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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:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Coast Guard Authorization Act of 2012".

(b) TABLE OF CONTENTS.—The table of contents for 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.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

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

(2) For the acquisition, construction, rebuilding, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,421,924,000 of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)), to remain available until expended;

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

(C) $289,000,000 is authorized to acquire, effect major repairs to, renovate, or improve aircraft or increase aviation capability;

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

(E) $213,692,000 is authorized for shore facilities, aids to navigation facilities, and military housing, of which not more than $14,000,000 shall be derived from the Coast Guard Housing Fund; and

(F) $110,192,000 is authorized for personnel compensation and benefits and related costs.

(3) For research, development, testing, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $19,779,000.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit

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

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Alteration of Bridges Program, $16,000,000.

(6) For environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $16,699,000.

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

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

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

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

shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,421,924,000 of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)), to remain available until expended;

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

(C) $289,000,000 is authorized to acquire, effect major repairs, renovate, or improve aircraft or increase aviation capability;

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

(E) $213,692,000 is authorized for shore facilities, aids to navigation facilities, and military housing, of which not more than $14,000,000 shall be derived from the Coast Guard Housing Fund; and

(F) $110,192,000 is authorized for personnel compensation and benefits and related costs.

(3) For research, development, testing, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $19,779,000.

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

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Alteration of Bridges Program, $16,000,000.

(6) For environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $16,699,000.

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

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) FISCAL YEAR 2013.—

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

(2) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2013, the Coast Guard is authorized average military training student loads as follows:

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

(B) For flight training, 165 student years.

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

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

(b) FISCAL YEAR 2014.—

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

(2) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2014, the Coast Guard is authorized average military training student loads as follows:

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

(B) For flight training, 173 student years.

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

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

TITLE II—ORGANIZATION

SEC. 201. COAST GUARD AUTHORITY TO OPERATE AND MAINTAIN COAST GUARD ASSETS.

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

"(e) OPERATION AND MAINTENANCE OF COAST GUARD ASSETS AND FACILITIES.—All authority, including programmatic budget authority, for the operation and maintenance of Coast Guard vessels, aircraft, systems, aids to navigation, infrastructure, and any other Coast Guard assets or facilities, shall be allocated to and vested in the Coast Guard and the department in which the Coast Guard is operating.".

SEC. 202. CLARIFICATION OF COAST GUARD ICE OPERATIONS MISSION.

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

"§ 87. Provision of icebreaking services

"(a) IN GENERAL.—Notwithstanding any other provision of law, except as provided in subsection (b), the Coast Guard shall be the sole supplier of icebreaking services, on an advancement or reimbursable basis, to each Federal agency that requires icebreaking services.

"(b) EXCEPTION.—In the event that a Federal agency requires icebreaking services and the Coast Guard is unable to provide the services, the Federal agency may acquire icebreaking services from another entity.".

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

(1) SECTION 110.—Section 110(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4109(b)(2)) is amended—

(A) by inserting "to execute the statutory missions of the Coast Guard and" after "needed"; and

(B) by inserting "and all budget authority related to such operations" after "projects,".

(2) SECTION 312.—Section 312(c) of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2441(c)) is amended by inserting "to execute the statutory missions of the Coast Guard and" after "needed".

(c) CONFORMING AMENDMENT.—The table of contents for chapter 5 of title 14, United States Code, is amended by inserting after the item relating to section 86 the following:

"87. Provision of icebreaking services.".

TITLE III—PERSONNEL

SEC. 301. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

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

(1) in subsection (a)(1), by striking "as shortage category positions" and inserting "as positions for which there is a shortage of candidates or a critical hiring need"; and

(2) in subsection (b)—

(A) by striking "paragraph" and inserting "section"; and

(B) by striking "2012" and inserting "2015".

SEC. 302. OFFICERS RECOMMENDED FOR PROMOTION.

Section 259(c)(1) of title 14, United States Code, is amended by striking "After selecting" and inserting "In selecting".

SEC. 303. ORIGINAL APPOINTMENT OF PERMANENT COMMISSIONED OFFICERS.

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

"(d) For purposes of this section, the term 'original' with respect to the appointment of a member of the Coast Guard refers to the member's most recent appointment in the Coast Guard that is neither a promotion nor a demotion.".

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

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

(1) by striking "person" each place it appears and inserting "foreign national"; and

(2) by striking "pay and allowances" each place it appears and inserting "pay, allowances, and emoluments".

SEC. 305. ACADEMY POLICY ON SEXUAL HARASSMENT AND SEXUAL VIOLENCE.

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

"§ 200. Policy on sexual harassment and sexual violence

"(a) REQUIRED POLICY.—The Commandant shall direct the Superintendent of the Coast Guard Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Coast Guard Academy.

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

"(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

"(2) Information about how the Coast Guard and the Academy will protect the confidentiality of victims, including how any records, statistics, or reports intended for public release will be formatted such that the confidentiality of victims is not jeopardized.

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

"(A) if the cadet or other Academy personnel chooses to report an occurrence of sexual harassment or sexual violence, a specification of

the person or persons to whom the alleged offense should be reported and options for confidential reporting, including written information to be given to victims which explains how the Coast Guard and the Academy will protect the confidentiality of victims;

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

"(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

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

"(5) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or other criminal sexual offence, whether forcible or nonforcable.

"(6) Required training on the policy for all cadets and other Academy personnel who process allegations of sexual harassment or sexual violence involving a cadet or other Academy personnel.

"(c) ASSESSMENT.—

"(1) IN GENERAL.—The Commandant shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment to determine the effectiveness of the policies of the Academy with respect to sexual harassment and sexual violence involving cadets and other Academy personnel.

"(2) BIENNIAL SURVEY.—For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey of cadets and other Academy personnel—

"(A) to measure—

"(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to an official of the Academy; and

"(ii) the incidence, during that program year, of sexual harassment and sexual violence, on or off the Academy reservation, that have not been reported to an official of the Academy; and

"(B) to assess the perceptions of the cadets and other Academy personnel of—

"(i) the policies, training, and procedures on sexual harassment and sexual violence involving cadets and other Academy personnel;

"(ii) the enforcement of such policies;

"(iii) the incidence of sexual harassment and sexual violence involving cadets and other Academy personnel; and

"(iv) any other issues relating to sexual harassment and sexual violence involving cadets and other Academy personnel.

"(d) REPORT.—

"(1) IN GENERAL.—The Commandant shall direct the Superintendent of the Coast Guard Academy to submit to the Commandant a report on sexual harassment and sexual violence involving cadets or other Academy personnel for each Academy program year.

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

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

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

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

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

"(4) TRANSMISSION OF REPORT.—The Commandant shall transmit each report received by the Commandant under this subsection, together with the Commandant's comments on the report to—

"(A) the Committee on Commerce, Science, and Transportation of the Senate; and

"(B) the Committee on Transportation and Infrastructure of the House of Representatives.

"(5) FOCUS GROUPS.—

"(A) IN GENERAL.—In each even-numbered calendar year that the Superintendent is not required to conduct a survey at the Academy under subsection (c)(2), the Commandant shall

require focus groups to be conducted at the Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at the Academy.

"(B) INCLUSION IN REPORTS.—Information derived from a focus group under subparagraph (A) shall be included in the Commandant's report under this subsection.

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

(b) CONFORMING AMENDMENT.—The table of contents for chapter 9 of title 14, United States Code, is amended by inserting after the item relating to section 199 the following:

"200. Policy on sexual harassment and sexual violence.".

SEC. 306. COAST GUARD AUXILIARISTS ENROLLMENT ELIGIBILITY.

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

"§ 823. Eligibility, enrollments

"The Auxiliary shall be composed of nationals of the United States, as defined in section 101(a)(22) of the Immi-

gration and Nationality Act (8 U.S.C. 1101(a)(22)), and of aliens lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))—

"(1) who are owners, sole or part, of motorboats, yachts, aircraft, or radio stations; or

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

TITLE IV—ADMINISTRATION

SEC. 401. ADVANCE PROCUREMENT FUNDING.

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

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

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

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

(4) production planning, design, and other related support services that reduce the overall procurement lead time of the vessel.

SEC. 402. MULTIYEAR PROCUREMENT AUTHORITY FOR COAST GUARD NATIONAL SECURITY CUTTERS.

(a) IN GENERAL.—Beginning with the fiscal year 2013 program year, the Secretary of the department in which the Coast Guard is operating may enter, under section 2306b of title 10, United States Code, into a multiyear contract for the procurement of Coast Guard National Security Cutters and government-furnished equipment associated with the National Security Cutter program.

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

(1) the Secretary submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a certification that the Secretary has made, with respect to the contract, each of the findings under section 2306b(a) of title 10, United States Code, such as the analysis referred to under subsection (c) of this section; and

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

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

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

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

(A) based on a multiyear procurement; and

(B) taking into account the potential benefit any accrued savings might have for future shipbuilding programs if the cost avoidance savings were subsequently utilized for further ship construction.

SEC. 403. REQUIREMENT TO MAINTAIN UNITED STATES POLAR ICEBREAKING CAPABILITY.

(a) CURRENT ICEBREAKER MAINTENANCE.—Until new heavy icebreakers are acquired for operation by the Coast Guard, in order to meet Coast Guard mission requirements, the Commandant of the Coast Guard may not—

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

(2) remove any part of the POLAR SEA unless it will be installed on the POLAR STAR before it is put in "active" status and the Commandant certifies to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that it is not possible for the POLAR STAR to function properly without doing so;

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

(4) expend any funds—

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

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

(C) for any expenses associated with a decommissioning ceremony for either of the vessels;

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

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

(b) REIMBURSEMENT.—Nothing in this section shall preclude the Secretary from seeking reimbursement for operation and maintenance costs of the polar icebreakers from other Federal agencies and entities, including foreign governments, that benefit from the use of the polar icebreakers.

SEC. 404. NATIONAL RESPONSE FUNCTIONS.

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

(1) in subsection (a)—

(A) by striking paragraph (23); and

(B) redesignating paragraphs (24) through (26) as paragraphs (23) through (25), respectively;

(2) in subsection (j)(2), by striking "National Response Unit." through "acting through the National Response Unit" and inserting the following:

"(2) NATIONAL RESPONSE FUNCTIONS.—The Secretary of the department in which the Coast Guard is operating—"; and

(3) in subsection (j)(4)(C)(vi), by striking ", and into operating procedures of the National Response Unit".

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

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SEC. 405. NATIONAL RESPONSE CENTER NOTIFICATION REQUIREMENTS.

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

SEC. 406. CONFORMING AMENDMENT.

Section 210 of the Coast Guard and Maritime Transportation Act of 2006 (14 U.S.C. 93 note) is repealed.

TITLE V—SHIPPING AND NAVIGATION

SEC. 501. CENTRAL BERING SEA POTENTIAL PLACE OF REFUGE.

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

(b) PURPOSES.—The purposes of the consultation under subsection (a) shall be to enhance safety of human life at sea and protect the marine environment in the Central Bering Sea.

(c) REPORT.—Not later than 90 days after making the determination under subsection (a), the Commandant shall inform the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives in writing of the findings under subsection (a).

SEC. 502. PROTECTION AND FAIR TREATMENT OF SEAFARERS.

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

"§ 11113. Protection and fair treatment of seafarers

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

"(b) SPECIAL FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury a special fund known as the Support of Seafarers Fund.

"(2) USE OF AMOUNTS IN FUND.—The amounts deposited into the Fund shall be available to the Secretary, without fiscal year limitation, to—

"(A) pay necessary support under subsection (c)(1); and

"(B) reimburse a shipowner for necessary support under subsection (c)(2).

"(3) AMOUNTS CREDITED TO FUND.—Notwithstanding any other provision of law, the Fund may receive—

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

"(B) amounts reimbursed or recovered under subsection (e).

"(4) PREREQUISITE FOR COMMUNITY SERVICE CREDITS.—The Fund may receive credits under paragraph (3)(A) if the unobligated balance of the Fund is less than $5,000,000.

"(5) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated, from the Fund, for each fiscal year such sums as may be necessary for the purposes set forth in paragraph (2).

"(6) REPORT REQUIRED.—

"(A) IN GENERAL.—The Secretary shall submit to Congress, concurrent with the President's budget submission for a given fiscal year, a report that describes—

"(i) the amounts credited to the Fund under paragraph (3) for the preceding fiscal year;

"(ii) in detail, the activities for which amounts were charged; and

"(iii) the projected level of expenditures from the Fund for the upcoming fiscal year, based on—

"(I) on-going activities; and

"(II) new cases, derived from historic data.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to obligations during the first fiscal year during which amounts are credited to the Fund.

"(7) FUND MANAGER.—The Secretary shall designate a Fund manager. The Fund manager shall—

"(A) ensure the visibility and accountability of transactions utilizing the Fund;

"(B) prepare the report under paragraph (6);

"(C) monitor the unobligated balance of the Fund; and

"(D) provide notice to the Secretary and the Attorney General whenever the unobligated balance of the Fund is less than $5,000,000.

"(c) AUTHORITY.—The Secretary may—

"(1) pay, from amounts appropriated from the Fund, necessary support of—

"(A) a seafarer that—

"(i) enters, remains, or is paroled into the United States; and

"(ii) is involved in an investigation, reporting, documentation, or adjudication

of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard; and

"(B) a seafarer that the Secretary determines was abandoned in the United States; and

"(2) reimburse, from amounts appropriated from the Fund, a shipowner that has provided necessary support of a seafarer who has been paroled into the United States to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard, for the costs of necessary support if the Secretary determines that reimbursement is necessary to avoid serious injustice.

"(d) LIMITATION.—Nothing in this section shall be construed—

"(1) to create a right, benefit, or entitlement to necessary support; or

"(2) to compel the Secretary to pay or reimburse the cost of necessary support.

"(e) REIMBURSEMENT; RECOVERY.—

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

plus a surcharge of 25 percent of the total amount if—

"(A) the shipowner—

"(i) during the course of an investigation, reporting, documentation, or adjudication of any matter that the Coast Guard referred to a United States Attorney or the Attorney General, fails to provide necessary support of a seafarer who was paroled into the United States to facilitate the investigation, reporting, documentation, or adjudication; and

"(ii) subsequently receives a criminal penalty; or

"(B) the shipowner, under any circumstance, abandons a seafarer in the United States, as determined by the Secretary.

"(2) ENFORCEMENT.—If a shipowner fails to reimburse the Fund under paragraph (1), the Secretary may—

"(A) proceed in rem against any vessel of the shipowner in the Federal district court for the district in which the vessel is found; and

"(B) withhold or revoke the clearance required under section 60105 of any vessel of the shipowner wherever the vessel is found.

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

"(f) BOND AND SURETY.—

"(1) AUTHORITY.—The Secretary may require a bond or a surety satisfactory as an alternative to withholding or revoking clearance under subsection (e) if, in the opinion of the Secretary, the bond or surety satisfactory is necessary to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard.

"(2) SURETY CORPORATIONS.—A surety corporation may provide a bond or surety satisfactory under paragraph (1) if the surety corporation is authorized by the Secretary of the Treasury under section 9305 of title 31 to provide surety bonds under section 9304 of title 31.

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

holding or revocation of the clearance under subsection (e) applies to any investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard.

"(g) DEFINITIONS.—In this section:

"(1) ABANDONS; ABANDONED.—The term 'abandons' or 'abandoned' means—

"(A) a shipowner's unilateral severance of ties with a seafarer; or

"(B) a shipowner's failure to provide necessary support of a seafarer.

"(2) BOND OR SURETY SATISFACTORY.—The term 'bond or surety satisfactory' means a negotiated instrument, the terms of which may, at the discretion of the Secretary, include provisions that require a shipowner—

"(A) to provide necessary support of a seafarer who has or may have information pertinent to an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard;

"(B) to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard;

"(C) to stipulate to certain incontrovertible facts, including the ownership or operation of the vessel, or the authenticity of documents and things from the vessel;

"(D) to facilitate service of correspondence and legal papers;

"(E) to enter an appearance in United States district court;

"(F) to comply with directions regarding payment of funds;

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

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

"(I) to provide assurances that no discriminatory or retaliatory measures will be taken against a seafarer involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or

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

"(J) to provide financial security in the form of cash, bond, or other means acceptable to the Secretary; and

"(K) to provide for any other appropriate measures as the Secretary considers necessary to ensure the Government is not prejudiced by granting the clearance required under section 60105 of title 46.

"(3) FUND.—The term 'Fund' means the Support of Seafarers Fund established under this section.

"(4) NECESSARY SUPPORT.—The term 'necessary support' means normal wages, lodging, subsistence, clothing, medical care (including hospitalization), repatriation, and any other expense the Secretary considers appropriate.

"(5) SEAFARER.—The term 'seafarer' means an alien crewman who is employed or engaged in any capacity on board a vessel subject to the jurisdiction of the United States. A seafarer is a claimant for the purposes of section 30509.

"(6) SHIPOWNER.—The term 'shipowner' means an individual or entity that owns, has an ownership

interest in, or operates a vessel subject to the jurisdiction of the United States.

"(7) VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term 'vessel subject to the jurisdiction of the United States' has the meaning given the term in section 70502(c), except that it excludes—

"(A) a vessel—

"(i) that is owned by the United States, a State or political subdivision thereof, or a foreign nation; and

"(ii) that is not engaged in commerce; and

"(B) a bareboat—

"(i) that is chartered and operated by the United States, a State or political subdivision thereof, or a foreign nation; and

"(ii) that is not engaged in commerce.

"(h) REGULATIONS.—The Secretary may prescribe regulations to implement this section.".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 111 of title 46, United States Code, is amended by inserting after the item relating to section 11112 the following:

"11113. Protection and fair treatment of seafarers.".

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

SEC. 503. DELEGATION OF AUTHORITY.

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

(1) in subsection (b)(2)—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(C) by adding at the end the following:

"(C) if the Secretary of State determines that the foreign classification society does not provide comparable services in or for the government of a country designated by the Secretary of State as a State Sponsor of Terrorism.";

(2) in subsection (d)(2)—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(C) by adding at the end the following:

"(C) if the Secretary of State determines that the foreign classification society does not

provide comparable services in or for the government of a country designated by the Secretary of State as a State Sponsor of Terrorism.''; and

(3) by adding at the end the following—

''(e) The Secretary shall revoke an existing delegation made to a classification society under subsection (b) or (d) if the Secretary of State determines that the classification society provides comparable services in or for the government of a country designated by the Secretary of State as a State Sponsor of Terrorism.''.

SEC. 504. REPORT ON ESTABLISHMENT OF ARCTIC DEEP WATER PORT.

(a) STUDY.—The Commandant of the Coast Guard shall conduct a study on the feasibility and potential of establishing a deep water sea port in the Arctic to protect and advance strategic United States interests within the Arctic region.

(b) SCOPE.—The study under subsection (a) shall include an analysis of—

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

(2) the potential and optimum locations for the port;

(3) the resources needed to establish the port;

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

(5) the infrastructure required to support the port; and

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

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commandant shall submit a report on the findings of the study under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 505. RISK ANALYSIS OF TRANSPORTING CANADIAN OIL SANDS.

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

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

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

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

(3) the rules and regulations that restrict supertanker traffic in United States waters, including an assessment of whether there are methods to bypass those rules in such waterways and adjacent Canadian waters;

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

(5) the spill response capability throughout the shared water of the United States and Canada, including oil spill response planning requirements for vessels bound for one nation transiting through the waters of the other nation;

(6) the vessel emergency response towing capability at the entrance to the Strait of Juan de Fuca;

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

(8) whether oil extracted from oil sands has different properties from other types of oil, including

toxicity and other properties, which may require different maritime clean up technologies;

(9) a risk assessment of the increasing supertanker, tanker, and barge traffic associated with Canadian oil sands development or expected to be associated with Canadian oil sands development; and

(10) the potential costs and benefits to the U.S. public and the private sector of maritime transportation of oil sands products.

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

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

SEC. 506. ELIGIBILITY TO RECEIVE SURPLUS TRAINING EQUIPMENT.

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

of the United States or District of Columbia or a unit of local government thereof" after "a non-profit training institution".

TITLE VI—MARITIME ADMINISTRATION AUTHORIZATION

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

(a) SHORT TITLE.—This title may be cited as the "Maritime Administration Authorization Act for Fiscal Year 2013".

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

SEC. 602. MARINE TRANSPORTATION SYSTEM.

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

"(d) MARINE TRANSPORTATION SYSTEM.—

"(1) REPORT ON WATERWAYS.—Not later than October 1, 2013, the Secretary, in consultation with the Secretary of Defense and the commanding officer of the Army Corps of Engineers, and with the concurrence of the Secretary of the department in which the

Coast Guard is operating, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives on the status of the Nation's coastal and inland waterways that—

"(A) describes the state of the United States' marine transportation infrastructure, including intercoastal infrastructure, intracoastal infrastructure, inland waterway infrastructure, ports, and marine facilities;

"(B) provides estimates of the investment levels required—

"(i) to maintain the infrastructure; and

"(ii) to improve the infrastructure; and

"(C) describes the overall environmental management of the maritime transportation system and the integration of environmental stewardship into the overall system.

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

lating to marine transportation, including its relationship to transportation by land and air, to facilitate research, assessment, and maintenance of the maritime transportation system. As used in this paragraph, the term 'marine transportation' includes intercoastal transportation, intracoastal transportation, inland waterway transportation, ports, and marine facilities.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection.".

(b) CONTAINER-ON-BARGE TRANSPORTATION.—

(1) ASSESSMENT AND REPORT.—Not later than 6 months after the date of enactment of this Act, the Maritime Administration shall assess the potential for using container-on-barge transportation on the inland waterways system and submit a report, together with the Administration's findings, conclusions, and recommendations, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives. If the Administration determines that it would be in the public interest, the report may

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

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

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

(B) the regional differences in the inland waterways system;

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

(D) the mechanisms to ensure that implementation of the plan will not be inconsistent with antitrust laws; and

(E) the potential frequency of service at inland river ports.

SEC. 603. SHORT SEA TRANSPORTATION PROGRAM AMENDMENTS.

(a) PROGRAM PURPOSE.—Section 55601(a) is amended by inserting "and to promote more efficient use of the navigable waters of the United States" after "congestion".

(b) DESIGNATION OF ROUTES.—Section 55601(c) is amended by inserting "and to promote more efficient use of the navigable waters of the United States" after "coastal corridors".

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

"(d) PROJECT DESIGNATION.—The Secretary may designate a project as a short sea transportation project if the Secretary determines that the project—

"(1) mitigates landside congestion; or

"(2) promotes more efficient use of the navigable waters of the United States.".

(d) DOCUMENTATION.—Section 55605 is amended by striking "by vessel" and inserting "by a documented vessel".

SEC. 604. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE PROGRAM.

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

"§ 50307. Maritime environmental and technical assistance program

"(a) IN GENERAL.—The Secretary of Transportation may establish a maritime environmental and technical assistance program to engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine

transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under Untied States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

"(b) PROGRAM REQUIREMENTS.—The program shall—

"(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

"(A) reducing air emissions, water emissions, or other ship discharges;

"(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

"(C) controlling aquatic invasive species; and

"(2) be coordinated with the Environmental Protection Agency, the United States Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

"(c) PROGRAM COORDINATION.—Program coordination under subsection (b)(2) may include—

"(1) activities that are associated with the development or approval of validation and testing regimes; and

"(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

"(d) FUNDING AND FEES.—

"(1) IN GENERAL.—In carrying out the maritime environmental and technical assistance program, the Secretary of Transportation may apply such funds as may be appropriated and such funds or resources as may become available by gift, cooperative agreement, or otherwise, including the collection of fees, for the purposes of the program and its administration.

"(2) ESTABLISHMENT OF FEES.—Pursuant to section 9701 of title 31, the Secretary of Transportation may promulgate regulations establishing fees to recover reasonable costs to the Secretary and to academic, public, and non-governmental entities associated with the program.

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

until expended to carry out the Secretary of Transportation's activities for which the fees were collected.

"(e) REPORT.—The Secretary of Transportation shall report on the activities, expenditures, and results of the maritime environmental and technical assistance program during the preceding fiscal year in the annual budget submission to Congress.".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 503 is amended by inserting after the item relating to section 50306 the following:

"50307. Maritime environmental and technical assistance program.".

SEC. 605. WAIVER OF NAVIGATION AND VESSEL-INSPECTION LAWS.

Section 501(b) is amended by adding "A waiver shall be accompanied by a certification by the individual and the Administrator to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives that it is not possible to use a United States flag vessel or United States flag vessels collectively to meet the national defense requirements." after "prescribes.".

SEC. 606. EXTENSION OF MARITIME SECURITY FLEET PROGRAM.

(a) Section 53101 is amended—

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

"(4) FOREIGN COMMERCE.—The term 'foreign commerce' means—

"(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and

"(B) commerce or trade between foreign countries.";

(2) by striking paragraph (5);

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

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

"(5) PARTICIPATING FLEET VESSEL.—The term 'participating fleet vessel' means any vessel that—

"(A) on October 1, 2015—

"(i) meets the requirements of paragraph (1), (2), (3), or (4) of section 53102(c); and

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

"(B) on December 31, 2014, is covered by an operating agreement under this chapter.".

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

"(b) VESSEL ELIGIBILITY.—A vessel is eligible to be included in the Fleet if—

"(1) the vessel meets the requirements of paragraph (1), (2), (3), or (4) of subsection (c);

"(2) the vessel is operated (or in the case of a vessel to be constructed, will be operated) in providing transportation in foreign commerce;

"(3) the vessel is self-propelled and—

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

"(B) is any other type of vessel that is 15 years of age or less on the date the vessel is included in the Fleet;

"(4) the vessel—

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

"(B) is commercially viable, as determined by the Secretary; and

"(5) the vessel—

"(A) is a United States-documented vessel; or

"(B) is not a United States-documented vessel, but—

"(i) the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of this title if it is included in the Fleet; and

"(ii) at the time an operating agreement for the vessel is entered into under this chapter, the vessel is eligible for documentation under chapter 121 of this title.".

(c) Section 53103 is amended—

(1) by amending subsection (b) to read as follows:

"(b) EXTENSION OF EXISTING OPERATING AGREEMENTS.—

"(1) OFFER TO EXTEND.—Not later than 60 days after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2013, the Secretary shall offer, to an existing contractor, to extend, through September 30, 2025, an operating agreement that is in existence on the date of enactment of that Act. The terms and conditions of the extended operating agreement shall include terms and conditions authorized under this chapter, as amended from time to time.

"(2) TIME LIMIT.—An existing contractor shall have not later than 120 days after the date the Secretary offers to extend an operating agreement to agree to the extended operating agreement.

"(3) SUBSEQUENT AWARD.—The Secretary may award an operating agreement to an applicant that is eligible to enter into an operating agreement for fiscal years 2016 through 2025 if the existing contractor does not agree to the extended operating agreement under paragraph (2)."; and

(2) by amending subsection (c) to read as follows:

"(c) PROCEDURE FOR AWARDING NEW OPERATING AGREEMENTS.—The Secretary may enter into a new operating agreement with an applicant that meets the requirements of section 53102(c) (for vessels that meet the qualifications of section 53102(b)) on the basis of priority for vessel type established by military requirements of the Secretary of Defense. The Secretary shall allow an applicant at least 30 days to submit an application for a new operating agreement. After consideration of military requirements, priority shall be given to an applicant that is a U.S. citizen under section 50501 of this title. The Secretary may not approve an application without the consent of the Secretary of Defense. The Secretary shall enter into an oper-

ating agreement with the applicant or provide a written reason for denying the application.".

(d) Section 53104 is amended—

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

(2) in subsection (e), by striking "an operating agreement under this chapter is terminated under subsection (c)(3), or if".

(e) Section 53105 is amended—

(1) by amending subsection (e) to read as follows:

"(e) TRANSFER OF OPERATING AGREEMENTS.—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the operating agreement) to any person that is eligible to enter into the operating agreement under this chapter if the Secretary and the Secretary of Defense determine that the transfer is in the best interests of the United States. A transaction shall not be considered a transfer of an operating agreement if the same legal entity with the same vessels remains the contracting party under the operating agreement."; and

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

"(f) REPLACEMENT VESSELS.—A contractor may replace a vessel under an operating agreement with another

vessel that is eligible to be included in the Fleet under section 53102(b), if the Secretary, in conjunction with the Secretary of Defense, approves the replacement of the vessel.".

(f) Section 53106 is amended—

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

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

"(D) $3,500,000 for each of fiscal years 2019, 2020, and 2021; and

"(E) $3,700,000 for each of fiscal years 2022, 2023, 2024, and 2025.";

(2) in subsection (c)(3)(C), by striking "a LASH vessel." and inserting "a lighter aboard ship vessel."; and

(3) by striking subsection (f).

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

"(1) IN GENERAL.—An Emergency Preparedness Agreement under this section shall require that a contractor for a vessel covered by an operating agreement under this chapter shall make commercial transportation resources (including services) available, upon request by the Secretary of Defense during a time of war or national emergency, or whenever the Secretary

of Defense determines that it is necessary for national security or contingency operation (as that term is defined in section 101 of title 10, United States Code).".

(h) Section 53109 is repealed.

(i) Section 53111 is amended—

(1) by striking "and" at the end of paragraph (2); and

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

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

"(4) $210,000,000 for each of fiscal years 2019, 2020, and 2021; and

"(5) $222,000,000 for each fiscal year thereafter through fiscal year 2025.".

(j) AUTHORIZATION OF APPROPRIATIONS; MAINTENANCE AND REPAIR REIMBURSEMENT PILOT PROGRAM.—Section 3517(i) of the Maritime Security Act of 2003 (46 U.S.C. 53101 note) is amended by striking "2011" and inserting "2025".

(k) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by—

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

(2) section 606(f)(2) of this Act take effect on December 31, 2014.

SEC. 607. MARITIME WORKFORCE STUDY.

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

(b) STUDY COMPONENTS.—The study shall—

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

(2) evaluate the ability of the Nation's maritime training infrastructure to meet the current needs of the maritime industry;

(3) evaluate the ability of the Nation's maritime training infrastructure to effectively meet the needs of the maritime industry in the future;

(4) identify trends in maritime training;

(5) compare the training needs of U.S. mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of U.S. mariners;

(6) include recommendations for future programs to enhance the capabilities of the Nation's maritime training infrastructure; and

(7) include recommendations for future programs to assist U.S. mariners and those entering the maritime profession achieve the required training.

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

SEC. 608. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Inspector General of the Department of Transportation shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's National Defense Reserve Fleet vessel recycling contracts. The Inspector General shall assess the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities. The Inspector General shall report the findings to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Sen-

ate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(b) ASSESSMENT.—The assessment under subsection (a) shall include a review of whether the Maritime Administration's contract source selection procedures and practices are consistent with law, the Federal Acquisition Regulations (FAR), and Federal best practices associated with making source selection decisions.

(c) CONSIDERATIONS.—In making the assessment under subsection (a), the Inspector General may consider any other aspect of the Maritime Administration's vessel recycling process that the Inspector General deems appropriate to review.

SEC. 609. REQUIREMENT FOR BARGE DESIGN.

Not later than 9 months after the date of enactment of this Act, the Administrator of the Maritime Administration shall complete the design for a containerized articulated barge identified in the Dual Use Vessel Study carried out by the Administrator and the Secretary of Defense that is able to utilize roll-on, roll-off or load-on, load-off technology for use in marine highway maritime commerce.

TITLE VII—MISCELLANEOUS

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

None of the funds authorized to be appropriated by this Act or otherwise made available during fiscal year 2013 or 2014 for the Coast Guard may be obligated or expended for the production or purchase of any alternative fuel if the cost of producing or purchasing the alternative fuel exceeds the cost of producing or purchasing a traditional fossil fuel that would be used for the same purpose as the alternative fuel.

SEC. 702. PASSENGER VESSEL SECURITY AND SAFETY REQUIREMENTS.

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

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "to which this subsection applies" and inserting "to which this section applies";

(B) in subparagraph (A)—

(i) by striking "The vessel" and inserting "Each exterior deck of a vessel"; and

(ii) by striking the period at the end and inserting "unless the height requirement would interfere with the deployment of a lifesaving device or other emergency equipment as identified by the Commandant."; and

(C) in subparagraph (B), by striking "entry doors that include peep holes or other means of visual identification." and inserting "an entry door that includes a peep hole or other means of visual identification that provides an unobstructed view of the area outside the stateroom or crew cabin. For purposes of this subparagraph, the addition of an optional privacy cover on the interior side of the entry shall not in and of itself constitute an obstruction."; and

(2) in paragraph (3)—

(A) by striking "subparagraph (B)" in subparagraph (A) and inserting "subparagraphs (B) and (C)"; and

(B) by adding at the end the following:

"(C) SHIP RAIL, ENTRY DOOR, AND TECHNOLOGY REQUIREMENTS.—The requirements of subparagraphs (A) and (B) of paragraph (1)

take effect on the date of enactment of the Coast Guard Authorization Act of 2012.".

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

"(1) REQUIREMENT TO MAINTAIN SURVEILLANCE.—

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

"(B) ASSESSMENT.—Not later than 120 days after the date of enactment of the Coast Guard Authorization Act of 2012, the owner of a vessel to which this section applies shall perform and submit to the Commandant a criminal and passenger safety risk assessment to determine the appropriate placement of video surveillance equipment on the vessel. The assessment shall require consideration of camera placement in areas where video surveillance may assist in documenting crimes on the vessel and in providing evidence of such crimes. The assessment shall make recommendations as to the appro-

priate placement of video surveillance equipment throughout the vessel, including passenger and crew common areas where there is no expectation of privacy, as to the frequency or infrequency of crimes in areas of the vessel, and as to the use of cameras in areas of perceived higher risk. The Commandant shall have authority to review, modify, and require modifications to the assessment to provide for additional video coverage of a vessel.

"(C) INTERIM RETENTION REQUIREMENTS.—The owner of a vessel to which this section applies shall retain all video images for a voyage for not less than 10 days after the date that the images are recorded. If an incident described in subsection (g)(3)(A)(i) is alleged and reported to law enforcement, all video images for a voyage that the Federal Bureau of Investigation determines relevant shall—

"(i) be provided to the Federal Bureau of Investigation; and

"(ii) be preserved by the vessel owner for not less than 3 years from the date of the Federal Bureau of Investigation's determination.

"(D) RETENTION REQUIREMENTS.—Not later than 3 years after the date of enactment of the Coast Guard Authorization Act of 2012, the Commandant, in consultation with the Federal Bureau of Investigation, shall promulgate standards for the retention of video surveillance records. The Commandant shall consider factors that would aid in the investigation of serious crimes, including crimes that go unreported until after the completion of a voyage. The Commandant shall consider the different types of video surveillance systems and storage requirements in creating standards both for vessels currently in operation and for vessels newly built.".

(c) SEXUAL ASSAULT.—Section 3507(d)(1) of title 46, United States Code, is amended by inserting "(taking into consideration the length of the voyage and the number of passengers and crewmembers that the vessel can accommodate)" after "a sexual assault".

(d) CREW ACCESS TO PASSENGER STATEROOMS.—Section 3507(f)(2) of title 46, United States Code, is amended by striking "are fully and properly implemented and periodically reviewed." and inserting "are fully and properly implemented, reviewed annually, and updated as necessary.".

(e) LOG BOOK AND REPORTING REQUIREMENTS.—Section 3507(g) of title 46, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—The owner of a vessel to which this section applies shall—

"(A) record in a log book, either electronically or otherwise, a report on—

"(i) all complaints of crimes described in paragraph (3)(A)(i);

"(ii) all complaints of theft of property valued in excess of $1,000; and

"(iii) all complaints of other crimes committed on any voyage that embarks or disembarks passengers in the United States; and

"(B) make the log book and all entries therein available, whether the log book and entries are maintained onboard the vessel or at a centralized location off the vessel, upon request to—

"(i) any agent of the Federal Bureau of Investigation performing official duties in the course and scope of an investigation;

"(ii) any member of the United States Coast Guard performing official duties in the course and scope of an investigation; and

"(iii) any law enforcement officer performing official duties in the course and scope of an investigation.";

(2) in paragraph (3)(A)—

(A) in clause (i), by striking "as soon as possible after the occurrence on board the vessel of an incident" and inserting "not later than 24 hours after the vessel is notified of an incident on board the vessel"; and

(B) in clause (ii), by striking "the incident" and inserting "each incident under clause (i), including the details under paragraph (2),"; and

(3) in paragraph (4)—

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

"(A) WEBSITE.—

"(i) IN GENERAL.—The Secretary shall maintain a statistical compilation of all incidents described in paragraph (3)(A)(i) on an Internet site that provides a numerical accounting of the missing persons and al-

leged crimes recorded in each report filed under paragraph (3)(A)(i). Each such incident shall be included in the statistical compilation regardless of whether the incident is under investigation by the Federal Bureau of Investigation or not, unless the Bureau determines through the investigative process the report to be unfounded. If determined to be unfounded, the incident shall not be included in the statistical compilation or shall be removed when the determination is made. The data shall be updated no less frequently than quarterly, aggregated by cruise line, each cruise line shall be identified by name and each crime and alleged crime shall be identified as to whether it was committed or allegedly committed by a passenger or crew member and against a passenger or crew member. The Secretary shall also include on the Internet site a rate of crime, comparable to that provided under the Uniform Crime Reporting Program, as determined by the Federal Bureau of Investigation. The rate shall take into account the total number of passengers

and crew members carried by each reporting cruise line on voyages that embark or disembark in the United States during the reporting period, and shall be adjusted by the Bureau to reflect the average length of time such persons were on board, as documented to the Secretary by each reporting cruise line.

"(ii) DEFINITION OF UNFOUNDED.—For purposes of this subparagraph, the term 'unfounded' means an allegation that is determined through the course of an investigation to be false or baseless.";

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

"(B) REPORTS OF INCIDENTS.—The Federal Bureau of Investigation shall furnish quarterly to the Secretary, the Committee on Commerce, Science, and Transportation and the Committee on Judiciary of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Judiciary of the House of Representatives a numerical accounting of each inci-

dent reported to a Federal Bureau of Investigation Field Office under paragraph (3)(A)(i) that quarter.''; and

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

(i) by striking ''taking on or discharging'' and inserting ''that takes on or discharges''; and

(ii) by striking ''a link'' and inserting '', on any Internet site that the cruise line maintains to purchase or book cruises on any vessel that the cruise line owns or operates, and to which this section applies, a prominently accessible link''.

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

(g) REGULATIONS.—Section 3507(j) of title 46, United States Code, is amended by striking ''shall each'' and inserting ''are authorized each to''.

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

(1) by redesignating paragraph (2) as paragraph (3);

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

"(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

(3) by adding at the end the following:

"(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.".

SEC. 703. OIL SPILL LIABILITY TRUST FUND INVESTMENT AMOUNT.

Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall increase the amount invested in income producing securities under section 5006(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2736(b)) by $12,851,340.

SEC. 704. VESSEL DETERMINATIONS.

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

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

(b) SAFETY INSPECTION.—Each vessel under subsection (a) shall be subject to the vessel safety and inspection requirements of title 46, United States Code (as in effect on the day before the date of enactment of this Act), applicable to any such vessel.

SEC. 705. ALTERATION OF BRIDGE OBSTRUCTING NAVIGATION.

(a) REQUIREMENT TO COMMENCE ADMINISTRATIVE REVIEW.—Not later than 15 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall certify to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that the Coast Guard has commenced the required interagency administrative review of the pending proposal to alter the bridge that is unreasonably obstructing navigation and that spans the Kill Van Kull, connecting Bayonne, New Jersey, and Staten Island, New York.

(b) EXPEDITED PROCESS.—The Commandant—

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

(2) may use any resources offered to the Coast Guard by the bridge owner for the purpose of paragraph (1).

(c) DEADLINE FOR COMPLETION.—Not later than November 30, 2012, the Coast Guard shall complete the interagency administrative review under subsection (a).

SEC. 706. NOTICE OF ARRIVAL.

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

SEC. 707. WAIVERS.

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

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

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

SEC. 708. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.), shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 709. TECHNICAL AMENDMENTS.

(a) CONTINUATION ON ACTIVE DUTY.—Section 290(a) of title 14, United States Code, is amended in the second sentence by striking "in the grade of vice admiral" and inserting "in or above the grade of vice admiral".

(b) FAILURE OF SELECTION AND REMOVAL FROM ACTIVE STATUS.—Section 740(d) of title 14, United States Code, is amended by striking "that appointment" and inserting "that Reserve appointment".

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

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

"669. Telephone installation and charges."; and

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

"674. Small boat station rescue capability.".

(d) WAIVER.—Section 7(c) of the America's Cup Act of 2011 (125 Stat. 755) is amended by inserting "located 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.

112th CONGRESS
2d Session

H.R. 2838

AMENDMENTS