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,
1 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.
TITLE I—AUTHORIZATION

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) $289,000,000,000 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 Ben-
(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 naviga-
tion, 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 Pollu-
tion Act of 1990 (33 U.S.C. 2712(a)(5)), to re-
main available until expended;

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

(C) $289,000,000 is authorized to acquire,
effect major repairs, renovate, or improve air-
craft 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 mili-
tary 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 per-
sonnel 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 active 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, 268 student years.

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

**TITLE II—ORGANIZATION**

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

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

"(e) Operation and maintenance of Coast Guard assets and facilities.—All authority, including programmatic budget authority, for the operation and maintenance of Coast Guard vessels, aircraft, systems, aids to navigation, infrastructure, and any other Coast Guard assets or facilities, shall be allocated to and vested in the Coast Guard and the department in which the Coast Guard is operating."
SEC. 202. CLARIFICATION OF COAST GUARD ICE OPERATIONS MISSION.

(a) Coast Guard Provision of Federal Icebreaking Services.—Chapter 5 of title 14, United States Code, is amended by inserting after section 86 the following:

"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 Antarttic 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”.

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

“87. Provision of icebreaking services.”

TITLE III—PERSONNEL

SEC. 301. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

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

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

(2) in subsection (b)—

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

(B) by striking “2012” and inserting “2015”. 
SEC. 302. INACTIVE DUTY PROMOTION LIST FLAG OFFICERS 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 COMMISSIONED OFFICERS.

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

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

SEC. 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 in-
cidence of rape, acquaintance rape, and other sexual
offenses of a criminal nature on and off the Acad-
emy reservation;

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

“(A) how to report the alleged sexual har-
assment 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 program year, of sexual harassment and sexual violence, on or off the Academy reservation, that were reported under subsection (b)(2); and

"(ii) the incidence, during that program year, of sexual harassment and sexual violence, on or off the Academy reservation, that were not reported under subsection (b)(2); and

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

"(i) the policy, training, and procedures on sexual harassment and sexual violence;

"(ii) the enforcement of the policy;
“(iii) the incidence of sexual harassment and sexual violence involving Coast Guard Academy personnel; and

“(iv) any other issues relating to sexual harassment and sexual violence involving Coast Guard Academy personnel, that the Superintendent of the Academy considers 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 ad-
vance 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 Station 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), respectively;

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

"(2) NATIONAL RESPONSE FUNCTIONS.—The Secretary of the department in which the Coast Guard is operating—" ; and
(3) in subsection (j)(4)(C)(vi), by striking "'
and into operating procedures of the National 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 Trans-
portation 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 agen-
cies 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 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 SEAFARERS.

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

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§ 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
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to the Secretary, without further appropriation and without fiscal year limitation, to—

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

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

"(3) Amounts credited to Fund.—Notwithstanding any other provision of law, the Fund may receive—

"(A) any moneys ordered to be paid to the Fund 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 (c);

"(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.

"(C) 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.

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 limita—
tion, from amounts in the Fund, a shipowner that has filed a bond or surety satisfactory under sub-
section (f) and provides necessary support of a sea-
farer, for the costs of necessary support if the Sec-
retary 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 reim-

burse the cost of necessary support.

“(e) REIMBURSEMENT; RECOVERY.—

“(1) In general.—A shipowner shall reim-

burse 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 investiga-

tion, reporting, documentation, or adju-

dication of any matter that the Coast

Guard referred to a United States Attor-

ney or the Attorney General; fails to pro-

vide 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 fa-
cilitate an investigation, reporting, documenta-
tion, or adjudication of any matter that is re-
lated 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 with-
holding or revocation of the clearance under sub-
section (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, subsistence, clothing, medical care (including hospitalization), repatriation, and any other expense the Secretary considers appropriate.

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

"(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(e), 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;

(B) a bareboat—

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

“(ii) that is not engaged in commerce.

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

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

"11113. Protection and fair treatment of seafarers."

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the 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
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."

(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."

(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 Commandant 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 connec-
tions 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 Election 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;";
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:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.

TITLE II—ORGANIZATION

Sec. 201. Coast Guard authority to operate and maintain Coast Guard assets.
Sec. 202. Clarification of Coast Guard ice operations mission.

TITLE III—PERSONNEL

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

TITLE IV—ADMINISTRATION

Sec. 401. Advance procurement funding.
Sec. 402. Multiyear procurement authority for Coast Guard National Security Cutters.
Sec. 403. Requirement to maintain United States polar icebreaking capability.
Sec. 404. Forward operating facility.
Sec. 405. National response functions.
Sec. 406. 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.
Sec. 505. Risk analysis of transporting Canadian tar sands.

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.
Sec. 606. Vessel determinations.
Sec. 607. Alteration of bridge obstructing navigation.
Sec. 608. Documentation of LNG tankers.
Sec. 609. Notice of arrival.
Sec. 610. Homeporting of FSV HENRY B BIGELOW.
Sec. 611. Higher volume port area regulatory definition change.

TITLE I—AUTHORIZATION

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 active 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 shortage category positions” and inserting “as positions for which there is a shortage of candidates or a critical hiring need”; and

(2) in subsection (b)—

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

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

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SEC. 302. OFFICERS RECOMMENDED FOR PROMOTION.

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

SEC. 303. ORIGINAL APPOINTMENT OF PERMANENT COMMISSIONED OFFICERS.

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

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

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

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

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

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

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

(a) Establishment.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following:
§200. Policy on sexual harassment and sexual violence

(a) REQUIRED POLICY.—The Commandant shall direct the Superintendent of the Academy to prescribe a policy 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-num-
bered program year shall include a survey of Coast Guard Academy personnel. The survey shall—

“(A) measure—

“(i) the incidence, during that program year, of sexual harassment and sexual violence, on or off the Academy reservation, that were reported under subsection (b)(2); and

“(ii) the incidence, during that program year, of sexual harassment and sexual violence, on or off the Academy reservation, that were not reported under subsection (b)(2); and

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

“(i) the policy, training, and procedures on sexual harassment and sexual violence;

“(ii) the enforcement of the policy;

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

“(iv) any other issues relating to sexual harassment and sexual violence involving Coast Guard Academy personnel, that
the Superintendent of the Academy considers 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 har-
assessment 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. 306. COAST GUARD AUXILIARISTS ENROLLMENT ELIGIBILITY.

Section 823 of title 14, United States Code, is amended to read as follows:
“§ 823. Eligibility, enrollments

“The Auxiliary shall be composed of 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. MULTIYEAR PROCUREMENT AUTHORITY FOR COAST GUARD NATIONAL SECURITY CUTTERS.

(a) In General.—Beginning with the fiscal year 2012 program year, the Secretary of the department in which the Coast Guard is operating may enter, under section 2306b of title 10, United States Code, into a multiyear contract for the procurement of Coast Guard National Security Cutters and government-furnished equipment associated with the National Security Cutter program.

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

(1) the Secretary submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a certification that the Secretary has made, with respect to the contract, each of the findings under section 2306b(a) of title 10, United States Code, such as the analysis referred to under subsection (c) of this section; and
(2) a period of 30 days has elapsed after the date
that the Secretary submits the certification under
paragraph (1).

(c) Determination of Substantial Savings.—In
conducting an analysis of substantial savings under section
2306b(a)(1) of title 10, United States Code, the Secretary—

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

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

(A) based on a multiyear procurement; and

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

SEC. 403. REQUIREMENT 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
to avoid jeopardizing national security, law enforcement,
maritime safety, search and rescue, environmental protec-
tion, disaster response, scientific research, natural resource protection, marine pollution response and prevention, and fishery enforcement missions.

(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) CURRENT ICEBREAKER MAINTENANCE.—Until new icebreakers are acquired under subsection (a), the Commandant of the Coast Guard may not—

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

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

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

(4) expend any funds—

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

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

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

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

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

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

(e) 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. 404. 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 Station Kodiak, Alaska for at least 20 years.
SEC. 405. NATIONAL RESPONSE FUNCTIONS.

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

(1) in subsection (a)—

(A) by striking paragraph (23); and

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

(2) in subsection (j)(2), by striking “NATIONAL RESPONSE UNIT.” through “acting through the National Response Unit” and inserting the following:

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

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

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

(1) by striking paragraph (2); and

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

SEC. 406. CONFORMING AMENDMENT.

Section 210 of the Coast Guard and Maritime Transportation Act of 2006 (14 U.S.C. 93 note) is repealed.
TITLE V—SHIPPING AND NAVIGATION

SEC. 501. 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 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 SEAFARERS.

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

§ 11113. Protection and fair treatment of seafarers

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

“(b) SPECIAL FUND.—

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

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

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

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

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

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

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

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

“(6) REPORT REQUIRED.—

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

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

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

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

“(I) on-going activities; and
“(II) new cases, derived from historic data.

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

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

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

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

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

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

“(c) AUTHORITY.—The Secretary may—

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

“(A) a seafarer that—

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

“(ii) is involved in an investigation, reporting, documentation, or adjudication
of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard; and

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

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

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

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

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

“(e) REIMBURSEMENT; RECOVERY.—

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

if—

“(A) the shipowner—

“(i) during the course of an investiga-

tion, reporting, documentation, or adjudica-
tion of any matter that the Coast Guard re-
ferred 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 investiga-
tion, reporting, documentation, or adjudica-
tion; and

“(ii) subsequently receives a criminal

penalty; or

“(B) the shipowner, under any cir-

cumstance, abandons a seafarer in the United

States, as determined by the Secretary.

“(2) ENFORCEMENT.—If a shipowner fails to re-

imburse the Fund under paragraph (1), the Secretary

may—

“(A) proceed in rem against any vessel of

the shipowner in the Federal district court for

the district in which the vessel is found; and
“(B) withhold or revoke the clearance required under section 60105 of any vessel of the shipowner wherever the vessel is found.

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

“(f) BOND AND SURETY.—

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

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

“(3) APPLICATION.—The authority to require a bond or surety satisfactory or to request the with-
holding or revocation of the clearance under subsection (e) applies to any investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard.

“(g) DEFINITIONS.—In this section:

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

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

“(B) a shipowner’s failure to provide necessary support of a seafarer.

“(2) BOND OR SURETY SATISFACTORY.—The term ‘bond or surety satisfactory’ means a negotiated instrument, the terms of which may, at the discretion of the Secretary, include provisions that require a shipowner 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, subsistence, clothing, medical care (including hospitalization), repatriation, and any other expense the Secretary considers appropriate.

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

“(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 ex-
cludes—

“(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 contents
for chapter 111 of title 46, United States Code, is amended
by inserting after the item relating to section 11112 the fol-
lowing:

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

(c) 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 govern-
ment of a country designated by the Secretary of
State as a State Sponsor of Terrorism.”;

(2) in subsection (d)(2)—

(A) by striking “and” at the end of 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 govern-
ment of a country designated by the Secretary of
State as a State Sponsor of Terrorism.”; and

(3) by adding at the end the following—
“(e) The Secretary shall revoke an existing delegation made to a 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.

**SEC. 505. RISK ANALYSIS OF TRANSPORTING CANADIAN TAR SANDS.**

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

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

1. the extent to which vessel (barge, tanker, and supertanker) traffic may increase due to Canadian tar sands development;
2. whether transport of Canadian tar sands within the Salish Sea is likely to require navigation through United States territorial waters;
3. the rules and regulations that restrict supertanker traffic in United States waters, including an assessment of whether there are methods to bypass
those rules in such waterways and adjacent Canadian waters;

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

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

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

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

(8) whether oil extracted from tar sands has different properties from other types of oil, including toxicity and other properties, which may require different maritime clean up technologies; and

(9) a risk assessment of the increasing supertanker, tanker, and barge traffic associated with Canadian tar sands development or expected to be associated with Canadian tar sands development.
(c) Consultation Requirement.—In conducting the analysis required under this section, the Commandant shall consult with the State of Washington and affected tribal governments. The Commandant is also strongly encouraged to consult with the Secretary of State.

(d) Recommendations.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit recommendations based on the analysis required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The recommendations shall consider a full range of options for the management of increasing maritime traffic and minimizing the increased likelihood of an oil spill, including Federal legislation, promulgation of Federal rules, and the establishment of cooperative agreements for shared funding of spill prevention and response systems.

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 con-
veying 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 purposes 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) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pier-side moorage.

**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 insert-\nning “that Reserve appointment”.

(c) TABLE OF CONTENTS.—The table of contents for\nchapter 17 of title 14, United States Code, is amended by—\n
(1) by striking the item relating to section 669\nand inserting the following:
“669. Telephone installation and charges.”;

and

(2) by striking the item relating to section 674\nand inserting the following:
“674. Small boat station rescue capability.”.

SEC. 606. VESSEL DETERMINATIONS.

(a) VESSELS DEEMED NEW VESSELS.—The vessel\nwith United States official number 981472 and the vessel\nwith United States official number 988333 shall each be\ndeemed to be a new vessel effective on the date of delivery\nafter January 1, 2008, from a privately owned United\nStates shipyard if no encumbrances are on record with the\nUnited States Coast Guard at the time of the issuance of\nthe new vessel certificate of documentation for each vessel.

(b) SAFETY INSPECTION.—Each vessel under sub-
section (a) shall be subject to the vessel safety and inspection\nrequirements of title 46, United States Code (as in effect\non the day before the date of enactment of this Act), applica-
table to any such vessel.
SEC. 607. ALTERATION OF BRIDGE OBSTRUCTING NAVIGATION.

(a) Requirement to Commence Administrative Review.—Not later than 15 days after the date of enactment of this Act, the Commandant of the Coast Guard shall certify to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that the Coast Guard has commenced the required interagency administrative review of the pending proposal to alter the bridge that is unreasonably obstructing navigation and that spans the Kill Van Kull, connecting Bayonne, New Jersey, and Staten Island, New York.

(b) Expedited Process.—The Commandant—

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

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

(c) Deadline for Completion.—Not later than December 31, 2011, the Coast Guard shall complete the interagency administrative review under subsection (a).

SEC. 608. DOCUMENTATION OF LNG TANKERS.

(a) In General.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard
is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) LNG GEMINI (United States official number 595752).

(2) LNG LEO (United States official number 595753).

(3) LNG VIRGO (United States official number 595755).

(b) Limitation on Operation.—Coastwise trade authorized under subsection (a) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(c) Termination of Effectiveness of Endorsements.—The coastwise endorsement issued under subsection (a) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

SEC. 609. NOTICE OF ARRIVAL.

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

SEC. 610. HOMEPORTING OF FSV HENRY B BIGELOW.

(a) Deadline for Final Decision Regarding the Homeport for the FSV Henry B Bigelow.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall make a final decision regarding the homeport for the FSV Henry B Bigelow.

(2) Advance notice to Congress.—Not later than 45 days before the date that the final decision under paragraph (1) is implemented, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives—

(A) notification of the proposed final decision; and

(B) an explanation of—

(i) the rationale for the homeport selected in the proposed final decision; and

(ii) how the proposed final decision addresses the considerations under subsection (b).
(b) CONSIDERATIONS.—In making a final decision under subsection (a), the Administrator of the National Oceanic and Atmospheric Administration shall consider—

(1) the use of existing infrastructure owned by the Administration;

(2) the proximity of the proposed homeport to Federal research facilities and to programs that could directly benefit from the research conducted by the FSV HENRY B BIGELOW, including the Administration’s Northeast Fisheries Science Center;

(3) the proximity of the proposed homeport to non-Federal fisheries research partners and vessel and equipment repair and support infrastructure;

(4) the prior homeport location of the FSV AL-BATROSS, which the FSV HENRY B BIGELOW is replacing; and

(5) the historical and cultural significance of the presence of a Federal fisheries research vessel at the proposed homeport.

(c) PROGRESS REPORT.—Not later than 30 days after the date of enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on the Ad-
ministrator’s progress in making a final decision under subsection (a).

SEC. 611. HIGHER VOLUME PORT AREA REGULATORY DEFINITION CHANGE.

(a) IN GENERAL.—Subsection (a) of section 710 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 2986) is amended to read as follows:

“(a) HIGHER VOLUME PORTS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the requirements of subparts D, F, and G of part 155 of title 33, Code of Federal Regulations, that apply to the higher volume port area for the Strait of Juan de Fuca at Port Angeles, Washington (including any water area within 50 nautical miles seaward), to and including Puget Sound, shall be deemed to apply, in the same manner, and to the same extent, to the Strait of Juan de Fuca at Cape Flattery, Washington (including any water area within 50 nautical miles seaward), to and including Puget Sound.

“(2) EFFECTIVE DATE.—This subsection shall take effect on July 1, 2012.”.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by striking “the modification of the higher volume port area definition required by subsection
(a)” and inserting “higher volume port requirements made applicable under subsection (a)”.
To authorize appropriations for the Coast Guard for fiscal years 2012 and 2013, and for other purposes.

A BILL

reported with an amendment
January 26, 2012

Calendar No. 300