

EN BLOC AMENDMENTS TO H.R. 2838

OFFERED BY Mr. LoBiondo

Page 20, strike lines 1 through 22 and insert the following:

1 **“§ 569a. National security cutters**

2 “(a) The Commandant may not begin production of
3 a sixth national security cutter on any date before which
4 the Commandant—

5 “(1) has acquired a sufficient number of Long
6 Range Interceptor II and Cutter Boat Over the Ho-
7 rizon IV small boats for each of the first three na-
8 tional security cutters and has submitted to the
9 Committee on Commerce, Science, and Transpor-
10 tation of the Senate and the Committee on Trans-
11 portation and Infrastructure of the House of Rep-
12 resentatives a plan to provide such boats upon the
13 date of delivery of each subsequent national security
14 cutter;

15 “(2) has achieved the goal of 225 days away
16 from homeport for each of the first two national se-
17 curity cutters; and

18 “(3) has submitted to the Committee on Com-
19 merce, Science, and Transportation of the Senate

1 and the Committee on Transportation and Infra-
2 structure of the House of Representatives a program
3 execution plan detailing increased aerial coverage to
4 support national security cutter operations.

5 “(b) The Commandant may not begin production of
6 a seventh national security cutter on any date before
7 which the Commandant has selected an offshore patrol
8 cutter that meets at least the minimum operational re-
9 quirements set out in the Operational Requirements Docu-
10 ment approved by the department in which the Coast
11 Guard is operating on October 20, 2010.”

Page 23, line 8, strike “year” and insert the fol-
lowing: “year; the number of officers, members, and em-
ployees of the Coast Guard currently assigned to posi-
tions in the acquisition workforce;”

Page 25, beginning at line 4, strike section 306 and
insert the following:

12 **SEC. 306. COAST GUARD AUXILIARIST ENROLLMENT ELIGI-**
13 **BILITY.**

14 Section 823 of title 14, United States Code, is
15 amended by striking “citizens of the United States and
16 its territories and possessions,” and inserting “nationals
17 of the United States (as such term is defined in section
18 101(a)(22) of the Immigration and Nationality Act (8

1 U.S.C. 1101(a)(22)) and aliens lawfully admitted for per-
2 manent residence (as such term is defined in section
3 101(a)(20) of such Act (8 U.S.C. 1101 (a)(20))),”.

Page 26, line 15, strike “forward operating bases”
and insert “operations”.

Page 26, beginning at line 19, strike “forward oper-
ating bases in the high latitude regions” and insert “op-
erations in the high latitude regions, including forward
operating bases and existing infrastructure in the fur-
thest north locations that are ice free, or nearly ice free,
year round.”.

At the end of title III (page 27, after line 3) add
the following:

4 **SEC. ____ . RESTRICTION ON THE USE OF AIRCRAFT.**

5 (a) RESTRICTION.—Except as provided in subsection
6 (b), the Secretary of the department in which the Coast
7 Guard is operating and the Commandant of the Coast
8 Guard may not travel aboard any Coast Guard owned or
9 operated fixed-wing aircraft if the Secretary has not pro-
10 vided the Committee on Transportation and Infrastruc-
11 ture of the House of Representatives and the Committee
12 on Commerce, Science, and Transportation of the Senate
13 all of the following:

14 (1) A cost-constrained Fleet Mix Analysis.

1 (2) The notification required under section 219
2 of the Coast Guard Authorization Act of 2010 (Pub-
3 lic Law 111-281; 124 Stat. 2918).

4 (b) EXCEPTION.—The Secretary and the Com-
5 mandant may travel aboard a Coast Guard owned and op-
6 erated fixed-wing aircraft—

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

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

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

Page 32, beginning at line 1, strike section 404.

Page 32, strike lines 24 through 26 and insert the
following:

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

At the end of title VI (page 39, after line 10) insert
the following:

1 **SEC. ____ . TECHNICAL CORRECTIONS TO TITLE 14.**

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

4 **“CHAPTER 1—ESTABLISHMENT AND**
5 **DUTIES**

“1. Establishment of Coast Guard.

“2. Primary duties.

“3. Department in which the Coast Guard operates.

“4. Secretary defined.

6 **“§ 1. Establishment of Coast Guard**

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

10 **“§ 2. Primary duties**

11 “The Coast Guard shall—

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

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

19 “(3) administer laws and promulgate and en-
20 force regulations for the promotion of safety of life
21 and property on and under the high seas and waters
22 subject to the jurisdiction of the United States cov-

1 ering all matters not specifically delegated by law to
2 some other executive department;

3 “(4) develop, establish, maintain, and operate,
4 with due regard to the requirements of national de-
5 fense, aids to maritime navigation, ice-breaking fa-
6 cilities, and rescue facilities for the promotion of
7 safety on, under, and over the high seas and waters
8 subject to the jurisdiction of the United States;

9 “(5) pursuant to international agreements, de-
10 velop, establish, maintain, and operate icebreaking
11 facilities on, under, and over waters other than the
12 high seas and waters subject to the jurisdiction of
13 the United States;

14 “(6) engage in oceanographic research of the
15 high seas and in waters subject to the jurisdiction of
16 the United States; and

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

21 **“§ 3. Department in which the Coast Guard operates**

22 “(a) The Coast Guard shall be a service in the De-
23 partment of Homeland Security, except when operating as
24 a service in the Navy.(b) Upon the declaration of war if
25 Congress so directs in the declaration or when the Presi-

1 dent directs, the Coast Guard shall operate as a service
2 in the Navy, and shall so continue until the President, by
3 Executive order, transfers the Coast Guard back to the
4 Department of Homeland Security. While operating as a
5 service in the Navy, the Coast Guard shall be subject to
6 the orders of the Secretary of the Navy, who may order
7 changes in Coast Guard operations to render them uni-
8 form, to the extent such Secretary deems advisable, with
9 Navy operations.

10 “(c) Whenever the Coast Guard operates as a service
11 in the Navy:

12 “(1) applicable appropriations of the Navy De-
13 partment shall be available for the expense of the
14 Coast Guard;

15 “(2) applicable appropriations of the Coast
16 Guard shall be available for transfer to the Navy
17 Department;

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

22 “(4) personnel of the Coast Guard shall be eli-
23 gible to receive gratuities, medals, and other insignia
24 of honor on the same basis as personnel in the naval
25 service or serving in any capacity with the Navy; and

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

7 **“§ 4. Secretary defined**

8 “In this title, the term ‘Secretary’ means the Sec-
9 retary of the respective department in which the Coast
10 Guard is operating..”

11 **SEC. ____ . DISTANT WATER TUNA FLEET.**

12 Section 421(d) of the Coast Guard and Maritime
13 Transportation Act of 2006 (Public Law 109–241; 120
14 Stat. 548) is amended by striking “on December 31,
15 2012” and inserting “on the date the Treaty on Fisheries
16 Between the Governments of Certain Pacific Island States
17 and the Government of the United States of America
18 ceases to have effect for any party under Article 12.6 or
19 12.7 of such treaty, as in effect on the date of enactment
20 of the Coast Guard and Maritime Transportation Act of
21 2011”.

22 **SEC. ____ . WAIVERS.**

23 (a) IN GENERAL.—Notwithstanding sections 12112
24 and 12132 and chapter 551 of title 46, United States
25 Code, the Secretary of the department in which the Coast

1 Guard is operating may issue a certificate of documenta-
2 tion with a coastwise endorsement for each of the following
3 vessels:

4 (1) M/V GEYSIR (United States official num-
5 ber 622178).

6 (2) MACY-RENEE (United States official
7 number 1107319)

8 (3) OCEAN VERITAS (IMO number
9 7366805).

10 (4) LUNA (United States official number
11 280133).

12 (5) IL MORO DI VENEZIA IV (United States
13 official number 1028654)

14 (b) DOCUMENTATION OF LNG TANKERS.—

15 (1) IN GENERAL.—Notwithstanding sections
16 12112 and 12132 and chapter 551 of title 46,
17 United States Code, the Secretary of the department
18 in which the Coast Guard is operating may issue a
19 certificate of documentation with a coastwise en-
20 dorsement for each of the following vessels:

21 (A) LNG GEMINI (United States official
22 number 595752).

23 (B) LNG LEO (United States official
24 number 595753).

1 (C) LNG VIRGO (United States official
2 number 595755).

3 (2) LIMITATION ON OPERATION.—Coastwise
4 trade authorized under paragraph (1) shall be lim-
5 ited to carriage of natural gas, as that term is de-
6 fined in section 3(13) of the Deepwater Port Act of
7 1974 (33 U.S.C. 1502(13)).

8 (3) TERMINATION OF EFFECTIVENESS OF EN-
9 DORSEMENTS.—The coastwise endorsement issued
10 under paragraph (1) for a vessel shall expire on the
11 date of the sale of the vessel by the owner of the ves-
12 sel on the date of enactment of this Act to a person
13 who is not related by ownership or control to such
14 owner.

15 (c) OPERATION OF A DRY DOCK.—A vessel trans-
16 ported in Dry Dock #2 (State of Alaska registration
17 AIDEA FDD-2) is not merchandise for purposes of sec-
18 tion 55102 of title 46, United States Code, if, during such
19 transportation, Dry Dock #2 remains connected by a util-
20 ity or other connecting line to pierside moorage.

