIGNATION OF MARITIME SECURITY WORK-  
10 FORCE.—

11 “(1) IN GENERAL.—The Secretary, acting  
12 through the Commandant, shall ensure appropriate  
13 coverage of maritime security missions within the  
14 workforce in each sector.

15 “(2) REQUIRED POSITIONS.—In designating po-  
16 sitions under paragraph (1), the Secretary shall in-  
17 clude the following maritime security-related posi-  
18 tions:

19 “(A) Program oversight.

20 “(B) Counterterrorism functions.

21 “(C) Counterintelligence functions.

22 “(D) Criminal investigations related to  
23 maritime security.

24 “(E) Port security enforcement.

1           “(F) Any other activities that the Com-  
2           mandant deems as necessary.

3           “(3) MARITIME SECURITY MANAGEMENT AC-  
4           TIVITIES.—The Secretary shall also designate under  
5           paragraph (1) those maritime security-related man-  
6           agement positions located at Coast Guard head-  
7           quarters, Coast Guard Readiness Command, Coast  
8           Guard Operations Command, the Deployable Oper-  
9           ations Group, and the Intelligence Coordination Cen-  
10          ter.

11          “(b) CAREER PATHS.—The Secretary, acting  
12          through the Commandant, may establish appropriate ca-  
13          reer paths for civilian and military Coast Guard personnel  
14          who wish to pursue careers in maritime security are identi-  
15          fied in terms of the education, training, experience, and  
16          assignments necessary for career progression of civilians  
17          and member of the Armed Forces to the most senior mari-  
18          time security positions. The Secretary shall make available  
19          published information on such career paths.

20          “(c) BALANCED WORKFORCE POLICY.—In the devel-  
21          opment of maritime security workforce policies under this  
22          section with respect to any civilian employees or applicants  
23          for employment with the Coast Guard, the Secretary shall,  
24          consistent with the merit system principles set out in para-  
25          graphs (1) and (2) of section 2301(b) of title 5, take into

1 consideration the need to maintain a balance workforce  
2 in which women and members of racial and ethnic minor-  
3 ity groups are appropriately represented in Government  
4 service.

5 “(d) SECTOR CHIEF OF MARITIME SECURITY.—

6 “(1) IN GENERAL.—The Commandant may as-  
7 sign, as appropriate, a Chief of Maritime Security  
8 who shall be at least a Lieutenant Commander or ci-  
9 vilian employee within the grade GS-13 of the Gen-  
10 eral Schedule in each Coast Guard sector.

11 “(2) FUNCTIONS.—The Chief of Maritime Se-  
12 curity for a sector—

13 “(A) is responsible for all individuals who,  
14 on behalf of the Coast Guard, conduct port se-  
15 curity operations, counterterrorism operations,  
16 intelligence and counterintelligence operations,  
17 and support national defense operations; and

18 “(B) if not the Coast Guard officer in  
19 command of that sector, is the principal advisor  
20 to the Sector Commander regarding maritime  
21 security matters in that sector.

22 “(f) SIGNATORIES OF LETTER OF QUALIFICATION.—

23 Each individual signing a letter of qualification for mari-  
24 time security personnel must hold a letter of qualification  
25 for the type being certified.

1 **“§ 61. Centers of expertise for maritime security**

2       “(a) ESTABLISHMENT.—The Commandant may es-  
3 tablish and operate one or more centers of Maritime Secu-  
4 rity (in this section referred to as a ‘Center’).

5       “(b) MISSIONS.—The Centers shall—

6               “(1) be used to facility education, training, and  
7 research in maritime security including maritime do-  
8 main awareness, counterterrorism policy and oper-  
9 ations, and intelligence collection, fusion, and dis-  
10 semination;

11               “(2) develop a repository on information on  
12 maritime security; and

13               “(3) perform any other function as the Com-  
14 mandant may specify.

15       “(c) JOINT OPERATION WITH EDUCATIONAL INSTI-  
16 TUTION AUTHORIZED.—The Commandant may enter into  
17 an agreement with an appropriate official of an institution  
18 of higher education to—

19               “(1) provide for joint operation of a Center;  
20 and

21               “(2) provide necessary administrative service  
22 for a Center, including administration and allocation  
23 of funds.

24       “(d) ACCEPTANCE OF DONATIONS.—

25               “(1) IN GENERAL.—The Commandant may ac-  
26 cept, on behalf of a center, donations to be used to

1 defray the costs of the Center or to enhance the op-  
2 eration of the Center.

3 “(2) GUIDANCE.—The Commandant shall pre-  
4 scribe written guidance setting forth the criteria to  
5 be used in determining if the acceptance of a dona-  
6 tion is appropriate.”.

7 (2) CLERICAL AMENDMENT.—The analysis at  
8 the beginning of such chapter is further amended by  
9 adding at the end the following new items:

“60. Maritime security workforce.

“61. Centers of expertise for maritime security.”.

10 (d) POWERS AND DUTIES.—Section 93 of title 14,  
11 United States Code, is amended by adding at the end the  
12 following new subsection:

13 “(e) In exercising the Commandant’s duties and re-  
14 sponsibilities with regard to maritime security, the Com-  
15 mandant shall designate a flag officer to serve as the prin-  
16 cipal advisor to the Commandant for maritime security.  
17 The designee shall have at least 10 years combined experi-  
18 ence in operations, intelligence, counterterrorism, counter-  
19 intelligence, port security, criminal investigations (except  
20 maritime casualty investigations), and port security or  
21 other maritime security functions, and at least four years  
22 of leadership experience at a staff or unit carrying out  
23 maritime security functions.”.

Page 268, line 10, insert “(a) IN GENERAL.—” before “Notwithstanding”.

Page 268, after line 23, insert the following:

1           (6) St. Mary’s Cement (United States official  
2           number 699114).

3           (b) DRYDOCK WAIVER.—Notwithstanding sections  
4 12112, 55102, and 55103 of title 46, United States Code,  
5 the Secretary of the department in which the Coast Guard  
6 is operating may issue a certificate of documentation the  
7 appropriate endorsement for engaging in the coastwise  
8 trade in Ketchikan, Alaska, for the Dry Dock #2, State  
9 of Alaska registration AIDEA FDD-2.

Page 269, after line 22, insert the following new  
subparagraph (and make appropriate conforming  
changes):

10           “(L) evaluate the employment base sup-  
11           ported by the Great Lakes marine transpor-  
12           tation system, including the number and types  
13           of jobs, and general demographics about the  
14           employees holding those jobs, such as their gen-  
15           der and age;

Page 290, strike line 13 and all that follows through  
page 292, line 24.

Page 300, strike line 3 and all that follows through page 301, line 19.

Page 307, after line 5, insert the following new subsection:

1       (e) SAVINGS PROVISION.—Nothing in this section  
2 shall be construed to affect or limit the application of, or  
3 any obligation to comply with, any environmental law, in-  
4 cluding the Comprehensive Environmental Response,  
5 Compensation, and Liability Act of 1980 (42 U.S.C. 9601  
6 et seq.).

Page 308, strike line 1 and all that follows through line 20 and insert the following new paragraph:

7       (2) COSTS OF CONVEYANCE.—The City shall be  
8 responsible for all reasonable and necessary costs,  
9 including real estate transaction and environmental  
10 documentation costs, associated with the trans-  
11 action.

Page 310, line 16, add at the end the following new sentence: “In carrying out this section, the Secretary shall work with all appropriate entities to facilitate the collection of information under this section as necessary and shall report the analysis to the Congress.”.

Page 311, strike line 17 and all that follows through page 312, line 4, and insert the following new subsection (and redesignate accordingly):

1       (e) COSTS OF CONVEYANCE.—The purchaser shall be  
2 responsible for all reasonable and necessary costs, includ-  
3 ing real estate transaction and environmental documenta-  
4 tion costs, associated with the transaction.

At the end of title XIII (page 312, after line 22),  
add the following new sections:

5 **SEC. \_\_\_\_ . DISCHARGES INCIDENTAL TO NORMAL OPER-**  
6 **ATION OF VESSELS.**

7       Public Law 110–299 (122 Stat. 2995, 33 U.S.C.  
8 1342 note) is amended in section 2(a) by striking “during  
9 the 2-year period beginning on the date of enactment of  
10 this Act” and inserting “during the period beginning on  
11 the date of enactment of this Act and ending December  
12 18, 2013”.

13 **SEC. \_\_\_\_ . TALL SHIP CHALLENGE RACE.**

14       (a) FINDINGS.—The Congress finds that—

15           (1) The Tall Ship Challenge race will occur on  
16 the Great Lakes in 2010;

17           (2) the ships will race through all five Great  
18 Lakes, two Canadian provinces, and five American  
19 States for the first time;

1           (3) the ships will also promote water conserva-  
2           tion education and training of youth; and

3           (4) thousands of Americans will visit the ships  
4           when they are in United States ports.

5           (b) **ENSURING PARTICIPATION.**—The Congress urges  
6 the Commandant of the Coast Guard to take all initiative  
7 necessary to ensure that tall ships can participate in the  
8 Tall Ship Challenge race in a safe manner including modi-  
9 fications to the pilotage requirements under the authority  
10 of section 2113 of title 46, United States Code.

11 **SEC. \_\_\_\_ . HAITIAN MARITIME CADETS.**

12           Section 51304 of title 46, United States Code, is  
13 amended by adding at the end the following:

14           “(e) **HAITI.**—The Secretary of Transportation, with  
15 the approval of the Secretary of State, may appoint indi-  
16 viduals from Haiti to receive instruction at the Academy.  
17 Individuals appointed under this subsection are in addition  
18 to those appointed under any other provision of this chap-  
19 ter.”.

20 **SEC. \_\_\_\_ . ALTERNATIVE LICENSING PROGRAM FOR OPERA-**  
21 **TORS OF UNINSPECTED PASSENGER VESSELS**  
22 **ON LAKE TEXOMA IN TEXAS AND OKLAHOMA.**

23           (a) **IN GENERAL.**—Upon the request of the Governor  
24 of the State of Texas or the Governor of the State of Okla-  
25 homa, the Secretary of the department in which the Coast

1 Guard is operating shall enter into an agreement with the  
2 Governor of the State whereby the State shall license oper-  
3 ators of uninspected passenger vessels operating on Lake  
4 Texoma in Texas and Oklahoma in lieu of the Secretary  
5 issuing the license pursuant to section 8903 of title 46,  
6 United States Code, and the regulations issued there-  
7 under, but only if the State plan for licensing the opera-  
8 tors of uninspected passenger vessels—

9 (1) meets the equivalent standards of safety  
10 and protection of the environment as those con-  
11 tained in subtitle II of title 46, United States Code,  
12 and regulations issued thereunder;

13 (2) includes—

14 (A) standards for chemical testing for such  
15 operators;

16 (B) physical standards for such operators;

17 (C) professional service and training re-  
18 quirements for such operators; and

19 (D) criminal history background check for  
20 such operators;

21 (3) provides for the suspension and revocation  
22 of State licenses;

23 (4) makes an individual, who is ineligible for a  
24 license issued under title 46, United States Code, in-  
25 eligible for a State license; and

1 (5) provides for a report that includes—

2 (A) the number of applications that, for  
3 the preceding year, the State rejected due to  
4 failure to—

5 (i) meet chemical testing standards;

6 (ii) meet physical standards;

7 (iii) meet professional service and  
8 training requirements; and

9 (iv) pass criminal history background  
10 check for such operators;

11 (B) the number of licenses that, for the  
12 preceding year, the State issued;

13 (C) the number of license investigations  
14 that, for the preceding year, the State con-  
15 ducted;

16 (D) the number of licenses that, for the  
17 preceding year, the State suspended or revoked,  
18 and the cause for such suspensions or revoca-  
19 tions; and

20 (E) the number of injuries, deaths, colli-  
21 sions, and loss or damage associated with  
22 uninspected passenger vessels operations that,  
23 for the preceding year, the State investigated.

24 (b) ADMINISTRATION.—

1           (1) The Governor of the State may delegate the  
2           execution and enforcement of the State plan, includ-  
3           ing the authority to license and the duty to report  
4           information pursuant to subsection (a), to any sub-  
5           ordinate State officer. The Governor shall provide,  
6           to the Secretary, written notice of any delegation.

7           (2) The Governor (or the Governor's designee)  
8           shall provide written notice of any amendment to the  
9           State plan no less than 45 days prior to the effective  
10          date of such amendment.

11          (3) At the request of the Secretary, the Gov-  
12          ernor of the State (or the Governor's designee) shall  
13          grant, on a biennial basis, the Secretary access to  
14          State records and State personnel for the purpose of  
15          auditing State execution and enforcement of the  
16          State plan.

17          (c) APPLICATION.—

18          (1) The requirements of section 8903 of title  
19          46, United States Code, and the regulations issued  
20          thereunder shall not apply to any person operating  
21          under the authority of a State license issued pursu-  
22          ant to an agreement under this section.

23          (2) The State shall not compel a person, oper-  
24          ating under the authority of a license issued either  
25          by another State, pursuant to a valid agreement

1 under this section, or by the Secretary, pursuant to  
2 section 8903 of title 46, United States Code, to—

3 (A) hold a license issued by the State, pur-  
4 suant to an agreement under this section; or

5 (B) pay any fee, associated with licensing,  
6 because the person does not hold a license  
7 issued by the State, pursuant to an agreement  
8 under this section.

9 Nothing in this paragraph shall limit the authority  
10 of the State to impose requirements or fees for privi-  
11 leges, other than licensing, that are associated with  
12 the operation of uninspected passenger vessels on  
13 Lake Texoma.

14 (3) For the purpose of enforcement, if an indi-  
15 vidual is issued a license—

16 (A) by a State, pursuant to an agreement  
17 entered into under to this section; or

18 (B) by the Secretary, pursuant to section  
19 8903 of title 46, United States Code,

20 then the individual shall be entitled to lawfully oper-  
21 ate an uninspected passenger vessel on Lake  
22 Texoma in Texas and Oklahoma without further re-  
23 quirement to hold an additional operator's license.

24 (d) TERMINATION.—

25 (1) If—

1 (A) the Secretary finds that the State plan  
2 for the licensing the operators of uninspected  
3 passenger vessels—

4 (i) does not meet the equivalent  
5 standards of safety and protection of the  
6 environment as those contained in subtitle  
7 II of title 46, United States Code, and reg-  
8 ulations issued thereunder;

9 (ii) does not include—

10 (I) standards for chemical testing  
11 for such operators,

12 (II) physical standards for such  
13 operators,

14 (III) professional service and  
15 training requirements for such opera-  
16 tors, or

17 (IV) background and criminal in-  
18 vestigations for such operators;

19 (iii) does not provide for the suspen-  
20 sion and revocation of State licenses; or

21 (iv) does not make an individual, who  
22 is ineligible for a license issued under title  
23 46, United States Code, ineligible for a  
24 State license; or

1 (B) the Governor (or the Governor's des-  
2 ignee) fails to report pursuant to subsection (b),  
3 the Secretary shall terminate the agreement author-  
4 ized by this section, provided that the Secretary pro-  
5 vides written notice to the Governor of the State 60  
6 days in advance of termination. The findings of fact  
7 and conclusions of the Secretary, if based on a pre-  
8 ponderance of the evidence, shall be conclusive.

9 (2) The Governor of the State may terminate  
10 the agreement authorized by this section, provided  
11 that the Governor provides written notice to the Sec-  
12 retary 60 days in advance of the termination date.

13 (e) EXISTING AUTHORITY.—Nothing in this section  
14 shall affect or diminish the authority or jurisdiction of any  
15 Federal or State officer to investigate, or require reporting  
16 of, marine casualties.

17 (f) DEFINITIONS.—For the purposes of this section,  
18 the term “uninspected passenger vessel” has the same  
19 meaning such term has in section 2101(42)(B) of title 46,  
20 United States Code.

21 **SEC. \_\_\_\_ . IMPROVEMENTS TO REDUCE HUMAN ERROR AND**  
22 **NEAR-MISS INCIDENTS.**

23 (a) REPORT.—Within 1 year after the date of enact-  
24 ment of this Act, the Secretary of the department in which  
25 the Coast Guard is operating shall transmit a report to

1 the House of Representatives Committee on Transpor-  
2 tation and Infrastructure and the Senate Committee on  
3 Commerce, Science, and Transportation that, using avail-  
4 able data—

5 (1) identifies the types of human errors that,  
6 combined, account for over 50 percent of all oils  
7 spills involving vessels that have been caused by  
8 human error in the past 10 years;

9 (2) identifies the most frequent types of near-  
10 miss oil spill incidents involving vessels such as colli-  
11 sions, groundings, and loss of propulsion in the past  
12 10 years;

13 (3) describes the extent to which there are gaps  
14 in the data with respect to the information required  
15 under paragraphs (1) and (2) and explains the rea-  
16 son for those gaps; and

17 (4) includes recommendations by the Secretary  
18 to address the identified types of errors and inci-  
19 dents to address any such gaps in the data.

20 (b) MEASURES.—Based on the findings contained in  
21 the report required by subsection (a), the Secretary shall  
22 take appropriate action, both domestically and at the  
23 International Maritime Organization, to reduce the risk  
24 of oil spills caused by human error.

1 **SEC. \_\_\_\_ . CONVEYANCE OF COAST GUARD PROPERTY IN**  
2 **PORTLAND, MAINE.**

3 Section 347 of the Maritime Transportation Security  
4 Act of 2002 (116 Stat. 2108; as amended by section 706  
5 of Public Law 109–347 (120 Stat. 1946)) is amended—

6 (1) in subsection (c)(1), by striking “December  
7 31, 2009” and inserting “December 31, 2011”;

8 (2) in subsection (d)(1), by striking “its pro-  
9 posed public aquarium” and inserting “a new build-  
10 ing in compliance with the waterfront provisions of  
11 the City of Portland Code of Ordinances adjacent to  
12 the pier and bulkhead”; and

13 (3) in subsection (i), by adding at the end the  
14 following new paragraph

15 “(3) PUBLIC AQUARIUM.—For purposes of this  
16 section, the term ‘aquarium’ or ‘public aquarium’ as  
17 used in this section or in the deed delivered to the  
18 Corporation or any agreement entered into pursuant  
19 to this section, means any new building constructed  
20 by the Corporation adjacent to the pier and bulk-  
21 head in compliance with the waterfront provisions of  
22 the City of Portland Code of Ordinances.”.

23 **SEC. \_\_\_\_ . TUG ESCORTS FOR LADEN OIL TANKERS.**

24 Within 1 year after the date of enactment of this Act,  
25 the Secretary of State, in consultation with the Com-  
26 mandant of the Coast Guard, is encouraged to enter into

1 negotiations with the Government of Canada to ensure  
2 that tugboat escorts are required for all tank ships with  
3 a capacity over 40,000 deadweight tons in the Strait of  
4 Juan de Fuca, Strait of Georgia, and in Haro Strait. The  
5 Commandant shall consult with the State of Washington  
6 and affected tribal governments during negotiations with  
7 the Government of Canada.

