

112TH CONGRESS
1ST SESSION

S. 1665

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Coast Guard Authorization Act for Fiscal Years 2012
6 and 2013”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 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 auxiliaries 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.

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

3 (a) FISCAL YEAR 2012.—Funds are authorized to be
 4 appropriated for fiscal year 2012 for necessary expenses
 5 of the Coast Guard as follows:

6 (1) For the operation and maintenance of the
 7 Coast Guard, \$7,077,783,000 of which \$24,500,000
 8 is authorized to be derived from the Oil Spill Liabil-
 9 ity Trust Fund to carry out the purposes of section

1 1012(a)(5) of the Oil Pollution Act of 1990 (33
2 U.S.C. 2712(a)(5)).

3 (2) For the acquisition, construction, rebuild-
4 ing, renovation, and improvement of aids to naviga-
5 tion, shore and offshore facilities, vessels, and air-
6 craft, including equipment related thereto,
7 \$1,421,924,000 of which—

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

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

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

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

21 (E) \$213,692,000 is authorized for shore
22 facilities, aids to navigation facilities, and mili-
23 tary housing, of which not more than
24 \$14,000,000 shall be derived from the Coast
25 Guard Housing Fund; and

1 (F) \$110,192,000 is authorized for per-
2 sonnel compensation and benefits and related
3 costs.

4 (3) For research, development, testing, and
5 evaluation of technologies, materials, and human
6 factors directly related to improving the performance
7 of the Coast Guard's mission in search and rescue,
8 aids to navigation, marine safety, marine environ-
9 mental protection, enforcement of laws and treaties,
10 ice operations, oceanographic research, and defense
11 readiness, \$19,779,000.

12 (4) For retired pay (including the payment of
13 obligations otherwise chargeable to lapsed appropria-
14 tions for this purpose), payments under the Retired
15 Serviceman's Family Protection and Survivor Ben-
16 efit Plans, and payments for medical and dental care
17 of retired personnel and their dependents under
18 chapter 55 of title 10, United States Code,
19 \$1,440,157,000, to remain available until expended.

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

1 (6) For environmental compliance and restora-
2 tion functions under chapter 19 of title 14, United
3 States Code, \$16,699,000.

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

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

9 (1) For the operation and maintenance of the
10 Coast Guard, \$7,077,783,000 of which \$24,500,000
11 is authorized to be derived from the Oil Spill Liabil-
12 ity Trust Fund to carry out the purposes of section
13 1012(a)(5) of the Oil Pollution Act of 1990 (33
14 U.S.C. 2712(a)(5)).

15 (2) For the acquisition, construction, rebuild-
16 ing, renovation, and improvement of aids to naviga-
17 tion, shore and offshore facilities, vessels, and air-
18 craft, including equipment related thereto,
19 \$1,421,924,000 of which—

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

1 (B) \$642,000,000 is authorized to acquire,
2 effect major repairs, renovate, or improve ves-
3 sels, small boats, and related equipment;

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

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

9 (E) \$213,692,000 is authorized for shore
10 facilities, aids to navigation facilities, and mili-
11 tary housing, of which not more than
12 \$14,000,000 shall be derived from the Coast
13 Guard Housing Fund; and

14 (F) \$110,192,000 is authorized for per-
15 sonnel compensation and benefits and related
16 costs.

17 (3) For research, development, testing, and
18 evaluation of technologies, materials, and human
19 factors directly related to improving the performance
20 of the Coast Guard's mission in search and rescue,
21 aids to navigation, marine safety, marine environ-
22 mental protection, enforcement of laws and treaties,
23 ice operations, oceanographic research, and defense
24 readiness, \$19,779,000.

1 (4) For retired pay (including the payment of
2 obligations otherwise chargeable to lapsed appropria-
3 tions for this purpose), payments under the Retired
4 Serviceman's Family Protection and Survivor Ben-
5 efit Plans, and payments for medical and dental care
6 of retired personnel and their dependents under
7 chapter 55 of title 10, United States Code, such
8 sums as are required, to remain available until ex-
9 pended.

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

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

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

20 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
21 **AND TRAINING.**

22 (a) FISCAL YEAR 2012.—

23 (1) ACTIVE DUTY STRENGTH.—The Coast
24 Guard is authorized an end-of-year strength for ac-

1 tive duty personnel of 47,000 for the fiscal year end-
2 ing on September 30, 2012.

3 (2) MILITARY TRAINING STUDENT LOADS.—For
4 fiscal year 2012, the Coast Guard is authorized av-
5 erage military training student loads as follows:

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

8 (B) For flight training, 165 student years.

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

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

13 (b) FISCAL YEAR 2013.—

14 (1) ACTIVE DUTY STRENGTH.—The Coast
15 Guard is authorized an end-of-year strength for ac-
16 tive duty personnel of 49,350 for the fiscal year end-
17 ing on September 30, 2013.

18 (2) MILITARY TRAINING STUDENT LOADS.—For
19 fiscal year 2013, the Coast Guard is authorized av-
20 erage military training student loads as follows:

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

23 (B) For flight training, 173 student years.

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

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

3 **TITLE II—ORGANIZATION**

4 **SEC. 201. COAST GUARD AUTHORITY TO OPERATE AND** 5 **MAINTAIN COAST GUARD ASSETS.**

6 (a) IN GENERAL.—Section 93 of title 14, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 “(e) OPERATION AND MAINTENANCE OF COAST
10 GUARD ASSETS AND FACILITIES.—All authority, includ-
11 ing programmatic budget authority, for the operation and
12 maintenance of Coast Guard vessels, aircraft, systems,
13 aides to navigation, infrastructure, and any other Coast
14 Guard assets or facilities, shall be allocated to and vested
15 in the Coast Guard and the department in which the Coast
16 Guard is operating.”.

17 **SEC. 202. CLARIFICATION OF COAST GUARD ICE OPER-** 18 **ATIONS MISSION.**

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

23 **“SEC. 87. PROVISION OF ICEBREAKING SERVICES.**

24 “(a) IN GENERAL.—Notwithstanding any other pro-
25 vision of law, except as provided in subsection (b), the

1 Coast Guard shall be the sole supplier of icebreaking serv-
2 ices, on an advancement or reimbursable basis, to each
3 Federal agency that requires icebreaking services.

4 “(b) EXCEPTION.—In the event that a Federal agen-
5 cy requires icebreaking services and the Coast Guard is
6 unable to provide the services, the Federal agency may
7 acquire icebreaking services from another entity.”.

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

10 (1) SECTION 110.—Section 110(b)(2) of the
11 Arctic Research and Policy Act of 1984 (15 U.S.C.
12 4109(b)(2)) is amended—

13 (A) by inserting “to execute the statutory
14 missions of the Coast Guard and” after “need-
15 ed”; and

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

18 (2) SECTION 312.—Section 312(c) of the Ant-
19 arctic Marine Living Resources Convention Act of
20 1984 (16 U.S.C. 2441(c)) is amended by inserting
21 “to execute the statutory missions of the Coast
22 Guard and” after “needed”.

23 (c) CONFORMING AMENDMENT.—The table of con-
24 tents for chapter 5 of title 14, United States Code, is

1 amended by inserting after the item relating to section 86
2 the following:

“87. Provision of icebreaking services.”.

3 **TITLE III—PERSONNEL**

4 **SEC. 301. ACQUISITION WORKFORCE EXPEDITED HIRING** 5 **AUTHORITY.**

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

8 (1) in subsection (a)(1), by striking “as short-
9 age category positions” and inserting “as positions
10 for which there is a shortage of candidates or a crit-
11 ical hiring need”; and

12 (2) in subsection (b)—

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

15 (B) by striking “2012” and inserting
16 “2015”.

17 **SEC. 302. INACTIVE DUTY PROMOTION LIST FLAG OFFI-** 18 **CERS IN ACTIVE STATUS.**

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

21 **SEC. 303. OFFICERS RECOMMENDED FOR PROMOTION.**

22 Section 259(c)(1) of title 14, United States Code, is
23 amended by striking “After selecting” and inserting “In
24 selecting”.

1 **SEC. 304. ORIGINAL APPOINTMENT OF PERMANENT COM-**
 2 **MISSIONED OFFICERS.**

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

5 “(d) For purposes of this section, the term ‘original’
 6 with respect to the appointment of a member of the Coast
 7 Guard refers to the member’s most recent appointment
 8 in the Coast Guard that is neither a promotion nor a de-
 9 motion.”.

10 **SEC. 305. ACADEMY PAY, ALLOWANCES, AND EMOLUMENTS.**

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

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

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

18 **SEC. 306. ACADEMY POLICY ON SEXUAL HARASSMENT AND**
 19 **SEXUAL VIOLENCE.**

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

23 **“§ 200. Policy on sexual harassment and sexual vio-**
 24 **lence**

25 “(a) REQUIRED POLICY.—The Commandant shall di-
 26 rect the Superintendent of the Academy to prescribe a pol-

1 icy on sexual harassment and sexual violence. The policy
2 shall apply to each member of the Coast Guard Academy
3 personnel. For purposes of this section, the term ‘Coast
4 Guard Academy personnel’ includes cadets.

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

7 “(1) programs to promote awareness of the in-
8 cidence of rape, acquaintance rape, and other sexual
9 offenses of a criminal nature on and off the Acad-
10 emy reservation;

11 “(2) the procedure that a victim of sexual har-
12 assment or sexual violence on or off the Academy
13 reservation shall follow if the victim chooses to re-
14 port the sexual harassment or sexual violence, in-
15 cluding—

16 “(A) how to report the alleged sexual har-
17 assment or sexual violence, including—

18 “(i) the name and contact information
19 of each person that the victim must con-
20 tact; and

21 “(ii) an option for confidential report-
22 ing;

23 “(B) the name and contact information of
24 each person that the victim can contact for as-
25 sistance; and

1 “(C) how to preserve evidence;

2 “(3) the procedure for disciplinary action
3 against a member of the Coast Guard Academy per-
4 sonnel who commits sexual harassment or sexual vi-
5 olence;

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

9 “(5) required training on the policy for each
10 member of the Coast Guard Academy personnel, in-
11 cluding a specific training requirement for each
12 member of the Coast Guard Academy personnel who
13 process allegations of sexual harassment or sexual
14 violence.

15 “(c) ASSESSMENT.—

16 “(1) IN GENERAL.—The Commandant shall di-
17 rect the Superintendent of the Academy to conduct
18 an assessment during each Academy program year
19 to determine the effectiveness of the policy under
20 subsection (a).

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

1 “(A) measure—

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

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

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

14 “(i) the policy, training, and proce-
15 dures on sexual harassment and sexual vio-
16 lence;

17 “(ii) the enforcement of the policy;

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

21 “(iv) any other issues relating to sex-
22 ual harassment and sexual violence involv-
23 ing Coast Guard Academy personnel, that
24 the Superintendent of the Academy con-
25 siders relevant.

1 “(d) REPORT.—

2 “(1) IN GENERAL.—The Commandant shall di-
3 rect the Superintendent of the Academy to submit a
4 report to the Commandant each Academy program
5 year on sexual harassment and sexual violence in-
6 volving a member of the Coast Guard Academy per-
7 sonnel that year.

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

10 “(A) the number of reported incidents of
11 sexual violence, on or off the Academy reserva-
12 tion, involving a member of the Coast Guard
13 Academy, categorized by the type of offence,
14 such as rape and sexual assault;

15 “(B) the number of reported incidents
16 under subparagraph (A) that were substan-
17 tiated;

18 “(C) any updates to the policy, training, or
19 procedures on sexual harassment and sexual vi-
20 olence under this section during the Academy
21 program year; and

22 “(D) a plan detailing the action that will
23 be taken during the subsequent Academy pro-
24 gram year to respond to and prevent sexual
25 harassment and sexual violence, on or off the

1 Academy reservation, involving a member of the
2 Coast Guard Academy.

3 “(3) BIENNIAL SURVEY.—Each report under
4 paragraph (1) that is submitted during an odd-num-
5 bered program year shall include the results of the
6 survey under subsection (c)(2).

7 “(4) TRANSMISSION OF REPORT.—Not later
8 than 90 days after the date of receipt of a report
9 under paragraph (1), the Commandant shall trans-
10 mit a copy of the report and the Commandant’s
11 comments on the report to the Committee on Com-
12 merce, Science, and Transportation of the Senate
13 and the Committee on Transportation and Infra-
14 structure of the House of Representatives.”.

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

“200. Academy policy on sexual harassment and sexual violence.”.

19 **SEC. 307. COAST GUARD AUXILIARISTS ENROLLMENT ELI-**
20 **GIBILITY.**

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

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

24 “The Auxiliary shall be composed of citizens of the
25 United States and its territories and possessions, and of

1 aliens lawfully admitted for permanent residence, as de-
 2 fined in section 101(a)(20) of the Immigration and Na-
 3 tionality Act (8 U.S.C. 1101(a)(20))—

4 “(1) who are owners, sole or part, of motor-
 5 boats, yachts, aircraft, or radio stations; or

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

10 **TITLE IV—ADMINISTRATION**

11 **SEC. 401. ADVANCE PROCUREMENT FUNDING.**

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

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

20 (2) the advance construction of parts or compo-
 21 nents for the vessel;

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

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

4 **SEC. 402. AUTHORITY TO MAINTAIN UNITED STATES POLAR**
5 **ICEBREAKING CAPABILITY.**

6 (a) IN GENERAL.—The Secretary of the department
7 in which the Coast Guard is operating shall acquire, either
8 through new construction or the rebuilding, renovating, or
9 improving of existing Coast Guard assets, not less than
10 2 heavy polar icebreakers for operation by the Coast
11 Guard.

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

16 (1) the Coast Guard maintains, at a minimum,
17 its current vessel capacity, including 1 medium and
18 2 heavy polar icebreakers, for carrying out ice oper-
19 ations and other Coast Guard missions in the Arctic
20 and Antarctic, Great Lakes, and New England re-
21 gions; and

22 (2) any such vessels that are not fully oper-
23 ational are brought up to, and maintained at, full
24 operational capability.

1 (c) REIMBURSEMENT.—Nothing in this section shall
2 preclude the Secretary from seeking reimbursement for
3 operation and maintenance costs of the polar icebreakers
4 from other Federal agencies and entities, including foreign
5 countries, that benefit from the use of the polar ice-
6 breakers.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to the Secretary of the
9 department in which the Coast Guard is operating such
10 sums as may be necessary—

11 (1) to acquire the polar icebreakers under sub-
12 section (a); and

13 (2) to maintain and operate the polar ice-
14 breaker fleet under subsection (b).

15 **SEC. 403. FORWARD OPERATING FACILITY.**

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

21 (1) support aircraft maintenance, including ex-
22 haust ventilation, heat, engine wash system, head fa-
23 cilities, fuel, ground support services, and electrical
24 power; and

1 (2) provide shelter for both current helicopter
2 assets and those projected to be located at Air Sta-
3 tion Kodiak, Alaska for at least 20 years.

4 **SEC. 404. NATIONAL RESPONSE FUNCTIONS.**

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

7 (1) in subsection (a)—

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

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

12 (2) in subsection (j)(2), by striking “NATIONAL
13 RESPONSE UNIT.” through “acting through the Na-
14 tional Response Unit” and inserting the following:

15 “(2) NATIONAL RESPONSE FUNCTIONS.—The
16 Secretary of the department in which the Coast
17 Guard is operating—”; and

18 (3) in subsection (j)(4)(C)(vi), by striking “,
19 and into operating procedures of the National Re-
20 sponse Unit”.

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

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

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

3 **SEC. 405. CONFORMING AMENDMENT.**

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

6 **TITLE V—SHIPPING AND**
7 **NAVIGATION**

8 **SEC. 501. DESIGNATION OF ST. GEORGE HARBOR AS A HAR-**
9 **BOR OF REFUGE.**

10 (a) CONSULTATION.—Not later than 1 year after the
11 date of enactment of this Act, the Commandant of the
12 Coast Guard shall consult with appropriate Federal agen-
13 cies and with State and local interests to determine what
14 improvements are necessary to make the harbor at St.
15 George, Alaska, a fully functional harbor of refuge
16 throughout the year.

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

21 (c) REPORT.—Not later than 90 days after making
22 the determination under subsection (a), the Commandant
23 shall inform the Committee on Commerce, Science, and
24 Transportation of the Senate and the Committee on
25 Transportation and Infrastructure of the House of Rep-

1 representatives in writing of the improvements necessary to
 2 make the harbor at St. George, Alaska, a fully functional
 3 harbor of refuge throughout the year.

4 **SEC. 502. PROTECTION AND FAIR TREATMENT OF SEA-**
 5 **FARERS.**

6 (a) IN GENERAL.—Chapter 111 of title 46, United
 7 States Code, is amended by adding at the end the fol-
 8 lowing:

9 **“§ 11113. Protection and fair treatment of seafarers**

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

12 “(b) SPECIAL FUND.—

13 “(1) ESTABLISHMENT.—There is established in
 14 the Treasury a special fund known as the ‘Support
 15 of Seafarers Fund’.

16 “(2) USE OF AMOUNTS IN FUND.—The
 17 amounts deposited into the Fund shall be available
 18 to the Secretary, without further appropriation and
 19 without fiscal year limitation, to—

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

22 “(B) reimburse a shipowner for necessary
 23 support under subsection (c)(2).

1 “(3) AMOUNTS CREDITED TO FUND.—Notwith-
2 standing any other provision of law, the Fund may
3 receive—

4 “(A) any moneys ordered to be paid to the
5 Fund as a form of credit in lieu of community
6 service under section 3563(b) of title 18 to the
7 extent permitted under paragraph (4);

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

10 “(C) amounts appropriated to the Fund;
11 and

12 “(D) appropriations available to the Sec-
13 retary for transfer.

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

18 “(5) REPORT REQUIRED.—

19 “(A) IN GENERAL.—Except as provided
20 under subparagraph (B), the Secretary may not
21 obligate any amount in the Fund in a given fis-
22 cal year unless the Secretary submits a report
23 to Congress, concurrent with the President’s
24 budget submission for that fiscal year, that de-
25 scribes—

1 “(i) the amounts credited to the Fund
2 under paragraph (3) for the preceding fis-
3 cal year;

4 “(ii) in detail, the activities for which
5 amounts were charged; and

6 “(iii) the projected level of expendi-
7 tures from the Fund for the upcoming fis-
8 cal year, based on—

9 “(I) on-going activities; and

10 “(II) new cases, derived from his-
11 toric data.

12 “(B) EXCEPTION.—Subparagraph (A)
13 shall not apply to obligations during the first
14 fiscal year during which amounts are credited
15 to the Fund.

16 “(6) FUND MANAGER.—The Secretary shall
17 designate a Fund manager. The Fund manager
18 shall—

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

21 “(B) prepare the report under paragraph
22 (5);

23 “(C) monitor the unobligated balance of
24 the Fund; and

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

4 “(c) AUTHORITY.—The Secretary may—

5 “(1) pay, in whole or in part, without further
6 appropriation and without fiscal year limitation,
7 from amounts in the Fund, necessary support of—

8 “(A) a seafarer that—

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

11 “(ii) is involved in an investigation,
12 reporting, documentation, or adjudication
13 of any matter that is related to the admin-
14 istration or enforcement of any treaty, law,
15 or regulation by the Coast Guard; and

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

18 “(2) reimburse, in whole or in part, without
19 further appropriation and without fiscal year limita-
20 tion, from amounts in the Fund, a shipowner that
21 has filed a bond or surety satisfactory under sub-
22 section (f) and provides necessary support of a sea-
23 farer, for the costs of necessary support if the Sec-
24 retary determines that reimbursement is necessary
25 to avoid serious injustice.

1 “(d) LIMITATION.—Nothing in this section shall be
2 construed—

3 “(1) to create a right, benefit, or entitlement to
4 necessary support; or

5 “(2) to compel the Secretary to pay or reim-
6 burse the cost of necessary support.

7 “(e) REIMBURSEMENT; RECOVERY.—

8 “(1) IN GENERAL.—A shipowner shall reim-
9 burse the Fund an amount equal to the total
10 amount paid from the Fund for necessary support of
11 a seafarer plus a surcharge of 25 percent of the
12 total amount if—

13 “(A) the shipowner—

14 “(i) during the course of an investiga-
15 tion, reporting, documentation, or adju-
16 dication of any matter that the Coast
17 Guard referred to a United States Attor-
18 ney or the Attorney General, fails to pro-
19 vide necessary support of a seafarer who
20 was paroled into the United States to fa-
21 cilitate the investigation, reporting, docu-
22 mentation, or adjudication; and

23 “(ii) subsequently receives a criminal
24 penalty; or

1 “(B) the shipowner, under any cir-
2 cumstance, abandons a seafarer in the United
3 States, as determined by the Secretary.

4 “(2) ENFORCEMENT.—If a shipowner fails to
5 reimburse the Fund under paragraph (1), the Sec-
6 retary may—

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

10 “(B) withhold or revoke the clearance re-
11 quired under section 60105 of any vessel of the
12 shipowner wherever the vessel is found.

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

17 “(f) BOND AND SURETY.—

18 “(1) AUTHORITY.—The Secretary may require
19 a bond or a surety satisfactory to the Secretary as
20 an alternative to withholding or revoking clearance
21 under subsection (e) if—

22 “(A) in the opinion of the Secretary the
23 bond or surety satisfactory is necessary to fa-
24 cilitate an investigation, reporting, documenta-
25 tion, or adjudication of any matter that is re-

1 lated to the administration or enforcement of
2 any treaty, law, or regulation by the Coast
3 Guard; and

4 “(B) the surety corporation providing the
5 bond or surety satisfactory is authorized by the
6 Secretary of the Treasury under section 9305
7 of title 31 to provide surety bonds under section
8 9304 of title 31.

9 “(2) APPLICATION.—The authority to require a
10 bond or surety satisfactory or to request the with-
11 holding or revocation of the clearance under sub-
12 section (e) applies to any investigation, reporting,
13 documentation, or adjudication of any matter that is
14 related to the administration or enforcement of any
15 treaty, law, or regulation by the Coast Guard.

16 “(g) DEFINITIONS.—In this section:

17 “(1) ABANDONS; ABANDONED.—The term
18 ‘abandons’ or ‘abandoned’ means—

19 “(A) a shipowner’s unilateral severance of
20 ties with a seafarer; or

21 “(B) a shipowner’s failure to provide nec-
22 essary support of a seafarer.

23 “(2) BOND OR SURETY SATISFACTORY.—The
24 term ‘bond or surety satisfactory’ means a nego-
25 tiated instrument, the terms of which may, at the

1 discretion of the Secretary, include provisions that
2 require a shipowner to—

3 “(A) provide necessary support of a sea-
4 farer who has or may have information perti-
5 nent to an investigation, reporting, documenta-
6 tion, or adjudication of any matter that is re-
7 lated to the administration or enforcement of
8 any treaty, law, or regulation by the Coast
9 Guard;

10 “(B) facilitate an investigation, reporting,
11 documentation, or adjudication of any matter
12 that is related to the administration or enforce-
13 ment of any treaty, law, or regulation by the
14 Coast Guard;

15 “(C) stipulate to certain incontrovertible
16 facts, including the ownership or operation of
17 the vessel, or the authenticity of documents and
18 things from the vessel;

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

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

23 “(F) comply with directions regarding pay-
24 ment of funds;

1 “(G) name an agent in the United States
2 for service of process;

3 “(H) stipulate in United States district
4 court as to the authenticity of certain docu-
5 ments;

6 “(I) provide assurances that no discrimina-
7 tory or retaliatory measures will be taken
8 against a seafarer involved in an investigation,
9 reporting, documentation, or adjudication of
10 any matter that is related to the administration
11 or enforcement of any treaty, law, or regulation
12 by the Coast Guard;

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

16 “(K) provide for any other appropriate
17 measures as the Secretary considers necessary
18 to ensure the Government is not prejudiced by
19 granting the clearance required under section
20 60105 of title 46.

21 “(3) FUND.—The term ‘Fund’ means the Sup-
22 port of Seafarers Fund established under this sec-
23 tion.

24 “(4) NECESSARY SUPPORT.—The term ‘nec-
25 essary support’ means normal wages, lodging, sub-

1 sistence, clothing, medical care (including hos-
2 pitalization), repatriation, and any other expense the
3 Secretary considers appropriate.

4 “(5) SEAFARER.—The term ‘seafarer’ means an
5 alien crewman who is employed or engaged in any
6 capacity on board a vessel subject to the jurisdiction
7 of the United States.

8 “(6) SHIPOWNER.—The term ‘shipowner’
9 means an individual or entity that owns, has an
10 ownership interest in, or operates a vessel subject to
11 the jurisdiction of the United States.

12 “(7) VESSEL SUBJECT TO THE JURISDICTION
13 OF THE UNITED STATES.—The term ‘vessel subject
14 to the jurisdiction of the United States’ has the
15 meaning given the term in section 70502(c), except
16 that it excludes—

17 “(A) a vessel—

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

21 “(ii) that is not engaged in commerce;

22 and

23 “(B) a bareboat—

1 “(i) that is chartered and operated by
2 the United States, a State or political sub-
3 division thereof, or a foreign nation; and

4 “(ii) that is not engaged in commerce.

5 “(h) REGULATIONS.—The Secretary may prescribe
6 regulations to implement this section.”.

7 (b) CONFORMING AMENDMENT.—The table of con-
8 tents for chapter 111 of title 46, United States Code, is
9 amended by inserting after the item relating to section
10 11112 the following:

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

11 (c) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Fund \$1,500,000
13 for each of fiscal years 2012, 2013, and 2014.

14 **SEC. 503. DELEGATION OF AUTHORITY.**

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

17 (1) in subsection (b)(2)—

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

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

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

23 “(C) if the Secretary of State determines
24 that the foreign classification society does not
25 provide comparable services in or for the gov-

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

4 (2) in subsection (d)(2)—

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

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

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

10 “(C) if the Secretary of State determines
11 that the foreign classification society does not
12 provide comparable services in or for the gov-
13 ernment of a country designated by the Sec-
14 retary of State as a State Sponsor of Ter-
15 rorism.”; and

16 (3) by adding at the end the following—

17 “(e) The Secretary shall revoke an existing delegation
18 made to a foreign classification society under subsection
19 (b) or (d) if the Secretary of State determines that the
20 foreign classification society provides comparable services
21 in or for the government of a country designated by the
22 Secretary of State as a State Sponsor of Terrorism.”.

1 **SEC. 504. REPORT ON ESTABLISHMENT OF ARCTIC DEEP**
2 **WATER PORT.**

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

8 (b) SCOPE.—The study under subsection (a) shall in-
9 clude an analysis of:

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

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

14 (3) the resources needed to establish the port;

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

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

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

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

1 **TITLE VI—MISCELLANEOUS**

2 **SEC. 601. CONVEYANCE OF DECOMMISSIONED COAST**
3 **GUARD CUTTER STORIS.**

4 (a) IN GENERAL.—The Commandant of the Coast
5 Guard shall convey the Coast Guard Cutter STORIS to
6 the Storis Museum under subsection (b) if the Com-
7 mandant determines that the cost to the Federal Govern-
8 ment of conveying the Coast Guard Cutter STORIS
9 through the General Services Administration exceeds the
10 cost to the Federal Government of conveying to the
11 STORIS Museum under subsection (b).

12 (b) COAST GUARD CUTTER STORIS.—Subject to the
13 cost determination under subsection (a) and after the de-
14 commissioning of the Coast Guard Cutter STORIS, the
15 Commandant of the Coast Guard shall convey, without
16 consideration, all right, title, and interest owned by the
17 United States in the Coast Guard Cutter STORIS to the
18 Storis Museum, a nonprofit entity of Juneau, Alaska, if
19 the head of the STORIS Museum agrees—

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

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

23 (3) to work cooperatively with other museums
24 to provide education and memorialize the maritime
25 heritage of the United States Coast Guard Cutter

1 STORIS and other maritime activities in Alaska, the
2 Pacific Northwest, the Arctic Ocean, and adjacent
3 oceans and seas;

4 (4) that the vessel will not be used for commer-
5 cial transportation purposes;

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

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

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

19 (c) TREATMENT OF CONVEYANCE.—The conveyance
20 of the Coast Guard Cutter STORIS under this section
21 shall not be considered a distribution in commerce for pur-
22 poses of section 6(e) of the Toxic Substances Control Act
23 (15 U.S.C. 2605(e)).

24 (d) OTHER EXCESS EQUIPMENT.—The Commandant
25 may convey to the recipient of the Coast Guard Cutter

1 STORIS under this section any excess equipment or parts
2 from other decommissioned Coast Guard vessels for use
3 to enhance the vessel's operability and function for pur-
4 poses of a public museum and historical display.

5 **SEC. 602. COAST GUARD ADMINISTRATIVE COSTS.**

6 Section 1012(a)(4) of the Oil Pollution Act of 1990
7 (33 U.S.C. 2712(a)(4)) is amended by striking "damages"
8 and inserting "damages, including the cost of commercial
9 claims processing, expert services, training, technical serv-
10 ices, and other administrative and personnel costs to proc-
11 ess claims".

12 **SEC. 603. OIL SPILL LIABILITY TRUST FUND INVESTMENT**
13 **AMOUNT.**

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

19 **SEC. 604. DRY DOCK OPERATION.**

20 A vessel transported in Dry Dock #2 (State of Alas-
21 ka registration AIDEA FDD-2) shall not be considered
22 merchandise for purposes of section 55102 of title 46,
23 United States Code, if, during transportation under that
24 section, Dry Dock #2 is connected to electrical, water,

1 compressed air, and wastewater utility shoreside connec-
2 tions located in Ketchikan, Alaska.

3 **SEC. 605. TECHNICAL AMENDMENTS.**

4 (a) CONTINUATION ON ACTIVE DUTY.—Section
5 290(a) of title 14, United States Code, is amended in the
6 second sentence by striking “in the grade of vice admiral”
7 and inserting “in or above the grade of vice admiral”.

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

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

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

“669. Telephone installation and charges.”;

17 and

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

“674. Small boat station rescue capability.”.

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