

113TH CONGRESS
2D SESSION

S. 2131

To amend the statutory authorities of the Coast Guard to strengthen Coast Guard prevention and response capabilities in the Arctic, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2014

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

A BILL

To amend the statutory authorities of the Coast Guard to strengthen Coast Guard prevention and response capabilities in the Arctic, 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 Arctic Preparedness Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Secretary defined.

TITLE I—PREVENTION

- Sec. 101. Clarification of Coast Guard ice operations mission.
- Sec. 102. Reactivation of Polar Sea.
- Sec. 103. Competitive bidding in heavy polar icebreaker design and construction.
- Sec. 104. Vessel requirements for notices of arrival and departure and automatic identification system.
- Sec. 105. Improved safety information for vessels.
- Sec. 106. Recovery of travel and subsistence costs for prevention services.

TITLE II—PREPAREDNESS AND RESPONSE

- Sec. 201. Commandant; appointment.
- Sec. 202. Active duty for emergency augmentation of regular forces.
- Sec. 203. Acquisition workforce expedited hiring authority.
- Sec. 204. Transmission of annual Coast Guard authorization request.
- Sec. 205. Interagency Arctic fusion center.
- Sec. 206. Enhanced national response capability.
- Sec. 207. Forward operating facilities.
- Sec. 208. Prompt intergovernmental notice of marine casualties.
- Sec. 209. Prompt publication of oil spill information.
- Sec. 210. Coast Guard centers of expertise.
- Sec. 211. Research, development, testing, and evaluation.
- Sec. 212. Area contingency plans.
- Sec. 213. Coast Guard response plan requirements.
- Sec. 214. Protection and fair treatment of seafarers.

TITLE III—MISCELLANEOUS

- Sec. 301. Waiver.
- Sec. 302. Transportation of oil from Arctic outer continental shelf lands.
- Sec. 303. Lease of tidelands and submerged lands under control of the Coast Guard.
- Sec. 304. Inflationary adjustment for regional citizens' advisory council.
- Sec. 305. Coast Guard cutters classification by the American Bureau of Shipping.
- Sec. 306. Updates to fines and penalties.
- Sec. 307. Technical amendment; Coast Guard Academy charges and fees for attendance.

1 SEC. 2. SECRETARY DEFINED.

- 2 In this Act, except as otherwise specifically provided,
- 3 the term “Secretary” means the Secretary of the depart-
- 4 ment in which the Coast Guard is operating.

TITLE I—PREVENTION

SEC. 101. CLARIFICATION OF COAST GUARD ICE OPERATIONS MISSION.

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

“§ 87. Provision of icebreaking services

“(a) IN GENERAL.—Notwithstanding any other provision of law, except as provided in subsection (b), the Coast Guard shall be the sole supplier of icebreaking services, on an advance payment 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

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

3 (2) SECTION 312.—Section 312(c) of the Ant-
4 arctic Marine Living Resources Convention Act of
5 1984 (16 U.S.C. 2441(c)) is amended by inserting
6 “to execute the statutory missions of the Coast
7 Guard and” after “needed”.

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

“87. Provision of icebreaking services.”.

12 **SEC. 102. REACTIVATION OF POLAR SEA.**

13 (a) IN GENERAL.—Section 222 of the Coast Guard
14 and Maritime Transportation Act of 2012 (126 Stat.
15 1560), is amended—

16 (1) by amending subsection (d) to read as fol-
17 lows:

18 “(d) REACTIVATION OF POLAR SEA.—

19 “(1) IN GENERAL.—The Secretary shall—

20 “(A) develop a service life extension plan
21 for the reactivation of the Polar Sea, including
22 a timetable for that reactivation; and

23 “(B) initiate reactivating and extending
24 the service life of the Polar Sea for 7 to 10

1 years, in accordance with the service life exten-
2 sion plan under subparagraph (A).

3 “(2) UTILIZATION OF EXISTING RESOURCES.—

4 In the development of the service life extension plan
5 under paragraph (1)(A), the Secretary shall utilize
6 to the greatest extent practicable recent plans, stud-
7 ies, assessments, and analyses regarding the Coast
8 Guard’s icebreakers and high latitude mission needs
9 and operating requirements.

10 “(3) SUBMISSION.—The Secretary shall submit
11 the service life extension plan under paragraph
12 (1)(A) to the Committee on Commerce, Science, and
13 Transportation of the Senate and the Committee on
14 Transportation and Infrastructure of the House of
15 Representatives not later than 30 days after the
16 date of its completion.”; and

17 (2) in subsection (e)—

18 (A) by striking “Except as provided in
19 subsection (d), the” and inserting “The”; and

20 (B) in paragraph (1), by inserting “unless
21 it is necessary for purposes of the service life
22 extension plan under subsection (d),” before
23 “transfer”.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated for fiscal year 2015 to the

1 Secretary of the department in which the Coast Guard is
 2 operating such sums as may be necessary to reactivate and
 3 extend the service life of the Coast Guard Cutter Polar
 4 Sea (WAGB 11) for 7 to 10 years.

5 **SEC. 103. COMPETITIVE BIDDING IN HEAVY POLAR ICE-**
 6 **BREAKER DESIGN AND CONSTRUCTION.**

7 Notwithstanding the requirement of section 3316(a)
 8 of title 46, United States Code regarding classification
 9 services for vessels owned by the United States Govern-
 10 ment, the Commandant of the Coast Guard, consistent
 11 with the requirements of chapter 15 of title 14, United
 12 States Code, and other applicable Federal law, as a part
 13 of any project or program established for the acquisition
 14 of 1 or more new heavy polar icebreakers for the Coast
 15 Guard, may solicit bids and proposals and enter into con-
 16 tracts that include the provision of classification services
 17 by any classification society to which the Secretary has
 18 delegated the authority to provide those services for ves-
 19 sels not owned by the United States Government.

20 **SEC. 104. VESSEL REQUIREMENTS FOR NOTICES OF AR-**
 21 **RIVAL AND DEPARTURE AND AUTOMATIC**
 22 **IDENTIFICATION SYSTEM.**

23 (a) IN GENERAL.—Not later than 180 days after the
 24 date of enactment of this Act, the Secretary shall publish
 25 a final rule implementing the proposed rule “Vessel Re-

1 quirements for Notices of Arrival and Departure, and
 2 Automatic Identification System” (73 Fed. Reg. 76295).

3 (b) RULE OF CONSTRUCTION.—The Secretary shall
 4 ensure, with respect to a final rule issued under subsection
 5 (a), that any notice of arrival or notice of departure re-
 6 quirement in the final rule applies to vessels in a manner
 7 consistent with the regulations promulgated under section
 8 109(a) of the Security and Accountability for Every Port
 9 Act of 2006 (33 U.S.C. 1223 note) and with section 704
 10 of the Coast Guard and Maritime Transportation Act of
 11 2012 (126 Stat. 1580).

12 **SEC. 105. IMPROVED SAFETY INFORMATION FOR VESSELS.**

13 Not later than 1 year after the date of enactment
 14 of this Act, the Secretary shall establish a permitting proc-
 15 ess by which an operator of a marine exchange or other
 16 non-Federal vessel traffic information service may apply
 17 for permission to use the automatic identification system
 18 to transmit weather, ice, and other important navigation
 19 safety information to vessels.

20 **SEC. 106. RECOVERY OF TRAVEL AND SUBSISTENCE COSTS**
 21 **FOR PREVENTION SERVICES.**

22 (a) TITLE 46, UNITED STATES CODE.—Section 2110
 23 of title 46, United States Code, is amended—

24 (1) in subsection (c), by inserting “appropriate
 25 travel and subsistence costs incurred providing a

1 service or thing of value under this subtitle and”
2 after “recover”; and

3 (2) in subsection (d), by inserting at the end
4 the following:

5 “(3) Amounts received as reimbursement for
6 appropriate travel and subsistence costs incurred
7 providing a service or thing of value under this sec-
8 tion may be credited to the account from which ex-
9 pended.

10 “(4) Reimbursement for services provided under
11 this section may include in kind reimbursement for
12 transportation, travel, and subsistence.”.

13 (b) TITLE 14, UNITED STATES CODE.—Section 664
14 of title 14, United States Code, is amended—

15 (1) in subsection (c), by inserting “appropriate
16 travel and subsistence costs incurred by the Coast
17 Guard in providing a service or thing of value,” after
18 “for the fee or charge the”;

19 (2) in subsection (e), by inserting “and, as ap-
20 propriate, for travel and subsistence costs incurred
21 when providing a service or thing of value” after
22 “charge”; and

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

1 “(h) Reimbursement for services provided by the
 2 Coast Guard may include in-kind reimbursement for
 3 transportation, travel, and subsistence.”.

4 **TITLE II—PREPAREDNESS AND** 5 **RESPONSE**

6 **SEC. 201. COMMANDANT; APPOINTMENT.**

7 Section 44 of title 14, United States Code, is amend-
 8 ed by inserting after the first sentence the following: “The
 9 term of an appointment, and any reappointment, shall
 10 begin on June 1 of the current year and end four years
 11 later on May 31, except that, in the event of death, retire-
 12 ment, resignation, or reassignment, or when the needs of
 13 the Service demand, the Secretary may alter the date on
 14 which the term begins or ends.”.

15 **SEC. 202. ACTIVE DUTY FOR EMERGENCY AUGMENTATION** 16 **OF REGULAR FORCES.**

17 Section 712(a) of title 14, United States Code, is
 18 amended—

19 (1) by striking “another” and inserting “any
 20 other”;

21 (2) by striking “prevention of” and inserting
 22 “prevention of—”;

23 (3) by inserting “(1)” before “an imminent”
 24 and indenting accordingly;

1 (4) in paragraph (1), as redesignated, by strik-
 2 ing “unit.” and inserting “unit; and”; and

3 (5) by inserting at the end the following:

4 “(2) a major disaster or emergency (as defined
 5 in section 102 of the Robert T. Stafford Disaster
 6 Relief and Emergency Assistance Act (42 U.S.C.
 7 5122)), or a discharge (as defined in section 311(a)
 8 of the Federal Water Pollution Control Act (33
 9 U.S.C. 1321(a))) that the Commandant has classi-
 10 fied as a spill of national significance under the Na-
 11 tional Oil and Hazardous Substances Pollution Con-
 12 tingency Plan (part 300 of title 40, Code of Federal
 13 Regulations), the Secretary may, without the con-
 14 sent of the member affected, order to active duty for
 15 a continuous period of not more than 120 days an
 16 organized training unit of the Coast Guard Ready
 17 Reserve, a member thereof, or a member not as-
 18 signed to a unit organized to serve as a unit.”.

19 **SEC. 203. ACQUISITION WORKFORCE EXPEDITED HIRING**
 20 **AUTHORITY.**

21 Section 404(b) of the Coast Guard Authorization Act
 22 of 2010 (124 Stat. 2951), as amended by section 218 of
 23 the Coast Guard and Maritime Transportation Act of
 24 2012 (126 Stat. 1558), is amended by striking “2015”
 25 and inserting “2017”.

1 **SEC. 204. TRANSMISSION OF ANNUAL COAST GUARD AU-**
 2 **THORIZATION REQUEST.**

3 (a) IN GENERAL.—Title 14, United States Code, is
 4 amended by inserting after section 662 the following:

5 **“§ 662a. Transmission of annual Coast Guard author-**
 6 **ization request**

7 “(a) IN GENERAL.—Not later than 30 days after the
 8 date on which the President submits to Congress a budget
 9 request for a fiscal year pursuant to section 1105 of title
 10 31, the Secretary shall submit to the Committee on Com-
 11 merce, Science, and Transportation of the Senate and the
 12 Committee on Transportation and Infrastructure of the
 13 House of Representatives a Coast Guard authorization re-
 14 quest with respect to that fiscal year.

15 “(b) COAST GUARD AUTHORIZATION REQUEST DE-
 16 FINED.—In this section, the term ‘Coast Guard authoriza-
 17 tion request’ means proposed legislation that, with respect
 18 to the Coast Guard for the relevant fiscal year, includes—

19 “(1) recommended end-of-year strengths for ac-
 20 tive duty personnel and military training student
 21 loads for that fiscal year, as described in section
 22 661;

23 “(2) recommended authorizations of appropria-
 24 tions for that fiscal year, including with respect to
 25 matters described in section 662; and

1 “(3) any other matter the Secretary considers
2 appropriate for inclusion in a Coast Guard author-
3 ization bill.”.

4 (b) CONFORMING AMENDMENT.—The table of con-
5 tents for chapter 17 of title 14, United States Code, is
6 amended by inserting after the item relating to section
7 662 the following:

“662a. Transmission of annual Coast Guard authorization request.”.

8 **SEC. 205. INTERAGENCY ARCTIC FUSION CENTER.**

9 (a) IN GENERAL.—Chapter 7 of title 14, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 **“§ 154. Interagency Arctic fusion center**

13 “(a) ESTABLISHMENT.—

14 “(1) IN GENERAL.—The Secretary is authorized
15 to establish an interagency Arctic fusion center (re-
16 ferred to in this section as the ‘Center’). The Com-
17 mandant shall operate the Center.

18 “(2) PURPOSE.—The purpose of the Center
19 shall be to improve maritime domain awareness in
20 the Arctic—

21 “(A) by promoting interagency cooperation
22 and coordination;

23 “(B) by employing joint, interagency, and
24 international capabilities; and

1 “(C) by facilitating the sharing of informa-
2 tion, intelligence, and data related to the Arctic
3 maritime domain between the participating
4 agencies and departments under paragraph (3).

5 “(3) PARTICIPATING AGENCIES AND DEPART-
6 MENTS.—The Center shall coordinate the participa-
7 tion by and sharing of information, intelligence, and
8 data related to the Arctic maritime domain between
9 the following:

10 “(A) the Department of Homeland Secu-
11 rity;

12 “(B) the Department of Defense;

13 “(C) the Department of Transportation;

14 “(D) the Department of State;

15 “(E) the Department of the Interior;

16 “(F) the National Aeronautics and Space
17 Administration;

18 “(G) the National Oceanic and Atmos-
19 pheric Administration;

20 “(H) the Environmental Protection Agen-
21 cy; and

22 “(I) the National Science Foundation.

23 “(b) ORGANIZATION.—

1 “(1) STAFFING AND OTHER RESOURCES.—The
2 Secretary and the head of an agency or department
3 under subsection (a)(3) may—

4 “(A) by agreement, on a reimbursable
5 basis or otherwise, provide permanent represen-
6 tation to the Center;

7 “(B) by agreement, on a reimbursable
8 basis or otherwise, share personnel, services,
9 equipment (including aircraft and vessels), and
10 facilities with the Center for the purpose under
11 subsection (a)(2); and

12 “(C) to the extent possible, and consistent
13 with applicable law, extend the authorities pro-
14 vided under their enabling statutes to the other
15 participating departments and agencies in fur-
16 therance of the purpose under subsection
17 (a)(2).

18 “(2) BUDGET.—The Secretary and the head of
19 each participating agency and department under
20 subsection (a)(3), at their discretion, may develop
21 interagency plans and budgets and engage in inter-
22 agency financing to establish and maintain the Cen-
23 ter.

24 “(c) INFORMATION SHARING.—

1 “(1) IN GENERAL.—The Secretary and the
2 head of each participating agency and department
3 under subsection (a)(3), to the maximum extent per-
4 missible under law, shall share through the Center
5 all applicable information, intelligence, and data re-
6 lated to maritime domain awareness in the Arctic.

7 “(2) COLLECTION AND USE.—Subject to appli-
8 cable confidentiality and privacy laws, the Secretary,
9 through the Center, shall oversee and coordinate the
10 collection, storage, analysis, and use of all applicable
11 information, intelligence, and data shared under
12 paragraph (1).

13 “(d) 5-YEAR STRATEGIC PLAN.—Not later than 180
14 days after the date that the Center is established under
15 subsection (a), the Secretary shall develop a 5-year stra-
16 tegic plan to guide interagency and international intergov-
17 ernmental cooperation and coordination for the purpose
18 of improving maritime domain awareness in the Arctic.
19 The Secretary shall update the plan at least once every
20 5 years thereafter.

21 “(e) DEFINITIONS.—In this section—

22 “(1) ARCTIC.—The term ‘Arctic’ has the mean-
23 ing given the term in section 112 of the Arctic Re-
24 search and Policy Act of 1984 (15 U.S.C. 4111).

1 “(2) MARITIME DOMAIN AWARENESS.—The
 2 term ‘maritime domain awareness’ means the effec-
 3 tive understanding of anything associated with the
 4 maritime domain that could impact the safety, secu-
 5 rity, economy, or environment of the United
 6 States.”.

7 (b) CONFORMING AMENDMENT.—The table of con-
 8 tents for chapter 7 of title 14, United States Code, is
 9 amended by inserting after the item relating to section
 10 153 the following:

 “154. Interagency Arctic fusion center.”.

11 **SEC. 206. ENHANCED NATIONAL RESPONSE CAPABILITY.**

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

14 (1) in subsection (a)(23)—

15 (A) by striking “Unit” each place it ap-
 16 pears and inserting “Functions”; and

17 (B) by striking “established” and inserting
 18 “maintained”;

19 (2) in subsection (j)(2), by striking “NATIONAL
 20 RESPONSE UNIT” through “acting through the Na-
 21 tional Response Unit” and inserting the following:

22 “NATIONAL RESPONSE FUNCTIONS.—The Sec-
 23 retary of the department in which the Coast Guard
 24 is operating—”; and

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

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

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

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

10 **SEC. 207. FORWARD OPERATING FACILITIES.**

11 The Secretary is authorized to construct or lease
12 hangar, berthing, and messing facilities in the Arctic Re-
13 gion and Bering Sea-Aleutian Islands operating area. The
14 facilities shall—

15 (1) support aircraft maintenance, including ex-
16 haust ventilation, heat, engine wash system, head fa-
17 cilities, fuel, ground support services, and electrical
18 power;

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

22 (3) provide berthing and messing facilities for
23 maintenance and aircrew personnel.

1 **SEC. 208. PROMPT INTERGOVERNMENTAL NOTICE OF MA-**
 2 **RINE CASUALTIES.**

3 Section 6101 of title 46, United States Code, is
 4 amended by inserting after subsection (b) the following:

5 “(c) NOTICE TO STATE AND TRIBAL GOVERN-
 6 MENTS.—

7 “(1) REQUIREMENT TO NOTIFY.—Not later
 8 than 1 hour after receiving a report of a marine cas-
 9 ualty under this section, the Secretary shall forward
 10 the report to the designated official of—

11 “(A) each appropriate State agency of a
 12 State; and

13 “(B) each tribal government of an Indian
 14 tribe (as defined in section 102 of the Federally
 15 Recognized Indian Tribe List Act of 1994 (25
 16 U.S.C. 479a)) that has jurisdiction concurrent
 17 with the United States or is adjacent to waters
 18 in which the marine casualty occurred.

19 “(2) DESIGNATED OFFICIAL.—Each State and
 20 tribal government referred to in paragraph (1) shall
 21 identify for the Secretary the designated official to
 22 receive a report under paragraph (1).”.

23 **SEC. 209. PROMPT PUBLICATION OF OIL SPILL INFORMA-**
 24 **TION.**

25 (a) IN GENERAL.—In any response to an oil spill in
 26 which the Coast Guard serves as the Federal on-scene co-

1 ordinator leading a unified command, the Commandant of
 2 the Coast Guard shall publish, on a publicly accessible
 3 website, all written incident action plans prepared and ap-
 4 proved as a part of the response to the oil spill.

5 (b) TIMELINESS AND DURATION.—The Commandant
 6 of the Coast Guard shall—

7 (1) publish each incident action plan under sub-
 8 section (a) promptly after the incident action plan is
 9 approved for implementation by the unified com-
 10 mand, but not later than 12 hours after the begin-
 11 ning of the operational period for which the plan is
 12 prepared; and

13 (2) ensure that each incident action plan under
 14 subsection (a) remains publicly accessible on the
 15 website under subsection (a) for the duration of the
 16 response to the applicable oil spill.

17 (c) REDACTION OF PERSONAL INFORMATION.—The
 18 Commandant may redact information from an incident ac-
 19 tion plans published under subsection (a) to the extent
 20 necessary to comply with applicable privacy laws and other
 21 laws regarding the protection of personal information.

22 **SEC. 210. COAST GUARD CENTERS OF EXPERTISE.**

23 Section 58(b) of title 14, United States Code, is
 24 amended to read as follows:

25 “(b) MISSIONS.—A center shall—

1 “(1) promote, facilitate, and conduct education,
2 training, and research programs;

3 “(2) develop and maintain a repository of infor-
4 mation on operations, practices, and resources; and

5 “(3) perform and support any mission of the
6 Coast Guard that the Commandant may specify.”.

7 **SEC. 211. RESEARCH, DEVELOPMENT, TESTING, AND EVAL-**
8 **UATION.**

9 Section 93 of title 14, United States Code, is amend-
10 ed—

11 (1) in subsection (a)(4), by striking “agencies
12 and with private agencies;” and inserting “agencies,
13 private agencies, and, through the Secretary with
14 the concurrence of the Secretary of State, with for-
15 eign government agencies; and”; and

16 (2) by adding at the end the following:

17 “(f) EQUIPMENT, TECHNOLOGY, AND TECH-
18 Niques.—For the purposes of subsection (a)(4), the Com-
19 mandant is authorized to possess, use, and consume any
20 personal property or materials of another government
21 agency or a private agency, or a foreign government agen-
22 cy, subject to the conditions regarding foreign government
23 agencies imposed by that subsection, for the purpose of
24 conducting research, development, testing, evaluation, and
25 demonstration of equipment, technology, or a technique.”.

1 **SEC. 212. AREA CONTINGENCY PLANS.**

2 Section 311(j)(4) of the Federal Water Pollution
3 Control Act (33 U.S.C. 1321(j)(4)) is amended—

4 (1) in subparagraph (A), by inserting “, and of
5 tribal governments of Indian tribes (as defined in
6 section 102 of the Federally Recognized Indian
7 Tribe List Act of 1994 (25 U.S.C. 429a))” after
8 “and local agencies”;

9 (2) in subparagraph (B)(ii)—

10 (A) by striking “and local” and inserting
11 “, local, and tribal”; and

12 (B) by striking “wildlife;” and inserting
13 “wildlife, including advance planning with re-
14 spect to the closing and reopening of fishing
15 grounds following a discharge;”;

16 (3) in subparagraph (B)(iii), by striking “and
17 local” and inserting “, local, and tribal”; and

18 (4) in subparagraph (C)—

19 (A) in clause (iv), by inserting “and tribal
20 governments of Indian tribes” after “local agen-
21 cies,”;

22 (B) by redesignating clauses (vii) and (viii)
23 as clauses (viii) and (ix), respectively; and

24 (C) by inserting after clause (vi) the fol-
25 lowing:

1 “(vii) develop a framework for ad-
2 vance planning and decisionmaking with
3 respect to the closing and reopening of
4 fishing grounds following a discharge, in-
5 cluding protocols and standards for the
6 closing and reopening of fishing areas;”.

7 **SEC. 213. COAST GUARD RESPONSE PLAN REQUIREMENTS.**

8 (a) RESPONSE PLAN UPDATES.—

9 (1) IN GENERAL.—The Secretary shall require
10 that a response plan that is approved by the Coast
11 Guard be updated at least once every 5 years.

12 (2) BEST COMMERCIALY AVAILABLE TECH-
13 NOLOGY.—Each update under paragraph (1) shall
14 incorporate the best commercially available tech-
15 nology and methods to contain and remove, to the
16 maximum extent practicable, a worst case discharge,
17 including a discharge resulting from fire or explo-
18 sion, and to mitigate or prevent a substantial threat
19 of such a discharge.

20 (3) TECHNOLOGY STANDARDS.—The Secretary
21 may establish requirements and guidance for uti-
22 lizing the best commercially available technology and
23 methods. The technology and methods shall be based
24 on measurable standards and capabilities, and plan-
25 ning criteria, whenever practicable.

1 (b) VESSEL RESPONSE PLAN CONTENTS.—The Sec-
 2 retary shall require that each vessel response plan pre-
 3 pared for a mobile offshore drilling unit include informa-
 4 tion from the facility response plan prepared for the mo-
 5 bile offshore drilling unit regarding the planned response
 6 to a worst case discharge, and to a threat of such a dis-
 7 charge.

8 (c) DEFINITIONS.—In this section:

9 (1) MOBILE OFFSHORE DRILLING UNIT.—The
 10 term “mobile offshore drilling unit” has the meaning
 11 given the term in section 1001(18) of the Oil Pollu-
 12 tion Act of 1990 (33 U.S.C. 2701(18)).

13 (2) RESPONSE PLAN.—The term “response
 14 plan” means a response plan prepared under section
 15 311(j) of the Federal Water Pollution Control Act
 16 (33 U.S.C. 1321(j)).

17 (3) WORST CASE DISCHARGE.—The term
 18 “worst case discharge” has the meaning given the
 19 term under section 311(a) of the Federal Water Pol-
 20 lution Control Act (33 U.S.C. 1321(a)).

21 **SEC. 214. PROTECTION AND FAIR TREATMENT OF SEA-**
 22 **FARERS.**

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

1 **“§ 11113. Protection and fair treatment of seafarers**

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

4 “(b) SPECIAL FUND.—

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

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

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

13 “(B) to reimburse a shipowner for nec-
14 essary support under subsection (c)(2).

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

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

23 “(B) amounts reimbursed or recovered
24 under subsection (e).

25 “(4) PREREQUISITE FOR COMMUNITY SERVICE
26 CREDITS.—The Fund may receive credits under

1 paragraph (3)(A) if the unobligated balance of the
 2 Fund is less than \$5,000,000.

3 “(5) AUTHORIZATION OF APPROPRIATION.—
 4 There is authorized to be appropriated, from the
 5 Fund, for each fiscal year such sums as may be nec-
 6 essary for the purposes set forth in paragraph (2).

7 “(6) REPORT REQUIRED.—

8 “(A) IN GENERAL.—The Secretary shall
 9 submit to Congress, concurrent with the Presi-
 10 dent’s budget submission for a given fiscal year,
 11 a report that describes—

12 “(i) the amounts credited to the Fund
 13 under paragraph (3) for the preceding fis-
 14 cal year;

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

17 “(iii) the projected level of expendi-
 18 tures from the Fund for the upcoming fis-
 19 cal year, based on—

20 “(I) on-going activities; and

21 “(II) new cases, derived from his-
 22 toric data.

23 “(B) EXCEPTION.—Subparagraph (A)
 24 shall not apply to obligations during the first

1 fiscal year during which amounts are credited
2 to the Fund.

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

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

7 “(B) prepare the report under paragraph
8 (6);

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

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

14 “(c) AUTHORITY.—The Secretary may—

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

17 “(A) a seafarer that—

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

20 “(ii) is involved in an investigation,
21 reporting, documentation, or adjudication
22 of any matter that is related to the admin-
23 istration or enforcement of any treaty, law,
24 or regulation by the Coast Guard; and

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

3 “(2) reimburse, from amounts appropriated
 4 from the Fund, a shipowner that has provided nec-
 5 essary support of a seafarer who has been paroled
 6 into the United States to facilitate an investigation,
 7 reporting, documentation, or adjudication of any
 8 matter that is related to the administration or en-
 9 forcement of any treaty, law, or regulation by the
 10 Coast Guard, for the costs of necessary support if
 11 the Secretary determines that reimbursement is nec-
 12 essary to avoid serious injustice.

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

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

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

19 “(e) REIMBURSEMENT; RECOVERY.—

20 “(1) IN GENERAL.—A shipowner shall reim-
 21 burse the Fund an amount equal to the total
 22 amount paid from the Fund for necessary support of
 23 a seafarer plus a surcharge of 25 percent of the
 24 total amount if—

25 “(A) the shipowner—

1 “(i) during the course of an investiga-
 2 tion, reporting, documentation, or adju-
 3 dication of any matter that the Coast
 4 Guard referred to a United States Attor-
 5 ney or the Attorney General, fails to pro-
 6 vide necessary support of a seafarer who
 7 was paroled into the United States to fa-
 8 cilitate the investigation, reporting, docu-
 9 mentation, or adjudication; and

10 “(ii) subsequently receives a criminal
 11 penalty; or

12 “(B) the shipowner, under any cir-
 13 cumstance, abandons a seafarer in the United
 14 States, as determined by the Secretary.

15 “(2) ENFORCEMENT.—If a shipowner fails to
 16 reimburse the Fund under paragraph (1), the Sec-
 17 retary may—

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

21 “(B) withhold or revoke the clearance re-
 22 quired under section 60105 of any vessel of the
 23 shipowner wherever the vessel is found.

24 “(3) REMEDY.—A vessel may obtain clearance
 25 from the Secretary after it is withheld or revoked

1 under paragraph (2)(B) if the shipowner reimburses
2 the Fund the amount required under paragraph (1).

3 “(f) BOND AND SURETY.—

4 “(1) AUTHORITY.—The Secretary may require
5 a bond or a surety satisfactory as an alternative to
6 withholding or revoking clearance under subsection
7 (e) if, in the opinion of the Secretary, the bond or
8 surety satisfactory is necessary to facilitate an inves-
9 tigation, reporting, documentation, or adjudication
10 of any matter that is related to the administration
11 or enforcement of any treaty, law, or regulation by
12 the Coast Guard.

13 “(2) SURETY CORPORATIONS.—A surety cor-
14 poration may provide a bond or surety satisfactory
15 under paragraph (1) if the surety corporation is au-
16 thorized by the Secretary of the Treasury under sec-
17 tion 9305 of title 31 to provide surety bonds under
18 section 9304 of title 31.

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

1 “(g) DEFINITIONS.—In this section:

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

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

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

8 “(2) FUND.—The term ‘Fund’ means the Sup-
9 port of Seafarers Fund established under this sec-
10 tion.

11 “(3) NECESSARY SUPPORT.—The term ‘nec-
12 essary support’ means normal wages, lodging, sub-
13 sistence, clothing, medical care (including hos-
14 pitalization), repatriation, and any other expense the
15 Secretary considers appropriate.

16 “(4) SEAFARER.—The term ‘seafarer’ means an
17 alien crewman who is employed or engaged in any
18 capacity on board a vessel subject to the jurisdiction
19 of the United States. A seafarer is a claimant for
20 the purposes of section 30509 of this title.

21 “(5) SHIPOWNER.—The term ‘shipowner’
22 means an individual or entity that owns, has an
23 ownership interest in, or operates a vessel subject to
24 the jurisdiction of the United States.

1 “(6) VESSEL SUBJECT TO THE JURISDICTION
2 OF THE UNITED STATES.—The term ‘vessel subject
3 to the jurisdiction of the United States’ has the
4 meaning given the term in section 70502(c), except
5 that it excludes—

6 “(A) a vessel—

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

10 “(ii) that is not engaged in commerce;
11 and

12 “(B) a bareboat—

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

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

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

19 (b) CONFORMING AMENDMENT.—The table of con-
20 tents for chapter 111 of title 46, United States Code, is
21 amended by inserting after the item relating to section
22 11112 the following:

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

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Support of Seafarers
25 Fund \$1,500,000 for each of fiscal years 2014 and 2015.

1 **TITLE III—MISCELLANEOUS**

2 **SEC. 301. WAIVER.**

3 Notwithstanding sections 12112 and 12132 and
 4 chapter 551 of title 46, United States Code, the Secretary
 5 may issue a certificate of documentation with a coastwise
 6 endorsement for the F/V WESTERN CHALLENGER
 7 (IMO number 5388108).

8 **SEC. 302. TRANSPORTATION OF OIL FROM ARCTIC OUTER** 9 **CONTINENTAL SHELF LANDS.**

10 Section 5 of the Outer Continental Shelf Lands Act
 11 (43 U.S.C. 1334) is amended by adding at the end the
 12 following:

13 “(k) OIL TRANSPORTATION IN ARCTIC WATERS.—
 14 The Secretary shall—

15 “(1) require that oil produced from Federal
 16 leases in Arctic waters in the Chukchi Sea planning
 17 area, Beaufort Sea planning area, or Hope Basin
 18 planning area be transported by pipeline to onshore
 19 facilities; and

20 “(2) provide for, and issue appropriate permits
 21 for, the transportation of oil from Federal leases in
 22 Arctic waters in preproduction phases (including ex-
 23 ploration) by means other than pipeline.”.

1 **SEC. 303. LEASE OF TIDELANDS AND SUBMERGED LANDS**
 2 **UNDER CONTROL OF THE COAST GUARD.**

3 Section 93 of title 14, United States Code, as amend-
 4 ed by section 211 of this Act, is further amended by add-
 5 ing at the end the following:

6 “(g) LEASE OF TIDELANDS AND SUBMERGED
 7 LANDS.—

8 “(1) EXCEPTION FROM MAXIMUM LEASE
 9 TERM.—Notwithstanding subsection (a)(13), a lease
 10 described in paragraph (2) may be for such term in
 11 excess of 5 years as the Commandant considers ap-
 12 propriate.

13 “(2) LEASE DESCRIBED.—A lease referred to in
 14 paragraph (1) is a lease of the following:

15 “(A) Tidelands under the control of the
 16 Coast Guard.

17 “(B) Submerged lands under the control of
 18 the Coast Guard.”.

19 **SEC. 304. INFLATIONARY ADJUSTMENT FOR REGIONAL**
 20 **CITIZENS’ ADVISORY COUNCIL.**

21 Section 5002(k)(3) of the Oil Pollution Act of 1990
 22 (33 U.S.C. 2732(k)(3)) is amended by striking “more
 23 than \$1,000,000” and inserting “less than \$1,400,000”.

1 **SEC. 305. COAST GUARD CUTTERS CLASSIFICATION BY THE**
 2 **AMERICAN BUREAU OF SHIPPING.**

3 Section 573(c)(3) of title 14, United States Code, is
 4 amended—

5 (1) by striking “(A) IN GENERAL.—”; and

6 (2) by striking “before final acceptance” after
 7 “Shipping”.

8 **SEC. 306. UPDATES TO FINES AND PENALTIES.**

9 (a) AID TO NAVIGATION AND FALSE DISTRESS
 10 MESSAGES.—Chapter 5 of title 14, United States Code,
 11 is amended—

12 (1) in section 83, by striking “\$100” and in-
 13 serting “\$1,500”;

14 (2) in section 84, by striking “\$500” and in-
 15 serting “\$5,000”;

16 (3) in section 85, by striking “\$100” and in-
 17 serting “\$1,500”; and

18 (4) in section 88(c)(2), by striking “\$5,000”
 19 and inserting “\$10,000”.

20 (b) COAST GUARD ENSIGNS AND PENNANTS.—Sec-
 21 tion 638(b) of title 14, United States Code, is amended
 22 by striking “\$5,000” and inserting “\$50,000”.

23 (c) UNAUTHORIZED USE OF WORDS “COAST
 24 GUARD”.—Section 639 of title 14, United States Code,
 25 is amended by striking “\$1,000” and inserting
 26 “\$10,000”.

1 **SEC. 307. TECHNICAL AMENDMENT; COAST GUARD ACAD-**
2 **EMY CHARGES AND FEES FOR ATTENDANCE.**

3 Section 197(b) of title 14, United States Code, is
4 amended by striking “of Homeland Security”.

