

**Calendar No. 300**112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 1665****[Report No. 112-135]**

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

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 2011

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

JANUARY 26, 2012

Reported by Mr. ROCKEFELLER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

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

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

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

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

5 (b) **TABLE OF CONTENTS.**—The table of contents for  
 6 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;

1           (C) \$289,000,000 is authorized to acquire,  
2           effect major repairs to, renovate, or improve  
3           aircraft or increase aviation capability;

4           (D) \$166,140,000 is authorized for other  
5           equipment;

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

11          (F) \$110,192,000 is authorized for per-  
12          sonnel compensation and benefits and related  
13          costs.

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

22          (4) For retired pay (including the payment of  
23          obligations otherwise chargeable to lapsed appropria-  
24          tions for this purpose), payments under the Retired  
25          Serviceman's Family Protection and Survivor Ben-

1       efit Plans, and payments for medical and dental care  
2       of retired personnel and their dependents under  
3       chapter 55 of title 10, United States Code,  
4       \$1,440,157,000, to remain available until expended.

5           (5) For alteration or removal of bridges over  
6       navigable waters of the United States constituting  
7       obstructions to navigation, and for personnel and  
8       administrative costs associated with the Alteration of  
9       Bridges Program, \$16,000,000.

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

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

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

18           (1) For the operation and maintenance of the  
19       Coast Guard, \$7,077,783,000 of which \$24,500,000  
20       is authorized to be derived from the Oil Spill Liabil-  
21       ity Trust Fund to carry out the purposes of section  
22       1012(a)(5) of the Oil Pollution Act of 1990 (33  
23       U.S.C. 2712(a)(5)).

24           (2) For the acquisition, construction, rebuild-  
25       ing, renovation, and improvement of aids to naviga-

1 tion, shore and offshore facilities, vessels, and air-  
2 craft, including equipment related thereto,  
3 \$1,421,924,000 of which—

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

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

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

15 (D) \$166,140,000 is authorized for other  
16 equipment;

17 (E) \$213,692,000 is authorized for shore  
18 facilities, aids to navigation facilities, and mili-  
19 tary housing, of which not more than  
20 \$14,000,000 shall be derived from the Coast  
21 Guard Housing Fund; and

22 (F) \$110,192,000 is authorized for per-  
23 sonnel compensation and benefits and related  
24 costs.

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

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

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

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





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

4                   (A) For recruit and special training, 2,625  
 5           student years.

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

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

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

## 11           **TITLE II—ORGANIZATION**

### 12          **SEC. 201. COAST GUARD AUTHORITY TO OPERATE AND** 13                   **MAINTAIN COAST GUARD ASSETS.**

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

17               “(e) **OPERATION AND MAINTENANCE OF COAST**  
 18          **GUARD ASSETS AND FACILITIES.**—All authority, includ-  
 19          ing programmatic budget authority, for the operation and  
 20          maintenance of Coast Guard vessels, aircraft, systems,  
 21          aides to navigation, infrastructure, and any other Coast  
 22          Guard assets or facilities, shall be allocated to and vested  
 23          in the Coast Guard and the department in which the Coast  
 24          Guard is operating.”.

1 **SEC. 202. CLARIFICATION OF COAST GUARD ICE OPER-**  
 2 **ATIONS MISSION.**

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

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

8 “(a) IN GENERAL.—Notwithstanding any other pro-  
 9 vision of law, except as provided in subsection (b), the  
 10 Coast Guard shall be the sole supplier of icebreaking serv-  
 11 ices, on an advancement or reimbursable basis, to each  
 12 Federal agency that requires icebreaking services.

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

17 (b) PRIORITY OF COAST GUARD MISSIONS IN POLAR  
 18 REGIONS.—

19 (1) SECTION 110.—Section 110(b)(2) of the  
 20 Arctic Research and Policy Act of 1984 (15 U.S.C.  
 21 4109(b)(2)) is amended—

22 (A) by inserting “to execute the statutory  
 23 missions of the Coast Guard and” after “need-  
 24 ed”; and

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

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

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

“87. Provision of icebreaking services.”.

## 10                   **TITLE III—PERSONNEL**

### 11       **SEC. 301. ACQUISITION WORKFORCE EXPEDITED HIRING**

#### 12                   **AUTHORITY.**

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

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

19           (2) in subsection (b)—

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

22                   (B) by striking “2012” and inserting  
 23       “2015”.

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

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

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

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

9 **SEC. 304. ORIGINAL APPOINTMENT OF PERMANENT COM-**  
10 **MISSIONED OFFICERS.**

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

13 “(d) For purposes of this section, the term ‘original’  
14 with respect to the appointment of a member of the Coast  
15 Guard refers to the member’s most recent appointment  
16 in the Coast Guard that is neither a promotion nor a de-  
17 motion.”.

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

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

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

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

1 **SEC. 306. ACADEMY POLICY ON SEXUAL HARASSMENT AND**  
 2 **SEXUAL VIOLENCE.**

3 (a) **ESTABLISHMENT.**—Chapter 9 of title 14, United  
 4 States Code, is amended by adding at the end the fol-  
 5 lowing:

6 **“§ 200. Policy on sexual harassment and sexual vio-**  
 7 **lence**

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

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

16 “(1) programs to promote awareness of the in-  
 17 cidence of rape, acquaintance rape, and other sexual  
 18 offenses of a criminal nature on and off the Acad-  
 19 emy reservation;

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

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

1                   “(i) the name and contact information  
2                   of each person that the victim must con-  
3                   tact; and

4                   “(ii) an option for confidential report-  
5                   ing;

6                   “(B) the name and contact information of  
7                   each person that the victim can contact for as-  
8                   sistance; and

9                   “(C) how to preserve evidence;

10                  “(3) the procedure for disciplinary action  
11                  against a member of the Coast Guard Academy per-  
12                  sonnel who commits sexual harassment or sexual vi-  
13                  olence;

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

17                  “(5) required training on the policy for each  
18                  member of the Coast Guard Academy personnel, in-  
19                  cluding a specific training requirement for each  
20                  member of the Coast Guard Academy personnel who  
21                  process allegations of sexual harassment or sexual  
22                  violence.

23                  “(e) ASSESSMENT.—

24                  “(1) IN GENERAL.—The Commandant shall di-  
25                  rect the Superintendent of the Academy to conduct

1 an assessment during each Academy program year  
 2 to determine the effectiveness of the policy under  
 3 subsection (a).

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

9 “(A) measure—

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

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

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

22 “(i) the policy, training, and proce-  
 23 dures on sexual harassment and sexual vio-  
 24 lence;

25 “(ii) the enforcement of the policy;

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

4           “(iv) any other issues relating to sex-  
5           ual harassment and sexual violence involv-  
6           ing Coast Guard Academy personnel, that  
7           the Superintendent of the Academy con-  
8           siders relevant.

9           “(d) REPORT.—

10           “(1) IN GENERAL.—The Commandant shall di-  
11           rect the Superintendent of the Academy to submit a  
12           report to the Commandant each Academy program  
13           year on sexual harassment and sexual violence in-  
14           volving a member of the Coast Guard Academy per-  
15           sonnel that year.

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

18           “(A) the number of reported incidents of  
19           sexual violence, on or off the Academy reserva-  
20           tion, involving a member of the Coast Guard  
21           Academy, categorized by the type of offence,  
22           such as rape and sexual assault;

23           “(B) the number of reported incidents  
24           under subparagraph (A) that were substan-  
25           tiated;



1           “(C) any updates to the policy, training, or  
2           procedures on sexual harassment and sexual vi-  
3           olence under this section during the Academy  
4           program year; and

5           “(D) a plan detailing the action that will  
6           be taken during the subsequent Academy pro-  
7           gram year to respond to and prevent sexual  
8           harassment and sexual violence, on or off the  
9           Academy reservation, involving a member of the  
10          Coast Guard Academy.

11          “(3) BIENNIAL SURVEY.—Each report under  
12          paragraph (1) that is submitted during an odd-num-  
13          bered program year shall include the results of the  
14          survey under subsection (e)(2).

15          “(4) TRANSMISSION OF REPORT.—Not later  
16          than 90 days after the date of receipt of a report  
17          under paragraph (1), the Commandant shall trans-  
18          mit a copy of the report and the Commandant’s  
19          comments on the report to the Committee on Com-  
20          merce, Science, and Transportation of the Senate  
21          and the Committee on Transportation and Infra-  
22          structure of the House of Representatives.”.

23          (b) CONFORMING AMENDMENT.—The table of con-  
24          tents for chapter 9 of title 14, United States Code, is

1 amended by inserting after the item relating to section  
2 199 the following:

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

3 **SEC. 307. COAST GUARD AUXILIARISTS ENROLLMENT ELI-**  
4 **GIBILITY.**

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

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

8 “The Auxiliary shall be composed of citizens of the  
9 United States and its territories and possessions, and of  
10 aliens lawfully admitted for permanent residence, as de-  
11 fined in section 101(a)(20) of the Immigration and Na-  
12 tionality Act (8 U.S.C. 1101(a)(20))—

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

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

19 **TITLE IV—ADMINISTRATION**

20 **SEC. 401. ADVANCE PROCUREMENT FUNDING.**

21 With respect to any Coast Guard vessel for which  
22 amounts are appropriated or otherwise made available for  
23 vessels for the Coast Guard in any fiscal year, the Sec-  
24 retary may enter into a contract or place an order, in ad-

1 vance of a contract or order for construction of a vessel,  
2 for—

3           (1) materials, parts, components, and effort for  
4     the vessel;

5           (2) the advance construction of parts or compo-  
6     nents for the vessel;

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

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

12 **SEC. 402. AUTHORITY TO MAINTAIN UNITED STATES POLAR**  
13 **ICEBREAKING CAPABILITY.**

14       (a) **IN GENERAL.**—The Secretary of the department  
15 in which the Coast Guard is operating shall acquire, either  
16 through new construction or the rebuilding, renovating, or  
17 improving of existing Coast Guard assets, not less than  
18 2 heavy polar icebreakers for operation by the Coast  
19 Guard.

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

24           (1) the Coast Guard maintains, at a minimum,  
25     its current vessel capacity, including 1 medium and

1       2 heavy polar icebreakers, for carrying out ice oper-  
2       ations and other Coast Guard missions in the Arctic  
3       and Antarctic, Great Lakes, and New England re-  
4       gions; and

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

8       (c) REIMBURSEMENT.—Nothing in this section shall  
9       preclude the Secretary from seeking reimbursement for  
10      operation and maintenance costs of the polar icebreakers  
11      from other Federal agencies and entities, including foreign  
12      countries, that benefit from the use of the polar ice-  
13      breakers.

14      (d) AUTHORIZATION OF APPROPRIATIONS.—There  
15      are authorized to be appropriated to the Secretary of the  
16      department in which the Coast Guard is operating such  
17      sums as may be necessary—

18           (1) to acquire the polar icebreakers under sub-  
19      section (a); and

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

22      **SEC. 403. FORWARD OPERATING FACILITY.**

23      Not later than 180 days after the date of enactment  
24      of this Act, the Secretary of the department in which the  
25      Coast Guard is operating may construct or lease hangar,

1 berthing, and messing facilities in the Aleutian Island-  
2 Bering Sea operating area. The facilities shall—

3           (1) support aircraft maintenance, including ex-  
4           haust ventilation, heat, engine wash system, head fa-  
5           cilities, fuel, ground support services, and electrical  
6           power; and

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

10 **SEC. 404. NATIONAL RESPONSE FUNCTIONS.**

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

13           (1) in subsection (a)—

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

15                   (B) redesignating paragraphs (24) through  
16                   (26) as paragraphs (23) through (25), respec-  
17                   tively;

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

21                   “(2) NATIONAL RESPONSE FUNCTIONS.—The  
22                   Secretary of the department in which the Coast  
23                   Guard 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. 405. CONFORMING AMENDMENT.**

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

13                           **TITLE V—SHIPPING AND**  
14                           **NAVIGATION**

15 **SEC. 501. DESIGNATION OF ST. GEORGE HARBOR AS A HAR-**  
16                           **BOR OF REFUGE.**

17           (a) CONSULTATION.—Not later than 1 year after the  
18           date of enactment of this Act, the Commandant of the  
19           Coast Guard shall consult with appropriate Federal agen-  
20           cies and with State and local interests to determine what  
21           improvements are necessary to make the harbor at St.  
22           George, Alaska, a fully functional harbor of refuge  
23           throughout the year.

24           (b) PURPOSES.—The purposes of the consultation  
25           under subsection (a) shall be to enhance safety of human

1 life at sea and protect the marine environment in the Cen-  
2 tral Bering Sea.

3 (c) REPORT.—Not later than 90 days after making  
4 the determination under subsection (a), the Commandant  
5 shall inform the Committee on Commerce, Science, and  
6 Transportation of the Senate and the Committee on  
7 Transportation and Infrastructure of the House of Rep-  
8 resentatives in writing of the improvements necessary to  
9 make the harbor at St. George, Alaska, a fully functional  
10 harbor of refuge throughout the year.

11 **SEC. 502. PROTECTION AND FAIR TREATMENT OF SEA-**  
12 **FARERS.**

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

16 **“§ 11113. Protection and fair treatment of seafarers**

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

19 “(b) SPECIAL FUND.—

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

23 “(2) USE OF AMOUNTS IN FUND.—The  
24 amounts deposited into the Fund shall be available

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

3 “(A) pay necessary support under sub-  
4 section (e)(1); and

5 “(B) reimburse a shipowner for necessary  
6 support under subsection (e)(2).

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

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

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

16 “(C) amounts appropriated to the Fund;  
17 and

18 “(D) appropriations available to the Sec-  
19 retary for transfer.

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

24 “(5) REPORT REQUIRED.—



1           “(A) IN GENERAL.—Except as provided  
2           under subparagraph (B), the Secretary may not  
3           obligate any amount in the Fund in a given fis-  
4           cal year unless the Secretary submits a report  
5           to Congress, concurrent with the President’s  
6           budget submission for that fiscal year, that de-  
7           scribes—

8                   “(i) the amounts credited to the Fund  
9                   under paragraph (3) for the preceding fis-  
10                  cal year;

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

13                  “(iii) the projected level of expendi-  
14                  tures from the Fund for the upcoming fis-  
15                  cal year, based on—

16                          “(I) on-going activities; and

17                          “(II) new cases, derived from his-  
18                          toric data.

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

23           “(6) FUND MANAGER.—The Secretary shall  
24           designate a Fund manager. The Fund manager  
25           shall—

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

3           “(B) prepare the report under paragraph  
4           (5);

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

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

10          “(e) AUTHORITY.—The Secretary may—

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

14           “(A) a seafarer that—

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

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

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

24           “(2) reimburse, in whole or in part, without  
25           further appropriation and without fiscal year limita-

1       tion, from amounts in the Fund, a shipowner that  
 2       has filed a bond or surety satisfactory under sub-  
 3       section (f) and provides necessary support of a sea-  
 4       farer, for the costs of necessary support if the Sec-  
 5       retary determines that reimbursement is necessary  
 6       to avoid serious injustice.

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

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

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

13       “(e) REIMBURSEMENT; RECOVERY.—

14              “(1) IN GENERAL.—A shipowner shall reim-  
 15       burse the Fund an amount equal to the total  
 16       amount paid from the Fund for necessary support of  
 17       a seafarer plus a surcharge of 25 percent of the  
 18       total amount if—

19                   “(A) the shipowner—

20                           “(i) during the course of an investiga-  
 21                           tion, reporting, documentation, or adju-  
 22                           dication of any matter that the Coast  
 23                           Guard referred to a United States Attor-  
 24                           ney or the Attorney General, fails to pro-  
 25                           vide necessary support of a seafarer who

1 was paroled into the United States to fa-  
2 cilitate the investigation, reporting, docu-  
3 mentation, or adjudication; and

4 “(ii) subsequently receives a criminal  
5 penalty; or

6 “(B) the shipowner, under any cir-  
7 cumstance, abandons a seafarer in the United  
8 States, as determined by the Secretary.

9 “(2) ENFORCEMENT.—If a shipowner fails to  
10 reimburse the Fund under paragraph (1), the Sec-  
11 retary may—

12 “(A) proceed in rem against any vessel of  
13 the shipowner in the Federal district court for  
14 the district in which the vessel is found; and

15 “(B) withhold or revoke the clearance re-  
16 quired under section 60105 of any vessel of the  
17 shipowner wherever the vessel is found.

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

22 “(f) BOND AND SURETY.—

23 “(1) AUTHORITY.—The Secretary may require  
24 a bond or a surety satisfactory to the Secretary as

1 an alternative to withholding or revoking clearance  
2 under subsection (e) if—

3 “(A) in the opinion of the Secretary the  
4 bond or surety satisfactory is necessary to fa-  
5 cilitate an investigation, reporting, documenta-  
6 tion, or adjudication of any matter that is re-  
7 lated to the administration or enforcement of  
8 any treaty, law, or regulation by the Coast  
9 Guard; and

10 “(B) the surety corporation providing the  
11 bond or surety satisfactory is authorized by the  
12 Secretary of the Treasury under section 9305  
13 of title 31 to provide surety bonds under section  
14 9304 of title 31.

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

22 “(g) DEFINITIONS.—In this section:

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

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

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

5           “(2) BOND OR SURETY SATISFACTORY.—The  
6           term ‘bond or surety satisfactory’ means a nego-  
7           tiated instrument, the terms of which may, at the  
8           discretion of the Secretary, include provisions that  
9           require a shipowner to—

10           “(A) provide necessary support of a sea-  
11           farer who has or may have information perti-  
12           nent to an investigation, reporting, documenta-  
13           tion, or adjudication of any matter that is re-  
14           lated to the administration or enforcement of  
15           any treaty, law, or regulation by the Coast  
16           Guard;

17           “(B) facilitate an investigation, reporting,  
18           documentation, or adjudication of any matter  
19           that is related to the administration or enforce-  
20           ment of any treaty, law, or regulation by the  
21           Coast Guard;

22           “(C) stipulate to certain incontrovertible  
23           facts, including the ownership or operation of  
24           the vessel, or the authenticity of documents and  
25           things from the vessel;

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

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

5           “(F) comply with directions regarding pay-  
6 ment of funds;

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

9           “(H) stipulate in United States district  
10 court as to the authenticity of certain docu-  
11 ments;

12           “(I) provide assurances that no discrimina-  
13 tory or retaliatory measures will be taken  
14 against a seafarer involved in an investigation,  
15 reporting, documentation, or adjudication of  
16 any matter that is related to the administration  
17 or enforcement of any treaty, law, or regulation  
18 by the Coast Guard;

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

22           “(K) provide for any other appropriate  
23 measures as the Secretary considers necessary  
24 to ensure the Government is not prejudiced by

1           granting the clearance required under section  
2           60105 of title 46.

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

6           “(4) NECESSARY SUPPORT.—The term ‘nee-  
7           cessary support’ means normal wages, lodging, sub-  
8           sistence, clothing, medical care (including hos-  
9           pitalization), repatriation, and any other expense the  
10          Secretary considers appropriate.

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

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

19          “(7) VESSEL SUBJECT TO THE JURISDICTION  
20          OF THE UNITED STATES.—The term ‘vessel subject  
21          to the jurisdiction of the United States’ has the  
22          meaning given the term in section 70502(e), except  
23          that it excludes—

24                  “(A) a vessel—



1                   “(i) that is owned by the United  
2                   States, a State or political subdivision  
3                   thereof, or a foreign nation; and

4                   “(ii) that is not engaged in commerce;  
5                   and

6                   “(B) a bareboat—

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

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

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

13                  (b) CONFORMING AMENDMENT.—The table of con-  
14 tents for chapter 111 of title 46, United States Code, is  
15 amended by inserting after the item relating to section  
16 11112 the following:

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

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

20 **SEC. 503. DELEGATION OF AUTHORITY.**

21                  Section 3316 of title 46, United States Code, is  
22 amended—

23                   (1) in subsection (b)(2)—

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

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

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

4           “(C) if the Secretary of State determines  
5           that the foreign classification society does not  
6           provide comparable services in or for the gov-  
7           ernment of a country designated by the Sec-  
8           retary of State as a State Sponsor of Ter-  
9           rorism.”;

10          (2) in subsection (d)(2)—

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

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

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

16           “(C) if the Secretary of State determines  
17           that the foreign classification society does not  
18           provide comparable services in or for the gov-  
19           ernment of a country designated by the Sec-  
20           retary of State as a State Sponsor of Ter-  
21           rorism.”; and

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

23          “(e) The Secretary shall revoke an existing delegation  
24          made to a foreign classification society under subsection  
25          (b) or (d) if the Secretary of State determines that the

1 foreign classification society provides comparable services  
2 in or for the government of a country designated by the  
3 Secretary of State as a State Sponsor of Terrorism.”.

4 **SEC. 504. REPORT ON ESTABLISHMENT OF ARCTIC DEEP**  
5 **WATER PORT.**

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

11 (b) **SCOPE.**—The study under subsection (a) shall in-  
12 clude an analysis of:

13 (1) the capability that a deep water sea port  
14 would provide;

15 (2) potential and optimum locations for the  
16 port;

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

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

19 (5) the infrastructure required to support the  
20 port; and

21 (6) any other issues the Secretary considers  
22 necessary to complete the study.

23 (c) **REPORT.**—Not later than 1 year after the date  
24 of enactment of this Act, the Commandant shall submit  
25 a report on the findings of the study under subsection (a)

1 to the Committee on Commerce, Science, and Transpor-  
 2 tation of the Senate and the Committee on Transportation  
 3 and Infrastructure of the House of Representatives.

## 4 **TITLE VI—MISCELLANEOUS**

### 5 **SEC. 601. CONVEYANCE OF DECOMMISSIONED COAST** 6 **GUARD CUTTER STORIS.**

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

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

- 23 (1) to use the vessel as a historic memorial;
- 24 (2) to make the United States Coast Guard
- 25 Cutter STORIS available to the public as a museum;

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

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

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

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

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

22       (c) TREATMENT OF CONVEYANCE.—The conveyance  
23 of the Coast Guard Cutter STORIS under this section  
24 shall not be considered a distribution in commerce for pur-

1 poses of section 6(e) of the Toxic Substances Control Act  
2 (~~15 U.S.C. 2605(e)~~).

3       (d) ~~OTHER EXCESS EQUIPMENT~~.—The Commandant  
4 may convey to the recipient of the Coast Guard Cutter  
5 ~~STORIS~~ under this section any excess equipment or parts  
6 from other decommissioned Coast Guard vessels for use  
7 to enhance the vessel's operability and function for pur-  
8 poses of a public museum and historical display.

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

10       Section ~~1012(a)(4)~~ of the Oil Pollution Act of 1990  
11 (~~33 U.S.C. 2712(a)(4)~~) is amended by striking “damages”  
12 and inserting “damages, including the cost of commercial  
13 claims processing, expert services, training, technical serv-  
14 ices, and other administrative and personnel costs to proe-  
15 ess elaims”.

16 **SEC. 603. OIL SPILL LIABILITY TRUST FUND INVESTMENT**  
17 **AMOUNT.**

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

23 **SEC. 604. DRY DOCK OPERATION.**

24       A vessel transported in Dry Dock #2 (State of Alas-  
25 ka registration ~~AIDEA FDD-2~~) shall not be considered

1 merchandise for purposes of section 55102 of title 46,  
 2 United States Code, if, during transportation under that  
 3 section, Dry Dock #2 is connected to electrical, water,  
 4 compressed air, and wastewater utility shoreside connec-  
 5 tions located in Ketchikan, Alaska.

6 **SEC. 605. TECHNICAL AMENDMENTS.**

7 (a) CONTINUATION ON ACTIVE DUTY.—Section  
 8 290(a) of title 14, United States Code, is amended in the  
 9 second sentence by striking “in the grade of vice admiral”  
 10 and inserting “in or above the grade of vice admiral”.

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

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

18 (1) by striking the item relating to section 669  
 19 and inserting the following:

“669. Telephone installation and charges.”;

20 and

21 (2) by striking the item relating to section 674  
 22 and inserting the following:

“674. Small boat station rescue capability.”.

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

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

5 (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 6 *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.*

## 1           **TITLE I—AUTHORIZATION**

### 2   **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

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

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

12                   (2) *For the acquisition, construction, rebuilding,*  
 13 *renovation, and improvement of aids to navigation,*  
 14 *shore and offshore facilities, vessels, and aircraft, in-*  
 15 *cluding equipment related thereto, \$1,421,924,000 of*  
 16 *which—*

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

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

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

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

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

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

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

1           (4) *For retired pay (including the payment of*  
2 *obligations otherwise chargeable to lapsed appropria-*  
3 *tions for this purpose), payments under the Retired*  
4 *Serviceman's Family Protection and Survivor Benefit*  
5 *Plans, and payments for medical and dental care of*  
6 *retired personnel and their dependents under chapter*  
7 *55 of title 10, United States Code, \$1,440,157,000, to*  
8 *remain available until expended.*

9           (5) *For alteration or removal of bridges over*  
10 *navigable waters of the United States constituting ob-*  
11 *structions to navigation, and for personnel and ad-*  
12 *ministrative costs associated with the Alteration of*  
13 *Bridges Program, \$16,000,000.*

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

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

19           (b) *FISCAL YEAR 2013.—Funds are authorized to be*  
20 *appropriated for fiscal year 2013 for necessary expenses of*  
21 *the Coast Guard as follows:*

22           (1) *For the operation and maintenance of the*  
23 *Coast Guard, \$7,077,783,000 of which \$24,500,000 is*  
24 *authorized to be derived from the Oil Spill Liability*  
25 *Trust Fund to carry out the purposes of section*

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

3             (2) For the acquisition, construction, rebuilding,  
4     renovation, and improvement of aids to navigation,  
5     shore and offshore facilities, vessels, and aircraft, in-  
6     cluding equipment related thereto, \$1,421,924,000 of  
7     which—

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

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

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

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

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

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

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

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

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

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

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

6 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
 7           **AND TRAINING.**

8           (a) *FISCAL YEAR 2012.—*

9           (1) *ACTIVE DUTY STRENGTH.—The Coast Guard*  
 10           *is authorized an end-of-year strength for active duty*  
 11           *personnel of 47,000 for the fiscal year ending on Sep-*  
 12           *tember 30, 2012.*

13           (2) *MILITARY TRAINING STUDENT LOADS.—For*  
 14           *fiscal year 2012, the Coast Guard is authorized aver-*  
 15           *age military training student loads as follows:*

16                   (A) *For recruit and special training, 2,500*  
 17                   *student years.*

18                   (B) *For flight training, 165 student years.*

19                   (C) *For professional training in military*  
 20                   *and civilian institutions, 350 student years.*

21                   (D) *For officer acquisition, 1,200 student*  
 22                   *years.*

23           (b) *FISCAL YEAR 2013.—*

24           (1) *ACTIVE DUTY STRENGTH.—The Coast Guard*  
 25           *is authorized an end-of-year strength for active duty*

1        *personnel of 49,350 for the fiscal year ending on Sep-*  
 2        *tember 30, 2013.*

3                (2) *MILITARY TRAINING STUDENT LOADS.—For*  
 4        *fiscal year 2013, the Coast Guard is authorized aver-*  
 5        *age military training student loads as follows:*

6                        (A) *For recruit and special training, 2,625*  
 7        *student years.*

8                        (B) *For flight training, 173 student years.*

9                        (C) *For professional training in military*  
 10        *and civilian institutions, 368 student years.*

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

## 13                **TITLE II—ORGANIZATION**

### 14        **SEC. 201. COAST GUARD AUTHORITY TO OPERATE AND** 15                **MAINTAIN COAST GUARD ASSETS.**

16                (a) *IN GENERAL.—Section 93 of title 14, United*  
 17        *States Code, is amended by adding at the end the following:*

18                “(e) *OPERATION AND MAINTENANCE OF COAST GUARD*  
 19        *ASSETS AND FACILITIES.—All authority, including pro-*  
 20        *grammatic budget authority, for the operation and mainte-*  
 21        *nance of Coast Guard vessels, aircraft, systems, aides to*  
 22        *navigation, infrastructure, and any other Coast Guard as-*  
 23        *sets or facilities, shall be allocated to and vested in the Coast*  
 24        *Guard and the department in which the Coast Guard is*  
 25        *operating.”.*

1 **SEC. 202. CLARIFICATION OF COAST GUARD ICE OPER-**  
 2 **ATIONS MISSION.**

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

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

8 “(a) *IN GENERAL.*—Notwithstanding any other provi-  
 9 sion of law, except as provided in subsection (b), the Coast  
 10 Guard shall be the sole supplier of icebreaking services, on  
 11 an advancement or reimbursable basis, to each Federal  
 12 agency that requires icebreaking services.

13 “(b) *EXCEPTION.*—In the event that a Federal agency  
 14 requires icebreaking services and the Coast Guard is unable  
 15 to provide the services, the Federal agency may acquire  
 16 icebreaking services from another entity.”

17 (b) *PRIORITY OF COAST GUARD MISSIONS IN POLAR*  
 18 *REGIONS.*—

19 (1) *SECTION 110.*—Section 110(b)(2) of the *Arc-*  
 20 *tic Research and Policy Act of 1984 (15 U.S.C.*  
 21 *4109(b)(2)) is amended—*

22 (A) by inserting “to execute the statutory  
 23 missions of the Coast Guard and” after “need-  
 24 ed”; and

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



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

6           (c) *CONFORMING AMENDMENT.*—*The table of contents*  
 7 *for chapter 5 of title 14, United States Code, is amended*  
 8 *by inserting after the item relating to section 86 the fol-*  
 9 *lowing:*

*“87. Provision of icebreaking services.”.*

## 10                           **TITLE III—PERSONNEL**

### 11 **SEC. 301. ACQUISITION WORKFORCE EXPEDITED HIRING**

#### 12                           **AUTHORITY.**

13           *Section 404 of the Coast Guard Authorization Act of*  
 14 *2010 (124 Stat. 2950) is amended—*

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

19                       (2) *in subsection (b)—*

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

22                               (B) *by striking “2012” and inserting*  
 23 *“2015”.*

1 **SEC. 302. OFFICERS RECOMMENDED FOR PROMOTION.**

2 *Section 259(c)(1) of title 14, United States Code, is*  
 3 *amended by striking “After selecting” and inserting “In se-*  
 4 *lecting”.*

5 **SEC. 303. ORIGINAL APPOINTMENT OF PERMANENT COM-**  
 6 **MISSIONED OFFICERS.**

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

9 *“(d) For purposes of this section, the term ‘original’*  
 10 *with respect to the appointment of a member of the Coast*  
 11 *Guard refers to the member’s most recent appointment in*  
 12 *the Coast Guard that is neither a promotion nor a demo-*  
 13 *tion.”.*

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

15 *Section 195 of title 14, United States Code, is amend-*  
 16 *ed—*

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

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

22 **SEC. 305. ACADEMY POLICY ON SEXUAL HARASSMENT AND**  
 23 **SEXUAL VIOLENCE.**

24 *(a) ESTABLISHMENT.—Chapter 9 of title 14, United*  
 25 *States Code, is amended by adding at the end the following:*

1 **“§200. Policy on sexual harassment and sexual vio-**  
2 **lence**

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

9 “(b) *POLICY SPECIFICATIONS.*—*The policy under sub-*  
10 *section (a) shall include—*

11 “(1) *programs to promote awareness of the inci-*  
12 *dence of rape, acquaintance rape, and other sexual of-*  
13 *fenses of a criminal nature on and off the Academy*  
14 *reservation;*

15 “(2) *the procedure that a victim of sexual har-*  
16 *assment or sexual violence on or off the Academy res-*  
17 *ervation shall follow if the victim chooses to report the*  
18 *sexual harassment or sexual violence, including—*

19 “(A) *how to report the alleged sexual har-*  
20 *assment or sexual violence, including—*

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

24 “(ii) *an option for confidential report-*  
25 *ing;*

1           “(B) the name and contact information of  
2           each person that the victim can contact for as-  
3           sistance; and

4           “(C) how to preserve evidence;

5           “(3) the procedure for disciplinary action  
6           against a member of the Coast Guard Academy per-  
7           sonnel who commits sexual harassment or sexual vio-  
8           lence;

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

12          “(5) required training on the policy for each  
13          member of the Coast Guard Academy personnel, in-  
14          cluding a specific training requirement for each mem-  
15          ber of the Coast Guard Academy personnel who proc-  
16          ess allegations of sexual harassment or sexual vio-  
17          lence.

18          “(c) ASSESSMENT.—

19                 “(1) IN GENERAL.—The Commandant shall di-  
20                 rect the Superintendent of the Academy to conduct an  
21                 assessment during each Academy program year to de-  
22                 termine the effectiveness of the policy under subsection  
23                 (a).

24                 “(2) BIENNIAL SURVEY.—Each assessment under  
25                 paragraph (1) that is conducted during an odd-num-

1        *bered program year shall include a survey of Coast*  
2        *Guard Academy personnel. The survey shall—*

3                *“(A) measure—*

4                        *“(i) the incidence, during that pro-*  
5                        *gram year, of sexual harassment and sexual*  
6                        *violence, on or off the Academy reservation,*  
7                        *that were reported under subsection (b)(2);*  
8                        *and*

9                        *“(ii) the incidence, during that pro-*  
10                        *gram year, of sexual harassment and sexual*  
11                        *violence, on or off the Academy reservation,*  
12                        *that were not reported under subsection*  
13                        *(b)(2); and*

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

16                        *“(i) the policy, training, and proce-*  
17                        *dures on sexual harassment and sexual vio-*  
18                        *lence;*

19                        *“(ii) the enforcement of the policy;*

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

23                        *“(iv) any other issues relating to sex-*  
24                        *ual harassment and sexual violence involv-*  
25                        *ing Coast Guard Academy personnel, that*

1           *the Superintendent of the Academy con-*  
2           *siders relevant.*

3           “(d) *REPORT.*—

4           “(1) *IN GENERAL.*—*The Commandant shall di-*  
5           *rect the Superintendent of the Academy to submit a*  
6           *report to the Commandant each Academy program*  
7           *year on sexual harassment and sexual violence involv-*  
8           *ing a member of the Coast Guard Academy personnel*  
9           *that year.*

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

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

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

19               “(C) *any updates to the policy, training, or*  
20               *procedures on sexual harassment and sexual vio-*  
21               *lence under this section during the Academy pro-*  
22               *gram year; and*

23               “(D) *a plan detailing the action that will*  
24               *be taken during the subsequent Academy pro-*  
25               *gram year to respond to and prevent sexual har-*



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

2       *“The Auxiliary shall be composed of citizens of the*  
 3 *United States and its territories and possessions, and of*  
 4 *aliens lawfully admitted for permanent residence, as de-*  
 5 *finied in section 101(a)(20) of the Immigration and Nation-*  
 6 *ality Act (8 U.S.C. 1101(a)(20))—*

7           *“(1) who are owners, sole or part, of motorboats,*  
 8 *yachts, aircraft, or radio stations; or*

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

13 **TITLE IV—ADMINISTRATION**

14 **SEC. 401. ADVANCE PROCUREMENT FUNDING.**

15       *With respect to any Coast Guard vessel for which*  
 16 *amounts are appropriated or otherwise made available for*  
 17 *vessels for the Coast Guard in any fiscal year, the Secretary*  
 18 *may enter into a contract or place an order, in advance*  
 19 *of a contract or order for construction of a vessel, for—*

20           *(1) materials, parts, components, and effort for*  
 21 *the vessel;*

22           *(2) the advance construction of parts or compo-*  
 23 *nents for the vessel;*

24           *(3) protection and storage of materials, parts, or*  
 25 *components for the vessel; and*



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

4 **SEC. 402. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
5                           **COAST GUARD NATIONAL SECURITY CUT-**  
6                           **TERS.**

7           (a) *IN GENERAL.*—Beginning with the fiscal year  
8           2012 program year, the Secretary of the department in  
9           which the Coast Guard is operating may enter, under sec-  
10          tion 2306b of title 10, United States Code, into a multiyear  
11          contract for the procurement of Coast Guard National Secu-  
12          rity Cutters and government-furnished equipment associ-  
13          ated with the National Security Cutter program.

14          (b) *LIMITATION.*—The Secretary may not enter into  
15          a contract under subsection (a) until—

16                 (1) the Secretary submits to the Committee on  
17                 Commerce, Science, and Transportation of the Senate  
18                 and the Committee on Transportation and Infrastruc-  
19                 ture of the House of Representatives a certification  
20                 that the Secretary has made, with respect to the con-  
21                 tract, each of the findings under section 2306b(a) of  
22                 title 10, United States Code, such as the analysis re-  
23                 ferred to under subsection (c) of this section; and

1           (2) a period of 30 days has elapsed after the date  
2           that the Secretary submits the certification under  
3           paragraph (1).

4           (c) *DETERMINATION OF SUBSTANTIAL SAVINGS.*—In  
5           conducting an analysis of substantial savings under section  
6           2306b(a)(1) of title 10, United States Code, the Secretary—

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

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

11           (A) based on a multiyear procurement; and

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

17 **SEC. 403. REQUIREMENT TO MAINTAIN UNITED STATES**  
18 **POLAR ICEBREAKING CAPABILITY.**

19          (a) *IN GENERAL.*—The Secretary of the department in  
20          which the Coast Guard is operating shall acquire, either  
21          through new construction or the rebuilding, renovating, or  
22          improving of existing Coast Guard assets, not less than 2  
23          heavy polar icebreakers for operation by the Coast Guard  
24          to avoid jeopardizing national security, law enforcement,  
25          maritime safety, search and rescue, environmental protec-

1 *tion, disaster response, scientific research, natural resource*  
2 *protection, marine pollution response and prevention, and*  
3 *fishery enforcement missions.*

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

7 (1) *the Coast Guard maintains, at a minimum,*  
8 *its current vessel capacity, including 1 medium and*  
9 *2 heavy polar icebreakers, for carrying out ice oper-*  
10 *ations and other Coast Guard missions in the Arctic*  
11 *and Antarctic, Great Lakes, and New England re-*  
12 *gions; and*

13 (2) *any such vessels that are not fully oper-*  
14 *ational are brought up to, and maintained at, full*  
15 *operational capability.*

16 (c) *CURRENT ICEBREAKER MAINTENANCE.—Until*  
17 *new icebreakers are acquired under subsection (a), the Com-*  
18 *mandant of the Coast Guard may not—*

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

21 (2) *remove any part of the POLAR SEA unless*  
22 *it will be installed on the POLAR STAR before it is*  
23 *put in “active” status and the Commandant certifies*  
24 *to the Committee on Commerce, Science, and Trans-*  
25 *portation and the Committee on Armed Services of*

1        *the Senate and the Committee on Transportation and*  
2        *Infrastructure and the Committee on Armed Services*  
3        *of the House of Representatives that it is not possible*  
4        *for the POLAR STAR to function properly without*  
5        *doing so;*

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

8            *(4) expend any funds—*

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

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

17           *(C) for any expenses associated with a de-*  
18        *commissioning ceremony for either of the vessels;*

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

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

23        *(d) REIMBURSEMENT.—Nothing in this section shall*  
24        *preclude the Secretary from seeking reimbursement for oper-*  
25        *ation and maintenance costs of the polar icebreakers from*

1 *other Federal agencies and entities, including foreign gov-*  
2 *ernments, that benefit from the use of the polar icebreakers.*

3 *(e) AUTHORIZATION OF APPROPRIATIONS.—There are*  
4 *authorized to be appropriated to the Secretary of the de-*  
5 *partment in which the Coast Guard is operating such sums*  
6 *as may be necessary—*

7 *(1) to acquire the polar icebreakers under sub-*  
8 *section (a); and*

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

11 **SEC. 404. FORWARD OPERATING FACILITY.**

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

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

21 *(2) provide shelter for both current helicopter as-*  
22 *sets and those projected to be located at Air Station*  
23 *Kodiak, Alaska for at least 20 years.*

1 **SEC. 405. NATIONAL RESPONSE FUNCTIONS.**

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

4 (1) in subsection (a)—

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

6 (B) redesignating paragraphs (24) through  
7 (26) as paragraphs (23) through (25), respec-  
8 tively;

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

12 “(2) NATIONAL RESPONSE FUNCTIONS.—The Sec-  
13 retary of the department in which the Coast Guard  
14 is operating—”; and

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

18 (b) *CONFORMING AMENDMENT.*—Section 4202(b) of  
19 the Oil Pollution Act of 1990 (33 U.S.C. 1321 note) is  
20 amended—

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

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

24 **SEC. 406. CONFORMING AMENDMENT.**

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

1                   **TITLE V—SHIPPING AND**  
2                   **NAVIGATION**

3   **SEC. 501. DESIGNATION OF ST. GEORGE HARBOR AS A HAR-**  
4                   **BOR OF REFUGE.**

5           (a) *CONSULTATION.*—Not later than 1 year after the  
6 date of enactment of this Act, the Commandant of the Coast  
7 Guard shall consult with appropriate Federal agencies and  
8 with State and local interests to determine what improve-  
9 ments are necessary to make the harbor at St. George, Alas-  
10 ka, a fully functional harbor of refuge throughout the year.

11          (b) *PURPOSES.*—The purposes of the consultation  
12 under subsection (a) shall be to enhance safety of human  
13 life at sea and protect the marine environment in the Cen-  
14 tral Bering Sea.

15          (c) *REPORT.*—Not later than 90 days after making the  
16 determination under subsection (a), the Commandant shall  
17 inform the Committee on Commerce, Science, and Trans-  
18 portation of the Senate and the Committee on Transpor-  
19 tation and Infrastructure of the House of Representatives  
20 in writing of the improvements necessary to make the har-  
21 bor at St. George, Alaska, a fully functional harbor of refuge  
22 throughout the year.

1 **SEC. 502. PROTECTION AND FAIR TREATMENT OF SEA-**  
2 **FARERS.**

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

5 **“§ 11113. Protection and fair treatment of seafarers**

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

8 “(b) *SPECIAL FUND.*—

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

12 “(2) *USE OF AMOUNTS IN FUND.*—The amounts  
13 deposited into the Fund shall be available to the Sec-  
14 retary, without fiscal year limitation, to—

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

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

19 “(3) *AMOUNTS CREDITED TO FUND.*—Notwith-  
20 standing any other provision of law, the Fund may  
21 receive—

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



1           “(B) amounts reimbursed or recovered  
2           under subsection (e).

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

7           “(5) *AUTHORIZATION OF APPROPRIATION.—*  
8           *There are authorized to be appropriated, from the*  
9           *Fund, for each fiscal year such sums as may be nec-*  
10          *essary for the purposes set forth in paragraph (2).*

11          “(6) *REPORT REQUIRED.—*

12           “(A) *IN GENERAL.—The Secretary shall*  
13           *submit to Congress, concurrent with the Presi-*  
14           *dent’s budget submission for a given fiscal year,*  
15           *a report that describes—*

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

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

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

24                           “(I) *on-going activities; and*

1                   “(II) new cases, derived from his-  
2                   toric data.

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

7                   “(7) FUND MANAGER.—The Secretary shall des-  
8                   ignate a Fund manager. The Fund manager shall—

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

11                  “(B) prepare the report under paragraph  
12                  (6);

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

15                  “(D) provide notice to the Secretary and the  
16                  Attorney General whenever the unobligated bal-  
17                  ance of the Fund is less than \$5,000,000.

18                  “(c) AUTHORITY.—The Secretary may—

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

21                  “(A) a seafarer that—

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

24                          “(ii) is involved in an investigation,  
25                          reporting, documentation, or adjudication

1           *of any matter that is related to the admin-*  
2           *istration or enforcement of any treaty, law,*  
3           *or regulation by the Coast Guard; and*

4           “(B) *a seafarer that the Secretary deter-*  
5           *mines was abandoned in the United States; and*

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

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

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

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

22          “(e) *REIMBURSEMENT; RECOVERY.—*

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

1       *plus a surcharge of 25 percent of the total amount*  
2       *if—*

3               “(A) *the shipowner—*

4                       “(i) *during the course of an investiga-*  
5                       *tion, reporting, documentation, or adjudica-*  
6                       *tion of any matter that the Coast Guard re-*  
7                       *ferred to a United States Attorney or the*  
8                       *Attorney General, fails to provide necessary*  
9                       *support of a seafarer who was paroled into*  
10                      *the United States to facilitate the investiga-*  
11                      *tion, reporting, documentation, or adjudica-*  
12                      *tion; and*

13                      “(ii) *subsequently receives a criminal*  
14                      *penalty; or*

15               “(B) *the shipowner, under any cir-*  
16               *cumstance, abandons a seafarer in the United*  
17               *States, as determined by the Secretary.*

18               “(2) *ENFORCEMENT.—If a shipowner fails to re-*  
19               *imburse the Fund under paragraph (1), the Secretary*  
20               *may—*

21                      “(A) *proceed in rem against any vessel of*  
22                      *the shipowner in the Federal district court for*  
23                      *the district in which the vessel is found; and*

1           “(B) withhold or revoke the clearance re-  
2           quired under section 60105 of any vessel of the  
3           shipowner wherever the vessel is found.

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

8           “(f) BOND AND SURETY.—

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

18          “(2) SURETY CORPORATIONS.—A surety corpora-  
19          tion may provide a bond or surety satisfactory under  
20          paragraph (1) if the surety corporation is authorized  
21          by the Secretary of the Treasury under section 9305  
22          of title 31 to provide surety bonds under section 9304  
23          of title 31.

24          “(3) APPLICATION.—The authority to require a  
25          bond or surety satisfactory or to request the with-

1 *holding or revocation of the clearance under sub-*  
2 *section (e) applies to any investigation, reporting,*  
3 *documentation, or adjudication of any matter that is*  
4 *related to the administration or enforcement of any*  
5 *treaty, law, or regulation by the Coast Guard.*

6 “(g) *DEFINITIONS.—In this section:*

7 “(1) *ABANDONS; ABANDONED.—The term ‘aban-*  
8 *dons’ or ‘abandoned’ means—*

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

11 “(B) *a shipowner’s failure to provide nec-*  
12 *essary support of a seafarer.*

13 “(2) *BOND OR SURETY SATISFACTORY.—The*  
14 *term ‘bond or surety satisfactory’ means a negotiated*  
15 *instrument, the terms of which may, at the discretion*  
16 *of the Secretary, include provisions that require a*  
17 *shipowner to—*

18 “(A) *provide necessary support of a seafarer*  
19 *who has or may have information pertinent to*  
20 *an investigation, reporting, documentation, or*  
21 *adjudication of any matter that is related to the*  
22 *administration or enforcement of any treaty,*  
23 *law, or regulation by the Coast Guard;*

24 “(B) *facilitate an investigation, reporting,*  
25 *documentation, or adjudication of any matter*

1           *that is related to the administration or enforce-*  
2           *ment of any treaty, law, or regulation by the*  
3           *Coast Guard;*

4           “(C) *stipulate to certain incontrovertible*  
5           *facts, including the ownership or operation of the*  
6           *vessel, or the authenticity of documents and*  
7           *things from the vessel;*

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

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

12          “(F) *comply with directions regarding pay-*  
13          *ment of funds;*

14          “(G) *name an agent in the United States*  
15          *for service of process;*

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

18          “(I) *provide assurances that no discrimina-*  
19          *tory or retaliatory measures will be taken*  
20          *against a seafarer involved in an investigation,*  
21          *reporting, documentation, or adjudication of any*  
22          *matter that is related to the administration or*  
23          *enforcement of any treaty, law, or regulation by*  
24          *the Coast Guard;*

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

4           “(K) provide for any other appropriate  
5 measures as the Secretary considers necessary to  
6 ensure the Government is not prejudiced by  
7 granting the clearance required under section  
8 60105 of title 46.

9           “(3) FUND.—The term ‘Fund’ means the Sup-  
10 port of Seafarers Fund established under this section.

11           “(4) NECESSARY SUPPORT.—The term ‘necessary  
12 support’ means normal wages, lodging, subsistence,  
13 clothing, medical care (including hospitalization), re-  
14 patriation, and any other expense the Secretary con-  
15 siders appropriate.

16           “(5) 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.

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

24           “(7) VESSEL SUBJECT TO THE JURISDICTION OF  
25 THE UNITED STATES.—The term ‘vessel subject to the



1       *jurisdiction of the United States’ has the meaning*  
 2       *given the term in section 70502(c), except that it ex-*  
 3       *cludes—*

4               “(A) a vessel—

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

8                       “(ii) that is not engaged in commerce;  
 9                       and

10               “(B) a bareboat—

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

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

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

17       “(b) *CONFORMING AMENDMENT.—The table of contents*  
 18 *for chapter 111 of title 46, United States Code, is amended*  
 19 *by inserting after the item relating to section 11112 the fol-*  
 20 *lowing:*

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

21       “(c) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
 22 *authorized to be appropriated to the Fund \$1,500,000 for*  
 23 *each of fiscal years 2012, 2013, and 2014.*

1 **SEC. 503. DELEGATION OF AUTHORITY.**

2 *Section 3316 of title 46, United States Code, is amend-*  
3 *ed—*

4 *(1) in subsection (b)(2)—*

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

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

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

10 *“(C) if the Secretary of State determines*  
11 *that the foreign classification society does not*  
12 *provide comparable services in or for the govern-*  
13 *ment of a country designated by the Secretary of*  
14 *State as a State Sponsor of Terrorism.”;*

15 *(2) in subsection (d)(2)—*

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

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

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

21 *“(C) if the Secretary of State determines*  
22 *that the foreign classification society does not*  
23 *provide comparable services in or for the govern-*  
24 *ment of a country designated by the Secretary of*  
25 *State as a State Sponsor of Terrorism.”; and*

26 *(3) by adding at the end the following—*

1       “(e) *The Secretary shall revoke an existing delegation*  
2 *made to a foreign classification society under subsection (b)*  
3 *or (d) if the Secretary of State determines that the foreign*  
4 *classification society provides comparable services in or for*  
5 *the government of a country designated by the Secretary*  
6 *of State as a State Sponsor of Terrorism.”.*

7 **SEC. 504. REPORT ON ESTABLISHMENT OF ARCTIC DEEP**  
8 **WATER PORT.**

9       (a) *STUDY.*—*The Commandant of the Coast Guard*  
10 *shall conduct a study on the feasibility and potential of es-*  
11 *tablishing a deep water sea port in the Arctic to protect*  
12 *and advance strategic United States interests within the*  
13 *Arctic region.*

14       (b) *SCOPE.*—*The study under subsection (a) shall in-*  
15 *clude an analysis of:*

16           (1) *the capability that a deep water sea port*  
17 *would provide;*

18           (2) *potential and optimum locations for the port;*

19           (3) *the resources needed to establish the port;*

20           (4) *the time frame needed to establish the port;*

21           (5) *the infrastructure required to support the*  
22 *port; and*

23           (6) *any other issues the Secretary considers nec-*  
24 *essary to complete the study.*

1       (c) *REPORT.*—Not later than 1 year after the date of  
2 enactment of this Act, the Commandant shall submit a re-  
3 port on the findings of the study under subsection (a) to  
4 the Committee on Commerce, Science, and Transportation  
5 of the Senate and the Committee on Transportation and  
6 Infrastructure of the House of Representatives.

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

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

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

17               (1) *the extent to which vessel (barge, tanker, and*  
18 *supertanker) traffic may increase due to Canadian*  
19 *tar sands development;*

20               (2) *whether transport of Canadian tar sands*  
21 *within the Salish Sea is likely to require navigation*  
22 *through United States territorial waters;*

23               (3) *the rules and regulations that restrict super-*  
24 *tanker traffic in United States waters, including an*  
25 *assessment of whether there are methods to bypass*

1        *those rules in such waterways and adjacent Canadian*  
2        *waters;*

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

8            *(5) spill response capability throughout the*  
9        *shared water of the United States and Canada, in-*  
10       *cluding oil spill response planning requirements for*  
11       *vessels bound for one nation transiting through the*  
12       *waters of the other nation;*

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

15           *(7) the agreement between the United States and*  
16       *Canada that outlines requirements for laden tank ves-*  
17       *sels to be escorted by tug boats;*

18           *(8) whether oil extracted from tar sands has dif-*  
19       *ferent properties from other types of oil, including*  
20       *toxicity and other properties, which may require dif-*  
21       *ferent maritime clean up technologies; and*

22           *(9) a risk assessment of the increasing super-*  
23       *tanker, tanker, and barge traffic associated with Ca-*  
24       *nadian tar sands development or expected to be asso-*  
25       *ciated with Canadian tar sands development.*

1           (c) *CONSULTATION REQUIREMENT.*—*In conducting the*  
 2 *analysis required under this section, the Commandant shall*  
 3 *consult with the State of Washington and affected tribal*  
 4 *governments. The Commandant is also strongly encouraged*  
 5 *to consult with the Secretary of State.*

6           (d) *RECOMMENDATIONS.*—*Not later than 180 days*  
 7 *after the date of enactment of this Act, the Commandant*  
 8 *shall submit recommendations based on the analysis re-*  
 9 *quired under this section to the Committee on Commerce,*  
 10 *Science, and Transportation of the Senate and the Com-*  
 11 *mittee on Transportation and Infrastructure of the House*  
 12 *of Representatives. The recommendations shall consider a*  
 13 *full range of options for the management of increasing mar-*  
 14 *itime traffic and minimizing the increased likelihood of an*  
 15 *oil spill, including Federal legislation, promulgation of*  
 16 *Federal rules, and the establishment of cooperative agree-*  
 17 *ments for shared funding of spill prevention and response*  
 18 *systems.*

## 19           **TITLE VI—MISCELLANEOUS**

### 20   **SEC. 601. CONVEYANCE OF DECOMMISSIONED COAST** 21           **GUARD CUTTER STORIS.**

22           (a) *IN GENERAL.*—*The Commandant of the Coast*  
 23 *Guard shall convey the Coast Guard Cutter STORIS to the*  
 24 *Storis Museum under subsection (b) if the Commandant de-*  
 25 *termines that the cost to the Federal Government of con-*

1 *veying the Coast Guard Cutter STORIS through the Gen-*  
2 *eral Services Administration exceeds the cost to the Federal*  
3 *Government of conveying to the STORIS Museum under*  
4 *subsection (b).*

5       **(b) COAST GUARD CUTTER STORIS.**—*Subject to the*  
6 *cost determination under subsection (a) and after the de-*  
7 *commissioning of the Coast Guard Cutter STORIS, the*  
8 *Commandant of the Coast Guard shall convey, without con-*  
9 *sideration, all right, title, and interest owned by the United*  
10 *States in the Coast Guard Cutter STORIS to the Storis*  
11 *Museum, a nonprofit entity of Juneau, Alaska, if the head*  
12 *of the STORIS Museum agrees—*

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

14           (2) *to make the United States Coast Guard Cut-*  
15 *ter STORIS available to the public as a museum;*

16           (3) *to work cooperatively with other museums to*  
17 *provide education and memorialize the maritime her-*  
18 *itage of the United States Coast Guard Cutter*  
19 *STORIS and other maritime activities in Alaska, the*  
20 *Pacific Northwest, the Arctic Ocean, and adjacent*  
21 *oceans and seas;*

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

24           (5) *to make the vessel available to the United*  
25 *States Government if needed for use by the Com-*

1        *mandant in time of war or a national emergency or*  
2        *based on the critical needs of the United States Coast*  
3        *Guard;*

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

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

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

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

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

24        *Section 1012(a)(4) of the Oil Pollution Act of 1990 (33*  
25        *U.S.C. 2712(a)(4)) is amended by striking “damages” and*



1 *inserting “damages, including the cost of commercial claims*  
2 *processing, expert services, training, technical services, and*  
3 *other administrative and personnel costs to process claims”.*

4 **SEC. 603. OIL SPILL LIABILITY TRUST FUND INVESTMENT**  
5 **AMOUNT.**

6 *Not later than 30 days after the date of enactment of*  
7 *this Act, the Secretary of the Treasury shall increase the*  
8 *amount invested in income producing securities under sec-*  
9 *tion 5006(b) of the Oil Pollution Act of 1990 (33 U.S.C.*  
10 *2736(b)) by \$12,851,340.*

11 **SEC. 604. DRY DOCK OPERATION.**

12 *A vessel transported in Dry Dock #2 (State of Alaska*  
13 *registration AIDEA FDD-2) is not merchandise for pur-*  
14 *poses of section 55102 of title 46, United States Code, if,*  
15 *during such transportation, Dry Dock #2 remains con-*  
16 *nected by a utility or other connecting line to pier-side*  
17 *moorage.*

18 **SEC. 605. TECHNICAL AMENDMENTS.**

19 *(a) CONTINUATION ON ACTIVE DUTY.—Section 290(a)*  
20 *of title 14, United States Code, is amended in the second*  
21 *sentence by striking “in the grade of vice admiral” and in-*  
22 *serting “in or above the grade of vice admiral”.*

23 *(b) FAILURE OF SELECTION AND REMOVAL FROM AC-*  
24 *TIVE STATUS.—Section 740(d) of title 14, United States*

1 Code, is amended by striking “that appointment” and in-  
 2 serting “that Reserve appointment”.

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

5 (1) by striking the item relating to section 669  
 6 and inserting the following:

“669. Telephone installation and charges.”;

7 and

8 (2) by striking the item relating to section 674  
 9 and inserting the following:

“674. Small boat station rescue capability.”.

10 **SEC. 606. VESSEL DETERMINATIONS.**

11 (a) *VESSELS DEEMED NEW VESSELS.*—The vessel  
 12 with United States official number 981472 and the vessel  
 13 with United States official number 988333 shall each be  
 14 deemed to be a new vessel effective on the date of delivery  
 15 after January 1, 2008, from a privately owned United  
 16 States shipyard if no encumbrances are on record with the  
 17 United States Coast Guard at the time of the issuance of  
 18 the new vessel certificate of documentation for each vessel.

19 (b) *SAFETY INSPECTION.*—Each vessel under sub-  
 20 section (a) shall be subject to the vessel safety and inspection  
 21 requirements of title 46, United States Code (as in effect  
 22 on the day before the date of enactment of this Act), applica-  
 23 ble to any such vessel.

1 **SEC. 607. ALTERATION OF BRIDGE OBSTRUCTING NAVIGA-**  
2 **TION.**

3 (a) *REQUIREMENT TO COMMENCE ADMINISTRATIVE*  
4 *REVIEW.*—Not later than 15 days after the date of enact-  
5 ment of this Act, the Commandant of the Coast Guard shall  
6 certify to the Committee on Commerce, Science, and Trans-  
7 portation of the Senate and the Committee on Transpor-  
8 tation and Infrastructure of the House of Representatives  
9 that the Coast Guard has commenced the required inter-  
10 agency administrative review of the pending proposal to  
11 alter the bridge that is unreasonably obstructing navigation  
12 and that spans the Kill Van Kull, connecting Bayonne, New  
13 Jersey, and Staten Island, New York.

14 (b) *EXPEDITED PROCESS.*—The Commandant—  
15 (1) shall expedite the interagency administrative  
16 review under subsection (a); and  
17 (2) may use any resources offered to the Coast  
18 Guard by the bridge owner for the purpose of para-  
19 graph (1).

20 (c) *DEADLINE FOR COMPLETION.*—Not later than De-  
21 cember 31, 2011, the Coast Guard shall complete the inter-  
22 agency administrative review under subsection (a).

23 **SEC. 608. DOCUMENTATION OF LNG TANKERS.**

24 (a) *IN GENERAL.*—Notwithstanding sections 12112  
25 and 12132 and chapter 551 of title 46, United States Code,  
26 the Secretary of the department in which the Coast Guard

1 *is operating may issue a certificate of documentation with*  
2 *a coastwise endorsement for each of the following vessels:*

3           (1) *LNG GEMINI (United States official num-*  
4 *ber 595752).*

5           (2) *LNG LEO (United States official number*  
6 *595753).*

7           (3) *LNG VIRGO (United States official number*  
8 *595755).*

9           (b) *LIMITATION ON OPERATION.—Coastwise trade au-*  
10 *thorized under subsection (a) shall be limited to carriage*  
11 *of natural gas, as that term is defined in section 3(13) of*  
12 *the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).*

13           (c) *TERMINATION OF EFFECTIVENESS OF ENDORSE-*  
14 *MENTS.—The coastwise endorsement issued under sub-*  
15 *section (a) for a vessel shall expire on the date of the sale*  
16 *of the vessel by the owner of the vessel on the date of enact-*  
17 *ment of this Act to a person who is not related by ownership*  
18 *or control to such owner.*

19 **SEC. 609. NOTICE OF ARRIVAL.**

20           *The regulations required under section 109(a) of the*  
21 *Security and Accountability For Every Port Act of 2006*  
22 *(33 U.S.C. 1223 note) dealing with notice of arrival re-*  
23 *quirements for foreign vessels on the Outer Continental*  
24 *Shelf shall not apply to a vessel documented under section*

1 12105 of title 46, United States Code, unless the vessel ar-  
2 rives from a foreign port or place.

3 **SEC. 610. HOMEPORTING OF FSV HENRY B BIGELOW.**

4 (a) *DEADLINE FOR FINAL DECISION REGARDING THE*  
5 *HOMEPORT FOR THE FSV HENRY B BIGELOW.*—

6 (1) *IN GENERAL.*—Not later than 180 days after  
7 the date of enactment of this Act, the Administrator  
8 of the National Oceanic and Atmospheric Administra-  
9 tion shall make a final decision regarding the home-  
10 port for the FSV HENRY B BIGELOW.

11 (2) *ADVANCE NOTICE TO CONGRESS.*—Not later  
12 than 45 days before the date that the final decision  
13 under paragraph (1) is implemented, the Adminis-  
14 trator shall submit to the Committee on Commerce,  
15 Science, and Transportation of the Senate and the  
16 Committee on Natural Resources of the House of Rep-  
17 resentative—

18 (A) notification of the proposed final deci-  
19 sion; and

20 (B) an explanation of—

21 (i) the rationale for the homeport se-  
22 lected in the proposed final decision; and

23 (ii) how the proposed final decision ad-  
24 dresses the considerations under subsection

25 (b).

1       (b) *CONSIDERATIONS.*—*In making a final decision*  
2 *under subsection (a), the Administrator of the National*  
3 *Oceanic and Atmospheric Administration shall consider—*

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

6           (2) *the proximity of the proposed homeport to*  
7 *Federal research facilities and to programs that could*  
8 *directly benefit from the research conducted by the*  
9 *FSV HENRY B BIGELOW, including the Adminis-*  
10 *tration’s Northeast Fisheries Science Center;*

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

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

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

20       (c) *PROGRESS REPORT.*—*Not later than 30 days after*  
21 *the date of enactment of this Act, the Administrator of the*  
22 *National Oceanic and Atmospheric Administration shall*  
23 *submit to the Committee on Commerce, Science, and Trans-*  
24 *portation of the Senate and the Committee on Natural Re-*  
25 *sources of the House of Representatives a report on the Ad-*

1 *ministrator’s progress in making a final decision under*  
2 *subsection (a).*

3 **SEC. 611. HIGHER VOLUME PORT AREA REGULATORY DEFINI-**  
4 **NITION CHANGE.**

5 *(a) IN GENERAL.—Subsection (a) of section 710 of the*  
6 *Coast Guard Authorization Act of 2010 (Public Law 111–*  
7 *281; 124 Stat. 2986) is amended to read as follows:*

8 *“(a) HIGHER VOLUME PORTS.—*

9 *“(1) IN GENERAL.—Notwithstanding any other*  
10 *provision of law, the requirements of subparts D, F,*  
11 *and G of part 155 of title 33, Code of Federal Regula-*  
12 *tions, that apply to the higher volume port area for*  
13 *the Strait of Juan de Fuca at Port Angeles, Wash-*  
14 *ington (including any water area within 50 nautical*  
15 *miles seaward), to and including Puget Sound, shall*  
16 *be deemed to apply, in the same manner, and to the*  
17 *same extent, to the Strait of Juan de Fuca at Cape*  
18 *Flattery, Washington (including any water area*  
19 *within 50 nautical miles seaward), to and including*  
20 *Puget Sound.*

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

23 *(b) CONFORMING AMENDMENT.—Subsection (b) of such*  
24 *section is amended by striking “the modification of the*  
25 *higher volume port area definition required by subsection*

- 1 (a)” and inserting “higher volume port requirements made
- 2 applicable under subsection (a)”.





Calendar No. 300

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1665**

[Report No. 112-135]

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**A BILL**

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

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JANUARY 26, 2012

Reported with an amendment