

# ***In the House of Representatives, U. S.,***

*December 5, 2012.*

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

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

## **HOUSE AMENDMENT TO SENATE AMENDMENTS:**

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

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

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

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

*Sec. 1. Short title; table of contents.*

### **TITLE I—AUTHORIZATION**

*Sec. 101. Authorization of appropriations.*

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

### **TITLE II—COAST GUARD**

*Sec. 201. Interference with Coast Guard transmissions.*

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

*Sec. 203. Limitation on expenditures.*

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

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

*Sec. 206. Appointments of permanent commissioned officers.*

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

### TITLE III—SHIPPING AND NAVIGATION

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

### TITLE IV—MARITIME ADMINISTRATION AUTHORIZATION

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

## TITLE V—PIRACY

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

## TITLE VI—MARINE DEBRIS

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

## TITLE VII—MISCELLANEOUS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (1) in subsection (b)(2)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (2) in paragraph (2)—

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

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

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

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

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

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

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

22 (2) in subsection (d)—

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

25 (B) in paragraph (2)—

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

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

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

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

11                  “(1) The vessel’s keel is laid.

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

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

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

21                   (2) in section 5103(c)—

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

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

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

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

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

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

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

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

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

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

5 *(1) in subparagraph (B)—*

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

8 *“(i) the regional”;*

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

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

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

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

26 *“(C) the vessel—*

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

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

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

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

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