

of title 46, United States Code, as in effect before the date of enactment of this Act [Oct. 15, 2010], to an action filed under that section before that date.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 2115. Civil penalty to enforce alcohol and dangerous drug testing

Any person who fails to implement or conduct, or who otherwise fails to comply with the requirements prescribed by the Secretary for, chemical testing for dangerous drugs or for evidence of alcohol use, as prescribed under this subtitle or a regulation prescribed by the Secretary to carry out the provisions of this subtitle, is liable to the United States Government for a civil penalty of not more than \$5,000 for each violation. Each day of a continuing violation shall constitute a separate violation.

(Added Pub. L. 104-324, title III, §303(a), Oct. 19, 1996, 110 Stat. 3917; amended Pub. L. 105-383, title III, §304(b), Nov. 13, 1998, 112 Stat. 3419.)

AMENDMENTS

1998—Pub. L. 105-383 substituted “\$5,000” for “\$1,000”.

§ 2116. Marine safety strategy, goals, and performance assessments

(a) LONG-TERM STRATEGY AND GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary shall develop a long-term strategy for improving vessel safety and the safety of individuals on vessels. The strategy shall include the issuance each year of an annual plan and schedule for achieving the following goals:

- (1) Reducing the number and rates of marine casualties.
- (2) Improving the consistency and effectiveness of vessel and operator enforcement and compliance programs.
- (3) Identifying and targeting enforcement efforts at high-risk vessels and operators.
- (4) Improving research efforts to enhance and promote vessel and operator safety and performance.

(b) CONTENTS OF STRATEGY AND ANNUAL PLANS.—

(1) MEASURABLE GOALS.—The strategy and annual plans shall include specific numeric or measurable goals designed to achieve the goals set forth in subsection (a). The purposes of the numeric or measurable goals are the following:

- (A) To increase the number of safety examinations on all high-risk vessels.
- (B) To eliminate the backlog of marine safety-related rulemakings.
- (C) To improve the quality and effectiveness of marine safety information databases by ensuring that all Coast Guard personnel accurately and effectively report all safety, casualty, and injury information.

(D) To provide for a sufficient number of Coast Guard marine safety personnel, and provide adequate facilities and equipment to carry out the functions referred to in section 93(c) of title 14.

(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of—

- (A) the funds and staff resources needed to accomplish each activity included in the strategy and plans; and
- (B) the staff skills and training needed for timely and effective accomplishment of each goal.

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

(d) ACHIEVEMENT OF GOALS.—

(1) PROGRESS ASSESSMENT.—No less frequently than semiannually, the Coast Guard Commandant shall assess the progress of the Coast Guard toward achieving the goals set forth in subsection (b). The Commandant shall convey the Commandant’s assessment to the employees of the marine safety workforce and shall identify any deficiencies that should be remedied before the next progress assessment.

(2) REPORT TO CONGRESS.—The Secretary shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

- (A) on the performance of the marine safety program in achieving the goals of the marine safety strategy and annual plan under subsection (a) for the year covered by the report;
- (B) on the program’s mission performance in achieving numerical measurable goals established under subsection (b), including—
 - (i) the number of civilian and military Coast Guard personnel assigned to marine safety positions; and
 - (ii) an identification of marine safety positions that are understaffed to meet the workload required to accomplish each activity included in the strategy and plans under subsection (a); and
- (C) recommendations on how to improve performance of the program.

(Added Pub. L. 111-281, title V, §522(a), Oct. 15, 2010, 124 Stat. 2956; amended Pub. L. 113-281, title II, §221(b)(1)(A), title III, §307(a), Dec. 18, 2014, 128 Stat. 3037, 3045.)

AMENDMENTS

2014—Subsec. (b)(1)(D). Pub. L. 113-281, §307(a), substituted “section 93(c) of title 14” for “section 93(c)”.

Subsec. (d)(2)(B). Pub. L. 113-281, §221(b)(1)(A), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “on the program’s mission performance in achieving numerical measurable goals established under subsection (b); and”.

§ 2117. Termination for unsafe operation

An individual authorized to enforce this title—