

S 1665

Coast Guard Authorization Act for Fiscal Years 2012 and 2013

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Transportation and Public Works

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Sponsor

Name: Sen. Begich, Mark [D-AK]

Party: Democratic • **State:** AK • **Chamber:** Senate

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Rockefeller, John D., IV [D-WV]	D · WV		Oct 6, 2011
Sen. Snowe, Olympia J. [R-ME]	R · ME		Oct 6, 2011
Sen. Cantwell, Maria [D-WA]	D · WA		Feb 27, 2012

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Jan 26, 2012

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

Bill	Relationship	Last Action
112 HR 2838	Related bill	Dec 20, 2012: Became Public Law No: 112-213.
112 HR 5887	Related bill	Jun 7, 2012: Subcommittee on Coast Guard and Maritime Transportation Discharged.

Coast Guard Authorization Act for Fiscal Years 2012 and 2013 - **Title I: Authorization** - (Sec. 101) Authorizes FY2012-FY2013 appropriations for the Coast Guard for: (1) operation and maintenance; (2) acquisition, construction, rebuilding, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, aircraft, and related equipment; (3) research, development, testing, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness; (4) retired pay, payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and medical and dental care of retired personnel and dependents; (5) alteration or removal of bridges over U.S. navigable waters including Alteration of Bridges Program personnel and administrative costs; (6) environmental compliance and restoration functions; and (7) the Coast Guard Reserve program.

Designates amounts from the Oil Spill Liability Trust Fund to carry out specified provisions of the Oil Pollution Act of 1990.

(Sec. 102) Authorizes, at specified levels for each such fiscal year, end-of-year strength for active duty personnel and average military training student loads.

Title II: Organization - (Sec. 201) Allocates and vests in the Coast Guard and the department in which the Coast Guard is operating all authority (including programmatic budget authority) for the operation and maintenance of Coast Guard vessels, aircraft, systems, aids to navigation, infrastructure, and any other Coast Guard assets or facilities.

(Sec. 202) Requires the Coast Guard, subject to exceptions, to be the sole supplier of icebreaking services, on an advancement or reimbursable basis, to each federal agency requiring such services.

Title III: Personnel - (Sec. 301) Revises the acquisition workforce expedited hiring authority in the Coast Guard Authorization Act of 2010 to: (1) authorize the Commandant of the Coast Guard to designate any category of specified acquisition workforce positions as positions for which there is a shortage of candidates or a critical hiring need, and (2) extend such authority to September 30, 2015.

(Sec. 302) Revises the standards applicable to the selection of officers recommended for promotion.

(Sec. 303) Specifies that an original appointment of a permanent commissioned officer refers to the member's most recent appointment in the Coast Guard that is neither a promotion nor a demotion.

(Sec. 304) Entitles foreign nationals permitted to receive instruction at the Coast Guard Academy to the same emoluments (in addition to pay and allowances) as other appointed cadets.

(Sec. 305) Requires the Commandant to direct the Superintendent of the Academy to: (1) prescribe a policy on sexual harassment and sexual violence for cadets and other Academy personnel; (2) conduct an annual assessment to determine the effectiveness of such policies, training, and procedures; and (3) report annually, along with a prevention and response plan, on the number of such incidents.

Directs the Commandant to transmit such reports to Congress, together with comments by the Commandant.

(Sec. 306) Extends eligibility for enrollment in the Coast Guard Auxiliary to aliens lawfully admitted for permanent residence.

Title IV: Administration - (Sec. 401) Authorizes the Secretary of the department in which the Coast Guard is operating (Secretary) to enter into contracts or orders for materials, storage, and planning in advance of a contract or order for construction of a vessel.

(Sec. 402) Authorizes the Secretary to enter into a multiyear contract for the procurement of National Security Cutters and associated government-furnished equipment, provided that the Secretary certifies to Congress that such a contract will result in substantial savings.

(Sec. 403) Requires the Secretary to acquire, either through new construction or by rebuilding existing assets, at least two heavy polar icebreakers for operation by the Coast Guard.

Prohibits the Commandant, until the new icebreakers are acquired, from: (1) transferring, relinquishing ownership, or recycling the POLAR SEA or POLAR STAR; (2) expending funds to place either such vessel in inactive status or taking other specified decommissioning measures; or (3) changing the homeport of any icebreaker.

Authorizes appropriations to acquire such polar icebreakers and maintain and operate the fleet.

(Sec. 404) Permits the Secretary to construct or lease facilities in the Aleutian Island-Bering Sea operating area.

(Sec. 405) Eliminates the National Response Unit under the Federal Water Pollution Control Act. Transfers the Unit's national response functions (currently, carried out by the Secretary acting through such Unit) directly to the Secretary.

Title V: Shipping and Navigation - (Sec. 501) Directs the Commandant to determine the improvements necessary to make the St. George, Alaska, harbor a fully functional harbor of refuge throughout the year.

(Sec. 502) Establishes a Support of Seafarers Fund from which the Secretary is authorized to pay the necessary support of seafarers that are: (1) entering, remaining, or paroling into the United States while involved in an investigation, reporting, documentation, or adjudication of any matter related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard; and (2) abandoned in the United States. Authorizes further, if necessary to avoid serious injustice, the reimbursement of certain shipowners or operators who have provided necessary support of a seafarer paroled into the United States to facilitate such an investigation, reporting, documentation, or adjudication of any matter related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard.

Defines a "seafarer" as an alien crewman employed or engaged on board a vessel subject to the jurisdiction of the United States, excluding vessels owned (and bareboats chartered and operated) by the United States, a U.S. state or political subdivision, or a foreign nation that are not engaged in commerce.

Requires the Secretary to report annually to Congress on the amounts credited to the Fund, activities for which amounts are charged, and projected expenditures.

(Sec 503) Requires, before the Secretary may delegate to a foreign classification society the authority to conduct examinations and approve plans for issuing certificates of inspection, compliance, and other documents regarding certain vessels, a determination by the Secretary of State that such a society does not provide comparable services in or for the government of a country designated as a state sponsor of terrorism. Requires the revocation of an existing delegation if the Secretary of State makes such a determination.

(Sec. 504) Directs the Commandant to study and report to Congress on the feasibility and potential of establishing a deep water sea port in the Arctic to protect and advance strategic U.S. interests within the Arctic region.

(Sec. 505) Directs the Commandant to: (1) assess the increased vessel traffic in the Salish Sea (including the Puget Sound, the Strait of Georgia, Haro Strait, Rosario Strait, and the Strait of Juan de Fuca) that may occur from the transport of Canadian tar sands oil; and (2) recommend options to Congress for the management of increasing maritime traffic and minimizing the increased likelihood of an oil spill.

Title VI: Miscellaneous - (Sec. 601) Requires the Commandant to convey, without consideration, the Coast Guard Cutter STORIS to the Storis Museum, a nonprofit entity in Juneau, Alaska, provided that the cost to the federal government of conveying STORIS through the General Services Administration (GSA) would exceed the cost of the conveyance to the Museum. Conditions such conveyance on the Museum's agreement to use the vessel as a historic public memorial, work cooperatively with other museums, not use the vessel for commercial transportation, make the vessel available to the federal government if necessary, hold the government harmless for claims arising from hazardous materials exposure, and other conditions.

(Sec. 602) Makes the Oil Spill Liability Trust Fund available to the President for commercial claims processing, expert services, training, technical services, and other administrative and personnel costs to process claims.

(Sec. 603) Directs the Secretary of the Treasury to increase the amount invested in income producing securities under specified provisions of the Oil Pollution Act of 1990 by a specified amount.

(Sec. 604) Specifies that a vessel transported in Dry Dock #2 (if, during such transportation, the dock remains connected to pier-side moorage in Ketchikan, Alaska) is not merchandise for purposes of certain coastwise trade requirements a vessel must otherwise meet before engaging in merchandise transportation.

(Sec. 606) Deems two numbered vessels to be new vessels if no encumbrances are on record with the Coast Guard at the time of the issuance of the new vessel certificate of documentation for each such vessel. Subjects each vessel to the vessel safety and inspection requirements applicable to any such vessel as of the day before enactment of this Act.

(Sec. 607) Directs the Commandant to certify to Congress that the Coast Guard has commenced the required interagency administrative review of the pending proposal to alter the bridge that obstructs navigation and spans the Kill Van Kull tidal strait, connecting Bayonne, New Jersey, and Staten Island, New York. Requires the review to be completed by December 31, 2011.

(Sec. 608) Authorizes the Secretary to issue a certificate of documentation with a coastwise endorsement for the vessels LNG GEMINI, LNG LEO, and LNG VIRGO. Limits authorized coastwise trade for each vessel to the carriage of natural gas, as defined in the Deepwater Port Act of 1974.

(Sec. 609) Specifies that certain notice of arrival regulations promulgated pursuant to the Security and Accountability for Every Port Act of 2006 for foreign vessels on the Outer Continental Shelf shall apply only to vessels arriving from a foreign port or place.

(Sec. 610) Directs the Administrator of the National Oceanic and Atmospheric Administration (NOAA) to: (1) make a final decision regarding the homeport for the FSV HENRY B BIGELOW, and (2) report to Congress and explain its rationale prior to the decision.

(Sec. 611) Amends the Coast Guard Authorization Act of 2010 to require, effective July, 1, 2012, that regulations applicable to the higher volume port area for the Strait of Juan de Fuca at Port Angeles, Washington to and including Puget Sound, be deemed to apply, in the same manner, and to the same extent, to the Strait of Juan de Fuca at Cape Flattery, Washington, to and including Puget Sound.

Actions Timeline

- **Jan 26, 2012:** Committee on Commerce, Science, and Transportation. Reported by Senator Rockefeller with an amendment in the nature of a substitute. With written report No. 112-135.
- **Jan 26, 2012:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 300.
- **Nov 2, 2011:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Oct 6, 2011:** Introduced in Senate
- **Oct 6, 2011:** Read twice and referred to the Committee on Commerce, Science, and Transportation.