To authorize appropriations for the Coast Guard for fiscal years 2012 and 2013, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 2011

Mr. Begich (for himself, Mr. Rockefeller, and Ms. Snowe) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize appropriations for the Coast Guard for fiscal years 2012 and 2013, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Coast Guard Authorization Act for Fiscal Years 2012 and 2013”.

(b) Table of Contents.—The table of contents for this Act is as follows:

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. Inactive duty promotion list flag officers in active status.
Sec. 303. Officers recommended for promotion.
Sec. 304. Original appointment of permanent commissioned officers.
Sec. 305. Academy pay, allowances, and emoluments.
Sec. 306. Academy policy on sexual harassment and sexual violence.
Sec. 307. Coast Guard auxiliarists enrollment eligibility.

TITLE IV—ADMINISTRATION

Sec. 401. Advance procurement funding.
Sec. 402. Authority to maintain United States polar icebreaking capability.
Sec. 403. Forward operating facility.
Sec. 404. National response functions.
Sec. 405. Conforming amendment.

TITLE V—SHIPPING AND NAVIGATION

Sec. 501. Designation of St. George Harbor as a harbor 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.

TITLE VI—MISCELLANEOUS

Sec. 601. Conveyance of decommissioned Coast Guard cutter STORIS.
Sec. 602. Coast Guard administrative costs.
Sec. 603. Oil spill liability trust fund investment amount.
Sec. 604. Dry dock operation.
Sec. 605. Technical amendments.

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TITLE I—AUTHORIZATION

2 SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) Fiscal Year 2012.—Funds are authorized to be appropriated for fiscal year 2012 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 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, 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, such sums as are required, 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 2012.—

(1) Active duty strength.—The Coast Guard is authorized an end-of-year strength for ac-
tive duty personnel of 47,000 for the fiscal year ending on September 30, 2012.

(2) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2012, 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 2013.—

(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, 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, 2,625 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, aides 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:

“SEC. 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 short-age category positions” and inserting “as positions for which there is a shortage of candidates or a crit-ical hiring need”; and

(2) in subsection (b)—

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

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

**SEC. 302. INACTIVE DUTY PROMOTION LIST FLAG OFFI-CERS IN ACTIVE STATUS.**

Section 724(b)(2) of title 14, United States Code, is amended by striking “two” and inserting “3”.

**SEC. 303. 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. 304. ORIGINAL APPOINTMENT OF PERMANENT COM-
MISSIONED 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 de-
motion.”.

SEC. 305. 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. 306. 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 fol-
lowing:

“§ 200. Policy on sexual harassment and sexual vio-

lence

“(a) REQUIRED POLICY.—The Commandant shall di-
rect the Superintendent of the Academy to prescribe a pol-
icy on sexual harassment and sexual violence. The policy shall apply to each member of the Coast Guard Academy personnel. For purposes of this section, the term ‘Coast Guard Academy personnel’ includes cadets.

“(b) POLICY SPECIFICATIONS.—The policy under subsection (a) shall include—

“(1) programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature on and off the Academy reservation;

“(2) the procedure that a victim of sexual harassment or sexual violence on or off the Academy reservation shall follow if the victim chooses to report the sexual harassment or sexual violence, including—

“(A) how to report the alleged sexual harassment or sexual violence, including—

“(i) the name and contact information of each person that the victim must contact; and

“(ii) an option for confidential reporting;

“(B) the name and contact information of each person that the victim can contact for assistance; and
“(C) how to preserve evidence;

“(3) the procedure for disciplinary action against a member of the Coast Guard Academy personnel who commits sexual harassment or sexual violence;

“(4) any other authorized sanctions against a member of the Coast Guard Academy personnel who commits sexual harassment or sexual violence; and

“(5) required training on the policy for each member of the Coast Guard Academy personnel, including a specific training requirement for each member of the Coast Guard Academy personnel who process allegations of sexual harassment or sexual violence.

“(c) ASSESSMENT.—

“(1) IN GENERAL.—The Commandant shall direct the Superintendent of the Academy to conduct an assessment during each Academy program year to determine the effectiveness of the policy under subsection (a).

“(2) BIENNIAL SURVEY.—Each assessment under paragraph (1) that is conducted during an odd-numbered program year shall include a survey of Coast Guard Academy personnel. The survey shall—
“(A) measure—

“(i) the incidence, during that pro-
gram year, of sexual harassment and sex-
ual violence, on or off the Academy res-
ervation, that were reported under sub-
section (b)(2); and

“(ii) the incidence, during that pro-
gram year, of sexual harassment and sex-
ual violence, on or off the Academy res-
ervation, that were not reported under sub-
section (b)(2); and

“(B) assess the perceptions of Coast
Guard Academy personnel regarding—

“(i) the policy, training, and proce-
dures on sexual harassment and sexual vio-

“(ii) the enforcement of the policy;

“(iii) the incidence of sexual harass-
ment and sexual violence involving Coast
Guard Academy personnel; and

“(iv) any other issues relating to sex-
ual harassment and sexual violence involv-
ing Coast Guard Academy personnel, that
the Superintendent of the Academy con-
siders relevant.
“(d) REPORT.—

“(1) IN GENERAL.—The Commandant shall direct the Superintendent of the Academy to submit a report to the Commandant each Academy program year on sexual harassment and sexual violence involving a member of the Coast Guard Academy personnel that year.

“(2) REPORT SPECIFICATIONS.—A report under paragraph (1) shall include—

“(A) the number of reported incidents of sexual violence, on or off the Academy reservation, involving a member of the Coast Guard Academy, categorized by the type of offence, such as rape and sexual assault;

“(B) the number of reported incidents under subparagraph (A) that were substantiated;

“(C) any updates to the policy, training, or procedures on sexual harassment and sexual violence under this section during the Academy program year; and

“(D) a plan detailing the action that will be taken during the subsequent Academy program year to respond to and prevent sexual harassment and sexual violence, on or off the
Academy reservation, involving a member of the Coast Guard Academy.

“(3) Biennial survey.—Each report under paragraph (1) that is submitted during an odd-numbered program year shall include the results of the survey under subsection (c)(2).

“(4) Transmission of report.—Not later than 90 days after the date of receipt of a report under paragraph (1), the Commandant shall transmit a copy of the report and the Commandant’s comments on the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.”.

(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. Academy policy on sexual harassment and sexual violence.”.

SEC. 307. 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 citizens of the United States and its territories and possessions, 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) the 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. AUTHORITY TO MAINTAIN UNITED STATES POLAR ICEBREAKING CAPABILITY.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall acquire, either through new construction or the rebuilding, renovating, or improving of existing Coast Guard assets, not less than 2 heavy polar icebreakers for operation by the Coast Guard.

(b) NECESSARY MEASURES.—The Secretary shall take all necessary measures, including the provision of necessary operation and maintenance funding, to ensure that—

(1) the Coast Guard maintains, at a minimum, its current vessel capacity, including 1 medium and 2 heavy polar icebreakers, for carrying out ice operations and other Coast Guard missions in the Arctic and Antarctic, Great Lakes, and New England regions; and

(2) any such vessels that are not fully operational are brought up to, and maintained at, full operational capability.
(c) 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 countries, that benefit from the use of the polar icebreakers.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating such sums as may be necessary—

(1) to acquire the polar icebreakers under subsection (a); and

(2) to maintain and operate the polar icebreaker fleet under subsection (b).

SEC. 403. FORWARD OPERATING FACILITY.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating may construct or lease hangar, berthing, and messing facilities in the Aleutian Island-Bering Sea operating area. The facilities shall—

(1) support aircraft maintenance, including exhaust ventilation, heat, engine wash system, head facilities, fuel, ground support services, and electrical power; and
(2) provide shelter for both current helicopter
assets and those projected to be located at Air Sta-
tion Kodiak, Alaska for at least 20 years.

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), respec-
tively;
(2) in subsection (j)(2), by striking “NATIONAL
RESPONSE UNIT.” through “acting through the Na-
tional 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 Re-
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. 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. DESIGNATION OF ST. GEORGE HARBOR AS A HARBOR 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 are necessary to make the harbor at St. George, Alaska, a fully functional harbor of refuge throughout the year.

(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 Rep-
representatives in writing of the improvements necessary to
make the harbor at St. George, Alaska, a fully functional
harbor of refuge throughout the year.

SEC. 502. PROTECTION AND FAIR TREATMENT OF SEA-
FARERS.

(a) In General.—Chapter 111 of title 46, United
States Code, is amended by adding at the end the fol-
lowing:

“§ 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 further appropriation and
without fiscal year limitation, to—

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

“(B) reimburse a shipowner for necessary
support under subsection (e)(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 as a form of credit in lieu of community service under section 3563(b) of title 18 to the extent permitted under paragraph (4);

“(B) amounts reimbursed or recovered under subsection (e);

“(C) amounts appropriated to the Fund; and

“(D) appropriations available to the Secretary for transfer.

“(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) Report required.—

“(A) In general.—Except as provided under subparagraph (B), the Secretary may not obligate any amount in the Fund in a given fiscal year unless the Secretary submits a report to Congress, concurrent with the President’s budget submission for that fiscal year, 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.

“(6) 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 (5);

“(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, in whole or in part, without further appropriation and without fiscal year limitation, from amounts in 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, in whole or in part, without further appropriation and without fiscal year limitation, from amounts in the Fund, a shipowner that has filed a bond or surety satisfactory under subsection (f) and provides necessary support of a seafarer, 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 to the Secretary as an alternative to withholding or revoking clearance under subsection (e) if—

“(A) 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 re-
related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard; and

“(B) the surety corporation providing the bond or surety satisfactory is authorized by the Secretary of the Treasury under section 9305 of title 31 to provide surety bonds under section 9304 of title 31.

“(2) APPLICATION.—The authority to require a bond or surety satisfactory or to request the withholding 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 to—

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

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

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

“(F) comply with directions regarding payment of funds;
“(G) name an agent in the United States for service of process;

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

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

“(K) 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, sub-
sistence, 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.

“(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 sub-
division 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 con-
tents 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.”.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Fund $1,500,000 for each of fiscal years 2012, 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 sub-
paragraph (A); 
(B) by striking the period at the end of sub-
paragraph (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 gov-
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erment of a country designated by the Sec-
retary of State as a State Sponsor of Ter-
rorism.”;

(2) in subsection (d)(2)—

(A) by striking “and” at the end of sub-
paragraph (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 gov-

ernment of a country designated by the Sec-
retary of State as a State Sponsor of Ter-
rorism.”; and

(3) by adding at the end the following—

“(e) The Secretary shall revoke an existing delegation
made to a foreign classification society under subsection
(b) or (d) if the Secretary of State determines that the
foreign 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) 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.
TITLE VI—MISCELLANEOUS

SEC. 601. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER STORIS.

(a) IN GENERAL.—The Commandant of the Coast Guard shall convey the Coast Guard Cutter STORIS to the Storis Museum under subsection (b) if the Commandant determines that the cost to the Federal Government of conveying the Coast Guard Cutter STORIS through the General Services Administration exceeds the cost to the Federal Government of conveying to the STORIS Museum under subsection (b).

(b) COAST GUARD CUTTER STORIS.—Subject to the cost determination under subsection (a) and after the decommissioning of the Coast Guard Cutter STORIS, the Commandant of the Coast Guard shall convey, without consideration, all right, title, and interest owned by the United States in the Coast Guard Cutter STORIS to the Storis Museum, a nonprofit entity of Juneau, Alaska, if the head of the STORIS Museum agrees—

(1) to use the vessel as a historic memorial;

(2) to make the United States Coast Guard Cutter STORIS available to the public as a museum;

(3) to work cooperatively with other museums to provide education and memorialize the maritime heritage of the United States Coast Guard Cutter
STORIS and other maritime activities in Alaska, the
Pacific Northwest, the Arctic Ocean, and adjacent
oceans and seas;

(4) that the vessel will not be used for commercial
transportation purposes;

(5) to make the vessel available to the United
States Government if needed for use by the Com-
mandant in time of war or a national emergency or
based on the critical needs of the United States
Coast Guard;

(6) to hold the Government harmless for any
claims arising from exposure to hazardous materials,
including asbestos and polychlorinated biphenyls
(PCBs), except for claims arising from the use of
the United States Coast Guard Cutter STORIS by
the Government; and

(7) to any other conditions the Commandant
considers appropriate.

(c) TREATMENT OF CONVEYANCE.—The conveyance
of the Coast Guard Cutter STORIS under this section
shall not be considered a distribution in commerce for pur-
poses of section 6(e) of the Toxic Substances Control Act
(15 U.S.C. 2605(e)).

(d) OTHER EXCESS EQUIPMENT.—The Commandant
may convey to the recipient of the Coast Guard Cutter
STORIS under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel’s operability and function for purposes of a public museum and historical display.

SEC. 602. COAST GUARD ADMINISTRATIVE COSTS.

Section 1012(a)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(4)) is amended by striking “damages” and inserting “damages, including the cost of commercial claims processing, expert services, training, technical services, and other administrative and personnel costs to process claims”.

SEC. 603. 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. 604. DRY DOCK OPERATION.

A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD–2) shall not be considered merchandise for purposes of section 55102 of title 46, United States Code, if, during transportation under that section, Dry Dock #2 is connected to electrical, water,
compressed air, and wastewater utility shoreside connections located in Ketchikan, Alaska.

SEC. 605. 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 by—

(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.”.