

Calendar No. 432

110TH CONGRESS
1ST SESSION**S. 1778****[Report No. 110–200]**

To authorize certain activities of the Maritime Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 12, 2007

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

OCTOBER 19, 2007

Reported by Mr. INOUE, with amendments

[Omit the part struck through and insert the part printed in *italie*]**A BILL**

To authorize certain activities of the Maritime Administration, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Maritime Administration Authorities Act of 2007”.

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

Sec. 1. Short title; table of contents.

TITLE I—MARITIME ADMINISTRATION

Sec. 101. Authorization of appropriations for fiscal year 2008.
 Sec. 102. Commercial vessel chartering authority.
 Sec. 103. Maritime Administration vessel chartering authority.
 Sec. 104. Chartering to state and local governmental instrumentalities.
 Sec. 105. Disposal of obsolete government vessels.
 Sec. 106. Vessel transfer authority.
 Sec. 107. Sea trials for ready reserve force.
 Sec. 108. Review of applications for loans and guarantees.

TITLE II—TECHNICAL CORRECTIONS

Sec. 201. Statutory construction.
 Sec. 202. Personal injury to or death of seamen.
 Sec. 203. Amendments to chapter 537 based on Public Law 109–163.
 Sec. 204. Additional amendments based on Public Law 109–163.
 Sec. 205. Amendments based on Public Law 109–171.
 Sec. 206. Amendments based on Public Law 109–241.
 Sec. 207. Amendments based on Public Law 109–364.
 Sec. 208. Miscellaneous amendments.
 Sec. 209. Application of sunset provision to codified provision.
 Sec. 210. Additional Technical corrections.

TITLE I—MARITIME ADMINISTRATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2008.

Funds are hereby authorized to be appropriated for fiscal year 2008, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, \$122,890,545.

1 (2) For paying reimbursement under section
2 3517 of the Maritime Security Act of 2003 (46
3 U.S.C. 53101 note), \$19,500,000.

4 (3) For assistance to small shipyards and mari-
5 time communities under section 54101 of title 46,
6 United States Code, \$20,000,000.

7 (4) For expenses to dispose of obsolete vessels
8 in the National Defense Reserve Fleet, including
9 provision of assistance under section 7 of Public
10 Law 92–402, \$18,000,000.

11 (5) For the cost (as defined in section 502(5)
12 of the Federal Credit Reform Act of 1990 (2 U.S.C.
13 661a(5))) of loan guarantees under the program au-
14 thorized by chapter 537 of title 46, United States
15 Code, \$20,000,000.

16 (6) For administrative expenses related to the
17 implementation of the loan guarantee program
18 under chapter 537 of title 46, United States Code,
19 administrative expenses related to implementation of
20 the reimbursement program under section 3517 of
21 the Maritime Security Act of 2003 (46 U.S.C.
22 53101 note), and administrative expenses related to
23 the implementation of the small shipyards and mari-
24 time communities assistance program under section
25 54101 of title 46, United States Code, \$3,408,000.

1 **SEC. 102. COMMERCIAL VESSEL CHARTERING AUTHORITY.**

2 (a) IN GENERAL.—Subchapter III of chapter 575 of
3 title 46, United States Code, is amended by adding at the
4 end the following:

5 **“§ 57533. Vessel chartering authority**

6 “The Secretary of Transportation may enter into
7 contracts or other agreements on behalf of the United
8 States to purchase, charter, operate, or otherwise acquire
9 the use of any vessels *documented under chapter 121 of*
10 *this title* and any other related real or personal property.
11 The Secretary is authorized to use this authority as the
12 Secretary deems appropriate.”.

13 (b) CONFORMING AMENDMENT.—The chapter anal-
14 ysis for chapter 575 of such title is amended by adding
15 at the end the following:

“57533. Vessel chartering authority.”.

16 **SEC. 103. MARITIME ADMINISTRATION VESSEL CHAR-**
17 **TERING AUTHORITY.**

18 Section 50303 of title 46, United States Code, is
19 amended by—

- 20 (1) inserting “vessels,” after “piers,”; and
21 (2) by striking “control;” in subsection (a)(1)
22 and inserting “control, except that the prior consent
23 of the Secretary of Defense for such use shall be re-
24 quired with respect to any vessel in the Ready Re-
25 serve Force or in the National Defense Reserve

1 Fleet which is maintained in a retention status for
2 the Department of Defense;”.

3 **SEC. 104. CHARTERING TO STATE AND LOCAL GOVERN-**
4 **MENTAL INSTRUMENTALITIES.**

5 Section 11(b) of the Merchant Ship Sales Act of 1946
6 (50 U.S.C. App. 1744(b)), is amended—

7 (1) by striking “or” after the semicolon in
8 paragraph (3);

9 (2) by striking “Defense.” in paragraph (4) and
10 inserting “Defense; or”; and

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

12 “(5) on a reimbursable basis, for charter to the
13 government of any State, locality, or Territory of the
14 United States, except that the prior consent of the
15 Secretary of Defense for such use shall be required
16 with respect to any vessel in the Ready Reserve
17 Force or in the National Defense Reserve Fleet
18 which is maintained in a retention status for the De-
19 partment of Defense.”.

20 **SEC. 105. DISPOSAL OF OBSOLETE GOVERNMENT VESSELS.**

21 Section 6(c)(1) of the National Maritime Heritage
22 Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

23 (1) by inserting “(either by sale or purchase of
24 disposal services)” after “shall dispose”; and

1 (2) by striking subparagraph (A) of paragraph
2 (1) and inserting the following:

3 “(A) in accordance with a priority system
4 for disposing of vessels, as determined by the
5 Secretary, which shall include provisions requir-
6 ing the Maritime Administration to—

7 “(i) dispose of all deteriorated high
8 priority ships that are available for dis-
9 posal, within 12 months of their designa-
10 tion as such; and

11 “(ii) give priority to the disposition of
12 those vessels that pose the most significant
13 danger to the environment or cost the most
14 to ~~maintain~~ *maintain*.”.

15 **SEC. 106. VESSEL TRANSFER AUTHORITY.**

16 Section 50304 of title 46, United States Code, is
17 amended by adding at the end thereof the following:

18 “(d) VESSEL CHARTERS TO OTHER DEPART-
19 MENTS.—On a reimbursable or ~~non-reimbursable~~ *non-*
20 *reimbursable* basis, as determined by the Secretary of
21 Transportation, the Secretary may charter or otherwise
22 make available a vessel under the jurisdiction of the Sec-
23 retary to any other department, upon the request by the
24 Secretary of the department that receives the vessel. The
25 prior consent of the Secretary of Defense for such use

1 shall be required with respect to any vessel in the Ready
 2 Reserve Force or in the National Defense Reserve Fleet
 3 which is maintained in a retention status for the Depart-
 4 ment of Defense.”.

5 **SEC. 107. SEA TRIALS FOR READY RESERVE FORCE.**

6 Section 11(c)(1)(B) of the Merchant Ship Sales Act
 7 of 1946 (50 U.S.C. App. 1744(c)(1)(B)) is amended to
 8 read as follows:

9 “(B) activate and conduct sea trials on
 10 each vessel at least once every 30 months;”.

11 **SEC. 108. REVIEW OF APPLICATIONS FOR LOANS AND GUAR-**
 12 **ANTEES.**

13 (a) *PLAN.*—*Within 180 days after the date of enact-*
 14 *ment of this Act, the Administrator of the Maritime Admin-*
 15 *istration shall develop a comprehensive plan for the review*
 16 *of traditional applications and non-traditional applica-*
 17 *tions.*

18 (b) *INCLUSIONS.*—*The comprehensive plan shall in-*
 19 *clude a description of the application review process that*
 20 *shall not exceed 90 days for review of traditional applica-*
 21 *tions.*

22 (c) *REPORT TO CONGRESS.*—*The Administrator shall*
 23 *submit a report describing the comprehensive plan to the*
 24 *Senate Committee on Commerce, Science, and Transpor-*

1 *tation and the House of Representatives Committee on*
 2 *Armed Forces.*

3 *(d) DEFINITIONS.—In this section:*

4 *(1) NONTRADITIONAL APPLICATION.—The term*
 5 *“nontraditional application” means an application*
 6 *for a loan, guarantee, or a commitment to guarantee*
 7 *submitted pursuant to chapter 537 of title 46, United*
 8 *States Code, that is not a traditional application, as*
 9 *determined by the Administrator.*

10 *(2) TRADITIONAL APPLICATION.—The term “tra-*
 11 *ditional application” means an application for a*
 12 *loan, guarantee, or a commitment to guarantee sub-*
 13 *mitted pursuant to chapter 537 of title 46, United*
 14 *States Code, that involves a market, technology, and*
 15 *financial structure of a type that has been approved*
 16 *in such an application multiple times before the date*
 17 *of enactment of this Act without default or unreason-*
 18 *able risk to the United States, as determined by the*
 19 *Administrator.*

20 **TITLE II—TECHNICAL**

21 **CORRECTIONS**

22 **SEC. 201. STATUTORY CONSTRUCTION.**

23 The amendments made by this title make no sub-
 24 stantive change in existing law and may not be construed
 25 as making a substantive change in existing law.

1 **SEC. 202. PERSONAL INJURY TO OR DEATH OF SEAMEN.**

2 (a) AMENDMENT.—Section 30104 of title 46, United
3 States Code, is amended by striking subsections (a) and
4 (b) and inserting the following:

5 “(a) CAUSE OF ACTION.—A seaman injured in the
6 course of employment or, if the seaman dies from the in-
7 jury, the personal representative of the seaman may bring
8 an action against the employer. In such an action, the laws
9 of the United States regulating recovery for personal in-
10 jury to, or death of, a railway employee shall apply. Such
11 an action may be maintained in admiralty or, at the plain-
12 tiff’s election, as an action at law, with the right of trial
13 by jury.

14 “(b) VENUE.—When the plaintiff elects to maintain
15 an action at law, venue shall be in the judicial district in
16 which the employer resides or the employer’s principal of-
17 fice is located.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall be effective as if included in the enact-
20 ment of Public Law 109–304.

21 **SEC. 203. AMENDMENTS TO CHAPTER 537 BASED ON PUB-**
22 **LIC LAW 109–163.**

23 (a) AMENDMENTS.—Title 46, United States Code, is
24 amended as follows:

25 (1) Section 53701 is amended by—

1 (A) redesignating paragraphs (2) through
2 (13) as paragraphs (3) through (14), respec-
3 tively;

4 (B) inserting after paragraph (1) the fol-
5 lowing:

6 “(2) ADMINISTRATOR.—The term ‘Adminis-
7 trator’ means the Administrator of the Maritime Ad-
8 ministration.”; and

9 (C) striking paragraph (13) (as redesign-
10 nated) and inserting the following:

11 “(13) SECRETARY.—The term ‘Secretary’
12 means the Secretary of Commerce with respect to
13 fishing vessels and fishery facilities.”.

14 (2) Section 53706(c) is amended to read as fol-
15 lows:

16 “(c) PRIORITIES FOR CERTAIN VESSELS.—

17 “(1) VESSELS.—In guaranteeing or making a
18 commitment to guarantee an obligation under this
19 chapter, the Administrator shall give priority to—

20 “(A) a vessel that is otherwise eligible for
21 a guarantee and is constructed with assistance
22 under subtitle D of the Maritime Security Act
23 of 2003 (46 U.S.C. 53101 note); and

1 “(B) after applying subparagraph (A), a
2 vessel that is otherwise eligible for a guarantee
3 and that the Secretary of Defense determines—

4 “(i) is suitable for service as a naval
5 auxiliary in time of war or national emer-
6 gency; and

7 “(ii) meets a shortfall in sealift capac-
8 ity or capability.

9 “(2) TIME FOR DETERMINATION.—The Sec-
10 retary of Defense shall determine whether a vessel
11 satisfies paragraph (1)(B) not later than 30 days
12 after receipt of a request from the Administrator for
13 such a determination.”.

14 (3) Section 53707 is amended—

15 (A) by inserting “or Administrator” in
16 subsections (a) and (d) after “Secretary” each
17 place it appears;

18 (B) by striking “Secretary of Transpor-
19 tation” in subsection (b) and inserting “Admin-
20 istrator”;

21 (C) by striking “of Commerce” in sub-
22 section (c); and

23 (D) in subsection (d)(2), by—

1 (i) inserting “if the Secretary or Ad-
 2 ministrator considers necessary,” before
 3 “the waiver”; and

4 (ii) striking “the increased” and in-
 5 serting “any significant increase in”.

6 (4) Section 53708 is amended—

7 (A) by striking “SECRETARY OF TRANS-
 8 PORTATION” in the heading of subsection (a)
 9 and inserting “ADMINISTRATOR”;

10 (B) by striking “Secretary” and “Sec-
 11 retary of Transportation” each place they ap-
 12 pear in subsection (a) and inserting “Adminis-
 13 trator”;

14 (C) by striking “OF COMMERCE” in the
 15 heading of subsection (b);

16 (D) by striking “of Commerce” in sub-
 17 sections (b) and (c);

18 (E) in subsection (d), by—

19 (i) inserting “or Administrator” after
 20 “Secretary” the first place it appears; and

21 (ii) striking “financial structures, or
 22 other risk factors identified by the Sec-
 23 retary. Any independent analysis con-
 24 ducted under this subsection shall be per-
 25 formed by a party chosen by the Sec-

retary.” and inserting “or financial structures. A third party independent analysis conducted under this subsection shall be performed by a private sector expert in assessing such risk factors who is selected by the Secretary or Administrator.”; and

(F) in subsection (e), by—

(i) inserting “or Administrator” after “Secretary” the first place it appears; and

(ii) striking “financial structures, or other risk factors identified by the Secretary” and inserting “or financial structures”.

(5) Section 53710(b)(1) is amended by striking “Secretary’s” and inserting “Administrator’s”.

(6) Section 53712(b) is amended by striking the last sentence and inserting “If the Secretary or Administrator has waived a requirement under section 53707(d) of this title, the loan agreement shall include requirements for additional payments, collateral, or equity contributions to meet the waived requirement upon the occurrence of verifiable conditions indicating that the obligor’s financial condition enables the obligor to meet the waived requirement.”.

1 (7) Subsections (c) and (d) of section 53717
2 are each amended—

3 (A) by striking “OF COMMERCE” in the
4 subsection heading; and

5 (B) by striking “of Commerce” each place
6 it appears.

7 (8) Section 53732(e)(2) is amended by insert-
8 ing “of Defense” after “Secretary” the second place
9 it appears.

10 (9) The following provisions are amended by
11 striking “Secretary” and “Secretary of Transpor-
12 tation” and inserting “Administrator”:

13 (A) Section 53710(b)(2)(A)(i).

14 (B) Section 53717(b) each place it appears
15 in a heading and in text.

16 (C) Section 53718.

17 (D) Section 53731 each place it appears,
18 except where “Secretary” is followed by “of En-
19 ergy”.

20 (E) Section 53732 (as amended by para-
21 graph (8)) each place it appears, except where
22 “Secretary” is followed by “of the Treasury”,
23 “of State”, or “of Defense”.

24 (F) Section 53733 each place it appears.

1 (10) The following provisions are amended by
 2 inserting “or Administrator” after “Secretary” each
 3 place it appears in headings and text, except where
 4 “Secretary” is followed by “of Transportation” or
 5 “of the Treasury”:

6 (A) The items relating to sections 53722
 7 and 53723 in the chapter analysis for chapter
 8 537.

9 (B) Sections 53701(1), (4), and (9) (as re-
 10 designated by paragraph (1)(A)), 53702(a),
 11 53703, 53704, 53706(a)(3)(B)(iii),
 12 53709(a)(1), (b)(1) and (2)(A), and (d),
 13 53710(a) and (c), 53711, 53712 (except in the
 14 last sentence of subsection (b) as amended by
 15 paragraph (6)), 53713 to 53716, 53721 to
 16 53725, and 53734.

17 (11) Sections 53715(d)(1), 53716(d)(3),
 18 53721(c), 53722(a)(1) and (b)(1)(B), and 53724(b)
 19 are amended by inserting “or Administrator’s” after
 20 “Secretary’s”.

21 (b) REPEAL OF SUPERSEDED AMENDMENTS.—Sec-
 22 tion 3507 (except subsection (c)(4)) of the National De-
 23 fense Authorization Act for Fiscal Year 2006 (Public Law
 24 109–163) is repealed.

1 **SEC. 204. ADDITIONAL AMENDMENTS BASED ON PUBLIC**
2 **LAW 109-163.**

3 (a) AMENDMENTS.—Title 46, United States Code, is
4 amended as follows:

5 (1) Chapters 513 and 515 are amended by
6 striking “Naval Reserve” each place it appears in
7 analyses, headings, and text and inserting “Navy
8 Reserve”.

9 (2) Section 51504(f) is amended to read as fol-
10 lows:

11 “(f) FUEL COSTS.—

12 “(1) IN GENERAL.—Subject to the availability
13 of appropriations, the Secretary shall pay to each
14 State maritime academy the costs of fuel used by a
15 vessel provided under this section while used for
16 training.

17 “(2) MAXIMUM AMOUNTS.—The amount of the
18 payment to a State maritime academy under para-
19 graph (1) may not exceed—

20 “(A) \$100,000 for fiscal year 2006;

21 “(B) \$200,000 for fiscal year 2007; and

22 “(C) \$300,000 for fiscal year 2008 and
23 each fiscal year thereafter.”.

24 (3) Section 51505(b)(2)(B) is amended by
25 striking “\$200,000” and inserting “\$300,000 for
26 fiscal year 2006, \$400,000 for fiscal year 2007, and

1 \$500,000 for fiscal year 2008 and each fiscal year
2 thereafter”.

3 (4) Section 51701(a) is amended by striking
4 “of the United States.” and inserting “of the United
5 States and to perform functions to assist the United
6 States merchant marine, as determined necessary by
7 the Secretary.”.

8 (5)(A) Section 51907 is amended to read as fol-
9 lows:

10 **“§ 51907. Provision of decorations, medals, and re-**
11 **placements**

12 “The Secretary of Transportation may provide—

13 “(1) the decorations and medals authorized by
14 this chapter and replacements for those decorations
15 and medals; and

16 “(2) replacements for decorations and medals
17 issued under a prior law.”.

18 (B) The item relating to section 51907 in the
19 chapter analysis for chapter 519 is amended to read
20 as follows:

“51907. Provision of decorations, medals, and replacements.”.

21 (6)(A) The following new chapter is inserted
22 after chapter 539:

23 **“CHAPTER 541—MISCELLANEOUS**

“Sec.

“54101. Assistance for small shipyards and maritime communities.”.

1 (B) Section 3506 of the National Defense Au-
 2 thorization Act for Fiscal Year 2006 (46 U.S.C.
 3 53101 note) is transferred to and redesignated as
 4 section 54101 of title 46, United States Code, to ap-
 5 pear at the end of chapter 541 of title 46, as in-
 6 serted by subparagraph (A).

7 (C) The heading of such section, as transferred
 8 by subparagraph (B), is amended to read as follows:
 9 **“§ 54101. Assistance for small shipyards and maritime**
 10 **communities”.**

11 *(D) Paragraph (1) of subsection (h) of such sec-*
 12 *tion, as transferred by subparagraph (B), is amended*
 13 *by striking “(15 U.S.C. 632);” and inserting “(15*
 14 *U.S.C. 632));”.*

15 ~~(D)~~ (E) The table of chapters at the beginning
 16 of subtitle V is amended by inserting after the item
 17 relating to chapter 539 the following new item:

“541. Miscellaneous 54101”.

18 (b) REPEAL OF SUPERSEDED AMENDMENTS.—Sec-
 19 tions 515(g)(2), 3502, 3509, and 3510 of the National
 20 Defense Authorization Act for Fiscal Year 2006 (Public
 21 Law 109–163) are repealed.

22 **SEC. 205. AMENDMENTS BASED ON PUBLIC LAW 109–171.**

23 (a) AMENDMENTS.—Section 60301 of title 46,
 24 United States Code, is amended—

1 (1) by striking “2 cents per ton (but not more
 2 than a total of 10 cents per ton per year)” in sub-
 3 section (a) and inserting “4.5 cents per ton, not to
 4 exceed a total of 22.5 cents per ton per year, for fis-
 5 cal years 2006 through 2010, and 2 cents per ton,
 6 not to exceed a total of 10 cents per ton per year,
 7 for each fiscal year thereafter,”; and

8 (2) by striking “6 cents per ton (but not more
 9 than a total of 30 cents per ton per year)” in sub-
 10 section (b) and inserting “13.5 cents per ton, not to
 11 exceed a total of 67.5 cents per ton per year, for fis-
 12 cal years 2006 through 2010, and 6 cents per ton,
 13 not to exceed a total of 30 cents per ton per year,
 14 for each fiscal year thereafter,”.

15 (b) REPEAL OF SUPERSEDED AMENDMENTS.—Sec-
 16 tion 4001 of the Deficit Reduction Act of 2005 (Public
 17 Law 109–171) is repealed.

18 **SEC. 206. AMENDMENTS BASED ON PUBLIC LAW 109–241.**

19 (a) AMENDMENTS.—Title 46, United States Code, is
 20 amended as follows:

21 (1) Section 12111 is amended by adding at the
 22 end the following:

23 “(d) ACTIVITIES INVOLVING MOBILE OFFSHORE
 24 DRILLING UNITS.—

1 “(1) IN GENERAL.—Only a vessel for which a
2 certificate of documentation with a registry endorse-
3 ment is issued may engage in—

4 “(A) the setting, relocation, or recovery of
5 the anchors or other mooring equipment of a
6 mobile offshore drilling unit that is located over
7 the outer Continental Shelf (as defined in sec-
8 tion 2(a) of the Outer Continental Shelf Lands
9 Act (43 U.S.C. 1331(a))); or

10 “(B) the transportation of merchandise or
11 personnel to or from a point in the United
12 States from or to a mobile offshore drilling unit
13 located over the outer Continental Shelf that is
14 not attached to the seabed.

15 “(2) COASTWISE TRADE NOT AUTHORIZED.—
16 Nothing in paragraph (1) authorizes the employment
17 in the coastwise trade of a vessel that does not meet
18 the requirements of section 12112 of this title.”.

19 (2) Section 12139(a) is amended by striking
20 “and charterers” and inserting “charterers, and
21 mortgagees”.

22 (3) Section 51307 is amended—

23 (A) by striking “and” at the end of para-
24 graph (2);

1 (B) by striking “organizations.” in para-
2 graph (3) and inserting “organizations; and”;
3 and

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

5 “(4) on any other vessel considered by the Sec-
6 retary to be necessary or appropriate or in the na-
7 tional interest.”.

8 (4) Section 55105(b)(3) is amended by striking
9 “Secretary of the department in which the Coast
10 Guard is operating” and inserting “Secretary of
11 Homeland Security”.

12 (5) Section 70306(a) is amended by striking
13 “Not later than February 28 of each year, the Sec-
14 retary shall submit a report” and inserting “The
15 Secretary shall submit an annual report”.

16 (6) Section 70502(d)(2) is amended to read as
17 follows:

18 “(2) RESPONSE TO CLAIM OF REGISTRY.—The
19 response of a foreign nation to a claim of registry
20 under paragraph (1)(A) or (C) may be made by
21 radio, telephone, or similar oral or electronic means,
22 and is proved conclusively by certification of the Sec-
23 retary of State or the Secretary’s designee.”.

24 (b) REPEAL OF SUPERSEDED AMENDMENTS.—Sec-
25 tions 303, 307, 308, 310, 901(q), and 902(o) of the Coast

1 Guard and Maritime Transportation Act of 2006 (Public
2 Law 109–241) are repealed.

3 **SEC. 207. AMENDMENTS BASED ON PUBLIC LAW 109–364.**

4 (a) UPDATING OF CROSS REFERENCES.—Section
5 1017(b)(2) of the John Warner National Defense Author-
6 ization Act for Fiscal Year 2007 (Public Law 109–364,
7 10 U.S.C. 2631 note) is amended by striking “section 27
8 of the Merchant Marine Act, 1920 (46 U.S.C. 883), sec-
9 tion 12106 of title 46, United States Code, and section
10 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)” and
11 inserting “sections 12112, 50501, and 55102 of title 46,
12 United States Code”.

13 (b) SECTION 51306(e).—

14 (1) IN GENERAL.—Section 51306 of title 46,
15 United States Code, is amended by adding at the
16 end the following:

17 “(e) ALTERNATIVE SERVICE.—

18 “(1) SERVICE AS COMMISSIONED OFFICER.—An
19 individual who, for the 5-year period following grad-
20 uation from the Academy, serves as a commissioned
21 officer on active duty in an armed force of the
22 United States or as a commissioned officer of the
23 National Oceanic and Atmospheric Administration
24 or the Public Health Service shall be excused from

1 the requirements of paragraphs (3) through (5) of
 2 subsection (a).

3 “(2) MODIFICATION OR WAIVER.—The Sec-
 4 retary may modify or waive any of the terms and
 5 conditions set forth in subsection (a) through the
 6 imposition of alternative service requirements.”.

7 (2) APPLICATION.—Section 51306(e) of title
 8 46, United States Code, as added by paragraph (1),
 9 applies only to an individual who enrolls as a cadet
 10 at the United States Merchant Marine Academy,
 11 and signs an agreement under section 51306(a) of
 12 title 46, after October 17, 2006.

13 (c) SECTION 51306(f).—

14 (1) IN GENERAL.—Section 51306 of title 46,
 15 United States Code, is further amended by adding
 16 at the end the following:

17 “(f) SERVICE OBLIGATION PERFORMANCE REPORT-
 18 ING REQUIREMENT.—

19 “(1) IN GENERAL.—Subject to any otherwise
 20 applicable restrictions on disclosure in section 552a
 21 of title 5, the Secretary of Defense, the Secretary of
 22 the department in which the Coast Guard is oper-
 23 ating, the Administrator of the National Oceanic
 24 and Atmospheric Administration, and the Surgeon
 25 General of the Public Health Service—

1 “(A) shall report the status of obligated
 2 service of an individual graduate of the Acad-
 3 emy upon request of the Secretary; and

4 “(B) may, in their discretion, notify the
 5 Secretary of any failure of the graduate to per-
 6 form the graduate’s duties, either on active
 7 duty or in the Ready Reserve component of
 8 their respective service, or as a commissioned
 9 officer of the National Oceanic and Atmos-
 10 pheric Administration or the Public Health
 11 Service, respectively.

12 “(2) INFORMATION TO BE PROVIDED.—A re-
 13 port or notice under ~~subparagraph (A)~~ *paragraph*
 14 (1) shall identify any graduate determined to have
 15 failed to comply with service obligation requirements
 16 and provide all required information as to why such
 17 graduate failed to comply.

18 “(3) CONSIDERED AS IN DEFAULT.—Upon re-
 19 ceipt of such a report or notice, such graduate may
 20 be considered to be in default of the graduate’s serv-
 21 ice obligations by the Secretary, and subject to all
 22 remedies the Secretary may have with respect to
 23 such a default.”.

24 (2) APPLICATION.—Section 51306(f) of title
 25 46, United States Code, as added by paragraph (1),

1 does not apply with respect to an agreement entered
2 into under section 51306(a) of title 46, United
3 States Code, before October 17, 2006.

4 (d) SECTION 51509(c).—Section 51509(c) of title 46,
5 United States Code, is amended—

6 (1) by striking “MIDSHIPMAN AND” in the sub-
7 section heading and “midshipman and” in the text;
8 and

9 (2) inserting “or the Coast Guard Reserve”
10 after “Reserve”).

11 (e) SECTION 51908(a).—Section 51908(a) of title 46,
12 United States Code, is amended by striking “under this
13 chapter” and inserting “by this chapter or the Secretary
14 of Transportation”.

15 (f) SECTION 53105(e)(2).—Section 53105(e)(2) of
16 title 46, United States Code, is amended by striking “sec-
17 tion 2 of the Shipping Act, 1916 (46 U.S.C. App. 802),”
18 and inserting “section 50501 of this title”.

19 (g) REPEAL OF SUPERSEDED AMENDMENTS.—Sec-
20 tions 3505, 3506, 3508, and 3510(a) and (b) of the John
21 Warner National Defense Authorization Act for Fiscal
22 Year 2007 (Public Law 109–364) are repealed.

1 **SEC. 208. MISCELLANEOUS AMENDMENTS.**

2 (a) DELETION OF OBSOLETE REFERENCE TO CAN-
3 TON ISLAND.—Section 55101(b) of title 46, United States
4 Code, is amended—

5 (1) by inserting “or” after the semicolon at the
6 end of paragraph (2);

7 (2) by striking paragraph (3); and

8 (3) by redesignating paragraph (4) as para-
9 graph (3).

10 (b) IMPROVEMENT OF HEADING.—Title 46, United
11 States Code, is amended as follows:

12 (1) The heading of section 55110 is amended
13 by inserting “**valueless material or**” before
14 “**dredged material**”.

15 (2) The item for section 55110 in the analysis
16 for chapter 551 is amended by inserting “valueless
17 material or” before “dredged material”.

18 (c) *OCEANOGRAPHIC RESEARCH VESSELS AND SAIL-*
19 *ING SCHOOL VESSELS.*—

20 (1) *Section 10101(3) of title 46, United States*
21 *Code, is amended by inserting “on an oceanographic*
22 *research vessel” after “scientific personnel”.*

23 (2) *Section 50503 of title 46, United States*
24 *Code, is amended by striking “An oceanographic re-*
25 *search vessel” and all that follows and inserting the*
26 *following:*

1 “(a) *DEFINITIONS.*—*In this section, the terms ‘oceanographic research vessel’ and ‘scientific personnel’ have the*
 2 *meaning given those terms in section 2101 of this title.*

4 “(b) *NOT SEAMEN.*—*Scientific personnel on an oceanographic research vessel are deemed not to be seamen under*
 5 *part G of subtitle II, section 30104, or chapter 303 of this*
 6 *title.*

8 “(c) *NOT ENGAGED IN TRADE OR COMMERCE.*—*An oceanographic research vessel is deemed not to be engaged*
 9 *in trade or commerce.”.*

11 (3) *Section 50504(b)(1) of title 46, United States*
 12 *Code, is amended by striking “parts B, F, and G of*
 13 *subtitle II” and inserting “part B, F, or G of subtitle*
 14 *II, section 30104, or chapter 303”.*

15 **SEC. 209. APPLICATION OF SUNSET PROVISION TO CODI-**
 16 **FIED PROVISION.**

17 For purposes of section 303 of the Jobs and Growth
 18 Tax Relief Reconciliation Act of 2003 (Public Law 108–
 19 27, 26 U.S.C. 1 note), the amendment made by section
 20 301(a)(2)(E) of that Act shall be deemed to have been
 21 made to section 53511(f)(2) of title 46, United States
 22 Code.

23 **SEC. 210. ADDITIONAL TECHNICAL CORRECTIONS.**

24 (a) *AMENDMENTS TO TITLE 46.*—Title 46, United
 25 States Code, is amended as follows:

1 (1) The analysis for chapter 21 is amended by
2 striking the item relating to section 2108.

3 (2) Section 12113(g) is amended by inserting
4 “and” after “Conservation”.

5 (3) Section 12131 is amended by striking
6 “commmand” and inserting “command”.

7 (b) AMENDMENTS TO PUBLIC LAW 109–304.—

8 (1) AMENDMENTS.—Public Law 109–304 is
9 amended as follows:

10 (A) Section 15(10) is amended by striking
11 “46 App. U.S.C.” and inserting “46 U.S.C.
12 App.”.

13 (B) Section 15(30) is amended by striking
14 “Shipping Act, 1936” and inserting “Shipping
15 Act, 1916”.

16 (C) The schedule of Statutes at Large re-
17 pealed in section 19, as it relates to the Act of
18 June 29, 1936, is amended by—

19 (i) striking the second section “1111”
20 (relating to 46 U.S.C. App. 1279f) and in-
21 serting section “1113”; and

22 (ii) striking the second section “1112”
23 (relating to 46 U.S.C. App. 1279g) and in-
24 serting section “1114”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall be effective as if included in
3 the enactment of Public Law 109–304.

4 (c) REPEAL OF DUPLICATIVE OR UNEXECUTABLE
5 AMENDMENTS.—

6 (1) REPEAL.—Sections 9(a), 15(21) and
7 (33)(A) through (D)(i), and 16(c)(2) of Public Law
8 109–304 are repealed.

9 (2) INTENDED EFFECT.—The provisions re-
10 pealed by paragraph (1) shall be treated as if never
11 enacted.

12 (d) LARGE PASSENGER VESSEL CREW REQUIRE-
13 MENTS.—Section 8103(k)(3)(C)(iv) of title 46, United
14 States Code, is amended by inserting “and section 252
15 of the Immigration and Nationality Act (8 U.S.C. 1282)”
16 after “of such section”.

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110TH CONGRESS
1ST Session

S. 1778

[Report No. 110-200]

A BILL

To authorize certain activities of the Maritime
Administration, and for other purposes.

OCTOBER 19, 2007
Reported with amendments