

[STAFF WORKING DRAFT]

JULY 26, 2007

110TH CONGRESS
1ST SESSION

S. _____

To reauthorize the Coast Guard for fiscal year 2008, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY —, 2007

Mr. _____ (for himself, Mr. _____, and Mr. _____
) introduced the following bill; which was read twice and referred to the
Committee on _____

A BILL

To reauthorize the Coast Guard for fiscal year 2008, and
for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coast Guard Author-
5 ization Act for Fiscal Year 2008”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—AUTHORIZATIONS

- Sec. 101. Authorization of appropriations.
- Sec. 102. Authorized levels of military strength and training.
- Sec. 103. Web-based risk management data system.

TITLE II—ORGANIZATION

- Sec. 201. Vice commandant; vice admirals.
- Sec. 202. Merchant Mariner Medical Advisory Committee.
- Sec. 203. Authority to distribute funds through grants, cooperative agreements, and contracts to maritime authorities and organizations.
- Sec. 204. Assistance to foreign governments and maritime authorities;

TITLE III—PERSONNEL

- Sec. 301. Emergency leave retention authority.
- Sec. 302. Legal assistance for Coast Guard reservists.
- Sec. 303. Reimbursement for certain medical-related travel expenses.
- Sec. 304. Number and distribution of commissioned officers on the active duty promotion list.
- Sec. 305. Reserve commissioned warrant officer to lieutenant program.
- Sec. 306. Enhanced status quo officer promotion system.
- Sec. 307. Appointment of civilian Coast Guard judges.
- Sec. 308. Coast Guard Participation in the Armed Forces Retirement Home (AFRH) System.

TITLE IV—ADMINISTRATION

- Sec. 401. Cooperative Agreements for Industrial Activities.
- Sec. 402. Defining Coast Guard vessels and aircraft.
- Sec. 403. Specialized industrial facilities.
- Sec. 404. Authority to construct Coast Guard recreational facilities.

TITLE V—SHIPPING AND NAVIGATION

- Sec. 501. Technical amendments to chapter 313 of title 46, United States Code.
- Sec. 502. Clarification of rulemaking authority.
- Sec. 503. Coast Guard to maintain LORAN-C navigation system.
- Sec. 504. Nantucket Sound ship channel weather buoy.
- Sec. 505. Limitation on maritime liens on fishing permits.
- Sec. 506. Vessel rebuild determinations.

TITLE VI—MARITIME LAW ENFORCEMENT

- Sec. 601. Maritime law enforcement.

TITLE VII—OIL POLLUTION PREVENTION

- Sec. 701. Rulemakings.
- Sec. 702. Oil spill response capability.
- Sec. 703. Oil transfers from vessels.
- Sec. 704. Improvements to reduce human error and near-miss incidents.
- Sec. 705. Olympic Coast National Marine Sanctuary.

- Sec. 706. Prevention of small oil spills.
- Sec. 707. Improved coordination with tribal governments.
- Sec. 708. Report on the availability of technology to detect the loss of oil.
- Sec. 709. Use of oil spill liability trust fund.
- Sec. 710. International efforts on enforcement.
- Sec. 711. Grant project for development of cost-effective detection technologies.
- Sec. 712. Higher volume port area regulatory definition change.
- Sec. 713. Response tugs.
- Sec. 714. Tug escorts for laden oil tankers.
- Sec. 715. Extension of financial responsibility.
- Sec. 716. Vessel traffic risk assessments.
- Sec. 717. Oil spill liability trust fund investment amount.
- Sec. 718. Liability for use of unsafe single-hull vessels.

TITLE VIII—MARITIME HAZARDOUS CARGO SECURITY

- Sec. 801. International committee for the safe and secure transportation of especially hazardous cargo.
- Sec. 802. Validation of compliance with ISPFCA standards.
- Sec. 803. Safety and security assistance for foreign ports.
- Sec. 804. Coast Guard port assistance program.
- Sec. 805. EHC facility risk-based cost sharing.
- Sec. 806. Transportation security incident mitigation plan.
- Sec. 807. Incident command system training.
- Sec. 808. Pre-positioning interoperable communications equipment at inter-agency operational centers.
- Sec. 809. Definitions.

TITLE IX—MISCELLANEOUS PROVISIONS

- Sec. 901. Marine mammals and sea turtles report.
- Sec. 902. Umpqua lighthouse land conveyance.
- Sec. 903. Lands to be held in trust.
- Sec. 904. Data.
- Sec. 905. Extension.
- Sec. 906. Forward operating facility.
- Sec. 907. Enclosed hangar at Air Station Barbers Point, Hawaii.
- Sec. 908. Conveyance of decommissioned Coast Guard Cutter STORIS.
- Sec. 909. Conveyance of the Presque Isle Light Station Fresnel Lens to Presque Isle Township, Michigan.
- Sec. 910. Repeals.
- Sec. 911. Report on ship traffic.
- Sec. 912. Small vessel exception from definition of fish processing vessel.
- Sec. 913. Right of first refusal for Coast Guard property on Jupiter Island, Florida.
- Sec. 914. Ship disposal working group.
- Sec. 915. Full multi-mission response station in Valdez, Alaska.
- Sec. 916. Protection and fair treatment of seafarers.
- Sec. 917. Icebreakers.
- Sec. 918. Fur Seal Act authorization.
- Sec. 919. Study of relocation of Coast Guard Sector Buffalo facilities.
- Sec. 920. Inspector General report on Coast Guard dive program.

1 **TITLE I—AUTHORIZATIONS**

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

3 Funds are authorized to be appropriated for nec-
4 essary expenses of the Coast Guard for fiscal year 2008
5 as follows:

6 (1) For the operation and maintenance of the
7 Coast Guard, \$5,894,295,000, of which \$24,500,000
8 is authorized to be derived from the Oil Spill Liabil-
9 ity Trust Fund to carry out the purposes of section
10 1012(a)(5) of the Oil Pollution Act of 1990.

11 (2) For the acquisition, construction, renova-
12 tion, and improvement of aids to navigation, shore
13 and offshore facilities, vessels, and aircraft, includ-
14 ing equipment related thereto, \$998,068,000, of
15 which \$20,000,000 shall be derived from the Oil
16 Spill Liability Trust Fund to carry out the purposes
17 of section 1012(a)(5) of the Oil Pollution Act of
18 1990, to remain available until expended; such funds
19 appropriated for personnel compensation and bene-
20 fits and related costs of acquisition, construction,
21 and improvements shall be available for procurement
22 of services necessary to carry out the Integrated
23 Deepwater Systems program.

24 (3) For retired pay (including the payment of
25 obligations otherwise chargeable to lapsed appropria-

1 tions for this purpose), payments under the Retired
2 Serviceman's Family Protection and Survivor Ben-
3 efit Plans, and payments for medical care of retired
4 personnel and their dependents under chapter 55 of
5 title 10, United States Code, \$1,184,720,000.

6 (4) For environmental compliance and restora-
7 tion functions under chapter 19 of title 14, United
8 States Code, \$12,079,000.

9 (5) For research, development, test, and evalua-
10 tion programs related to maritime technology,
11 \$17,583,000.

12 (6) For operation and maintenance of the Coast
13 Guard reserve program, \$126,883,000.

14 (7) For the construction of a new Chelsea
15 Street Bridge in Chelsea, Massachusetts,
16 \$3,000,000.

17 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
18 **AND TRAINING.**

19 (a) **ACTIVE DUTY STRENGTH.**—The Coast Guard is
20 authorized an end-of-year strength of active duty per-
21 sonnel of 45,500 as of September 30, 2008.

22 (b) **MILITARY TRAINING STUDENT LOADS.**—For fis-
23 cal year 2008, the Coast Guard is authorized average mili-
24 tary training student loads as follows:

1 (1) For recruit and special training, 2,500 stu-
2 dent years.

3 (2) For flight training, 165 student years.

4 (3) For professional training in military and ci-
5 vilian institutions, 350 student years.

6 (4) For officer acquisition, 1,200 student years.

7 **SEC. 103. WEB-BASED RISK MANAGEMENT DATA SYSTEM.**

8 (a) IN GENERAL.—There are authorized to be appro-
9 priated \$1,000,000 for each of fiscal years 2008 and 2009
10 to the Secretary of the department in which the Coast
11 Guard is operating to continue deployment of a World
12 Wide Web-based risk management system to help reduce
13 accidents and fatalities.

14 (b) IMPLEMENTATION STATUS REPORT.—Within 90
15 days after the date of enactment of this Act, the Com-
16 mandant of the Coast Guard shall submit a report to the
17 Senate Committee on Commerce, Science, and Transpor-
18 tation on the status of implementation of the system.

19 **TITLE II—ORGANIZATION**

20 **SEC. 201. VICE COMMANDANT; VICE ADMIRALS.**

21 (a) VICE COMMANDANT.—The fourth sentence of sec-
22 tion 47 of title 14, United States Code, is amended by
23 striking “vice admiral” and inserting “admiral”.

24 (b) VICE ADMIRALS.—Section 50 of such title is
25 amended to read as follows:

1 **“§ 50. Vice admirals**

2 “(a)(1) The President may designate no more than
3 4 positions of importance and responsibility that shall be
4 held by officers who—

5 “(A) while so serving, shall have the grade of
6 vice admiral, with the pay and allowances of that
7 grade; and

8 “(B) shall perform such duties as the Com-
9 mandant may prescribe.

10 “(2) The President may appoint, by and with the ad-
11 vice and consent of the Senate, and reappoint, by and with
12 the advice and consent of the Senate, to any such position
13 an officer of the Coast Guard who is serving on active
14 duty above the grade of captain. The Commandant shall
15 make recommendations for such appointments.

16 “(b)(1) The appointment and the grade of vice admi-
17 ral shall be effective on the date the officer assumes that
18 duty and, except as provided in paragraph (2) of this sub-
19 section or in section 51(d) of this title, shall terminate
20 on the date the officer is detached from that duty.

21 “(2) An officer who is appointed to a position des-
22 ignated under subsection (a) shall continue to hold the
23 grade of vice admiral—

24 “(A) while under orders transferring the officer
25 to another position designated under subsection (a),
26 beginning on the date the officer is detached from

1 that duty and terminating on the date before the
2 day the officer assumes the subsequent duty, but not
3 for more than 60 days;

4 “(B) while hospitalized, beginning on the day of
5 the hospitalization and ending on the day the officer
6 is discharged from the hospital, but not for more
7 than 180 days; and

8 “(C) while awaiting retirement, beginning on
9 the date the officer is detached from duty and end-
10 ing on the day before the officer’s retirement, but
11 not for more than 60 days.

12 “(c)(1) An appointment of an officer under sub-
13 section (a) does not vacate the permanent grade held by
14 the officer.

15 “(2) An officer serving in a grade above rear admiral
16 who holds the permanent grade of rear admiral (lower
17 half) shall be considered for promotion to the permanent
18 grade of rear admiral as if the officer was serving in the
19 officer’s permanent grade.

20 “(d) Whenever a vacancy occurs in a position des-
21 ignated under subsection (a), the Commandant shall in-
22 form the President of the qualifications needed by an offi-
23 cer serving in that position or office to carry out effectively
24 the duties and responsibilities of that position or office.”.

25 (c) REPEAL.—Section 50a of such title is repealed.

1 (d) CONFORMING AMENDMENTS.—Section 51 of such
2 title is amended—

3 (1) by striking subsections (a), (b), and (c) and
4 inserting the following:

5 “(a) An officer, other than the Commandant, who,
6 while serving in the grade of admiral or vice admiral, is
7 retired for physical disability shall be placed on the retired
8 list with the highest grade in which that officer served.

9 “(b) An officer, other than the Commandant, who is
10 retired while serving in the grade of admiral or vice admiral,
11 or who, after serving at least 2½ years in the grade
12 of admiral or vice admiral, is retired while serving in a
13 lower grade, may in the discretion of the President, be
14 retired with the highest grade in which that officer served.

15 “(c) An officer, other than the Commandant, who,
16 after serving less than 2½ years in the grade of admiral
17 or vice admiral, is retired while serving in a lower grade,
18 shall be retired in his permanent grade.”; and

19 (2) by striking “Area Commander, or Chief of
20 Staff” in subsection (d)(2) and inserting “or Vice
21 Admiral”.

22 (e) CLERICAL AMENDMENTS.—

23 (1) The section caption for section 47 of such
24 title is amended to read as follows:

1 **“§ 47. Vice commandant; appointment”.**

2 (2) The chapter analysis for chapter 3 of such
3 title is amended—

4 (A) by striking the item relating to section
5 47 and inserting the following:

“47. Vice Commandant; appointment”;

6 (B) by striking the item relating to section
7 50a; and

8 (C) by striking the item relating to section
9 50 and inserting the following:

“50. Vice admirals”.

10 (f) TECHNICAL CORRECTION.—Section 47 of such
11 title is further amended by striking “subsection” in the
12 fifth sentence and inserting “section”.

13 **SEC. 202. MERCHANT MARINER MEDICAL ADVISORY COM-**
14 **MITTEE.**

15 (a) IN GENERAL.—Chapter 3 of title 14, United
16 States Code, is amended by adding at the end the fol-
17 lowing new section:

18 **“§ 55. Merchant Mariner Medical Advisory Committee**

19 **“(a) ESTABLISHMENT; MEMBERSHIP; STATUS.—**

20 **“(1) There is established a Merchant Mariner**
21 **Medical Advisory Committee.**

22 **“(2) The Committee shall consist of 12 mem-**
23 **bers, none of whom shall be a Federal employee—**

1 “(A) 10 of whom shall be health-care pro-
2 fessionals with particular expertise, knowledge,
3 or experience regarding the medical examina-
4 tions of merchant mariners or occupational
5 medicine; and

6 “(B) 2 of whom shall be professional mari-
7 ners with knowledge and experience in mariner
8 occupational requirements.

9 “(3) Members of the Committee shall not be
10 considered Federal employees or otherwise in the
11 service or the employment of the Federal Govern-
12 ment, except that members shall be considered spe-
13 cial Government employees, as defined in section
14 202(a) of title 18 and any administrative standards
15 of conduct applicable to the employees of the depart-
16 ment in which the Coast Guard is operating.

17 “(b) APPOINTMENTS; TERMS; VACANCIES; ORGANI-
18 ZATION.—

19 “(1) The Secretary shall appoint the members
20 of the Committee, and each member shall serve at
21 the pleasure of the Secretary.

22 “(2) The members shall be appointed for a
23 term of 3 years, except that, of the members first
24 appointed, 3 members shall be appointed for a term

1 of 2 years and 3 members shall be appointed for a
2 term of 1 year.

3 “(3) Any member appointed to fill the vacancy
4 prior to the expiration of the term for which such
5 member’s predecessor was appointed shall be ap-
6 pointed for the remainder of such term.

7 “(4) The Secretary shall designate 1 member as
8 the Chairman and 1 member as the Vice Chairman.
9 The Vice Chairman shall act as Chairman in the ab-
10 sence or incapacity of, or in the event of a vacancy
11 in the office of, the Chairman.

12 “(5) No later than 6 months after the date of
13 enactment of the Coast Guard Authorization Act for
14 Fiscal Year 2008, the Committee shall hold its first
15 meeting.

16 “(c) FUNCTION.—The Committee shall advise the
17 Secretary on matters relating to—

18 “(1) medical certification determinations for
19 issuance of merchant mariner credentials;

20 “(2) medical standards and guidelines for the
21 physical qualifications of operators of commercial
22 vessels;

23 “(3) medical examiner education; and

24 “(4) medical research.

1 “(d) COMPENSATION; REIMBURSEMENT.—Members
2 of the Committee shall serve without compensation, except
3 that, while engaged in the performance of duties away
4 from their homes or regular places of business of the mem-
5 ber, the member of the Committee may be allowed travel
6 expenses, including per diem in lieu of subsistence, as au-
7 thorized by section 5703 of title 5.

8 “(e) STAFF; SERVICES.—The Secretary shall furnish
9 to the Committee such personnel and services as are con-
10 sidered necessary for the conduct of its business.”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 3 of such title is amended by adding at the end the
13 following:

“55. Merchant Mariner Medical Advisory Committee.”.

14 **SEC. 203. AUTHORITY TO DISTRIBUTE FUNDS THROUGH**
15 **GRANTS, COOPERATIVE AGREEMENTS, AND**
16 **CONTRACTS TO MARITIME AUTHORITIES AND**
17 **ORGANIZATIONS.**

18 Section 149 of title 14, United States Code, is
19 amended by adding at the end the following:

20 “(c) GRANTS TO INTERNATIONAL MARITIME ORGA-
21 NIZATIONS.—The Commandant may, after consultation
22 with the Secretary of State, make grants to, or enter into
23 cooperative agreements, contracts, or other agreements
24 with, international maritime organizations for the purpose
25 of acquiring information or data about merchant vessel in-

1 inspections, security, safety and environmental require-
2 ments, classification, and port state or flag state law en-
3 forcement or oversight.”.

4 **SEC. 204. ASSISTANCE TO FOREIGN GOVERNMENTS AND**
5 **MARITIME AUTHORITIES.**

6 Section 149 of title 14, United States Code, is
7 amended by adding at the end the following:

8 “(d) AUTHORIZED ACTIVITIES.—

9 “(1) The Commandant may transfer or expend
10 funds from any appropriation available to the Coast
11 Guard for—

12 “(A) the activities of traveling contact
13 teams, including any transportation expense,
14 translation services expense, or administrative
15 expense that is related to such activities;

16 “(B) the activities of maritime authority li-
17 aison teams of foreign governments making re-
18 ciprocal visits to Coast Guard units, including
19 any transportation expense, translation services
20 expense, or administrative expense that is re-
21 lated to such activities;

22 “(C) seminars and conferences involving
23 members of maritime authorities of foreign gov-
24 ernments;

1 “(D) distribution of publications pertinent
2 to engagement with maritime authorities of for-
3 eign governments; and

4 “(E) personnel expenses for Coast Guard
5 civilian and military personnel to the extent
6 that those expenses relate to participation in an
7 activity described in subparagraph (C) or (D).

8 “(2) An activity may not be conducted under
9 this subsection with a foreign country unless the
10 Secretary of State approves the conduct of such ac-
11 tivity in that foreign country.”.

12 **TITLE III—PERSONNEL**

13 **SEC. 301. EMERGENCY LEAVE RETENTION AUTHORITY.**

14 Section 701(f)(2) of title 10, United States Code, is
15 amended by inserting “or a declaration of a major disaster
16 or emergency by the President under the Robert T. Staf-
17 ford Disaster Relief and Emergency Assistance Act (Pub-
18 lic Law 93-288, 42 U.S.C. 5121 et seq.)” after “oper-
19 ation”.

20 **SEC. 302. LEGAL ASSISTANCE FOR COAST GUARD RESERV-**
21 **ISTS.**

22 Section 1044(a)(4) of title 10, United States Code,
23 is amended—

24 (1) by striking “(as determined by the Sec-
25 retary of Defense),” and inserting “(as determined

1 by the Secretary of Defense and the Secretary of the
2 department in which the Coast Guard is operating,
3 with respect to the Coast Guard when it is not oper-
4 ating as a service of the Navy),”;

5 (2) by striking “prescribed by the Secretary of
6 Defense,” and inserting “prescribed by Secretary of
7 Defense and the Secretary of the department in
8 which the Coast Guard is operating, with respect to
9 the Coast Guard when it is not operating as a serv-
10 ice of the Navy,”.

11 **SEC. 303. REIMBURSEMENT FOR CERTAIN MEDICAL-RE-**
12 **LATED TRAVEL EXPENSES.**

13 Section 1074i(a) of title 10, United States Code, is
14 amended—

15 (1) by striking “IN GENERAL.—In” and insert-
16 ing “IN GENERAL.—(1) In”; and

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

18 “(2) In any case in which a covered beneficiary re-
19 sides on an INCONUS island that lacks public access
20 roads to the mainland and is referred by a primary care
21 physician to a specialty care provider on the mainland who
22 provides services less than 100 miles from the location in
23 which the beneficiary resides, the Secretary shall reim-
24 burse the reasonable travel expenses of the covered bene-
25 ficiary, and, when accompaniment by an adult is nec-

1 essary, for a parent or guardian of the covered beneficiary
2 or another member of the covered beneficiary's family who
3 is at least 21 years of age.”.

4 **SEC. 304. NUMBER AND DISTRIBUTION OF COMMISSIONED**
5 **OFFICERS ON THE ACTIVE DUTY PROMOTION**
6 **LIST.**

7 (a) IN GENERAL.—Section 42 of title 14, United
8 States Code, is amended—

9 (1) by striking subsections (a), (b), and (c) and
10 inserting the following:

11 “(a) The total number of Coast Guard commissioned
12 officers on the active duty promotion list, excluding war-
13 rant officers, shall not exceed 6,700. This total number
14 may be temporarily increased up to 2 percent for no more
15 than the 60 days that follow the commissioning of a Coast
16 Guard Academy class.

17 “(b) The total number of commissioned officers au-
18 thorized by this section shall be distributed in grade not
19 to exceed the following percentages:

20 “(1) 0.375 percent for rear admiral.

21 “(2) 0.375 percent for rear admiral (lower
22 half).

23 “(3) 6.0 percent for captain.

24 “(4) 15.0 percent for commander.

25 “(5) 22.0 percent for lieutenant commander.

1 The Secretary shall prescribe the percentages applicable
2 to the grades of lieutenant, lieutenant (junior grade), and
3 ensign. The Secretary may, as the needs of the Coast
4 Guard require, reduce any of the percentages set forth in
5 paragraphs (1) through (5) and apply that total percent-
6 age reduction to any other lower grade or combination of
7 lower grades.

8 “(c) The Secretary shall, at least once a year, com-
9 pute the total number of commissioned officers authorized
10 to serve in each grade by applying the grade distribution
11 percentages of this section to the total number of commis-
12 sioned officers listed on the current active duty promotion
13 list. In making such calculations, any fraction shall be
14 rounded to the nearest whole number. The number of com-
15 missioned officers on the active duty promotion list serving
16 with other departments or agencies on a reimbursable
17 basis or excluded under the provisions of section 324(d)
18 of title 49, shall not be counted against the total number
19 of commissioned officers authorized to serve in each
20 grade.”;

21 (2) by striking subsection (e) and inserting the
22 following:

23 “(e) The number of officers authorized to be serving
24 on active duty in each grade of the permanent commis-
25 sioned teaching staff of the Coast Guard Academy and

1 of the Reserve serving in connection with organizing, ad-
2 ministering, recruiting, instructing, or training the reserve
3 components shall be prescribed by the Secretary.”; and

4 (3) by striking the caption of such section and
5 inserting the following:

6 **“§ 42. Number and distribution of commissioned offi-
7 cers on the active duty promotion list”.**

8 (b) CLERICAL AMENDMENT.—The chapter analysis
9 for chapter 3 of such title is amended by striking the item
10 relating to section 42 and inserting the following:

“42. Number and distribution of commissioned officers on the active duty pro-
motion list”.

11 **SEC. 305. RESERVE COMMISSIONED WARRANT OFFICER TO
12 LIEUTENANT PROGRAM.**

13 Section 214(a) of title 14, United States Code, is
14 amended to read as follows:

15 “(a) The President may appoint temporary commis-
16 sioned officers—

17 “(1) in the Regular Coast Guard in a grade,
18 not above lieutenant, appropriate to their qualifica-
19 tions, experience, and length of service, as the needs
20 of the Coast Guard may require, from among the
21 commissioned warrant officers, warrant officers, and
22 enlisted members of the Coast Guard, and from li-
23 censed officers of the United States merchant ma-
24 rine; and

1 “(2) in the Coast Guard Reserve in a grade,
2 not above lieutenant, appropriate to their qualifica-
3 tions, experience, and length of service, as the needs
4 of the Coast Guard may require, from among the
5 commissioned warrant officers of the Coast Guard
6 Reserve.”.

7 **SEC. 306. ENHANCED STATUS QUO OFFICER PROMOTION**
8 **SYSTEM.**

9 (a) Section 253(a) of title 14, United States Code,
10 is amended—

11 (1) by inserting “and” after “considered,”; and

12 (2) by striking “consideration, and the number
13 of officers the board may recommend for promotion”
14 and inserting “consideration”.

15 (b) Section 258 of such title is amended—

16 (1) by inserting “(a)” before “The Secretary”;

17 and

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

19 “(b) In addition to the information provided pursuant
20 to subsection (a), the Secretary may furnish the selection
21 board—

22 “(1) specific direction relating to the needs of
23 the service for officers having particular skills, in-
24 cluding direction relating to the need for a minimum

1 number of officers with particular skills within a
2 specialty; and

3 “(2) such other guidance that the Secretary be-
4 lieves may be necessary to enable the board to prop-
5 erly perform its functions.

6 Selections made based on the direction and guidance pro-
7 vided under this subsection shall not exceed the maximum
8 percentage of officers who may be selected from below the
9 announced promotion zone at any given selection board
10 convened under section 251 of this title.”.

11 (c) Section 259(a) of such title is amended by strik-
12 ing “board” the second place it appears and inserting
13 “board, giving due consideration to the needs of the serv-
14 ice for officers with particular skills so noted in the spe-
15 cific direction furnished pursuant to section 258 of this
16 title,”.

17 (d) Section 260(b) of such title is amended by insert-
18 ing “to meet the needs of the service (as noted in the spe-
19 cific direction furnished the board under section 258 of
20 this title)” after “qualified for promotion”.

21 **SEC. 307. APPOINTMENT OF CIVILIAN COAST GUARD**

22 **JUDGES.**

23 Section 875 of the Homeland Security Act of 2002
24 (6 U.S.C. 455) is amended—

1 (1) by redesignating subsection (c) as sub-
2 section (d); and

3 (2) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) APPOINTMENT OF JUDGES.—The Secretary may
6 appoint civilian employees of the Department of Homeland
7 Security as appellate military judges, available for assign-
8 ment to the Coast Guard Court of Criminal Appeals as
9 provided for in section 866(a) of title 10, United States
10 Code.”.

11 **SEC. 308. COAST GUARD PARTICIPATION IN THE ARMED**
12 **FORCES RETIREMENT HOME SYSTEM.**

13 (a) ELIGIBILITY UNDER THE ARMED FORCES RE-
14 TIREMENT HOME ACT.—Section 1502 of the Armed
15 Forces Retirement Home Act of 1991 (24 U.S.C. 401)
16 is amended—

17 (1) by striking “does not include the Coast
18 Guard when it is not operating as a service of the
19 Navy.” in paragraph (4) and inserting “has the
20 meaning given such term in section 101(4) of title
21 10.”;

22 (2) by striking “and” in paragraph (5)(C);

23 (3) by striking “Affairs.” in paragraph (5)(D)
24 and inserting “Affairs; and”;

1 (4) by adding at the end of paragraph (5) the
2 following:

3 “(E) the Assistant Commandant of the
4 Coast Guard for Human Resources.”; and

5 (5) by adding at the end of paragraph (6) the
6 following:

7 “(E) The Master Chief Petty Officer of the
8 Coast Guard.”.

9 (b) DEDUCTIONS.—

10 (1) Section 2772 of title 10, United States
11 Code, is amended—

12 (A) by striking “of the military depart-
13 ment” in subsection (a);

14 (B) by striking “Armed Forces Retirement
15 Home Board” in subsection (b) and inserting
16 “Chief Operating Officer of the Armed Forces
17 Retirement Home”; and

18 (C) by striking subsection (c).

19 (2) Section 1007(i) of title 37, United States
20 Code, is amended—

21 (A) by striking “Armed Forces Retirement
22 Home Board” in paragraph (3) and inserting
23 “Chief Operating Officer of the Armed Forces
24 Retirement Home”; and

1 (B) by striking “does not include the Coast
2 Guard when it is not operating as a service of
3 the Navy.” in paragraph (4) and inserting “has
4 the meaning given such term in section 101(4)
5 of title 10.”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect on the first day of the first
8 pay period beginning on or after January 1, 2008.

9 **TITLE IV—ADMINISTRATION**

10 **SEC. 401. COOPERATIVE AGREEMENTS FOR INDUSTRIAL**
11 **ACTIVITIES.**

12 Section 151 of title 14, United States Code, is
13 amended—

14 (1) by inserting “(a) IN GENERAL.—” before
15 “All orders”; and

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

17 “(b) ORDERS AND AGREEMENTS FOR INDUSTRIAL
18 ACTIVITIES.—Under this section, the Coast Guard indus-
19 trial activities may accept orders and enter into reimburs-
20 able agreements with establishments, agencies, and de-
21 partments of the Department of Defense and the Depart-
22 ment of Homeland Security.”.

1 **SEC. 402. DEFINING COAST GUARD VESSELS AND AIR-**
2 **CRAFT.**

3 (a) IN GENERAL.—Chapter 17 of title 14, United
4 States Code, is amended by inserting after section 638 the
5 following new section:

6 **“§ 638a. Coast Guard vessels and aircraft defined**

7 “For the purposes of sections 637 and 638 of this
8 title, the term Coast Guard vessels and aircraft means—

9 “(1) any vessel or aircraft owned, leased, trans-
10 ferred to, or operated by the Coast Guard and under
11 the command of a Coast Guard member; and

12 “(2) any other vessel or aircraft under the tac-
13 tical control of the Coast Guard on which one or
14 more members of the Coast Guard are assigned and
15 conducting Coast Guard missions.”.

16 (b) CLERICAL AMENDMENT.—The chapter analysis
17 for chapter 17 of such title is amended by inserting after
18 the item relating to section 638 the following:

“638a. Coast Guard vessels and aircraft defined.”.

19 **SEC. 403. SPECIALIZED INDUSTRIAL FACILITIES.**

20 (a) IN GENERAL.—Section 648 of title 14, United
21 States Code, is amended—

22 (1) by striking the section caption and inserting
23 the following:

24 **“§ 648. Specialized industrial facilities” ;**

1 (2) by inserting “(a) IN GENERAL.—” before
2 “The Secretary”; and

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

4 “(b) PUBLIC-PRIVATE PARTNERSHIPS OR OTHER CO-
5 OPERATIVE ARRANGEMENTS.—

6 “(1) IN GENERAL.—For purposes of entering
7 into joint public-private partnerships or other coop-
8 erative arrangements for the performance of work to
9 provide supplies or services for government use, the
10 Coast Guard Yard, the Aviation Repair and Supply
11 Center, or other similar Coast Guard industrial es-
12 tablishments may—

13 “(A) enter into agreements or other ar-
14 rangements with public or private entities, for-
15 eign or domestic;

16 “(B) pursuant to contracts or other ar-
17 rangements, receive and retain funds from, or
18 pay funds to, such public or private entities; or

19 “(C) accept contributions of funds, mate-
20 rials, services, or the use of facilities from such
21 public or private entities, subject to regulations
22 promulgated by the Coast Guard.

23 “(2) ACCOUNTING FOR FUNDS RECEIVED.—
24 Amounts received under this subsection may be

1 credited to the Coast Guard Yard Revolving Fund or
2 other appropriate Coast Guard account.

3 “(3) REIMBURSEMENT.—Any partnership,
4 agreement, contract, or arrangement entered into
5 under this section shall require the private entity to
6 reimburse the Coast Guard for such entity’s propor-
7 tional share of the operating and capital costs of
8 maintaining and operating such facility, as deter-
9 mined by the Commandant of the Coast Guard.

10 “(4) NONINTERFERENCE.—No partnership,
11 agreement, contract, or arrangement entered into
12 under this section may interfere with the perform-
13 ance of any operational or support function of the
14 Coast Guard industrial establishment.”.

15 (b) CLERICAL AMENDMENT.—The chapter analysis
16 for chapter 17 of such title is amended by striking item
17 relating to section 648 and inserting the following:

“648. Specialized industrial facilities”.

18 **SEC. 404. AUTHORITY TO CONSTRUCT COAST GUARD REC-**
19 **REATIONAL FACILITIES.**

20 (a) GENERAL AUTHORITY.—Section 681 of title 14,
21 United States Code, is amended—

22 (1) in subsection (a)—

23 (A) by striking “housing or military unac-
24 companied housing” and inserting “housing,

1 military unaccompanied housing, or Coast
2 Guard recreational facilities”; and

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

4 “(3) Coast Guard recreational facilities.”; and

5 (2) by striking “housing or military unaccom-
6 panied housing” in subsection (b) and inserting
7 “housing, military unaccompanied housing, or Coast
8 Guard recreational facilities”.

9 (b) DIRECT LOANS.—Section 682 of such title is
10 amended—

11 (1) by inserting after “military unaccompanied
12 housing” in subsection (a)(1) the following: “or fa-
13 cilities that the Secretary determines are suitable for
14 use as Coast Guard recreational facilities”; and

15 (2) by inserting after “military unaccompanied
16 housing” in subsection (b)(1) the following: “or fa-
17 cilities that the Secretary determines are suitable for
18 use as Coast Guard recreational facilities”.

19 (c) LEASING OF HOUSING TO BE CONSTRUCTED.—
20 Section 683(a) of such title is amended by striking “or
21 military unaccompanied housing units” and inserting
22 “units, military unaccompanied housing units, or Coast
23 Guard recreational facilities”.

24 (d) LIMITED PARTNERSHIPS WITH ELIGIBLE ENTI-
25 TIES.—Section 684 of such title is amended—

1 (1) by inserting after “military unaccompanied
2 housing” in subsection (a) the following: “or facili-
3 ties that the Secretary determines are suitable for
4 use as Coast Guard recreational facilities”;

5 (2) by striking “construction of housing, means
6 the total amount of the costs included in the basis
7 of the housing” in subsection (b)(3) and inserting
8 “construction of housing or facilities, means the
9 total amount of the costs included in the basis of the
10 housing or facilities”; and

11 (3) by inserting “or facilities” in subsection (c)
12 after “housing units”.

13 (e) DEPOSIT OF CERTAIN AMOUNTS IN COAST
14 GUARD HOUSING FUND.—Section 687 of such title is
15 amended—

16 (1) in subsection (b)—

17 (A) in paragraph (2), by striking “or unac-
18 companied housing” and inserting “, military
19 unaccompanied housing, or Coast Guard rec-
20 reational facilities”; and

21 (B) in paragraph (3), by striking “and
22 military unaccompanied housing” and inserting
23 “, military unaccompanied housing, and Coast
24 Guard recreational facilities”; and

1 (2) by striking “and military unaccompanied
2 housing units” in subsection (c)(1) and inserting “,
3 military unaccompanied housing units, and Coast
4 Guard recreational facilities”.

5 (f) REPORTS.—Section 688 of such title is amend-
6 ed—

7 (1) by inserting after “housing units” in para-
8 graph (1) the following: “or Coast Guard rec-
9 reational facilities”; and

10 (2) by striking “and military unaccompanied
11 housing” in paragraph (4) and inserting “, military
12 unaccompanied housing, and Coast Guard rec-
13 reational facilities”.

14 (g) DEFINITIONS.—Section 680 of such title is
15 amended—

16 (1) by redesignating paragraphs (1) through
17 (5) as paragraphs (2) through (6), respectively;

18 (2) by inserting before paragraph (2), as redesi-
19 gnated by paragraph (1) of this subsection, the fol-
20 lowing:

21 “(1) The term ‘Coast Guard recreational facili-
22 ties’ means recreation lodging buildings, recreation
23 housing units, and ancillary supporting facilities con-
24 structed, maintained, and used by the Coast Guard

1 to provide rest and recreation amenities for military
2 personnel.”; and

3 (3) by striking “housing units and ancillary
4 supporting facilities or the improvement or rehabili-
5 tation of existing units” in paragraph (2), as redese-
6 ignated by paragraph (1) of this subsection, and in-
7 serting “housing units or Coast Guard recreational
8 facilities and ancillary supporting facilities or the
9 improvement or rehabilitation of existing units or fa-
10 cilities”.

11 **TITLE V—SHIPPING AND**
12 **NAVIGATION**

13 **SEC. 501. TECHNICAL AMENDMENTS TO CHAPTER 313 OF**
14 **TITLE 46, UNITED STATES CODE.**

15 (a) IN GENERAL.—Chapter 313 of title 46, United
16 States Code, is amended—

17 (1) by striking “of Transportation” in sections
18 31302, 31306, 31321, 31330, and 31343 each place
19 it appears;

20 (2) by striking “and” after the semicolon in
21 section 31301(5)(F);

22 (3) by striking “office.” in section 31301(6)
23 and inserting “office; and”; and

24 (4) by adding at the end of section 31301 the
25 following:

1 “(7) ‘Secretary’ means the Secretary of the De-
2 partment of Homeland Security, unless otherwise
3 noted.”.

4 (b) SECRETARY AS MORTGAGEE.—Section 31308 of
5 such title is amended by striking “When the Secretary of
6 Commerce or Transportation is a mortgagee under this
7 chapter, the Secretary” and inserting “The Secretary of
8 Commerce or Transportation, as a mortgagee under this
9 chapter,”.

10 (c) SECRETARY OF TRANSPORTATION.—Section
11 31329(d) of such title is amended by inserting “of Trans-
12 portation” after “Secretary”.

13 (d) MORTGAGEE.—

14 (1) Section 31330(a)(1) of such title is amend-
15 ed—

16 (A) by inserting “or” after the semicolon
17 in subparagraph (B);

18 (B) by striking “Transportation; or” in
19 subparagraph (C) and inserting “Transpor-
20 tation.”; and

21 (C) by striking subparagraph (D).

22 (2) Section 31330(a)(2) is amended—

23 (A) by inserting “or” after the semicolon
24 in subparagraph (B);

1 (B) by striking “faith; or” in subpara-
2 graph (C) and inserting “faith.”; and
3 (C) by striking subparagraph (D).

4 **SEC. 502. CLARIFICATION OF RULEMAKING AUTHORITY.**

5 (a) IN GENERAL.—Chapter 701 of title 46, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 70122. Regulations**

9 “Unless otherwise provided, the Secretary may issue
10 regulations necessary to implement this chapter.”.

11 (b) CLERICAL AMENDMENT.—The chapter analysis
12 for chapter 701 of such title is amended by adding at the
13 end the following new item:

“70122. Regulations”.

14 **SEC. 503. COAST GUARD TO MAINTAIN LORAN-C NAVIGA-**
15 **TION SYSTEM.**

16 (a) IN GENERAL.—The Secretary of Transportation
17 shall maintain the LORAN-C navigation system until such
18 time as the Secretary is authorized by statute, explicitly
19 referencing this section, to cease operating the system.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Secretary of
22 Transportation, in addition to funds authorized under sec-
23 tion 101 of this Act for the Coast Guard for operation
24 of the LORAN-C system, for capital expenses related to
25 the LORAN-C infrastructure, \$25,000,000 for each of fis-

1 cal years 2008 and 2009. The Secretary of Transportation
2 may transfer from the Federal Aviation Administration
3 and other agencies of the Department of Transportation
4 such funds as may be necessary to reimburse the Coast
5 Guard for related expenses.

6 **SEC. 504. NANTUCKET SOUND SHIP CHANNEL WEATHER**
7 **BUOY.**

8 Within 180 days after the date of enactment of this
9 Act, the National Weather Service shall deploy a weather
10 buoy adjacent to the main ship channel of Nantucket
11 Sound.

12 **SEC. 505. LIMITATION ON MARITIME LIENS ON FISHING**
13 **PERMITS.**

14 (a) IN GENERAL.—Subchapter I of chapter 313 of
15 title 46, United States Code, is amended by adding at the
16 end the following:

17 **“§ 31310. Limitation on maritime liens on fishing per-**
18 **mits**

19 “(a) IN GENERAL.—A maritime lien shall not attach
20 to a permit that—

21 “(1) authorizes use of a vessel to engage in
22 fishing; and

23 “(2) is issued under State or Federal law.

1 “(b) LIMITATION ON ENFORCEMENT.—No civil ac-
2 tion may be brought to enforce a maritime lien on a permit
3 described in subsection (a).

4 “(c) LIMITATION ON STATUTORY CONSTRUCTION.—
5 Nothing in subsections (a) and (b) shall be construed as
6 imposing any limitation upon the authority of the Sec-
7 retary of Commerce to modify, suspend, revoke, or sanc-
8 tion any Federal fishery permit issued by the Secretary
9 of Commerce or to bring a civil action to enforce such
10 modification, suspension, revocation, or sanction.”.

11 (b) CLERICAL AMENDMENT.—The analysis for such
12 chapter is amended by inserting after the item relating
13 to section 31309 the following:

“31310. Limitation on maritime liens on fishing permits.”.

14 **SEC. 506. VESSEL REBUILD DETERMINATIONS.**

15 (a) IN GENERAL.—The Secretary of the department
16 in which the Coast Guard is operating shall provide a re-
17 port on Coast Guard rebuild determinations under section
18 67.177 of title 46, Code of Federal Regulations. Specifi-
19 cally, the report shall provide recommendations for—

20 (1) improving the application of the “major
21 component test” under such section;

22 (2) a review of the application of the
23 steelweight calculation thresholds under such sec-
24 tion;

1 (3) recommendations for improving trans-
2 parency in the Coast Guard’s foreign rebuild deter-
3 mination process; and

4 (4) recommendations on whether or not there
5 should be limits or cumulative caps on the amount
6 of steel work that can be done to the hull and super-
7 structure of a vessel in foreign shipyards over the
8 life of the vessel.

9 (b) REPORT DEADLINE.—The Secretary shall pro-
10 vide this report to the Senate Committee on Commerce,
11 Science, and Transportation and the House of Represent-
12 atives Committee on Transportation and Infrastructure
13 within 90 days after the enactment of this Act.

14 **TITLE VI—MARITIME LAW**
15 **ENFORCEMENT**

16 **SEC. 601. MARITIME LAW ENFORCEMENT.**

17 (a) IN GENERAL.—Subtitle VII of title 46, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 **“CHAPTER 707—MARITIME LAW**
21 **ENFORCEMENT**

“Sec.

“70701. Offense

“70702. Attempt or conspiracy

“70703. Affirmative defenses

“70704. Penalties

“70705. Criminal forfeiture

“70706. Civil forfeiture

“70707. Extraterritorial jurisdiction

“70708. Claim of failure to comply with international law; jurisdiction of court

“70709. Federal activities

“70710. Definitions

1 **“§ 70701. Offense**

2 “It shall be unlawful for any person on board a cov-
3 ered vessel to transport or facilitate the transportation,
4 harboring, or concealment of an alien on board such vessel
5 knowing or having reason to believe that the alien is at-
6 tempting to unlawfully enter the United States.

7 **“§ 70702. Attempt or conspiracy**

8 “Any person on board a covered vessel who attempts
9 or conspires to commit a violation of section 70701 shall
10 be subject to the same penalties as those prescribed for
11 the violation, the commission of which was the object of
12 the attempt or conspiracy.

13 **“§ 70703. Affirmative defenses**

14 “It is an affirmative defense to a prosecution under
15 this section, which the defendant must prove by a prepon-
16 derance of the evidence, that—

17 “(1)(A) the alien was on board pursuant to a
18 rescue at sea, or was a stowaway; or

19 “(B) the entry into the United States was a
20 necessary response to an imminent threat of death
21 or serious bodily injury to the alien;

22 “(2) the defendant, as soon as reasonably prac-
23 ticable, informed the Coast Guard of the presence of

1 the alien on the vessel and the circumstances of the
2 rescue; and

3 “(3) the defendant complied with all orders
4 given by law enforcement officials of the United
5 States.

6 **“§ 70704. Penalties**

7 “(a) IN GENERAL.—Any person who commits a viola-
8 tion of this chapter shall be fined or imprisoned, or both,
9 in accordance with subsection (b) and (c) of this section.
10 For purposes of subsection (b), each individual on board
11 a vessel with respect to whom the violation occurs shall
12 be treated as a separate violation.

13 “(b) FINES.—Any person who commits a violation of
14 this chapter shall be fined not more than \$100,000, except
15 that—

16 “(1) in any case in which the violation causes
17 serious bodily injury to any person, regardless of
18 where the injury occurs, the person shall be fined
19 not more than \$500,000; and

20 “(2) in any case where the violation causes or
21 results in the death of any person regardless of
22 where the death occurs, the person shall be fined not
23 more than \$1,000,000, or both.

1 “(c) IMPRISONMENT.—Any person who commits a
2 violation of this chapter shall be imprisoned for not less
3 than 3 nor more than 20 years, except that—

4 “(1) in any case in which the violation causes
5 serious bodily injury to any person, regardless of
6 where the injury occurs, the person shall be impris-
7 oned for not less than 7 nor more than 30 years;
8 and

9 “(2) in any case where the violation causes or
10 results in the death of any person regardless of
11 where the death occurs, the person shall be impris-
12 oned for not less than 10 years nor more than life.

13 **“§ 70705. Criminal forfeiture**

14 “The court, at the time of sentencing a person con-
15 victed of an offense under this chapter, shall order for-
16 feited to the United States any vessel used in the offense
17 in the same manner and to the same extent as if it were
18 a vessel used in an offense under section 274 of the Immi-
19 gration and Nationality Act (8 U.S.C. 1324).

20 **“§ 70706. Civil forfeiture**

21 “A vessel that has been used in the commission of
22 a violation of this chapter shall be seized and subject to
23 forfeiture in the same manner and to the same extent as
24 if it were used in the commission of a violation of section

1 274(a) of the Immigration and Nationality Act (8 U.S.C.
2 1324(a)).

3 **“§ 70707. Extraterritorial jurisdiction**

4 “There is extraterritorial jurisdiction of an offense
5 under this chapter.

6 **“§ 70708. Claim of failure to comply with inter-**
7 **national law; jurisdiction of court**

8 “A claim of failure to comply with international law
9 in the enforcement of this chapter may be invoked as a
10 basis for a defense solely by a foreign nation. A failure
11 to comply with international law shall not divest a court
12 of jurisdiction or otherwise constitute a defense to any
13 proceeding under this chapter.

14 **“§ 70709. Federal activities**

15 “Nothing in this chapter applies to otherwise lawful
16 activities carried out by or at the direction of the United
17 States Government.

18 **“§ 70710. Definitions**

19 “In this chapter:

20 “(1) ALIEN.—The term ‘alien’ has the meaning
21 given that term in section 70105(f).

22 “(2) COVERED VESSEL.—The term ‘covered
23 vessel’ means a vessel of the United States, or a ves-
24 sel subject to the jurisdiction of the United States,
25 that is less than 300 gross tons (or an alternate ton-

1 nage prescribed by the Secretary under section
2 14104 of this title) as measured under section
3 14502 of this title.

4 “(3) SERIOUS BODILY INJURY.—The term ‘seri-
5 ous bodily injury’ has the meaning given that term
6 in section 1365 of title 18, United States Code.

7 “(4) UNITED STATES.—The term ‘United
8 States’ has the meaning given that term in section
9 2101.

10 “(5) VESSEL OF THE UNITED STATES.—The
11 term ‘vessel of the United States’ has the meaning
12 given that term in section 70502.

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

17 (b) CLERICAL AMENDMENT.—The analysis for such
18 subtitle is amended by inserting after the item relating
19 to chapter 705 the following:

“707. Maritime Law Enforcement70701.”.

20 **TITLE VII—OIL POLLUTION**
21 **PREVENTION**

22 **SEC. 701. RULEMAKINGS.**

23 (a) STATUS REPORT.—

24 (1) IN GENERAL.—Within 90 days after the
25 date of enactment of this Act, the Secretary shall

1 provide a report to the Senate Committee on Com-
2 merce, Science, and Transportation and the House
3 of Representatives Committee on Transportation
4 and Infrastructure on the status of all Coast Guard
5 rulemakings required (but for which no final rule
6 has been issued as of the date of enactment of this
7 Act)—

8 (A) under the Oil Pollution Act of 1990
9 (33 U.S.C. 2701 et seq.); and

10 (B) for—

11 (i) automatic identification systems
12 required under section 70114 of title 46,
13 United States Code; and

14 (ii) inspection requirements for towing
15 vessels required under section 3306(j) of
16 that title.

17 (2) INFORMATION REQUIRED.—The Secretary
18 shall include in the report required by paragraph
19 (1)—

20 (A) a detailed explanation with respect to
21 each such rulemaking as to—

22 (i) what steps have been completed;

23 (ii) what areas remain to be ad-
24 dressed; and

25 (iii) the cause of any delays; and

1 (B) the date by which a final rule may rea-
2 sonably be expected to be issued.

3 (b) FINAL RULES.—The Secretary shall issue a final
4 rule in each pending rulemaking under the Oil Pollution
5 Act of 1990 (33 U.S.C. 2701 et seq.) as soon as prac-
6 ticable, but in no event later than 18 months after the
7 date of enactment of this Act.

8 **SEC. 702. OIL SPILL RESPONSE CAPABILITY.**

9 (a) SAFETY STANDARDS FOR TOWING VESSELS.—In
10 promulgating regulations for towing vessels under chapter
11 33 of title 46, United States Code, the Secretary of the
12 department in which the Coast Guard is operating shall—

13 (1) give priority to completing such regulations
14 for towing operations involving tank vessels; and

15 (2) consider the possible application of stand-
16 ards that, as of the date of enactment of this Act,
17 apply to self-propelled tank vessels, and any modi-
18 fications that may be necessary for application to
19 towing vessels due to ship design, safety, and other
20 relevant factors.

21 (b) REDUCTION OF OIL SPILL RISK IN BUZZARDS
22 BAY.—No later than January 1, 2008, the Secretary of
23 the department in which the Coast Guard is operating
24 shall promulgate a final rule for Buzzards Bay, Massachu-
25 setts, pursuant to the notice of proposed rulemaking pub-

1 lished on March 29, 2006, (71 Fed. Reg. 15649), after
2 taking into consideration public comments submitted pur-
3 suant to that notice, to adopt measures to reduce the risk
4 of oil spills in Buzzards Bay, Massachusetts.

5 (c) REPORTING.—The Secretary shall transmit an
6 annual report to the Senate Committee on Commerce,
7 Science, and Transportation and the House of Represent-
8 atives Committee on Resources on the extent to which
9 tank vessels in Buzzards Bay, Massachusetts, are using
10 routes recommended by the Coast Guard.

11 **SEC. 703. OIL TRANSFERS FROM VESSELS.**

12 (a) REGULATIONS.—Within 1 year after the date of
13 enactment of this Act, the Secretary shall promulgate reg-
14 ulations to reduce the risks of oil spills in operations in-
15 volving the transfer of oil from or to a tank vessel. The
16 regulations—

17 (1) shall focus on operations that have the
18 highest risks of discharge, including operations at
19 night and in inclement weather; and

20 (2) shall consider—

21 (A) requirements for use of equipment,
22 such as putting booms in place for transfers;

23 (B) operational procedures such as man-
24 ning standards, communications protocols, and
25 restrictions on operations in high-risk areas; or

1 (C) both such requirements and oper-
2 ational procedures.

3 (b) APPLICATION WITH STATE LAWS.—The regula-
4 tions promulgated under subsection (a) do not preclude
5 the enforcement of any State law or regulation the re-
6 quirements of which are at least as stringent as require-
7 ments under the regulations (as determined by the Sec-
8 retary) that—

9 (1) applies in State waters;

10 (2) does not conflict with, or interfere with the
11 enforcement of, requirements and operational proce-
12 dures under the regulations; and

13 (3) has been enacted or promulgated before the
14 date of enactment of this Act.

15 **SEC. 704. IMPROVEMENTS TO REDUCE HUMAN ERROR AND**
16 **NEAR-MISS INCIDENTS.**

17 (a) REPORT.—Within 1 year after the date of enact-
18 ment of this Act, the Secretary shall transmit a report
19 to the Senate Committee on Commerce, Science, and
20 Transportation, the Senate Committee on Environment
21 and Public Works, and the House of Representatives Com-
22 mittee on Transportation and Infrastructure that, using
23 available data—

24 (1) identifies the types of human errors that,
25 combined, account for over 50 percent of all oil spills

1 involving vessels that have been caused by human
2 error in the past 10 years;

3 (2) identifies the most frequent types of near-
4 miss oil spill incidents involving vessels such as colli-
5 sions, groundings, and loss of propulsion in the past
6 10 years;

7 (3) describes the extent to which there are gaps
8 in the data with respect to the information required
9 under paragraphs (1) and (2) and explains the rea-
10 son for those gaps; and

11 (4) includes recommendations by the Secretary
12 to address the identified types of errors and inci-
13 dents and to address any such gaps in the data.

14 (b) MEASURES.—Based on the findings contained in
15 the report required by subsection (a), the Secretary shall
16 take appropriate action, both domestically and at the
17 International Maritime Organization, to reduce the risk
18 of oil spills from human errors.

19 **SEC. 705. OLYMPIC COAST NATIONAL MARINE SANCTUARY.**

20 (a) OLYMPIC COAST NATIONAL MARINE SANCTUARY
21 AREA TO BE AVOIDED.—The Secretary and the Under
22 Secretary of Commerce for Oceans and Atmosphere shall
23 revise the area to be avoided off the coast of the State
24 of Washington so that restrictions apply to all vessels re-
25 quired to prepare a response plan under section 311(j) of

1 the Federal Water Pollution Control Act (33 U.S.C.
2 1321(j)) (other than fishing or research vessels while en-
3 gaged in fishing or research within the area to be avoided).

4 (b) EMERGENCY OIL SPILL DRILL.—

5 (1) IN GENERAL.—In cooperation with the Sec-
6 retary, the Under Secretary of Commerce for Oceans
7 and Atmosphere shall conduct a Safe Seas oil spill
8 drill in the Olympic Coast National Marine Sanc-
9 tuary in fiscal year 2008. The Secretary and the
10 Under Secretary of Commerce for Oceans and At-
11 mosphere jointly shall coordinate with other Federal
12 agencies, State, local, and tribal governmental enti-
13 ties, and other appropriate entities, in conducting
14 this drill.

15 (2) OTHER REQUIRED DRILLS.—Nothing in
16 this subsection supersedes any Coast Guard require-
17 ment for conducting emergency oil spill drills in the
18 Olympic Coast National Marine Sanctuary. The Sec-
19 retary shall consider conducting regular field exer-
20 cises, such as National Preparedness for Response
21 Exercise Program (PREP) in other national marine
22 sanctuaries.

23 (3) AUTHORIZATION OF APPROPRIATIONS.—
24 There are authorized to be appropriated to the
25 Under Secretary of Commerce for Oceans and At-

1 mosphere for fiscal year 2008 \$700,000 to carry out
2 this subsection.

3 **SEC. 706. PREVENTION OF SMALL OIL SPILLS.**

4 (a) IN GENERAL.—The Under Secretary of Com-
5 merce for Oceans and Atmosphere, in consultation with
6 other appropriate agencies, shall establish an oil spill pre-
7 vention and education program for small vessels. The pro-
8 gram shall provide for assessment, outreach, and training
9 and voluntary compliance activities to prevent and improve
10 the effective response to oil spills from vessels and facili-
11 ties not required to prepare a vessel response plan under
12 the Federal Water Pollution Control Act, including rec-
13 reational vessels, commercial fishing vessels, marinas, and
14 aquaculture facilities. The Under Secretary may provide
15 grants to sea grant colleges and institutes designated
16 under section 207 of the National Sea Grant College Pro-
17 gram Act (33 U.S.C. 1126) and to State agencies, tribal
18 governments, and other appropriate entities to carry out—

19 (1) regional assessments to quantify the source,
20 incidence and volume of small oil spills, focusing ini-
21 tially on regions in the country where, in the past
22 10 years, the incidence of such spills is estimated to
23 be the highest;

24 (2) voluntary, incentive-based clean marina pro-
25 grams that encourage marina operators, recreational

1 boaters and small commercial vessel operators to en-
2 gage in environmentally sound operating and main-
3 tenance procedures and best management practices
4 to prevent or reduce pollution from oil spills and
5 other sources;

6 (3) cooperative oil spill prevention education
7 programs that promote public understanding of the
8 impacts of spilled oil and provide useful information
9 and techniques to minimize pollution including meth-
10 ods to remove oil and reduce oil contamination of
11 bilge water, prevent accidental spills during mainte-
12 nance and refueling and properly cleanup and dis-
13 pose of oil and hazardous substances; and

14 (4) support for programs, including outreach
15 and education to address derelict vessels and the
16 threat of such vessels sinking and discharging oil
17 and other hazardous substances, including outreach
18 and education to involve efforts to the owners of
19 such vessels.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Under Secretary
22 of Commerce for Oceans and Atmosphere to carry out this
23 section, \$10,000,000 annually for each of fiscal years
24 2008 through 2012.

1 **SEC. 707. IMPROVED COORDINATION WITH TRIBAL GOV-**
2 **ERNMENTS.**

3 (a) IN GENERAL.—Within 6 months after the date
4 of enactment of this Act, the Secretary shall complete the
5 development of a tribal consultation policy, which recog-
6 nizes and protects to the maximum extent practicable trib-
7 al treaty rights and trust assets in order to improve the
8 Coast Guard’s consultation and coordination with the trib-
9 al governments of federally recognized Indian tribes with
10 respect to oil spill prevention, preparedness, response and
11 natural resource damage assessment.

12 (b) NATIONAL PLANNING.—The Secretary shall as-
13 sist tribal governments to participate in the development
14 and capacity to implement the National Contingency Plan
15 and local Area Contingency Plans to the extent they affect
16 tribal lands, cultural and natural resources. The Secretary
17 shall ensure that in regions where oil spills are likely to
18 have an impact on natural or cultural resources owned or
19 utilized by a federally recognized Indian tribe, the Coast
20 Guard will—

21 (1) ensure that representatives of the tribal
22 government of the potentially affected tribes are in-
23 cluded as part of the regional response team co-
24 chaired by the Coast Guard and the Environmental
25 Protection Agency to establish policies for respond-
26 ing to oil spills; and

1 (2) provide training of tribal incident com-
2 manders and spill responders.

3 (c) INCLUSION OF TRIBAL GOVERNMENT.—The Sec-
4 retary shall ensure that, as soon as practicable after iden-
5 tifying an oil spill that is likely to have an impact on nat-
6 ural or cultural resources owned or utilized by a federally
7 recognized Indian tribe, the Coast Guard will—

8 (1) ensure that representatives of the tribal
9 government of the affected tribes are included as
10 part of the incident command system established by
11 the Coast Guard to respond to the spill;

12 (2) share information about the oil spill with
13 the tribal government of the affected tribe; and

14 (3) to the extent practicable, involve tribal gov-
15 ernments in deciding how to respond to such spill.

16 (d) COOPERATIVE ARRANGEMENTS.—The Coast
17 Guard may enter into memoranda of agreement and asso-
18 ciated protocols with Indian tribal governments in order
19 to establish cooperative arrangements for oil pollution pre-
20 vention, preparedness, and response. Such memoranda
21 may be entered into prior to the development of the tribal
22 consultation and coordination policy to provide Indian
23 tribes grant and contract assistance and may include
24 training for preparedness and response and provisions on
25 coordination in the event of a spill. As part of these memo-

1 randa of agreement, the Secretary may carry out dem-
2 onstration projects to assist tribal governments in building
3 the capacity to protect tribal treaty rights and trust assets
4 from oil spills to the maximum extent possible.

5 (e) FUNDING FOR TRIBAL PARTICIPATION.—Subject
6 to the availability of appropriations, the Commandant of
7 the Coast Guard shall provide assistance to participating
8 tribal governments in order to facilitate the implementa-
9 tion of cooperative arrangements under subsection (d) and
10 ensure the participation of tribal governments in such ar-
11 rangements. There are authorized to be appropriated to
12 the Commandant \$500,000 for each of fiscal years 2008
13 through 2012 to be used to carry out this section.

14 **SEC. 708. REPORT ON THE AVAILABILITY OF TECHNOLOGY**
15 **TO DETECT THE LOSS OF OIL.**

16 Within 1 year after the date of enactment of this Act,
17 the Secretary shall submit a report to the Senate Com-
18 mittee on Commerce, Science, and Transportation and the
19 House of Representatives Committee on Energy and Com-
20 merce on the availability, feasibility, and potential cost of
21 technology to detect the loss of oil carried as cargo or as
22 fuel on tank and non-tank vessels greater than 400 gross
23 tons.

1 **SEC. 709. USE OF OIL SPILL LIABILITY TRUST FUND.**

2 Section 1012(a)(5) of the Oil Pollution Act of 1990
3 (33 U.S.C. 2712(a)(5)) is amended—

4 (1) by redesignating subparagraphs (B) and
5 (C) as subparagraphs (C) and (D), respectively; and

6 (2) by inserting after subparagraph (A) the fol-
7 lowing:

8 “(B) not more than \$15,000,000 in each
9 fiscal year shall be available to the Under Sec-
10 retary of Commerce for Oceans and Atmos-
11 phere for expenses incurred by, and activities
12 related to, response and damage assessment ca-
13 pabilities of the National Oceanic and Atmos-
14 pheric Administration;”.

15 **SEC. 710. INTERNATIONAL EFFORTS ON ENFORCEMENT.**

16 The Secretary, in consultation with the heads of other
17 appropriate Federal agencies, shall ensure that the Coast
18 Guard pursues stronger enforcement in the International
19 Maritime Organization of agreements related to oil dis-
20 charges, including joint enforcement operations, training,
21 and stronger compliance mechanisms.

22 **SEC. 711. GRANT PROJECT FOR DEVELOPMENT OF COST-**
23 **EFFECTIVE DETECTION TECHNOLOGIES.**

24 (a) IN GENERAL.—Not later than 180 days after the
25 date of enactment of this Act, the Commandant shall es-
26 tablish a grant program for the development of cost-effec-

1 tive technologies, such as infrared, pressure sensors, and
2 remote sensing, for detecting discharges of oil from vessels
3 as well as methods and technologies for improving detec-
4 tion and recovery of submerged and sinking oils.

5 (b) MATCHING REQUIREMENT.—The Federal share
6 of any project funded under subsection (a) may not exceed
7 50 percent of the total cost of the project.

8 (c) REPORT TO CONGRESS.—Not later than 3 years
9 after the date of enactment of this Act the Secretary shall
10 provide a report to the Senate Committee on Commerce,
11 Science, and Transportation, and to the House of Rep-
12 resentatives Committee on Transportation and Infrastruc-
13 ture on the results of the program.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to the Commandant to
16 carry out this section \$2,000,000 for each of fiscal years
17 2008, 2009, and 2010, to remain available until expended.

18 (e) TRANSFER PROHIBITED.—Administration of the
19 program established under subsection (a) may not be
20 transferred within the Department of Homeland Security
21 or to another department or Federal agency.

22 **SEC. 712. HIGHER VOLUME PORT AREA REGULATORY DEFINI-**
23 **NITION CHANGE.**

24 (a) IN GENERAL.—Within 30 days after the date of
25 enactment of this Act, notwithstanding subchapter 5 of

1 title 5, United States Code, the Commandant shall modify
2 the definition of the term “higher volume port area” in
3 section 155.1020 of the Coast Guard regulations (33
4 C.F.R. 155.1020) by striking “Port Angeles, WA” in
5 paragraph (13) of that section and inserting “Cape Flat-
6 tery, WA” without initiating a rulemaking proceeding.

7 (b) EMERGENCY RESPONSE PLAN REVIEWS.—With-
8 in 5 years after the date of enactment of this Act, the
9 Coast Guard shall complete its review of any changes to
10 emergency response plans pursuant to the Federal Water
11 Pollution Control Act (33 U.S.C. 1251 et seq.) resulting
12 from the modification of the higher volume port area defi-
13 nition required by subsection (a).

14 **SEC. 713. RESPONSE TUGS.**

15 (a) IN GENERAL.—Paragraph (5) of section 311(j)
16 of the Federal Water Pollution Control Act (33 U.S.C.
17 1321(j)) is amended by adding at the end the following:

18 “(J) RESPONSE TUG.—

19 “(i) IN GENERAL.—The Secretary
20 shall require the stationing of a year round
21 response tug of a minimum of 70-tons
22 bollard pull in the entry to the Strait of
23 Juan de Fuca at Neah Bay capable of pro-
24 viding rapid assistance and towing capa-

1 bility to disabled vessels during severe
2 weather conditions.

3 “(ii) SHARED RESOURCES.—The Sec-
4 retary may authorize compliance with the
5 response tug stationing requirement of
6 clause (i) through joint or shared resources
7 between or among entities to which this
8 subsection applies.

9 “(iii) EXISTING STATE AUTHORITY
10 NOT AFFECTED.—Nothing in this subpara-
11 graph supersedes or interferes with any ex-
12 isting authority of a State with respect to
13 the stationing of rescue tugs in any area
14 under State law or regulations.

15 “(iv) ADMINISTRATION.—In carrying
16 out this subparagraph, the Secretary—

17 “(I) shall require the vessel re-
18 sponse plan holders to negotiate and
19 adopt a cost-sharing formula and a
20 schedule for carrying out this sub-
21 paragraph by no later than June 1,
22 2008;

23 “(II) shall establish a cost-shar-
24 ing formula and a schedule for car-
25 rying out this subparagraph by no

1 later than July 1, 2008 (without re-
2 gard to the requirements of chapter 5
3 of title 5, United States Code) if the
4 vessel response plan holders fail to
5 adopt the cost-sharing formula and
6 schedule required by subclause (I) of
7 this clause by June 1, 2008; and

8 “(III) shall implement clauses (i)
9 and (ii) of this subparagraph by June
10 1, 2008, without a rulemaking and
11 without regard to the requirements of
12 chapter 5 of title 5, United States
13 Code.

14 “(v) LONG TERM TUG CAPABILI-
15 TIES.—Within 6 months after imple-
16 menting clauses (i) and (ii), and section
17 707 of the Coast Guard Authorization Act
18 for Fiscal Year 2008, the Secretary shall
19 execute a contract with the National Acad-
20 emy of Sciences to conduct a study of re-
21 gional response tug and salvage needs for
22 Washington’s Olympic coast. In developing
23 the scope of the study, the National Acad-
24 emy of Sciences shall consult with Federal,

1 State, and Tribal trustees as well as rel-
2 evant stakeholders. The study—

3 “(I) shall define the needed capa-
4 bilities, equipment, and facilities for a
5 response tug in the entry to the Strait
6 of Juan de Fuca at Neah Bay in
7 order to optimize oil spill protection
8 on Washington’s Olympic coast, pro-
9 vide rescue towing services, oil spill
10 response, and salvage and fire-fighting
11 capabilities;

12 ““(II) shall analyze the tug’s
13 multi-mission capabilities as well as
14 its ability to utilize cached salvage, oil
15 spill response, and oil storage equip-
16 ment while responding to a spill or a
17 vessel in distress and make rec-
18 ommendations as to the placement of
19 this equipment;

20 ““(III) shall address scenarios
21 that consider all vessel types and
22 weather conditions and compare cur-
23 rent Neah Bay tug capabilities, costs,
24 and benefits with other United States
25 industry funded response tugs, includ-

1 ing those currently operating in Alas-
2 ka's Prince William Sound;

3 “(IV) shall determine whether
4 the current level of protection af-
5 farded by the Neah Bay response tug
6 and associated response equipment is
7 comparable to protection in other lo-
8 cations where response tugs operate,
9 including Prince William Sound, and
10 if it is not comparable, shall make
11 recommendations as to how capabili-
12 ties, equipment, and facilities should
13 be modified to achieve optimum pro-
14 tection.”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Secretary for fis-
17 cal year 2008 such sums as necessary to carry out section
18 311(j)(5)(J)(v) of the Federal Water Pollution Control
19 Act (33 U.S.C. 1321(j)(5)(J)(v)).

20 **SEC. 714. TUG ESCORTS FOR LADEN OIL TANKERS.**

21 Within 1 year after the date of enactment of this Act,
22 the Secretary of State, in consultation with the Com-
23 mandant, shall enter into negotiations with the Govern-
24 ment of Canada to ensure that tugboat escorts are re-
25 quired for all tank ships with a capacity over 40,000 dead-

1 weight tons in the Strait of Juan de Fuca, Strait of Geor-
2 gia, and in Haro Strait. The Commandant shall consult
3 with the State of Washington and affected tribal govern-
4 ments during negotiations with the Government of Can-
5 ada.

6 **SEC. 715. EXTENSION OF FINANCIAL RESPONSIBILITY.**

7 Section 1016(a) of the Oil Pollution Act of 1990 (33
8 U.S.C. 2716(a)) is amended—

9 (1) by striking “or” after the semicolon in
10 paragraph (1);

11 (2) by inserting “or” after the semicolon in
12 paragraph (2); and

13 (3) by inserting after paragraph (2) the fol-
14 lowing:

15 “(3) any tank vessel over 100 gross tons (ex-
16 cept a non-self-propelled vessel that does not carry
17 oil as cargo) using any place subject to the jurisdic-
18 tion of the United States;”.

19 **SEC. 716. VESSEL TRAFFIC RISK ASSESSMENTS.**

20 (a) REQUIREMENT.—The Commandant of the Coast
21 guard, acting through the appropriate Area Committee es-
22 tablished under section 311(j)(4) of the Federal Water
23 Pollution Control Act, shall prepare a vessel traffic risk
24 assessment—

1 (1) for Cook Inlet, Alaska, within 1 year after
2 the date of enactment of this Act; and

3 (2) for the Aleutian Islands, Alaska, within 2
4 years after the date of enactment of this Act.

5 (b) CONTENTS.—Each of the assessments shall de-
6 scribe, for the region covered by the assessment—

7 (1) the amount and character of present and
8 estimated future shipping traffic in the region; and

9 (2) the current and projected use and effective-
10 ness in reducing risk, of—

11 (A) traffic separation schemes and routing
12 measures;

13 (B) long-range vessel tracking systems de-
14 veloped under section 70115 of title 46, United
15 States Code;

16 (C) towing, response, or escort tugs;

17 (D) vessel traffic services;

18 (E) emergency towing packages on vessels;

19 (F) increased spill response equipment in-
20 cluding equipment appropriate for severe weath-
21 er and sea conditions;

22 (G) the Automatic Identification System
23 developed under section 70114 of title 46,
24 United States Code;

1 (H) particularly sensitive sea areas, areas
2 to be avoided, and other traffic exclusion zones;
3 (i) aids to navigation; and
4 (J) vessel response plans.

5 (c) RECOMMENDATIONS.—

6 (1) IN GENERAL.—Each of the assessments
7 shall include any appropriate recommendations to
8 enhance the safety and security, or lessen potential
9 adverse environmental impacts, of marine shipping.

10 (2) CONSULTATION.—Before making any rec-
11 ommendations under paragraph (1) for a region, the
12 Area Committee shall consult with affected local,
13 State, and Federal government agencies, representa-
14 tives of the fishing industry, Alaska Natives from
15 the region, the conservation community, and the
16 merchant shipping and oil transportation industries.

17 (d) PROVISION TO CONGRESS.—The Commandant
18 shall provide a copy of each assessment to the Senate
19 Committee on Commerce, Science, and Transportation
20 and the House of Representatives Committee on Trans-
21 portation and Infrastructure.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Commandant
24 \$1,800,000 for each of fiscal years 2008 and 2009 to con-
25 duct the assessments.

1 **SEC. 717. OIL SPILL LIABILITY TRUST FUND INVESTMENT**
2 **AMOUNT.**

3 Within 30 days after the date of enactment of this
4 Act, the Secretary of the Treasury shall increase the
5 amount invested in income producing securities under sec-
6 tion 5006(b) of the Oil Pollution Act of 1990 (33 U.S.C.
7 2736(b)) by \$12,851,340..

8 **SEC. 718. LIABILITY FOR USE OF UNSAFE SINGLE-HULL**
9 **VESSELS.**

10 Section 1001(32) of the Oil Pollution Act of 1990
11 (33 U.S.C. 2701(32)) is amended by striking subpara-
12 graph (A) and inserting the following:

13 “(A) VESSELS.—In the case of a vessel
14 (other than a vessel described in section
15 3703a(b) of title 46, United States Code)—

16 “(i) any person owning, operating, or
17 demise chartering the vessel; and

18 “(ii) the owner of oil being trans-
19 ported in a tank vessel with a single hull
20 after December 31, 2010, if the owner of
21 the oil knew, or should have known, from
22 publicly available information that the ves-
23 sel had a poor safety or operational
24 record.”.

1 **TITLE VIII—MARITIME**
2 **HAZARDOUS CARGO SECURITY**
3 **SEC. 801. INTERNATIONAL COMMITTEE FOR THE SAFE AND**
4 **SECURE TRANSPORTATION OF ESPECIALLY**
5 **HAZARDOUS CARGO.**

6 (a) IN GENERAL.—Chapter 701 of title 46, United
7 States Code, is amended by inserting after section 70109
8 the following:

9 **“§ 70109A. International committee for the safe and**
10 **secure transportation of especially haz-**
11 **ardous cargo**

12 “(a) IN GENERAL.—The Secretary, in consultation
13 with the Secretary of State and other appropriate entities,
14 shall, in a manner consistent with international treaties,
15 conventions, and agreements to which the United States
16 is a party, establish a committee within the International
17 Maritime Organization that includes representatives of
18 United States trading partners that supply tank or break-
19 bulk shipments of especially hazardous cargo to the
20 United States.

21 “(b) SAFE AND SECURE LOADING, UNLOADING, AND
22 TRANSPORTATION OF ESPECIALLY HAZARDOUS CAR-
23 GOES.—In carrying out this section, the Secretary, in co-
24 operation with the International Maritime Organization
25 and in consultation with the International Standards Or-

1 ganization and shipping industry stakeholders, shall de-
2 velop protocols, procedures, standards, and requirements
3 for receiving, handling, loading, unloading, vessel crewing,
4 and transportation of especially hazardous cargo to pro-
5 mote the safe and secure operation of ports, facilities, and
6 vessels that transport especially hazardous cargo to the
7 United States.

8 “(c) DEADLINES.—The Secretary shall—

9 “(1) initiate the development of the committee
10 within 180 days after the date of enactment of the
11 Maritime Hazardous Cargo Security Act; and

12 “(2) endeavor to have the protocols, procedures,
13 standards, and requirements developed by the com-
14 mittee take effect within 3 years after the date of
15 enactment of that Act.

16 “(d) REPORTS.—The Secretary shall report annually
17 to the Senate Committee on Commerce, Science, and
18 Transportation, the House of Representatives Committee
19 on Transportation and Infrastructure, and the House of
20 Representatives Committee on Homeland Security on the
21 development, implementation, and administration of the
22 protocols, procedures, standards, and requirements devel-
23 oped by the committee established under subsection (a).”.

24 (b) CONFORMING AMENDMENT.—The chapter anal-
25 ysis for chapter 701 of title 46, United States Code, is

1 amended by inserting after the item relating the section
2 70109 the following:

“70109A. International committee for the safe and secure transportation of especially hazardous cargo”.

3 **SEC. 802. VALIDATION OF COMPLIANCE WITH ISPFC**
4 **STANDARDS.**

5 (a) IN GENERAL.—Chapter 701 of title 46, United
6 States Code, is amended by inserting after section 70110
7 the following:

8 **“70110A. Port safety and security validations**

9 “(a) IN GENERAL.—The Secretary, in consultation
10 with the Secretary of State, shall, in a manner consistent
11 with international treaties, conventions, and agreements
12 to which the United States is a party, develop and imple-
13 ment a voluntary program under which foreign ports and
14 facilities can certify their compliance with applicable Inter-
15 national Ship and Port Facility Code standards.

16 “(b) THIRD-PARTY VALIDATION.—

17 “(1) IN GENERAL.—In carrying out this sec-
18 tion, the Secretary, in cooperation with the Inter-
19 national Maritime Organization and the Inter-
20 national Standards Organization, shall develop and
21 implement a program under which independent,
22 third-party entities are certified to validate a foreign
23 port’s or facility’s compliance under the program de-
24 veloped under subsection (a).

1 “(2) PROGRAM COMPONENTS.—The inter-
2 national program shall include—

3 “(A) international inspection protocols and
4 procedures;

5 “(B) minimum validation standards to en-
6 sure a port or facility meets the applicable
7 International Ship and Port Facility Code
8 standards;

9 “(C) recognition for foreign ports or facili-
10 ties that exceed the minimum standards;

11 “(D) uniform performance metrics by
12 which inspection validations are to be con-
13 ducted;

14 “(E) a process for notifying a port or facil-
15 ity, and its host nation, of areas of concern
16 about the port’s or facility’s failure to comply
17 with International Ship and Port Facility Code
18 standards;

19 “(F) provisional or probationary valida-
20 tions;

21 “(G) conditions under which routine moni-
22 toring is to occur if a port or facility receives
23 a provisional or probationary validation;

24 “(H) a process by which failed validations
25 can be appealed; and

1 “(I) an appropriate cycle for re-inspection
2 and validation.

3 “(c) CERTIFICATION OF THIRD PARTY ENTITIES.—

4 The Secretary may not certify a third party entity to vali-
5 date ports or facilities under subsection (b) unless—

6 “(1) the entity demonstrates to the satisfaction
7 of the Secretary the ability to perform validations in
8 accordance with the standards, protocols, proce-
9 dures, and requirements established by the program
10 implemented under subsection (a); and

11 “(2) the entity has no beneficial interest in or
12 any direct control over the port and facilities being
13 inspected and validated.

14 “(d) MONITORING—The Secretary shall regularly
15 monitor and audit the operations of each third party entity
16 conducting validations under this section to ensure that
17 it is meeting the minimum standards, operating protocols,
18 procedures, and requirements established by international
19 agreement.

20 “(e) REVOCATION.—The Secretary shall revoke the
21 certification of any entity determined by the Secretary not
22 to meet the minimum standards, operating protocol, pro-
23 cedures, and requirements established by international
24 agreement for third party entity validations.

1 “(f) PROTECTION OF SECURITY AND PROPRIETARY
2 INFORMATION.—In carrying out this section, the Sec-
3 retary shall take appropriate actions to protect from dis-
4 closure information that—

5 “(1) is security sensitive, proprietary, or busi-
6 ness sensitive; or

7 “(2) is otherwise not appropriately in the public
8 domain.

9 “(g) DEADLINES.—The Secretary shall—

10 “(1) initiate procedures to carry out this section
11 within 180 days after the date of enactment of the
12 Maritime Hazardous Cargo Security Act; and

13 “(2) develop standards under subsection (b) for
14 third party validation within 2 years after the date
15 of enactment of that Act.

16 “(h) REPORTS.—The Secretary shall report annually
17 to the Senate Committee on Commerce, Science, and
18 Transportation, the House of Representatives Committee
19 on Transportation and Infrastructure, and the House of
20 Representatives Committee on Homeland Security on ac-
21 tivities conducted pursuant to this section.”.

22 “(c) CONFORMING AMENDMENT.—The chapter anal-
23 ysis for chapter 701 of title 46, United States Code, is
24 amended by inserting after the item relating to section
25 70110 the following:

“70110A. Port safety and security validations”.

1 **SEC. 803. SAFETY AND SECURITY ASSISTANCE FOR FOR-**
2 **EIGN PORTS.**

3 (a) IN GENERAL.—Section 70110(e)(1) of title 46,
4 United States Code, is amended by striking the second
5 sentence and inserting the following: “The Secretary shall
6 establish a strategic plan to utilize those assistance pro-
7 grams to assist ports and facilities that are found by the
8 Secretary under subsection (a) not to maintain effective
9 antiterrorism measures in the implementation of port se-
10 curity antiterrorism measures.”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) Section 70110 of title 46, United States
13 Code, is amended—

14 (A) by inserting “**or facilities**” after
15 “**ports**” in the section heading;

16 (B) by inserting “or facility” after “port”
17 each place it appears; and

18 (C) by striking “PORTS” in the heading
19 for subsection (e) and inserting “PORTS, FA-
20 CILITIES,”.

21 (2) The chapter analysis for chapter 701 of title
22 46, United States Code, is amended by striking the
23 item relating to section 70110 and inserting the fol-
24 lowing:

“70110. Actions and assistance for foreign ports or facilities and United States territories”.

1 **SEC. 804. COAST GUARD PORT ASSISTANCE PROGRAM.**

2 Section 70110 of title 46, United States Code, is
3 amended by adding at the end thereof the following:

4 “(f) COAST GUARD ASSISTANCE PROGRAM.—

5 “(1) IN GENERAL.—The Secretary may lend,
6 lease, donate, or otherwise provide equipment, and
7 provide technical training and support, to the owner
8 or operator of a foreign port or facility—

9 “(A) to assist in bringing the port or facil-
10 ity into compliance with applicable International
11 Ship and Port Facility Code standards;

12 “(B) to assist the port or facility in meet-
13 ing standards established under section 70109A
14 of this chapter; and

15 “(C) to assist the port or facility in exceed-
16 ing the standards described in subparagraph
17 (A) and (B).

18 “(2) CONDITIONS.—The Secretary—

19 “(A) shall provide such assistance based
20 upon an assessment of the risks to the security
21 of the United States and the inability of the
22 owner or operator of the port or facility other-
23 wise to bring the port or facility into compli-
24 ance with those standards and to maintain com-
25 pliance with them;

1 “(B) may not provide such assistance un-
2 less the facility or port has been subjected to a
3 comprehensive port security assessment by the
4 Coast Guard or a third party entity certified by
5 the Secretary under section 70110A(b) to vali-
6 date foreign port or facility compliance with
7 International Ship and Port Facility Code
8 standards; and

9 “(C) may only lend, lease, or otherwise
10 provide equipment that the Secretary has first
11 determined is not required by the Coast Guard
12 for the performance of its missions.”.

13 **SEC. 805. EHC FACILITY RISK-BASED COST SHARING.**

14 The Commandant shall identify facilities sited or con-
15 structed on or adjacent to the navigable waters of the
16 United States that receive, handle, load, or unload espe-
17 cially hazardous cargos that pose a risk greater than an
18 acceptable risk threshold, as determined by the Secretary
19 under a uniform risk assessment methodology. The Sec-
20 retary may establish a security cost-share plan to assist
21 the Coast Guard in providing security for the transpor-
22 tation of especially hazardous cargo to such facilities.

1 **SEC. 806. TRANSPORTATION SECURITY INCIDENT MITIGA-**
2 **TION PLAN.**

3 Section 70103(b)(2) of title 46, United States Code,
4 is amended—

5 (1) by redesignating subparagraphs (E)
6 through (G) as subparagraphs (F) through (H), re-
7 spectively; and

8 (2) by inserting after subparagraph (D) the fol-
9 lowing:

10 “(E) establish regional response and recovery
11 protocols to prepare for, respond to, mitigate
12 against, and recover from a transportation security
13 incident consistent with section 202 of the Security
14 and Accountability for Every Port Act of 2006 (6
15 U.S.C. 942) and section 70103(a) of title 46, United
16 States Code;”.

17 **SEC. 807. INCIDENT COMMAND SYSTEM TRAINING.**

18 The Secretary shall ensure that Federal, State, and
19 local personnel responsible for the safety and security of
20 vessels in port carrying especially hazardous cargo have
21 successfully completed training in the Department of
22 Homeland Security’s incident command system protocols.

1 **SEC. 808. PRE-POSITIONING INTEROPERABLE COMMUNICA-**
2 **TIONS EQUIPMENT AT INTERAGENCY OPER-**
3 **ATIONAL CENTERS.**

4 Section 70107A of title 46, United States Code, is
5 amended—

6 (1) by redesignating subsections (e) and (f) as
7 subsections (f) and (g), respectively; and

8 (2) by inserting after subsection (d) the fol-
9 lowing:

10 “(e) DEPLOYMENT OF INTEROPERABLE COMMUNICA-
11 TIONS EQUIPMENT AT INTERAGENCY OPERATIONAL CEN-
12 TERS.—

13 “(1) IN GENERAL.—The Secretary shall ensure
14 that interoperable communications technology is de-
15 ployed at all interagency operational centers estab-
16 lished under subsection (a).

17 “(2) CONSIDERATIONS.—In carrying out para-
18 graph (1), the Secretary shall consider the con-
19 tinuing technological evolution of communications
20 technologies and devices, with its implicit risk of ob-
21 solescence, and shall ensure, to the maximum extent
22 feasible, that a substantial part of the technology de-
23 ployed involves prenegotiated contracts and other ar-
24 rangements for rapid deployment of equipment, sup-
25 plies, and systems rather than the warehousing or

1 storage of equipment and supplies currently avail-
2 able at the time the technology is deployed.

3 “(3) REQUIREMENTS AND CHARACTERISTICS.—

4 The interoperable communications technology de-
5 ployed under paragraph (1) shall—

6 “(A) be capable of re-establishing commu-
7 nications when existing infrastructure is dam-
8 aged or destroyed in an emergency or a major
9 disaster;

10 “(B) include appropriate current, widely-
11 used equipment, such as Land Mobile Radio
12 Systems, cellular telephones and satellite equip-
13 ment, Cells-On-Wheels, Cells-On-Light-Trucks,
14 or other self-contained mobile cell sites that can
15 be towed, backup batteries, generators, fuel,
16 and computers;

17 “(C) include contracts (including
18 prenegotiated contracts) for rapid delivery of
19 the most current technology available from
20 commercial sources;

21 “(D) include arrangements for training to
22 ensure that personnel are familiar with the op-
23 eration of the equipment and devices to be de-
24 livered pursuant to such contracts; and

1 “(E) be utilized as appropriate during live
2 area exercises conducted by the United States
3 Coast Guard.

4 “(4) ADDITIONAL CHARACTERISTICS.—Portions
5 of the communications technology deployed under
6 paragraph (1) may be virtual and may include items
7 donated on an in-kind contribution basis.

8 “(5) RULE OF CONSTRUCTION.—Nothing in
9 this subsection shall be construed or interpreted to
10 preclude the use of funds under this section by the
11 Secretary for interim or long-term Internet Protocol-
12 based interoperable solutions, notwithstanding com-
13 pliance with the Project 25 standard.”.

14 **SEC. 809. DEFINITIONS.**

15 In this title:

16 (1) COMMANDANT.—The term “Commandant”
17 means the Commandant of the Coast Guard.

18 (2) ESPECIALLY HAZARDOUS CARGO.—The
19 term “especially hazardous cargo” means any sub-
20 stance identified by the Secretary of the department
21 in which the Coast Guard is operating as especially
22 hazardous cargo.

23 (3) SECRETARY.—The term “Secretary” means
24 the Secretary of the department in which the Coast
25 Guard is operating.

1 **TITLE IX—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 901. MARINE MAMMALS AND SEA TURTLES REPORT.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, and annually thereafter,
6 the Secretary of the department in which the Coast Guard
7 is operating shall provide a report to the Senate Com-
8 mittee on Commerce, Science, and Transportation and the
9 House of Representatives Committee on Transportation
10 and Infrastructure on Coast Guard activities with respect
11 to the protection of marine mammals and sea turtles
12 under United States statutes and international agree-
13 ments.

14 (b) REQUIRED CONTENT.—The Secretary shall in-
15 clude in the report, at a minimum—

16 (1) a detailed summary of actions that the
17 Coast Guard has undertaken annually from fiscal
18 year 2000 through fiscal year 2007 with respect to
19 enforcement efforts, and cooperative agreements and
20 activities with other Federal and State agencies,
21 training programs, and other initiatives;

22 (2) an annual summary for fiscal year 2000
23 through fiscal year 2007 by Coast Guard district of
24 the level of effort measured by personnel hours and
25 other available data, for enforcement of the Lacey

1 Act Amendments of 1981 (16 U.S.C. 3371 et seq.),
2 the Endangered Species Act (16 U.S.C. 1531 et
3 seq.), and the Marine Mammal Protection Act (16
4 U.S.C. 1361 et seq.) as well as international agree-
5 ments that include provisions on sea turtles or ma-
6 rine mammals to which the United States is a party;
7 and

8 (3) a summary of any new Coast Guard initia-
9 tives for this mission area.

10 **SEC. 902. UMPQUA LIGHTHOUSE LAND CONVEYANCE.**

11 (a) CONVEYANCE AUTHORIZED.—

12 (1) IN GENERAL.—The Commandant of the
13 Coast Guard may convey to Douglas County, Or-
14 egon, all right, title, and interest of the United
15 States in and to the Umpqua Lighthouse property,
16 including improvements thereon, for the purpose of
17 permitting the County to use the property as a park.

18 (2) PROPERTY DESCRIPTION.—

19 (A) IN GENERAL.—The Umpqua Light-
20 house property is the parcel of approximately
21 14.81 acres of Coast Guard controlled land lo-
22 cated in the NW ¼ of sec. 13, T. 22 S., R. 13
23 W., Willamette Meridian, and identified as Ex-
24 hibit A on the aerial map entitled “U.S. Coast

1 Guard Property at Salmon Harbor/Winchester
2 Bay, Oregon” dated February 22, 2006.

3 (B) SURVEYS.—The exact acreage and
4 legal description of the real property to be con-
5 veyed under subsections (a) and (c) shall be de-
6 termined by surveys satisfactory to the Com-
7 mandant. The cost of the surveys shall be borne
8 by the County.

9 (b) USE OF PROPERTY CONVEYED.—Notwithstanding
10 section 59.3 of title 36, Code of Federal Regulations (or
11 any successor regulation), and the limitations on the use
12 of land provided assistance under the Land and Water
13 Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et
14 seq.), the real property to be conveyed under this section
15 may be converted to a use other than a public outdoor
16 recreation use.

17 (c) PROVISION OF REPLACEMENT FACILITIES.—

18 (1) IN GENERAL.—As consideration for the con-
19 veyance authorized by subsection (a), the County—

20 (A) may, at its expense design and con-
21 struct the replacement facilities for the Coast
22 Guard to replace the facilities conveyed under
23 that subsection;

1 (B) may design and construct the replace-
2 ment facilities to the specifications of the Com-
3 mandant; and

4 (C) may construct the replacement facili-
5 ties upon a parcel of real property determined
6 by the Commandant to be an appropriate loca-
7 tion for the replacement facilities; and

8 (2) shall convey to the United States all right,
9 title, and interest in and to the replacement facilities
10 and the parcel of real property on which the facili-
11 ties are located.

12 (d) MEMORANDUM OF AGREEMENT.—The County
13 and the Commandant may enter into a memorandum of
14 agreement to effectuate the transactions authorized by
15 this section.

16 (e) ADDITIONAL TERMS AND CONDITIONS.—The
17 Commandant may require such additional terms and con-
18 ditions in connection with the conveyance under subsection
19 (a) as the Commandant considers appropriate to protect
20 the interests of the United States.

21 (f) LIMITATION.—Nothing in this section compels the
22 County or the Commandant to execute a memorandum of
23 agreement or deed, except upon such terms and conditions
24 that the County and the Commandant may consider ap-

1 appropriate, in the exercise of their discretion, to protect the
2 interests of the County and the United States.

3 **SEC. 903. TRANSFER OF LANDS TO BE HELD IN TRUST.**

4 (a) IN GENERAL.—As soon as practical but not later
5 than 3 years after the date of enactment of this Act, the
6 Commandant of the Coast Guard shall take such actions
7 as are necessary to transfer administrative jurisdiction
8 over lands, including all structures and buildings on lands,
9 depicted on the maps prepared pursuant to subsection (c)
10 of this section to the Secretary of the Interior to hold in
11 trust for the benefit of the Confederated Tribes of the
12 Coos, Lower Umpqua, and Siuslaw Indians.

13 (b) CONDITIONS OF TRANSFER.—

14 (1) Prior to the transfer of administrative juris-
15 diction over the lands, the Coast Guard, in its sole
16 discretion, shall execute actions required to comply
17 with applicable environmental and cultural resources
18 law.

19 (2) Upon such transfer to the Secretary of the
20 Interior, the lands shall be held in trust by the
21 United States for the Confederated Tribes of the
22 Coos, Lower Umpqua, and Siuslaw Indians, Oregon,
23 and shall be part of the Confederated Tribes of
24 Coos, Lower Umpqua, and Siuslaw's Reservation.

25 (c) MAP AND LEGAL DESCRIPTION OF LAND.—

1 (1) IN GENERAL.—As soon as practicable after
2 the date of enactment of this Act, the Commandant
3 shall file maps entitled “Confederated Tribes of the
4 Coos, Lower Umpqua, and Siuslaw Land Transfer
5 Maps”, which shall depict and provide a legal de-
6 scription of the parcels to be transferred in Coos
7 County, Oregon, totaling approximately 24.0 acres
8 in the areas commonly known as Gregory Point and
9 Chief’s Island, with—

10 (A) the Senate Committee on Commerce,
11 Science, and Transportation;

12 (B) the House of Representatives Com-
13 mittee on Transportation and Infrastructure;
14 and

15 (C) the Secretary of the Interior.

16 (2) FORCE OF LAW.—The maps and legal de-
17 scriptions filed under paragraph (1) shall have the
18 same force and effect as if included in this Act, ex-
19 cept that the Commandant may correct typo-
20 graphical errors in the maps and each legal descrip-
21 tion.

22 (3) PUBLIC AVAILABILITY.—Each map and
23 legal description filed under paragraph (1) shall be
24 on file and available for public inspection in the ap-
25 propriate office of the Department of the Interior.

1 (d) USE OF COAST GUARD AIDS TO NAVIGATION.—

2 The Coast Guard may retain easements, or other property
3 interests as may be necessary, across the property de-
4 scribed in subsection (c) for access to aids to navigation
5 located on the lands so long as such aids may be required
6 by the Coast Guard.

7 (e) MAINTENANCE OF CAPE ARAGO LIGHT STA-
8 TION.—

9 (1) The conveyance of Cape Arago Light Sta-
10 tion on Chief's Island by the Coast Guard shall be
11 made on condition that the Confederated Tribes of
12 the Coos, Lower Umpqua and Siuslaw Indians
13 shall—

14 (A) use and make reasonable efforts to
15 maintain the Cape Arago Light Station in ac-
16 cordance with the National Historic Preserva-
17 tion Act (16 U.S.C. 470 et seq.), the Secretary
18 of the Interior's Standards for the Treatment
19 of Historic Properties set forth in part 68 of
20 title 36, Code of Federal Regulations, and other
21 applicable laws, and submit any proposed
22 changes to the Cape Arago Light Station for
23 review and approval by the Secretary of the In-
24 terior in consultation with the Oregon State
25 Historic Preservation Officer, for consistency

1 with section 800.5(a)(2)(vii) of title 36, Code of
2 Federal Regulations, and the Secretary of the
3 Interior's Standards for Rehabilitation, set
4 forth in part 67.7 of title 36, Code of Federal
5 Regulations;

6 (B) make the Cape Arago Light Station
7 available for education, park, recreation, cul-
8 tural, or historic preservation purposes for the
9 general public at reasonable times and under
10 reasonable conditions;

11 (C) not sell, convey, assign, exchange, or
12 encumber the Cape Arago Light Station, any
13 part thereof, or any associated historic artifact
14 conveyed in conjunction with the transfer under
15 this section unless such sale, conveyance, as-
16 signment, exchange, or encumbrance is ap-
17 proved by Secretary of the Interior;

18 (D) not conduct any commercial activities
19 at the Cape Arago Light Station, any part
20 thereof, or in connection with any historic arti-
21 fact conveyed in conjunction with the transfer
22 under this section in any manner, unless such
23 commercial activities are approved by the Sec-
24 retary of the Interior; and

1 (E) allow the United States, at any time,
2 to enter the Cape Arago Light Station without
3 notice, for purposes of ensuring compliance with
4 this section, to the extent that it is not possible
5 to provide advance notice.

6 (2) The Cape Arago Light Station, or any asso-
7 ciated historic artifact conveyed in conjunction with
8 the transfer under this section, at the option of the
9 Secretary of the Interior, shall revert to the United
10 States and be placed under the administrative con-
11 trol of the Secretary of the Interior if the Confed-
12 erated Tribes of the Coos, Lower Umpqua, and
13 Siuslaw Indians fail to meet any condition described
14 in paragraph (1).

15 (f) TRIBAL FISHING RIGHTS.—No fishing right of
16 the Confederated Tribes of the Coos, Lower Umpqua, and
17 Siuslaw Indians in existence on the date of enactment of
18 this Act shall be enlarged, impaired, or otherwise affected
19 by the transfer under this section.

20 **SEC. 904. DATA.**

21 In each of fiscal years 2008 through 2010, there are
22 authorized to be appropriated to the Administrator of the
23 National Oceanic and Atmospheric Administration
24 \$7,000,000 to acquire through the use of unmanned aerial
25 vehicles data to improve the management of natural disas-

1 ters, the safety of marine and aviation transportation, and
2 fisheries enforcement.

3 **SEC. 905. EXTENSION.**

4 Section 607 of the Coast Guard and Maritime Trans-
5 portation Act of 2006 is amended—

6 (1) by striking “2007” in subsection (h) and in-
7 serting “2012”; and

8 (2) by striking “terminate” and all that follows
9 in subsection (i) and inserting “terminate on Sep-
10 tember 30, 2012.”.

11 **SEC. 906. 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-
16 Bering Sea operating area. These 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) shelter for both current helicopter assets
22 and those projected to be located at Air Station Ko-
23 diak, Alaska for up to 20 years.

1 **SEC. 907. ENCLOSED HANGAR AT AIR STATION BARBERS**
2 **POINT, HAWAII.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Secretary of the department in which the
5 Coast Guard is operating may construct an enclosed hang-
6 ar at Air Station Barbers Point, Hawaii. The hangar
7 shall—

8 (1) support aircraft maintenance, including ex-
9 haust ventilation, heat, engine wash system, head fa-
10 cilities, fuel, ground support services, and electrical
11 power; and

12 (2) shelter all current aircraft assets and those
13 projected to be located at Air Station Barbers Point,
14 Hawaii, over the next 20 years.

15 **SEC. 908. CONVEYANCE OF DECOMMISSIONED COAST**
16 **GUARD CUTTER STORIS.**

17 (a) IN GENERAL.—Upon the scheduled decommis-
18 sioning of the Coast Guard Cutter STORIS, the Com-
19 mandant of the Coast Guard shall convey, without consid-
20 eration, all right, title, and interest of the United States
21 in and to that vessel to the USCG Cutter STORIS Mu-
22 seum and Maritime Education Center, LLC, located in the
23 State of Alaska if the recipient—

24 (1) agrees—

25 (A) to use the vessel for purposes of a mu-
26 seum and historical display;

1 (B) not to use the vessel for commercial
2 transportation purposes;

3 (C) to make the vessel available to the
4 United States Government if needed for use by
5 the Commandant in time of war or a national
6 emergency; and

7 (D) to hold the Government harmless for
8 any claims arising from exposure to hazardous
9 materials, including asbestos and poly-
10 chlorinated biphenyls, after conveyance of the
11 vessel, except for claims arising from the use by
12 the Government under subparagraph (C);

13 (2) has funds available that will be committed
14 to operate and maintain in good working condition
15 the vessel conveyed, in the form of cash, liquid as-
16 sets, or a written loan commitment and in an
17 amount of at least \$700,000; and

18 (3) agrees to any other conditions the Com-
19 mandant considers appropriate.

20 (b) MAINTENANCE AND DELIVERY OF VESSEL.—

21 (1) MAINTENANCE.—Before conveyance of the
22 vessel under this section, the Commandant shall
23 make, to the extent practical and subject to other
24 Coast Guard mission requirements, every effort to

1 maintain the integrity of the vessel and its equip-
2 ment until the time of delivery.

3 (2) DELIVERY.—If a conveyance is made under
4 this section, the Commandant shall deliver the ves-
5 sel—

6 (A) at the place where the vessel is located;

7 and

8 (B) without cost to the Government.

9 (3) TREATMENT OF CONVEYANCE.—The con-
10 veyance of the vessel under this section shall not be
11 considered a distribution in commerce for purposes
12 of section 6(e) of Public Law 94–469 (15 U.S.C.
13 2605(e)).

14 (c) OTHER EXCESS EQUIPMENT.—The Commandant
15 may convey to the recipient of a conveyance under sub-
16 section (a) any excess equipment or parts from other de-
17 commissioned Coast Guard vessels for use to enhance the
18 operability and function of the vessel conveyed under sub-
19 section (a) for purposes of a museum and historical dis-
20 play.

21 **SEC. 909. CONVEYANCE OF THE PRESQUE ISLE LIGHT STA-**
22 **TION FRESNEL LENS TO PRESQUE ISLE**
23 **TOWNSHIP, MICHIGAN.**

24 (a) CONVEYANCE OF LENS AUTHORIZED.—

1 (1) TRANSFER OF POSSESSION.—Notwith-
2 standing any other provision of law, the Com-
3 mandant of the Coast Guard may transfer to
4 Presque Isle Township, a township in Presque Isle
5 County in the State of Michigan (in this section re-
6 ferred to as the “Township”), possession of the His-
7 toric Fresnel Lens (in this section referred to as the
8 “Lens”) from the Presque Isle Light Station Light-
9 house, Michigan (in this section referred to as the
10 “Lighthouse”).

11 (2) CONDITION.—As a condition of the transfer
12 of possession authorized by paragraph (1), the
13 Township shall, not later than one year after the
14 date of transfer, install the Lens in the Lighthouse
15 for the purpose of operating the Lens and Light-
16 house as a Class I private aid to navigation pursu-
17 ant to section 85 of title 14, United States Code,
18 and the applicable regulations under that section.

19 (3) CONVEYANCE OF LENS.—Upon the certifi-
20 cation of the Commandant that the Township has
21 installed the Lens in the Lighthouse and is able to
22 operate the Lens and Lighthouse as a private aid to
23 navigation as required by paragraph (2), the Com-
24 mandant shall convey to the Township all right,

1 title, and interest of the United States in and to the
2 Lens.

3 (4) CESSATION OF UNITED STATES OPER-
4 ATIONS OF AIDS TO NAVIGATION AT LIGHTHOUSE.—

5 Upon the making of the certification described in
6 paragraph (3), all active Federal aids to navigation
7 located at the Lighthouse shall cease to be operated
8 and maintained by the United States.

9 (b) REVERSION.—

10 (1) REVERSION FOR FAILURE OF AID TO NAVI-
11 GATION.—If the Township does not comply with the
12 condition set forth in subsection (a)(2) within the
13 time specified in that subsection, the Township shall,
14 except as provided in paragraph (2), return the Lens
15 to the Commandant at no cost to the United States
16 and under such conditions as the Commandant may
17 require.

18 (2) EXCEPTION FOR HISTORICAL PRESERVA-
19 TION.—Notwithstanding the lack of compliance of
20 the Township as described in paragraph (1), the
21 Township may retain possession of the Lens for in-
22 stallation as an artifact in, at, or near the Light-
23 house upon the approval of the Commandant. The
24 Lens shall be retained by the Township under this
25 paragraph under such conditions for the preserva-

1 tion and conservation of the Lens as the Com-
2 mandant shall specify for purposes of this para-
3 graph. Installation of the Lens under this paragraph
4 shall occur, if at all, not later than two years after
5 the date of the transfer of the Lens to the Township
6 under subsection (a)(1).

7 (3) REVERSION FOR FAILURE OF HISTORICAL
8 PRESERVATION.—If retention of the Lens by the
9 Township is authorized under paragraph (2) and the
10 Township does not install the Lens in accordance
11 with that paragraph within the time specified in that
12 paragraph, the Township shall return the lens to the
13 Coast Guard at no cost to the United States and
14 under such conditions as the Commandant may re-
15 quire.

16 (c) CONVEYANCE OF ADDITIONAL PERSONAL PROP-
17 PERTY.—

18 (1) TRANSFER AND CONVEYANCE OF PERSONAL
19 PROPERTY.—Notwithstanding any other provision of
20 law, the Commandant may transfer to the Township
21 any additional personal property of the United
22 States related to the Lens that the Commandant
23 considers appropriate for conveyance under this sec-
24 tion. If the Commandant conveys the Lens to the
25 Township under subsection (a)(3), the Commandant

1 may convey to the Township any personal property
2 previously transferred to the Township under this
3 subsection.

4 (2) REVERSION.—If the Lens is returned to the
5 Coast Guard pursuant to subsection (b), the Town-
6 ship shall return to the Coast Guard all personal
7 property transferred or conveyed to the Township
8 under this subsection except to the extent otherwise
9 approved by the Commandant.

10 (d) CONVEYANCE WITHOUT CONSIDERATION.—The
11 conveyance of the Lens and any personal property under
12 this section shall be without consideration.

13 (e) DELIVERY OF PROPERTY.—The Commandant
14 shall deliver property conveyed under this section—

15 (1) at the place where such property is located
16 on the date of the conveyance;

17 (2) in condition on the date of conveyance; and

18 (3) without cost to the United States.

19 (f) MAINTENANCE OF PROPERTY.—As a condition of
20 the conveyance of any property to the Township under this
21 section, the Commandant shall enter into an agreement
22 with the Township under which the Township agrees—

23 (1) to operate the Lens as a Class I private aid
24 to navigation under section 85 of title 14, United

1 States Code, and application regulations under that
2 section; and

3 (2) to hold the United States harmless for any
4 claim arising with respect to personal property con-
5 veyed under this section.

6 (g) LIMITATION ON FUTURE CONVEYANCE.—The in-
7 struments providing for the conveyance of property under
8 this section shall—

9 (1) require that any further conveyance of an
10 interest in such property may not be made without
11 the advance approval of the Commandant; and

12 (2) provide that, if the Commandant determines
13 that an interest in such property was conveyed with-
14 out such approval—

15 (A) all right, title, and interest in such
16 property shall revert to the United States, and
17 the United States shall have the right to imme-
18 diate possession of such property; and

19 (B) the recipient of such property shall pay
20 the United States for costs incurred by the
21 United States in recovering such property.

22 (h) ADDITIONAL TERMS AND CONDITIONS.—The
23 Commandant may require such additional terms and con-
24 ditions in connection with the conveyances authorized by

1 this section as the Commandant considers appropriate to
2 protect the interests of the United States.

3 **SEC. 910. REPEALS.**

4 The following sections are repealed:

5 (1) Section 689 of title 14, United States Code,
6 and the item relating to such section in the analysis
7 for chapter 18 of such title.

8 (2) Section 216 of title 14, United States Code,
9 and the item relating to such section in the analysis
10 for chapter 11 of such title.

11 **SEC. 911. REPORT ON SHIP TRAFFIC.**

12 (a) REPORT.—No later than 1 year after the date
13 of enactment of this Act and annually thereafter, the Sec-
14 retary of the department in which the Coast Guard is op-
15 erating shall provide a report to the Senate Committee
16 on Commerce, Science, and Transportation and the House
17 of Representatives Committee on Transportation and In-
18 frastructure on the volume of foreign flag ships entering
19 waters subject to the jurisdiction of the United States.
20 The report may be submitted in classified format if the
21 Secretary deems it to be necessary for national security.

22 (b) CONTENTS.—The report shall include a break-
23 down of the number or percentage of such foreign flag
24 ships that—

25 (1) enter a United States port or place;

1 (2) do not enter a United States port or place
2 but pass through the territorial sea of the United
3 States; or

4 (3) do not enter a United States port or place
5 but pass only through the exclusive economic zone of
6 the United States.

7 (c) DEFINITIONS.—In this section:

8 (1) EXCLUSIVE ECONOMIC ZONE.—The term
9 “exclusive economic zone” means the Exclusive Eco-
10 nomic Zone of the United States established by
11 Proclamation Number 5030, dated March 10, 1983
12 (16 U.S.C. 1453 note).

13 (2) TERRITORIAL SEA.—The term “territorial
14 sea” means the waters of the Territorial Sea of the
15 United States under Presidential Proclamation
16 5928, dated December 27, 1988 (43 U.S.C. 1331
17 note).

18 **SEC. 912. SMALL VESSEL EXCEPTION FROM DEFINITION OF**
19 **FISH PROCESSING VESSEL.**

20 Section 2101(11b) of title 46, United States Code,
21 is amended by striking “chilling.” and inserting “chilling,
22 but does not include a fishing vessel operating in Alaskan
23 waters under a permit or license issued by Alaska that—

24 (A) fillets only salmon taken by that vessel;

1 (B) fillets less than 5 metric tons of such salm-
2 on during any 7-day period.”.

3 **SEC. 913. RIGHT OF FIRST REFUSAL FOR COAST GUARD**
4 **PROPERTY ON JUPITER ISLAND, FLORIDA.**

5 (a) RIGHT OF FIRST REFUSAL.—Notwithstanding
6 any other law (other than this section), the Town of Jupi-
7 ter Island, Florida, shall have the right of first refusal
8 to select and take without consideration fee simple title
9 to real property within the jurisdiction of the Town com-
10 prising Parcel #35-38-42-004-000-02590-6 (Bon Air
11 Beach lots 259 and 260 located at 83 North Beach Road)
12 and Parcel #35-38-42-004-000-02610-2 (Bon Air Beach
13 lots 261 to 267), including any improvements thereon that
14 are not authorized or required by another provision of law
15 to be conveyed to another person.

16 (b) IDENTIFICATION OF PROPERTY.—The Com-
17 mandant of the Coast Guard may identify, describe, and
18 determine the property referred to in subsection (a) that
19 is subject to the right of the Town under that subsection.

20 (c) LIMITATION.—The property referred to in sub-
21 section (a) may not be conveyed under that subsection
22 until the Commandant of the Coast Guard determines that
23 the property is not needed to carry out Coast Guard oper-
24 ations.

1 (d) REQUIRED USE.—Any property conveyed under
2 this section shall be used by the Town of Jupiter Island,
3 Florida, solely for conservation of habitat and as protec-
4 tion against damage from wind, tidal, and wave energy.

5 (e) REVERSION.—Any conveyance of property under
6 this section shall be subject to the condition that all right,
7 title, and interest in the property, at the option of the
8 Commandant of the Coast Guard, shall revert to the
9 United States Government if the property is used for pur-
10 poses other than conservation.

11 (f) IMPLEMENTATION.—The Commandant of the
12 Coast Guard shall upon request by the Town—

13 (1) promptly take those actions necessary to
14 make property identified under subsection (b) and
15 determined by the Commandant under subsection (c)
16 ready for conveyance to the Town; and

17 (2) convey the property to the Town subject to
18 subsections (d) and (e).

19 **SEC. 914. SHIP DISPOSAL WORKING GROUP.**

20 (a) IN GENERAL.—Within 30 days after the date of
21 enactment of this Act, the Secretary of Transportation
22 shall convene a working group, composed of senior rep-
23 resentatives from the Maritime Administration, the Coast
24 Guard, the Environmental Protection Agency, the Na-
25 tional Oceanic and Atmospheric Administration, and the

1 United States Navy. The Secretary may request the par-
2 ticipation of senior representatives of any other Federal
3 department or agency, as appropriate, and shall consult
4 with appropriate State environmental agencies. The work-
5 ing group shall review and make recommendations on en-
6 vironmental practices for the storage and disposal of obso-
7 lete vessels owned or operated by the Federal Government.

8 (b) SCOPE.—Among the vessels to be considered by
9 the working group are Federally owned or operated vessels
10 that are—

11 (A) to be scrapped or recycled;

12 (B) to be used as artificial reefs; or

13 (C) to be used for the Navy's SINKEX
14 program.

15 (c) PURPOSE.—The working group shall—

16 (1) examine current storage and disposal poli-
17 cies, procedures, and practices for obsolete vessels
18 owned or operated by Federal agencies;

19 (2) examine Federal and State laws and regula-
20 tions governing such policies, procedures, and prac-
21 tices and any applicable environmental laws; and

22 (3) within 90 days after the date of enactment
23 of this Act, submit a plan to the Senate Committee
24 on Commerce, Science, and Transportation, the Sen-
25 ate Committee on Environment and Public Works,

1 and the House of Representatives Committee on
2 Armed Services to improve and harmonize practices
3 for storage and disposal of such vessels, including
4 the interim transportation of such vessels.

5 (d) CONTENTS OF PLAN.—The working group shall
6 include in the plan submitted under subsection (c)(3)—

7 (1) a description of existing measures for the
8 storage, disposal, and interim transportation of ob-
9 solete vessels owned or operated by Federal agencies
10 in compliance with Federal and State environmental
11 laws in a manner that protects the environment;

12 (2) a description of Federal and State laws and
13 regulations governing current policies, procedures,
14 and practices for the storage, disposal, and interim
15 transportation of such vessels;

16 (3) recommendations for environmental best
17 practices that meet or exceed, and harmonize, the
18 requirements of Federal environmental laws and reg-
19 ulations applicable to the storage, disposal, and in-
20 terim transportation of such vessels;

21 (4) recommendations for environmental best
22 practices that meet or exceed the requirements of
23 State laws and regulations applicable to the storage,
24 disposal, and interim transportation of such vessels;

1 (5) procedures for the identification and reme-
2 diation of any environmental impacts caused by the
3 storage, disposal, and interim transportation of such
4 vessels; and

5 (6) recommendations for necessary steps, in-
6 cluding regulations if appropriate, to ensure that
7 best environmental practices apply to all such ves-
8 sels.

9 (e) IMPLEMENTATION OF PLAN.—

10 (1) IN GENERAL.—As soon as practicable after
11 the date of enactment of this Act, the head of each
12 Federal department or agency participating in the
13 working group, in consultation with the other Fed-
14 eral departments and agencies participating in the
15 working group, shall take such action as may be nec-
16 essary, including the promulgation of regulations,
17 under existing authorities to ensure that the imple-
18 mentation of the plan provides for compliance with
19 all Federal and State laws and for the protection of
20 the environment in the storage, interim transpor-
21 tation, and disposal of obsolete vessels owned or op-
22 erated by Federal agencies.

23 (2) ARMED SERVICES VESSELS.—The Secretary
24 and the Secretary of Defense, in consultation with
25 the Administrator of the Environmental Protection

1 Agency, shall each ensure that environmental best
2 practices are observed with respect to the storage,
3 disposal, and interim transportation of obsolete ves-
4 sels owned or operated by the Department of De-
5 fense.

6 (f) **RULE OF CONSTRUCTION.**—Nothing in this sec-
7 tion shall be construed to supersede, limit, modify, or oth-
8 erwise affect any other provision of law, including environ-
9 mental law.

10 **SEC. 915. FULL MULTI-MISSION RESPONSE STATION IN**
11 **VALDEZ, ALASKA.**

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 a full multi-mis-
15 sion Coast Guard Response Station in Valdez, Alaska. The
16 Station shall include shore and maintenance infrastruc-
17 ture facilities to support all current and projected Coast
18 Guard waterborne security forces to be located in Valdez,
19 Alaska, over the next 20 years.

20 **SEC. 916. PROTECTION AND FAIR TREATMENT OF SEA-**
21 **FARERS.**

22 (a) **IN GENERAL.**—Chapter 5 of title 14, United
23 States Code, is amended by inserting after section 89 the
24 following:

1 **“§ 89a. Protection and fair treatment of seafarers**

2 “(a) AUTHORITY OF THE SECRETARY.—

3 “(1) IN GENERAL.—The Secretary is author-
4 ized—

5 “(A) to require a bond or surety satisfac-
6 tory as an alternative to withholding or revok-
7 ing clearance required under section 60105 of
8 title 46 if, in the opinion of the Secretary, such
9 bond or surety satisfactory is necessary to fa-
10 cilitate an investigation, reporting, documenta-
11 tion, or adjudication of any matter that is re-
12 lated to the administration or enforcement of
13 any treaty, law, or regulation by the Coast
14 Guard, provided that corporate sureties under-
15 writing any such bonds be certified by the De-
16 partment of the Treasury to write Federal
17 bonds under sections 9304 and 9305 of title 31;

18 “(B) at the discretion of the Secretary, to
19 pay, in whole or in part, without further appro-
20 priation and without fiscal year limitation, from
21 amounts in the Fund, necessary support of—

22 “(i) any seafarer who enters, remains,
23 or has been paroled into the United States
24 and is involved in an investigation, report-
25 ing, documentation, or adjudication of any
26 matter that is related to the administration

1 or enforcement of any treaty, law, or regu-
2 lation by the Coast Guard; and

3 “(ii) any seafarer whom the Secretary
4 finds to have been abandoned in the
5 United States; and

6 “(C) at the sole discretion of the Sec-
7 retary, to reimburse, in whole or in part, with-
8 out further appropriation and without fiscal
9 year limitation, from amounts in the Fund, a
10 shipowner, who has filed a bond or surety satis-
11 factory pursuant to subparagraph (A) of this
12 paragraph and provided necessary support of a
13 seafarer who has been paroled into the United
14 States to facilitate an investigation, reporting,
15 documentation, or adjudication of any matter
16 that is related to the administration or enforce-
17 ment of any treaty, law, or regulation by the
18 Coast Guard, for costs of necessary support,
19 when the Secretary deems reimbursement nec-
20 essary to avoid serious injustice.

21 “(2) APPLICATION.—The authority to require a
22 bond or a surety satisfactory or to request the with-
23 holding or revocation of the clearance required under
24 section 60105 of title 46 is applicable to any inves-
25 tigation, reporting, documentation, or adjudication

1 of any matter that is related to the administration
2 or enforcement of any treaty, law, or regulation by
3 the Coast Guard.

4 “(3) LIMITATIONS.—Nothing in this section
5 shall be construed—

6 “(A) to create a right, benefit, or entitle-
7 ment to necessary support; or

8 “(B) to compel the Secretary to pay, or re-
9 imburse the cost of, necessary support.

10 “(b) FUND.—

11 “(1) IN GENERAL.—There is established in the
12 Treasury a special fund known as the ‘Support of
13 Seafarers Fund’.

14 “(2) AVAILABILITY.—The amounts covered into
15 the Fund shall be available to the Secretary, without
16 further appropriation and without fiscal year limita-
17 tion—

18 “(A) to pay necessary support, pursuant to
19 subsection (a)(1)(B) of this section; and

20 “(B) to reimburse a shipowner for nec-
21 essary support, pursuant to subsection
22 (a)(1)(C) of this section.

23 “(3) RECEIPTS.—Notwithstanding any other
24 provision of law, the Fund shall be authorized to re-
25 ceive—

1 “(A) amounts reimbursed or recovered
2 pursuant to subsection (c) of this section;

3 “(B) amounts appropriated to the Fund
4 pursuant to subsection (f) of this section; and

5 “(C) appropriations available to the Sec-
6 retary for transfer.

7 “(4) LIMITATION ON CERTAIN CREDITS.—The
8 Fund may receive credits pursuant to paragraph
9 (3)(A) of this subsection only when the unobligated
10 balance of the Fund is less than \$5,000,000.

11 “(5) REPORT REQUIRED.—

12 “(A) Except as provided in subparagraph
13 (B) of this paragraph, the Secretary shall not
14 obligate any amount in the Fund in a given fis-
15 cal year unless the Secretary has submitted to
16 Congress, concurrent with the President’s budg-
17 et submission for that fiscal year, a report that
18 describes—

19 “(i) the amounts credited to the
20 Fund, pursuant to paragraph (3) of this
21 section, for the preceding fiscal year;

22 “(ii) a detailed description of the ac-
23 tivities for which amounts were charged;
24 and

1 “(iii) the projected level of expendi-
2 tures from the Fund for the coming fiscal
3 year, based on—

4 “(I) on-going activities; and

5 “(II) new cases, derived from his-
6 toric data.

7 “(B) The limitation in subparagraph (A)
8 of this paragraph shall not apply to obligations
9 during the first fiscal year during which
10 amounts are credited to the Fund.

11 “(6) FUND MANAGER.—The Secretary shall
12 designate a Fund manager, who shall—

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

15 “(B) prepare the report required pursuant
16 to paragraph (5) of this subsection; and

17 “(C) monitor the unobligated balance of
18 the Fund and provide notice to the Secretary
19 and the Attorney General whenever the unobli-
20 gated balance of the Fund is less than
21 \$5,000,000.

22 “(c) REIMBURSEMENTS—

23 “(1) RECOVERY.—Any shipowner—

24 “(A)(i) who, during the course of an inves-
25 tigation, reporting, documentation, or adjudica-

1 tion of any matter that the Coast Guard re-
2 ferred to a United States Attorney or the Attor-
3 ney General, fails to provide necessary support
4 of a seafarer who has been paroled into the
5 United States to facilitate the investigation, re-
6 porting, documentation, or adjudication, and

7 “(ii) against whom a criminal penalty is
8 subsequently imposed, or

9 “(B) who, under any circumstance, aban-
10 dons a seafarer in the United States, as deter-
11 mined by the Secretary,

12 shall reimburse the Fund an amount equal to the
13 total amount paid from the Fund for necessary sup-
14 port of the seafarer, plus a surcharge of 25 per cent
15 of such total amount.

16 “(2) ENFORCEMENT.—If a shipowner fails to
17 reimburse the Fund as required under paragraph
18 (1) of this subsection, the Secretary may—

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

22 “(B) withhold or revoke the clearance, re-
23 quired by section 60105 of title 46, of any ves-
24 sel of the shipowner wherever such vessel is
25 found.

1 “(3) CLEARANCE.—Whenever clearance is with-
2 held or revoked pursuant to paragraph (2)(B) of this
3 subsection, clearance may be granted if the ship-
4 owner reimburses the Fund the amount required
5 under paragraph (1) of this subsection.

6 “(d) DEFINITIONS.—In this section:

7 “(1) ABANDONS; ABANDONED.—The term
8 ‘abandons’ or ‘abandoned’ means a shipowner’s uni-
9 lateral severance of ties with a seafarer or the ship-
10 owner’s failure to provide necessary support of a
11 seafarer;

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

17 “(A) provide necessary support of a sea-
18 farer who has or may have information perti-
19 nent to an investigation, reporting, documenta-
20 tion, or adjudication of any matter that is re-
21 lated to the administration or enforcement of
22 any treaty, law, or regulation by the Coast
23 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, but not limited to, the owner-
6 ship or operation of the vessel, or the authen-
7 ticity of documents and things from the vessel;

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

10 “(E) enter an appearance in Federal dis-
11 trict 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) make stipulations as to the authen-
17 ticity of certain documents in Federal district
18 court;

19 “(I) provide assurances that no discrimina-
20 tory or retaliatory measures will be taken
21 against a seafarer involved in an investigation,
22 reporting, documentation, or adjudication of
23 any matter that is related to the administration
24 or enforcement of any treaty, law, or regulation
25 by 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 deems necessary to
6 ensure the Government is not prejudiced by
7 granting the clearance required by section
8 60105 of title 46.

9 “(3) FUND.—The term ‘Fund’ means the Sup-
10 port of Seafarers Fund, established by subsection
11 (b);

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

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

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

1 “(7) VESSEL SUBJECT TO THE JURISDICTION
2 OF THE UNITED STATES.—The term ‘vessel subject
3 to the jurisdiction of the United States’ has the
4 same meaning it has in section 70502(c) of title 46,
5 except that it excludes a vessel owned or bareboat
6 chartered and operated by the United States, by a
7 State or political subdivision thereof, or by a foreign
8 nation, except when such vessel is engaged in com-
9 merce.

10 “(e) REGULATIONS.—The Secretary is authorized to
11 promulgate regulations to implement this subsection.

12 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to the Fund \$1,500,000
14 for each of fiscal years 2009, 2010, and 2011.”.

15 (b) CLERICAL AMENDMENT.—The chapter analysis
16 for chapter 5 of such title is amended by inserting after
17 the item relating to section 89 the following:

 “89a. Protection and fair treatment of seafarers”.

18 **SEC. 917. ICEBREAKERS.**

19 (a) IN GENERAL.—The Secretary of the department
20 in which the Coast Guard is operating shall acquire or
21 construct 2 polar icebreakers for operation by the Coast
22 Guard in addition to its existing fleet of polar icebreakers.

23 (b) NECESSARY MEASURES.—The Secretary shall
24 take all necessary measures, including the provision of

1 necessary operation and maintenance funding, to ensure
2 that—

3 (1) the Coast Guard maintains, at a minimum,
4 its current vessel capacity for carrying out ice break-
5 ing in the Arctic and Antarctic, Great Lakes, and
6 New England regions; and

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

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

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated for fiscal year 2008 to
17 the Secretary of the department in which the Coast Guard
18 is operating such sums as may be necessary to acquire
19 the icebreakers authorized by subsection (a), as well as
20 maintaining and operating the icebreaker fleet as author-
21 ized in subsection (b).

22 **SEC. 918. FUR SEAL ACT AUTHORIZATION.**

23 Section 206(c)(1) of the Fur Seal Act of 1966 (16
24 U.S.C. 1166(c)(1)) is amended by striking “and 2007”
25 and inserting “2007, 2008, and 2009”.

1 **SEC. 919. STUDY OF RELOCATION OF COAST GUARD SEC-**
2 **TOR BUFFALO FACILITIES.**

3 (a) PURPOSES.—The purposes of this section are—

4 (1) to authorize a project study to evaluate the
5 feasibility of consolidating and relocating Coast
6 Guard facilities at Coast Guard Sector Buffalo with-
7 in the study area;

8 (2) to obtain a preliminary plan for the design,
9 engineering, and construction for the consolidation
10 of Coast Guard facilities at Sector Buffalo; and

11 (3) to distinguish what Federal lands, if any,
12 shall be identified as excess after the consolidation.

13 (b) DEFINITIONS.—In this section:

14 (1) COMMANDANT.—The term “Commandant”
15 means the Commandant of the Coast Guard.

16 (2) SECTOR BUFFALO.—The term “Sector Buf-
17 falo” means Coast Guard Sector Buffalo of the
18 Ninth Coast Guard District.

19 (3) STUDY AREA.—The term “study area”
20 means the area consisting of approximately 31 acres
21 of real property and any improvements thereon that
22 are commonly identified as Coast Guard Sector Buf-
23 falo, located at 1 Fuhrmann Boulevard, Buffalo,
24 New York, and under the administrative control of
25 the Coast Guard.

26 (c) STUDY.—

1 (1) IN GENERAL.—Within 12 months after the
2 date on which funds are first made available to carry
3 out this section, the Commandant shall conduct a
4 project proposal report of the study area and shall
5 submit such report to the Committee on Commerce,
6 Science, and Transportation of the Senate and the
7 Committee on Transportation and Infrastructure of
8 the House of Representatives.

9 (2) REQUIREMENTS.—The project proposal re-
10 port shall—

11 (A) evaluate the most cost-effective method
12 for providing shore facilities to meet the oper-
13 ational requirements of Sector Buffalo;

14 (B) determine the feasibility of consoli-
15 dating and relocating shore facilities on a por-
16 tion of the existing site, while—

17 (i) meeting the operational require-
18 ments of Sector Buffalo; and

19 (ii) allowing the expansion of oper-
20 ational requirements of Sector Buffalo;
21 and

22 (C) contain a preliminary plan for the de-
23 sign, engineering, and construction of the pro-
24 posed project, including—

1 (i) the estimated cost of the design,
2 engineering, and construction of the pro-
3 posed project;

4 (ii) an anticipated timeline of the pro-
5 posed project; and

6 (iii) a description of what Federal
7 lands, if any, shall be considered excess to
8 Coast Guard needs.

9 (d) LIMITATION.—Nothing in this section shall affect
10 the current administration and management of the study
11 area.

12 **SEC. 920. INSPECTOR GENERAL REPORT ON COAST GUARD**
13 **DIVE PROGRAM.**

14 (a) INSPECTOR GENERAL REPORT.—Within 1 year
15 after the date of enactment of this Act, the Inspector Gen-
16 eral of the Department of Homeland Security shall submit
17 a report to the Senate Committee on Commerce, Science,
18 and Transportation and the House of Representatives
19 Committee on Transportation and Infrastructure on the
20 circumstances surrounding the accidental death of Coast
21 Guard crew members on a training dive while serving
22 aboard the Coast Guard icebreaker HEALY on August
23 17, 2006. The Inspector General shall include in the re-
24 port—

1 (1) a description of programmatic changes
2 made by the Coast Guard in its dive program in re-
3 sponse to the accident;

4 (2) an evaluation of whether those changes are
5 effective and are sufficient to prevent similar acci-
6 dents; and

7 (3) recommendations for further improvement
8 in the safety of the dive program.

9 (b) HILL-DUQUE COAST GUARD DIVE PROGRAM RE-
10 PORT.—Within 6 months after the date of enactment of
11 this Act, the Inspector General shall submit an interim
12 report to the Committees describing the progress made in
13 preparing the report required by subsection (a).

○