

Revised
#26

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2830
OFFERED BY MR. OBERSTAR OF MINNESOTA**

At the end of title II add the following:

1 **SEC. ____ . POLICY ON SEXUAL HARASSMENT AND SEXUAL**
2 **VIOLENCE AT THE COAST GUARD ACADEMY.**

3 (a) **REQUIRED POLICY.**—Under guidance prescribed
4 by the Secretary of the department in which the Coast
5 Guard is operating, the Commandant of the Coast Guard
6 shall direct the Superintendent of the Coast Guard Acad-
7 emy to prescribe a policy on sexual harassment and sexual
8 violence applicable to the cadets and other personnel of
9 the Academy.

10 (b) **MATTERS TO BE SPECIFIED IN POLICY.**—The
11 policy on sexual harassment and sexual violence prescribed
12 under this section shall include specification of the fol-
13 lowing:

14 (1) Programs to promote awareness of the inci-
15 dence of rape, acquaintance rape, and other sexual
16 offenses of a criminal nature that involve cadets or
17 other Academy personnel.

1 (2) Procedures that a cadet should follow in the
2 case of an occurrence of sexual harassment or sexual
3 violence, including—

4 (A) if the cadet chooses to report an occur-
5 rence of sexual harassment or sexual violence, a
6 specification of the person or persons to whom
7 the alleged offense should be reported and the
8 options for confidential reporting;

9 (B) a specification of any other person
10 whom the victim should contact; and

11 (C) procedures on the preservation of evi-
12 dence potentially necessary for proof of criminal
13 sexual assault.

14 (3) Procedures for disciplinary action in cases
15 of alleged criminal sexual assault involving a cadet
16 or other Academy personnel.

17 (4) Any other sanction authorized to be im-
18 posed in a substantiated case of sexual harassment
19 or sexual violence involving a cadet or other Acad-
20 emy personnel in rape, acquaintance rape, or any
21 other criminal sexual offense, whether forcible or
22 nonforcible.

23 (5) Required training on the policy for all ca-
24 dets and other Academy personnel, including the
25 specific training required for personnel who process

1 allegations of sexual harassment or sexual violence
2 involving Academy personnel.

3 (c) ANNUAL ASSESSMENT.—

4 (1) The Secretary, through the Commandant of
5 the Coast Guard, shall direct the Superintendent of
6 the Coast Guard Academy to conduct an assessment
7 during each Academy program year to determine the
8 effectiveness of the Academy's policies, training, and
9 procedures on sexual harassment and sexual violence
10 involving cadets and other Academy personnel.

11 (2) For the assessment for each of the 2009,
12 2010, 2011, 2012, and 2013 Academy program
13 years, the Superintendent shall conduct a survey of
14 all Academy personnel—

15 (A) to measure—

16 (i) the incidence, during that program
17 year, of sexual harassment and sexual vio-
18 lence events, on or off the Academy res-
19 ervation, that have been reported to offi-
20 cials of the Academy; and

21 (ii) the incidence, in that program
22 year, of sexual harassment and sexual vio-
23 lence events, on or off the Academy res-
24 ervation, that have not been reported to of-
25 ficials of the Academy; and

1 (B) to assess the perceptions of Academy
2 personnel on—

3 (i) the policies, training, and proce-
4 dures on sexual harassment and sexual vio-
5 lence involving Academy personnel;

6 (ii) the enforcement of such policies;

7 (iii) the incidence of sexual harass-
8 ment and violence involving Academy per-
9 sonnel in such program year; and

10 (iv) any other issues relating to sexual
11 harassment and violence involving Acad-
12 emy personnel.

13 (d) ANNUAL REPORT.—

14 (1) The Commandant of the Coast Guard shall
15 direct the Superintendent of the Coast Guard Acad-
16 emy to submit to the Commandant a report on sex-
17 ual harassment and sexual violence involving Acad-
18 emy personnel for each of the 2009, 2010, 2011,
19 2012, and 2013 Academy program years.

20 (2) The annual report under paragraph (1)
21 shall contain, for the Academy program year covered
22 by the report, the following matters:

23 (A) The number of sexual assaults, rapes,
24 and other sexual offenses involving Academy
25 personnel that have been reported to Academy

1 officials during the program year, and the num-
2 ber of the reported cases that have been sub-
3 stantiated.

4 (B) The policies, procedures, and processes
5 implemented by the Commandant of the Coast
6 Guard and the leadership of the Coast Guard
7 Academy in response to sexual harassment and
8 sexual violence involving Academy personnel
9 during the program year.

10 (C) In the report for the 2009 Academy
11 program year, a discussion of the survey con-
12 ducted under subsection (b), together with an
13 analysis of the results of the survey and a dis-
14 cussion of any initiatives undertaken on the
15 basis of such results and analysis.

16 (D) In the report for each of the subse-
17 quent Academy program years, the results of
18 the annual survey conducted in such program
19 year under subsection (b).

20 (E) A plan for the actions that are to be
21 taken in the following Academy program year
22 regarding prevention of and response to sexual
23 harassment and sexual violence involving Acad-
24 emy personnel.

1 (3) The Commandant of the Coast Guard shall
 2 transmit the annual report on the Coast Guard
 3 Academy required under this subsection, together
 4 with the Commandant’s comments on the report, to
 5 the Secretary and the Board of Visitors of the Acad-
 6 emy.

7 (4) The Secretary shall transmit the annual re-
 8 port, together with the Secretary’s comments on the
 9 report, to the Committee on Transportation and In-
 10 frastructure of the House of Representatives and the
 11 Committee on Commerce, Science, and Transpor-
 12 tation of the Senate.

13 (5) The report for the 2009 Academy program
 14 year for the Academy shall be submitted to the Com-
 15 mandant of the Coast Guard not later than one year
 16 after the date of the enactment of this Act.

17 (6) In this subsection, the term “Academy pro-
 18 gram year” with respect to a year, means the Acad-
 19 emy program year that ends in that year.

At the end of title II add the following:

20 **SEC. ____ . HOME PORT OF COAST GUARD VESSELS IN**
 21 **GUAM.**

22 Section 96 of title 14, United States Code, is amend-
 23 ed—

- 1 (1) by striking “a State of the United States”
2 and inserting “the United States or Guam”; and
3 (2) by inserting “or Guam” after “outside the
4 United States”.

At the end of title III add the following:

5 **SEC. ____ . DELEGATION OF AUTHORITY TO CLASSIFICA-**
6 **TION SOCIETIES REGARDING OFFSHORE FA-**
7 **CILITIES.**

8 Section 3316 of title 46, United States Code, is
9 amended by adding at the end the following new sub-
10 section:

11 “(d)(1) The Secretary may delegate to the American
12 Bureau of Shipping or another classification society recog-
13 nized by the Secretary as meeting acceptable standards
14 for such a society, for a United States offshore facility,
15 the authority to—

16 “(A) review and approve plans required for
17 issuing a certificate of inspection or certificate of
18 compliance; and

19 “(B) conduct inspections and examinations.

20 “(2) The Secretary may make a delegation under
21 paragraph (1) to a foreign classification society only if the
22 foreign classification society has offices and maintains
23 records in the United States and—

1 “(A) if the government of the foreign country
2 in which the society is headquartered delegates that
3 authority to the American Bureau of Shipping; or

4 “(B) to the extent the government of the for-
5 eign country accepts plan review, inspections, or ex-
6 aminations conducted by the American Bureau of
7 Shipping and provides equivalent access to inspect,
8 certify, and provide related services to offshore facili-
9 ties located in that country or operating under the
10 authority of that country.

11 “(3) When an inspection or examination has been del-
12 egated under this subsection, the Secretary’s delegate—

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

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

21 “(i) as a marine inspector and serving in
22 a position as a marine inspector; or

23 “(ii) in writing by the Secretary to have
24 access to those files.

25 “(4) For purposes of this section—

1 “(A) the term ‘offshore facility’ means any in-
2 stallation, structure, or other device (including any
3 vessel not documented under chapter 121 of this
4 title or the laws of another country) that is fixed or
5 floating, dynamically holds position or is temporarily
6 or permanently attached to the seabed or subsoil
7 under the sea, and is used for the purpose of explor-
8 ing for, developing, producing, or storing the re-
9 sources from that seabed or subsoil; and

10 “(B) the term ‘United States offshore facility’
11 means any offshore facility, fixed or floating, that
12 dynamically holds position or is temporarily or per-
13 manently attached to the seabed or subsoil under the
14 territorial sea of the United States or the outer Con-
15 tinental Shelf (as that term is defined in section 2
16 of the Outer Continental Shelf Lands Act (43
17 U.S.C. 1331)).”

At the end of title III add the following:

18 **SEC. ____ . REQUIREMENT FOR PILOTS TO CARRY AND UTI-**
19 **LIZE PORTABLE ELECTRONIC NAVIGATIONAL**
20 **DEVICE.**

21 The Ports and Waterways Safety Act (33 U.S.C.
22 1221 et seq.) is amended by inserting after section 4A
23 the following:

1 **“SEC. 4B. PORTABLE ELECTRONIC DEVICE FOR NAVIGA-**
2 **TION PURPOSES.**

3 “(a) **IN GENERAL.**—The Commandant of the Coast
4 Guard may issue regulations that—

5 “(1) require that any pilot licensed under sub-
6 title II of title 46, United States Code, while serving
7 under the authority of that license as pilot on a cov-
8 ered vessel operating in waters designated in the
9 regulation shall carry and utilize a portable elec-
10 tronic device that is—

11 “(A) equipped for navigational purposes;
12 and

13 “(B) capable of being connected to an
14 Automatic Identification System; and

15 “(2) require such pilots to obtain training in
16 the use of such electronic devices, and prescribe re-
17 quirements for such training after consultation with
18 State or local pilotage authorities on specific equip-
19 ment and practices in the waters designated in the
20 regulation.

21 “(b) **DETERMINATION OF NEED.**—The Commandant
22 shall consult with State or local pilotage authorities for
23 the waters covered by the regulations to determine if the
24 carriage and use of such portable electronic devices would
25 improve safe navigation under local conditions and wheth-
26 er there is a need for mandatory carriage requirements.

1 “(c) COVERED VESSEL DEFINED.—In this section
2 the term ‘covered vessel’ means a self-propelled commer-
3 cial vessel of 300 gross tons or more that does not have
4 an electronic chart prescribed under section 4A.”.

At the end of title IV add the following:

5 **SEC. ____ . NEWTOWN CREEK, NEW YORK CITY, NEW YORK.**

6 (a) STUDY.—The Administrator of the Environ-
7 mental Protection Agency shall conduct a study on the
8 public health, safety, and environmental concerns related
9 to the underground petroleum spill on the Brooklyn shore-
10 line of Newtown Creek, New York City, New York, in
11 Greenpoint, Brooklyn, New York.

12 (b) FULL-SITE CHARACTERIZATION AND COLLEC-
13 TION OF NEW FIELD EVIDENCE.—In carrying out the
14 study under this section, the Administrator shall conduct
15 a full-site characterization of the underground petroleum
16 spill, including the investigation, collection, and analysis
17 of new and updated data and field evidence on the extent
18 of the petroleum spill, including any portion of the spill
19 that has been diluted into surrounding waters, and any
20 surrounding soil contamination or soil vapor contamina-
21 tion.

22 (c) REPORT.—Not later than one year after the date
23 of enactment of this Act, the Administrator shall submit
24 a report containing the results of the study to the Com-

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

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section
7 \$5,000,000.

Page 158, beginning at line 16, strike “such infor-
mation to the Secretary” and insert “to the Secretary all
the entries entered in the ballast water record book dur-
ing the preceding month, and transmit such additional
information”.

Page 172, after line 17, insert the following:

8 “The vessels to which this paragraph applies shall
9 conduct ballast water treatment in accordance with
10 subsection (f) when it applies.