

In the House of Representatives, U. S.,

December 5, 2012.

Resolved, That the House agree to the amendment of the Senate to the title of the bill (H.R. 2838) entitled “An Act to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.” and be it further

Resolved, That the House agree to the amendment of the Senate to the text of the aforesaid bill, with the following:

HOUSE AMENDMENT TO SENATE AMENDMENTS:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
3 *“Coast Guard and Maritime Transportation Act of 2012”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*
5 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD

Sec. 201. Interference with Coast Guard transmissions.

Sec. 202. Coast Guard authority to operate and maintain Coast Guard assets.

Sec. 203. Limitation on expenditures.

Sec. 204. Academy pay, allowances, and emoluments.

Sec. 205. Policy on sexual harassment and sexual violence.

Sec. 206. Appointments of permanent commissioned officers.

- Sec. 207. Selection boards; oath of members.*
- Sec. 208. Special selection boards; correction of errors.*
- Sec. 209. Prohibition of certain involuntary administrative separations.*
- Sec. 210. Major acquisitions.*
- Sec. 211. Advance procurement funding.*
- Sec. 212. Minor construction.*
- Sec. 213. Capital investment plan and annual list of projects to Congress.*
- Sec. 214. Aircraft accident investigations.*
- Sec. 215. Coast Guard Auxiliary enrollment eligibility.*
- Sec. 216. Repeals.*
- Sec. 217. Technical corrections to title 14.*
- Sec. 218. Acquisition workforce expedited hiring authority.*
- Sec. 219. Renewal of temporary early retirement authority.*
- Sec. 220. Response Boat-Medium procurement.*
- Sec. 221. National Security Cutters.*
- Sec. 222. Coast Guard polar icebreakers.*

TITLE III—SHIPPING AND NAVIGATION

- Sec. 301. Identification of actions to enable qualified United States flag capacity to meet national defense requirements.*
- Sec. 302. Limitation of liability for non-Federal vessel traffic service operators.*
- Sec. 303. Survival craft.*
- Sec. 304. Classification societies.*
- Sec. 305. Dockside examinations.*
- Sec. 306. Authority to extend the duration of medical certificates.*
- Sec. 307. Clarification of restrictions on American Fisheries Act vessels.*
- Sec. 308. Investigations by Secretary.*
- Sec. 309. Penalties.*
- Sec. 310. United States Committee on the Marine Transportation System.*
- Sec. 311. Technical correction to title 46.*
- Sec. 312. Deepwater ports.*

TITLE IV—MARITIME ADMINISTRATION AUTHORIZATION

- Sec. 401. Short title.*
- Sec. 402. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2013.*
- Sec. 403. Maritime environmental and technical assistance.*
- Sec. 404. Property for instructional purposes.*
- Sec. 405. Short sea transportation.*
- Sec. 406. Limitation of National Defense Reserve Fleet vessels to those over 1,500 gross tons.*
- Sec. 407. Transfer of vessels to the National Defense Reserve Fleet.*
- Sec. 408. Clarification of heading.*
- Sec. 409. Mission of the Maritime Administration.*
- Sec. 410. Amendments relating to the National Defense Reserve Fleet.*
- Sec. 411. Requirement for barge design.*
- Sec. 412. Container-on-barge transportation.*
- Sec. 413. Department of Defense national strategic ports study and Comptroller General studies and reports on strategic ports.*
- Sec. 414. Maritime workforce study.*
- Sec. 415. Maritime Administration vessel recycling contract award practices.*

TITLE V—PIRACY

- Sec. 501. *Short title.*
 Sec. 502. *Training for use of force against piracy.*
 Sec. 503. *Security of Government-impelled cargo.*
 Sec. 504. *Actions taken to protect foreign-flagged vessels from piracy.*

TITLE VI—MARINE DEBRIS

- Sec. 601. *Short title.*
 Sec. 602. *Short title amendment; references.*
 Sec. 603. *Purpose.*
 Sec. 604. *NOAA Marine Debris Program.*
 Sec. 605. *Repeal of obsolete provisions.*
 Sec. 606. *Coordination.*
 Sec. 607. *Confidentiality of submitted information.*
 Sec. 608. *Definitions.*
 Sec. 609. *Severe marine debris event determination.*

TITLE VII—MISCELLANEOUS

- Sec. 701. *Distant water tuna fleet.*
 Sec. 702. *Technical corrections.*
 Sec. 703. *Extension of moratorium.*
 Sec. 704. *Notice of arrival.*
 Sec. 705. *Waivers.*
 Sec. 706. *National Response Center notification requirements.*
 Sec. 707. *Vessel determinations.*
 Sec. 708. *Mille Lacs Lake, Minnesota.*
 Sec. 709. *Transportation Worker Identification Credential process reform.*
 Sec. 710. *Investment amount.*
 Sec. 711. *Integrated cross-border maritime law enforcement operations between the United States and Canada.*
 Sec. 712. *Bridge permits.*
 Sec. 713. *Tonnage of Aqueos Acadian.*
 Sec. 714. *Navigability determination.*
 Sec. 715. *Coast Guard housing.*
 Sec. 716. *Assessment of needs for additional Coast Guard presence in high-latitude regions.*
 Sec. 717. *Potential Place of Refuge.*
 Sec. 718. *Merchant mariner medical evaluation program.*
 Sec. 719. *Determinations.*
 Sec. 720. *Impediments to the United States-flag registry.*
 Sec. 721. *Arctic deepwater seaport.*
 Sec. 722. *Risk assessment of transporting Canadian oil sands.*

1 **TITLE I—AUTHORIZATION**2 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

- 3 *Funds are authorized to be appropriated for each of*
 4 *fiscal years 2013 and 2014 for necessary expenses of the*
 5 *Coast Guard as follows:*

1 (1) *For the operation and maintenance of the*
2 *Coast Guard—*

3 (A) *\$6,882,645,000 for fiscal year 2013; and*

4 (B) *\$6,981,036,000 for fiscal year 2014;*

5 *of which \$24,500,000 is authorized each fiscal year to*
6 *be derived from the Oil Spill Liability Trust Fund to*
7 *carry out the purposes of section 1012(a)(5) of the Oil*
8 *Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).*

9 (2) *For the acquisition, construction, rebuilding,*
10 *and improvement of aids to navigation, shore and off-*
11 *shore facilities, vessels, and aircraft, including equip-*
12 *ment related thereto—*

13 (A) *\$1,545,312,000 for fiscal year 2013; and*

14 (B) *\$1,546,448,000 for fiscal year 2014;*

15 *to remain available until expended and of which*
16 *\$20,000,000 is authorized each fiscal year to be de-*
17 *rived from the Oil Spill Liability Trust Fund to*
18 *carry out the purposes of section 1012(a)(5) of the Oil*
19 *Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).*

20 (3) *For the Coast Guard Reserve program, in-*
21 *cluding personnel and training costs, equipment, and*
22 *services—*

23 (A) *\$138,111,000 for fiscal year 2013; and*

24 (B) *\$140,016,000 for fiscal year 2014.*

1 (4) *For environmental compliance and restora-*
2 *tion of Coast Guard vessels, aircraft, and facilities*
3 *(other than parts and equipment associated with op-*
4 *eration and maintenance)—*

5 (A) \$16,699,000 for fiscal year 2013; and

6 (B) \$16,701,000 for fiscal year 2014;

7 *to remain available until expended.*

8 (5) *To the Commandant of the Coast Guard for*
9 *research, development, test, and evaluation of tech-*
10 *nologies, materials, and human factors directly re-*
11 *lated to improving the performance of the Coast*
12 *Guard's mission with respect to search and rescue,*
13 *aids to navigation, marine safety, marine environ-*
14 *mental protection, enforcement of laws and treaties,*
15 *ice operations, oceanographic research, and defense*
16 *readiness—*

17 (A) \$19,848,000 for fiscal year 2013; and

18 (B) \$19,890,000 for fiscal year 2014.

19 (6) *For alteration or removal of bridges over*
20 *navigable waters of the United States constituting ob-*
21 *structions to navigation, and for personnel and ad-*
22 *ministrative costs associated with the Alteration of*
23 *Bridges Program—*

24 (A) \$16,000,000 for fiscal year 2013; and

25 (B) \$16,000,000 for fiscal year 2014.

1 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
2 **AND TRAINING.**

3 (a) *ACTIVE DUTY STRENGTH.*—*The Coast Guard is*
4 *authorized an end-of-year strength for active duty personnel*
5 *of 47,000 for each of fiscal years 2013 and 2014.*

6 (b) *MILITARY TRAINING STUDENT LOADS.*—*The Coast*
7 *Guard is authorized average military training student*
8 *loads for each of fiscal years 2013 and 2014 as follows:*

9 (1) *For recruit and special training, 2,500 stu-*
10 *dent years.*

11 (2) *For flight training, 165 student years.*

12 (3) *For professional training in military and ci-*
13 *vilian institutions, 350 student years.*

14 (4) *For officer acquisition, 1,200 student years.*

15 **TITLE II—COAST GUARD**

16 **SEC. 201. INTERFERENCE WITH COAST GUARD TRANS-**
17 **MISSIONS.**

18 *Section 88 of title 14, United States Code, is amended*
19 *by adding at the end the following:*

20 “(e) *An individual who knowingly and willfully oper-*
21 *ates a device with the intention of interfering with the*
22 *broadcast or reception of a radio, microwave, or other sig-*
23 *nal (including a signal from a global positioning system)*
24 *transmitted, retransmitted, or augmented by the Coast*
25 *Guard for the purpose of maritime safety is—*

26 “(1) *guilty of a class E felony; and*

1 “(2) subject to a civil penalty of not more than
2 \$1,000 per day for each violation.”.

3 **SEC. 202. COAST GUARD AUTHORITY TO OPERATE AND**
4 **MAINTAIN COAST GUARD ASSETS.**

5 Section 93 of title 14, United States Code, is amended
6 by adding at the end the following:

7 “(e) OPERATION AND MAINTENANCE OF COAST GUARD
8 ASSETS AND FACILITIES.—All authority, including pro-
9 grammatic budget authority, for the operation and mainte-
10 nance of Coast Guard vessels, aircraft, systems, aids to
11 navigation, infrastructure, and other assets or facilities
12 shall be allocated to and vested in the Coast Guard and
13 the department in which the Coast Guard is operating.”.

14 **SEC. 203. LIMITATION ON EXPENDITURES.**

15 Section 149(d) of title 14, United States Code, is
16 amended by adding at the end the following:

17 “(3) The amount of funds used under this sub-
18 section may not exceed \$100,000 in any fiscal year.”.

19 **SEC. 204. ACADEMY PAY, ALLOWANCES, AND EMOLUMENTS.**

20 Section 195 of title 14, United States Code, is amend-
21 ed—

22 (1) by striking “person” each place it appears
23 and inserting “foreign national”; and

1 (2) by striking “pay and allowances” each place
2 it appears and inserting “pay, allowances, and
3 emoluments”.

4 **SEC. 205. POLICY ON SEXUAL HARASSMENT AND SEXUAL VI-**
5 **OLENCE.**

6 (a) *ESTABLISHMENT*.—Chapter 9 of title 14, United
7 States Code, is amended by adding at the end the following:

8 **“§200. Policy on sexual harassment and sexual vio-**
9 **lence**

10 “(a) *REQUIRED POLICY*.—The Commandant of the
11 Coast Guard shall direct the Superintendent of the Coast
12 Guard Academy to prescribe a policy on sexual harassment
13 and sexual violence applicable to the cadets and other per-
14 sonnel of the Academy.

15 “(b) *MATTERS TO BE SPECIFIED IN POLICY*.—The
16 policy on sexual harassment and sexual violence under this
17 section shall include specification of the following:

18 “(1) Programs to promote awareness of the inci-
19 dence of rape, acquaintance rape, and other sexual of-
20 fenses of a criminal nature that involve cadets or
21 other Academy personnel.

22 “(2) Information about how the Coast Guard
23 and the Academy will protect the confidentiality of
24 victims of sexual harassment or sexual violence, in-
25 cluding how any records, statistics, or reports in-

1 *tended for public release will be formatted such that*
2 *the confidentiality of victims is not jeopardized.*

3 *“(3) Procedures that cadets and other Academy*
4 *personnel should follow in the case of an occurrence*
5 *of sexual harassment or sexual violence, including—*

6 *“(A) if the victim chooses to report an oc-*
7 *currence of sexual harassment or sexual violence,*
8 *a specification of the person or persons to whom*
9 *the alleged offense should be reported and options*
10 *for confidential reporting, including written in-*
11 *formation to be given to victims that explains*
12 *how the Coast Guard and the Academy will pro-*
13 *tect the confidentiality of victims;*

14 *“(B) a specification of any other person*
15 *whom the victim should contact; and*

16 *“(C) procedures on the preservation of evi-*
17 *dence potentially necessary for proof of criminal*
18 *sexual assault.*

19 *“(4) Procedures for disciplinary action in cases*
20 *of criminal sexual assault involving a cadet or other*
21 *Academy personnel.*

22 *“(5) Sanctions authorized to be imposed in a*
23 *substantiated case of sexual harassment or sexual vio-*
24 *lence involving a cadet or other Academy personnel,*
25 *including with respect to rape, acquaintance rape, or*

1 *other criminal sexual offense, whether forcible or non-*
2 *forcible.*

3 *“(6) Required training on the policy for all ca-*
4 *detts and other Academy personnel who process allega-*
5 *tions of sexual harassment or sexual violence involv-*
6 *ing a cadet or other Academy personnel.*

7 *“(c) ASSESSMENT.—*

8 *“(1) IN GENERAL.—The Commandant shall di-*
9 *rect the Superintendent to conduct at the Academy*
10 *during each Academy program year an assessment to*
11 *determine the effectiveness of the policies of the Acad-*
12 *emy with respect to sexual harassment and sexual vi-*
13 *olence involving cadets or other Academy personnel.*

14 *“(2) BIENNIAL SURVEY.—For the assessment at*
15 *the Academy under paragraph (1) with respect to an*
16 *Academy program year that begins in an odd-num-*
17 *bered calendar year, the Superintendent shall conduct*
18 *a survey of cadets and other Academy personnel—*

19 *“(A) to measure—*

20 *“(i) the incidence, during that pro-*
21 *gram year, of sexual harassment and sexual*
22 *violence events, on or off the Academy res-*
23 *ervation, that have been reported to an offi-*
24 *cial of the Academy; and*

1 “(ii) the incidence, during that pro-
2 gram year, of sexual harassment and sexual
3 violence events, on or off the Academy res-
4 ervation, that have not been reported to an
5 official of the Academy; and

6 “(B) to assess the perceptions of the cadets
7 and other Academy personnel with respect to—

8 “(i) the Academy’s policies, training,
9 and procedures on sexual harassment and
10 sexual violence involving cadets or other
11 Academy personnel;

12 “(ii) the enforcement of such policies;

13 “(iii) the incidence of sexual harass-
14 ment and sexual violence involving cadets
15 or other Academy personnel; and

16 “(iv) any other issues relating to sex-
17 ual harassment and sexual violence involv-
18 ing cadets or other Academy personnel.

19 “(d) REPORT.—

20 “(1) IN GENERAL.—The Commandant shall di-
21 rect the Superintendent to submit to the Commandant
22 a report on sexual harassment and sexual violence in-
23 volving cadets or other Academy personnel for each
24 Academy program year.

1 “(2) *REPORT SPECIFICATIONS.*—Each report
2 under paragraph (1) shall include, for the Academy
3 program year covered by the report, the following:

4 “(A) *The number of sexual assaults, rapes,*
5 *and other sexual offenses involving cadets or*
6 *other Academy personnel that have been reported*
7 *to Academy officials during the Academy pro-*
8 *gram year and, of those reported cases, the num-*
9 *ber that have been substantiated.*

10 “(B) *A plan for the actions that are to be*
11 *taken in the following Academy program year*
12 *regarding prevention of and response to sexual*
13 *harassment and sexual violence involving cadets*
14 *or other Academy personnel.*

15 “(3) *BIENNIAL SURVEY.*—Each report under
16 paragraph (1) for an Academy program year that be-
17 gins in an odd-numbered calendar year shall include
18 the results of the survey conducted in that Academy
19 program year under subsection (c)(2).

20 “(4) *TRANSMISSION OF REPORT.*—The Com-
21 mandant shall transmit each report received by the
22 Commandant under this subsection, together with the
23 Commandant’s comments on the report, to—

24 “(A) *the Committee on Commerce, Science,*
25 *and Transportation of the Senate; and*

1 “(B) *the Committee on Transportation and*
2 *Infrastructure of the House of Representatives.*

3 “(5) *FOCUS GROUPS.—*

4 “(A) *IN GENERAL.—For each Academy pro-*
5 *gram year with respect to which the Super-*
6 *intendent is not required to conduct a survey at*
7 *the Academy under subsection (c)(2), the Com-*
8 *mandant shall require focus groups to be con-*
9 *ducted at the Academy for the purposes of*
10 *ascertaining information relating to sexual as-*
11 *sault and sexual harassment issues at the Acad-*
12 *emy.*

13 “(B) *INCLUSION IN REPORTS.—Information*
14 *derived from a focus group under subparagraph*
15 *(A) shall be included in the next transmitted*
16 *Commandant’s report under this subsection.*

17 “(e) *VICTIM CONFIDENTIALITY.—To the extent that in-*
18 *formation collected under the authority of this section is*
19 *reported or otherwise made available to the public, such in-*
20 *formation shall be provided in a form that is consistent*
21 *with applicable privacy protections under Federal law and*
22 *does not jeopardize the confidentiality of victims.”.*

23 “(b) *CLERICAL AMENDMENT.—The analysis for chapter*
24 *9 of title 14, United States Code, is amended by inserting*
25 *after the item relating to section 199 the following:*

 “200. *Policy on sexual harassment and sexual violence.”.*

1 **SEC. 206. APPOINTMENTS OF PERMANENT COMMISSIONED**
2 **OFFICERS.**

3 *Section 211 of title 14, United States Code, is amended*
4 *by adding at the end the following:*

5 *“(d) For the purposes of this section, the term ‘origi-*
6 *nal’, with respect to the appointment of a member of the*
7 *Coast Guard, refers to that member’s most recent appoint-*
8 *ment in the Coast Guard that is neither a promotion nor*
9 *a demotion.”.*

10 **SEC. 207. SELECTION BOARDS; OATH OF MEMBERS.**

11 *Section 254 of title 14, United States Code, is amended*
12 *to read as follows:*

13 **“§ 254. Selection boards; oath of members**

14 *“Each member of a selection board shall swear—*

15 *“(1) that the member will, without prejudice or*
16 *partiality, and having in view both the special fitness*
17 *of officers and the efficiency of the Coast Guard, per-*
18 *form the duties imposed upon the member; and*

19 *“(2) an oath in accordance with section 635.”.*

20 **SEC. 208. SPECIAL SELECTION BOARDS; CORRECTION OF**
21 **ERRORS.**

22 *(a) IN GENERAL.—Chapter 11 of title 14, United*
23 *States Code, is amended by inserting after section 262 the*
24 *following:*

1 **“§ 263. Special selection boards; correction of errors**

2 “(a) *OFFICERS NOT CONSIDERED DUE TO ADMINIS-*
3 *TRATIVE ERROR.—*

4 “(1) *IN GENERAL.—If the Secretary determines*
5 *that as the result of an administrative error—*

6 “(A) *an officer or former officer was not*
7 *considered for selection for promotion by a selec-*
8 *tion board convened under section 251; or*

9 “(B) *the name of an officer or former officer*
10 *was not placed on an all-fully-qualified-officers*
11 *list;*

12 *the Secretary shall convene a special selection board*
13 *to determine whether such officer or former officer*
14 *should be recommended for promotion and such officer*
15 *or former officer shall not be considered to have failed*
16 *of selection for promotion prior to the consideration*
17 *of the special selection board.*

18 “(2) *EFFECT OF FAILURE TO RECOMMEND FOR*
19 *PROMOTION.—If a special selection board convened*
20 *under paragraph (1) does not recommend for pro-*
21 *motion an officer or former officer, whose grade is*
22 *below the grade of captain and whose name was re-*
23 *ferred to that board for consideration, the officer or*
24 *former officer shall be considered to have failed of se-*
25 *lection for promotion.*

1 “(b) *OFFICERS CONSIDERED BUT NOT SELECTED;*
2 *MATERIAL ERROR.*—

3 “(1) *IN GENERAL.*—*In the case of an officer or*
4 *former officer who was eligible for promotion, was*
5 *considered for selection for promotion by a selection*
6 *board convened under section 251, and was not se-*
7 *lected for promotion by that board, the Secretary may*
8 *convene a special selection board to determine whether*
9 *the officer or former officer should be recommended for*
10 *promotion, if the Secretary determines that—*

11 “(A) *an action of the selection board that*
12 *considered the officer or former officer—*

13 “(i) *was contrary to law in a matter*
14 *material to the decision of the board; or*

15 “(ii) *involved material error of fact or*
16 *material administrative error; or*

17 “(B) *the selection board that considered the*
18 *officer or former officer did not have before it for*
19 *consideration material information.*

20 “(2) *EFFECT OF FAILURE TO RECOMMEND FOR*
21 *PROMOTION.*—*If a special selection board convened*
22 *under paragraph (1) does not recommend for pro-*
23 *motion an officer or former officer, whose grade is*
24 *that of commander or below and whose name was re-*

1 *ferred to that board for consideration, the officer or*
2 *former officer shall be considered—*

3 *“(A) to have failed of selection for pro-*
4 *motion with respect to the board that considered*
5 *the officer or former officer prior to the consider-*
6 *ation of the special selection board; and*

7 *“(B) to incur no additional failure of selec-*
8 *tion for promotion as a result of the action of the*
9 *special selection board.*

10 *“(c) REQUIREMENTS FOR SPECIAL SELECTION*
11 *BOARDS.—Each special selection board convened under this*
12 *section shall—*

13 *“(1) be composed in accordance with section 252*
14 *and the members of the board shall be required to*
15 *swear the oaths described in section 254;*

16 *“(2) consider the record of an applicable officer*
17 *or former officer as that record, if corrected, would*
18 *have appeared to the selection board that should have*
19 *considered or did consider the officer or former officer*
20 *prior to the consideration of the special selection*
21 *board and that record shall be compared with a sam-*
22 *pling of the records of—*

23 *“(A) those officers of the same grade who*
24 *were recommended for promotion by such prior*
25 *selection board; and*

1 “(B) those officers of the same grade who
2 were not recommended for promotion by such
3 prior selection board; and

4 “(3) submit to the Secretary a written report in
5 a manner consistent with sections 260 and 261.

6 “(d) *APPOINTMENT OF OFFICERS RECOMMENDED FOR*
7 *PROMOTION.*—

8 “(1) *IN GENERAL.*—An officer or former officer
9 whose name is placed on a promotion list as a result
10 of the recommendation of a special selection board
11 convened under this section shall be appointed, as
12 soon as practicable, to the next higher grade in ac-
13 cordance with the law and policies that would have
14 been applicable to the officer or former officer had the
15 officer or former officer been recommended for pro-
16 motion by the selection board that should have consid-
17 ered or did consider the officer or former officer prior
18 to the consideration of the special selection board.

19 “(2) *EFFECT.*—An officer or former officer who
20 is promoted to the next higher grade as a result of the
21 recommendation of a special selection board convened
22 under this section shall have, upon such promotion,
23 the same date of rank, the same effective date for the
24 pay and allowances of that grade, and the same posi-
25 tion on the active duty promotion list as the officer

1 *or former officer would have had if the officer or*
2 *former officer had been recommended for promotion to*
3 *that grade by the selection board that should have*
4 *considered or did consider the officer or former officer*
5 *prior to the consideration of the special selection*
6 *board.*

7 *“(3) RECORD CORRECTION.—If the report of a*
8 *special selection board convened under this section, as*
9 *approved by the President, recommends for promotion*
10 *to the next higher grade an officer not eligible for pro-*
11 *motion or a former officer whose name was referred*
12 *to the board for consideration, the Secretary may act*
13 *under section 1552 of title 10 to correct the military*
14 *record of the officer or former officer to correct an*
15 *error or remove an injustice resulting from the officer*
16 *or former officer not being selected for promotion by*
17 *the selection board that should have considered or did*
18 *consider the officer or former officer prior to the con-*
19 *sideration of the special selection board.*

20 *“(e) APPLICATION PROCESS AND TIME LIMITS.—The*
21 *Secretary shall issue regulations regarding the process by*
22 *which an officer or former officer may apply to have a mat-*
23 *ter considered by a special selection board convened under*
24 *this section, including time limits related to such applica-*
25 *tions.*

1 “(f) *LIMITATION OF OTHER JURISDICTION.*—No offi-
2 cial or court of the United States shall have authority or
3 jurisdiction over any claim based in any way on the failure
4 of an officer or former officer to be selected for promotion
5 by a selection board convened under section 251, until—

6 “(1) the claim has been referred to a special se-
7 lection board convened under this section and acted
8 upon by that board; or

9 “(2) the claim has been rejected by the Secretary
10 without consideration by a special selection board
11 convened under this section.

12 “(g) *JUDICIAL REVIEW.*—

13 “(1) *IN GENERAL.*—A court of the United States
14 may review—

15 “(A) a decision of the Secretary not to con-
16 vene a special selection board under this section
17 to determine if the court finds that the decision
18 of the Secretary was arbitrary or capricious, not
19 based on substantial evidence, or otherwise con-
20 trary to law; and

21 “(B) an action of a special selection board
22 under this section to determine if the court finds
23 that the action of the special selection board was
24 contrary to law or involved material error of fact
25 or material administrative error.

1 “(2) *REMAND AND RECONSIDERATION.*—*If, with*
2 *respect to a review under paragraph (1), a court*
3 *makes a finding described in subparagraph (A) or*
4 *(B) of that paragraph, the court shall remand the*
5 *case to the Secretary and the Secretary shall provide*
6 *the applicable officer or former officer consideration*
7 *by a new special selection board convened under this*
8 *section.*”

9 “(h) *DESIGNATION OF BOARDS.*—*The Secretary may*
10 *designate a selection board convened under section 251 as*
11 *a special selection board convened under this section. A se-*
12 *lection board so designated may function in the capacity*
13 *of a selection board convened under section 251 and a spe-*
14 *cial selection board convened under this section.”.*”

15 (b) *SELECTION BOARDS; SUBMISSION OF REPORTS.*—
16 *Section 261(d) of title 14, United States Code, is amended*
17 *by striking “selection board” and inserting “selection board,*
18 *including a special selection board convened under section*
19 *263.”.*

20 (c) *FAILURE OF SELECTION FOR PROMOTION.*—*Sec-*
21 *tion 262 of title 14, United States Code, is amended to read*
22 *as follows:*

23 “**§ 262. Failure of selection for promotion**

24 *“An officer, other than an officer serving in the grade*
25 *of captain, who is, or is senior to, the junior officer in the*

1 promotion zone established for his grade under section 256
2 of this title, fails of selection if he is not selected for pro-
3 motion by the selection board which considered him, or if
4 having been recommended for promotion by the board, his
5 name is thereafter removed from the report of the board by
6 the President.”.

7 (d) *CLERICAL AMENDMENT.*—The analysis for chapter
8 11 of title 14, United States Code, is amended by inserting
9 after the item relating to section 262 the following:

“263. *Special selection boards; correction of errors.*”.

10 (e) *APPLICABILITY; RULE OF CONSTRUCTION.*—

11 (1) *APPLICABILITY.*—The amendments made by
12 this section shall take effect on the date of enactment
13 of this Act and the Secretary may convene a special
14 selection board on or after that date under section 263
15 of title 14, United States Code, with respect to any
16 error or other action for which such a board may be
17 convened if that error or other action occurred on or
18 after the date that is 1 year before the date of enact-
19 ment of this Act.

20 (2) *RULE OF CONSTRUCTION.*—Sections 271,
21 272, and 273 of title 14, United States Code, apply
22 to the activities of—

23 (A) a selection board convened under section
24 251 of such title; and

1 (B) a special selection board convened
2 under section 263 of such title.

3 **SEC. 209. PROHIBITION OF CERTAIN INVOLUNTARY ADMIN-**
4 **ISTRATIVE SEPARATIONS.**

5 (a) *IN GENERAL.*—Chapter 11 of title 14, United
6 States Code, as amended by this Act, is further amended
7 by inserting after section 426 the following:

8 **“§ 427. Prohibition of certain involuntary administra-**
9 **tive separations**

10 “(a) *IN GENERAL.*—Except as provided in subsection
11 (b), the Secretary may not authorize the involuntary ad-
12 ministrative separation of a covered individual based on
13 a determination that the covered individual is unsuitable
14 for deployment or other assignment due to a medical condi-
15 tion of the covered individual considered by a Physical
16 Evaluation Board during an evaluation of the covered indi-
17 vidual that resulted in the covered individual being deter-
18 mined to be fit for duty.

19 “(b) *REEVALUATION.*—

20 “(1) *IN GENERAL.*—The Secretary may require a
21 Physical Evaluation Board to reevaluate any covered
22 individual if the Secretary determines there is reason
23 to believe that a medical condition of the covered in-
24 dividual considered by a Physical Evaluation Board
25 during an evaluation of the covered individual ren-

1 *ders the covered individual unsuitable for continued*
2 *duty.*

3 “(2) *RETIREMENTS AND SEPARATIONS.*—*A cov-*
4 *ered individual who is determined, based on a re-*
5 *evaluation under paragraph (1), to be unfit to per-*
6 *form the duties of the covered individual’s office,*
7 *grade, rank, or rating may be retired or separated for*
8 *physical disability under this chapter.*

9 “(c) *COVERED INDIVIDUAL DEFINED.*—*In this section,*
10 *the term ‘covered individual’ means any member of the*
11 *Coast Guard who has been determined by a Physical Eval-*
12 *uation Board, pursuant to a physical evaluation by that*
13 *board, to be fit for duty.”.*

14 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
15 *11 of title 14, United States Code, as amended by this Act,*
16 *is further amended by inserting after the item relating to*
17 *section 426 the following:*

 “427. *Prohibition of certain involuntary administrative separations.*”.

18 **SEC. 210. MAJOR ACQUISITIONS.**

19 (a) *IN GENERAL.*—*Subchapter I of chapter 15 of title*
20 *14, United States Code, is amended by adding at the end*
21 *the following:*

22 **“§ 569a. Major acquisitions**

23 “(a) *IN GENERAL.*—*In conjunction with the trans-*
24 *mittal by the President to Congress of the budget of the*
25 *United States for fiscal year 2014 and biennially thereafter,*

1 *the Secretary shall submit to the Committee on Commerce,*
2 *Science, and Transportation of the Senate and the Com-*
3 *mittee on Transportation and Infrastructure of the House*
4 *of Representatives a report on the status of all major acqui-*
5 *sition programs.*

6 “(b) *INFORMATION TO BE INCLUDED.—Each report*
7 *under subsection (a) shall include for each major acquisi-*
8 *tion program—*

9 “(1) *a statement of the Coast Guard’s mission*
10 *needs and performance goals relating to such pro-*
11 *gram, including a justification for any change to*
12 *those needs and goals subsequent to a report pre-*
13 *viously submitted under this section;*

14 “(2) *a justification explaining how the projected*
15 *number and capabilities of assets acquired under such*
16 *program meet applicable mission needs and perform-*
17 *ance goals;*

18 “(3) *an identification of any and all mission*
19 *hour gaps, accompanied by an explanation of how*
20 *and when the Coast Guard will close those gaps;*

21 “(4) *an identification of any changes with re-*
22 *spect to such program, including—*

23 “(A) *any changes to the timeline for the ac-*
24 *quisition of each new asset and the phaseout of*
25 *legacy assets; and*

1 “(B) any changes to—

2 “(i) the costs of new assets or legacy
3 assets for that fiscal year or future fiscal
4 years; or

5 “(ii) the total acquisition cost;

6 “(5) a justification explaining how any change
7 to such program fulfills the mission needs and per-
8 formance goals of the Coast Guard;

9 “(6) a description of how the Coast Guard is
10 planning for the integration of each new asset ac-
11 quired under such program into the Coast Guard, in-
12 cluding needs related to shore-based infrastructure
13 and human resources;

14 “(7) an identification of how funds in the appli-
15 cable fiscal year’s budget request will be allocated, in-
16 cluding information on the purchase of specific assets;

17 “(8) a projection of the remaining operational
18 lifespan and life-cycle cost of each legacy asset that
19 also identifies any anticipated resource gaps;

20 “(9) a detailed explanation of how the costs of
21 legacy assets are being accounted for within such pro-
22 gram; and

23 “(10) an annual performance comparison of new
24 assets to legacy assets.

1 “(c) *ADEQUACY OF ACQUISITION WORKFORCE.*—Each
2 report under subsection (a) shall—

3 “(1) include information on the scope of the ac-
4 quisition activities to be performed in the next fiscal
5 year and on the adequacy of the current acquisition
6 workforce to meet that anticipated workload;

7 “(2) specify the number of officers, members, and
8 employees of the Coast Guard currently and planned
9 to be assigned to each position designated under sec-
10 tion 562(c) of this subchapter; and

11 “(3) identify positions that are or will be under-
12 staffed and actions that will be taken to correct such
13 understaffing.

14 “(d) *CUTTERS NOT MAINTAINED IN CLASS.*—Each re-
15 port under subsection (a) shall identify which, if any, Coast
16 Guard cutters that have been issued a certificate of classi-
17 fication by the American Bureau of Shipping have not been
18 maintained in class, with an explanation detailing the rea-
19 sons why the cutters have not been maintained in class.

20 “(e) *MAJOR ACQUISITION PROGRAM DEFINED.*—In
21 this section, the term ‘major acquisition program’ means
22 an ongoing acquisition undertaken by the Coast Guard with
23 a life-cycle cost estimate greater than or equal to
24 \$300,000,000.”.

1 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 2 *15 of title 14, United States Code, is amended by inserting*
 3 *after the item relating to section 569 the following:*

“569a. *Major acquisitions.*”.

4 (c) *REPEALS.*—

5 (1) *Section 408(a) of the Coast Guard and Mari-*
 6 *time Transportation Act of 2006 (14 U.S.C. 663 note)*
 7 *is repealed.*

8 (2) *Title 14, United States Code, is amended—*

9 (A) *in section 562, by repealing subsection*
 10 *(e); and*

11 (B) *in section 573(c)(3), by repealing sub-*
 12 *paragraph (B).*

13 **SEC. 211. ADVANCE PROCUREMENT FUNDING.**

14 (a) *IN GENERAL.*—*Subchapter II of chapter 15 of title*
 15 *14, United States Code, is amended by adding at the end*
 16 *the following:*

17 **“§ 577. Advance procurement funding**

18 “(a) *IN GENERAL.*—*With respect to any Coast Guard*
 19 *vessel for which amounts are appropriated and any*
 20 *amounts otherwise made available for vessels for the Coast*
 21 *Guard in any fiscal year, the Commandant of the Coast*
 22 *Guard may enter into a contract or place an order, in ad-*
 23 *vance of a contract or order for construction of a vessel,*
 24 *for—*

1 “(1) materials, parts, components, and labor for
2 the vessel;

3 “(2) the advance construction of parts or compo-
4 nents for the vessel;

5 “(3) protection and storage of materials, parts,
6 or components for the vessel; and

7 “(4) production planning, design, and other re-
8 lated support services that reduce the overall procure-
9 ment lead time of the vessel.

10 “(b) *USE OF MATERIALS, PARTS, AND COMPONENTS*
11 *MANUFACTURED IN THE UNITED STATES.*—*In entering*
12 *into contracts and placing orders under subsection (a), the*
13 *Commandant may give priority to persons that manufac-*
14 *ture materials, parts, and components in the United*
15 *States.”.*

16 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
17 *15 of title 14, United States Code, as amended by this Act,*
18 *is further amended by inserting after the item relating to*
19 *section 576 the following:*

 “577. *Advance procurement funding.*”.

20 **SEC. 212. MINOR CONSTRUCTION.**

21 (a) *IN GENERAL.*—*Section 656 of title 14, United*
22 *States Code, is amended by adding at the end the following:*

23 “(d) *MINOR CONSTRUCTION AND IMPROVEMENT.*—

24 “(1) *IN GENERAL.*—*Subject to the reporting re-*
25 *quirements set forth in paragraph (2), each fiscal*

1 *year the Secretary may expend from amounts made*
2 *available for the operating expenses of the Coast*
3 *Guard not more than \$1,500,000 for minor construc-*
4 *tion and improvement projects at any location.*

5 *“(2) REPORTING REQUIREMENTS.—Not later*
6 *than 90 days after the end of each fiscal year, the*
7 *Secretary shall submit to the Committee on Com-*
8 *merce, Science, and Transportation of the Senate and*
9 *the Committee on Transportation and Infrastructure*
10 *of the House of Representatives a report on each*
11 *project undertaken during the course of the preceding*
12 *fiscal year for which the amount expended under*
13 *paragraph (1) exceeded \$500,000.”.*

14 *(b) CLERICAL AMENDMENTS.—*

15 *(1) HEADING.—Section 656 of title 14, United*
16 *States Code, as amended by this Act, is further*
17 *amended by striking the section designation and*
18 *heading and inserting the following:*

19 **“§ 656. Use of certain appropriated funds”.**

20 *(2) ANALYSIS.—The analysis for chapter 17 of*
21 *title 14, United States Code, is amended by striking*
22 *the item relating to section 656 and inserting the fol-*
23 *lowing:*

“656. Use of certain appropriated funds.”.

1 **SEC. 213. CAPITAL INVESTMENT PLAN AND ANNUAL LIST**
2 **OF PROJECTS TO CONGRESS.**

3 (a) *CAPITAL INVESTMENT PLAN.*—Section 663 of title
4 14, United States Code, is amended to read as follows:

5 **“§ 663. Capital investment plan**

6 “(a) *IN GENERAL.*—On the date on which the Presi-
7 dent submits to Congress a budget pursuant to section 1105
8 of title 31, the Commandant of the Coast Guard shall sub-
9 mit to the Committee on Transportation and Infrastructure
10 of the House of Representatives and the Committee on Com-
11 merce, Science, and Transportation of the Senate—

12 “(1) *a capital investment plan for the Coast*
13 *Guard that identifies for each capital asset for which*
14 *appropriations are proposed in that budget—*

15 “(A) *the proposed appropriations included*
16 *in the budget;*

17 “(B) *the total estimated cost of completion;*

18 “(C) *projected funding levels for each fiscal*
19 *year for the next 5 fiscal years or until project*
20 *completion, whichever is earlier;*

21 “(D) *an estimated completion date at the*
22 *projected funding levels; and*

23 “(E) *an acquisition program baseline, as*
24 *applicable; and*

25 “(2) *a list of each unfunded priority for the*
26 *Coast Guard.*

1 “(b) *UNFUNDED PRIORITY DEFINED.*—*In this section,*
2 *the term ‘unfunded priority’ means a program or mission*
3 *requirement that—*

4 “(1) *has not been selected for funding in the ap-*
5 *plicable proposed budget;*

6 “(2) *is necessary to fulfill a requirement associ-*
7 *ated with an operational need; and*

8 “(3) *the Commandant would have recommended*
9 *for inclusion in the applicable proposed budget had*
10 *additional resources been available or had the require-*
11 *ment emerged before the budget was submitted.”.*

12 “(b) *ANNUAL LIST OF PROJECTS TO CONGRESS.*—*Sec-*
13 *tion 693 of title 14, United States Code, is amended to read*
14 *as follows:*

15 “**§ 693. Annual list of projects to Congress**

16 “*The Commandant of the Coast Guard shall submit*
17 *to the Committee on Transportation and Infrastructure of*
18 *the House of Representatives and the Committee on Com-*
19 *merce, Science, and Transportation of the Senate a*
20 *prioritized list of projects eligible for environmental compli-*
21 *ance and restoration funding for each fiscal year concurrent*
22 *with the President’s budget submission for that fiscal*
23 *year.”.*

24 “(c) *CLERICAL AND CONFORMING AMENDMENTS.*—

1 (1) *ANALYSIS FOR CHAPTER 17.*—*The analysis*
2 *for chapter 17 of title 14, United States Code, as*
3 *amended by this Act, is further amended by striking*
4 *the item relating to section 663 and inserting the fol-*
5 *lowing:*

“663. *Capital investment plan.*”

6 (2) *ANALYSIS FOR CHAPTER 19.*—*The analysis*
7 *for chapter 19 of title 14, United States Code, is*
8 *amended by striking the item relating to section 693*
9 *and inserting the following:*

“693. *Annual list of projects to Congress.*”

10 (3) *COAST GUARD AUTHORIZATION ACT OF*
11 *2010.*—*Section 918 of the Coast Guard Authorization*
12 *Act of 2010 (14 U.S.C. 663 note), and the item relat-*
13 *ing to that section in the table of contents in section*
14 *1(b) of that Act, are repealed.*

15 **SEC. 214. AIRCRAFT ACCIDENT INVESTIGATIONS.**

16 (a) *IN GENERAL.*—*Chapter 17 of title 14, United*
17 *States Code, is amended by adding at the end the following:*

18 **“§ 678. Aircraft accident investigations**

19 “(a) *IN GENERAL.*—*Whenever the Commandant of the*
20 *Coast Guard conducts an accident investigation of an acci-*
21 *dent involving an aircraft under the jurisdiction of the*
22 *Commandant, the records and report of the investigation*
23 *shall be treated in accordance with this section.*

1 “(b) *PUBLIC DISCLOSURE OF CERTAIN ACCIDENT IN-*
2 *VESTIGATION INFORMATION.*—

3 “(1) *IN GENERAL.*—*Subject to paragraph (2), the*
4 *Commandant, upon request, shall publicly disclose*
5 *unclassified tapes, scientific reports, and other factual*
6 *information pertinent to an aircraft accident inves-*
7 *tigation.*

8 “(2) *CONDITIONS.*—*The Commandant shall only*
9 *disclose information requested pursuant to paragraph*
10 *(1) if the Commandant determines—*

11 “(A) *that such tapes, reports, or other infor-*
12 *mation would be included within and releasable*
13 *with the final accident investigation report; and*

14 “(B) *that release of such tapes, reports, or*
15 *other information—*

16 “(i) *would not undermine the ability of*
17 *accident or safety investigators to continue*
18 *to conduct the investigation; and*

19 “(ii) *would not compromise national*
20 *security.*

21 “(3) *RESTRICTION.*—*A disclosure under para-*
22 *graph (1) may not be made by or through officials*
23 *with responsibility for, or who are conducting, a safe-*
24 *ty investigation with respect to the accident.*

1 “(c) *OPINIONS REGARDING CAUSATION OF ACCI-*
2 *DENT.—Following an aircraft accident referred to in sub-*
3 *section (a)—*

4 “(1) *if the evidence surrounding the accident is*
5 *sufficient for the investigators who conduct the acci-*
6 *dent investigation to come to an opinion as to the*
7 *cause or causes of the accident, the final report of the*
8 *accident investigation shall set forth the opinion of*
9 *the investigators as to the cause or causes of the acci-*
10 *dent; and*

11 “(2) *if the evidence surrounding the accident is*
12 *not sufficient for the investigators to come to an opin-*
13 *ion as to the cause or causes of the accident, the final*
14 *report of the accident investigation shall include a de-*
15 *scription of those factors, if any, that, in the opinion*
16 *of the investigators, substantially contributed to or*
17 *caused the accident.*

18 “(d) *USE OF INFORMATION IN CIVIL OR CRIMINAL*
19 *PROCEEDINGS.—For purposes of any civil or criminal pro-*
20 *ceeding arising from an aircraft accident referred to in sub-*
21 *section (a), any opinion of the accident investigators as to*
22 *the cause of, or the factors contributing to, the accident set*
23 *forth in the accident investigation report may not be consid-*
24 *ered as evidence in such proceeding, nor may such report*

1 *be considered an admission of liability by the United States*
 2 *or by any person referred to in such report.*

3 “(e) *DEFINITIONS.*—*For purposes of this section—*

4 “(1) *the term ‘accident investigation’ means any*
 5 *form of investigation by Coast Guard personnel of an*
 6 *aircraft accident referred to in subsection (a), other*
 7 *than a safety investigation; and*

8 “(2) *the term ‘safety investigation’ means an in-*
 9 *vestigation by Coast Guard personnel of an aircraft*
 10 *accident referred to in subsection (a) that is con-*
 11 *ducted solely to determine the cause of the accident*
 12 *and to obtain information that may prevent the oc-*
 13 *currence of similar accidents.”.*

14 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 15 *17 of title 14, United States Code, as amended by this Act,*
 16 *is further amended by adding at the end the following:*

“678. Aircraft accident investigations.”.

17 ***SEC. 215. COAST GUARD AUXILIARY ENROLLMENT ELIGI-***
 18 ***BILITY.***

19 (a) *IN GENERAL.*—*Section 823 of title 14, United*
 20 *States Code, is amended to read as follows:*

21 ***“§ 823. Eligibility; enrollments***

22 *“The Auxiliary shall be composed of nationals of the*
 23 *United States, as defined in section 101(a)(22) of the Immi-*
 24 *gration and Nationality Act (8 U.S.C. 1101(a)(22)), and*
 25 *aliens lawfully admitted for permanent residence, as de-*

1 *fined in section 101(a)(20) of the Immigration and Nation-*
2 *ality Act (8 U.S.C. 1101(a)(20))—*

3 “(1) *who—*

4 “(A) *are owners, sole or part, of motorboats,*
5 *yachts, aircraft, or radio stations; or*

6 “(B) *by reason of their special training or*
7 *experience are deemed by the Commandant to be*
8 *qualified for duty in the Auxiliary; and*

9 “(2) *who may be enrolled therein pursuant to*
10 *applicable regulations.”.*

11 (b) *CLERICAL AMENDMENT.—The analysis for chapter*
12 *23 of title 14, United States Code, is amended by striking*
13 *the item relating to section 823 and inserting the following:*
14 *“823. Eligibility; enrollments.”.*

14 **SEC. 216. REPEALS.**

15 (a) *DISTRICT OMBUDSMEN.—Section 55 of title 14,*
16 *United States Code, and the item relating to such section*
17 *in the analysis for chapter 3 of such title, are repealed.*

18 (b) *COOPERATION WITH RESPECT TO AIDS TO AIR*
19 *NAVIGATION.—Section 82 of title 14, United States Code,*
20 *and the item relating to such section in the analysis for*
21 *chapter 5 of such title, are repealed.*

22 (c) *OCEAN STATIONS.—Section 90 of title 14, United*
23 *States Code, and the item relating to such section in the*
24 *analysis for chapter 5 of such title, are repealed.*

1 (d) *DETAIL OF MEMBERS TO ASSIST FOREIGN GOV-*
 2 *ERNMENTS.*—Section 149(a) of title 14, United States Code,
 3 *is amended by striking the second and third sentences.*

4 (e) *ADVISORY COMMITTEE.*—Section 193 of title 14,
 5 *United States Code, and the item relating to such section*
 6 *in the analysis for chapter 9 of such title, are repealed.*

7 (f) *HISTORY FELLOWSHIPS.*—Section 198 of title 14,
 8 *United States Code, and the item relating to such section*
 9 *in the analysis for chapter 9 of such title, are repealed.*

10 **SEC. 217. TECHNICAL CORRECTIONS TO TITLE 14.**

11 *Title 14, United States Code, as amended by this Act,*
 12 *is further amended—*

13 (1) *by amending chapter 1 to read as follows:*

14 **“CHAPTER 1—ESTABLISHMENT AND**
 15 **DUTIES**

“Sec.

“1. *Establishment of Coast Guard.*

“2. *Primary duties.*

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

“4. *Secretary defined.*

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

17 *“The Coast Guard, established January 28, 1915, shall*
 18 *be a military service and a branch of the armed forces of*
 19 *the United States at all times.*

20 **“§ 2. *Primary duties***

21 *“The Coast Guard shall—*

22 (1) *enforce or assist in the enforcement of all*
 23 *applicable Federal laws on, under, and over the high*

1 *seas and waters subject to the jurisdiction of the*
2 *United States;*

3 “(2) *engage in maritime air surveillance or*
4 *interdiction to enforce or assist in the enforcement of*
5 *the laws of the United States;*

6 “(3) *administer laws and promulgate and en-*
7 *force regulations for the promotion of safety of life*
8 *and property on and under the high seas and waters*
9 *subject to the jurisdiction of the United States, cov-*
10 *ering all matters not specifically delegated by law to*
11 *some other executive department;*

12 “(4) *develop, establish, maintain, and operate,*
13 *with due regard to the requirements of national de-*
14 *fense, aids to maritime navigation, icebreaking facili-*
15 *ties, and rescue facilities for the promotion of safety*
16 *on, under, and over the high seas and waters subject*
17 *to the jurisdiction of the United States;*

18 “(5) *pursuant to international agreements, de-*
19 *velop, establish, maintain, and operate icebreaking fa-*
20 *cilities on, under, and over waters other than the high*
21 *seas and waters subject to the jurisdiction of the*
22 *United States;*

23 “(6) *engage in oceanographic research of the high*
24 *seas and in waters subject to the jurisdiction of the*
25 *United States; and*

1 “(7) maintain a state of readiness to function as
2 a specialized service in the Navy in time of war, in-
3 cluding the fulfillment of Maritime Defense Zone com-
4 mand responsibilities.

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

6 “(a) *IN GENERAL.*—The Coast Guard shall be a service
7 in the Department of Homeland Security, except when op-
8 erating as a service in the Navy.

9 “(b) *TRANSFERS.*—Upon the declaration of war if
10 Congress so directs in the declaration or when the President
11 directs, the Coast Guard shall operate as a service in the
12 Navy, and shall so continue until the President, by Execu-
13 tive order, transfers the Coast Guard back to the Depart-
14 ment of Homeland Security. While operating as a service
15 in the Navy, the Coast Guard shall be subject to the orders
16 of the Secretary of the Navy, who may order changes in
17 Coast Guard operations to render them uniform, to the ex-
18 tent such Secretary deems advisable, with Navy operations.

19 “(c) *OPERATION AS A SERVICE IN THE NAVY.*—When-
20 ever the Coast Guard operates as a service in the Navy—

21 “(1) applicable appropriations of the Navy De-
22 partment shall be available for the expense of the
23 Coast Guard;

1 “(2) applicable appropriations of the Coast
2 Guard shall be available for transfer to the Navy De-
3 partment;

4 “(3) precedence between commissioned officers of
5 corresponding grades in the Coast Guard and the
6 Navy shall be determined by the date of rank stated
7 by their commissions in those grades;

8 “(4) personnel of the Coast Guard shall be eligi-
9 ble to receive gratuities, medals, and other insignia of
10 honor on the same basis as personnel in the naval
11 service or serving in any capacity with the Navy; and

12 “(5) the Secretary may place on furlough any of-
13 ficer of the Coast Guard and officers on furlough shall
14 receive one half of the pay to which they would be en-
15 titled if on leave of absence, but officers of the Coast
16 Guard Reserve shall not be so placed on furlough.

17 **“§4. Secretary defined**

18 *“In this title, the term ‘Secretary’ means the Secretary*
19 *of the respective department in which the Coast Guard is*
20 *operating.”;*

21 (2) in section 95(c), by striking “of Homeland
22 Security”;

23 (3) in section 259(c)(1), by striking “After select-
24 ing” and inserting “In selecting”;

1 (4) *in section 286a(d), by striking “severance*
2 *pay” each place it appears and inserting “separation*
3 *pay”;*

4 (5) *in the second sentence of section 290(a), by*
5 *striking “in the grade of vice admiral” and inserting*
6 *“in or above the grade of vice admiral”;*

7 (6) *in section 516(a), by striking “of Homeland*
8 *Security”;*

9 (7) *by amending section 564 to read as follows:*

10 **“§564. Prohibition on use of lead systems integrators**

11 “(a) *IN GENERAL.—*

12 “(1) *USE OF LEAD SYSTEMS INTEGRATOR.—The*
13 *Commandant may not use a private sector entity as*
14 *a lead systems integrator.*

15 “(2) *FULL AND OPEN COMPETITION.—The Com-*
16 *mandant shall use full and open competition for any*
17 *acquisition contract unless otherwise excepted in ac-*
18 *cordance with Federal acquisition laws and regula-*
19 *tions promulgated under those laws, including the*
20 *Federal Acquisition Regulation.*

21 “(3) *NO EFFECT ON SMALL BUSINESS ACT.—*
22 *Nothing in this subsection shall be construed to super-*
23 *sede or otherwise affect the authorities provided by*
24 *and under the Small Business Act (15 U.S.C. 631 et*
25 *seq.).*

1 “(b) *LIMITATION ON FINANCIAL INTEREST IN SUB-*
2 *CONTRACTORS.*—Neither an entity performing lead systems
3 *integrator functions for a Coast Guard acquisition nor a*
4 *Tier 1 subcontractor for any acquisition may have a finan-*
5 *cial interest in a subcontractor below the Tier 1 subcon-*
6 *tractor level unless—*

7 “(1) *the subcontractor was selected by the prime*
8 *contractor through full and open competition for such*
9 *procurement;*

10 “(2) *the procurement was awarded by an entity*
11 *performing lead systems integrator functions or a*
12 *subcontractor through full and open competition;*

13 “(3) *the procurement was awarded by a subcon-*
14 *tractor through a process over which the entity per-*
15 *forming lead systems integrator functions or a Tier 1*
16 *subcontractor exercised no control; or*

17 “(4) *the Commandant has determined that the*
18 *procurement was awarded in a manner consistent*
19 *with Federal acquisition laws and regulations pro-*
20 *mulgated under those laws, including the Federal Ac-*
21 *quisition Regulation.”;*

22 “(8) *in section 569(a), by striking “and annually*
23 *thereafter,”;*

24 “(9) *in the analysis for chapter 17—*

1 (A) by striking the item relating to section
2 669 and inserting the following:

“669. Telephone installation and charges.”; and

3 (B) by striking the item relating to section
4 674 and inserting the following:

“674. Small boat station rescue capability.”;

5 (10) in section 666(a), by striking “of Homeland
6 Security” and inserting “of the department in which
7 the Coast Guard is operating”;

8 (11) in section 673(a)(3), by striking “of Home-
9 land Security (when the Coast Guard is not operating
10 as a service in the Navy)”;

11 (12) in section 674, by striking “of Homeland
12 Security”;

13 (13) in section 675(a), by striking “Secretary”
14 and all that follows through “may not” and inserting
15 “Secretary may not”; and

16 (14) in the first sentence of section 740(d), by
17 striking “that appointment” and inserting “that ap-
18 pointment to the Reserve”.

19 **SEC. 218. ACQUISITION WORKFORCE EXPEDITED HIRING**
20 **AUTHORITY.**

21 Section 404 of the Coast Guard Authorization Act of
22 2010 (Public Law 111–281; 124 Stat. 2950) is amended—

23 (1) in subsection (a)(1), by striking “as shortage
24 category positions;” and inserting “as positions for

1 *which there exists a shortage of candidates or there is*
2 *a critical hiring need;”;*

3 *(2) in subsection (b)—*

4 *(A) by striking “paragraph” and inserting*
5 *“section”; and*

6 *(B) by striking “2012.” and inserting*
7 *“2015.”; and*

8 *(3) in subsection (c), by striking “section 562(d)*
9 *of title 14, United States Code, as added by this*
10 *title,” and inserting “section 569a of title 14, United*
11 *States Code,”.*

12 **SEC. 219. RENEWAL OF TEMPORARY EARLY RETIREMENT**

13 **AUTHORITY.**

14 *For fiscal years 2013 through 2018—*

15 *(1) notwithstanding subsection (c)(2)(A) of sec-*
16 *tion 4403 of the National Defense Authorization Act*
17 *for Fiscal Year 1993 (10 U.S.C. 1293 note), such sec-*
18 *tion shall apply to the Coast Guard in the same man-*
19 *ner and to the same extent it applies to the Depart-*
20 *ment of Defense, except that—*

21 *(A) the Secretary of Homeland Security*
22 *shall implement such section with respect to the*
23 *Coast Guard and, for purposes of that implemen-*
24 *tation, shall apply the applicable provisions of*

1 *title 14, United States Code, relating to retire-*
2 *ment of Coast Guard personnel; and*

3 *(B) the total number of commissioned offi-*
4 *cers who retire pursuant to this section may not*
5 *exceed 200, and the total number of enlisted*
6 *members who retire pursuant to this section may*
7 *not exceed 300; and*

8 *(2) only appropriations available for necessary*
9 *expenses for the operation and maintenance of the*
10 *Coast Guard shall be expended for the retired pay of*
11 *personnel who retire pursuant to this section.*

12 **SEC. 220. RESPONSE BOAT-MEDIUM PROCUREMENT.**

13 *(a) REQUIREMENT TO FULFILL APPROVED PROGRAM*
14 *OF RECORD.—Except as provided in subsection (b), the*
15 *Commandant of the Coast Guard shall maintain the sched-*
16 *ule and requirements for the total acquisition of 180 boats*
17 *as specified in the approved program of record for the Re-*
18 *sponse Boat-Medium acquisition program in effect on June*
19 *1, 2012.*

20 *(b) APPLICABILITY.—Subsection (a) shall not apply on*
21 *and after the date on which the Commandant submits to*
22 *the Committee on Transportation and Infrastructure of the*
23 *House of Representatives and the Committee on Commerce,*
24 *Science, and Transportation of the Senate such documenta-*
25 *tion as the Coast Guard Major Systems Acquisition Manual*

1 *requires to justify reducing the approved program of record*
2 *for Response Boat-Medium to a total acquisition of less*
3 *than 180 boats.*

4 **SEC. 221. NATIONAL SECURITY CUTTERS.**

5 (a) *IN GENERAL.*—

6 (1) *MULTIYEAR AUTHORITY.*—*In fiscal year*
7 *2013 and each fiscal year thereafter, the Secretary of*
8 *the department in which the Coast Guard is oper-*
9 *ating may enter into, in accordance with section*
10 *2306b of title 10, United States Code, a multiyear*
11 *contract for the procurement of Coast Guard National*
12 *Security Cutters and Government-furnished equip-*
13 *ment associated with the National Security Cutter*
14 *program.*

15 (2) *LIMITATION.*—*The Secretary may not enter*
16 *into a contract under paragraph (1) until the date*
17 *that is 30 days after the date the Secretary submits*
18 *to the Committee on Commerce, Science, and Trans-*
19 *portation of the Senate and the Committee on Trans-*
20 *portation and Infrastructure of the House of Rep-*
21 *resentatives a certification that the Secretary has*
22 *made, with respect to the contract, each of the find-*
23 *ings specified under section 2306b(a) of title 10,*
24 *United States Code, and has done so in accordance*
25 *with paragraph (3) of this subsection.*

1 (3) *DETERMINATION OF SUBSTANTIAL SAV-*
2 *INGS.—For purposes of this section, in conducting an*
3 *analysis with respect to substantial savings under sec-*
4 *tion 2306b(a)(1) of title 10, United States Code, the*
5 *Secretary—*

6 (A) *may not limit the analysis to a simple*
7 *percentage-based metric; and*

8 (B) *shall employ a full-scale analysis of cost*
9 *avoidance—*

10 (i) *based on a multiyear procurement;*

11 *and*

12 (ii) *taking into account the potential*
13 *benefit any accrued savings might have for*
14 *future shipbuilding programs if the cost*
15 *avoidance savings were subsequently uti-*
16 *lized for further ship construction.*

17 (b) *CERTIFICATE TO OPERATE.—The Commandant of*
18 *the Coast Guard may not certify a sixth National Security*
19 *Cutter as Ready for Operations before the Commandant*
20 *has—*

21 (1) *submitted to the Committee on Commerce,*
22 *Science, and Transportation of the Senate and the*
23 *Committee on Transportation and Infrastructure of*
24 *the House of Representatives program execution plans*
25 *detailing—*

1 (A) *how the first 3 National Security Cut-*
2 *ters will achieve the goal of 225 days away from*
3 *homeport in fiscal years following the completion*
4 *of the Structural Enhancement Drydock Avail-*
5 *ability of the first 2 National Security Cutters;*
6 *and*

7 (B) *increased aerial coverage to support*
8 *National Security Cutter operations; and*

9 (2) *awarded a contract for detailed design and*
10 *construction for the Offshore Patrol Cutter.*

11 **SEC. 222. COAST GUARD POLAR ICEBREAKERS.**

12 (a) *IN GENERAL.*—*The Secretary of the department in*
13 *which the Coast Guard is operating shall conduct a business*
14 *case analysis of the options for and costs of reactivating*
15 *and extending the service life of the Polar Sea until at least*
16 *September 30, 2022, to maintain United States polar*
17 *icebreaking capabilities and fulfill the Coast Guard’s high*
18 *latitude mission needs, as identified in the Coast Guard’s*
19 *July 2010, High Latitude Study Mission Analysis Report,*
20 *during the Coast Guard’s recapitalization of its polar class*
21 *icebreaker fleet. The analysis shall include—*

22 (1) *an assessment of the current condition of the*
23 *Polar Sea;*

24 (2) *a determination of the Polar Sea’s oper-*
25 *ational capabilities with respect to fulfilling the Coast*

1 *Guard's high latitude operating requirements if ren-*
2 *ovated and reactivated;*

3 *(3) a detailed estimate of costs with respect to re-*
4 *activating and extending the service life of the Polar*
5 *Sea;*

6 *(4) a life cycle cost estimate with respect to oper-*
7 *ating and maintaining the Polar Sea for the duration*
8 *of its extended service life; and*

9 *(5) a determination of whether it is cost-effective*
10 *to reactivate the Polar Sea compared with other op-*
11 *tions to provide icebreaking services as part of a*
12 *strategy to maintain polar icebreaking services.*

13 *(b) RESTRICTIONS.—The Secretary shall not remove*
14 *any part of the Polar Sea until the Secretary submits the*
15 *analysis required under subsection (a).*

16 *(c) DEADLINE.—Not later than 270 days after the date*
17 *of enactment of this Act, the Secretary shall submit to the*
18 *Committee on Transportation and Infrastructure of the*
19 *House of Representatives and the Committee on Commerce,*
20 *Science, and Transportation of the Senate the analysis re-*
21 *quired under subsection (a).*

22 *(d) REQUIREMENT FOR REACTIVATION OF POLAR*
23 *SEA.—*

24 *(1) SERVICE LIFE EXTENSION PLAN.—*

1 (A) *IN GENERAL.*—*If the Secretary deter-*
2 *mines based on the analysis required under sub-*
3 *section (a) that it is cost-effective to reactivate*
4 *the Polar Sea compared with other options to*
5 *provide icebreaking services, the Secretary shall*
6 *develop a service life extension plan for such re-*
7 *activation, including a timetable for such reac-*
8 *tivation.*

9 (B) *UTILIZATION OF EXISTING RE-*
10 *SOURCES.*—*In the development of the plan re-*
11 *quired under subparagraph (A), the Secretary*
12 *shall utilize to the greatest extent practicable re-*
13 *cent plans, studies, assessments, and analyses re-*
14 *garding the Coast Guard’s icebreakers and high*
15 *latitude mission needs and operating require-*
16 *ments.*

17 (C) *SUBMISSION.*—*The Secretary shall sub-*
18 *mit the plan required under subparagraph (A),*
19 *if so required, to the Committee on Transpor-*
20 *tation and Infrastructure of the House of Rep-*
21 *resentatives and the Committee on Commerce,*
22 *Science, and Transportation of the Senate not*
23 *later than 180 days after the submission of the*
24 *analysis required under subsection (a).*

1 (2) *DECOMMISSIONING; BRIDGING STRATEGY.*—If
2 the analysis required under subsection (a) is sub-
3 mitted in accordance with subsection (c) and the Sec-
4 retary determines under subsection (a)(5) that it is
5 not cost-effective to reactivate the Polar Sea, then not
6 later than 180 days after the date on which the anal-
7 ysis is required to be submitted under subsection (c)
8 the Commandant of the Coast Guard—

9 (A) may decommission the Polar Sea; and

10 (B) shall submit a bridging strategy for
11 maintaining the Coast Guard’s polar icebreaking
12 services until at least September 30, 2022, to the
13 Committee on Transportation and Infrastructure
14 of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transpor-
16 tation of the Senate.

17 (e) *RESTRICTION.*—Except as provided in subsection
18 (d), the Commandant of the Coast Guard may not—

19 (1) transfer, relinquish ownership of, dismantle,
20 or recycle the Polar Sea or Polar Star;

21 (2) change the current homeport of either of the
22 vessels; or

23 (3) expend any funds—

24 (A) for any expenses directly or indirectly
25 associated with the decommissioning of either of

1 *the vessels, including expenses for dock use or*
2 *other goods and services;*

3 *(B) for any personnel expenses directly or*
4 *indirectly associated with the decommissioning*
5 *of either of the vessels, including expenses for a*
6 *decommissioning officer;*

7 *(C) for any expenses associated with a de-*
8 *commissioning ceremony for either of the vessels;*

9 *(D) to appoint a decommissioning officer to*
10 *be affiliated with either of the vessels; or*

11 *(E) to place either of the vessels in inactive*
12 *status.*

13 *(f) DEFINITION.—For purposes of this section—*

14 *(1) the term “Polar Sea” means Coast Guard*
15 *Cutter Polar Sea (WAGB 11); and*

16 *(2) the term “Polar Star” means Coast Guard*
17 *Cutter Polar Star (WAGB 10).*

18 *(g) REPEAL.—This section shall cease to have effect on*
19 *September 30, 2022.*

1 **TITLE III—SHIPPING AND**
2 **NAVIGATION**

3 **SEC. 301. IDENTIFICATION OF ACTIONS TO ENABLE QUALI-**
4 **FIED UNITED STATES FLAG CAPACITY TO**
5 **MEET NATIONAL DEFENSE REQUIREMENTS.**

6 *Section 501(b) of title 46, United States Code, is*
7 *amended—*

8 *(1) by striking “When the head” and inserting*
9 *the following:*

10 *“(1) IN GENERAL.—When the head”; and*

11 *(2) by adding at the end the following:*

12 *“(2) DETERMINATIONS.—The Maritime Admin-*
13 *istrator shall—*

14 *“(A) for each determination referred to in*
15 *paragraph (1), identify any actions that could be*
16 *taken to enable qualified United States flag ca-*
17 *capacity to meet national defense requirements;*

18 *“(B) provide notice of each such determina-*
19 *tion to the Secretary of Transportation and the*
20 *head of the agency referred to in paragraph (1)*
21 *for which the determination is made; and*

22 *“(C) publish each such determination on the*
23 *Internet Web site of the Department of Transpor-*
24 *tation not later than 48 hours after notice of the*

1 *determination is provided to the Secretary of*
2 *Transportation.*

3 “(3) NOTICE TO CONGRESS.—

4 “(A) IN GENERAL.—The head of an agency
5 referred to in paragraph (1) shall notify the
6 Committee on Transportation and Infrastructure
7 of the House of Representatives and the Com-
8 mittee on Commerce, Science, and Transpor-
9 tation of the Senate—

10 “(i) of any request for a waiver of the
11 navigation or vessel-inspection laws under
12 this section not later than 48 hours after re-
13 ceiving such a request; and

14 “(ii) of the issuance of any such waiver
15 not later than 48 hours after such issuance.

16 “(B) CONTENTS.—Such head of an agency
17 shall include in each notification under subpara-
18 graph (A)(ii) an explanation of—

19 “(i) the reasons the waiver is nec-
20 essary; and

21 “(ii) the reasons actions referred to in
22 paragraph (2)(A) are not feasible.”.

1 **SEC. 302. LIMITATION OF LIABILITY FOR NON-FEDERAL**
2 **VESSEL TRAFFIC SERVICE OPERATORS.**

3 (a) *IN GENERAL.*—Section 2307 of title 46, United
4 States Code, is amended—

5 (1) *by striking the section designation and head-*
6 *ing and inserting the following:*

7 **“§2307. Limitation of liability for Coast Guard Vessel**
8 **Traffic Service pilots and non-Federal**
9 **vessel traffic service operators”;**

10 (2) *by striking “Any pilot” and inserting the fol-*
11 *lowing:*

12 *“(a) COAST GUARD VESSEL TRAFFIC SERVICE PI-*
13 *LOTS.—Any pilot”;* and

14 (3) *by adding at the end the following:*

15 *“(b) NON-FEDERAL VESSEL TRAFFIC SERVICE OPERA-*
16 *TORS.—An entity operating a non-Federal vessel traffic in-*
17 *formation service or advisory service pursuant to a duly*
18 *executed written agreement with the Coast Guard, and any*
19 *pilot acting on behalf of such entity, is not liable for dam-*
20 *ages caused by or related to information, advice, or commu-*
21 *nication assistance provided by such entity or pilot while*
22 *so operating or acting unless the acts or omissions of such*
23 *entity or pilot constitute gross negligence or willful mis-*
24 *conduct.”.*

25 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
26 23 of title 46, United States Code, is amended by striking

1 *the item relating to section 2307 and inserting the fol-*
2 *lowing:*

*“2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots and
non-Federal vessel traffic service operators.”.*

3 **SEC. 303. SURVIVAL CRAFT.**

4 *Section 3104 of title 46, United States Code, is amend-*
5 *ed—*

6 *(1) in subsection (b) by striking “January 1,*
7 *2015” and inserting “the date that is 30 months after*
8 *the date on which the report described in subsection*
9 *(c) is submitted”; and*

10 *(2) by adding at the end the following:*

11 *“(c) REPORT.—Not later than 180 days after the date*
12 *of enactment of this subsection, the Commandant of the*
13 *Coast Guard shall submit to the Committee on Transpor-*
14 *tation and Infrastructure of the House of Representatives*
15 *and the Committee on Commerce, Science, and Transpor-*
16 *tation of the Senate a report on the carriage of survival*
17 *craft that ensures no part of an individual is immersed in*
18 *water, which shall include—*

19 *“(1) the number of casualties, by vessel type and*
20 *area of operation, as the result of immersion in water*
21 *reported to the Coast Guard for each of fiscal years*
22 *1991 through 2011;*

23 *“(2) the effect the carriage of such survival craft*
24 *has on—*

1 “(A) vessel safety, including stability and
2 safe navigation; and

3 “(B) survivability of individuals, including
4 persons with disabilities, children, and the elder-
5 ly;

6 “(3) the efficacy of alternative safety systems, de-
7 vices, or measures;

8 “(4) the cost and cost effectiveness of requiring
9 the carriage of such survival craft on vessels; and

10 “(5) the number of small businesses and non-
11 profit entities that would be affected by requiring the
12 carriage of such survival craft on vessels.”.

13 **SEC. 304. CLASSIFICATION SOCIETIES.**

14 Section 3316 of title 46, United States Code, is amend-
15 ed—

16 (1) in subsection (b)(2)—

17 (A) by striking “and” at the end of sub-
18 paragraph (A);

19 (B) by striking the period at the end of sub-
20 paragraph (B) and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(C) if the Secretary of State determines that the
23 foreign classification society does not provide com-
24 parable services in or for a state sponsor of ter-
25 rorism.”;

1 (2) *in subsection (d)(2)—*

2 (A) *by striking “and” at the end of sub-*
3 *paragraph (A);*

4 (B) *by striking the period at the end of sub-*
5 *paragraph (B) and inserting “; and”; and*

6 (C) *by adding at the end the following:*

7 “(C) *the Secretary of State determines that the*
8 *foreign classification society does not provide com-*
9 *parable services in or for a state sponsor of ter-*
10 *rorism.”; and*

11 (3) *by adding at the end the following:*

12 “(e) *The Secretary shall revoke a delegation made to*
13 *a classification society under subsection (b) or (d) if the*
14 *Secretary of State determines that the classification society*
15 *provides comparable services in or for a state sponsor of*
16 *terrorism.*

17 “(f) *In this section, the term ‘state sponsor of ter-*
18 *rorism’ means any country the government of which the*
19 *Secretary of State has determined has repeatedly provided*
20 *support for acts of international terrorism pursuant to sec-*
21 *tion 6(j) of the Export Administration Act of 1979 (as con-*
22 *tinued in effect under the International Emergency Eco-*
23 *nomics Powers Act), section 620A of the Foreign Assistance*
24 *Act of 1961, section 40 of the Arms Export Control Act,*
25 *or any other provision of law.”.*

1 **SEC. 305. DOCKSIDE EXAMINATIONS.**

2 (a) *IN GENERAL.*—Section 4502(f) of title 46, United
3 States Code, is amended—

4 (1) in paragraph (1), by striking “and” at the
5 end;

6 (2) in paragraph (2)—

7 (A) by striking “at least once every 2 years”
8 and inserting “at least once every 5 years”; and

9 (B) by striking the period at the end and
10 inserting “; and”; and

11 (3) by adding at the end the following:

12 “(3) shall complete the first dockside examina-
13 tion of a vessel under this subsection not later than
14 October 15, 2015.”.

15 (b) *DATABASE.*—Section 4502(g)(4) of title 46, United
16 States Code, is amended by striking “a publicly accessible”
17 and inserting “an”.

18 (c) *CERTIFICATION.*—Section 4503 of title 46, United
19 States Code, is amended—

20 (1) in subsection (c), by striking “July 1, 2012.”
21 and inserting “July 1, 2013.”;

22 (2) in subsection (d)—

23 (A) in paragraph (1)(B), by striking “July
24 1, 2012;” and inserting “July 1, 2013;”; and

25 (B) in paragraph (2)—

1 (i) by striking “July 1, 2012,” each
2 place it appears and inserting “July 1,
3 2013,”; and

4 (ii) by striking “substantial change to
5 the dimension of or type of vessel” and in-
6 serting “major conversion”; and

7 (3) by adding at the end the following:

8 “(e) For the purposes of this section, the term ‘built’
9 means, with respect to a vessel, that the vessel’s construction
10 has reached any of the following stages:

11 “(1) The vessel’s keel is laid.

12 “(2) Construction identifiable with the vessel has
13 begun and assembly of that vessel has commenced
14 comprising of at least 50 metric tons or one percent
15 of the estimated mass of all structural material,
16 whichever is less.”.

17 (d) CONFORMING AMENDMENTS.—Chapter 51 of title
18 46, United States Code, is amended—

19 (1) in section 5102(b)(3), by striking “July 1,
20 2012.” and inserting “July 1, 2013.”; and

21 (2) in section 5103(c)—

22 (A) by striking “July 1, 2012,” each place
23 it appears and inserting “July 1, 2013,”; and

1 (B) by striking “substantial change to the
2 dimension of or type of the vessel” and inserting
3 “major conversion”.

4 **SEC. 306. AUTHORITY TO EXTEND THE DURATION OF MED-**
5 **ICAL CERTIFICATES.**

6 (a) *IN GENERAL.*—Chapter 75 of title 46, United
7 States Code, is amended by adding at the end the following:
8 **“§ 7508. Authority to extend the duration of medical**
9 **certificates**

10 “(a) *GRANTING OF EXTENSIONS.*—Notwithstanding
11 any other provision of law, the Secretary may extend for
12 not more than one year a medical certificate issued to an
13 individual holding a license, merchant mariner’s document,
14 or certificate of registry issued under chapter 71 or 73 if
15 the Secretary determines that the extension is required to
16 enable the Coast Guard to eliminate a backlog in processing
17 applications for medical certificates or is in response to a
18 national emergency or natural disaster.

19 “(b) *MANNER OF EXTENSION.*—An extension under
20 this section may be granted to individual seamen or a spe-
21 cifically identified group of seamen.”.

22 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
23 75 of title 46, United States Code, is amended by adding
24 at the end the following:

“7508. Authority to extend the duration of medical certificates.”.

1 **SEC. 307. CLARIFICATION OF RESTRICTIONS ON AMERICAN**
2 **FISHERIES ACT VESSELS.**

3 *Section 12113(d)(2) of title 46, United States Code,*
4 *is amended—*

5 *(1) in subparagraph (B)—*

6 *(A) by striking “that the regional” and in-*
7 *serting the following: “that—*

8 *“(i) the regional”;*

9 *(B) by striking the semicolon and inserting*
10 *“; and”; and*

11 *(C) by adding at the end the following:*

12 *“(ii) in the case of a vessel listed in*
13 *paragraphs (1) through (20) of section*
14 *208(e) of the American Fisheries Act (title*
15 *II of division C of Public Law 105–277;*
16 *112 Stat. 2681–625 et seq.), the vessel is*
17 *neither participating in nor eligible to par-*
18 *ticipate in the non-AFA trawl catcher proc-*
19 *essor subsector (as that term is defined*
20 *under section 219(a)(7) of the Department*
21 *of Commerce and Related Agencies Appro-*
22 *priations Act, 2005 (Public Law 108–447;*
23 *118 Stat. 2887));”; and*

24 *(2) by amending subparagraph (C) to read as*
25 *follows:*

26 *“(C) the vessel—*

1 “(i) is either a rebuilt vessel or replace-
2 ment vessel under section 208(g) of the
3 *American Fisheries Act* (title II of division
4 C of Public Law 105–277; 112 Stat. 2681–
5 627);

6 “(ii) is eligible for a fishery endorse-
7 ment under this section; and

8 “(iii) in the case of a vessel listed in
9 paragraphs (1) through (20) of section
10 208(e) of the *American Fisheries Act* (title
11 II of division C of Public Law 105–277;
12 112 Stat. 2681–625 et seq.), is neither par-
13 ticipating in nor eligible to participate in
14 the non-AFA trawl catcher processor sub-
15 sector (as that term is defined under section
16 219(a)(7) of the *Department of Commerce*
17 and *Related Agencies Appropriations Act*,
18 2005 (Public Law 108–447; 118 Stat.
19 2887); or”.

20 **SEC. 308. INVESTIGATIONS BY SECRETARY.**

21 (a) *IN GENERAL.*—Chapter 121 of title 46, *United*
22 *States Code*, is amended by inserting after section 12139
23 the following:

1 **“§ 12140. Investigations by Secretary**

2 “(a) *IN GENERAL.*—*The Secretary may conduct inves-*
3 *tigations and inspections regarding compliance with this*
4 *chapter and regulations prescribed under this chapter.*

5 “(b) *AUTHORITY TO OBTAIN EVIDENCE.*—

6 “(1) *IN GENERAL.*—*For the purposes of any in-*
7 *vestigation conducted under this section, the Secretary*
8 *may issue a subpoena to require the attendance of a*
9 *witness or the production of documents or other evi-*
10 *dence relevant to the matter under investigation if—*

11 “(A) *before the issuance of the subpoena, the*
12 *Secretary requests a determination by the Attor-*
13 *ney General as to whether the subpoena—*

14 “(i) *is reasonable; and*

15 “(ii) *will interfere with a criminal in-*
16 *vestigation; and*

17 “(B) *the Attorney General—*

18 “(i) *determines that the subpoena is*
19 *reasonable and will not interfere with a*
20 *criminal investigation; or*

21 “(ii) *fails to make a determination*
22 *with respect to the subpoena before the date*
23 *that is 30 days after the date on which the*
24 *Secretary makes a request under subpara-*
25 *graph (A) with respect to the subpoena.*

1 “(2) *ENFORCEMENT.*—*In the case of a refusal to*
2 *obey a subpoena issued to any person under this sec-*
3 *tion, the Secretary may invoke the aid of the appro-*
4 *prate district court of the United States to compel*
5 *compliance.*”.

6 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
7 *121 of title 46, United States Code, is amended by inserting*
8 *after the item relating to section 12139 the following:*

 “12140. *Investigations by Secretary.*”.

9 **SEC. 309. PENALTIES.**

10 *Section 12151(a) of title 46, United States Code, is*
11 *amended—*

12 (1) *by striking “A person that violates” and in-*
13 *serting the following:*

14 “(1) *CIVIL PENALTIES.*—*Except as provided in*
15 *paragraph (2), a person that violates*”;

16 (2) *by striking “\$10,000” and inserting*
17 *“\$15,000”; and*

18 (3) *by adding at the end the following:*

19 “(2) *ACTIVITIES INVOLVING MOBILE OFFSHORE*
20 *DRILLING UNITS.*—*A person that violates section*
21 *12111(d) or a regulation prescribed under that section*
22 *is liable to the United States Government for a civil*
23 *penalty in an amount that is \$25,000 or twice the*
24 *charter rate of the vessel involved in the violation (as*
25 *determined by the Secretary), whichever is greater.*

1 *Each day of a continuing violation is a separate vio-*
2 *lation.”.*

3 **SEC. 310. UNITED STATES COMMITTEE ON THE MARINE**
4 **TRANSPORTATION SYSTEM.**

5 *(a) IN GENERAL.—Chapter 555 of title 46, United*
6 *States Code, is amended by adding at the end the following:*

7 **“§55502. United States Committee on the Marine**
8 **Transportation System**

9 *“(a) ESTABLISHMENT.—There is established a United*
10 *States Committee on the Marine Transportation System (in*
11 *this section referred to as the ‘Committee’).*

12 *“(b) PURPOSE.—The Committee shall serve as a Fed-*
13 *eral interagency coordinating committee for the purpose*
14 *of—*

15 *“(1) assessing the adequacy of the marine trans-*
16 *portation system (including ports, waterways, chan-*
17 *nels, and their intermodal connections);*

18 *“(2) promoting the integration of the marine*
19 *transportation system with other modes of transpor-*
20 *tation and other uses of the marine environment; and*

21 *“(3) coordinating, improving the coordination*
22 *of, and making recommendations with regard to Fed-*
23 *eral policies that impact the marine transportation*
24 *system.*

25 *“(c) MEMBERSHIP.—*

1 “(1) *IN GENERAL.*—*The Committee shall consist*
2 *of—*

3 “(A) *the Secretary of Transportation;*

4 “(B) *the Secretary of Defense;*

5 “(C) *the Secretary of Homeland Security;*

6 “(D) *the Secretary of Commerce;*

7 “(E) *the Secretary of the Treasury;*

8 “(F) *the Secretary of State;*

9 “(G) *the Secretary of the Interior;*

10 “(H) *the Secretary of Agriculture;*

11 “(I) *the Attorney General;*

12 “(J) *the Secretary of Labor;*

13 “(K) *the Secretary of Energy;*

14 “(L) *the Administrator of the Environ-*
15 *mental Protection Agency;*

16 “(M) *the Chairman of the Federal Maritime*
17 *Commission;*

18 “(N) *the Chairman of the Joint Chiefs of*
19 *Staff; and*

20 “(O) *the head of any other Federal agency*
21 *who a majority of the voting members of the*
22 *Committee determines can further the purpose*
23 *and activities of the Committee.*

24 “(2) *NONVOTING MEMBERS.*—*The Committee*
25 *may include as many nonvoting members as a major-*

1 *ity of the voting members of the Committee deter-*
2 *mines is appropriate to further the purpose and ac-*
3 *tivities of the Committee.*

4 “(d) *SUPPORT.—*

5 “(1) *COORDINATING BOARD.—*

6 “(A) *IN GENERAL.—There is hereby estab-*
7 *lished, within the Committee, a Coordinating*
8 *Board. Each member of the Committee may se-*
9 *lect a senior level representative to serve on such*
10 *Board. The Board shall assist the Committee in*
11 *carrying out its purpose and activities.*

12 “(B) *CHAIR.—There shall be a Chair of the*
13 *Coordinating Board. The Chair of the Coordi-*
14 *nating Board shall rotate each year among the*
15 *Secretary of Transportation, the Secretary of De-*
16 *fense, the Secretary of Homeland Security, and*
17 *the Secretary of Commerce. The order of rotation*
18 *shall be determined by a majority of the voting*
19 *members of the Committee.*

20 “(2) *EXECUTIVE DIRECTOR.—The Secretary of*
21 *Transportation, in consultation with the Secretary of*
22 *Defense, the Secretary of Homeland Security, and the*
23 *Secretary of Commerce, shall appoint an Executive*
24 *Director of the Committee.*

1 “(3) *TRANSFERS.*—*Notwithstanding any other*
2 *provision of law, the head of a Federal department or*
3 *agency who is a member of the Committee may—*

4 “(A) *provide, on a reimbursable or nonre-*
5 *imbursable basis, facilities, equipment, services,*
6 *personnel, and other support services to carry*
7 *out the activities of the Committee; and*

8 “(B) *transfer funds to another Federal de-*
9 *partment or agency in order to carry out the ac-*
10 *tivities of the Committee.*

11 “(e) *MARINE TRANSPORTATION SYSTEM ASSESSMENT*
12 *AND STRATEGY.*—*Not later than one year after the date of*
13 *enactment of this Act and every 5 years thereafter, the Com-*
14 *mittee shall provide to the Committee on Commerce,*
15 *Science, and Transportation and the Committee on Envi-*
16 *ronment and Public Works of the Senate and the Committee*
17 *on Transportation and Infrastructure of the House of Rep-*
18 *resentatives a report that includes—*

19 “(1) *steps taken to implement actions rec-*
20 *ommended in the document titled ‘National Strategy*
21 *for the Marine Transportation System: A Framework*
22 *for Action’ and dated July 2008;*

23 “(2) *an assessment of the condition of the marine*
24 *transportation system;*

1 “(3) a discussion of the challenges the marine
2 transportation system faces in meeting user demand,
3 including estimates of investment levels required to
4 ensure system infrastructure meets such demand;

5 “(4) a plan, with recommended actions, for im-
6 proving the marine transportation system to meet
7 current and future challenges; and

8 “(5) steps taken to implement actions rec-
9 ommended in previous reports required under this
10 subsection.

11 “(f) CONSULTATION.—In carrying out its purpose and
12 activities, the Committee may consult with marine trans-
13 portation system-related advisory committees, interested
14 parties, and the public.”.

15 (b) CLERICAL AMENDMENT.—The analysis for chapter
16 555 of title 46, United States Code, is amended by adding
17 at the end the following:

 “55502. United States Committee on the Marine Transportation System.”.

18 **SEC. 311. TECHNICAL CORRECTION TO TITLE 46.**

19 Section 7507(a) of title 46, United States Code, is
20 amended by striking “73” each place it appears and insert-
21 ing “71”.

22 **SEC. 312. DEEPWATER PORTS.**

23 Section 3(9)(A) of the Deepwater Port Act of 1974 (33
24 U.S.C. 1502(9)(A)) is amended by inserting “or from” be-
25 fore “any State”.

1 **TITLE IV—MARITIME ADMINIS-**
2 **TRATION AUTHORIZATION**

3 **SEC. 401. SHORT TITLE.**

4 *This title may be cited as the “Maritime Administra-*
5 *tion Authorization Act for Fiscal Year 2013”.*

6 **SEC. 402. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
7 **TIONAL SECURITY ASPECTS OF THE MER-**
8 **CHANT MARINE FOR FISCAL YEAR 2013.**

9 *Funds are hereby authorized to be appropriated for fis-*
10 *cal year 2013, to be available without fiscal year limitation*
11 *if so provided in appropriations Acts, for the use of the De-*
12 *partment of Transportation for Maritime Administration*
13 *programs associated with maintaining national security*
14 *aspects of the merchant marine, as follows:*

15 (1) *For expenses necessary for operations of the*
16 *United States Merchant Marine Academy,*
17 *\$77,253,000, of which—*

18 (A) *\$67,253,000 shall remain available*
19 *until expended for Academy operations; and*

20 (B) *\$10,000,000 shall remain available*
21 *until expended for capital asset management at*
22 *the Academy.*

23 (2) *For expenses necessary to support the State*
24 *maritime academies, \$16,045,000, of which—*

1 (A) \$2,400,000 shall remain available until
2 expended for student incentive payments;

3 (B) \$2,545,000 shall remain available until
4 expended for direct payments to such academies;
5 and

6 (C) \$11,100,000 shall remain available
7 until expended for maintenance and repair of
8 State maritime academy training vessels.

9 (3) For expenses necessary to dispose of vessels in
10 the National Defense Reserve Fleet, \$12,717,000, to
11 remain available until expended.

12 (4) For expenses to maintain and preserve a
13 United States-flag merchant marine to serve the na-
14 tional security needs of the United States under chap-
15 ter 531 of title 46, United States Code, \$186,000,000.

16 (5) For the cost (as defined in section 502(5) of
17 the Federal Credit Reform Act of 1990 (2 U.S.C.
18 661a(5))) of loan guarantees under the program au-
19 thorized by chapter 537 of title 46, United States
20 Code, \$3,750,000, all of which shall remain available
21 until expended for administrative expenses of the pro-
22 gram.

1 **SEC. 403. MARITIME ENVIRONMENTAL AND TECHNICAL AS-**
2 **SISTANCE.**

3 (a) *IN GENERAL.*—Chapter 503 of title 46, United
4 States Code, is amended by adding at the end the following:

5 **“§ 50307. Maritime environmental and technical as-**
6 **sistance program**

7 “(a) *IN GENERAL.*—The Secretary of Transportation
8 may engage in the environmental study, research, develop-
9 ment, assessment, and deployment of emerging marine tech-
10 nologies and practices related to the marine transportation
11 system through the use of public vessels under the control
12 of the Maritime Administration or private vessels under
13 United States registry, and through partnerships and coop-
14 erative efforts with academic, public, private, and non-
15 governmental entities and facilities.

16 “(b) *COMPONENTS.*—Under this section, the Secretary
17 of Transportation may—

18 “(1) identify, study, evaluate, test, demonstrate,
19 or improve emerging marine technologies and prac-
20 tices that are likely to achieve environmental im-
21 provements by—

22 “(A) reducing air emissions, water emis-
23 sions, or other ship discharges;

24 “(B) increasing fuel economy or the use of
25 alternative fuels and alternative energy (includ-
26 ing the use of shore power); or

1 “(C) *controlling aquatic invasive species;*
2 *and*

3 “(2) *coordinate with the Environmental Protec-*
4 *tion Agency, the Coast Guard, and other Federal,*
5 *State, local, or tribal agencies, as appropriate.*

6 “(c) *COORDINATION.—Coordination under subsection*
7 *(b)(2) may include—*

8 “(1) *activities that are associated with the devel-*
9 *opment or approval of validation and testing regimes;*
10 *and*

11 “(2) *certification or validation of emerging tech-*
12 *nologies or practices that demonstrate significant en-*
13 *vironmental benefits.*

14 “(d) *ASSISTANCE.—The Secretary of Transportation*
15 *may accept gifts, or enter into cooperative agreements, con-*
16 *tracts, or other agreements with academic, public, private,*
17 *and nongovernmental entities and facilities to carry out the*
18 *activities authorized under subsection (a).”.*

19 “(b) *CONFORMING AMENDMENT.—The analysis for*
20 *chapter 503 of title 46, United States Code, is amended by*
21 *inserting after the item relating to section 50306 the fol-*
22 *lowing:*

 “50307. *Maritime environmental and technical assistance program.*”.

23 **SEC. 404. PROPERTY FOR INSTRUCTIONAL PURPOSES.**

24 *Section 51103(b) of title 46, United States Code, is*
25 *amended—*

1 (1) *in the subsection heading, by striking “SUR-*
2 *PLUS”;*

3 (2) *by amending paragraph (1) to read as fol-*
4 *lows:*

5 “(1) *IN GENERAL.—The Secretary may cooperate*
6 *with and assist the institutions named in paragraph*
7 *(2) by making vessels, fuel, shipboard equipment, and*
8 *other marine equipment, owned by the United States*
9 *Government and determined by the entity having cus-*
10 *tody and control of such property to be excess or sur-*
11 *plus, available to those institutions for instructional*
12 *purposes, by gift, loan, sale, lease, or charter on terms*
13 *and conditions the Secretary considers appropriate.*
14 *The consent of the Secretary of the Navy shall be ob-*
15 *tained with respect to any property from National*
16 *Defense Reserve Fleet vessels, if such vessels are either*
17 *Ready Reserve Force vessels or other National Defense*
18 *Reserve Fleet vessels determined to be of sufficient*
19 *value to the Navy to warrant their further preserva-*
20 *tion and retention.”; and*

21 (3) *in paragraph (2)(C), by inserting “or a*
22 *training institution that is an instrumentality of a*
23 *State, the District of Columbia, a territory or posses-*
24 *sion of the United States, or a unit of local govern-*

1 *ment thereof*” after “*a nonprofit training institu-*
2 *tion*”.

3 **SEC. 405. SHORT SEA TRANSPORTATION.**

4 (a) *PURPOSE.*—*Section 55601 of title 46, United*
5 *States Code, is amended—*

6 (1) *in subsection (a), by striking “landside con-*
7 *gestion.” and inserting “landside congestion or to*
8 *promote short sea transportation.”;*

9 (2) *in subsection (c), by striking “coastal cor-*
10 *ridors” and inserting “coastal corridors or to promote*
11 *short sea transportation”;*

12 (3) *in subsection (d), by striking “that the*
13 *project may” and all that follows through the end of*
14 *the subsection and inserting “that the project uses*
15 *documented vessels and—*

16 *“(1) mitigates landside congestion; or*

17 *“(2) promotes short sea transportation.”; and*

18 (4) *in subsection (f), by striking “shall” each*
19 *place it appears and inserting “may”.*

20 (b) *DOCUMENTATION.*—*Section 55605 is amended in*
21 *the matter preceding paragraph (1) by striking “by vessel”*
22 *and inserting “by a documented vessel”.*

1 **SEC. 406. LIMITATION OF NATIONAL DEFENSE RESERVE**
2 **FLEET VESSELS TO THOSE OVER 1,500 GROSS**
3 **TONS.**

4 *Section 57101(a) of title 46, United States Code, is*
5 *amended by inserting “of 1,500 gross tons or more or such*
6 *other vessels as the Secretary of Transportation determines*
7 *are appropriate” after “Administration”.*

8 **SEC. 407. TRANSFER OF VESSELS TO THE NATIONAL DE-**
9 **FENSE RESERVE FLEET.**

10 *Section 57101 of title 46, United States Code, is*
11 *amended by adding at the end the following:*

12 *“(c) AUTHORITY OF FEDERAL ENTITIES TO TRANS-*
13 *FER VESSELS.—All Federal entities are authorized to*
14 *transfer vessels to the National Defense Reserve Fleet with-*
15 *out reimbursement subject to the approval of the Secretary*
16 *of Transportation and the Secretary of the Navy with re-*
17 *spect to Ready Reserve Force vessels and the Secretary of*
18 *Transportation with respect to all other vessels.”.*

19 **SEC. 408. CLARIFICATION OF HEADING.**

20 *(a) IN GENERAL.—The section designation and head-*
21 *ing for section 57103 of title 46, United States Code, is*
22 *amended to read as follows:*

23 **“§57103. Donation of nonretention vessels in the Na-**
24 **tional Defense Reserve Fleet”.**

25 *(b) CLERICAL AMENDMENT.—The analysis for chapter*
26 *571 of title 46, United States Code, is amended by striking*

1 *the item relating to section 57103 and inserting the fol-*
 2 *lowing:*

“57103. Donation of nonretention vessels in the National Defense Reserve Fleet.”.

3 **SEC. 409. MISSION OF THE MARITIME ADMINISTRATION.**

4 *Section 109(a) of title 49, United States Code, is*
 5 *amended—*

6 *(1) in the subsection heading by striking “ORGA-*
 7 *NIZATION” and inserting “ORGANIZATION AND MIS-*
 8 *SION”; and*

9 *(2) by adding at the end the following: “The mis-*
 10 *sion of the Maritime Administration is to foster, pro-*
 11 *mote, and develop the merchant maritime industry of*
 12 *the United States.”.*

13 **SEC. 410. AMENDMENTS RELATING TO THE NATIONAL DE-**
 14 **FENSE RESERVE FLEET.**

15 *Subparagraphs (B), (C), and (D) of section 11(c)(1)*
 16 *of the Merchant Ship Sales Act of 1946 (50 U.S.C. App.*
 17 *1744(c)(1)) are amended to read as follows:*

18 *“(B) activate and conduct sea trials on each*
 19 *vessel at a frequency that is considered by the*
 20 *Secretary to be necessary;*

21 *“(C) maintain and adequately crew, as nec-*
 22 *essary, in an enhanced readiness status those*
 23 *vessels that are scheduled to be activated in 5 or*
 24 *less days;*

1 “(D) locate those vessels that are scheduled
2 to be activated near embarkation ports specified
3 for those vessels; and”.

4 **SEC. 411. REQUIREMENT FOR BARGE DESIGN.**

5 Not later than 270 days after the date of enactment
6 of this Act, the Administrator of the Maritime Administra-
7 tion shall complete the design for a containerized, articu-
8 lated barge, as identified in the dual-use vessel study car-
9 ried out by the Administrator and the Secretary of Defense,
10 that is able to utilize roll-on/roll-off or load-on/load-off tech-
11 nology in marine highway maritime commerce.

12 **SEC. 412. CONTAINER-ON-BARGE TRANSPORTATION.**

13 (a) *ASSESSMENT.*—The Administrator of the Maritime
14 Administration shall assess the potential for using con-
15 tainer-on-barge transportation in short sea transportation
16 (as such term is defined in section 55605 of title 46, United
17 States Code).

18 (b) *FACTORS.*—In conducting the assessment under
19 subsection (a), the Administrator shall consider—

20 (1) the environmental benefits of increasing con-
21 tainer-on-barge movements in short sea transpor-
22 tation;

23 (2) the regional differences in the use of short sea
24 transportation;

1 (3) *the existing programs established at coastal*
2 *and Great Lakes ports for establishing awareness of*
3 *deep sea shipping operations;*

4 (4) *the mechanisms necessary to ensure that im-*
5 *plementation of a plan under subsection (c) will not*
6 *be inconsistent with antitrust laws; and*

7 (5) *the potential frequency of container-on-barge*
8 *service at short sea transportation ports.*

9 (c) *RECOMMENDATIONS.—The assessment under sub-*
10 *section (a) may include recommendations for a plan to in-*
11 *crease awareness of the potential for use of container-on-*
12 *barge transportation.*

13 (d) *DEADLINE.—Not later than 180 days after the date*
14 *of enactment of this Act, the Administrator shall submit*
15 *the assessment required under this section to the Committee*
16 *on Commerce, Science, and Transportation of the Senate*
17 *and the Committee on Transportation and Infrastructure*
18 *of the House of Representatives.*

19 **SEC. 413. DEPARTMENT OF DEFENSE NATIONAL STRATEGIC**
20 **PORTS STUDY AND COMPTROLLER GENERAL**
21 **STUDIES AND REPORTS ON STRATEGIC**
22 **PORTS.**

23 (a) *SENSE OF CONGRESS ON COMPLETION OF DOD*
24 *REPORT.—It is the sense of Congress that the Secretary of*
25 *Defense should expedite completion of the study of strategic*

1 *ports in the United States called for in the conference report*
2 *to accompany the National Defense Authorization Act for*
3 *Fiscal Year 2012 (Conference Report 112–329) so that it*
4 *can be submitted to Congress before July 1, 2013.*

5 (b) *SUBMISSION OF REPORT TO COMPTROLLER GEN-*
6 *ERAL.—In addition to submitting the report referred to in*
7 *subsection (a) to Congress, the Secretary of Defense shall*
8 *submit the report to the Comptroller General of the United*
9 *States for consideration under subsection (c).*

10 (c) *COMPTROLLER GENERAL STUDIES AND REPORTS*
11 *ON STRATEGIC PORTS.—*

12 (1) *COMPTROLLER GENERAL REVIEW.—Not later*
13 *than 90 days after receipt of the report referred to in*
14 *subsection (a), the Comptroller General shall conduct*
15 *an assessment of the report and submit to the Com-*
16 *mittee on Armed Services of the House of Representa-*
17 *tives and the Committee on Armed Services of the*
18 *Senate a report of such assessment.*

19 (2) *COMPTROLLER GENERAL STUDY AND RE-*
20 *PORT.—Not later than 270 days after the date of en-*
21 *actment of this Act, the Comptroller General shall*
22 *conduct a study of the Department of Defense’s pro-*
23 *grams and efforts related to the state of strategic ports*
24 *with respect to the Department’s operational and*
25 *readiness requirements, and report to the Committee*

1 *on Armed Services of the House of Representatives*
2 *and the Committee on Armed Services of the Senate*
3 *on the findings of such study. The report may include*
4 *an assessment of—*

5 *(A) the extent to which the facilities at stra-*
6 *tegic ports meet the Department of Defense’s re-*
7 *quirements;*

8 *(B) the extent to which the Department has*
9 *identified gaps in the ability of existing strategic*
10 *ports to meet its needs and identified and under-*
11 *taken efforts to address any gaps; and*

12 *(C) the Department’s ability to oversee, co-*
13 *ordinate, and provide security for military de-*
14 *ployments through strategic ports.*

15 *(d) STRATEGIC PORT DEFINED.—In this section, the*
16 *term “strategic port” means a United States port des-*
17 *ignated by the Secretary of Defense as a significant trans-*
18 *portation hub important to the readiness and cargo*
19 *throughput capacity of the Department of Defense.*

20 **SEC. 414. MARITIME WORKFORCE STUDY.**

21 *(a) TRAINING STUDY.—The Comptroller General of the*
22 *United States shall conduct a study on the training needs*
23 *of the maritime workforce.*

24 *(b) STUDY COMPONENTS.—The study shall—*

1 (1) *analyze the impact of maritime training re-*
2 *quirements imposed by domestic and international*
3 *regulations and conventions, companies, and govern-*
4 *ment agencies that charter or operate vessels;*

5 (2) *evaluate the ability of the United States mar-*
6 *itime training infrastructure to meet the needs of the*
7 *maritime industry;*

8 (3) *identify trends in maritime training;*

9 (4) *compare the training needs of United States*
10 *mariners with the vocational training and edu-*
11 *cational assistance programs available from Federal*
12 *agencies to evaluate the ability of Federal programs*
13 *to meet the training needs of United States mariners;*

14 (5) *include recommendations to enhance the ca-*
15 *pabilities of the United States maritime training in-*
16 *frastructure; and*

17 (6) *include recommendations to assist United*
18 *States mariners and those entering the maritime pro-*
19 *fession to achieve the required training.*

20 (c) *FINAL REPORT.*—*Not later than 1 year after the*
21 *date of enactment of this Act, the Comptroller General shall*
22 *submit a report on the results of the study to the Committee*
23 *on Commerce, Science, and Transportation of the Senate*
24 *and the Committee on Transportation and Infrastructure*
25 *of the House of Representatives.*

1 **SEC. 415. MARITIME ADMINISTRATION VESSEL RECYCLING**
2 **CONTRACT AWARD PRACTICES.**

3 (a) *ASSESSMENT.*—*The Comptroller General of the*
4 *United States shall conduct an assessment of the source se-*
5 *lection procedures and practices used to award the Mari-*
6 *time Administration’s National Defense Reserve Fleet vessel*
7 *recycling contracts.*

8 (b) *CONTENTS.*—*The assessment under subsection (a)*
9 *shall include a review of—*

10 (1) *whether the Maritime Administration’s con-*
11 *tract source selection procedures and practices are*
12 *consistent with law, including the Federal Acquisition*
13 *Regulation, and Federal best practices associated with*
14 *making source selection decisions;*

15 (2) *the process, procedures, and practices used*
16 *for the Maritime Administration’s qualification of*
17 *vessel recycling facilities; and*

18 (3) *any other aspect of the Maritime Adminis-*
19 *tration’s vessel recycling process that the Comptroller*
20 *General deems appropriate to review.*

21 (c) *FINDINGS.*—*Not later than one year after the date*
22 *of enactment of this Act, the Comptroller General shall re-*
23 *port the findings of the assessment under subsection (a) to*
24 *the Committee on Commerce, Science, and Transportation*
25 *and the Committee on Armed Services of the Senate and*
26 *the Committee on Transportation and Infrastructure and*

1 *the Committee on Armed Services of the House of Represent-*
2 *atives.*

3 **TITLE V—PIRACY**

4 **SEC. 501. SHORT TITLE.**

5 *This title may be cited as the “Piracy Suppression Act*
6 *of 2012”.*

7 **SEC. 502. TRAINING FOR USE OF FORCE AGAINST PIRACY.**

8 *(a) IN GENERAL.—Chapter 517 of title 46, United*
9 *States Code, is amended by adding at the end the following:*

10 **“§51705. Training for use of force against piracy**

11 *“The Secretary of Transportation, in consultation*
12 *with the Secretary of Defense and the Secretary of the de-*
13 *partment in which the Coast Guard is operating, shall cer-*
14 *tify a training curriculum for United States mariners on*
15 *the use of force against pirates. The curriculum shall in-*
16 *clude—*

17 *“(1) information on waters designated as high-*
18 *risk waters by the Commandant of the Coast Guard;*

19 *“(2) information on current threats and patterns*
20 *of attack by pirates;*

21 *“(3) tactics for defense of a vessel, including in-*
22 *struction on the types, use, and limitations of security*
23 *equipment;*

24 *“(4) standard rules for the use of force for self-*
25 *defense as developed by the Secretary of the depart-*

1 *ment in which the Coast Guard is operating under*
2 *section 912(c) of the Coast Guard Authorization Act*
3 *of 2010 (Public Law 111–281; 46 U.S.C. 8107 note),*
4 *including instruction on firearm safety for crew-*
5 *members of vessels carrying cargo under section*
6 *55305 of this title; and*

7 *“(5) procedures to follow to improve crewmember*
8 *survivability if captured and taken hostage by pi-*
9 *rates.”.*

10 *(b) DEADLINE.—The Secretary of Transportation shall*
11 *certify the curriculum required under the amendment made*
12 *by subsection (a) not later than 270 days after the date*
13 *of enactment of this Act.*

14 *(c) CLERICAL AMENDMENT.—The analysis for chapter*
15 *517 of title 46, United States Code, is amended by adding*
16 *at the end the following:*

“51705. Training program for use of force against piracy.”.

17 **SEC. 503. SECURITY OF GOVERNMENT-IMPELLED CARGO.**

18 *Section 55305 of title 46, United States Code, is*
19 *amended by adding at the end the following:*

20 *“(e) SECURITY OF GOVERNMENT-IMPELLED CARGO.—*

21 *“(1) In order to ensure the safety of vessels and*
22 *crewmembers transporting equipment, materials, or*
23 *commodities under this section, the Secretary of*
24 *Transportation shall direct each department or agen-*
25 *cy (except the Department of Defense), when respon-*

1 sible for the carriage of such equipment, materials, or
2 commodities, to provide armed personnel aboard ves-
3 sels of the United States carrying such equipment,
4 materials, or commodities if the vessels are transiting
5 high-risk waters.

6 “(2) The Secretary of Transportation shall direct
7 each department or agency responsible to provide
8 armed personnel under paragraph (1) to reimburse,
9 subject to the availability of appropriations, the own-
10 ers or operators of applicable vessels for the cost of
11 providing armed personnel.

12 “(3) In this subsection, the term ‘high-risk
13 waters’ means waters so designated by the Com-
14 mandant of the Coast Guard in the Port Security Ad-
15 visory in effect on the date on which an applicable
16 voyage begins.”.

17 **SEC. 504. ACTIONS TAKEN TO PROTECT FOREIGN-FLAGGED**
18 **VESSELS FROM PIRACY.**

19 Not later than 180 days after the date of enactment
20 of this Act, the Secretary of Defense, in consultation with
21 the Secretary of the department in which the Coast Guard
22 is operating, shall provide to the Committee on Armed Serv-
23 ices and the Committee on Transportation and Infrastruc-
24 ture of the House of Representatives and the Committee on
25 Armed Services and the Committee on Commerce, Science,

1 *and Transportation of the Senate a report on actions taken*
2 *by the Secretary of Defense to protect foreign-flagged vessels*
3 *from acts of piracy on the high seas. The report shall in-*
4 *clude—*

5 (1) *the total number of incidents for each of the*
6 *fiscal years 2009 through 2012 in which a member of*
7 *the armed services or an asset under the control of the*
8 *Secretary of Defense was used to interdict or defend*
9 *against an act of piracy directed against any vessel*
10 *not documented under the laws of the United States;*
11 *and*

12 (2) *the estimated cost for each of the fiscal years*
13 *2009 through 2012 for such incidents.*

14 **TITLE VI—MARINE DEBRIS**

15 **SEC. 601. SHORT TITLE.**

16 *This title may be cited as the “Marine Debris Act*
17 *Amendments of 2012”.*

18 **SEC. 602. SHORT TITLE AMENDMENT; REFERENCES.**

19 (a) *SHORT TITLE AMENDMENT.—Section 1 of the Ma-*
20 *rine Debris Research, Prevention, and Reduction Act (33*
21 *U.S.C. 1951 note) is amended by striking “Research, Pre-*
22 *vention, and Reduction”.*

23 (b) *REFERENCES.—Except as otherwise expressly pro-*
24 *vided, whenever in this title an amendment is expressed as*
25 *an amendment to a section or other provision, the reference*

1 *shall be considered to be made to a section or other provi-*
2 *sion of the Marine Debris Act (33 U.S.C. 1951 et seq.), as*
3 *so retitled by subsection (a) of this section.*

4 **SEC. 603. PURPOSE.**

5 *Section 2 (33 U.S.C. 1951) is amended to read as fol-*
6 *lows:*

7 **“SEC. 2. PURPOSE.**

8 *“The purpose of this Act is to address the adverse im-*
9 *pacts of marine debris on the United States economy, the*
10 *marine environment, and navigation safety through the*
11 *identification, determination of sources, assessment, preven-*
12 *tion, reduction, and removal of marine debris.”.*

13 **SEC. 604. NOAA MARINE DEBRIS PROGRAM.**

14 *(a) NAME OF PROGRAM.—Section 3 (33 U.S.C. 1952)*
15 *is amended—*

16 *(1) in the section heading by striking “**PREVEN-***
17 ***TION AND REMOVAL**”; and*

18 *(2) in subsection (a)—*

19 *(A) by striking “Prevention and Removal*
20 *Program to reduce and prevent the occurrence*
21 *and” and inserting “Program to identify, deter-*
22 *mine sources of, assess, prevent, reduce, and re-*
23 *move marine debris and address the”;*

24 *(B) by inserting “the economy of the United*
25 *States,” after “marine debris on”; and*

1 (C) by inserting a comma after “environ-
2 ment”.

3 (b) *PROGRAM COMPONENTS*.—Section 3(b) (33 U.S.C.
4 1952(b)) is amended to read as follows:

5 “(b) *PROGRAM COMPONENTS*.—The Administrator,
6 acting through the Program and subject to the availability
7 of appropriations, shall—

8 “(1) identify, determine sources of, assess, pre-
9 vent, reduce, and remove marine debris, with a focus
10 on marine debris posing a threat to living marine re-
11 sources and navigation safety;

12 “(2) provide national and regional coordination
13 to assist States, Indian tribes, and regional organiza-
14 tions in the identification, determination of sources,
15 assessment, prevention, reduction, and removal of ma-
16 rine debris;

17 “(3) undertake efforts to reduce the adverse im-
18 pacts of lost and discarded fishing gear on living ma-
19 rine resources and navigation safety, including—

20 “(A) research and development of alter-
21 natives to gear posing threats to the marine en-
22 vironment and methods for marking gear used in
23 certain fisheries to enhance the tracking, recov-
24 ery, and identification of lost and discarded
25 gear; and

1 “(B) the development of effective nonregula-
2 tory measures and incentives to cooperatively re-
3 duce the volume of lost and discarded fishing
4 gear and to aid in gear recovery;

5 “(4) undertake outreach and education activities
6 for the public and other stakeholders on sources of
7 marine debris, threats associated with marine debris,
8 and approaches to identifying, determining sources of,
9 assessing, preventing, reducing, and removing marine
10 debris and its adverse impacts on the United States
11 economy, the marine environment, and navigation
12 safety, including outreach and education activities
13 through public-private initiatives; and

14 “(5) develop, in consultation with the Inter-
15 agency Committee, interagency plans for the timely
16 response to events determined by the Administrator to
17 be severe marine debris events, including plans to—

18 “(A) coordinate across agencies and with
19 relevant State, tribal, and local governments to
20 ensure adequate, timely, and efficient response;

21 “(B) assess the composition, volume, and
22 trajectory of marine debris associated with a se-
23 vere marine debris event; and

24 “(C) estimate the potential impacts of a se-
25 vere marine debris event, including economic im-

1 *pacts on human health, navigation safety, nat-*
2 *ural resources, tourism, and livestock, including*
3 *aquaculture.”.*

4 (c) *GRANT CRITERIA AND GUIDELINES.*—Section 3(c)
5 (33 U.S.C. 1952(c)) *is amended—*

6 (1) *in paragraph (1), by striking “section 2(1)”*
7 *and inserting “section 2”;*

8 (2) *by striking paragraph (5); and*

9 (3) *by redesignating paragraphs (6) and (7) as*
10 *paragraphs (5) and (6), respectively.*

11 (d) *REPEAL.*—Section 2204 of the *Marine Plastic Pol-*
12 *lution Research and Control Act of 1987 (33 U.S.C. 1915),*
13 *and the item relating to that section in the table of contents*
14 *contained in section 2 of the United States-Japan Fishery*
15 *Agreement Approval Act of 1987, are repealed.*

16 **SEC. 605. REPEAL OF OBSOLETE PROVISIONS.**

17 Section 4 (33 U.S.C. 1953) *is amended—*

18 (1) *by striking “(a) STRATEGY.—”; and*

19 (2) *by striking subsections (b) and (c).*

20 **SEC. 606. COORDINATION.**

21 (a) *INTERAGENCY MARINE DEBRIS COORDINATING*
22 *COMMITTEE.—*

23 (1) *IN GENERAL.*—Section 2203 of the *Marine*
24 *Plastic Pollution Research and Control Act of 1987*
25 *(33 U.S.C. 1914) is redesignated and moved to re-*

1 *place and appear as section 5 of the Marine Debris*
2 *Act (33 U.S.C. 1954), as so retitled by section 602(a)*
3 *of this title.*

4 (2) *CONFORMING AMENDMENT.*—*Section 5 of the*
5 *Marine Debris Act (33 U.S.C. 1954), as amended by*
6 *paragraph (1) of this subsection, is further amended*
7 *in subsection (d)(2)—*

8 (A) *by striking “this Act” and inserting*
9 *“the Marine Plastic Pollution Research and Con-*
10 *trol Act of 1987”; and*

11 (B) *by inserting “of the Marine Plastic Pol-*
12 *lution Research and Control Act of 1987” after*
13 *“section 2201”.*

14 (3) *CLERICAL AMENDMENT.*—*The item relating*
15 *to section 2203 in the table of contents contained in*
16 *section 2 of the United States-Japan Fishery Agree-*
17 *ment Approval Act of 1987 is repealed.*

18 (b) *BIENNIAL PROGRESS REPORTS.*—*Section 5(c)(2)*
19 *of the Marine Debris Research, Prevention, and Reduction*
20 *Act (33 U.S.C. 1954(c)(2)), as in effect immediately before*
21 *the enactment of this Act—*

22 (1) *is redesignated and moved to appear as sub-*
23 *section (e) at the end of section 5 of the Marine De-*
24 *bris Act, as amended by subsection (a) of this section;*
25 *and*

1 (2) is amended—

2 (A) by striking “ANNUAL PROGRESS RE-
3 REPORTS.—” and all that follows through “there-
4 after” and inserting “BIENNIAL PROGRESS RE-
5 REPORTS.—Biennially”;

6 (B) by striking “Interagency” each place it
7 appears;

8 (C) by striking “chairperson” and inserting
9 “Chairperson”;

10 (D) by inserting “Natural” before “Re-
11 sources”;

12 (E) by redesignating subparagraphs (A)
13 through (E) as paragraphs (1) through (5), re-
14 spectively; and

15 (F) by moving all text 2 ems to the left.

16 **SEC. 607. CONFIDENTIALITY OF SUBMITTED INFORMATION.**

17 Section 6(2) (33 U.S.C. 1955(2)) is amended by strik-
18 ing “by the fishing industry”.

19 **SEC. 608. DEFINITIONS.**

20 Section 7 (33 U.S.C. 1956) is amended—

21 (1) in paragraph (2), by striking “2203 of the
22 Marine Plastic Pollution Research and Control Act of
23 1987 (33 U.S.C. 1914)” and inserting “5 of this Act”;

24 (2) by striking paragraph (3) and inserting the
25 following:

1 “(3) *MARINE DEBRIS*.—The term ‘marine debris’
2 *means any persistent solid material that is manufac-*
3 *tured or processed and directly or indirectly, inten-*
4 *tionally or unintentionally, disposed of or abandoned*
5 *into the marine environment or the Great Lakes.”;*

6 (3) *by striking paragraph (5);*

7 (4) *by redesignating paragraph (7) as para-*
8 *graph (5);*

9 (5) *in paragraph (5), as redesignated by para-*
10 *graph (4) of this section, by striking “Prevention and*
11 *Removal”;*

12 (6) *by striking paragraph (6) and inserting the*
13 *following:*

14 “(6) *SEVERE MARINE DEBRIS EVENT*.—The term
15 ‘severe marine debris event’ *means atypically large*
16 *amounts of marine debris caused by a natural dis-*
17 *aster, including a tsunami, flood, landslide, or hurri-*
18 *cane, or other source.”; and*

19 (7) *by redesignating paragraph (8) as para-*
20 *graph (7).*

21 **SEC. 609. SEVERE MARINE DEBRIS EVENT DETERMINATION.**

22 (a) *IN GENERAL*.—The Administrator of the National
23 *Oceanic and Atmospheric Administration shall determine*
24 *whether the March 2011, Tohoku earthquake and subsequent*
25 *tsunami and the October 2012, hurricane Sandy each*

1 *caused a severe marine debris event (as that term is defined*
2 *in section 7(6) of the Marine Debris Act (33 U.S.C.*
3 *1956(6)), as amended by this Act).*

4 *(b) DEADLINE.—Not later than 30 days after the date*
5 *of enactment of this Act, the Administrator shall provide*
6 *the determination required under subsection (a) to the Com-*
7 *mittee on Commerce, Science, and Transportation of the*
8 *Senate and the Committee on Transportation and Infra-*
9 *structure and the Committee on Natural Resources of the*
10 *House of Representatives.*

11 **TITLE VII—MISCELLANEOUS**

12 **SEC. 701. DISTANT WATER TUNA FLEET.**

13 *Section 421 of the Coast Guard and Maritime Trans-*
14 *portation Act of 2006 (Public Law 109–241; 120 Stat. 547)*
15 *is amended—*

16 *(1) by striking subsection (b) and inserting the*
17 *following:*

18 *“(b) LICENSING RESTRICTIONS.—*

19 *“(1) IN GENERAL.—Subsection (a) only applies*
20 *to a foreign citizen who holds a credential that is*
21 *equivalent to the credential issued by the Coast Guard*
22 *to a United States citizen for the position, with re-*
23 *spect to requirements for experience, training, and*
24 *other qualifications.*

1 “(2) *TREATMENT OF CREDENTIAL.*—*An equivalent*
2 *credential under paragraph (1) shall be consid-*
3 *ered as meeting the requirements of section 8304 of*
4 *title 46, United States Code, but only while a person*
5 *holding the credential is in the service of the vessel to*
6 *which this section applies.”;*

7 (2) *in subsection (c) by inserting “or Guam” be-*
8 *fore the period at the end; and*

9 (3) *in subsection (d) by striking “on December*
10 *31, 2012” and inserting “on the date the Treaty on*
11 *Fisheries Between the Governments of Certain Pacific*
12 *Island States and the Government of the United*
13 *States of America ceases to have effect for any party*
14 *under Article 12.6 or 12.7 of such treaty, as in effect*
15 *on the date of enactment of the Coast Guard and*
16 *Maritime Transportation Act of 2012”.*

17 **SEC. 702. TECHNICAL CORRECTIONS.**

18 (a) *STUDY OF BRIDGES.*—*Section 905 of the Coast*
19 *Guard Authorization Act of 2010 (Public Law 111–281; 33*
20 *U.S.C. 494a) is amended to read as follows:*

21 **“SEC. 905. STUDY OF BRIDGES OVER NAVIGABLE WATERS.**

22 *“The Commandant of the Coast Guard shall submit*
23 *to the Committee on Commerce, Science, and Transpor-*
24 *tation of the Senate and the Committee on Transportation*
25 *and Infrastructure of the House of Representatives a com-*

1 *prehensive study on the construction or alteration of any*
2 *bridge, drawbridge, or causeway over the navigable waters*
3 *of the United States with a channel depth of 25 feet or*
4 *greater that may impede or obstruct future navigation to*
5 *or from port facilities and for which a permit under the*
6 *Act of March 23, 1906 (33 U.S.C. 491 et seq.), popularly*
7 *known as the Bridge Act of 1906, was requested during the*
8 *period beginning on January 1, 2006, and ending on Au-*
9 *gust 3, 2011.”.*

10 (b) *WAIVER.—Section 7(c) of the America’s Cup Act*
11 *of 2011 (125 Stat. 755) is amended by inserting “located*
12 *in Ketchikan, Alaska” after “moorage”.*

13 **SEC. 703. EXTENSION OF MORATORIUM.**

14 *Section 2(a) of Public Law 110–299 (33 U.S.C. 1342*
15 *note) is amended by striking “2013” and inserting “2014”.*

16 **SEC. 704. NOTICE OF ARRIVAL.**

17 *The regulations required under section 109(a) of the*
18 *Security and Accountability For Every Port Act of 2006*
19 *(33 U.S.C. 1223 note) dealing with notice of arrival re-*
20 *quirements for foreign vessels on the Outer Continental*
21 *Shelf shall not apply to a vessel documented under section*
22 *12105 of title 46, United States Code, unless the vessel ar-*
23 *rives from a foreign port or place.*

24 **SEC. 705. WAIVERS.**

25 (a) *TEXAS STAR CASINO.—*

1 (1) *IN GENERAL*.—Notwithstanding section
2 12113(a)(4) of title 46, United States Code, the Sec-
3 retary of the department in which the Coast Guard
4 is operating may issue a certificate of documentation
5 with a fishery endorsement for the Texas Star Casino
6 (IMO number 7722047).

7 (2) *RESTRICTION*.—Notwithstanding section
8 12113(b)(1) of title 46, United States Code, a fishery
9 endorsement issued under paragraph (1) is not valid
10 for any fishery for which a fishery management plan
11 has been approved by the Secretary of Commerce pur-
12 suant to section 304 of the Magnuson-Stevens Fishery
13 Conservation and Management Act (16 U.S.C. 1854)
14 before the date of enactment of this Act.

15 (b) *RANGER III*.—Section 3703a of title 46, United
16 States Code, does not apply to the passenger vessel *Ranger*
17 *III* (United States official number 277361), during any pe-
18 riod that the vessel is owned and operated by the National
19 Park Service.

20 **SEC. 706. NATIONAL RESPONSE CENTER NOTIFICATION RE-**
21 **QUIREMENTS.**

22 *The Ohio River Valley Water Sanitation Commission,*
23 *established pursuant to the Ohio River Valley Water Sani-*
24 *tation Compact consented to and approved by Congress in*
25 *the Act of July 11, 1940 (54 Stat. 752), is deemed a Govern-*

1 *ment agency for purposes of the notification requirements*
2 *of section 103 of the Comprehensive Environmental Re-*
3 *sponse, Compensation, and Liability Act of 1980 (42 U.S.C.*
4 *9603). The National Response Center shall convey notifica-*
5 *tion, including complete and unredacted incident reports,*
6 *expeditiously to the Commission regarding each release in*
7 *or affecting the Ohio River Basin for which notification to*
8 *all appropriate Government agencies is required.*

9 **SEC. 707. VESSEL DETERMINATIONS.**

10 *The vessel with United States official number 981472*
11 *and the vessel with United States official number 988333*
12 *shall each be deemed to be a new vessel effective on the date*
13 *of delivery after January 1, 2008, from a privately owned*
14 *United States shipyard if no encumbrances are on record*
15 *with the Coast Guard at the time of the issuance of the*
16 *new vessel certificate of documentation for each vessel.*

17 **SEC. 708. MILLE LACS LAKE, MINNESOTA.**

18 *The waters of Mille Lacs Lake, Minnesota, are not*
19 *waters subject to the jurisdiction of the United States for*
20 *the purposes of section 2 of title 14, United States Code.*

21 **SEC. 709. TRANSPORTATION WORKER IDENTIFICATION**

22 **CREDENTIAL PROCESS REFORM.**

23 *Not later than 270 days after the date of enactment*
24 *of this Act, the Secretary of Homeland Security shall reform*
25 *the process for Transportation Worker Identification Cre-*

1 *dential enrollment, activation, issuance, and renewal to re-*
2 *quire, in total, not more than one in-person visit to a des-*
3 *ignated enrollment center except in cases in which there are*
4 *extenuating circumstances, as determined by the Secretary,*
5 *requiring more than one such in-person visit.*

6 **SEC. 710. INVESTMENT AMOUNT.**

7 *Not later than 30 days after the date of enactment of*
8 *this Act, the Secretary of the Treasury shall increase the*
9 *\$22,500,000 invested in income-producing securities for*
10 *purposes of section 5006(b) of the Oil Pollution Act of 1990*
11 *(33 U.S.C. 2736(b)) by \$12,851,340.*

12 **SEC. 711. INTEGRATED CROSS-BORDER MARITIME LAW EN-**
13 **FORCEMENT OPERATIONS BETWEEN THE**
14 **UNITED STATES AND CANADA.**

15 *(a) AUTHORIZATION.—The Secretary of Homeland Se-*
16 *curity, acting through the Commandant of the Coast Guard,*
17 *may establish an Integrated Cross-Border Maritime Law*
18 *Enforcement Operations Program to coordinate the mari-*
19 *time security operations of the United States and Canada*
20 *(in this section referred to as the “Program”).*

21 *(b) PURPOSE.—The Secretary, acting through the*
22 *Commandant, shall administer the Program in a manner*
23 *that results in a cooperative approach between the United*
24 *States and Canada to strengthen border security and detect,*

1 *prevent, suppress, investigate, and respond to terrorism and*
2 *violations of law related to border security.*

3 (c) *TRAINING.*—*The Secretary, acting through the*
4 *Commandant and in consultation with the Secretary of*
5 *State, may—*

6 (1) *establish, as an element of the Program, a*
7 *training program for individuals who will serve as*
8 *maritime law enforcement officers; and*

9 (2) *conduct training jointly with Canada to en-*
10 *hance border security, including training—*

11 (A) *on the detection and apprehension of*
12 *suspected terrorists and individuals attempting*
13 *to unlawfully cross or unlawfully use the inter-*
14 *national maritime border between the United*
15 *States and Canada;*

16 (B) *on the integration, analysis, and dis-*
17 *semination of port security information by and*
18 *between the United States and Canada;*

19 (C) *on policy, regulatory, and legal consid-*
20 *erations related to the Program;*

21 (D) *on the use of force in maritime security;*

22 (E) *on operational procedures and protec-*
23 *tion of sensitive information; and*

24 (F) *on preparedness and response to mari-*
25 *time terrorist incidents.*

1 (d) *COORDINATION.*—*The Secretary, acting through*
2 *the Commandant, shall coordinate the Program with other*
3 *similar border security and antiterrorism programs within*
4 *the Department of Homeland Security.*

5 (e) *MEMORANDA OF AGREEMENT.*—*The Secretary may*
6 *enter into any memorandum of agreement necessary to*
7 *carry out the Program.*

8 **SEC. 712. BRIDGE PERMITS.**

9 (a) *IN GENERAL.*—*For the purposes of reviewing a*
10 *permit application pursuant to section 9 of the Act of*
11 *March 3, 1899, popularly known as the Rivers and Harbors*
12 *Appropriation Act of 1899 (33 U.S.C. 401), the Act of*
13 *March 23, 1906, popularly known as the Bridge Act of 1906*
14 *(33 U.S.C. 491 et seq.), the Act of June 21, 1940, popularly*
15 *known as the Truman-Hobbs Act (33 U.S.C. 511 et seq.),*
16 *or the General Bridge Act of 1946 (33 U.S.C. 525 et seq.),*
17 *the Secretary of the department in which the Coast Guard*
18 *is operating may—*

19 (1) *accept voluntary services from one or more*
20 *owners of a bridge; and*

21 (2) *accept and credit to Coast Guard operating*
22 *expenses any amounts received from one or more own-*
23 *ers of a bridge.*

24 (b) *EXPEDITED PROCESS.*—*The Secretary of the de-*
25 *partment in which the Coast Guard is operating shall com-*

1 *plete, on an expeditious basis and using the shortest existing*
2 *applicable process, determinations on any required ap-*
3 *proval for issuance of any permits under the jurisdiction*
4 *of such department related to the construction or alteration*
5 *of a bridge over the Kill Van Kull consistent with Executive*
6 *Order 13604 (March 22, 2012) and the Administration's*
7 *objectives for the project.*

8 **SEC. 713. TONNAGE OF AQUEOS ACADIAN.**

9 *The Secretary of the department in which the Coast*
10 *Guard is operating may consider the tonnage measurements*
11 *for the vessel Aqueos Acadian (United States official num-*
12 *ber 553645) recorded on the certificate of inspection for the*
13 *vessel issued on September 8, 2011, to be valid until May*
14 *2, 2014, if the vessel and the use of its space is not changed*
15 *after November 16, 2012, in a way that substantially affects*
16 *the tonnage of the vessel.*

17 **SEC. 714. NAVIGABILITY DETERMINATION.**

18 *(a) IN GENERAL.—Not later than 180 days after the*
19 *date of enactment of this Act, the Commandant of the Coast*
20 *Guard shall submit to the Committee on Transportation*
21 *and Infrastructure of the House of Representatives and the*
22 *Committee on Commerce, Science, and Transportation of*
23 *the Senate an assessment of the impact of additional regu-*
24 *latory requirements imposed on passenger vessels operating*

1 *on the Ringo Cocks Canal in Louisiana as a result of the*
2 *covered navigability determination.*

3 (b) *RESTRICTION.*—*Before the date that is 180 days*
4 *after the date on which the assessment required under sub-*
5 *section (a) is submitted, the Commandant may not enforce*
6 *any regulatory requirements imposed on passenger vessels*
7 *operating on the Ringo Cocks Canal in Louisiana that are*
8 *a result of the covered navigability determination.*

9 (c) *COVERED NAVIGABILITY DETERMINATION DE-*
10 *FINED.*—*In this section, the term “covered navigability de-*
11 *termination” means the Coast Guard’s Navigability Deter-*
12 *mination for Ringo Cocks Canal, Louisiana, dated March*
13 *25, 2010.*

14 **SEC. 715. COAST GUARD HOUSING.**

15 *Not later than 30 days after the date of enactment of*
16 *this Act, the Commandant of the Coast Guard shall submit*
17 *to the Committee on Commerce, Science, and Transpor-*
18 *tation of the Senate and the Committee on Transportation*
19 *and Infrastructure of the House of Representatives the*
20 *Coast Guard’s National Housing Assessment and any anal-*
21 *ysis conducted by the Coast Guard of such assessment.*

1 **SEC. 716. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST**
2 **GUARD PRESENCE IN HIGH-LATITUDE RE-**
3 **GIONS.**

4 *Not later than 180 days after the date of enactment*
5 *of this Act, the Secretary of the department in which the*
6 *Coast Guard is operating shall submit to the Committee*
7 *on Commerce, Science, and Transportation of the Senate*
8 *and the Committee on Transportation and Infrastructure*
9 *of the House of Representatives an assessment of the need*
10 *for additional Coast Guard prevention and response capa-*
11 *bility in the high-latitude regions. The assessment shall ad-*
12 *dress needs for all Coast Guard mission areas, including*
13 *search and rescue, marine pollution response and preven-*
14 *tion, fisheries enforcement, and maritime commerce. The*
15 *Secretary shall include in the assessment—*

16 *(1) an analysis of the high-latitude operating ca-*
17 *pabilities of all current Coast Guard assets other than*
18 *icebreakers, including assets acquired under the Deep-*
19 *water program;*

20 *(2) an analysis of projected needs for Coast*
21 *Guard operations in the high-latitude regions; and*

22 *(3) an analysis of shore infrastructure, per-*
23 *sonnel, logistics, communications, and resources re-*
24 *quirements to support Coast Guard operations in the*
25 *high-latitude regions, including forward operating*
26 *bases and existing infrastructure in the furthest north*

1 *locations that are ice free, or nearly ice free, year*
2 *round.*

3 **SEC. 717. POTENTIAL PLACE OF REFUGE.**

4 (a) *CONSULTATION.*—*Not later than 1 year after the*
5 *date of enactment of this Act, the Commandant of the Coast*
6 *Guard shall consult with appropriate Federal agencies and*
7 *with State and local interests to determine what improve-*
8 *ments, if any, are necessary to designate existing ice-free*
9 *facilities or infrastructure in the Central Bering Sea as a*
10 *fully functional, year-round Potential Place of Refuge.*

11 (b) *PURPOSES.*—*The purposes of the consultation*
12 *under subsection (a) shall be to enhance safety of human*
13 *life at sea and protect the marine environment in the Cen-*
14 *tral Bering Sea.*

15 (c) *DEADLINE FOR SUBMISSION.*—*Not later than 90*
16 *days after making the determination under subsection (a),*
17 *the Commandant shall inform the Committee on Commerce,*
18 *Science, and Transportation of the Senate and the Com-*
19 *mittee on Transportation and Infrastructure of the House*
20 *of Representatives in writing of the findings under sub-*
21 *section (a).*

22 **SEC. 718. MERCHANT MARINER MEDICAL EVALUATION PRO-**
23 **GRAM.**

24 (a) *IN GENERAL.*—*Not later than 180 days after the*
25 *date of enactment of this Act, the Commandant of the Coast*

1 *Guard shall submit to the Committee on Transportation*
2 *and Infrastructure of the House of Representatives and the*
3 *Committee on Commerce, Science, and Transportation of*
4 *the Senate an assessment of the Coast Guard National Mar-*
5 *itime Center's merchant mariner medical evaluation pro-*
6 *gram and alternatives to the program.*

7 (b) *CONTENTS.—The assessment required under sub-*
8 *section (a) shall include the following:*

9 (1) *An overview of the adequacy of the program*
10 *for making medical certification determinations for*
11 *issuance of merchant mariners' documents.*

12 (2) *An analysis of how a system similar to the*
13 *Federal Motor Carrier Safety Administration's Na-*
14 *tional Registry of Certified Medical Examiners pro-*
15 *gram, and the Federal Aviation Administration's*
16 *Designated Aviation Medical Examiners program,*
17 *could be applied by the Coast Guard in making med-*
18 *ical fitness determinations for issuance of merchant*
19 *mariners' documents.*

20 (3) *An explanation of how the amendments to*
21 *the International Convention on Standards of Train-*
22 *ing, Certification and Watchkeeping for Seafarers,*
23 *1978, that entered into force on January 1, 2012, re-*
24 *quired changes to the Coast Guard's merchant mar-*
25 *iner medical evaluation program.*

1 **SEC. 719. DETERMINATIONS.**

2 *Not later than 270 days after the date of enactment*
3 *of this Act, the Secretary of the department in which the*
4 *Coast Guard is operating shall provide to the Committee*
5 *on Transportation and Infrastructure of the House of Rep-*
6 *resentatives and the Committee on Commerce, Science, and*
7 *Transportation of the Senate an assessment of—*

8 *(1) the loss of United States shipyard jobs and*
9 *industrial base expertise as a result of rebuild, conver-*
10 *sion, and double-hull work on United States-flag ves-*
11 *sels eligible to engage in the coastwise trade being per-*
12 *formed in foreign shipyards;*

13 *(2) enforcement of the Coast Guard's foreign re-*
14 *build determination regulations; and*

15 *(3) recommendations for improving trans-*
16 *parency in the Coast Guard's foreign rebuild deter-*
17 *mination process.*

18 **SEC. 720. IMPEDIMENTS TO THE UNITED STATES-FLAG REG-**
19 **ISTRY.**

20 *(a) ASSESSMENT.—Not later than 180 days after the*
21 *date of enactment of this Act, the Commandant of the Coast*
22 *Guard shall submit to the Committee on Transportation*
23 *and Infrastructure of the House of Representatives and the*
24 *Committee on Commerce, Science, and Transportation of*
25 *the Senate an assessment of factors under the authority of*
26 *the Coast Guard that impact the ability of vessels docu-*

1 *mented in the United States to effectively compete in inter-*
2 *national transportation markets.*

3 (b) *CONTENT.*—*The assessment under subsection (a)*
4 *shall include—*

5 (1) *a review of differences between Coast Guard*
6 *policies and regulations governing the inspection of*
7 *vessels documented in the United States and Inter-*
8 *national Maritime Organization policies and regula-*
9 *tions governing the inspection of vessels not docu-*
10 *mented in the United States;*

11 (2) *a statement on the impact such differences*
12 *have on operating costs for vessels documented in the*
13 *United States; and*

14 (3) *recommendations on whether to harmonize*
15 *any such differences.*

16 (c) *CONSULTATION.*—*In preparing the assessment*
17 *under subsection (a), the Commandant may consider the*
18 *views of representatives of the owners or operators of vessels*
19 *documented in the United States and the organizations rep-*
20 *resenting the employees employed on such vessels.*

21 **SEC. 721. ARCTIC DEEPWATER SEAPORT.**

22 (a) *STUDY.*—*The Commandant of the Coast Guard, in*
23 *consultation with the Commanding General of the Army*
24 *Corps of Engineers, the Maritime Administrator, and the*
25 *Chief of Naval Operations, shall conduct a study on the fea-*

1 *sibility of establishing a deepwater seaport in the Arctic*
2 *to protect and advance strategic United States interests*
3 *within the Arctic region.*

4 (b) *SCOPE.—The study under subsection (a) shall in-*
5 *clude an analysis of—*

6 (1) *the capability provided by a deepwater sea-*
7 *port that—*

8 (A) *is in the Arctic (as that term is defined*
9 *in the section 112 of the Arctic Research and*
10 *Policy Act of 1984 (15 U.S.C. 4111)); and*

11 (B) *has a depth of not less than 34 feet;*

12 (2) *the potential and optimum locations for such*
13 *deepwater seaport;*

14 (3) *the resources needed to establish such deep-*
15 *water seaport;*

16 (4) *the timeframe needed to establish such deep-*
17 *water seaport;*

18 (5) *the infrastructure required to support such*
19 *deepwater seaport; and*

20 (6) *any other issues the Secretary considers nec-*
21 *essary to complete the study.*

22 (c) *DEADLINE FOR SUBMISSION OF FINDINGS.—Not*
23 *later than 1 year after the date of enactment of this Act,*
24 *the Commandant shall submit the findings of the study*
25 *under subsection (a) to the Committee on Commerce,*

1 *Science, and Transportation of the Senate and the Com-*
2 *mittee on Transportation and Infrastructure of the House*
3 *of Representatives.*

4 **SEC. 722. RISK ASSESSMENT OF TRANSPORTING CANADIAN**
5 **OIL SANDS.**

6 (a) *IN GENERAL.*—*The Commandant of the Coast*
7 *Guard shall assess the increased vessel traffic in the Salish*
8 *Sea (including Puget Sound, the Strait of Georgia, Haro*
9 *Strait, Rosario Strait, and the Strait of Juan de Fuca),*
10 *that may occur from the transport of Canadian oil sands*
11 *oil.*

12 (b) *SCOPE.*—*The assessment required under subsection*
13 *(a) shall, at a minimum, consider—*

14 (1) *the extent to which vessel (including barge,*
15 *tanker, and supertanker) traffic may increase due to*
16 *Canadian oil sands development;*

17 (2) *whether the transport of oil from Canadian*
18 *oil sands within the Salish Sea is likely to require*
19 *navigation through United States territorial waters;*

20 (3) *the rules or regulations that restrict super-*
21 *tanker traffic in United States waters, including an*
22 *assessment of whether there are methods to bypass*
23 *those rules or regulations in such waters and adjacent*
24 *Canadian waters;*

1 (4) *the rules or regulations that restrict the*
2 *amount of oil transported in tankers or barges in*
3 *United States waters, including an assessment of*
4 *whether there are methods to bypass those rules or*
5 *regulations in such waters and adjacent Canadian*
6 *waters;*

7 (5) *the spill response capability throughout the*
8 *shared waters of the United States and Canada, in-*
9 *cluding oil spill response planning requirements for*
10 *vessels bound for one nation transiting through the*
11 *waters of the other nation;*

12 (6) *the vessel emergency response towing capa-*
13 *bility at the entrance to the Strait of Juan de Fuca;*

14 (7) *the agreement between the United States and*
15 *Canada that outlines requirements for laden tank ves-*
16 *sels to be escorted by tug boats;*

17 (8) *whether oil extracted from oil sands has dif-*
18 *ferent properties from other types of oil, including*
19 *toxicity and other properties, that may require dif-*
20 *ferent maritime clean up technologies;*

21 (9) *a risk assessment of the increasing super-*
22 *tanker, tanker, and barge traffic associated with Ca-*
23 *nadian oil sands development or expected to be associ-*
24 *ated with Canadian oil sands development; and*

1 (10) *the potential costs and benefits to the*
2 *United States public and the private sector of mari-*
3 *time transportation of oil sands products.*

4 *(c) CONSULTATION REQUIREMENT.—In conducting the*
5 *assessment required under this section, the Commandant*
6 *shall consult with the State of Washington, affected tribal*
7 *governments, and industry, including vessel operators, oil*
8 *sands producers, and spill response experts. The Com-*
9 *mandant may consult with the Secretary of State.*

10 *(d) DEADLINE FOR SUBMISSION.—Not later than 180*
11 *days after the date of enactment of this Act, the Com-*
12 *mandant shall submit the assessment required under this*
13 *section to the Committee on Commerce, Science, and Trans-*
14 *portation of the Senate and the Committee on Transpor-*
15 *tation and Infrastructure of the House of Representatives.*

Attest:

Clerk.

112TH CONGRESS
2^D SESSION

H.R. 2838

**HOUSE AMENDMENT TO
SENATE AMENDMENTS**