

***In the Senate of the United States,***

*September 22 (legislative day, September 21), 2012.*

*Resolved*, That the bill from the House of Representatives (H.R. 2838) entitled “An Act to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.”, do pass with the following

**AMENDMENTS:**

Strike all after the enacting clause and 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 Authorization 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—ORGANIZATION***

*Sec. 201. Coast Guard authority to operate and maintain Coast Guard assets.*

*Sec. 202. Clarification of Coast Guard ice operations mission.*

*TITLE III—PERSONNEL*

- Sec. 301. Acquisition workforce expedited hiring authority.*
- Sec. 302. Officers recommended for promotion.*
- Sec. 303. Original appointment of permanent commissioned officers.*
- Sec. 304. Academy pay, allowances, and emoluments.*
- Sec. 305. Academy policy on sexual harassment and sexual violence.*
- Sec. 306. Coast Guard auxiliarists enrollment eligibility.*

*TITLE IV—ADMINISTRATION*

- Sec. 401. Advance procurement funding.*
- Sec. 402. Multiyear procurement authority for Coast Guard National Security Cutters.*
- Sec. 403. Requirement to maintain United States polar icebreaking capability.*
- Sec. 404. National response functions.*
- Sec. 405. National Response Center notification requirements.*
- Sec. 406. Conforming amendment.*

*TITLE V—SHIPPING AND NAVIGATION*

- Sec. 501. Central Bering Sea potential place of refuge.*
- Sec. 502. Protection and fair treatment of seafarers.*
- Sec. 503. Delegation of authority.*
- Sec. 504. Report on establishment of arctic deep water port.*
- Sec. 505. Risk analysis of transporting Canadian oil sands.*
- Sec. 506. Eligibility to receive surplus training equipment.*

*TITLE VI—MARITIME ADMINISTRATION AUTHORIZATION*

- Sec. 601. Short title; amendment of title 46, United States Code.*
- Sec. 602. Marine transportation system.*
- Sec. 603. Short sea transportation program amendments.*
- Sec. 604. Maritime environmental and technical assistance program.*
- Sec. 605. Waiver of navigation and vessel-inspection laws.*
- Sec. 606. Extension of maritime security fleet program.*
- Sec. 607. Maritime workforce study.*
- Sec. 608. Maritime administration vessel recycling contract award practices.*
- Sec. 609. Requirement for barge design.*

*TITLE VII—MISCELLANEOUS*

- Sec. 701. Limitation on availability of funds for procurement of alternative fuel.*
- Sec. 702. Passenger vessel security and safety requirements.*
- Sec. 703. Oil spill liability trust fund investment amount.*
- Sec. 704. Vessel determinations.*
- Sec. 705. Alteration of bridge obstructing navigation.*
- Sec. 706. Notice of arrival.*
- Sec. 707. Waivers.*
- Sec. 708. Budgetary effects.*
- Sec. 709. Technical amendments.*

1           **TITLE I—AUTHORIZATION**

2   **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

3           (a) *FISCAL YEAR 2013.*—*Funds are authorized to be*  
4 *appropriated for fiscal year 2013 for necessary expenses of*  
5 *the Coast Guard as follows:*

6                   (1) *For the operation and maintenance of the*  
7 *Coast Guard, \$7,077,783,000 of which \$24,500,000 is*  
8 *authorized to be derived from the Oil Spill Liability*  
9 *Trust Fund to carry out the purposes of section*  
10 *1012(a)(5) of the Oil Pollution Act of 1990 (33*  
11 *U.S.C. 2712(a)(5)).*

12                   (2) *For the acquisition, construction, rebuilding,*  
13 *renovation, and improvement of aids to navigation,*  
14 *shore and offshore facilities, vessels, and aircraft, in-*  
15 *cluding equipment related thereto, \$1,421,924,000 of*  
16 *which—*

17                           (A) *\$20,000,000 shall be derived from the*  
18 *Oil Spill Liability Trust Fund to carry out the*  
19 *purposes of section 1012(a)(5) of the Oil Pollu-*  
20 *tion Act of 1990 (33 U.S.C. 2712(a)(5)), to re-*  
21 *main available until expended;*

22                           (B) *\$642,000,000 is authorized to acquire,*  
23 *effect major repairs to, renovate, or improve ves-*  
24 *sels, small boats, and related equipment;*

1           (C) \$289,000,000 is authorized to acquire,  
2           effect major repairs to, renovate, or improve air-  
3           craft or increase aviation capability;

4           (D) \$166,140,000 is authorized for other  
5           equipment;

6           (E) \$213,692,000 is authorized for shore fa-  
7           cilities, aids to navigation facilities, and mili-  
8           tary housing, of which not more than  
9           \$14,000,000 shall be derived from the Coast  
10          Guard Housing Fund; and

11          (F) \$110,192,000 is authorized for per-  
12          sonnel compensation and benefits and related  
13          costs.

14          (3) For research, development, testing, and eval-  
15          uation of technologies, materials, and human factors  
16          directly related to improving the performance of the  
17          Coast Guard's mission in search and rescue, aids to  
18          navigation, marine safety, marine environmental  
19          protection, enforcement of laws and treaties, ice oper-  
20          ations, oceanographic research, and defense readiness,  
21          \$19,779,000.

22          (4) For retired pay (including the payment of  
23          obligations otherwise chargeable to lapsed appropria-  
24          tions for this purpose), payments under the Retired  
25          Serviceman's Family Protection and Survivor Benefit

1 *Plans, and payments for medical and dental care of*  
2 *retired personnel and their dependents under chapter*  
3 *55 of title 10, United States Code, \$1,440,157,000, to*  
4 *remain available until expended.*

5 *(5) For alteration or removal of bridges over*  
6 *navigable waters of the United States constituting ob-*  
7 *structions to navigation, and for personnel and ad-*  
8 *ministrative costs associated with the Alteration of*  
9 *Bridges Program, \$16,000,000.*

10 *(6) For environmental compliance and restora-*  
11 *tion functions under chapter 19 of title 14, United*  
12 *States Code, \$16,699,000.*

13 *(7) For operation and maintenance of the Coast*  
14 *Guard Reserve program, \$136,778,000.*

15 *(b) FISCAL YEAR 2014.—Funds are authorized to be*  
16 *appropriated for fiscal year 2014 for necessary expenses of*  
17 *the Coast Guard as follows:*

18 *(1) For the operation and maintenance of the*  
19 *Coast Guard, \$7,077,783,000 of which \$24,500,000 is*  
20 *authorized to be derived from the Oil Spill Liability*  
21 *Trust Fund to carry out the purposes of section*  
22 *1012(a)(5) of the Oil Pollution Act of 1990 (33*  
23 *U.S.C. 2712(a)(5)).*

24 *(2) For the acquisition, construction, rebuilding,*  
25 *renovation, and improvement of aids to navigation,*

1 *shore and offshore facilities, vessels, and aircraft, in-*  
2 *cluding equipment related thereto, \$1,421,924,000 of*  
3 *which—*

4 *(A) \$20,000,000 shall be derived from the*  
5 *Oil Spill Liability Trust Fund to carry out the*  
6 *purposes of section 1012(a)(5) of the Oil Pollu-*  
7 *tion Act of 1990 (33 U.S.C. 2712(a)(5)), to re-*  
8 *main available until expended;*

9 *(B) \$642,000,000 is authorized to acquire,*  
10 *effect major repairs, renovate, or improve vessels,*  
11 *small boats, and related equipment;*

12 *(C) \$289,000,000 is authorized to acquire,*  
13 *effect major repairs, renovate, or improve air-*  
14 *craft or increase aviation capability;*

15 *(D) \$166,140,000 is authorized for other*  
16 *equipment;*

17 *(E) \$213,692,000 is authorized for shore fa-*  
18 *cilities, aids to navigation facilities, and mili-*  
19 *tary housing, of which not more than*  
20 *\$14,000,000 shall be derived from the Coast*  
21 *Guard Housing Fund; and*

22 *(F) \$110,192,000 is authorized for per-*  
23 *sonnel compensation and benefits and related*  
24 *costs.*

1           (3) *For research, development, testing, and eval-*  
2 *uation of technologies, materials, and human factors*  
3 *directly related to improving the performance of the*  
4 *Coast Guard's mission in search and rescue, aids to*  
5 *navigation, marine safety, marine environmental*  
6 *protection, enforcement of laws and treaties, ice oper-*  
7 *ations, oceanographic research, and defense readiness,*  
8 *\$19,779,000.*

9           (4) *For retired pay (including the payment of*  
10 *obligations otherwise chargeable to lapsed appropria-*  
11 *tions for this purpose), payments under the Retired*  
12 *Serviceman's Family Protection and Survivor Benefit*  
13 *Plans, and payments for medical and dental care of*  
14 *retired personnel and their dependents under chapter*  
15 *55 of title 10, United States Code, \$1,440,157,000 to*  
16 *remain available until expended.*

17           (5) *For alteration or removal of bridges over*  
18 *navigable waters of the United States constituting ob-*  
19 *structions to navigation, and for personnel and ad-*  
20 *ministrative costs associated with the Alteration of*  
21 *Bridges Program, \$16,000,000.*

22           (6) *For environmental compliance and restora-*  
23 *tion functions under chapter 19 of title 14, United*  
24 *States Code, \$16,699,000.*

1           (7) *For operation and maintenance of the Coast*  
2           *Guard Reserve program, \$136,778,000.*

3   **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
4           **AND TRAINING.**

5           (a) *FISCAL YEAR 2013.—*

6           (1) *ACTIVE DUTY STRENGTH.—The Coast Guard*  
7           *is authorized an end-of-year strength for active duty*  
8           *personnel of 47,000 for the fiscal year ending on Sep-*  
9           *tember 30, 2013.*

10          (2) *MILITARY TRAINING STUDENT LOADS.—For*  
11          *fiscal year 2013, the Coast Guard is authorized aver-*  
12          *age military training student loads as follows:*

13               (A) *For recruit and special training, 2,500*  
14               *student years.*

15               (B) *For flight training, 165 student years.*

16               (C) *For professional training in military*  
17               *and civilian institutions, 350 student years.*

18               (D) *For officer acquisition, 1,200 student*  
19               *years.*

20          (b) *FISCAL YEAR 2014.—*

21          (1) *ACTIVE DUTY STRENGTH.—The Coast Guard*  
22          *is authorized an end-of-year strength for active duty*  
23          *personnel of 49,350 for the fiscal year ending on Sep-*  
24          *tember 30, 2014.*



1           (2) *MILITARY TRAINING STUDENT LOADS.*—*For*  
2 *fiscal year 2014, the Coast Guard is authorized aver-*  
3 *age military training student loads as follows:*

4           (A) *For recruit and special training, 2,625*  
5 *student years.*

6           (B) *For flight training, 173 student years.*

7           (C) *For professional training in military*  
8 *and civilian institutions, 368 student years.*

9           (D) *For officer acquisition, 1,260 student*  
10 *years.*

## 11           **TITLE II—ORGANIZATION**

### 12   **SEC. 201. COAST GUARD AUTHORITY TO OPERATE AND** 13           **MAINTAIN COAST GUARD ASSETS.**

14           (a) *IN GENERAL.*—*Section 93 of title 14, United*  
15 *States Code, is amended by adding at the end the following:*

16           “(e) *OPERATION AND MAINTENANCE OF COAST GUARD*  
17 *ASSETS AND FACILITIES.*—*All authority, including pro-*  
18 *grammatic budget authority, for the operation and mainte-*  
19 *nance of Coast Guard vessels, aircraft, systems, aids to*  
20 *navigation, infrastructure, and any other Coast Guard as-*  
21 *sets or facilities, shall be allocated to and vested in the Coast*  
22 *Guard and the department in which the Coast Guard is*  
23 *operating.”.*

1 **SEC. 202. CLARIFICATION OF COAST GUARD ICE OPER-**  
2 **ATIONS MISSION.**

3 (a) *COAST GUARD PROVISION OF FEDERAL*  
4 *ICEBREAKING SERVICES.*—Chapter 5 of title 14, United  
5 States Code, is amended by inserting after section 86 the  
6 following:

7 **“§ 87. Provision of icebreaking services**

8 “(a) *IN GENERAL.*—Notwithstanding any other provi-  
9 sion of law, except as provided in subsection (b), the Coast  
10 Guard shall be the sole supplier of icebreaking services, on  
11 an advancement or reimbursable basis, to each Federal  
12 agency that requires icebreaking services.

13 “(b) *EXCEPTION.*—In the event that a Federal agency  
14 requires icebreaking services and the Coast Guard is unable  
15 to provide the services, the Federal agency may acquire  
16 icebreaking services from another entity.”

17 (b) *PRIORITY OF COAST GUARD MISSIONS IN POLAR*  
18 *REGIONS.*—

19 (1) *SECTION 110.*—Section 110(b)(2) of the *Arc-*  
20 *tic Research and Policy Act of 1984 (15 U.S.C.*  
21 *4109(b)(2)) is amended—*

22 (A) by inserting “to execute the statutory  
23 missions of the Coast Guard and” after “need-  
24 ed”; and

25 (B) by inserting “and all budget authority  
26 related to such operations” after “projects,”.

1           (2) *SECTION 312.*—*Section 312(c) of the Ant-*  
2 *arctic Marine Living Resources Convention Act of*  
3 *1984 (16 U.S.C. 2441(c)) is amended by inserting “to*  
4 *execute the statutory missions of the Coast Guard*  
5 *and” after “needed”.*

6           (c) *CONFORMING AMENDMENT.*—*The table of contents*  
7 *for chapter 5 of title 14, United States Code, is amended*  
8 *by inserting after the item relating to section 86 the fol-*  
9 *lowing:*

*“87. Provision of icebreaking services.”.*

## 10           ***TITLE III—PERSONNEL***

### 11 ***SEC. 301. ACQUISITION WORKFORCE EXPEDITED HIRING*** 12 ***AUTHORITY.***

13           *Section 404 of the Coast Guard Authorization Act of*  
14 *2010 (124 Stat. 2950) is amended—*

15           (1) *in subsection (a)(1), by striking “as shortage*  
16 *category positions” and inserting “as positions for*  
17 *which there is a shortage of candidates or a critical*  
18 *hiring need”; and*

19           (2) *in subsection (b)—*

20           (A) *by striking “paragraph” and inserting*  
21 *“section”; and*

22           (B) *by striking “2012” and inserting*  
23 *“2015”.*

1 **SEC. 302. OFFICERS RECOMMENDED FOR PROMOTION.**

2 *Section 259(c)(1) of title 14, United States Code, is*  
3 *amended by striking “After selecting” and inserting “In se-*  
4 *lecting”.*

5 **SEC. 303. ORIGINAL APPOINTMENT OF PERMANENT COM-**  
6 **MISSIONED OFFICERS.**

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

9 *“(d) For purposes of this section, the term ‘original’*  
10 *with respect to the appointment of a member of the Coast*  
11 *Guard refers to the member’s most recent appointment in*  
12 *the Coast Guard that is neither a promotion nor a demo-*  
13 *tion.”.*

14 **SEC. 304. ACADEMY PAY, ALLOWANCES, AND EMOLUMENTS.**

15 *Section 195 of title 14, United States Code, is amend-*  
16 *ed—*

17 *(1) by striking “person” each place it appears*  
18 *and inserting “foreign national”; and*

19 *(2) by striking “pay and allowances” each place*  
20 *it appears and inserting “pay, allowances, and*  
21 *emoluments”.*

22 **SEC. 305. ACADEMY POLICY ON SEXUAL HARASSMENT AND**  
23 **SEXUAL VIOLENCE.**

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

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

3 “(a) *REQUIRED POLICY.—The Commandant shall di-*  
4 *rect the Superintendent of the Coast Guard Academy to pre-*  
5 *scribe a policy on sexual harassment and sexual violence*  
6 *applicable to the cadets and other personnel of the Coast*  
7 *Guard Academy.*

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

11 “(1) *Programs to promote awareness of the inci-*  
12 *dence of rape, acquaintance rape, and other sexual of-*  
13 *fenses 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, including how any records, statistics, or re-*  
18 *ports intended for public release will be formatted*  
19 *such that the confidentiality of victims is not jeopard-*  
20 *ized.*

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

24 “(A) *if the cadet or other Academy per-*  
25 *sonnel chooses to report an occurrence of sexual*  
26 *harassment or sexual violence, a specification of*

1           *the person or persons to whom the alleged offense*  
2           *should be reported and options for confidential*  
3           *reporting, including written information to be*  
4           *given to victims which explains how the Coast*  
5           *Guard and the Academy will protect the con-*  
6           *fidentiality of victims;*

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

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

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

15          *“(5) Any other sanction authorized to be imposed*  
16          *in a substantiated case of sexual harassment or sexual*  
17          *violence involving a cadet or other Academy personnel*  
18          *in rape, acquaintance rape, or other criminal sexual*  
19          *offence, whether forcible or nonforcible.*

20          *“(6) Required training on the policy for all ca-*  
21          *dets and other Academy personnel who process allega-*  
22          *tions of sexual harassment or sexual violence involv-*  
23          *ing 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 to*  
4           *determine the effectiveness of the policies of the Acad-*  
5           *emy with respect to sexual harassment and sexual vi-*  
6           *olence involving cadets and other Academy personnel.*

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

12                   “(A) *to measure—*

13                           “(i) *the incidence, during that pro-*  
14                           *gram year, of sexual harassment and sexual*  
15                           *violence events, on or off the Academy res-*  
16                           *ervation, that have been reported to an offi-*  
17                           *cial of the Academy; and*

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

23                   “(B) *to assess the perceptions of the cadets*  
24           *and other Academy personnel of—*

1           “(i) the policies, training, and proce-  
2           dures on sexual harassment and sexual vio-  
3           lence involving cadets and other Academy  
4           personnel;

5           “(ii) the enforcement of such policies;

6           “(iii) the incidence of sexual harass-  
7           ment and sexual violence involving cadets  
8           and other Academy personnel; and

9           “(iv) any other issues relating to sex-  
10          ual harassment and sexual violence involv-  
11          ing cadets and other Academy personnel.

12       “(d) *REPORT.*—

13           “(1) *IN GENERAL.*—The Commandant shall di-  
14           rect the Superintendent of the Coast Guard Academy  
15           to submit to the Commandant a report on sexual har-  
16           assment and sexual violence involving cadets or other  
17           Academy personnel for each Academy program year.

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

21           “(A) The number of sexual assaults, rapes,  
22           and other sexual offenses involving cadets or  
23           other Academy personnel that have been reported  
24           to Coast Guard Academy officials during the



1           *Academy program year and, of those reported*  
2           *cases, the number that have been substantiated.*

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

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

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

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

19                  “(B) *the Committee on Transportation and*  
20                  *Infrastructure of the House of Representatives.*

21          “(5) *FOCUS GROUPS.—*

22                  “(A) *IN GENERAL.—In each even-numbered*  
23                  *calendar year that the Superintendent is not re-*  
24                  *quired to conduct a survey at the Academy*  
25                  *under subsection (c)(2), the Commandant shall*

1           *require focus groups to be conducted at the Acad-*  
2           *emy for the purposes of ascertaining information*  
3           *relating to sexual assault and sexual harassment*  
4           *issues at the Academy.*

5           “(B) *INCLUSION IN REPORTS.*—*Information*  
6           *derived from a focus group under subparagraph*  
7           *(A) shall be included in the Commandant’s re-*  
8           *port under this subsection.*

9           “(e) *VICTIM CONFIDENTIALITY.*—*To the extent that in-*  
10          *formation collected under authority of this section is re-*  
11          *ported or otherwise made available to the public, such infor-*  
12          *mation shall be provided in a form that is consistent with*  
13          *applicable privacy protections under Federal law and does*  
14          *not jeopardize the confidentiality of victims.”.*

15          (b) *CONFORMING AMENDMENT.*—*The table of contents*  
16          *for chapter 9 of title 14, United States Code, is amended*  
17          *by inserting after the item relating to section 199 the fol-*  
18          *lowing:*

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

19          **SEC. 306. COAST GUARD AUXILIARISTS ENROLLMENT ELIGI-**  
20    **BILITY.**

21          *Section 823 of title 14, United States Code, is amended*  
22          *to read as follows:*

23          “**§ 823. Eligibility, enrollments**

24                 *“The Auxiliary shall be composed of nationals of the*  
25          *United States, as defined in section 101(a)(22) of the Imm-*

1 *gration and Nationality Act (8 U.S.C. 1101(a)(22)), and*  
 2 *of aliens lawfully admitted for permanent residence, as de-*  
 3 *finied in section 101(a)(20) of the Immigration and Nation-*  
 4 *ality Act (8 U.S.C. 1101(a)(20))—*

5           “(1) *who are owners, sole or part, of motorboats,*  
 6           *yachts, aircraft, or radio stations; or*

7           “(2) *who by reason of their special training or*  
 8           *experience are deemed by the Commandant to be*  
 9           *qualified for duty in the Auxiliary, and who may be*  
 10           *enrolled therein pursuant to applicable regulations.”.*

## 11       **TITLE IV—ADMINISTRATION**

### 12       **SEC. 401. ADVANCE PROCUREMENT FUNDING.**

13       *With respect to any Coast Guard vessel for which*  
 14 *amounts are appropriated or otherwise made available for*  
 15 *vessels for the Coast Guard in any fiscal year, the Secretary*  
 16 *may enter into a contract or place an order, in advance*  
 17 *of a contract or order for construction of a vessel, for—*

18           (1) *materials, parts, components, and effort for*  
 19           *the vessel;*

20           (2) *advance construction of parts or components*  
 21           *for the vessel;*

22           (3) *protection and storage of materials, parts, or*  
 23           *components for the vessel; and*

1           (4) *production planning, design, and other re-*  
2           *lated support services that reduce the overall procure-*  
3           *ment lead time of the vessel.*

4 **SEC. 402. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
5                   **COAST GUARD NATIONAL SECURITY CUT-**  
6                   **TERS.**

7           (a) *IN GENERAL.*—*Beginning with the fiscal year*  
8           *2013 program year, the Secretary of the department in*  
9           *which the Coast Guard is operating may enter, under sec-*  
10          *tion 2306b of title 10, United States Code, into a multiyear*  
11          *contract for the procurement of Coast Guard National Secu-*  
12          *rity Cutters and government-furnished equipment associ-*  
13          *ated with the National Security Cutter program.*

14          (b) *LIMITATION.*—*The Secretary may not enter into*  
15          *a contract under subsection (a) until—*

16                 (1) *the Secretary submits to the Committee on*  
17                 *Commerce, Science, and Transportation of the Senate*  
18                 *and the Committee on Transportation and Infrastruc-*  
19                 *ture of the House of Representatives a certification*  
20                 *that the Secretary has made, with respect to the con-*  
21                 *tract, each of the findings under section 2306b(a) of*  
22                 *title 10, United States Code, such as the analysis re-*  
23                 *ferred to under subsection (c) of this section; and*

1           (2) a period of 30 days has elapsed after the date  
2           that the Secretary submits the certification under  
3           paragraph (1).

4           (c) *DETERMINATION OF SUBSTANTIAL SAVINGS.*—In  
5           conducting an analysis of substantial savings under section  
6           2306b(a)(1) of title 10, United States Code, the Secretary—

7           (1) may not limit the analysis to a simple per-  
8           centage-based metric; and

9           (2) shall employ a full-scale analysis of cost  
10          avoidance—

11           (A) based on a multiyear procurement; and

12           (B) taking into account the potential benefit  
13          any accrued savings might have for future ship-  
14          building programs if the cost avoidance savings  
15          were subsequently utilized for further ship con-  
16          struction.

17 **SEC. 403. REQUIREMENT TO MAINTAIN UNITED STATES**  
18 **POLAR ICEBREAKING CAPABILITY.**

19          (a) *CURRENT ICEBREAKER MAINTENANCE.*—Until  
20          new heavy icebreakers are acquired for operation by the  
21          Coast Guard, in order to meet Coast Guard mission re-  
22          quirements, the Commandant of the Coast Guard may  
23          not—

24           (1) transfer, relinquish ownership of, dismantle,  
25          or recycle the POLAR SEA or POLAR STAR;

1           (2) *remove any part of the POLAR SEA unless*  
2 *it will be installed on the POLAR STAR before it is*  
3 *put in “active” status and the Commandant certifies*  
4 *to the Committee on Commerce, Science, and Trans-*  
5 *portation of the Senate and the Committee on Trans-*  
6 *portation and Infrastructure of the House of Rep-*  
7 *resentatives that it is not possible for the POLAR*  
8 *STAR to function properly without doing so;*

9           (3) *change the existing homeport of any Coast*  
10 *Guard icebreaker; or*

11           (4) *expend any funds—*

12                 (A) *for any expenses directly or indirectly*  
13 *associated with the decommissioning of either of*  
14 *the vessels, including expenses for dock use or*  
15 *other goods and services;*

16                 (B) *for any personnel expenses directly or*  
17 *indirectly associated with the decommissioning*  
18 *of either of the vessels, including expenses for a*  
19 *decommissioning officer;*

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

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

24                 (E) *to place either of the vessels in inactive*  
25 *status.*

1       (b) *REIMBURSEMENT.*—Nothing in this section shall  
2 preclude the Secretary from seeking reimbursement for oper-  
3 ation and maintenance costs of the polar icebreakers from  
4 other Federal agencies and entities, including foreign gov-  
5 ernments, that benefit from the use of the polar icebreakers.

6 **SEC. 404. NATIONAL RESPONSE FUNCTIONS.**

7       (a) *IN GENERAL.*—Section 311 of the Federal Water  
8 Pollution Control Act (33 U.S.C. 1321) is amended—

9               (1) in subsection (a)—

10                       (A) by striking paragraph (23); and

11                       (B) redesignating paragraphs (24) through  
12 (26) as paragraphs (23) through (25), respec-  
13 tively;

14               (2) in subsection (j)(2), by striking “National  
15 Response Unit.” through “acting through the Na-  
16 tional Response Unit” and inserting the following:

17                       “(2) *NATIONAL RESPONSE FUNCTIONS.*—The Sec-  
18 retary of the department in which the Coast Guard  
19 is operating—”; and

20               (3) in subsection (j)(4)(C)(vi), by striking “, and  
21 into operating procedures of the National Response  
22 Unit”.

23       (b) *CONFORMING AMENDMENT.*—Section 4202(b) of  
24 the Oil Pollution Act of 1990 (33 U.S.C. 1321 note) is  
25 amended—

1           (1) by striking paragraph (2); and  
2           (2) by redesignating paragraphs (3) and (4) as  
3           paragraphs (2) and (3), respectively.

4 **SEC. 405. NATIONAL RESPONSE CENTER NOTIFICATION RE-**  
5 **QUIREMENTS.**

6           *The Ohio River Valley Water Sanitation Commission,*  
7 *established pursuant to the Ohio River Valley Water Sani-*  
8 *tation Compact authorized by House Joint Resolution 377,*  
9 *74th Congress, agreed to June 8, 1936 (49 Stat. 1490), and*  
10 *consented to and approved by Congress in the Act of July*  
11 *11, 1940 (54 Stat. 752), is deemed a Government agency*  
12 *for purposes of the notification requirements of section 103*  
13 *of the Comprehensive Environmental Response, Compensa-*  
14 *tion, and Liability Act of 1980 (42 U.S.C. 9603). The Na-*  
15 *tional Response Center shall convey notification, including*  
16 *complete and un-redacted incident reports, expeditiously to*  
17 *the Commission regarding each release in or affecting the*  
18 *Ohio River Basin for which notification to all appropriate*  
19 *Government agencies is required.*

20 **SEC. 406. CONFORMING AMENDMENT.**

21           *Section 210 of the Coast Guard and Maritime Trans-*  
22 *portation Act of 2006 (14 U.S.C. 93 note) is repealed.*



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

3 **SEC. 501. CENTRAL BERING SEA POTENTIAL PLACE OF REF-**  
4                           **UGE.**

5           (a) *CONSULTATION.*—Not later than 1 year after the  
6 date of enactment of this Act, the Commandant of the Coast  
7 Guard shall consult with appropriate Federal agencies and  
8 with State and local interests to determine what improve-  
9 ments, if any, are necessary to designate existing ice-free  
10 facilities (or infrastructure) in the Central Bering Sea as  
11 a fully functional, year-round Potential Place of Refuge for  
12 vessels with drafts up to 25 feet and lengths overall of up  
13 to 450 feet.

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

18           (c) *REPORT.*—Not later than 90 days after making the  
19 determination under subsection (a), the Commandant shall  
20 inform the Committee on Commerce, Science, and Trans-  
21 portation of the Senate and the Committee on Transpor-  
22 tation and Infrastructure of the House of Representatives  
23 in writing of the findings under subsection (a).

1 **SEC. 502. PROTECTION AND FAIR TREATMENT OF SEA-**  
2 **FARERS.**

3 (a) *IN GENERAL.*—Chapter 111 of title 46, United  
4 States Code, is amended by adding at the end the following:

5 **“§ 11113. Protection and fair treatment of seafarers**

6 “(a) *PURPOSE.*—The purpose of this section shall be  
7 to ensure the protection and fair treatment of seafarers.

8 “(b) *SPECIAL FUND.*—

9 “(1) *ESTABLISHMENT.*—There is established in  
10 the Treasury a special fund known as the Support of  
11 Seafarers Fund.

12 “(2) *USE OF AMOUNTS IN FUND.*—The amounts  
13 deposited into the Fund shall be available to the Sec-  
14 retary, without fiscal year limitation, to—

15 “(A) pay necessary support under sub-  
16 section (c)(1); and

17 “(B) reimburse a shipowner for necessary  
18 support under subsection (c)(2).

19 “(3) *AMOUNTS CREDITED TO FUND.*—Notwith-  
20 standing any other provision of law, the Fund may  
21 receive—

22 “(A) any moneys ordered to be paid to the  
23 Fund in the form of community service under  
24 section 8B1.3 of the United States Sentencing  
25 Guidelines Manual or to the extent permitted  
26 under paragraph (4); and

1           “(B) amounts reimbursed or recovered  
2           under subsection (e).

3           “(4) *PREREQUISITE FOR COMMUNITY SERVICE*  
4           *CREDITS.—The Fund may receive credits under para-*  
5           *graph (3)(A) if the unobligated balance of the Fund*  
6           *is less than \$5,000,000.*

7           “(5) *AUTHORIZATION OF APPROPRIATION.—*  
8           *There are authorized to be appropriated, from the*  
9           *Fund, for each fiscal year such sums as may be nec-*  
10          *essary for the purposes set forth in paragraph (2).*

11          “(6) *REPORT REQUIRED.—*

12           “(A) *IN GENERAL.—The Secretary shall*  
13           *submit to Congress, concurrent with the Presi-*  
14           *dent’s budget submission for a given fiscal year,*  
15           *a report that describes—*

16                   “(i) *the amounts credited to the Fund*  
17                   *under paragraph (3) for the preceding fiscal*  
18                   *year;*

19                   “(ii) *in detail, the activities for which*  
20                   *amounts were charged; and*

21                   “(iii) *the projected level of expenditures*  
22                   *from the Fund for the upcoming fiscal year,*  
23                   *based on—*

24                           “(I) *on-going activities; and*

1                   “(II) new cases, derived from his-  
2                   toric data.

3                   “(B) EXCEPTION.—Subparagraph (A) shall  
4                   not apply to obligations during the first fiscal  
5                   year during which amounts are credited to the  
6                   Fund.

7                   “(7) FUND MANAGER.—The Secretary shall des-  
8                   ignate a Fund manager. The Fund manager shall—

9                   “(A) ensure the visibility and account-  
10                  ability of transactions utilizing the Fund;

11                  “(B) prepare the report under paragraph  
12                  (6);

13                  “(C) monitor the unobligated balance of the  
14                  Fund; and

15                  “(D) provide notice to the Secretary and the  
16                  Attorney General whenever the unobligated bal-  
17                  ance of the Fund is less than \$5,000,000.

18                  “(c) AUTHORITY.—The Secretary may—

19                  “(1) pay, from amounts appropriated from the  
20                  Fund, necessary support of—

21                  “(A) a seafarer that—

22                          “(i) enters, remains, or is paroled into  
23                          the United States; and

24                          “(ii) is involved in an investigation,  
25                          reporting, documentation, or adjudication

1           of any matter that is related to the admin-  
2           istration or enforcement of any treaty, law,  
3           or regulation by the Coast Guard; and

4           “(B) a seafarer that the Secretary deter-  
5           mines was abandoned in the United States; and

6           “(2) reimburse, from amounts appropriated from  
7           the Fund, a shipowner that has provided necessary  
8           support of a seafarer who has been paroled into the  
9           United States to facilitate an investigation, reporting,  
10          documentation, or adjudication of any matter that is  
11          related to the administration or enforcement of any  
12          treaty, law, or regulation by the Coast Guard, for the  
13          costs of necessary support if the Secretary determines  
14          that reimbursement is necessary to avoid serious in-  
15          justice.

16          “(d) *LIMITATION.*—Nothing in this section shall be  
17          construed—

18                 “(1) to create a right, benefit, or entitlement to  
19                 necessary support; or

20                 “(2) to compel the Secretary to pay or reimburse  
21                 the cost of necessary support.

22          “(e) *REIMBURSEMENT; RECOVERY.*—

23                 “(1) *IN GENERAL.*—A shipowner shall reimburse  
24                 the Fund an amount equal to the total amount paid  
25                 from the Fund for necessary support of a seafarer

1       *plus a surcharge of 25 percent of the total amount*  
2       *if—*

3               “(A) *the shipowner—*

4                       “(i) *during the course of an investiga-*  
5                       *tion, reporting, documentation, or adjudica-*  
6                       *tion of any matter that the Coast Guard re-*  
7                       *ferred to a United States Attorney or the*  
8                       *Attorney General, fails to provide necessary*  
9                       *support of a seafarer who was paroled into*  
10                      *the United States to facilitate the investiga-*  
11                      *tion, reporting, documentation, or adjudica-*  
12                      *tion; and*

13                      “(ii) *subsequently receives a criminal*  
14                      *penalty; or*

15               “(B) *the shipowner, under any cir-*  
16               *cumstance, abandons a seafarer in the United*  
17               *States, as determined by the Secretary.*

18               “(2) *ENFORCEMENT.—If a shipowner fails to re-*  
19               *imburse the Fund under paragraph (1), the Secretary*  
20               *may—*

21                      “(A) *proceed in rem against any vessel of*  
22                      *the shipowner in the Federal district court for*  
23                      *the district in which the vessel is found; and*

1           “(B) withhold or revoke the clearance re-  
2           quired under section 60105 of any vessel of the  
3           shipowner wherever the vessel is found.

4           “(3) REMEDY.—A vessel may obtain clearance  
5           from the Secretary after it is withheld or revoked  
6           under paragraph (2)(B) if the shipowner reimburses  
7           the Fund the amount required under paragraph (1).

8           “(f) BOND AND SURETY.—

9           “(1) AUTHORITY.—The Secretary may require a  
10          bond or a surety satisfactory as an alternative to  
11          withholding or revoking clearance under subsection  
12          (e) if, in the opinion of the Secretary, the bond or  
13          surety satisfactory is necessary to facilitate an inves-  
14          tigation, reporting, documentation, or adjudication of  
15          any matter that is related to the administration or  
16          enforcement of any treaty, law, or regulation by the  
17          Coast Guard.

18          “(2) SURETY CORPORATIONS.—A surety corpora-  
19          tion may provide a bond or surety satisfactory under  
20          paragraph (1) if the surety corporation is authorized  
21          by the Secretary of the Treasury under section 9305  
22          of title 31 to provide surety bonds under section 9304  
23          of title 31.

24          “(3) APPLICATION.—The authority to require a  
25          bond or surety satisfactory or to request the with-

1 *holding or revocation of the clearance under sub-*  
2 *section (e) applies to any investigation, reporting,*  
3 *documentation, or adjudication of any matter that is*  
4 *related to the administration or enforcement of any*  
5 *treaty, law, or regulation by the Coast Guard.*

6 “(g) *DEFINITIONS.—In this section:*

7 “(1) *ABANDONS; ABANDONED.—The term ‘aban-*  
8 *dons’ or ‘abandoned’ means—*

9 “(A) *a shipowner’s unilateral severance of*  
10 *ties with a seafarer; or*

11 “(B) *a shipowner’s failure to provide nec-*  
12 *essary support of a seafarer.*

13 “(2) *BOND OR SURETY SATISFACTORY.—The*  
14 *term ‘bond or surety satisfactory’ means a negotiated*  
15 *instrument, the terms of which may, at the discretion*  
16 *of the Secretary, include provisions that require a*  
17 *shipowner—*

18 “(A) *to provide necessary support of a sea-*  
19 *farer who has or may have information perti-*  
20 *nent to an investigation, reporting, documenta-*  
21 *tion, or adjudication of any matter that is re-*  
22 *lated to the administration or enforcement of*  
23 *any treaty, law, or regulation by the Coast*  
24 *Guard;*



1           “(B) to facilitate an investigation, report-  
2           ing, documentation, or adjudication of any mat-  
3           ter that is related to the administration or en-  
4           forcement of any treaty, law, or regulation by  
5           the Coast Guard;

6           “(C) to stipulate to certain incontrovertible  
7           facts, including the ownership or operation of the  
8           vessel, or the authenticity of documents and  
9           things from the vessel;

10          “(D) to facilitate service of correspondence  
11          and legal papers;

12          “(E) to enter an appearance in United  
13          States district court;

14          “(F) to comply with directions regarding  
15          payment of funds;

16          “(G) to name an agent in the United States  
17          for service of process;

18          “(H) to stipulate in United States district  
19          court as to the authenticity of certain documents;

20          “(I) to provide assurances that no discrimi-  
21          natory or retaliatory measures will be taken  
22          against a seafarer involved in an investigation,  
23          reporting, documentation, or adjudication of any  
24          matter that is related to the administration or

1           *enforcement of any treaty, law, or regulation by*  
2           *the Coast Guard;*

3           “(J) *to provide financial security in the*  
4           *form of cash, bond, or other means acceptable to*  
5           *the Secretary; and*

6           “(K) *to provide for any other appropriate*  
7           *measures as the Secretary considers necessary to*  
8           *ensure the Government is not prejudiced by*  
9           *granting the clearance required under section*  
10          *60105 of title 46.*

11          “(3) *FUND.—The term ‘Fund’ means the Sup-*  
12          *port of Seafarers Fund established under this section.*

13          “(4) *NECESSARY SUPPORT.—The term ‘necessary*  
14          *support’ means normal wages, lodging, subsistence,*  
15          *clothing, medical care (including hospitalization), re-*  
16          *patriation, and any other expense the Secretary con-*  
17          *siders appropriate.*

18          “(5) *SEAFARER.—The term ‘seafarer’ means an*  
19          *alien crewman who is employed or engaged in any*  
20          *capacity on board a vessel subject to the jurisdiction*  
21          *of the United States. A seafarer is a claimant for the*  
22          *purposes of section 30509.*

23          “(6) *SHIPOWNER.—The term ‘shipowner’ means*  
24          *an individual or entity that owns, has an ownership*

1       *interest in, or operates a vessel subject to the jurisdic-*  
2       *tion of the United States.*

3               “(7) *VESSEL SUBJECT TO THE JURISDICTION OF*  
4       *THE UNITED STATES.—The term ‘vessel subject to the*  
5       *jurisdiction of the United States’ has the meaning*  
6       *given the term in section 70502(c), except that it ex-*  
7       *cludes—*

8               “(A) *a vessel—*

9                       “(i) *that is owned by the United*  
10                      *States, a State or political subdivision*  
11                      *thereof, or a foreign nation; and*

12                      “(ii) *that is not engaged in commerce;*  
13                      *and*

14               “(B) *a bareboat—*

15                      “(i) *that is chartered and operated by*  
16                      *the United States, a State or political sub-*  
17                      *division thereof, or a foreign nation; and*

18                      “(ii) *that is not engaged in commerce.*

19       “(h) *REGULATIONS.—The Secretary may prescribe*  
20       *regulations to implement this section.”.*

21       (b) *CONFORMING AMENDMENT.—The table of contents*  
22       *for chapter 111 of title 46, United States Code, is amended*  
23       *by inserting after the item relating to section 11112 the fol-*  
24       *lowing:*

      “11113. *Protection and fair treatment of seafarers.”.*

1       (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
2 *authorized to be appropriated to the Support of Seafarers*  
3 *Fund \$1,500,000 for each of fiscal years 2013 and 2014.*

4 **SEC. 503. DELEGATION OF AUTHORITY.**

5       *Section 3316 of title 46, United States Code, is amend-*  
6 *ed—*

7           (1) *in subsection (b)(2)—*

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

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

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

13               “(C) *if the Secretary of State determines*  
14 *that the foreign classification society does not*  
15 *provide comparable services in or for the govern-*  
16 *ment of a country designated by the Secretary of*  
17 *State as a State Sponsor of Terrorism.”;*

18           (2) *in subsection (d)(2)—*

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

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

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

24               “(C) *if the Secretary of State determines*  
25 *that the foreign classification society does not*

1           *provide comparable services in or for the govern-*  
 2           *ment of a country designated by the Secretary of*  
 3           *State as a State Sponsor of Terrorism.”; and*  
 4           *(3) by adding at the end the following—*

5           *“(e) The Secretary shall revoke an existing delegation*  
 6           *made to a classification society under subsection (b) or (d)*  
 7           *if the Secretary of State determines that the classification*  
 8           *society provides comparable services in or for the govern-*  
 9           *ment of a country designated by the Secretary of State as*  
 10          *a State Sponsor of Terrorism.”.*

11   **SEC. 504. REPORT ON ESTABLISHMENT OF ARCTIC DEEP**  
 12                           **WATER PORT.**

13          *(a) STUDY.—The Commandant of the Coast Guard*  
 14          *shall conduct a study on the feasibility and potential of es-*  
 15          *tablishing a deep water sea port in the Arctic to protect*  
 16          *and advance strategic United States interests within the*  
 17          *Arctic region.*

18          *(b) SCOPE.—The study under subsection (a) shall in-*  
 19          *clude an analysis of—*

20                  *(1) the capability that a deep water sea port*  
 21                  *would provide;*

22                  *(2) the potential and optimum locations for the*  
 23                  *port;*

24                  *(3) the resources needed to establish the port;*

25                  *(4) the time frame needed to establish the port;*

1           (5) *the infrastructure required to support the*  
2     *port; and*

3           (6) *any other issues the Secretary considers nec-*  
4     *essary to complete the study.*

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

11    **SEC. 505. RISK ANALYSIS OF TRANSPORTING CANADIAN OIL**

12                           **SANDS.**

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

19           (b) *SCOPE.*—*The analysis required under subsection*  
20     *(a) shall, at a minimum, consider—*

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

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

4           (3) *the rules and 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 in such waterways and adjacent Canadian*  
8 *waters;*

9           (4) *the rules and 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 in*  
13 *such waterways and adjacent Canadian waters;*

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

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

21           (7) *the agreement between the United States and*  
22 *Canada that outlines requirements for laden tank ves-*  
23 *sels to be escorted by tug boats;*

24           (8) *whether oil extracted from oil sands has dif-*  
25 *ferent properties from other types of oil, including*

1       *toxicity and other properties, which may require dif-*  
2       *ferent maritime clean up technologies;*

3             *(9) a risk assessment of the increasing super-*  
4       *tanker, tanker, and barge traffic associated with Ca-*  
5       *nadian oil sands development or expected to be associ-*  
6       *ated with Canadian oil sands development; and*

7             *(10) the potential costs and benefits to the U.S.*  
8       *public and the private sector of maritime transpor-*  
9       *tation of oil sands products.*

10       *(c) CONSULTATION REQUIREMENT.—In conducting the*  
11       *analysis required under this section, the Commandant shall*  
12       *consult with the State of Washington and affected tribal*  
13       *governments. The Commandant is also strongly encouraged*  
14       *to consult with the Secretary of State.*

15       *(d) REPORT.—Not later than 180 days after the date*  
16       *of enactment of this Act, the Commandant shall submit a*  
17       *report based on the analysis required under this section to*  
18       *the Committee on Commerce, Science, and Transportation*  
19       *of the Senate and the Committee on Transportation and*  
20       *Infrastructure of the House of Representatives.*

21       **SEC. 506. ELIGIBILITY TO RECEIVE SURPLUS TRAINING**  
22                                **EQUIPMENT.**

23        *Section 51103(b)(2)(C) of title 46, United States Code,*  
24        *is amended by inserting “or a training institution that is*  
25        *an instrumentality of a State, Territory, or Commonwealth*



1 *of the United States or District of Columbia or a unit of*  
2 *local government thereof” after “a non-profit training insti-*  
3 *tution”.*

4 **TITLE VI—MARITIME ADMINIS-**  
5 **TRATION AUTHORIZATION**

6 **SEC. 601. SHORT TITLE; AMENDMENT OF TITLE 46, UNITED**  
7 **STATES CODE.**

8 (a) *SHORT TITLE.*—*This title may be cited as the*  
9 *“Maritime Administration Authorization Act for Fiscal*  
10 *Year 2013”.*

11 (b) *AMENDMENT OF TITLE 46, UNITED STATES*  
12 *CODE.*—*Except as otherwise expressly provided, whenever*  
13 *in this title an amendment or repeal is expressed in terms*  
14 *of an amendment to, or a repeal of, a section or other provi-*  
15 *sion, the reference shall be considered to be made to a section*  
16 *or other provision of title 46, United States Code.*

17 **SEC. 602. MARINE TRANSPORTATION SYSTEM.**

18 (a) *REPORT ON STATUS OF SYSTEM.*—*Section*  
19 *50109(d) is amended to read as follows:*

20 *“(d) MARINE TRANSPORTATION SYSTEM.—*

21 *“(1) REPORT ON WATERWAYS.—Not later than*  
22 *October 1, 2013, the Secretary, in consultation with*  
23 *the Secretary of Defense and the commanding officer*  
24 *of the Army Corps of Engineers, and with the concu-*  
25 *rence of the Secretary of the department in which the*

1 *Coast Guard is operating, shall submit a report to the*  
2 *Committee on Commerce, Science, and Transpor-*  
3 *tation of the Senate and the Committee on Armed*  
4 *Services and the Committee on Transportation and*  
5 *Infrastructure of the House of Representatives on the*  
6 *status of the Nation’s coastal and inland waterways*  
7 *that—*

8 *“(A) describes the state of the United States’*  
9 *marine transportation infrastructure, including*  
10 *intercoastal infrastructure, intracoastal infra-*  
11 *structure, inland waterway infrastructure, ports,*  
12 *and marine facilities;*

13 *“(B) provides estimates of the investment*  
14 *levels required—*

15 *“(i) to maintain the infrastructure;*

16 *and*

17 *“(ii) to improve the infrastructure;*

18 *and*

19 *“(C) describes the overall environmental*  
20 *management of the maritime transportation sys-*  
21 *tem and the integration of environmental stew-*  
22 *ardship into the overall system.*

23 *“(2) MARINE TRANSPORTATION.—The Secretary*  
24 *may investigate, make determinations concerning,*  
25 *and develop a repository of statistical information re-*

1 *lating to marine transportation, including its rela-*  
2 *tionship to transportation by land and air, to facili-*  
3 *tate research, assessment, and maintenance of the*  
4 *maritime transportation system. As used in this*  
5 *paragraph, the term ‘marine transportation’ includes*  
6 *intercoastal transportation, intracoastal transpor-*  
7 *tation, inland waterway transportation, ports, and*  
8 *marine facilities.*

9 “(3) *AUTHORIZATION OF APPROPRIATIONS.—*

10 *There are authorized to be appropriated to the Sec-*  
11 *retary such sums as may be necessary to carry out*  
12 *this subsection.”.*

13 *(b) CONTAINER-ON-BARGE TRANSPORTATION.—*

14 *(1) ASSESSMENT AND REPORT.—Not later than*  
15 *6 months after the date of enactment of this Act, the*  
16 *Maritime Administration shall assess the potential for*  
17 *using container-on-barge transportation on the inland*  
18 *waterways system and submit a report, together with*  
19 *the Administration’s findings, conclusions, and rec-*  
20 *ommendations, to the Committee on Commerce,*  
21 *Science, and Transportation of the Senate and the*  
22 *Committee on Armed Services and the Committee on*  
23 *Transportation and Infrastructure of the House of*  
24 *Representatives. If the Administration determines*  
25 *that it would be in the public interest, the report may*

1 *include recommendations for a plan to increase*  
2 *awareness of the potential for use of such container-*  
3 *on-barge transportation and recommendations for the*  
4 *development and implementation of such a plan.*

5 (2) *FACTORS.*—*In conducting the assessment, the*  
6 *Administration shall consider—*

7 (A) *the environmental benefits of increasing*  
8 *container-on-barge movements on our inland and*  
9 *intracoastal waterways system;*

10 (B) *the regional differences in the inland*  
11 *waterways system;*

12 (C) *the existing programs established at*  
13 *coastal and Great Lakes ports for establishing*  
14 *awareness of deep sea shipping operations;*

15 (D) *the mechanisms to ensure that imple-*  
16 *mentation of the plan will not be inconsistent*  
17 *with antitrust laws; and*

18 (E) *the potential frequency of service at in-*  
19 *land river ports.*

20 **SEC. 603. SHORT SEA TRANSPORTATION PROGRAM AMEND-**  
21 **MENTS.**

22 (a) *PROGRAM PURPOSE.*—*Section 55601(a) is amend-*  
23 *ed by inserting “and to promote more efficient use of the*  
24 *navigable waters of the United States” after “congestion”.*

1       (b) *DESIGNATION OF ROUTES*.—Section 55601(c) is  
 2 amended by inserting “and to promote more efficient use  
 3 of the navigable waters of the United States” after “coastal  
 4 corridors”.

5       (c) *PROJECT DESIGNATION*.—Section 55601(d) is  
 6 amended to read as follows:

7       “(d) *PROJECT DESIGNATION*.—The Secretary may  
 8 designate a project as a short sea transportation project if  
 9 the Secretary determines that the project—

10               “(1) mitigates landside congestion; or

11               “(2) promotes more efficient use of the navigable  
 12 waters of the United States.”.

13       (d) *DOCUMENTATION*.—Section 55605 is amended by  
 14 striking “by vessel” and inserting “by a documented vessel”.

15 **SEC. 604. MARITIME ENVIRONMENTAL AND TECHNICAL AS-**  
 16 **SISTANCE PROGRAM.**

17       (a) *IN GENERAL*.—Chapter 503 is amended by adding  
 18 at the end the following:

19 **“§ 50307. Maritime environmental and technical as-**  
 20 **sistance program**

21       “(a) *IN GENERAL*.—The Secretary of Transportation  
 22 may establish a maritime environmental and technical as-  
 23 sistance program to engage in the environmental study, re-  
 24 search, development, assessment, and deployment of emerg-  
 25 ing marine technologies and practices related to the marine

1 *transportation system through the use of public vessels*  
2 *under the control of the Maritime Administration or pri-*  
3 *vate vessels under United States registry, and through part-*  
4 *nerships and cooperative efforts with academic, public, pri-*  
5 *vate, and non-governmental entities and facilities.*

6 “(b) *PROGRAM REQUIREMENTS.—The program*  
7 *shall—*

8 “(1) *identify, study, evaluate, test, demonstrate,*  
9 *or improve emerging marine technologies and prac-*  
10 *tices that are likely to achieve environmental im-*  
11 *provements by—*

12 “(A) *reducing air emissions, water emis-*  
13 *sions, or other ship discharges;*

14 “(B) *increasing fuel economy or the use of*  
15 *alternative fuels and alternative energy (includ-*  
16 *ing the use of shore power); or*

17 “(C) *controlling aquatic invasive species;*  
18 *and*

19 “(2) *be coordinated with the Environmental Pro-*  
20 *tection Agency, the United States Coast Guard, and*  
21 *other Federal, State, local, or tribal agencies, as ap-*  
22 *propriate.*

23 “(c) *PROGRAM COORDINATION.—Program coordina-*  
24 *tion under subsection (b)(2) may include—*

1           “(1) activities that are associated with the devel-  
2           opment or approval of validation and testing regimes;  
3           and

4           “(2) certification or validation of emerging tech-  
5           nologies or practices that demonstrate significant en-  
6           vironmental benefits.

7           “(d) *FUNDING AND FEES.*—

8           “(1) *IN GENERAL.*—In carrying out the mari-  
9           time environmental and technical assistance program,  
10          the Secretary of Transportation may apply such  
11          funds as may be appropriated and such funds or re-  
12          sources as may become available by gift, cooperative  
13          agreement, or otherwise, including the collection of  
14          fees, for the purposes of the program and its adminis-  
15          tration.

16          “(2) *ESTABLISHMENT OF FEES.*—Pursuant to  
17          section 9701 of title 31, the Secretary of Transpor-  
18          tation may promulgate regulations establishing fees to  
19          recover reasonable costs to the Secretary and to aca-  
20          demic, public, and non-governmental entities associ-  
21          ated with the program.

22          “(3) *FEE DEPOSIT.*—Any fees collected under  
23          this section shall be deposited in a special fund of the  
24          United States Treasury for services rendered under  
25          the program, which thereafter shall remain available

1           until expended to carry out the Secretary of Trans-  
2           portation's activities for which the fees were collected.

3           “(e) *REPORT.*—The Secretary of Transportation shall  
4           report on the activities, expenditures, and results of the  
5           maritime environmental and technical assistance program  
6           during the preceding fiscal year in the annual budget sub-  
7           mission to Congress.”.

8           (b) *CONFORMING AMENDMENT.*—The table of contents  
9           for chapter 503 is amended by inserting after the item relat-  
10          ing to section 50306 the following:

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

11 **SEC. 605. WAIVER OF NAVIGATION AND VESSEL-INSPEC-**  
12                                   **TION LAWS.**

13          Section 501(b) is amended by adding “A waiver shall  
14          be accompanied by a certification by the individual and  
15          the Administrator to the Committee on Commerce, Science,  
16          and Transportation and the Committee on Armed Services  
17          of the Senate, and the Committee on Transportation and  
18          Infrastructure and the Committee on Armed Services of the  
19          House of Representatives that it is not possible to use a  
20          United States flag vessel or United States flag vessels collec-  
21          tively to meet the national defense requirements.” after  
22          “prescribes.”.

23 **SEC. 606. EXTENSION OF MARITIME SECURITY FLEET PRO-**  
24                                   **GRAM.**

25          (a) Section 53101 is amended—



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

3           “(4) *FOREIGN COMMERCE.*—*The term ‘foreign*  
4 *commerce’ means—*

5                   “(A) *commerce or trade between the United*  
6 *States, its territories or possessions, or the Dis-*  
7 *trict of Columbia, and a foreign country; and*

8                   “(B) *commerce or trade between foreign*  
9 *countries.*”;

10          (2) *by striking paragraph (5);*

11          (3) *by redesignating paragraphs (6) through (13)*  
12 *as paragraphs (5) through (12), respectively; and*

13          (4) *by amending paragraph (5), as redesignated,*  
14 *to read as follows:*

15          “(5) *PARTICIPATING FLEET VESSEL.*—*The term*  
16 *‘participating fleet vessel’ means any vessel that—*

17                   “(A) *on October 1, 2015—*

18                           “(i) *meets the requirements of para-*  
19 *graph (1), (2), (3), or (4) of section*  
20 *53102(c); and*

21                           “(ii) *is less than 20 years of age if the*  
22 *vessel is a tank vessel, or is less than 25*  
23 *years of age for all other vessel types; and*

24                   “(B) *on December 31, 2014, is covered by*  
25 *an operating agreement under this chapter.*”.

1       **(b)** *Section 53102(b) is amended to read as follows:*

2       “(b) **VESSEL ELIGIBILITY**.—A vessel is eligible to be  
3 *included in the Fleet if—*

4               “(1) *the vessel meets the requirements of para-*  
5 *graph (1), (2), (3), or (4) of subsection (c);*

6               “(2) *the vessel is operated (or in the case of a*  
7 *vessel to be constructed, will be operated) in providing*  
8 *transportation in foreign commerce;*

9               “(3) *the vessel is self-propelled and—*

10               “(A) *is a tank vessel that is 10 years of age*  
11 *or less on the date the vessel is included in the*  
12 *Fleet; or*

13               “(B) *is any other type of vessel that is 15*  
14 *years of age or less on the date the vessel is in-*  
15 *cluded in the Fleet;*

16               “(4) *the vessel—*

17               “(A) *is suitable for use by the United States*  
18 *for national defense or military purposes in time*  
19 *of war or national emergency, as determined by*  
20 *the Secretary of Defense; and*

21               “(B) *is commercially viable, as determined*  
22 *by the Secretary; and*

23               “(5) *the vessel—*

24               “(A) *is a United States-documented vessel;*  
25 *or*

1           “(B) is not a United States-documented ves-  
2           sel, but—

3                   “(i) the owner of the vessel has dem-  
4                   onstrated an intent to have the vessel docu-  
5                   mented under chapter 121 of this title if it  
6                   is included in the Fleet; and

7                   “(ii) at the time an operating agree-  
8                   ment for the vessel is entered into under this  
9                   chapter, the vessel is eligible for documenta-  
10                  tion under chapter 121 of this title.”.

11       (c) Section 53103 is amended—

12           (1) by amending subsection (b) to read as fol-  
13       lows:

14       “(b) *EXTENSION OF EXISTING OPERATING AGREE-*  
15       *MENTS.—*

16           “(1) *OFFER TO EXTEND.—*Not later than 60  
17       days after the date of enactment of the Maritime Ad-  
18       ministration Authorization Act for Fiscal Year 2013,  
19       the Secretary shall offer, to an existing contractor, to  
20       extend, through September 30, 2025, an operating  
21       agreement that is in existence on the date of enact-  
22       ment of that Act. The terms and conditions of the ex-  
23       tended operating agreement shall include terms and  
24       conditions authorized under this chapter, as amended  
25       from time to time.

1           “(2) *TIME LIMIT.*—*An existing contractor shall*  
2           *have not later than 120 days after the date the Sec-*  
3           *retary offers to extend an operating agreement to*  
4           *agree to the extended operating agreement.*

5           “(3) *SUBSEQUENT AWARD.*—*The Secretary may*  
6           *award an operating agreement to an applicant that*  
7           *is eligible to enter into an operating agreement for*  
8           *fiscal years 2016 through 2025 if the existing con-*  
9           *tractor does not agree to the extended operating agree-*  
10          *ment under paragraph (2).”*; and

11           (2) *by amending subsection (c) to read as fol-*  
12          *lows:*

13          “(c) *PROCEDURE FOR AWARDING NEW OPERATING*  
14          *AGREEMENTS.*—*The Secretary may enter into a new oper-*  
15          *ating agreement with an applicant that meets the require-*  
16          *ments of section 53102(c) (for vessels that meet the quali-*  
17          *fications of section 53102(b)) on the basis of priority for*  
18          *vessel type established by military requirements of the Sec-*  
19          *retary of Defense. The Secretary shall allow an applicant*  
20          *at least 30 days to submit an application for a new oper-*  
21          *ating agreement. After consideration of military require-*  
22          *ments, priority shall be given to an applicant that is a U.S.*  
23          *citizen under section 50501 of this title. The Secretary may*  
24          *not approve an application without the consent of the Sec-*  
25          *retary of Defense. The Secretary shall enter into an oper-*

1 *ating agreement with the applicant or provide a written*  
2 *reason for denying the application.”.*

3 *(d) Section 53104 is amended—*

4 *(1) in subsection (c), by striking paragraph (3);*  
5 *and*

6 *(2) in subsection (e), by striking “an operating*  
7 *agreement under this chapter is terminated under*  
8 *subsection (c)(3), or if”.*

9 *(e) Section 53105 is amended—*

10 *(1) by amending subsection (e) to read as fol-*  
11 *lows:*

12 *“(e) TRANSFER OF OPERATING AGREEMENTS.—A con-*  
13 *tractor under an operating agreement may transfer the*  
14 *agreement (including all rights and obligations under the*  
15 *operating agreement) to any person that is eligible to enter*  
16 *into the operating agreement under this chapter if the Sec-*  
17 *retary and the Secretary of Defense determine that the*  
18 *transfer is in the best interests of the United States. A*  
19 *transaction shall not be considered a transfer of an oper-*  
20 *ating agreement if the same legal entity with the same ves-*  
21 *sels remains the contracting party under the operating*  
22 *agreement.”; and*

23 *(2) by amending subsection (f) to read as follows:*

24 *“(f) REPLACEMENT VESSELS.—A contractor may re-*  
25 *place a vessel under an operating agreement with another*

1 vessel that is eligible to be included in the Fleet under sec-  
2 tion 53102(b), if the Secretary, in conjunction with the Sec-  
3 retary of Defense, approves the replacement of the vessel.”.

4 (f) Section 53106 is amended—

5 (1) in subsection (a)(1), by striking “and (C)  
6 \$3,100,000 for each of fiscal years 2012 through  
7 2025.” and inserting the following:

8 “(C) \$3,100,000 for each of fiscal years  
9 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

10 “(D) \$3,500,000 for each of fiscal years  
11 2019, 2020, and 2021; and

12 “(E) \$3,700,000 for each of fiscal years  
13 2022, 2023, 2024, and 2025.”;

14 (2) in subsection (c)(3)(C), by striking “a LASH  
15 vessel.” and inserting “a lighter aboard ship vessel.”;  
16 and

17 (3) by striking subsection (f).

18 (g) Section 53107(b)(1) is amended to read as follows:

19 “(1) *IN GENERAL.*—An Emergency Preparedness  
20 Agreement under this section shall require that a con-  
21 tractor for a vessel covered by an operating agreement  
22 under this chapter shall make commercial transpor-  
23 tation resources (including services) available, upon  
24 request by the Secretary of Defense during a time of  
25 war or national emergency, or whenever the Secretary

1       of Defense determines that it is necessary for national  
2       security or contingency operation (as that term is de-  
3       fined in section 101 of title 10, United States Code).”.

4       (h) Section 53109 is repealed.

5       (i) Section 53111 is amended—

6             (1) by striking “and” at the end of paragraph

7             (2); and

8             (2) by striking paragraph (3) and inserting the  
9       following:

10            “(3) \$186,000,000 for each of fiscal years 2012,  
11            2013, 2014, 2015, 2016, 2017, and 2018;

12            “(4) \$210,000,000 for each of fiscal years 2019,  
13            2020, and 2021; and

14            “(5) \$222,000,000 for each fiscal year thereafter  
15            through fiscal year 2025.”.

16       (j) *AUTHORIZATION OF APPROPRIATIONS; MAINTENANCE AND REPAIR REIMBURSEMENT PILOT PROGRAM.*—  
17       Section 3517(i) of the Maritime Security Act of 2003 (46  
18       U.S.C. 53101 note) is amended by striking “2011” and in-  
19       serting “2025”.

21       (k) *EFFECTIVE DATE OF AMENDMENTS.*—The amend-  
22       ments made by—

23             (1) paragraphs (2), (3), and (4) of section 606(a)  
24       of this Act take effect on December 31, 2014; and

1           (2) *section 606(f)(2) of this Act take effect on De-*  
2           *cember 31, 2014.*

3 **SEC. 607. MARITIME WORKFORCE STUDY.**

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

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

8                   (1) *analyze the impact of training requirements*  
9                   *imposed by domestic and international regulations*  
10                   *and conventions, companies, and government agencies*  
11                   *that charter or operate vessels;*

12                   (2) *evaluate the ability of the Nation’s maritime*  
13                   *training infrastructure to meet the current needs of*  
14                   *the maritime industry;*

15                   (3) *evaluate the ability of the Nation’s maritime*  
16                   *training infrastructure to effectively meet the needs of*  
17                   *the maritime industry in the future;*

18                   (4) *identify trends in maritime training;*

19                   (5) *compare the training needs of U.S. mariners*  
20                   *with the vocational training and educational assist-*  
21                   *ance programs available from Federal agencies to*  
22                   *evaluate the ability of Federal programs to meet the*  
23                   *training needs of U.S. mariners;*





1 *ate, and the Committee on Transportation and Infrastruc-*  
2 *ture and the Committee on Armed Services of the House*  
3 *of Representatives.*

4       **(b) ASSESSMENT.**—*The assessment under subsection*  
5 *(a) shall include a review of whether the Maritime Adminis-*  
6 *tration’s contract source selection procedures and practices*  
7 *are consistent with law, the Federal Acquisition Regula-*  
8 *tions (FAR), and Federal best practices associated with*  
9 *making source selection decisions.*

10       **(c) CONSIDERATIONS.**—*In making the assessment*  
11 *under subsection (a), the Inspector General may consider*  
12 *any other aspect of the Maritime Administration’s vessel*  
13 *recycling process that the Inspector General deems appro-*  
14 *priate to review.*

15 **SEC. 609. REQUIREMENT FOR BARGE DESIGN.**

16       *Not later than 9 months after the date of enactment*  
17 *of this Act, the Administrator of the Maritime Administra-*  
18 *tion shall complete the design for a containerized articu-*  
19 *lated barge identified in the Dual Use Vessel Study carried*  
20 *out by the Administrator and the Secretary of Defense that*  
21 *is able to utilize roll-on, roll-off or load-on, load-off tech-*  
22 *nology for use in marine highway maritime commerce.*

1       **TITLE VII—MISCELLANEOUS**

2       **SEC. 701. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
3               **PROCUREMENT OF ALTERNATIVE FUEL.**

4       *None of the funds authorized to be appropriated by this*  
5 *Act or otherwise made available during fiscal year 2013*  
6 *or 2014 for the Coast Guard may be obligated or expended*  
7 *for the production or purchase of any alternative fuel if*  
8 *the cost of producing or purchasing the alternative fuel ex-*  
9 *ceeds the cost of producing or purchasing a traditional fossil*  
10 *fuel that would be used for the same purpose as the alter-*  
11 *native fuel.*

12       **SEC. 702. PASSENGER VESSEL SECURITY AND SAFETY RE-**  
13               **QUIREMENTS.**

14       *(a) VESSEL DESIGN, EQUIPMENT, CONSTRUCTION,*  
15 *AND RETROFITTING REQUIREMENTS.—Section 3507(a) of*  
16 *title 46, United States Code, is amended—*

17               *(1) in paragraph (1)—*

18                       *(A) in the matter preceding subparagraph*  
19                       *(A), by striking “to which this subsection ap-*  
20                       *plies” and inserting “to which this section ap-*  
21                       *plies”;*

22                       *(B) in subparagraph (A)—*

23                               *(i) by striking “The vessel” and insert-*  
24                               *ing “Each exterior deck of a vessel”; and*

1           (ii) by striking the period at the end  
2           and inserting “unless the height require-  
3           ment would interfere with the deployment of  
4           a lifesaving device or other emergency  
5           equipment as identified by the Com-  
6           mandant.”; and

7           (C) in subparagraph (B), by striking “entry  
8           doors that include peep holes or other means of  
9           visual identification.” and inserting “an entry  
10          door that includes a peep hole or other means of  
11          visual identification that provides an unob-  
12          structed view of the area outside the stateroom or  
13          crew cabin. For purposes of this subparagraph,  
14          the addition of an optional privacy cover on the  
15          interior side of the entry shall not in and of  
16          itself constitute an obstruction.”; and

17          (2) in paragraph (3)—

18               (A) by striking “subparagraph (B)” in sub-  
19               paragraph (A) and inserting “subparagraphs  
20               (B) and (C)”; and

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

22               “(C) SHIP RAIL, ENTRY DOOR, AND TECH-  
23               NOLOGY REQUIREMENTS.—The requirements of  
24               subparagraphs (A) and (B) of paragraph (1)

1           *take effect on the date of enactment of the Coast*  
2           *Guard Authorization Act of 2012.”.*

3           **(b) VIDEO RECORDING.**—*Section 3507(b)(1) of title 46,*  
4 *United States Code, is amended to read as follows:*

5           **“(1) REQUIREMENT TO MAINTAIN SURVEIL-**  
6 **LANCE.**—

7           **“(A) IN GENERAL.**—*The owner of a vessel to*  
8 *which this section applies shall maintain a video*  
9 *surveillance system to assist in documenting*  
10 *crimes on the vessel and in providing evidence*  
11 *for the prosecution of such crimes, as determined*  
12 *by the Secretary.*

13           **“(B) ASSESSMENT.**—*Not later than 120*  
14 *days after the date of enactment of the Coast*  
15 *Guard Authorization Act of 2012, the owner of*  
16 *a vessel to which this section applies shall per-*  
17 *form and submit to the Commandant a criminal*  
18 *and passenger safety risk assessment to deter-*  
19 *mine the appropriate placement of video surveil-*  
20 *lance equipment on the vessel. The assessment*  
21 *shall require consideration of camera placement*  
22 *in areas where video surveillance may assist in*  
23 *documenting crimes on the vessel and in pro-*  
24 *viding evidence of such crimes. The assessment*  
25 *shall make recommendations as to the appro-*

1        *priate placement of video surveillance equipment*  
2        *throughout the vessel, including passenger and*  
3        *crew common areas where there is no expectation*  
4        *of privacy, as to the frequency or infrequency of*  
5        *crimes in areas of the vessel, and as to the use*  
6        *of cameras in areas of perceived higher risk. The*  
7        *Commandant shall have authority to review,*  
8        *modify, and require modifications to the assess-*  
9        *ment to provide for additional video coverage of*  
10       *a vessel.*

11            *“(C) INTERIM RETENTION REQUIRE-*  
12        *MENTS.—The owner of a vessel to which this sec-*  
13        *tion applies shall retain all video images for a*  
14        *voyage for not less than 10 days after the date*  
15        *that the images are recorded. If an incident de-*  
16        *scribed in subsection (g)(3)(A)(i) is alleged and*  
17        *reported to law enforcement, all video images for*  
18        *a voyage that the Federal Bureau of Investiga-*  
19        *tion determines relevant shall—*

20            *“(i) be provided to the Federal Bureau*  
21            *of Investigation; and*

22            *“(ii) be preserved by the vessel owner*  
23            *for not less than 3 years from the date of*  
24            *the Federal Bureau of Investigation’s deter-*  
25            *mination.*

1           “(D) *RETENTION REQUIREMENTS.*—Not  
2           *later than 3 years after the date of enactment of*  
3           *the Coast Guard Authorization Act of 2012, the*  
4           *Commandant, in consultation with the Federal*  
5           *Bureau of Investigation, shall promulgate stand-*  
6           *ards for the retention of video surveillance*  
7           *records. The Commandant shall consider factors*  
8           *that would aid in the investigation of serious*  
9           *crimes, including crimes that go unreported*  
10           *until after the completion of a voyage. The Com-*  
11           *mandant shall consider the different types of*  
12           *video surveillance systems and storage require-*  
13           *ments in creating standards both for vessels cur-*  
14           *rently in operation and for vessels newly built.”.*

15           (c) *SEXUAL ASSAULT.*—Section 3507(d)(1) of title 46,  
16           *United States Code, is amended by inserting “(taking into*  
17           *consideration the length of the voyage and the number of*  
18           *passengers and crewmembers that the vessel can accommo-*  
19           *date)” after “a sexual assault”.*

20           (d) *CREW ACCESS TO PASSENGER STATEROOMS.*—  
21           *Section 3507(f)(2) of title 46, United States Code, is amend-*  
22           *ed by striking “are fully and properly implemented and*  
23           *periodically reviewed.” and inserting “are fully and prop-*  
24           *erly implemented, reviewed annually, and updated as nec-*  
25           *essary.”.*

1       (e) *LOG BOOK AND REPORTING REQUIREMENTS.*—  
2 *Section 3507(g) of title 46, United States Code, is amend-*  
3 *ed—*

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

6           “(1) *IN GENERAL.*—*The owner of a vessel to*  
7 *which this section applies shall—*

8           “(A) *record in a log book, either electroni-*  
9 *cally or otherwise, a report on—*

10           “(i) *all complaints of crimes described*  
11 *in paragraph (3)(A)(i);*

12           “(ii) *all complaints of theft of property*  
13 *valued in excess of \$1,000; and*

14           “(iii) *all complaints of other crimes*  
15 *committed on any voyage that embarks or*  
16 *disembarks passengers in the United States;*  
17 *and*

18           “(B) *make the log book and all entries*  
19 *therein available, whether the log book and en-*  
20 *tries are maintained onboard the vessel or at a*  
21 *centralized location off the vessel, upon request*  
22 *to—*

23           “(i) *any agent of the Federal Bureau*  
24 *of Investigation performing official duties*  
25 *in the course and scope of an investigation;*



1                   “(ii) any member of the United States  
2                   Coast Guard performing official duties in  
3                   the course and scope of an investigation;  
4                   and

5                   “(iii) any law enforcement officer per-  
6                   forming official duties in the course and  
7                   scope of an investigation.”;

8                   (2) in paragraph (3)(A)—

9                   (A) in clause (i), by striking “as soon as  
10                  possible after the occurrence on board the vessel  
11                  of an incident” and inserting “not later than 24  
12                  hours after the vessel is notified of an incident  
13                  on board the vessel”; and

14                  (B) in clause (ii), by striking “the incident”  
15                  and inserting “each incident under clause (i),  
16                  including the details under paragraph (2),”; and  
17                  (3) in paragraph (4)—

18                  (A) by amending subparagraph (A) to read  
19                  as follows:

20                  “(A) WEBSITE.—

21                  “(i) IN GENERAL.—The Secretary shall  
22                  maintain a statistical compilation of all in-  
23                  cidents described in paragraph (3)(A)(i) on  
24                  an Internet site that provides a numerical  
25                  accounting of the missing persons and al-

1            *leged crimes recorded in each report filed*  
2            *under paragraph (3)(A)(i). Each such inci-*  
3            *dent shall be included in the statistical com-*  
4            *piletion regardless of whether the incident*  
5            *is under investigation by the Federal Bu-*  
6            *reau of Investigation or not, unless the Bu-*  
7            *reau determines through the investigative*  
8            *process the report to be unfounded. If deter-*  
9            *mined to be unfounded, the incident shall*  
10           *not be included in the statistical compila-*  
11           *tion or shall be removed when the deter-*  
12           *mination is made. The data shall be up-*  
13           *dated no less frequently than quarterly, ag-*  
14           *gregated by cruise line, each cruise line*  
15           *shall be identified by name and each crime*  
16           *and alleged crime shall be identified as to*  
17           *whether it was committed or allegedly com-*  
18           *mitted by a passenger or crew member and*  
19           *against a passenger or crew member. The*  
20           *Secretary shall also include on the Internet*  
21           *site a rate of crime, comparable to that pro-*  
22           *vided under the Uniform Crime Reporting*  
23           *Program, as determined by the Federal Bu-*  
24           *reau of Investigation. The rate shall take*  
25           *into account the total number of passengers*

1           *and crew members carried by each report-*  
2           *ing cruise line on voyages that embark or*  
3           *disembark in the United States during the*  
4           *reporting period, and shall be adjusted by*  
5           *the Bureau to reflect the average length of*  
6           *time such persons were on board, as docu-*  
7           *mented to the Secretary by each reporting*  
8           *cruise line.*

9           “(ii) *DEFINITION OF UNFOUNDED.*—

10           *For purposes of this subparagraph, the term*  
11           *‘unfounded’ means an allegation that is de-*  
12           *termined through the course of an investiga-*  
13           *tion to be false or baseless.”;*

14           *(B) by redesignating subparagraph (B) as*  
15           *subparagraph (C);*

16           *(C) by inserting after subparagraph (A) the*  
17           *following:*

18           “(B) *REPORTS OF INCIDENTS.*—*The Federal*  
19           *Bureau of Investigation shall furnish quarterly*  
20           *to the Secretary, the Committee on Commerce,*  
21           *Science, and Transportation and the Committee*  
22           *on Judiciary of the Senate, and the Committee*  
23           *on Transportation and Infrastructure and the*  
24           *Committee on Judiciary of the House of Rep-*  
25           *resentatives a numerical accounting of each inci-*

1           *dent reported to a Federal Bureau of Investiga-*  
2           *tion Field Office under paragraph (3)(A)(i) that*  
3           *quarter.”; and*

4           *(D) in subparagraph (C), as redesignated—*

5                   *(i) by striking “taking on or dis-*  
6                   *charging” and inserting “that takes on or*  
7                   *discharges”; and*

8                   *(ii) by striking “a link” and inserting*  
9                   *“, on any Internet site that the cruise line*  
10                  *maintains to purchase or book cruises on*  
11                  *any vessel that the cruise line owns or oper-*  
12                  *ates, and to which this section applies, a*  
13                  *prominently accessible link”.*

14           *(f) PROCEDURES.—Section 3507(i) of title 46, United*  
15           *States Code, is amended by striking “Within 6 months after*  
16           *the date of enactment of the Cruise Vessel Security and*  
17           *Safety Act of 2010, the” and inserting “The”.*

18           *(g) REGULATIONS.—Section 3507(j) of title 46, United*  
19           *States Code, is amended by striking “shall each” and in-*  
20           *serting “are authorized each to”.*

21           *(h) DEFINITIONS.—Section 3507(l) of title 46, United*  
22           *States Code, is amended—*

23                   *(1) by redesignating paragraph (2) as para-*  
24                   *graph (3);*

1           (2) *by inserting before paragraph (3), as redesignated, the following:*

3           “(2) *EXTERIOR DECK.*—*The term ‘exterior deck’ means any exterior weather deck on which a passenger may be present, including passenger stateroom balconies, exterior promenades on passenger decks, muster stations, and similar exterior weather deck areas.’; and*

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

10          “(4) *TIME-SENSITIVE KEY TECHNOLOGY.*—*The term ‘time-sensitive key technology’ means an electronic lock or key, or both that may be programmed to prohibit a person that lacks permission to enter a guest stateroom or crew cabin.’.*

15 **SEC. 703. OIL SPILL LIABILITY TRUST FUND INVESTMENT**  
16 **AMOUNT.**

17          *Not later than 30 days after the date of enactment of*  
18 *this Act, the Secretary of the Treasury shall increase the*  
19 *amount invested in income producing securities under sec-*  
20 *tion 5006(b) of the Oil Pollution Act of 1990 (33 U.S.C.*  
21 *2736(b)) by \$12,851,340.*

22 **SEC. 704. VESSEL DETERMINATIONS.**

23          (a) *VESSELS DEEMED NEW VESSELS.*—*The vessel*  
24 *with United States official number 981472 and the vessel*  
25 *with United States official number 988333 shall each be*

1 *deemed to be a new vessel effective on the date of delivery*  
2 *after January 1, 2008, from a privately owned United*  
3 *States shipyard if no encumbrances are on record with the*  
4 *United States Coast Guard at the time of the issuance of*  
5 *the new vessel certificate of documentation for each vessel.*

6 (b) *SAFETY INSPECTION.*—*Each vessel under sub-*  
7 *section (a) shall be subject to the vessel safety and inspection*  
8 *requirements of title 46, United States Code (as in effect*  
9 *on the day before the date of enactment of this Act), applica-*  
10 *ble to any such vessel.*

11 **SEC. 705. ALTERATION OF BRIDGE OBSTRUCTING NAVIGA-**  
12 **TION.**

13 (a) *REQUIREMENT TO COMMENCE ADMINISTRATIVE*  
14 *REVIEW.*—*Not later than 15 days after the date of enact-*  
15 *ment of this Act, the Secretary of the department in which*  
16 *the Coast Guard is operating shall certify to the Committee*  
17 *on Commerce, Science, and Transportation of the Senate*  
18 *and the Committee on Transportation and Infrastructure*  
19 *of the House of Representatives that the Coast Guard has*  
20 *commenced the required interagency administrative review*  
21 *of the pending proposal to alter the bridge that is unreason-*  
22 *ably obstructing navigation and that spans the Kill Van*  
23 *Kull, connecting Bayonne, New Jersey, and Staten Island,*  
24 *New York.*

25 (b) *EXPEDITED PROCESS.*—*The Commandant—*

1           (1) shall expedite the interagency administrative  
2 review under subsection (a); and

3           (2) may use any resources offered to the Coast  
4 Guard by the bridge owner for the purpose of para-  
5 graph (1).

6           (c) *DEADLINE FOR COMPLETION.*—Not later than No-  
7 vember 30, 2012, the Coast Guard shall complete the inter-  
8 agency administrative review under subsection (a).

9 **SEC. 706. NOTICE OF ARRIVAL.**

10           The regulations required under section 109(a) of the  
11 Security and Accountability For Every Port Act of 2006  
12 (33 U.S.C. 1223 note) dealing with notice of arrival re-  
13 quirements for foreign vessels on the Outer Continental  
14 Shelf shall not apply to a vessel documented under section  
15 12105 of title 46, United States Code, unless the vessel ar-  
16 rives from a foreign port or place.

17 **SEC. 707. WAIVERS.**

18           (a) *F/V TEXAS STAR CASINO.*—Notwithstanding  
19 subchapter II of chapter 121 and chapter 551 of title 46,  
20 United States Code, the Secretary of the department in  
21 which the Coast Guard is operating may issue a fishery  
22 endorsement and a license under chapter 121 for the fishing  
23 vessel *TEXAS STAR CASINO* (IMO number 7722047).

24           (b) *RANGER III.*—Section 3703a of title 46, United  
25 States Code, does not apply to the passenger vessel *RANG-*

1 *ER III (United States official number 277361), so long as*  
2 *it is owned and operated by the National Park Service.*

3 **SEC. 708. BUDGETARY EFFECTS.**

4 *The budgetary effects of this Act, for the purpose of*  
5 *complying with the Statutory Pay-As-You-Go Act of 2010*  
6 *(2 U.S.C. 931 et seq.), shall be determined by reference to*  
7 *the latest statement titled “Budgetary Effects of PAYGO*  
8 *Legislation” for this Act, submitted for printing in the Con-*  
9 *gressional Record by the Chairman of the Senate Budget*  
10 *Committee, provided that such statement has been sub-*  
11 *mitted prior to the vote on passage.*

12 **SEC. 709. TECHNICAL AMENDMENTS.**

13 *(a) CONTINUATION ON ACTIVE DUTY.—Section 290(a)*  
14 *of title 14, United States Code, is amended in the second*  
15 *sentence by striking “in the grade of vice admiral” and in-*  
16 *serting “in or above the grade of vice admiral”.*

17 *(b) FAILURE OF SELECTION AND REMOVAL FROM AC-*  
18 *TIVE STATUS.—Section 740(d) of title 14, United States*  
19 *Code, is amended by striking “that appointment” and in-*  
20 *serting “that Reserve appointment”.*

21 *(c) TABLE OF CONTENTS.—The table of contents for*  
22 *chapter 17 of title 14, United States Code, is amended—*

23 *(1) by striking the item relating to section 669*  
24 *and inserting the following:*

*“669. Telephone installation and charges.”; and*



1           (2) *by striking the item relating to section 674*  
2           *and inserting the following:*

*“674. Small boat station rescue capability.”.*

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

Amend the title so as to read: “An Act to authorize appropriations for the Coast Guard for fiscal years 2013 through 2014, and for other purposes.”.

Attest:

*Secretary.*

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H.R. 2838**

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**AMENDMENTS**