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(Original Signature of Member)

112TH CONGRESS  
2D SESSION

# H. RES.

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Providing for the concurrence by the House in the Senate amendments to  
H.R. 2838, with an amendment.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. LOBIONDO submitted the following resolution; which was referred to the  
Committee on \_\_\_\_\_

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# RESOLUTION

Providing for the concurrence by the House in the Senate  
amendments to H.R. 2838, with an amendment.

1       *Resolved*, That upon the adoption of this resolution  
2 the House shall be considered to have taken from the  
3 Speaker's table the bill, H.R. 2838, with the Senate  
4 amendments thereto, and to have concurred in the Senate  
5 amendments with the following amendment:

6               In lieu of the matter proposed to be inserted by  
7 the amendment of the Senate to the text of the bill,  
8 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 capac-  
ity 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:

6                   (1) For the operation and maintenance of the  
7 Coast Guard—

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

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

11           of which \$24,500,000 is authorized each fiscal year  
12 to be derived from the Oil Spill Liability Trust Fund  
13 to carry out the purposes of section 1012(a)(5) of  
14 the Oil Pollution Act of 1990 (33 U.S.C.  
15 2712(a)(5)).

16                   (2) For the acquisition, construction, rebuild-  
17 ing, and improvement of aids to navigation, shore  
18 and offshore facilities, vessels, and aircraft, includ-  
19 ing equipment related thereto—

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

2 and

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

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

9 (3) For the Coast Guard Reserve program, in-  
10 cluding personnel and training costs, equipment, and  
11 services—

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

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

14 (4) For environmental compliance and restora-  
15 tion of Coast Guard vessels, aircraft, and facilities  
16 (other than parts and equipment associated with op-  
17 eration and maintenance)—

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

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

20 to remain available until expended.

21 (5) To the Commandant of the Coast Guard for  
22 research, development, test, and evaluation of tech-  
23 nologies, materials, and human factors directly re-  
24 lated to improving the performance of the Coast  
25 Guard's mission with respect to search and rescue,

1 aids to navigation, marine safety, marine environ-  
2 mental protection, enforcement of laws and treaties,  
3 ice operations, oceanographic research, and defense  
4 readiness—

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

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

7 (6) For alteration or removal of bridges over  
8 navigable waters of the United States constituting  
9 obstructions to navigation, and for personnel and  
10 administrative costs associated with the Alteration of  
11 Bridges Program—

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

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

14 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
15 **AND TRAINING.**

16 (a) **ACTIVE DUTY STRENGTH.**—The Coast Guard is  
17 authorized an end-of-year strength for active duty per-  
18 sonnel of 47,000 for each of fiscal years 2013 and 2014.

19 (b) **MILITARY TRAINING STUDENT LOADS.**—The  
20 Coast Guard is authorized average military training stu-  
21 dent loads for each of fiscal years 2013 and 2014 as fol-  
22 lows:

23 (1) For recruit and special training, 2,500 stu-  
24 dent years.

25 (2) For flight training, 165 student years.

1           (3) For professional training in military and ci-  
2 vilian institutions, 350 student years.

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

## 4           **TITLE II—COAST GUARD**

### 5   **SEC. 201. INTERFERENCE WITH COAST GUARD TRANS-** 6           **MISSIONS.**

7           Section 88 of title 14, United States Code, is amend-  
8 ed by adding at the end the following:

9           “(e) An individual who knowingly and willfully oper-  
10 ates a device with the intention of interfering with the  
11 broadcast or reception of a radio, microwave, or other sig-  
12 nal (including a signal from a global positioning system)  
13 transmitted, retransmitted, or augmented by the Coast  
14 Guard for the purpose of maritime safety is—

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

16           “(2) subject to a civil penalty of not more than  
17           \$1,000 per day for each violation.”.

### 18   **SEC. 202. COAST GUARD AUTHORITY TO OPERATE AND** 19           **MAINTAIN COAST GUARD ASSETS.**

20           Section 93 of title 14, United States Code, is amend-  
21 ed by adding at the end the following:

22           “(e) OPERATION AND MAINTENANCE OF COAST  
23 GUARD ASSETS AND FACILITIES.—All authority, includ-  
24 ing programmatic budget authority, for the operation and  
25 maintenance of Coast Guard vessels, aircraft, systems,

1 aids to navigation, infrastructure, and other assets or fa-  
2 cilities shall be allocated to and vested in the Coast Guard  
3 and the department in which the Coast Guard is oper-  
4 ating.”.

5 **SEC. 203. LIMITATION ON EXPENDITURES.**

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

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

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

12 Section 195 of title 14, United States Code, is  
13 amended—

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

16 (2) by striking “pay and allowances” each place  
17 it appears and inserting “pay, allowances, and  
18 emoluments”.

19 **SEC. 205. POLICY ON SEXUAL HARASSMENT AND SEXUAL**  
20 **VIOLENCE.**

21 (a) ESTABLISHMENT.—Chapter 9 of title 14, United  
22 States Code, is amended by adding at the end the fol-  
23 lowing:



1 **“§ 200. Policy on sexual harassment and sexual vio-**  
2 **lence**

3 “(a) REQUIRED POLICY.—The Commandant of the  
4 Coast Guard shall direct the Superintendent of the Coast  
5 Guard Academy to prescribe a policy on sexual harass-  
6 ment and sexual violence applicable to the cadets and  
7 other personnel of the Academy.

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

11 “(1) Programs to promote awareness of the in-  
12 cidence of rape, acquaintance rape, and other sexual  
13 offenses of a criminal nature that involve cadets or  
14 other Academy personnel.

15 “(2) Information about how the Coast Guard  
16 and the Academy will protect the confidentiality of  
17 victims of sexual harassment or sexual violence, in-  
18 cluding how any records, statistics, or reports in-  
19 tended for public release will be formatted such that  
20 the confidentiality of victims is not jeopardized.

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

24 “(A) if the victim chooses to report an oc-  
25 currence of sexual harassment or sexual vio-  
26 lence, a specification of the person or persons to

1           whom the alleged offense should be reported  
2           and options for confidential reporting, including  
3           written information to be given to victims that  
4           explains how the Coast Guard and the Academy  
5           will protect the confidentiality of victims;

6           “(B) a specification of any other person  
7           whom the victim should contact; and

8           “(C) procedures on the preservation of evi-  
9           dence potentially necessary for proof of criminal  
10          sexual assault.

11          “(4) Procedures for disciplinary action in cases  
12          of criminal sexual assault involving a cadet or other  
13          Academy personnel.

14          “(5) Sanctions authorized to be imposed in a  
15          substantiated case of sexual harassment or sexual vi-  
16          olence involving a cadet or other Academy personnel,  
17          including with respect to rape, acquaintance rape, or  
18          other criminal sexual offense, whether forcible or  
19          nonforcible.

20          “(6) Required training on the policy for all ca-  
21          dets and other Academy personnel who process alle-  
22          gations of sexual harassment or sexual violence in-  
23          volving a cadet or other Academy personnel.

24          “(c) ASSESSMENT.—

1           “(1) IN GENERAL.—The Commandant shall di-  
2           rect the Superintendent to conduct at the Academy  
3           during each Academy program year an assessment  
4           to determine the effectiveness of the policies of the  
5           Academy with respect to sexual harassment and sex-  
6           ual violence involving cadets or other Academy per-  
7           sonnel.

8           “(2) BIENNIAL SURVEY.—For the assessment  
9           at the Academy under paragraph (1) with respect to  
10          an Academy program year that begins in an odd-  
11          numbered calendar year, the Superintendent shall  
12          conduct a survey of cadets and other Academy per-  
13          sonnel—

14                 “(A) to measure—

15                         “(i) the incidence, during that pro-  
16                         gram year, of sexual harassment and sex-  
17                         ual violence events, on or off the Academy  
18                         reservation, that have been reported to an  
19                         official of the Academy; and

20                         “(ii) the incidence, during that pro-  
21                         gram year, of sexual harassment and sex-  
22                         ual violence events, on or off the Academy  
23                         reservation, that have not been reported to  
24                         an official of the Academy; and

1           “(B) to assess the perceptions of the ca-  
2           dets and other Academy personnel with respect  
3           to—

4                   “(i) the Academy’s policies, training,  
5                   and procedures on sexual harassment and  
6                   sexual violence involving cadets or other  
7                   Academy personnel;

8                   “(ii) the enforcement of such policies;

9                   “(iii) the incidence of sexual harass-  
10                  ment and sexual violence involving cadets  
11                  or other Academy personnel; and

12                  “(iv) any other issues relating to sex-  
13                  ual harassment and sexual violence involv-  
14                  ing cadets or other Academy personnel.

15           “(d) REPORT.—

16                   “(1) IN GENERAL.—The Commandant shall di-  
17                   rect the Superintendent to submit to the Com-  
18                   mandant a report on sexual harassment and sexual  
19                   violence involving cadets or other Academy personnel  
20                   for each Academy program year.

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

24                           “(A) The number of sexual assaults, rapes,  
25                           and other sexual offenses involving cadets or

1 other Academy personnel that have been re-  
2 ported to Academy officials during the Academy  
3 program year and, of those reported cases, the  
4 number that have been substantiated.

5 “(B) A plan for the actions that are to be  
6 taken in the following Academy program year  
7 regarding prevention of and response to sexual  
8 harassment and sexual violence involving cadets  
9 or other Academy personnel.

10 “(3) BIENNIAL SURVEY.—Each report under  
11 paragraph (1) for an Academy program year that  
12 begins in an odd-numbered calendar year shall in-  
13 clude the results of the survey conducted in that  
14 Academy program year under subsection (c)(2).

15 “(4) TRANSMISSION OF REPORT.—The Com-  
16 mandant shall transmit each report received by the  
17 Commandant under this subsection, together with  
18 the Commandant’s comments on the report, to—

19 “(A) the Committee on Commerce,  
20 Science, and Transportation of the Senate; and

21 “(B) the Committee on Transportation  
22 and Infrastructure of the House of Representa-  
23 tives.

24 “(5) FOCUS GROUPS.—

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

10           “(B) INCLUSION IN REPORTS.—Informa-  
11           tion derived from a focus group under subpara-  
12           graph (A) shall be included in the next trans-  
13           mitted Commandant’s report under this sub-  
14           section.

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

21           (b) CLERICAL AMENDMENT.—The analysis for chap-  
22           ter 9 of title 14, United States Code, is amended by insert-  
23           ing 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  
4 amended 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  
12 amended 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,  
18 perform 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 se-  
8 lection board convened under section 251; or

9 “(B) the name of an officer or former offi-  
10 cer was not placed on an all-fully-qualified-offi-  
11 cers 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 offi-  
15 cer or former officer shall not be considered to have  
16 failed of selection for promotion prior to the consid-  
17 eration 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  
25 selection 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  
8 may convene a special selection board to determine  
9 whether the officer or former officer should be rec-  
10 ommended for promotion, if the Secretary deter-  
11 mines that—

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

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

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

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

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

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

3 “(A) to have failed of selection for pro-  
4 motion with respect to the board that consid-  
5 ered the officer or former officer prior to the  
6 consideration 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  
9 the special selection board.

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

13 “(1) be composed in accordance with section  
14 252 and the members of the board shall be required  
15 to 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  
19 have considered or did consider the officer or former  
20 officer prior to the consideration of the special selec-  
21 tion board and that record shall be compared with  
22 a sampling 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  
7 FOR 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  
15          the officer or former officer been recommended for  
16          promotion by the selection board that should have  
17          considered or did consider the officer or former offi-  
18          cer prior to the consideration of the special selection  
19          board.

20          “(2) EFFECT.—An officer or former officer who  
21          is promoted to the next higher grade as a result of  
22          the recommendation of a special selection board con-  
23          vened under this section shall have, upon such pro-  
24          motion, the same date of rank, the same effective  
25          date for the pay and allowances of that grade, and

1 the same position on the active duty promotion list  
2 as the officer or former officer would have had if the  
3 officer or former officer had been recommended for  
4 promotion to that grade by the selection board that  
5 should have considered or did consider the officer or  
6 former officer prior to the consideration of the spe-  
7 cial selection board.

8 “(3) RECORD CORRECTION.—If the report of a  
9 special selection board convened under this section,  
10 as approved by the President, recommends for pro-  
11 motion to the next higher grade an officer not eligi-  
12 ble for promotion or a former officer whose name  
13 was referred to the board for consideration, the Sec-  
14 retary may act under section 1552 of title 10 to cor-  
15 rect the military record of the officer or former offi-  
16 cer to correct an error or remove an injustice result-  
17 ing from the officer or former officer not being se-  
18 lected for promotion by the selection board that  
19 should have considered or did consider the officer or  
20 former officer prior to the consideration of the spe-  
21 cial selection board.

22 “(e) APPLICATION PROCESS AND TIME LIMITS.—  
23 The Secretary shall issue regulations regarding the proc-  
24 ess by which an officer or former officer may apply to have  
25 a matter considered by a special selection board convened

1 under this section, including time limits related to such  
2 applications.

3 “(f) LIMITATION OF OTHER JURISDICTION.—No of-  
4 ficial or court of the United States shall have authority  
5 or jurisdiction over any claim based in any way on the  
6 failure of an officer or former officer to be selected for  
7 promotion by a selection board convened under section  
8 251, until—

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

12 “(2) the claim has been rejected by the Sec-  
13 retary without consideration by a special selection  
14 board convened under this section.

15 “(g) JUDICIAL REVIEW.—

16 “(1) IN GENERAL.—A court of the United  
17 States may review—

18 “(A) a decision of the Secretary not to  
19 convene a special selection board under this sec-  
20 tion to determine if the court finds that the de-  
21 cision of the Secretary was arbitrary or capri-  
22 cious, not based on substantial evidence, or oth-  
23 erwise contrary to law; and

24 “(B) an action of a special selection board  
25 under this section to determine if the court

1 finds that the action of the special selection  
2 board was contrary to law or involved material  
3 error of fact or material administrative error.

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

12 “(h) DESIGNATION OF BOARDS.—The Secretary may  
13 designate a selection board convened under section 251  
14 as a special selection board convened under this section.  
15 A selection board so designated may function in the capac-  
16 ity of a selection board convened under section 251 and  
17 a special selection board convened under this section.”

18 (b) SELECTION BOARDS; SUBMISSION OF RE-  
19 PORTS.—Section 261(d) of title 14, United States Code,  
20 is amended by striking “selection board” and inserting  
21 “selection board, including a special selection board con-  
22 vened under section 263,”.

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

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

2 “An officer, other than an officer serving in the grade  
3 of captain, who is, or is senior to, the junior officer in  
4 the promotion zone established for his grade under section  
5 256 of this title, fails of selection if he is not selected for  
6 promotion by the selection board which considered him,  
7 or if having been recommended for promotion by the  
8 board, his name is thereafter removed from the report of  
9 the board by the President.”.

10 (d) CLERICAL AMENDMENT.—The analysis for chap-  
11 ter 11 of title 14, United States Code, is amended by in-  
12 serting after the item relating to section 262 the following:

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

13 (e) APPLICABILITY; RULE OF CONSTRUCTION.—

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

23 (2) RULE OF CONSTRUCTION.—Sections 271,  
24 272, and 273 of title 14, United States Code, apply  
25 to the activities of—

1 (A) a selection board convened under sec-  
2 tion 251 of such title; and

3 (B) a special selection board convened  
4 under section 263 of such title.

5 **SEC. 209. PROHIBITION OF CERTAIN INVOLUNTARY ADMIN-**  
6 **ISTRATIVE SEPARATIONS.**

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

10 **“§ 427. Prohibition of certain involuntary administra-**  
11 **tive separations**

12 “(a) IN GENERAL.—Except as provided in subsection  
13 (b), the Secretary may not authorize the involuntary ad-  
14 ministrative separation of a covered individual based on  
15 a determination that the covered individual is unsuitable  
16 for deployment or other assignment due to a medical con-  
17 dition of the covered individual considered by a Physical  
18 Evaluation Board during an evaluation of the covered in-  
19 dividual that resulted in the covered individual being de-  
20 termined to be fit for duty.

21 “(b) REEVALUATION.—

22 “(1) IN GENERAL.—The Secretary may require  
23 a Physical Evaluation Board to reevaluate any cov-  
24 ered individual if the Secretary determines there is  
25 reason to believe that a medical condition of the cov-



1       ered individual considered by a Physical Evaluation  
2       Board during an evaluation of the covered individual  
3       renders the covered individual unsuitable for contin-  
4       ued duty.

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

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

16              (b) CLERICAL AMENDMENT.—The analysis for chap-  
17      ter 11 of title 14, United States Code, as amended by this  
18      Act, is further amended by inserting after the item relat-  
19      ing to section 426 the following:

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

20      **SEC. 210. MAJOR ACQUISITIONS.**

21              (a) IN GENERAL.—Subchapter I of chapter 15 of title  
22      14, United States Code, is amended by adding at the end  
23      the following:

1 **“§ 569a. Major acquisitions**

2 “(a) IN GENERAL.—In conjunction with the trans-  
3 mittal by the President to Congress of the budget of the  
4 United States for fiscal year 2014 and biennially there-  
5 after, the Secretary shall submit to the Committee on  
6 Commerce, Science, and Transportation of the Senate and  
7 the Committee on Transportation and Infrastructure of  
8 the House of Representatives a report on the status of  
9 all major acquisition programs.

10 “(b) INFORMATION TO BE INCLUDED.—Each report  
11 under subsection (a) shall include for each major acqui-  
12 sition program—

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

18 “(2) a justification explaining how the projected  
19 number and capabilities of assets acquired under  
20 such program meet applicable mission needs and  
21 performance goals;

22 “(3) an identification of any and all mission  
23 hour gaps, accompanied by an explanation of how  
24 and when the Coast Guard will close those gaps;

25 “(4) an identification of any changes with re-  
26 spect to such program, including—

1           “(A) any changes to the timeline for the  
2           acquisition of each new asset and the phaseout  
3           of legacy assets; and

4           “(B) any changes to—

5                   “(i) the costs of new assets or legacy  
6                   assets for that fiscal year or future fiscal  
7                   years; or

8                   “(ii) the total acquisition cost;

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

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

17          “(7) an identification of how funds in the appli-  
18          cable fiscal year’s budget request will be allocated,  
19          including information on the purchase of specific as-  
20          sets;

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

1           “(9) a detailed explanation of how the costs of  
2           legacy assets are being accounted for within such  
3           program; and

4           “(10) an annual performance comparison of  
5           new assets to legacy assets.

6           “(c) ADEQUACY OF ACQUISITION WORKFORCE.—

7           Each report under subsection (a) shall—

8           “(1) include information on the scope of the ac-  
9           quisition activities to be performed in the next fiscal  
10          year and on the adequacy of the current acquisition  
11          workforce to meet that anticipated workload;

12          “(2) specify the number of officers, members,  
13          and employees of the Coast Guard currently and  
14          planned to be assigned to each position designated  
15          under section 562(c) of this subchapter; and

16          “(3) identify positions that are or will be under-  
17          staffed and actions that will be taken to correct such  
18          understaffing.

19          “(d) CUTTERS NOT MAINTAINED IN CLASS.—Each  
20          report under subsection (a) shall identify which, if any,  
21          Coast Guard cutters that have been issued a certificate  
22          of classification by the American Bureau of Shipping have  
23          not been maintained in class, with an explanation detailing  
24          the reasons why the cutters have not been maintained in  
25          class.

1       “(e) MAJOR ACQUISITION PROGRAM DEFINED.—In  
2 this section, the term ‘major acquisition program’ means  
3 an ongoing acquisition undertaken by the Coast Guard  
4 with a life-cycle cost estimate greater than or equal to  
5 \$300,000,000.”.

6       (b) CLERICAL AMENDMENT.—The analysis for chap-  
7 ter 15 of title 14, United States Code, is amended by in-  
8 serting after the item relating to section 569 the following:  
“569a. Major acquisitions.”.

9       (c) REPEALS.—

10           (1) Section 408(a) of the Coast Guard and  
11 Maritime Transportation Act of 2006 (14 U.S.C.  
12 663 note) is repealed.

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

14                   (A) in section 562, by repealing subsection  
15                   (e); and

16                   (B) in section 573(c)(3), by repealing sub-  
17                   paragraph (B).

18 **SEC. 211. ADVANCE PROCUREMENT FUNDING.**

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

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

23       “(a) IN GENERAL.—With respect to any Coast Guard  
24 vessel for which amounts are appropriated and any  
25 amounts otherwise made available for vessels for the Coast

1 Guard in any fiscal year, the Commandant of the Coast  
2 Guard may enter into a contract or place an order, in ad-  
3 vance of a contract or order for construction of a vessel,  
4 for—

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

7           “(2) the advance construction of parts or com-  
8 ponents for the vessel;

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

11           “(4) production planning, design, and other re-  
12 lated support services that reduce the overall pro-  
13 curement lead time of the vessel.

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

20           (b) CLERICAL AMENDMENT.—The analysis for chap-  
21 ter 15 of title 14, United States Code, as amended by this  
22 Act, is further amended by inserting after the item relat-  
23 ing to section 576 the following:

“577. Advance procurement funding.”.

1 **SEC. 212. MINOR CONSTRUCTION.**

2 (a) IN GENERAL.—Section 656 of title 14, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 “(d) MINOR CONSTRUCTION AND IMPROVEMENT.—

6 “(1) IN GENERAL.—Subject to the reporting re-  
7 quirements set forth in paragraph (2), each fiscal  
8 year the Secretary may expend from amounts made  
9 available for the operating expenses of the Coast  
10 Guard not more than \$1,500,000 for minor con-  
11 struction and improvement projects at any location.

12 “(2) REPORTING REQUIREMENTS.—Not later  
13 than 90 days after the end of each fiscal year, the  
14 Secretary shall submit to the Committee on Com-  
15 merce, Science, and Transportation of the Senate  
16 and the Committee on Transportation and Infra-  
17 structure of the House of Representatives a report  
18 on each project undertaken during the course of the  
19 preceding fiscal year for which the amount expended  
20 under paragraph (1) exceeded \$500,000.”.

21 (b) CLERICAL AMENDMENTS.—

22 (1) HEADING.—Section 656 of title 14, United  
23 States Code, as amended by this Act, is further  
24 amended by striking the section designation and  
25 heading and inserting the following:

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

2 (2) ANALYSIS.—The analysis for chapter 17 of  
3 title 14, United States Code, is amended by striking  
4 the item relating to section 656 and inserting the  
5 following:

“656. Use of certain appropriated funds.”.

6 **SEC. 213. CAPITAL INVESTMENT PLAN AND ANNUAL LIST**  
7 **OF PROJECTS TO CONGRESS.**

8 (a) CAPITAL INVESTMENT PLAN.—Section 663 of  
9 title 14, United States Code, is amended to read as fol-  
10 lows:

11 **“§ 663. Capital investment plan**

12 “(a) IN GENERAL.—On the date on which the Presi-  
13 dent submits to Congress a budget pursuant to section  
14 1105 of title 31, the Commandant of the Coast Guard  
15 shall submit to the Committee on Transportation and In-  
16 frastructure of the House of Representatives and the Com-  
17 mittee on Commerce, Science, and Transportation of the  
18 Senate—

19 “(1) a capital investment plan for the Coast  
20 Guard that identifies for each capital asset for which  
21 appropriations are proposed in that budget—

22 “(A) the proposed appropriations included  
23 in the budget;

24 “(B) the total estimated cost of comple-  
25 tion;



1           “(C) projected funding levels for each fis-  
2           cal year for the next 5 fiscal years or until  
3           project completion, whichever is earlier;

4           “(D) an estimated completion date at the  
5           projected funding levels; and

6           “(E) an acquisition program baseline, as  
7           applicable; and

8           “(2) a list of each unfunded priority for the  
9           Coast Guard.

10          “(b) UNFUNDED PRIORITY DEFINED.—In this sec-  
11          tion, the term ‘unfunded priority’ means a program or  
12          mission requirement that—

13                 “(1) has not been selected for funding in the  
14                 applicable proposed budget;

15                 “(2) is necessary to fulfill a requirement associ-  
16                 ated with an operational need; and

17                 “(3) the Commandant would have rec-  
18                 ommended for inclusion in the applicable proposed  
19                 budget had additional resources been available or  
20                 had the requirement emerged before the budget was  
21                 submitted.”.

22          (b) ANNUAL LIST OF PROJECTS TO CONGRESS.—  
23          Section 693 of title 14, United States Code, is amended  
24          to read as follows:

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

2 “The Commandant of the Coast Guard shall submit  
3 to the Committee on Transportation and Infrastructure  
4 of the House of Representatives and the Committee on  
5 Commerce, Science, and Transportation of the Senate a  
6 prioritized list of projects eligible for environmental com-  
7 pliance and restoration funding for each fiscal year con-  
8 current with the President’s budget submission for that  
9 fiscal year.”.

10 (c) CLERICAL AND CONFORMING AMENDMENTS.—

11 (1) ANALYSIS FOR CHAPTER 17.—The analysis  
12 for chapter 17 of title 14, United States Code, as  
13 amended by this Act, is further amended by striking  
14 the item relating to section 663 and inserting the  
15 following:

“663. Capital investment plan.”.

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

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

20 (3) COAST GUARD AUTHORIZATION ACT OF  
21 2010.—Section 918 of the Coast Guard Authoriza-  
22 tion Act of 2010 (14 U.S.C. 663 note), and the item  
23 relating to that section in the table of contents in  
24 section 1(b) of that Act, are repealed.

1 **SEC. 214. AIRCRAFT ACCIDENT INVESTIGATIONS.**

2 (a) IN GENERAL.—Chapter 17 of title 14, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

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

6 “(a) IN GENERAL.—Whenever the Commandant of  
7 the Coast Guard conducts an accident investigation of an  
8 accident involving an aircraft under the jurisdiction of the  
9 Commandant, the records and report of the investigation  
10 shall be treated in accordance with this section.

11 “(b) PUBLIC DISCLOSURE OF CERTAIN ACCIDENT  
12 INVESTIGATION INFORMATION.—

13 “(1) IN GENERAL.—Subject to paragraph (2),  
14 the Commandant, upon request, shall publicly dis-  
15 close unclassified tapes, scientific reports, and other  
16 factual information pertinent to an aircraft accident  
17 investigation.

18 “(2) CONDITIONS.—The Commandant shall  
19 only disclose information requested pursuant to  
20 paragraph (1) if the Commandant determines—

21 “(A) that such tapes, reports, or other in-  
22 formation would be included within and releas-  
23 able with the final accident investigation report;  
24 and

25 “(B) that release of such tapes, reports, or  
26 other information—

1                   “(i) would not undermine the ability  
2                   of accident or safety investigators to con-  
3                   tinue to conduct the investigation; and

4                   “(ii) would not compromise national  
5                   security.

6                   “(3) RESTRICTION.—A disclosure under para-  
7                   graph (1) may not be made by or through officials  
8                   with responsibility for, or who are conducting, a  
9                   safety investigation with respect to the accident.

10                  “(c) OPINIONS REGARDING CAUSATION OF ACCI-  
11                  DENT.—Following an aircraft accident referred to in sub-  
12                  section (a)—

13                   “(1) if the evidence surrounding the accident is  
14                   sufficient for the investigators who conduct the acci-  
15                   dent investigation to come to an opinion as to the  
16                   cause or causes of the accident, the final report of  
17                   the accident investigation shall set forth the opinion  
18                   of the investigators as to the cause or causes of the  
19                   accident; and

20                   “(2) if the evidence surrounding the accident is  
21                   not sufficient for the investigators to come to an  
22                   opinion as to the cause or causes of the accident, the  
23                   final report of the accident investigation shall in-  
24                   clude a description of those factors, if any, that, in

1 the opinion of the investigators, substantially con-  
2 tributed to or caused the accident.

3 “(d) USE OF INFORMATION IN CIVIL OR CRIMINAL  
4 PROCEEDINGS.—For purposes of any civil or criminal pro-  
5 ceeding arising from an aircraft accident referred to in  
6 subsection (a), any opinion of the accident investigators  
7 as to the cause of, or the factors contributing to, the acci-  
8 dent set forth in the accident investigation report may not  
9 be considered as evidence in such proceeding, nor may  
10 such report be considered an admission of liability by the  
11 United States or by any person referred to in such report.

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

13 “(1) the term ‘accident investigation’ means  
14 any form of investigation by Coast Guard personnel  
15 of an aircraft accident referred to in subsection (a),  
16 other than a safety investigation; and

17 “(2) the term ‘safety investigation’ means an  
18 investigation by Coast Guard personnel of an air-  
19 craft accident referred to in subsection (a) that is  
20 conducted solely to determine the cause of the acci-  
21 dent and to obtain information that may prevent the  
22 occurrence of similar accidents.”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-  
24 ter 17 of title 14, United States Code, as amended by this

1 Act, is further amended by adding at the end the fol-  
2 lowing:

“678. Aircraft accident investigations.”.

3 **SEC. 215. COAST GUARD AUXILIARY ENROLLMENT ELIGI-**  
4 **BILITY.**

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

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

8 “The Auxiliary shall be composed of nationals of the  
9 United States, as defined in section 101(a)(22) of the Im-  
10 migration and Nationality Act (8 U.S.C. 1101(a)(22)),  
11 and aliens lawfully admitted for permanent residence, as  
12 defined in section 101(a)(20) of the Immigration and Na-  
13 tionality Act (8 U.S.C. 1101(a)(20))—

14 “(1) who—

15 “(A) are owners, sole or part, of motor-  
16 boats, yachts, aircraft, or radio stations; or

17 “(B) by reason of their special training or  
18 experience are deemed by the Commandant to  
19 be qualified for duty in the Auxiliary; and

20 “(2) who may be enrolled therein pursuant to  
21 applicable regulations.”.

22 (b) CLERICAL AMENDMENT.—The analysis for chap-  
23 ter 23 of title 14, United States Code, is amended by

1 striking the item relating to section 823 and inserting the  
2 following:

“823. Eligibility; enrollments.”.

3 **SEC. 216. REPEALS.**

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

7 (b) COOPERATION WITH RESPECT TO AIDS TO AIR  
8 NAVIGATION.—Section 82 of title 14, United States Code,  
9 and the item relating to such section in the analysis for  
10 chapter 5 of such title, are repealed.

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

14 (d) DETAIL OF MEMBERS TO ASSIST FOREIGN GOV-  
15 ERNMENTS.—Section 149(a) of title 14, United States  
16 Code, is amended by striking the second and third sen-  
17 tences.

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

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

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

2 Title 14, United States Code, as amended by this Act,  
3 is further amended—

4 (1) by amending chapter 1 to read as follows:

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

“Sec.

“1. Establishment of Coast Guard.

“2. Primary duties.

“3. Department in which the Coast Guard operates.

“4. Secretary defined.

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

8 “The Coast Guard, established January 28, 1915,  
9 shall be a military service and a branch of the armed  
10 forces of the United States at all times.

11 **“§ 2. Primary duties**

12 “The Coast Guard shall—

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

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

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



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

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

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

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

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

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

22           “(a) IN GENERAL.—The Coast Guard shall be a serv-  
23       ice in the Department of Homeland Security, except when  
24       operating as a service in the Navy.

1           “(b) TRANSFERS.—Upon the declaration of war if  
2 Congress so directs in the declaration or when the Presi-  
3 dent directs, the Coast Guard shall operate as a service  
4 in the Navy, and shall so continue until the President, by  
5 Executive order, transfers the Coast Guard back to the  
6 Department of Homeland Security. While operating as a  
7 service in the Navy, the Coast Guard shall be subject to  
8 the orders of the Secretary of the Navy, who may order  
9 changes in Coast Guard operations to render them uni-  
10 form, to the extent such Secretary deems advisable, with  
11 Navy operations.

12           “(c) OPERATION AS A SERVICE IN THE NAVY.—  
13 Whenever the Coast Guard operates as a service in the  
14 Navy—

15                   “(1) applicable appropriations of the Navy De-  
16 partment shall be available for the expense of the  
17 Coast Guard;

18                   “(2) applicable appropriations of the Coast  
19 Guard shall be available for transfer to the Navy  
20 Department;

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

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

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

11   **“§ 4. Secretary defined**

12          “In this title, the term ‘Secretary’ means the Sec-  
13          retary of the respective department in which the Coast  
14          Guard is operating.”;

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

17          (3) in section 259(c)(1), by striking “After se-  
18          lecting” and inserting “In selecting”;

19          (4) in section 286a(d), by striking “severance  
20          pay” each place it appears and inserting “separation  
21          pay”;

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

1 (6) in section 516(a), by striking “of Homeland  
2 Security”;

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

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

5 “(a) IN GENERAL.—

6 “(1) USE OF LEAD SYSTEMS INTEGRATOR.—

7 The Commandant may not use a private sector enti-  
8 ty as a lead systems integrator.

9 “(2) FULL AND OPEN COMPETITION.—The  
10 Commandant shall use full and open competition for  
11 any acquisition contract unless otherwise excepted in  
12 accordance with Federal acquisition laws and regula-  
13 tions promulgated under those laws, including the  
14 Federal Acquisition Regulation.

15 “(3) NO EFFECT ON SMALL BUSINESS ACT.—  
16 Nothing in this subsection shall be construed to su-  
17 percede or otherwise affect the authorities provided  
18 by and under the Small Business Act (15 U.S.C.  
19 631 et seq.).

20 “(b) LIMITATION ON FINANCIAL INTEREST IN SUB-  
21 CONTRACTORS.—Neither an entity performing lead sys-  
22 tems integrator functions for a Coast Guard acquisition  
23 nor a Tier 1 subcontractor for any acquisition may have  
24 a financial interest in a subcontractor below the Tier 1  
25 subcontractor level unless—

1           “(1) the subcontractor was selected by the  
2 prime contractor through full and open competition  
3 for such procurement;

4           “(2) the procurement was awarded by an entity  
5 performing lead systems integrator functions or a  
6 subcontractor through full and open competition;

7           “(3) the procurement was awarded by a subcon-  
8 tractor through a process over which the entity per-  
9 forming lead systems integrator functions or a Tier  
10 1 subcontractor exercised no control; or

11           “(4) the Commandant has determined that the  
12 procurement was awarded in a manner consistent  
13 with Federal acquisition laws and regulations pro-  
14 mulgated under those laws, including the Federal  
15 Acquisition Regulation.”;

16           (8) in section 569(a), by striking “and annually  
17 thereafter,”;

18           (9) in the analysis for chapter 17—

19                   (A) by striking the item relating to section  
20 669 and inserting the following:

“669. Telephone installation and charges.”; and

21                   (B) by striking the item relating to section  
22 674 and inserting the following:

“674. Small boat station rescue capability.”;

1 (10) in section 666(a), by striking “of Home-  
2 land Security” and inserting “of the department in  
3 which the Coast Guard is operating”;

4 (11) in section 673(a)(3), by striking “of  
5 Homeland Security (when the Coast Guard is not  
6 operating as a service in the Navy)”;

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

9 (13) in section 675(a), by striking “Secretary”  
10 and all that follows through “may not” and insert-  
11 ing “Secretary may not”; and

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

15 **SEC. 218. ACQUISITION WORKFORCE EXPEDITED HIRING**  
16 **AUTHORITY.**

17 Section 404 of the Coast Guard Authorization Act  
18 of 2010 (Public Law 111–281; 124 Stat. 2950) is amend-  
19 ed—

20 (1) in subsection (a)(1), by striking “as short-  
21 age category positions;” and inserting “as positions  
22 for which there exists a shortage of candidates or  
23 there is a critical hiring need;”;

24 (2) in subsection (b)—

1 (A) by striking “paragraph” and inserting  
2 “section”; and

3 (B) by striking “2012.” and inserting  
4 “2015.”; and

5 (3) in subsection (c), by striking “section  
6 562(d) of title 14, United States Code, as added by  
7 this title,” and inserting “section 569a of title 14,  
8 United States Code,”.

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

10 **AUTHORITY.**

11 For fiscal years 2013 through 2018—

12 (1) notwithstanding subsection (c)(2)(A) of sec-  
13 tion 4403 of the National Defense Authorization Act  
14 for Fiscal Year 1993 (10 U.S.C. 1293 note), such  
15 section shall apply to the Coast Guard in the same  
16 manner and to the same extent it applies to the De-  
17 partment of Defense, except that—

18 (A) the Secretary of Homeland Security  
19 shall implement such section with respect to the  
20 Coast Guard and, for purposes of that imple-  
21 mentation, shall apply the applicable provisions  
22 of title 14, United States Code, relating to re-  
23 tirement of Coast Guard personnel; and

24 (B) the total number of commissioned offi-  
25 cers who retire pursuant to this section may not

1           exceed 200, and the total number of enlisted  
2           members who retire pursuant to this section  
3           may not exceed 300; and

4           (2) only appropriations available for necessary  
5           expenses for the operation and maintenance of the  
6           Coast Guard shall be expended for the retired pay  
7           of personnel who retire pursuant to this section.

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

9           (a) **REQUIREMENT TO FULFILL APPROVED PRO-**  
10 **GRAM OF RECORD.**—Except as provided in subsection (b),  
11 the Commandant of the Coast Guard shall maintain the  
12 schedule and requirements for the total acquisition of 180  
13 boats as specified in the approved program of record for  
14 the Response Boat-Medium acquisition program in effect  
15 on June 1, 2012.

16           (b) **APPLICABILITY.**—Subsection (a) shall not apply  
17 on and after the date on which the Commandant submits  
18 to the Committee on Transportation and Infrastructure  
19 of the House of Representatives and the Committee on  
20 Commerce, Science, and Transportation of the Senate  
21 such documentation as the Coast Guard Major Systems  
22 Acquisition Manual requires to justify reducing the ap-  
23 proved program of record for Response Boat-Medium to  
24 a total acquisition of less than 180 boats.



1 **SEC. 221. NATIONAL SECURITY CUTTERS.**

2 (a) IN GENERAL.—

3 (1) MULTIYEAR AUTHORITY.—In fiscal year  
4 2013 and each fiscal year thereafter, the Secretary  
5 of the department in which the Coast Guard is oper-  
6 ating may enter into, in accordance with section  
7 2306b of title 10, United States Code, a multiyear  
8 contract for the procurement of Coast Guard Na-  
9 tional Security Cutters and Government-furnished  
10 equipment associated with the National Security  
11 Cutter program.

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

23 (3) DETERMINATION OF SUBSTANTIAL SAV-  
24 INGS.—For purposes of this section, in conducting  
25 an analysis with respect to substantial savings under

1 section 2306b(a)(1) of title 10, United States Code,  
2 the Secretary—

3 (A) may not limit the analysis to a simple  
4 percentage-based metric; and

5 (B) shall employ a full-scale analysis of  
6 cost avoidance—

7 (i) based on a multiyear procurement;

8 and

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

14 (b) CERTIFICATE TO OPERATE.—The Commandant  
15 of the Coast Guard may not certify a sixth National Secu-  
16 rity Cutter as Ready for Operations before the Com-  
17 mandant has—

18 (1) submitted to the Committee on Commerce,  
19 Science, and Transportation of the Senate and the  
20 Committee on Transportation and Infrastructure of  
21 the House of Representatives program execution  
22 plans detailing—

23 (A) how the first 3 National Security Cut-  
24 ters will achieve the goal of 225 days away from  
25 homeport in fiscal years following the comple-

1           tion of the Structural Enhancement Drydock  
2           Availability of the first 2 National Security Cut-  
3           ters; and

4                   (B) increased aerial coverage to support  
5           National Security Cutter operations; and

6           (2) awarded a contract for detailed design and  
7           construction for the Offshore Patrol Cutter.

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

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

20                   (1) an assessment of the current condition of  
21          the *Polar Sea*;

22                   (2) a determination of the *Polar Sea*’s oper-  
23          ational capabilities with respect to fulfilling the  
24          Coast Guard’s high latitude operating requirements  
25          if renovated and reactivated;

1           (3) a detailed estimate of costs with respect to  
2           reactivating and extending the service life of the  
3           *Polar Sea*;

4           (4) a life cycle cost estimate with respect to op-  
5           erating and maintaining the *Polar Sea* for the dura-  
6           tion of its extended service life; and

7           (5) a determination of whether it is cost-effec-  
8           tive to reactivate the *Polar Sea* compared with other  
9           options to provide icebreaking services as part of a  
10          strategy to maintain polar icebreaking services.

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

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

20          (d) REQUIREMENT FOR REACTIVATION OF *POLAR*  
21          *SEA*.—

22                 (1) SERVICE LIFE EXTENSION PLAN.—

23                         (A) IN GENERAL.—If the Secretary deter-  
24                         mines based on the analysis required under sub-  
25                         section (a) that it is cost-effective to reactivate

1           the *Polar Sea* compared with other options to  
2           provide icebreaking services, the Secretary shall  
3           develop a service life extension plan for such re-  
4           activation, including a timetable for such reac-  
5           tivation.

6           (B) UTILIZATION OF EXISTING RE-  
7           SOURCES.—In the development of the plan re-  
8           quired under subparagraph (A), the Secretary  
9           shall utilize to the greatest extent practicable  
10          recent plans, studies, assessments, and analyses  
11          regarding the Coast Guard’s icebreakers and  
12          high latitude mission needs and operating re-  
13          quirements.

14          (C) SUBMISSION.—The Secretary shall  
15          submit the plan required under subparagraph  
16          (A), if so required, to the Committee on Trans-  
17          portation and Infrastructure of the House of  
18          Representatives and the Committee on Com-  
19          merce, Science, and Transportation of the Sen-  
20          ate not later than 180 days after the submis-  
21          sion of the analysis required under subsection  
22          (a).

23          (2) DECOMMISSIONING; BRIDGING STRATEGY.—  
24          If the analysis required under subsection (a) is sub-  
25          mitted in accordance with subsection (c) and the

1 Secretary determines under subsection (a)(5) that it  
2 is not cost-effective to reactivate the *Polar Sea*, then  
3 not later than 180 days after the date on which the  
4 analysis is required to be submitted under subsection  
5 (c) the Commandant of the Coast Guard—

6 (A) may decommission the *Polar Sea*; and

7 (B) shall submit a bridging strategy for  
8 maintaining the Coast Guard's polar  
9 icebreaking services until at least September  
10 30, 2022, to the Committee on Transportation  
11 and Infrastructure of the House of Representa-  
12 tives and the Committee on Commerce, Science,  
13 and Transportation of the Senate.

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

16 (1) transfer, relinquish ownership of, dismantle,  
17 or recycle the *Polar Sea* or *Polar Star*;

18 (2) change the current homeport of either of  
19 the vessels; or

20 (3) expend any funds—

21 (A) for any expenses directly or indirectly  
22 associated with the decommissioning of either  
23 of the vessels, including expenses for dock use  
24 or other goods and services;

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

5 (C) for any expenses associated with a de-  
6 commissioning ceremony for either of the ves-  
7 sels;

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

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

12 (f) DEFINITION.—For purposes of this section—

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

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

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

## 19 **TITLE III—SHIPPING AND** 20 **NAVIGATION**

### 21 **SEC. 301. IDENTIFICATION OF ACTIONS TO ENABLE QUALI-** 22 **FIED UNITED STATES FLAG CAPACITY TO** 23 **MEET NATIONAL DEFENSE REQUIREMENTS.**

24 Section 501(b) of title 46, United States Code, is  
25 amended—

1           (1) by striking “When the head” and inserting  
2           the following:

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

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

5           “(2) DETERMINATIONS.—The Maritime Admin-  
6           istrator shall—

7                   “(A) for each determination referred to in  
8                   paragraph (1), identify any actions that could  
9                   be taken to enable qualified United States flag  
10                  capacity to meet national defense requirements;

11                  “(B) provide notice of each such deter-  
12                  mination to the Secretary of Transportation  
13                  and the head of the agency referred to in para-  
14                  graph (1) for which the determination is made;  
15                  and

16                  “(C) publish each such determination on  
17                  the Internet Web site of the Department of  
18                  Transportation not later than 48 hours after  
19                  notice of the determination is provided to the  
20                  Secretary of Transportation.

21           “(3) NOTICE TO CONGRESS.—

22                   “(A) IN GENERAL.—The head of an agen-  
23                   cy referred to in paragraph (1) shall notify the  
24                   Committee on Transportation and Infrastruc-  
25                   ture of the House of Representatives and the



1 Committee on Commerce, Science, and Trans-  
2 portation of the Senate—

3 “(i) of any request for a waiver of the  
4 navigation or vessel-inspection laws under  
5 this section not later than 48 hours after  
6 receiving such a request; and

7 “(ii) of the issuance of any such waiv-  
8 er not later than 48 hours after such  
9 issuance.

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

13 “(i) the reasons the waiver is nec-  
14 essary; and

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

17 **SEC. 302. LIMITATION OF LIABILITY FOR NON-FEDERAL**  
18 **VESSEL TRAFFIC SERVICE OPERATORS.**

19 (a) IN GENERAL.—Section 2307 of title 46, United  
20 States Code, is amended—

21 (1) by striking the section designation and  
22 heading and inserting the following:

1 **“§ 2307. Limitation of liability for Coast Guard Vessel**  
2 **Traffic Service pilots and non-Federal**  
3 **vessel traffic service operators”;**

4 (2) by striking “Any pilot” and inserting the  
5 following:

6 “(a) COAST GUARD VESSEL TRAFFIC SERVICE PI-  
7 LOTS.—Any pilot”; and

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

9 “(b) NON-FEDERAL VESSEL TRAFFIC SERVICE OP-  
10 ERATORS.—An entity operating a non-Federal vessel traf-  
11 fic information service or advisory service pursuant to a  
12 duly executed written agreement with the Coast Guard,  
13 and any pilot acting on behalf of such entity, is not liable  
14 for damages caused by or related to information, advice,  
15 or communication assistance provided by such entity or  
16 pilot while so operating or acting unless the acts or omis-  
17 sions of such entity or pilot constitute gross negligence  
18 or willful misconduct.”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-  
20 ter 23 of title 46, United States Code, is amended by  
21 striking the item relating to section 2307 and inserting  
22 the following:

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

1 **SEC. 303. SURVIVAL CRAFT.**

2 Section 3104 of title 46, United States Code, is  
3 amended—

4 (1) in subsection (b) by striking “January 1,  
5 2015” and inserting “the date that is 30 months  
6 after the date on which the report described in sub-  
7 section (c) is submitted”; and

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

9 “(c) REPORT.—Not later than 180 days after the  
10 date of enactment of this subsection, the Commandant of  
11 the Coast Guard shall submit to the Committee on Trans-  
12 portation and Infrastructure of the House of Representa-  
13 tives and the Committee on Commerce, Science, and  
14 Transportation of the Senate a report on the carriage of  
15 survival craft that ensures no part of an individual is im-  
16 mersed in water, which shall include—

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

21 “(2) the effect the carriage of such survival  
22 craft has on—

23 “(A) vessel safety, including stability and  
24 safe navigation; and

1           “(B) survivability of individuals, including  
2           persons with disabilities, children, and the el-  
3           derly;

4           “(3) the efficacy of alternative safety systems,  
5           devices, or measures;

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

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

11 **SEC. 304. CLASSIFICATION SOCIETIES.**

12          Section 3316 of title 46, United States Code, is  
13          amended—

14                 (1) in subsection (b)(2)—

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

17                         (B) by striking the period at the end of  
18                         subparagraph (B) and inserting “; and”; and

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

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

24                 (2) in subsection (d)(2)—

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

3 (B) by striking the period at the end of  
4 subparagraph (B) and inserting “; and”; and

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

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

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

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

16 “(f) In this section, the term ‘state sponsor of ter-  
17 rorism’ means any country the government of which the  
18 Secretary of State has determined has repeatedly provided  
19 support for acts of international terrorism pursuant to  
20 section 6(j) of the Export Administration Act of 1979 (as  
21 continued in effect under the International Emergency  
22 Economic Powers Act), section 620A of the Foreign As-  
23 sistance Act of 1961, section 40 of the Arms Export Con-  
24 trol Act, 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  
8 years” and inserting “at least once every 5  
9 years”; and

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

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

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

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

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

21 (1) in subsection (c), by striking “July 1,  
22 2012.” and inserting “July 1, 2013.”;

23 (2) in subsection (d)—

24 (A) in paragraph (1)(B), by striking “July  
25 1, 2012;” and inserting “July 1, 2013;”; and

26 (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 construc-  
10 tion has reached any of the following stages:

11 “(1) The vessel’s keel is laid.

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

17 (d) CONFORMING AMENDMENTS.—Chapter 51 of  
18 title 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 insert-  
3 ing “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 fol-  
8 lowing:

9 **“§ 7508. Authority to extend the duration of medical**  
10 **certificates**

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

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

23 (b) CLERICAL AMENDMENT.—The analysis for chap-  
24 ter 75 of title 46, United States Code, is amended by add-  
25 ing 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  
19 processor subsector (as that term is de-  
20 fined under section 219(a)(7) of the De-  
21 partment of Commerce and Related Agen-  
22 cies Appropriations Act, 2005 (Public Law  
23 108–447; 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 re-  
2 placement vessel under section 208(g) of  
3 the American Fisheries Act (title II of divi-  
4 sion C of Public Law 105–277; 112 Stat.  
5 2681–627);

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  
13 participating in nor eligible to participate  
14 in the non–AFA trawl catcher processor  
15 subsector (as that term is defined under  
16 section 219(a)(7) of the Department of  
17 Commerce and Related Agencies Appro-  
18 priations Act, 2005 (Public Law 108–447;  
19 118 Stat. 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 in-  
3 vestigations and inspections regarding compliance with  
4 this 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 Sec-  
8 retary may issue a subpoena to require the attend-  
9 ance of a witness or the production of documents or  
10 other evidence relevant to the matter under inves-  
11 tigation if—

12 “(A) before the issuance of the subpoena,  
13 the Secretary requests a determination by the  
14 Attorney General as to whether the subpoena—

15 “(i) is reasonable; and

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

18 “(B) the Attorney General—

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

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

1                   subparagraph (A) with respect to the sub-  
2                   poena.

3                   “(2) ENFORCEMENT.—In the case of a refusal  
4                   to obey a subpoena issued to any person under this  
5                   section, the Secretary may invoke the aid of the ap-  
6                   propriate district court of the United States to com-  
7                   pel compliance.”.

8                   (b) CLERICAL AMENDMENT.—The analysis for chap-  
9                   ter 121 of title 46, United States Code, is amended by  
10                  inserting after the item relating to section 12139 the fol-  
11                  lowing:

                  “12140. Investigations by Secretary.”.

12   **SEC. 309. PENALTIES.**

13                  Section 12151(a) of title 46, United States Code, is  
14                  amended—

15                   (1) by striking “A person that violates” and in-  
16                   serting the following:

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

19                   (2) by striking “\$10,000” and inserting  
20                   “\$15,000”; and

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

22                   “(2) ACTIVITIES INVOLVING MOBILE OFFSHORE  
23                   DRILLING UNITS.—A person that violates section  
24                   12111(d) or a regulation prescribed under that sec-  
25                   tion is liable to the United States Government for a

1 civil penalty in an amount that is \$25,000 or twice  
2 the charter rate of the vessel involved in the viola-  
3 tion (as determined by the Secretary), whichever is  
4 greater. Each day of a continuing violation is a sep-  
5 arate violation.”.

6 **SEC. 310. UNITED STATES COMMITTEE ON THE MARINE**  
7 **TRANSPORTATION SYSTEM.**

8 (a) IN GENERAL.—Chapter 555 of title 46, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing:

11 **“§ 55502. United States Committee on the Marine**  
12 **Transportation System**

13 “(a) ESTABLISHMENT.—There is established a  
14 United States Committee on the Marine Transportation  
15 System (in this section referred to as the ‘Committee’).

16 “(b) PURPOSE.—The Committee shall serve as a  
17 Federal interagency coordinating committee for the pur-  
18 pose of—

19 “(1) assessing the adequacy of the marine  
20 transportation system (including ports, waterways,  
21 channels, and their intermodal connections);

22 “(2) promoting the integration of the marine  
23 transportation system with other modes of transpor-  
24 tation and other uses of the marine environment;  
25 and

1           “(3) coordinating, improving the coordination  
2 of, and making recommendations with regard to  
3 Federal policies that impact the marine transpor-  
4 tation system.

5           “(c) MEMBERSHIP.—

6           “(1) IN GENERAL.—The Committee shall con-  
7 sist of—

8           “(A) the Secretary of Transportation;

9           “(B) the Secretary of Defense;

10           “(C) the Secretary of Homeland Security;

11           “(D) the Secretary of Commerce;

12           “(E) the Secretary of the Treasury;

13           “(F) the Secretary of State;

14           “(G) the Secretary of the Interior;

15           “(H) the Secretary of Agriculture;

16           “(I) the Attorney General;

17           “(J) the Secretary of Labor;

18           “(K) the Secretary of Energy;

19           “(L) the Administrator of the Environ-  
20 mental Protection Agency;

21           “(M) the Chairman of the Federal Mari-  
22 time Commission;

23           “(N) the Chairman of the Joint Chiefs of  
24 Staff; and

1           “(O) the head of any other Federal agency  
2           who a majority of the voting members of the  
3           Committee determines can further the purpose  
4           and activities of the Committee.

5           “(2) NONVOTING MEMBERS.—The Committee  
6           may include as many nonvoting members as a ma-  
7           jority of the voting members of the Committee deter-  
8           mines is appropriate to further the purpose and ac-  
9           tivities of the Committee.

10          “(d) SUPPORT.—

11           “(1) COORDINATING BOARD.—

12           “(A) IN GENERAL.—There is hereby estab-  
13           lished, within the Committee, a Coordinating  
14           Board. Each member of the Committee may se-  
15           lect a senior level representative to serve on  
16           such Board. The Board shall assist the Com-  
17           mittee in carrying out its purpose and activities.

18           “(B) CHAIR.—There shall be a Chair of  
19           the Coordinating Board. The Chair of the Co-  
20           ordinating Board shall rotate each year among  
21           the Secretary of Transportation, the Secretary  
22           of Defense, the Secretary of Homeland Secu-  
23           rity, and the Secretary of Commerce. The order  
24           of rotation shall be determined by a majority of  
25           the voting members of the Committee.

1           “(2) EXECUTIVE DIRECTOR.—The Secretary of  
2           Transportation, in consultation with the Secretary of  
3           Defense, the Secretary of Homeland Security, and  
4           the Secretary of Commerce, shall appoint an Execu-  
5           tive Director of the Committee.

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

9                   “(A) provide, on a reimbursable or non-  
10                  reimbursable basis, facilities, equipment, serv-  
11                  ices, personnel, and other support services to  
12                  carry out the activities of the Committee; and

13                   “(B) transfer funds to another Federal de-  
14                  partment or agency in order to carry out the  
15                  activities of the Committee.

16           “(e) MARINE TRANSPORTATION SYSTEM ASSESS-  
17           MENT AND STRATEGY.—Not later than one year after the  
18           date of enactment of this Act and every 5 years thereafter,  
19           the Committee shall provide to the Committee on Com-  
20           merce, Science, and Transportation and the Committee on  
21           Environment and Public Works of the Senate and the  
22           Committee on Transportation and Infrastructure of the  
23           House of Representatives a report that includes—

24                   “(1) steps taken to implement actions rec-  
25                  ommended in the document titled ‘National Strategy



1 for the Marine Transportation System: A Frame-  
2 work for Action’ and dated July 2008;

3 “(2) an assessment of the condition of the ma-  
4 rine transportation system;

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

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

12 “(5) steps taken to implement actions rec-  
13 ommended in previous reports required under this  
14 subsection.

15 “(f) CONSULTATION.—In carrying out its purpose  
16 and activities, the Committee may consult with marine  
17 transportation system-related advisory committees, inter-  
18 ested parties, and the public.”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-  
20 ter 555 of title 46, United States Code, is amended by  
21 adding at the end the following:

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

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

23 Section 7507(a) of title 46, United States Code, is  
24 amended by striking “73” each place it appears and in-  
25 serting “71”.

1 **SEC. 312. DEEPWATER PORTS.**

2 Section 3(9)(A) of the Deepwater Port Act of 1974  
3 (33 U.S.C. 1502(9)(A)) is amended by inserting “or  
4 from” before “any State”.

5 **TITLE IV—MARITIME ADMINIS-**  
6 **TRATION AUTHORIZATION**

7 **SEC. 401. SHORT TITLE.**

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

10 **SEC. 402. AUTHORIZATION OF APPROPRIATIONS FOR NA-**  
11 **TIONAL SECURITY ASPECTS OF THE MER-**  
12 **CHANT MARINE FOR FISCAL YEAR 2013.**

13 Funds are hereby authorized to be appropriated for  
14 fiscal year 2013, to be available without fiscal year limita-  
15 tion if so provided in appropriations Acts, for the use of  
16 the Department of Transportation for Maritime Adminis-  
17 tration programs associated with maintaining national se-  
18 curity aspects of the merchant marine, as follows:

19 (1) For expenses necessary for operations of the  
20 United States Merchant Marine Academy,  
21 \$77,253,000, of which—

22 (A) \$67,253,000 shall remain available  
23 until expended for Academy operations; and

24 (B) \$10,000,000 shall remain available  
25 until expended for capital asset management at  
26 the Academy.

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

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

5           (B) \$2,545,000 shall remain available until  
6 expended for direct payments to such acad-  
7 emies; and

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

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

14          (4) For expenses to maintain and preserve a  
15 United States-flag merchant marine to serve the na-  
16 tional security needs of the United States under  
17 chapter 531 of title 46, United States Code,  
18 \$186,000,000.

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

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 fol-  
5 lowing:

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

8 “(a) IN GENERAL.—The Secretary of Transportation  
9 may engage in the environmental study, research, develop-  
10 ment, assessment, and deployment of emerging marine  
11 technologies and practices related to the marine transpor-  
12 tation system through the use of public vessels under the  
13 control of the Maritime Administration or private vessels  
14 under United States registry, and through partnerships  
15 and cooperative efforts with academic, public, private, and  
16 nongovernmental entities and facilities.

17 “(b) COMPONENTS.—Under this section, the Sec-  
18 retary of Transportation may—

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

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

1           “(B) increasing fuel economy or the use of  
2           alternative fuels and alternative energy (includ-  
3           ing the use of shore power); or

4           “(C) controlling aquatic invasive species;  
5           and

6           “(2) coordinate with the Environmental Protec-  
7           tion Agency, the Coast Guard, and other Federal,  
8           State, local, or tribal agencies, as appropriate.

9           “(c) COORDINATION.—Coordination under subsection  
10 (b)(2) may include—

11           “(1) activities that are associated with the de-  
12           velopment or approval of validation and testing re-  
13           gimes; and

14           “(2) certification or validation of emerging  
15           technologies or practices that demonstrate signifi-  
16           cant environmental benefits.

17           “(d) ASSISTANCE.—The Secretary of Transportation  
18           may accept gifts, or enter into cooperative agreements,  
19           contracts, or other agreements with academic, public, pri-  
20           vate, and nongovernmental entities and facilities to carry  
21           out the activities authorized under subsection (a).”.

22           (b) CONFORMING AMENDMENT.—The analysis for  
23           chapter 503 of title 46, United States Code, is amended  
24           by inserting after the item relating to section 50306 the  
25           following:

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

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

2 Section 51103(b) of title 46, United States Code, is  
3 amended—

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

6 (2) by amending paragraph (1) to read as fol-  
7 lows:

8 “(1) IN GENERAL.—The Secretary may cooper-  
9 ate with and assist the institutions named in para-  
10 graph (2) by making vessels, fuel, shipboard equip-  
11 ment, and other marine equipment, owned by the  
12 United States Government and determined by the  
13 entity having custody and control of such property  
14 to be excess or surplus, available to those institu-  
15 tions for instructional purposes, by gift, loan, sale,  
16 lease, or charter on terms and conditions the Sec-  
17 retary considers appropriate. The consent of the  
18 Secretary of the Navy shall be obtained with respect  
19 to any property from National Defense Reserve  
20 Fleet vessels, if such vessels are either Ready Re-  
21 serve Force vessels or other National Defense Re-  
22 serve Fleet vessels determined to be of sufficient  
23 value to the Navy to warrant their further preserva-  
24 tion and retention.”; and

25 (3) in paragraph (2)(C), by inserting “or a  
26 training institution that is an instrumentality of a

1 State, the District of Columbia, a territory or pos-  
2 session of the United States, or a unit of local gov-  
3 ernment thereof” after “a nonprofit training institu-  
4 tion”.

5 **SEC. 405. SHORT SEA TRANSPORTATION.**

6 (a) PURPOSE.—Section 55601 of title 46, United  
7 States Code, is amended—

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

11 (2) in subsection (c), by striking “coastal cor-  
12 ridors” and inserting “coastal corridors or to pro-  
13 mote short sea transportation”;

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

18 “(1) mitigates landside congestion; or

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

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

22 (b) DOCUMENTATION.—Section 55605 is amended in  
23 the matter preceding paragraph (1) by striking “by ves-  
24 sel” 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 deter-  
7 mines 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  
15 without reimbursement subject to the approval of the Sec-  
16 retary of Transportation and the Secretary of the Navy  
17 with respect to Ready Reserve Force vessels and the Sec-  
18 retary of 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 chap-  
26 ter 571 of title 46, United States Code, is amended by



1 striking the item relating to section 57103 and inserting  
2 the following:

“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 “OR-  
7 GANIZATION” and inserting “ORGANIZATION AND  
8 MISSION”; and

9 (2) by adding at the end the following: “The  
10 mission of the Maritime Administration is to foster,  
11 promote, and develop the merchant maritime indus-  
12 try of 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(e)(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  
19 each vessel at a frequency that is considered by  
20 the Secretary to be necessary;

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

1           “(D) locate those vessels that are sched-  
2           uled to be activated near embarkation ports  
3           specified 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 De-  
10 fense, that is able to utilize roll-on/roll-off or load-on/load-  
11 off technology in marine highway maritime commerce.

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

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

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

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

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



1 tegic ports in the United States called for in the con-  
2 ference report to accompany the National Defense Author-  
3 ization Act for Fiscal Year 2012 (Conference Report 112-  
4 329) so that it can be submitted to Congress before July  
5 1, 2013.

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

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

13 (1) COMPTROLLER GENERAL REVIEW.—Not  
14 later than 90 days after receipt of the report re-  
15 ferred to in subsection (a), the Comptroller General  
16 shall conduct an assessment of the report and sub-  
17 mit to the Committee on Armed Services of the  
18 House of Representatives and the Committee on  
19 Armed Services of the Senate a report of such as-  
20 sessment.

21 (2) COMPTROLLER GENERAL STUDY AND RE-  
22 PORT.—Not later than 270 days after the date of  
23 enactment of this Act, the Comptroller General shall  
24 conduct a study of the Department of Defense's pro-  
25 grams and efforts related to the state of strategic

1 ports with respect to the Department’s operational  
2 and readiness requirements, and report to the Com-  
3 mittee on Armed Services of the House of Rep-  
4 resentatives and the Committee on Armed Services  
5 of the Senate on the findings of such study. The re-  
6 port may include an assessment of—

7 (A) the extent to which the facilities at  
8 strategic ports meet the Department of De-  
9 fense’s requirements;

10 (B) the extent to which the Department  
11 has identified gaps in the ability of existing  
12 strategic ports to meet its needs and identified  
13 and undertaken efforts to address any gaps;  
14 and

15 (C) the Department’s ability to oversee, co-  
16 ordinate, and provide security for military de-  
17 ployments through strategic ports.

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

1 **SEC. 414. MARITIME WORKFORCE STUDY.**

2 (a) TRAINING STUDY.—The Comptroller General of  
3 the United States shall conduct a study on the training  
4 needs of the maritime workforce.

5 (b) STUDY COMPONENTS.—The study shall—

6 (1) analyze the impact of maritime training re-  
7 quirements imposed by domestic and international  
8 regulations and conventions, companies, and govern-  
9 ment agencies that charter or operate vessels;

10 (2) evaluate the ability of the United States  
11 maritime training infrastructure to meet the needs  
12 of the maritime industry;

13 (3) identify trends in maritime training;

14 (4) compare the training needs of United States  
15 mariners with the vocational training and edu-  
16 cational assistance programs available from Federal  
17 agencies to evaluate the ability of Federal programs  
18 to meet the training needs of United States mari-  
19 ners;

20 (5) include recommendations to enhance the ca-  
21 pabilities of the United States maritime training in-  
22 frastructure; and

23 (6) include recommendations to assist United  
24 States mariners and those entering the maritime  
25 profession to achieve the required training.

1 (c) FINAL REPORT.—Not later than 1 year after the  
2 date of enactment of this Act, the Comptroller General  
3 shall submit a report on the results of the study to the  
4 Committee on Commerce, Science, and Transportation of  
5 the Senate and the Committee on Transportation and In-  
6 frastructure of the House of Representatives.

7 **SEC. 415. MARITIME ADMINISTRATION VESSEL RECYCLING**  
8 **CONTRACT AWARD PRACTICES.**

9 (a) ASSESSMENT.—The Comptroller General of the  
10 United States shall conduct an assessment of the source  
11 selection procedures and practices used to award the Mari-  
12 time Administration’s National Defense Reserve Fleet ves-  
13 sel recycling contracts.

14 (b) CONTENTS.—The assessment under subsection  
15 (a) shall include a review of—

16 (1) whether the Maritime Administration’s con-  
17 tract source selection procedures and practices are  
18 consistent with law, including the Federal Acquisi-  
19 tion Regulation, and Federal best practices associ-  
20 ated with making source selection decisions;

21 (2) the process, procedures, and practices used  
22 for the Maritime Administration’s qualification of  
23 vessel recycling facilities; and





1 on the use of force against pirates. The curriculum shall  
2 include—

3 “(1) information on waters designated as high-  
4 risk waters by the Commandant of the Coast Guard;

5 “(2) information on current threats and pat-  
6 terns of attack by pirates;

7 “(3) tactics for defense of a vessel, including in-  
8 struction on the types, use, and limitations of secu-  
9 rity equipment;

10 “(4) standard rules for the use of force for self-  
11 defense as developed by the Secretary of the depart-  
12 ment in which the Coast Guard is operating under  
13 section 912(c) of the Coast Guard Authorization Act  
14 of 2010 (Public Law 111–281; 46 U.S.C. 8107  
15 note), including instruction on firearm safety for  
16 crewmembers of vessels carrying cargo under section  
17 55305 of this title; and

18 “(5) procedures to follow to improve crew-  
19 member survivability if captured and taken hostage  
20 by pirates.”.

21 (b) DEADLINE.—The Secretary of Transportation  
22 shall certify the curriculum required under the amendment  
23 made by subsection (a) not later than 270 days after the  
24 date of enactment of this Act.

1 (c) CLERICAL AMENDMENT.—The analysis for chap-  
2 ter 517 of title 46, United States Code, is amended by  
3 adding at the end the following:

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

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

5 Section 55305 of title 46, United States Code, is  
6 amended by adding at the end the following:

7 “(e) SECURITY OF GOVERNMENT-IMPELLED  
8 CARGO.—

9 “(1) In order to ensure the safety of vessels and  
10 crewmembers transporting equipment, materials, or  
11 commodities under this section, the Secretary of  
12 Transportation shall direct each department or  
13 agency (except the Department of Defense), when  
14 responsible for the carriage of such equipment, ma-  
15 terials, or commodities, to provide armed personnel  
16 aboard vessels of the United States carrying such  
17 equipment, materials, or commodities if the vessels  
18 are transiting high-risk waters.

19 “(2) The Secretary of Transportation shall di-  
20 rect each department or agency responsible to pro-  
21 vide armed personnel under paragraph (1) to reim-  
22 burse, subject to the availability of appropriations,  
23 the owners or operators of applicable vessels for the  
24 cost of providing armed personnel.

1           “(3) In this subsection, the term ‘high-risk wa-  
2           ters’ means waters so designated by the Com-  
3           mandant of the Coast Guard in the Port Security  
4           Advisory in effect on the date on which an applicable  
5           voyage begins.”.

6   **SEC. 504. ACTIONS TAKEN TO PROTECT FOREIGN-FLAGGED**  
7                           **VESSELS FROM PIRACY.**

8           Not later than 180 days after the date of enactment  
9           of this Act, the Secretary of Defense, in consultation with  
10          the Secretary of the department in which the Coast Guard  
11          is operating, shall provide to the Committee on Armed  
12          Services and the Committee on Transportation and Infra-  
13          structure of the House of Representatives and the Com-  
14          mittee on Armed Services and the Committee on Com-  
15          merce, Science, and Transportation of the Senate a report  
16          on actions taken by the Secretary of Defense to protect  
17          foreign-flagged vessels from acts of piracy on the high  
18          seas. The report shall include—

19               (1) the total number of incidents for each of the  
20               fiscal years 2009 through 2012 in which a member  
21               of the armed services or an asset under the control  
22               of the Secretary of Defense was used to interdict or  
23               defend against an act of piracy directed against any  
24               vessel not documented under the laws of the United  
25               States; and

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

## 3           **TITLE VI—MARINE DEBRIS**

### 4           **SEC. 601. SHORT TITLE.**

5           This title may be cited as the “Marine Debris Act  
6           Amendments of 2012”.

### 7           **SEC. 602. SHORT TITLE AMENDMENT; REFERENCES.**

8           (a) **SHORT TITLE AMENDMENT.**—Section 1 of the  
9           Marine Debris Research, Prevention, and Reduction Act  
10          (33 U.S.C. 1951 note) is amended by striking “Research,  
11          Prevention, and Reduction”.

12          (b) **REFERENCES.**—Except as otherwise expressly  
13          provided, whenever in this title an amendment is expressed  
14          as an amendment to a section or other provision, the ref-  
15          erence shall be considered to be made to a section or other  
16          provision of the Marine Debris Act (33 U.S.C. 1951 et  
17          seq.), as so retitled by subsection (a) of this section.

### 18          **SEC. 603. PURPOSE.**

19          Section 2 (33 U.S.C. 1951) is amended to read as  
20          follows:

#### 21          **“SEC. 2. PURPOSE.**

22          “The purpose of this Act is to address the adverse  
23          impacts of marine debris on the United States economy,  
24          the marine environment, and navigation safety through

1 the identification, determination of sources, assessment,  
2 prevention, reduction, and removal of marine debris.”.

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

4 (a) NAME OF PROGRAM.—Section 3 (33 U.S.C.  
5 1952) is amended—

6 (1) in the section heading by striking “**PRE-**  
7 **VENTION AND REMOVAL**”; and

8 (2) in subsection (a)—

9 (A) by striking “Prevention and Removal  
10 Program to reduce and prevent the occurrence  
11 and” and inserting “Program to identify, deter-  
12 mine sources of, assess, prevent, reduce, and re-  
13 move marine debris and address the”;

14 (B) by inserting “the economy of the  
15 United States,” after “marine debris on”; and

16 (C) by inserting a comma after “environ-  
17 ment”.

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

20 “(b) PROGRAM COMPONENTS.—The Administrator,  
21 acting through the Program and subject to the availability  
22 of appropriations, shall—

23 “(1) identify, determine sources of, assess, pre-  
24 vent, reduce, and remove marine debris, with a focus

1 on marine debris posing a threat to living marine re-  
2 sources and navigation safety;

3 “(2) provide national and regional coordination  
4 to assist States, Indian tribes, and regional organi-  
5 zations in the identification, determination of  
6 sources, assessment, prevention, reduction, and re-  
7 moval of marine debris;

8 “(3) undertake efforts to reduce the adverse im-  
9 pacts of lost and discarded fishing gear on living  
10 marine resources and navigation safety, including—

11 “(A) research and development of alter-  
12 natives to gear posing threats to the marine en-  
13 vironment and methods for marking gear used  
14 in certain fisheries to enhance the tracking, re-  
15 covery, and identification of lost and discarded  
16 gear; and

17 “(B) the development of effective non-  
18 regulatory measures and incentives to coopera-  
19 tively reduce the volume of lost and discarded  
20 fishing gear and to aid in gear recovery;

21 “(4) undertake outreach and education activi-  
22 ties for the public and other stakeholders on sources  
23 of marine debris, threats associated with marine de-  
24bris, and approaches to identifying, determining  
25 sources of, assessing, preventing, reducing, and re-

1 moving marine debris and its adverse impacts on the  
2 United States economy, the marine environment,  
3 and navigation safety, including outreach and edu-  
4 cation activities through public-private initiatives;  
5 and

6 “(5) develop, in consultation with the Inter-  
7 agency Committee, interagency plans for the timely  
8 response to events determined by the Administrator  
9 to be severe marine debris events, including plans  
10 to—

11 “(A) coordinate across agencies and with  
12 relevant State, tribal, and local governments to  
13 ensure adequate, timely, and efficient response;

14 “(B) assess the composition, volume, and  
15 trajectory of marine debris associated with a se-  
16 vere marine debris event; and

17 “(C) estimate the potential impacts of a  
18 severe marine debris event, including economic  
19 impacts on human health, navigation safety,  
20 natural resources, tourism, and livestock, in-  
21 cluding aquaculture.”.

22 (c) GRANT CRITERIA AND GUIDELINES.—Section  
23 3(c) (33 U.S.C. 1952(c)) is amended—

24 (1) in paragraph (1), by striking “section 2(1)”  
25 and inserting “section 2”;

1 (2) by striking paragraph (5); and

2 (3) by redesignating paragraphs (6) and (7) as  
3 paragraphs (5) and (6), respectively.

4 (d) REPEAL.—Section 2204 of the Marine Plastic  
5 Pollution Research and Control Act of 1987 (33 U.S.C.  
6 1915), and the item relating to that section in the table  
7 of contents contained in section 2 of the United States-  
8 Japan Fishery Agreement Approval Act of 1987, are re-  
9 pealed.

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

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

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

13 (2) by striking subsections (b) and (c).

14 **SEC. 606. COORDINATION.**

15 (a) INTERAGENCY MARINE DEBRIS COORDINATING  
16 COMMITTEE.—

17 (1) IN GENERAL.—Section 2203 of the Marine  
18 Plastic Pollution Research and Control Act of 1987  
19 (33 U.S.C. 1914) is redesignated and moved to re-  
20 place and appear as section 5 of the Marine Debris  
21 Act (33 U.S.C. 1954), as so retitled by section  
22 602(a) of this title.

23 (2) CONFORMING AMENDMENT.—Section 5 of  
24 the Marine Debris Act (33 U.S.C. 1954), as amend-



1 ed by paragraph (1) of this subsection, is further  
2 amended in subsection (d)(2)—

3 (A) by striking “this Act” and inserting  
4 “the Marine Plastic Pollution Research and  
5 Control Act of 1987”; and

6 (B) by inserting “of the Marine Plastic  
7 Pollution Research and Control Act of 1987”  
8 after “section 2201”.

9 (3) CLERICAL AMENDMENT.—The item relating  
10 to section 2203 in the table of contents contained in  
11 section 2 of the United States-Japan Fishery Agree-  
12 ment Approval Act of 1987 is repealed.

13 (b) BIENNIAL PROGRESS REPORTS.—Section 5(c)(2)  
14 of the Marine Debris Research, Prevention, and Reduction  
15 Act (33 U.S.C. 1954(c)(2)), as in effect immediately be-  
16 fore the enactment of this Act—

17 (1) is redesignated and moved to appear as sub-  
18 section (e) at the end of section 5 of the Marine De-  
19bris Act, as amended by subsection (a) of this sec-  
20tion; and

21 (2) is amended—

22 (A) by striking “ANNUAL PROGRESS RE-  
23PORTS.—” and all that follows through “there-  
24after” and inserting “BIENNIAL PROGRESS RE-  
25PORTS.—Biennially”;

1 (B) by striking “Interagency” each place it  
2 appears;

3 (C) by striking “chairperson” and insert-  
4 ing “Chairperson”;

5 (D) by inserting “Natural” before “Re-  
6 sources”;

7 (E) by redesignating subparagraphs (A)  
8 through (E) as paragraphs (1) through (5), re-  
9 spectively; and

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

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

12 Section 6(2) (33 U.S.C. 1955(2)) is amended by  
13 striking “by the fishing industry”.

14 **SEC. 608. DEFINITIONS.**

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

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

20 (2) by striking paragraph (3) and inserting the  
21 following:

22 “(3) MARINE DEBRIS.—The term ‘marine de-  
23bris’ means any persistent solid material that is  
24 manufactured or processed and directly or indirectly,  
25 intentionally or unintentionally, disposed of or aban-

1       done into the marine environment or the Great  
2       Lakes.”;

3             (3) by striking paragraph (5);

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

6             (5) in paragraph (5), as redesignated by para-  
7       graph (4) of this section, by striking “Prevention  
8       and Removal”;

9             (6) by striking paragraph (6) and inserting the  
10       following:

11            “(6) SEVERE MARINE DEBRIS EVENT.—The  
12       term ‘severe marine debris event’ means atypically  
13       large amounts of marine debris caused by a natural  
14       disaster, including a tsunami, flood, landslide, or  
15       hurricane, or other source.”; and

16            (7) by redesignating paragraph (8) as para-  
17       graph (7).

18       **SEC. 609. SEVERE MARINE DEBRIS EVENT DETERMINA-**  
19                               **TION.**

20       (a) IN GENERAL.—The Administrator of the Na-  
21       tional Oceanic and Atmospheric Administration shall de-  
22       termine whether the March 2011, Tohoku earthquake and  
23       subsequent tsunami and the October 2012, hurricane  
24       Sandy each caused a severe marine debris event (as that

1 term is defined in section 7(6) of the Marine Debris Act  
2 (33 U.S.C. 1956(6)), as amended by this Act).

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

## 10 **TITLE VII—MISCELLANEOUS**

### 11 **SEC. 701. DISTANT WATER TUNA FLEET.**

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

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

17 “(b) LICENSING RESTRICTIONS.—

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

24 “(2) TREATMENT OF CREDENTIAL.—An equiva-  
25 lent credential under paragraph (1) shall be consid-

1       ered as meeting the requirements of section 8304 of  
2       title 46, United States Code, but only while a person  
3       holding the credential is in the service of the vessel  
4       to which this section applies.”;

5           (2) in subsection (c) by inserting “or Guam”  
6       before the period at the end; and

7           (3) in subsection (d) by striking “on December  
8       31, 2012” and inserting “on the date the Treaty on  
9       Fisheries Between the Governments of Certain Pa-  
10      cific Island States and the Government of the  
11      United States of America ceases to have effect for  
12      any party under Article 12.6 or 12.7 of such treaty,  
13      as in effect on the date of enactment of the Coast  
14      Guard and Maritime Transportation Act of 2012”.

15 **SEC. 702. TECHNICAL CORRECTIONS.**

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

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

20       “The Commandant of the Coast Guard shall submit  
21      to the Committee on Commerce, Science, and Transpor-  
22      tation of the Senate and the Committee on Transportation  
23      and Infrastructure of the House of Representatives a com-  
24      prehensive study on the construction or alteration of any  
25      bridge, drawbridge, or causeway over the navigable waters

1 of the United States with a channel depth of 25 feet or  
2 greater that may impede or obstruct future navigation to  
3 or from port facilities and for which a permit under the  
4 Act of March 23, 1906 (33 U.S.C. 491 et seq.), popularly  
5 known as the Bridge Act of 1906, was requested during  
6 the period beginning on January 1, 2006, and ending on  
7 August 3, 2011.”.

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

11 **SEC. 703. EXTENSION OF MORATORIUM.**

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

15 **SEC. 704. NOTICE OF ARRIVAL.**

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

23 **SEC. 705. WAIVERS.**

24 (a) *TEXAS STAR CASINO.*—



1 in the Act of July 11, 1940 (54 Stat. 752), is deemed  
2 a Government agency for purposes of the notification re-  
3 quirements of section 103 of the Comprehensive Environ-  
4 mental Response, Compensation, and Liability Act of  
5 1980 (42 U.S.C. 9603). The National Response Center  
6 shall convey notification, including complete and  
7 unredacted incident reports, expeditiously to the Commis-  
8 sion regarding each release in or affecting the Ohio River  
9 Basin for which notification to all appropriate Government  
10 agencies is required.

11 **SEC. 707. VESSEL DETERMINATIONS.**

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

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

21 The waters of Mille Lacs Lake, Minnesota, are not  
22 waters subject to the jurisdiction of the United States for  
23 the purposes of section 2 of title 14, United States Code.



1 **SEC. 709. TRANSPORTATION WORKER IDENTIFICATION**  
2 **CREDENTIAL PROCESS REFORM.**

3 Not later than 270 days after the date of enactment  
4 of this Act, the Secretary of Homeland Security shall re-  
5 form the process for Transportation Worker Identification  
6 Credential enrollment, activation, issuance, and renewal to  
7 require, in total, not more than one in-person visit to a  
8 designated enrollment center except in cases in which  
9 there are extenuating circumstances, as determined by the  
10 Secretary, requiring more than one such in-person visit.

11 **SEC. 710. INVESTMENT AMOUNT.**

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

17 **SEC. 711. INTEGRATED CROSS-BORDER MARITIME LAW EN-**  
18 **FORCEMENT OPERATIONS BETWEEN THE**  
19 **UNITED STATES AND CANADA.**

20 (a) **AUTHORIZATION.**—The Secretary of Homeland  
21 Security, acting through the Commandant of the Coast  
22 Guard, may establish an Integrated Cross-Border Mari-  
23 time Law Enforcement Operations Program to coordinate  
24 the maritime security operations of the United States and  
25 Canada (in this section referred to as the “Program”).

1 (b) PURPOSE.—The Secretary, acting through the  
2 Commandant, shall administer the Program in a manner  
3 that results in a cooperative approach between the United  
4 States and Canada to strengthen border security and de-  
5 tect, prevent, suppress, investigate, and respond to ter-  
6 rorism and violations of law related to border security.

7 (c) TRAINING.—The Secretary, acting through the  
8 Commandant and in consultation with the Secretary of  
9 State, may—

10 (1) establish, as an element of the Program, a  
11 training program for individuals who will serve as  
12 maritime law enforcement officers; and

13 (2) conduct training jointly with Canada to en-  
14 hance border security, including training—

15 (A) on the detection and apprehension of  
16 suspected terrorists and individuals attempting  
17 to unlawfully cross or unlawfully use the inter-  
18 national maritime border between the United  
19 States and Canada;

20 (B) on the integration, analysis, and dis-  
21 semination of port security information by and  
22 between the United States and Canada;

23 (C) on policy, regulatory, and legal consid-  
24 erations related to the Program;

1 (D) on the use of force in maritime secu-  
2 rity;

3 (E) on operational procedures and protec-  
4 tion of sensitive information; and

5 (F) on preparedness and response to mari-  
6 time terrorist incidents.

7 (d) COORDINATION.—The Secretary, acting through  
8 the Commandant, shall coordinate the Program with other  
9 similar border security and antiterrorism programs within  
10 the Department of Homeland Security.

11 (e) MEMORANDA OF AGREEMENT.—The Secretary  
12 may enter into any memorandum of agreement necessary  
13 to carry out the Program.

14 **SEC. 712. BRIDGE PERMITS.**

15 (a) IN GENERAL.—For the purposes of reviewing a  
16 permit application pursuant to section 9 of the Act of  
17 March 3, 1899, popularly known as the Rivers and Har-  
18 bors Appropriation Act of 1899 (33 U.S.C. 401), the Act  
19 of March 23, 1906, popularly known as the Bridge Act  
20 of 1906 (33 U.S.C. 491 et seq.), the Act of June 21, 1940,  
21 popularly known as the Truman-Hobbs Act (33 U.S.C.  
22 511 et seq.), or the General Bridge Act of 1946 (33  
23 U.S.C. 525 et seq.), the Secretary of the department in  
24 which the Coast Guard is operating may—

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

3           (2) accept and credit to Coast Guard operating  
4 expenses any amounts received from one or more  
5 owners of a bridge.

6           (b) **EXPEDITED PROCESS.**—The Secretary of the de-  
7 partment in which the Coast Guard is operating shall com-  
8 plete, on an expeditious basis and using the shortest exist-  
9 ing applicable process, determinations on any required ap-  
10 proval for issuance of any permits under the jurisdiction  
11 of such department related to the construction or alter-  
12 ation of a bridge over the Kill Van Kull consistent with  
13 Executive Order 13604 (March 22, 2012) and the Admin-  
14 istration’s objectives for the project.

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

16           The Secretary of the department in which the Coast  
17 Guard is operating may consider the tonnage measure-  
18 ments for the vessel *Aqueos Acadian* (United States offi-  
19 cial number 553645) recorded on the certificate of inspec-  
20 tion for the vessel issued on September 8, 2011, to be valid  
21 until May 2, 2014, if the vessel and the use of its space  
22 is not changed after November 16, 2012, in a way that  
23 substantially affects the tonnage of the vessel.

1 **SEC. 714. NAVIGABILITY DETERMINATION.**

2 (a) IN GENERAL.—Not later than 180 days after the  
3 date of enactment of this Act, the Commandant of the  
4 Coast Guard shall submit to the Committee on Transpor-  
5 tation and Infrastructure of the House of Representatives  
6 and the Committee on Commerce, Science, and Transpor-  
7 tation of the Senate an assessment of the impact of addi-  
8 tional regulatory requirements imposed on passenger ves-  
9 sels operating on the Ringo Cocke Canal in Louisiana as  
10 a result of the covered navigability determination.

11 (b) RESTRICTION.—Before the date that is 180 days  
12 after the date on which the assessment required under  
13 subsection (a) is submitted, the Commandant may not en-  
14 force any regulatory requirements imposed on passenger  
15 vessels operating on the Ringo Cocke Canal in Louisiana  
16 that are a result of the covered navigability determination.

17 (c) COVERED NAVIGABILITY DETERMINATION DE-  
18 FINED.—In this section, the term “covered navigability  
19 determination” means the Coast Guard’s Navigability De-  
20 termination for Ringo Cocke Canal, Louisiana, dated  
21 March 25, 2010.

22 **SEC. 715. COAST GUARD HOUSING.**

23 Not later than 30 days after the date of enactment  
24 of this Act, the Commandant of the Coast Guard shall  
25 submit to the Committee on Commerce, Science, and  
26 Transportation of the Senate and the Committee on

1 Transportation and Infrastructure of the House of Rep-  
2 resentatives the Coast Guard's National Housing Assess-  
3 ment and any analysis conducted by the Coast Guard of  
4 such assessment.

5 **SEC. 716. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST**  
6 **GUARD PRESENCE IN HIGH-LATITUDE RE-**  
7 **GIONS.**

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

20 (1) an analysis of the high-latitude operating  
21 capabilities of all current Coast Guard assets other  
22 than icebreakers, including assets acquired under  
23 the Deepwater program;

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

1           (3) an analysis of shore infrastructure, per-  
2           sonnel, logistics, communications, and resources re-  
3           quirements to support Coast Guard operations in the  
4           high-latitude regions, including forward operating  
5           bases and existing infrastructure in the furthest  
6           north locations that are ice free, or nearly ice free,  
7           year round.

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

9           (a) CONSULTATION.—Not later than 1 year after the  
10          date of enactment of this Act, the Commandant of the  
11          Coast Guard shall consult with appropriate Federal agen-  
12          cies and with State and local interests to determine what  
13          improvements, if any, are necessary to designate existing  
14          ice-free facilities or infrastructure in the Central Bering  
15          Sea as a fully functional, year-round Potential Place of  
16          Refuge.

17          (b) PURPOSES.—The purposes of the consultation  
18          under subsection (a) shall be to enhance safety of human  
19          life at sea and protect the marine environment in the Cen-  
20          tral Bering Sea.

21          (c) DEADLINE FOR SUBMISSION.—Not later than 90  
22          days after making the determination under subsection (a),  
23          the Commandant shall inform the Committee on Com-  
24          merce, Science, and Transportation of the Senate and the  
25          Committee on Transportation and Infrastructure of the

1 House of Representatives in writing of the findings under  
2 subsection (a).

3 **SEC. 718. MERCHANT MARINER MEDICAL EVALUATION**  
4 **PROGRAM.**

5 (a) IN GENERAL.—Not later than 180 days after the  
6 date of enactment of this Act, the Commandant of the  
7 Coast Guard shall submit to the Committee on Transpor-  
8 tation and Infrastructure of the House of Representatives  
9 and the Committee on Commerce, Science, and Transpor-  
10 tation of the Senate an assessment of the Coast Guard  
11 National Maritime Center’s merchant mariner medical  
12 evaluation program and alternatives to the program.

13 (b) CONTENTS.—The assessment required under sub-  
14 section (a) shall include the following:

15 (1) An overview of the adequacy of the program  
16 for making medical certification determinations for  
17 issuance of merchant mariners’ documents.

18 (2) An analysis of how a system similar to the  
19 Federal Motor Carrier Safety Administration’s Na-  
20 tional Registry of Certified Medical Examiners pro-  
21 gram, and the Federal Aviation Administration’s  
22 Designated Aviation Medical Examiners program,  
23 could be applied by the Coast Guard in making med-  
24 ical fitness determinations for issuance of merchant  
25 mariners’ documents.



1           (3) An explanation of how the amendments to  
2           the International Convention on Standards of Train-  
3           ing, Certification and Watchkeeping for Seafarers,  
4           1978, that entered into force on January 1, 2012,  
5           required changes to the Coast Guard's merchant  
6           mariner medical evaluation program.

7   **SEC. 719. DETERMINATIONS.**

8           Not later than 270 days after the date of enactment  
9           of this Act, the Secretary of the department in which the  
10          Coast Guard is operating shall provide to the Committee  
11          on Transportation and Infrastructure of the House of  
12          Representatives and the Committee on Commerce,  
13          Science, and Transportation of the Senate an assessment  
14          of—

15                 (1) the loss of United States shipyard jobs and  
16                 industrial base expertise as a result of rebuild, con-  
17                 version, and double-hull work on United States-flag  
18                 vessels eligible to engage in the coastwise trade  
19                 being performed in foreign shipyards;

20                 (2) enforcement of the Coast Guard's foreign  
21                 rebuild determination regulations; and

22                 (3) recommendations for improving trans-  
23                 parency in the Coast Guard's foreign rebuild deter-  
24                 mination process.

1 **SEC. 720. IMPEDIMENTS TO THE UNITED STATES-FLAG**  
2 **REGISTRY.**

3 (a) ASSESSMENT.—Not later than 180 days after the  
4 date of enactment of this Act, the Commandant of the  
5 Coast Guard shall submit to the Committee on Transpor-  
6 tation and Infrastructure of the House of Representatives  
7 and the Committee on Commerce, Science, and Transpor-  
8 tation of the Senate an assessment of factors under the  
9 authority of the Coast Guard that impact the ability of  
10 vessels documented in the United States to effectively  
11 compete in international transportation markets.

12 (b) CONTENT.—The assessment under subsection (a)  
13 shall include—

14 (1) a review of differences between Coast Guard  
15 policies and regulations governing the inspection of  
16 vessels documented in the United States and Inter-  
17 national Maritime Organization policies and regula-  
18 tions governing the inspection of vessels not docu-  
19 mented in the United States;

20 (2) a statement on the impact such differences  
21 have on operating costs for vessels documented in  
22 the United States; and

23 (3) recommendations on whether to harmonize  
24 any such differences.

25 (c) CONSULTATION.—In preparing the assessment  
26 under subsection (a), the Commandant may consider the

1 views of representatives of the owners or operators of ves-  
2 sels documented in the United States and the organiza-  
3 tions representing the employees employed on such vessels.

4 **SEC. 721. ARCTIC DEEPWATER SEAPORT.**

5 (a) STUDY.—The Commandant of the Coast Guard,  
6 in consultation with the Commanding General of the Army  
7 Corps of Engineers, the Maritime Administrator, and the  
8 Chief of Naval Operations, shall conduct a study on the  
9 feasibility of establishing a deepwater seaport in the Arctic  
10 to protect and advance strategic United States interests  
11 within the Arctic region.

12 (b) SCOPE.—The study under subsection (a) shall in-  
13 clude an analysis of—

14 (1) the capability provided by a deepwater sea-  
15 port that—

16 (A) is in the Arctic (as that term is de-  
17 fined in the section 112 of the Arctic Research  
18 and Policy Act of 1984 (15 U.S.C. 4111)); and

19 (B) has a depth of not less than 34 feet;

20 (2) the potential and optimum locations for  
21 such deepwater seaport;

22 (3) the resources needed to establish such deep-  
23 water seaport;

24 (4) the timeframe needed to establish such  
25 deepwater seaport;

1           (5) the infrastructure required to support such  
2        deepwater seaport; and

3           (6) any other issues the Secretary considers  
4        necessary to complete the study.

5        (c) **DEADLINE FOR SUBMISSION OF FINDINGS.**—Not  
6        later than 1 year after the date of enactment of this Act,  
7        the Commandant shall submit the findings of the study  
8        under subsection (a) to the Committee on Commerce,  
9        Science, and Transportation of the Senate and the Com-  
10       mittee on Transportation and Infrastructure of the House  
11       of Representatives.

12       **SEC. 722. RISK ASSESSMENT OF TRANSPORTING CANADIAN**  
13                               **OIL SANDS.**

14        (a) **IN GENERAL.**—The Commandant of the Coast  
15        Guard shall assess the increased vessel traffic in the Salish  
16        Sea (including Puget Sound, the Strait of Georgia, Haro  
17        Strait, Rosario Strait, and the Strait of Juan de Fuca),  
18        that may occur from the transport of Canadian oil sands  
19        oil.

20        (b) **SCOPE.**—The assessment required under sub-  
21        section (a) shall, at a minimum, consider—

22           (1) the extent to which vessel (including barge,  
23        tanker, and supertanker) traffic may increase due to  
24        Canadian oil sands development;

1           (2) whether the transport of oil from Canadian  
2 oil sands within the Salish Sea is likely to require  
3 navigation through United States territorial waters;

4           (3) the rules or regulations that restrict super-  
5 tanker traffic in United States waters, including an  
6 assessment of whether there are methods to bypass  
7 those rules or regulations in such waters and adja-  
8 cent Canadian waters;

9           (4) the rules or regulations that restrict the  
10 amount of oil transported in tankers or barges in  
11 United States waters, including an assessment of  
12 whether there are methods to bypass those rules or  
13 regulations in such waters and adjacent Canadian  
14 waters;

15           (5) the spill response capability throughout the  
16 shared waters of the United States and Canada, in-  
17 cluding oil spill response planning requirements for  
18 vessels bound for one nation transiting through the  
19 waters of the other nation;

20           (6) the vessel emergency response towing capa-  
21 bility at the entrance to the Strait of Juan de Fuca;

22           (7) the agreement between the United States  
23 and Canada that outlines requirements for laden  
24 tank vessels to be escorted by tug boats;

1           (8) whether oil extracted from oil sands has dif-  
2           ferent properties from other types of oil, including  
3           toxicity and other properties, that may require dif-  
4           ferent maritime clean up technologies;

5           (9) a risk assessment of the increasing super-  
6           tanker, tanker, and barge traffic associated with Ca-  
7           nadian oil sands development or expected to be asso-  
8           ciated with Canadian oil sands development; and

9           (10) the potential costs and benefits to the  
10          United States public and the private sector of mari-  
11          time transportation of oil sands products.

12          (c) CONSULTATION REQUIREMENT.—In conducting  
13          the assessment required under this section, the Com-  
14          mandant shall consult with the State of Washington, af-  
15          fected tribal governments, and industry, including vessel  
16          operators, oil sands producers, and spill response experts.  
17          The Commandant may consult with the Secretary of  
18          State.

19          (d) DEADLINE FOR SUBMISSION.—Not later than  
20          180 days after the date of enactment of this Act, the Com-  
21          mandant shall submit the assessment required under this  
22          section to the Committee on Commerce, Science, and  
23          Transportation of the Senate and the Committee on  
24          Transportation and Infrastructure of the House of Rep-  
25          resentatives.