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110TH CONGRESS
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S. 1892

[Report No. 110-261]

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

IN THE SENATE OF THE UNITED STATES

JULY 26, 2007

Ms. CANTWELL (for herself, Ms. SNOWE, Mr. INOUE, Mr. STEVENS, Mr. LAUTENBERG, and Mr. LOTT) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

FEBRUARY 5, 2008

Reported by Mr. INOUE, with amendments

[Omit the part struck through and insert the part printed in italics]

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”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 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 ISPFPC 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. Conveyance of Point No Point historic lighthouse to Kitsap County, Washington.

Sec. 921. Facility security plans.

Sec. 922. Class action suits for crew wages on passenger vessels; deposit of seaman's wages.

~~Sec. 920.~~ *Sec. 923. Inspector General report on Coast Guard dive program.*

TITLE X—VESSEL CONVEYANCE

Sec. 1001. Short title.

Sec. 1002. Conveyance of United States vessels for public purposes.

Sec. 1003. Working group on conveyance of United States vessels.

Sec. 1004. Civil enforcement of conveyance conditions.

Sec. 1005. Definitions.

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-

1 fits and related costs of acquisition, construction,
2 and improvements shall be available for procurement
3 of services necessary to carry out the Integrated
4 Deepwater Systems program.

5 (3) For retired pay (including the payment of
6 obligations otherwise chargeable to lapsed appropria-
7 tions for this purpose), payments under the Retired
8 Serviceman's Family Protection and Survivor Ben-
9 efit Plans, and payments for medical care of retired
10 personnel and their dependents under chapter 55 of
11 title 10, United States Code, \$1,184,720,000.

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

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

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

20 (7) For the construction of a new Chelsea
21 Street Bridge in Chelsea, Massachusetts,
22 \$3,000,000.

1 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
2 **AND TRAINING.**

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

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

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

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

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

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

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

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

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

1 **TITLE II—ORGANIZATION**

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

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

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

8 **“§ 50. Vice admirals**

9 “(a)(1) The President may designate no more than
10 4 positions of importance and responsibility that shall be
11 held by officers who—

12 “(A) while so serving, shall have the grade of
13 vice admiral, with the pay and allowances of that
14 grade; and

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

17 “(2) The President may appoint, by and with the ad-
18 vice and consent of the Senate, and reappoint, by and with
19 the advice and consent of the Senate, to any such position
20 an officer of the Coast Guard who is serving on active
21 duty above the grade of captain. The Commandant shall
22 make recommendations for such appointments.

23 “(b)(1) The appointment and the grade of vice admi-
24 ral shall be effective on the date the officer assumes that
25 duty and, except as provided in paragraph (2) of this sub-

1 section or in section 51(d) of this title, shall terminate
2 on the date the officer is detached from that duty.

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

6 “(A) while under orders transferring the officer
7 to another position designated under subsection (a),
8 beginning on the date the officer is detached from
9 that duty and terminating on the date before the
10 day the officer assumes the subsequent duty, but not
11 for more than 60 days;

12 “(B) while hospitalized, beginning on the day of
13 the hospitalization and ending on the day the officer
14 is discharged from the hospital, but not for more
15 than 180 days; and

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

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

23 “(2) An officer serving in a grade above rear admiral
24 who holds the permanent grade of rear admiral (lower
25 half) shall be considered for promotion to the permanent

1 grade of rear admiral as if the officer was serving in the
2 officer's permanent grade.

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

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

9 (d) CONFORMING AMENDMENTS.—Section 51 of such
10 title is amended—

11 (1) by striking subsections (a), (b), and (c) and
12 inserting the following:

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

17 “(b) An officer, other than the Commandant, who is
18 retired while serving in the grade of admiral or vice admiral,
19 or who, after serving at least 2½ years in the grade
20 of admiral or vice admiral, is retired while serving in a
21 lower grade, may in the discretion of the President, be
22 retired with the highest grade in which that officer served.

23 “(c) An officer, other than the Commandant, who,
24 after serving less than 2½ years in the grade of admiral

1 or vice admiral, is retired while serving in a lower grade,
 2 shall be retired in his permanent grade.”; and

3 (2) by striking “Area Commander, or Chief of
 4 Staff” in subsection (d)(2) and inserting “or Vice
 5 Admiral”.

6 (e) CLERICAL AMENDMENTS.—

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

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

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

12 (A) by striking the item relating to section
 13 47 and inserting the following:

“47. Vice Commandant; appointment.”;

14 (B) by striking the item relating to section
 15 50a; and

16 (C) by striking the item relating to section
 17 50 and inserting the following:

“50. Vice admirals.”.

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

1 **SEC. 202. MERCHANT MARINER MEDICAL ADVISORY COM-**
2 **MITTEE.**

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

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

7 “(a) ESTABLISHMENT; MEMBERSHIP; STATUS.—

8 “(1) There is established a Merchant Mariner
9 Medical Advisory Committee.

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

12 “(A) 10 of whom shall be health-care pro-
13 fessionals with particular expertise, knowledge,
14 or experience regarding the medical examina-
15 tions of merchant mariners or occupational
16 medicine; and

17 “(B) 2 of whom shall be professional mari-
18 ners with knowledge and experience in mariner
19 occupational requirements.

20 “(3) Members of the Committee shall not be
21 considered Federal employees or otherwise in the
22 service or the employment of the Federal Govern-
23 ment, except that members shall be considered spe-
24 cial Government employees, as defined in section
25 202(a) of title 18 and any administrative standards

1 of conduct applicable to the employees of the depart-
2 ment in which the Coast Guard is operating.

3 “(b) APPOINTMENTS; TERMS; VACANCIES; ORGANI-
4 ZATION.—

5 “(1) The Secretary shall appoint the members
6 of the Committee, and each member shall serve at
7 the pleasure of the Secretary.

8 “(2) The members shall be appointed for a
9 term of 3 years, except that, of the members first
10 appointed, 3 members shall be appointed for a term
11 of 2 years and 3 members shall be appointed for a
12 term of 1 year.

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

17 “(4) The Secretary shall designate 1 member as
18 the Chairman and 1 member as the Vice Chairman.
19 The Vice Chairman shall act as Chairman in the ab-
20 sence or incapacity of, or in the event of a vacancy
21 in the office of, the Chairman.

22 “(5) No later than 6 months after the date of
23 enactment of the Coast Guard Authorization Act for
24 Fiscal Year 2008, the Committee shall hold its first
25 meeting.

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

3 “(1) medical certification determinations for
4 issuance of merchant mariner credentials;

5 “(2) medical standards and guidelines for the
6 physical qualifications of operators of commercial
7 vessels;

8 “(3) medical examiner education; and

9 “(4) medical research.

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

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

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

“55. Merchant Mariner Medical Advisory Committee.”.

1 **SEC. 203. AUTHORITY TO DISTRIBUTE FUNDS THROUGH**
2 **GRANTS, COOPERATIVE AGREEMENTS, AND**
3 **CONTRACTS TO MARITIME AUTHORITIES AND**
4 **ORGANIZATIONS.**

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

7 “(c) GRANTS TO INTERNATIONAL MARITIME ORGA-
8 NIZATIONS.—The Commandant may, after consultation
9 with the Secretary of State, make grants to, or enter into
10 cooperative agreements, contracts, or other agreements
11 with, international maritime organizations for the purpose
12 of acquiring information or data about merchant vessel in-
13 spections, security, safety and environmental require-
14 ments, classification, and port state or flag state law en-
15 forcement or oversight.”.

16 **SEC. 204. ASSISTANCE TO FOREIGN GOVERNMENTS AND**
17 **MARITIME AUTHORITIES.**

18 Section 149 of title 14, United States Code, as
19 amended by section 203, is further amended by adding
20 at the end the following:

21 “(d) AUTHORIZED ACTIVITIES.—

22 “(1) The Commandant may transfer or expend
23 funds from any appropriation available to the Coast
24 Guard for—

25 “(A) the activities of traveling contact
26 teams, including any transportation expense,

1 translation services expense, or administrative
2 expense that is related to such activities;

3 “(B) the activities of maritime authority li-
4 aison teams of foreign governments making re-
5 ciprocal visits to Coast Guard units, including
6 any transportation expense, translation services
7 expense, or administrative expense that is re-
8 lated to such activities;

9 “(C) seminars and conferences involving
10 members of maritime authorities of foreign gov-
11 ernments;

12 “(D) distribution of publications pertinent
13 to engagement with maritime authorities of for-
14 eign governments; and

15 “(E) personnel expenses for Coast Guard
16 civilian and military personnel to the extent
17 that those expenses relate to participation in an
18 activity described in subparagraph (C) or (D).

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

1 **TITLE III—PERSONNEL**

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

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

9 **SEC. 302. LEGAL ASSISTANCE FOR COAST GUARD RESERV-**
10 **ISTS.**

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

13 (1) by striking “(as determined by the Sec-
14 retary of Defense),” and inserting “(as determined
15 by the Secretary of Defense and the Secretary of the
16 department in which the Coast Guard is operating,
17 with respect to the Coast Guard when it is not oper-
18 ating as a service of the Navy),”; and

19 (2) by striking “prescribed by the Secretary of
20 Defense,” and inserting “prescribed by Secretary of
21 Defense and the Secretary of the department in
22 which the Coast Guard is operating, with respect to
23 the Coast Guard when it is not operating as a serv-
24 ice of the Navy,”.

1 **SEC. 303. REIMBURSEMENT FOR CERTAIN MEDICAL-RE-**
2 **LATED TRAVEL EXPENSES.**

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

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

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

8 “(2) In any case in which a covered beneficiary re-
9 sides on an INCONUS island that lacks public access
10 roads to the mainland and is referred by a primary care
11 physician to a specialty care provider on the mainland who
12 provides services less than 100 miles from the location in
13 which the beneficiary resides, the Secretary shall reim-
14 burse the reasonable travel expenses of the covered bene-
15 ficiary, and, when accompaniment by an adult is nec-
16 essary, for a parent or guardian of the covered beneficiary
17 or another member of the covered beneficiary’s family who
18 is at least 21 years of age.”.

19 **SEC. 304. NUMBER AND DISTRIBUTION OF COMMISSIONED**
20 **OFFICERS ON THE ACTIVE DUTY PROMOTION**
21 **LIST.**

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

24 (1) by striking subsections (a), (b), and (c) and
25 inserting the following:

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

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

10 “(1) 0.375 percent for rear admiral.

11 “(2) 0.375 percent for rear admiral (lower
12 half).

13 “(3) 6.0 percent for captain.

14 “(4) 15.0 percent for commander.

15 “(5) 22.0 percent for lieutenant commander.

16 The Secretary shall prescribe the percentages applicable
17 to the grades of lieutenant, lieutenant (junior grade), and
18 ensign. The Secretary may, as the needs of the Coast
19 Guard require, reduce any of the percentages set forth in
20 paragraphs (1) through (5) and apply that total percent-
21 age reduction to any other lower grade or combination of
22 lower grades.

23 “(c) The Secretary shall, at least once a year, com-
24 pute the total number of commissioned officers authorized
25 to serve in each grade by applying the grade distribution

1 percentages of this section to the total number of commis-
 2 sioned officers listed on the current active duty promotion
 3 list. In making such calculations, any fraction shall be
 4 rounded to the nearest whole number. The number of com-
 5 missioned officers on the active duty promotion list serving
 6 with other departments or agencies on a reimbursable
 7 basis or excluded under the provisions of section 324(d)
 8 of title 49, shall not be counted against the total number
 9 of commissioned officers authorized to serve in each
 10 grade.”;

11 (2) by striking subsection (e) and inserting the
 12 following:

13 “(e) The number of officers authorized to be serving
 14 on active duty in each grade of the permanent commis-
 15 sioned teaching staff of the Coast Guard Academy and
 16 of the Reserve serving in connection with organizing, ad-
 17 ministering, recruiting, instructing, or training the reserve
 18 components shall be prescribed by the Secretary.”; and

19 (3) by striking the caption of such section and
 20 inserting the following:

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

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

“42. Number and distribution of commissioned officers on the active duty promotion list.”.

1 **SEC. 305. RESERVE COMMISSIONED WARRANT OFFICER TO**
 2 **LIEUTENANT PROGRAM.**

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

5 “(a) The President may appoint temporary commis-
 6 sioned officers—

7 “(1) in the Regular Coast Guard in a grade,
 8 not above lieutenant, appropriate to their qualifica-
 9 tions, experience, and length of service, as the needs
 10 of the Coast Guard may require, from among the
 11 commissioned warrant officers, warrant officers, and
 12 enlisted members of the Coast Guard, and from li-
 13 censed officers of the United States merchant ma-
 14 rine; and

15 “(2) in the Coast Guard Reserve in a grade,
 16 not above lieutenant, appropriate to their qualifica-
 17 tions, experience, and length of service, as the needs
 18 of the Coast Guard may require, from among the
 19 commissioned warrant officers of the Coast Guard
 20 Reserve.”.

21 **SEC. 306. ENHANCED STATUS QUO OFFICER PROMOTION**
 22 **SYSTEM.**

23 (a) Section 253(a) of title 14, United States Code,
 24 is amended—

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

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

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

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

7 and

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

9 “(b) In addition to the information provided pursuant
10 to subsection (a), the Secretary may furnish the selection
11 board—

12 “(1) specific direction relating to the needs of
13 the service for officers having particular skills, in-
14 cluding direction relating to the need for a minimum
15 number of officers with particular skills within a
16 specialty; and

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

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

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

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

11 **SEC. 307. APPOINTMENT OF CIVILIAN COAST GUARD**
 12 **JUDGES.**

13 Section 875 of the Homeland Security Act of 2002
 14 (6 U.S.C. 455) is amended—

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

17 (2) by inserting after subsection (b) the fol-
 18 lowing:

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

1 **SEC. 308. COAST GUARD PARTICIPATION IN THE ARMED**
2 **FORCES RETIREMENT HOME SYSTEM.**

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

7 (1) by striking “does not include the Coast
8 Guard when it is not operating as a service of the
9 Navy.” in paragraph (4) and inserting “has the
10 meaning given such term in section 101(4) of title
11 10.”;

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

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

15 (4) by adding at the end of paragraph (5) the
16 following:

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

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

21 “(E) The Master Chief Petty Officer of the
22 Coast Guard.”.

23 (b) DEDUCTIONS.—

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

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

3 (B) by striking “Armed Forces Retirement
4 Home Board” in subsection (b) and inserting
5 “Chief Operating Officer of the Armed Forces
6 Retirement Home”; and

7 (C) by striking subsection (c).

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

10 (A) by striking “Armed Forces Retirement
11 Home Board,” in paragraph (3) and inserting
12 “Chief Operating Officer of the Armed Forces
13 Retirement Home,”; and

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

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

1 **TITLE IV—ADMINISTRATION**

2 **SEC. 401. COOPERATIVE AGREEMENTS FOR INDUSTRIAL**
 3 **ACTIVITIES.**

4 Section 151 of title 14, United States Code, is
 5 amended—

6 (1) by inserting “(a) IN GENERAL.—” before
 7 “*All orders*”; and

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

9 “(b) **ORDERS AND AGREEMENTS FOR INDUSTRIAL**
 10 **ACTIVITIES.**—Under this section, the Coast Guard indus-
 11 trial activities may accept orders and enter into reimburs-
 12 able agreements with establishments, agencies, and de-
 13 partments of the Department of Defense and the Depart-
 14 ment of Homeland Security.”.

15 **SEC. 402. DEFINING COAST GUARD VESSELS AND AIR-**
 16 **CRAFT.**

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

20 **“§ 638a. Coast Guard vessels and aircraft defined**

21 “*For the purposes of sections 637 and 638 of this*
 22 *title, the term Coast Guard vessels and aircraft means—*

23 “(1) any vessel or aircraft owned, leased, trans-
 24 ferred to, or operated by the Coast Guard and under
 25 the command of a Coast Guard member; ~~and~~ *or*

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

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

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

8 **SEC. 403. SPECIALIZED INDUSTRIAL FACILITIES.**

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

11 (1) by striking the section caption and inserting
12 the following:

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

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

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

17 “(b) PUBLIC-PRIVATE PARTNERSHIPS OR OTHER CO-
18 OPERATIVE ARRANGEMENTS.—

19 “(1) IN GENERAL.—For purposes of entering
20 into joint public-private partnerships or other coop-
21 erative arrangements for the performance of work to
22 provide supplies or services for government use, the
23 Coast Guard Yard, the Aviation Repair and Supply
24 Center, or other similar Coast Guard industrial es-
25 tablishments may—

1 “(A) enter into agreements or other ar-
2 rangements with public or private entities, for-
3 eign or domestic;

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

7 “(C) accept contributions of funds, mate-
8 rials, services, or the use of facilities from such
9 public or private entities, subject to regulations
10 promulgated by the Coast Guard.

11 “(2) ACCOUNTING FOR FUNDS RECEIVED.—
12 Amounts received under this subsection may be
13 credited to the Coast Guard Yard Revolving Fund or
14 other appropriate Coast Guard account.

15 “(3) REIMBURSEMENT.—Any partnership,
16 agreement, contract, or arrangement entered into
17 under this section shall require the private entity to
18 reimburse the Coast Guard for such entity’s propor-
19 tional share of the operating and capital costs of
20 maintaining and operating such facility, as deter-
21 mined by the Commandant of the Coast Guard.

22 “(4) NONINTERFERENCE.—No partnership,
23 agreement, contract, or arrangement entered into
24 under this section may interfere with the perform-

1 retary determines are suitable for use as Coast
2 Guard recreational facilities.”; and

3 (2) by striking “housing.” in subsection (b)(1)
4 and inserting “housing or facilities that the Sec-
5 retary determines are suitable for use as Coast
6 Guard recreational facilities”.

7 (c) LEASING OF HOUSING TO BE CONSTRUCTED.—
8 Section 683(a) of such title is amended by striking “units
9 or military unaccompanied housing units” and inserting
10 “units, military unaccompanied housing units, or Coast
11 Guard recreational facilities”.

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

14 (1) by striking “housing.” in subsection (a) and
15 inserting “housing or facilities that the Secretary de-
16 termines are suitable for use as Coast Guard rec-
17 reational facilities.”;

18 (2) by striking “construction of housing, means
19 the total amount of the costs included in the basis
20 of the housing” in subsection (b)(3) and inserting
21 “construction of housing or facilities, means the
22 total amount of the costs included in the basis of the
23 housing or facilities”; and

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

1 (e) DEPOSIT OF CERTAIN AMOUNTS IN COAST
2 GUARD HOUSING FUND.—Section 687 of such title is
3 amended—

4 (1) in subsection (b)—

5 (A) in paragraph (2), by striking “housing
6 or unaccompanied housing.” and inserting
7 “housing, military unaccompanied housing, or
8 Coast Guard recreational facilities.”; and

9 (B) in paragraph (3), by striking “and
10 military unaccompanied housing.” and inserting
11 “housing, military unaccompanied housing, and
12 Coast Guard recreational facilities.”; and

13 (2) by striking “family and military unaccom-
14 panied housing units” in subsection (c)(1) and in-
15 serting “family, military unaccompanied housing
16 units, and Coast Guard recreational facilities,”.

17 (f) REPORTS.—Section 688 of such title is amend-
18 ed—

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

22 (2) by striking “housing and military unaccom-
23 panied housing” in paragraph (4) and inserting
24 “housing, military unaccompanied housing, and
25 Coast Guard recreational facilities”.

1 (g) DEFINITIONS.—Section 680 of such title is
2 amended—

3 (1) by redesignating paragraphs (1) through
4 (5) as paragraphs (2) through (6), respectively;

5 (2) by inserting before paragraph (2), as reded-
6 igned by paragraph (1) of this subsection, the fol-
7 lowing:

8 “(1) The term ‘Coast Guard recreational facili-
9 ties’ means recreation lodging buildings, recreation
10 housing units, and ancillary supporting facilities con-
11 structed, maintained, and used by the Coast Guard
12 to provide rest and recreation amenities for military
13 personnel.”; and

14 (3) by striking “housing units and ancillary
15 supporting facilities or the improvement or rehabili-
16 tation of existing units” in paragraph (2), as reded-
17 igned by paragraph (1) of this subsection, and in-
18 serting “housing units or Coast Guard recreational
19 facilities and ancillary supporting facilities or the
20 improvement or rehabilitation of existing units or fa-
21 cilities”.

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

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

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

7 (1) by striking “of Transportation” in sections
8 31302, 31306, 31321, 31330, and 31343 each place
9 it appears;

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

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

14 (4) by adding at the end of section 31301 the
15 following:

16 “(7) ‘Secretary’ means the Secretary of the De-
17 partment of Homeland Security, unless otherwise
18 noted.”.

19 (b) SECRETARY AS MORTGAGEE.—Section 31308 of
20 such title is amended by striking “When the Secretary of
21 Commerce or Transportation is a mortgagee under this
22 chapter, the Secretary” and inserting “The Secretary of
23 Commerce or Transportation, as a mortgagee under this
24 chapter,”.

1 (c) SECRETARY OF TRANSPORTATION.—Section
 2 31329(d) of such title is amended by striking “Secretary.”
 3 and inserting “Secretary of Transportation.”.

4 (d) MORTGAGEE.—

5 (1) Section 31330(a)(1) of such title, as amend-
 6 ed by subsection (a)(1) of this section, is amended—

7 (A) by inserting “or” after the semicolon
 8 in subparagraph (B);

9 (B) by striking “Secretary; or” in subpara-
 10 graph (C) and inserting “Secretary.”; and

11 (C) by striking subparagraph (D).

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

13 (A) by inserting “or” after the semicolon
 14 in subparagraph (B);

15 (B) by striking “faith; or” in subpara-
 16 graph (C) and inserting “faith.”; and

17 (C) by striking subparagraph (D).

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

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

22 **“§ 70122. Regulations**

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

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

“70122. Regulations.”.

4 **SEC. 503. COAST GUARD TO MAINTAIN LORAN-C NAVIGA-**
 5 **TION SYSTEM.**

6 (a) IN GENERAL.—The Secretary of Transportation
 7 shall maintain the LORAN–C navigation system until
 8 such time as the Secretary is authorized by statute, explic-
 9 itly referencing this section, to cease operating the system.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There
 11 are authorized to be appropriated to the Secretary of
 12 Transportation, in addition to funds authorized under sec-
 13 tion 101 of this Act for the Coast Guard for operation
 14 of the LORAN–C system, for capital expenses related to
 15 the LORAN–C infrastructure, \$25,000,000 for each of
 16 fiscal years 2008 and 2009. The Secretary of Transpor-
 17 tation may transfer from the Federal Aviation Adminis-
 18 tration and other agencies of the Department of Transpor-
 19 tation such funds as may be necessary to reimburse the
 20 Coast Guard for related expenses.

21 **SEC. 504. NANTUCKET SOUND SHIP CHANNEL WEATHER**
 22 **BUOY.**

23 Within 180 days after the date of enactment of this
 24 Act, the National Weather Service shall deploy a weather

1 buoy adjacent to the main ship channel of Nantucket
2 Sound.

3 **SEC. 505. LIMITATION ON MARITIME LIENS ON FISHING**
4 **PERMITS.**

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

8 **“§ 31310. Limitation on maritime liens on fishing per-**
9 **mits**

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

12 “(1) authorizes use of a vessel to engage in
13 fishing; and

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

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

18 “(c) LIMITATION ON STATUTORY CONSTRUCTION.—
19 Nothing in subsections (a) and (b) shall be construed as
20 imposing any limitation upon the authority of the Sec-
21 retary of Commerce to modify, suspend, revoke, or sanc-
22 tion any Federal fishery permit issued by the Secretary
23 of Commerce or to bring a civil action to enforce such
24 modification, suspension, revocation, or sanction.”.

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

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

4 **SEC. 506. VESSEL REBUILD DETERMINATIONS.**

5 (a) IN GENERAL.—The Secretary of the department
6 in which the Coast Guard is operating shall provide a re-
7 port on Coast Guard rebuild determinations under section
8 67.177 of title 46, Code of Federal Regulations. Specifi-
9 cally, the report shall provide recommendations for—

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

12 (2) a review of the application of the
13 steelweight calculation thresholds under such sec-
14 tion;

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

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

23 (b) REPORT DEADLINE.—The Secretary shall pro-
24 vide this report to the Senate Committee on Commerce,
25 Science, and Transportation and the House of Represent-

1 atives Committee on Transportation and Infrastructure
 2 within 90 days after the enactment of this Act.

3 **TITLE VI—MARITIME LAW**
 4 **ENFORCEMENT**

5 **SEC. 601. MARITIME LAW ENFORCEMENT.**

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

9 **“CHAPTER 707—MARITIME LAW**
 10 **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.

11 **“§ 70701. Offense**

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

17 **“§ 70702. Attempt or conspiracy**

18 “Any person on board a covered vessel who attempts
 19 or conspires to commit a violation of section 70701 shall
 20 be subject to the same penalties as those prescribed for

1 the violation, the commission of which was the object of
2 the attempt or conspiracy.

3 **“§ 70703. Affirmative defenses**

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

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

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

12 “(2) the defendant, as soon as reasonably prac-
13 ticable, informed the Coast Guard of the presence of
14 the alien on the vessel and the circumstances of the
15 rescue; and

16 “(3) the defendant complied with all orders
17 given by law enforcement officials of the United
18 States.

19 **“§ 70704. Penalties**

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

1 “(b) FINES.—Any person who commits a violation of
2 this chapter shall be fined not more than \$100,000, except
3 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 fined
7 not more than \$500,000; and

8 “(2) in any case where the violation causes or
9 results in the death of any person regardless of
10 where the death occurs, the person shall be fined not
11 more than \$1,000,000, or both.

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

15 “(1) in any case in which the violation causes
16 serious bodily injury to any person, regardless of
17 where the injury occurs, the person shall be impris-
18 oned for not less than 7 nor more than 30 years;
19 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 impris-
23 oned for not less than 10 years nor more than life.

1 **“§ 70705. Criminal forfeiture**

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

8 **“§ 70706. Civil forfeiture**

9 “A vessel that has been used in the commission of
10 a violation of this chapter shall be seized and subject to
11 forfeiture in the same manner and to the same extent as
12 if it were used in the commission of a violation of section
13 274(a) of the Immigration and Nationality Act (8 U.S.C.
14 1324(a)).

15 **“§ 70707. Extraterritorial jurisdiction**

16 “There is extraterritorial jurisdiction of an offense
17 under this chapter.

18 **“§ 70708. Claim of failure to comply with inter-
19 national law; jurisdiction of court**

20 “A claim of failure to comply with international law
21 in the enforcement of this chapter may be invoked as a
22 basis for a defense solely by a foreign nation. A failure
23 to comply with international law shall not divest a court
24 of jurisdiction or otherwise constitute a defense to any
25 proceeding under this chapter.

1 **“§ 70709. Federal activities**

2 “Nothing in this chapter applies to otherwise lawful
3 activities carried out by or at the direction of the United
4 States Government.

5 **“§ 70710. Definitions**

6 “In this chapter:

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

9 “(2) COVERED VESSEL.—The term ‘covered
10 vessel’ means a vessel of the United States, or a ves-
11 sel subject to the jurisdiction of the United States,
12 that is less than 300 gross tons (or an alternate ton-
13 nage prescribed by the Secretary under section
14 14104 of this title) as measured under section
15 14502 of this title.

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

19 “(4) UNITED STATES.—The term ‘United
20 States’ has the meaning given that term in section
21 ~~2101~~. 114.

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

25 “(6) VESSEL SUBJECT TO THE JURISDICTION
26 OF THE UNITED STATES.—The term ‘vessel subject

1 to the jurisdiction of the United States’ has the
 2 meaning given that term in section 70502.”.

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

“707. Maritime Law Enforcement70701.”.

6 **TITLE VII—OIL POLLUTION**
 7 **PREVENTION**

8 **SEC. 701. RULEMAKINGS.**

9 (a) STATUS REPORT.—

10 (1) IN GENERAL.—Within 90 days after the
 11 date of enactment of this Act, the Secretary shall
 12 provide a report to the Senate Committee on Com-
 13 merce, Science, and Transportation and the House
 14 of Representatives Committee on Transportation
 15 and Infrastructure on the status of all Coast Guard
 16 rulemakings required (but for which no final rule
 17 has been issued as of the date of enactment of this
 18 Act)—

19 (A) under the Oil Pollution Act of 1990
 20 (33 U.S.C. 2701 et seq.); and

21 (B) for—

22 (i) automatic identification systems
 23 required under section 70114 of title 46,
 24 United States Code; and

1 (ii) inspection requirements for towing
2 vessels required under section 3306(j) of
3 that title.

4 (2) INFORMATION REQUIRED.—The Secretary
5 shall include in the report required by paragraph
6 (1)—

7 (A) a detailed explanation with respect to
8 each such rulemaking as to—

9 (i) what steps have been completed;

10 (ii) what areas remain to be ad-
11 dressed; and

12 (iii) the cause of any delays; and

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

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

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

21 (a) SAFETY STANDARDS FOR TOWING VESSELS.—In
22 promulgating regulations for towing vessels under chapter
23 33 of title 46, United States Code, the Secretary of the
24 department in which the Coast Guard is operating shall—

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

3 (2) consider the possible application of stand-
4 ards that, as of the date of enactment of this Act,
5 apply to self-propelled tank vessels, and any modi-
6 fications that may be necessary for application to
7 towing vessels due to ship design, safety, and other
8 relevant factors.

9 (b) REDUCTION OF OIL SPILL RISK IN BUZZARDS
10 BAY.—No later than January 1, 2008, the Secretary of
11 the department in which the Coast Guard is operating
12 shall promulgate a final rule for Buzzards Bay, Massachu-
13 setts, pursuant to the notice of proposed rulemaking pub-
14 lished on March 29, 2006, (71 Fed. Reg. 15649), after
15 taking into consideration public comments submitted pur-
16 suant to that notice, to adopt measures to reduce the risk
17 of oil spills in Buzzards Bay, Massachusetts.

18 (c) REPORTING.—The Secretary shall transmit an
19 annual report to the Senate Committee on Commerce,
20 Science, and Transportation and the House of Represent-
21 atives Committee on Resources on the extent to which
22 tank vessels in Buzzards Bay, Massachusetts, are using
23 routes recommended by the Coast Guard.

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

2 (a) REGULATIONS.—Within 1 year after the date of
3 enactment of this Act, the Secretary shall promulgate reg-
4 ulations to reduce the risks of oil spills in operations in-
5 volving the transfer of oil from or to a tank vessel. The
6 regulations—

7 (1) shall focus on operations that have the
8 highest risks of discharge, including operations at
9 night and in inclement weather; and

10 (2) shall consider—

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

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

16 (C) both such requirements and oper-
17 ational procedures.

18 (b) APPLICATION WITH STATE LAWS.—The regula-
19 tions promulgated under subsection (a) do not preclude
20 the enforcement of any State law or regulation the re-
21 quirements of which are at least as stringent as require-
22 ments under the regulations (as determined by the Sec-
23 retary) that—

24 (1) applies in State waters;

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

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

6 **SEC. 704. IMPROVEMENTS TO REDUCE HUMAN ERROR AND**
7 **NEAR-MISS INCIDENTS.**

8 (a) REPORT.—Within 1 year after the date of enact-
9 ment of this Act, the Secretary shall transmit a report
10 to the Senate Committee on Commerce, Science, and
11 Transportation, the Senate Committee on Environment
12 and Public Works, and the House of Representatives Com-
13 mittee on Transportation and Infrastructure that, using
14 available data—

15 (1) identifies the types of human errors that,
16 combined, account for over 50 percent of all oil spills
17 involving vessels that have been caused by human
18 error in the past 10 years;

19 (2) identifies the most frequent types of near-
20 miss oil spill incidents involving vessels such as colli-
21 sions, groundings, and loss of propulsion in the past
22 10 years;

23 (3) describes the extent to which there are gaps
24 in the data with respect to the information required

1 under paragraphs (1) and (2) and explains the rea-
2 son for those gaps; and

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

6 (b) MEASURES.—Based on the findings contained in
7 the report required by subsection (a), the Secretary shall
8 take appropriate action, both domestically and at the
9 International Maritime Organization, to reduce the risk
10 of oil spills from human errors.

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

12 (a) OLYMPIC COAST NATIONAL MARINE SANCTUARY
13 AREA TO BE AVOIDED.—The Secretary and the Under
14 Secretary of Commerce for Oceans and Atmosphere shall
15 revise the area to be avoided off the coast of the State
16 of Washington so that restrictions apply to all vessels re-
17 quired to prepare a response plan under section 311(j) of
18 the Federal Water Pollution Control Act (33 U.S.C.
19 1321(j)) (other than fishing or research vessels while en-
20 gaged in fishing or research within the area to be avoided).

21 (b) EMERGENCY OIL SPILL DRILL.—

22 (1) IN GENERAL.—In cooperation with the Sec-
23 retary, the Under Secretary of Commerce for Oceans
24 and Atmosphere shall conduct a Safe Seas oil spill
25 drill in the Olympic Coast National Marine Sanc-

1 tuary in fiscal year 2008. The Secretary and the
2 Under Secretary of Commerce for Oceans and At-
3 mosphere jointly shall coordinate with other Federal
4 agencies, State, local, and tribal governmental enti-
5 ties, and other appropriate entities, in conducting
6 this drill.

7 (2) OTHER REQUIRED DRILLS.—Nothing in
8 this subsection supersedes any Coast Guard require-
9 ment for conducting emergency oil spill drills in the
10 Olympic Coast National Marine Sanctuary. The Sec-
11 retary shall consider conducting regular field exer-
12 cises, such as National Preparedness for Response
13 Exercise Program (PREP) in other national marine
14 sanctuaries.

15 (3) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated to the
17 Under Secretary of Commerce for Oceans and At-
18 mosphere for fiscal year 2008 \$700,000 to carry out
19 this subsection.

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

21 (a) IN GENERAL.—The Under Secretary of Com-
22 merce for Oceans and Atmosphere, in consultation with
23 other appropriate agencies, shall establish an oil spill pre-
24 vention and education program for small vessels. The pro-
25 gram shall provide for assessment, outreach, and training

1 and voluntary compliance activities to prevent and improve
2 the effective response to oil spills from vessels and facili-
3 ties not required to prepare a vessel response plan under
4 the Federal Water Pollution Control Act, including rec-
5 reational vessels, commercial fishing vessels, marinas, and
6 aquaculture facilities. The Under Secretary may provide
7 grants to sea grant colleges and institutes designated
8 under section 207 of the National Sea Grant College Pro-
9 gram Act (33 U.S.C. 1126) and to State agencies, tribal
10 governments, and other appropriate entities to carry out—

11 (1) regional assessments to quantify the source,
12 incidence and volume of small oil spills, focusing ini-
13 tially on regions in the country where, in the past
14 10 years, the incidence of such spills is estimated to
15 be the highest;

16 (2) voluntary, incentive-based clean marina pro-
17 grams that encourage marina operators, recreational
18 boaters and small commercial vessel operators to en-
19 gage in environmentally sound operating and main-
20 tenance procedures and best management practices
21 to prevent or reduce pollution from oil spills and
22 other sources;

23 (3) cooperative oil spill prevention education
24 programs that promote public understanding of the
25 impacts of spilled oil and provide useful information

1 and techniques to minimize pollution including meth-
2 ods to remove oil and reduce oil contamination of
3 bilge water, prevent accidental spills during mainte-
4 nance and refueling and properly cleanup and dis-
5 pose of oil and hazardous substances; and

6 (4) support for programs, including outreach
7 and education to address derelict vessels and the
8 threat of such vessels sinking and discharging oil
9 and other hazardous substances, including outreach
10 and education to involve efforts to the owners of
11 such vessels.

12 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There
13 are authorized to be appropriated to the Under Secretary
14 of Commerce for Oceans and Atmosphere to carry out this
15 section, \$10,000,000 annually for each of fiscal years
16 2008 through 2012.

17 **SEC. 707. IMPROVED COORDINATION WITH TRIBAL GOV-**
18 **ERNMENTS.**

19 (a) **IN GENERAL.**—Within 6 months after the date
20 of enactment of this Act, the Secretary shall complete the
21 development of a tribal consultation policy, which recog-
22 nizes and protects to the maximum extent practicable trib-
23 al treaty rights and trust assets in order to improve the
24 Coast Guard’s consultation and coordination with the trib-
25 al governments of federally recognized Indian tribes with

1 respect to oil spill prevention, preparedness, response and
2 natural resource damage assessment.

3 (b) NATIONAL PLANNING.—The Secretary shall as-
4 sist tribal governments to participate in the development
5 and capacity to implement the National Contingency Plan
6 and local Area Contingency Plans to the extent they affect
7 tribal lands, cultural and natural resources. The Secretary
8 shall ensure that in regions where oil spills are likely to
9 have an impact on natural or cultural resources owned or
10 utilized by a federally recognized Indian tribe, the Coast
11 Guard will—

12 (1) ensure that representatives of the tribal
13 government of the potentially affected tribes are in-
14 cluded as part of the regional response team co-
15 chaired by the Coast Guard and the Environmental
16 Protection Agency to establish policies for respond-
17 ing to oil spills; and

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

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

1 (1) ensure that representatives of the tribal
2 government of the affected tribes are included as
3 part of the incident command system established by
4 the Coast Guard to respond to the spill;

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

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

9 (d) COOPERATIVE ARRANGEMENTS.—The Coast
10 Guard may enter into memoranda of agreement and asso-
11 ciated protocols with Indian tribal governments in order
12 to establish cooperative arrangements for oil pollution pre-
13 vention, preparedness, and response. Such memoranda
14 may be entered into prior to the development of the tribal
15 consultation and coordination policy to provide Indian
16 tribes grant and contract assistance and may include
17 training for preparedness and response and provisions on
18 coordination in the event of a spill. As part of these memo-
19 randa of agreement, the Secretary may carry out dem-
20 onstration projects to assist tribal governments in building
21 the capacity to protect tribal treaty rights and trust assets
22 from oil spills to the maximum extent possible.

23 (e) FUNDING FOR TRIBAL PARTICIPATION.—Subject
24 to the availability of appropriations, the Commandant of
25 the Coast Guard shall provide assistance to participating

1 tribal governments in order to facilitate the implementa-
2 tion of cooperative arrangements under subsection (d) and
3 ensure the participation of tribal governments in such ar-
4 rangements. There are authorized to be appropriated to
5 the Commandant \$500,000 for each of fiscal years 2008
6 through 2012 to be used to carry out this section.

7 **SEC. 708. REPORT ON THE AVAILABILITY OF TECHNOLOGY**
8 **TO DETECT THE LOSS OF OIL.**

9 Within 1 year after the date of enactment of this Act,
10 the Secretary shall submit a report to the Senate Com-
11 mittee on Commerce, Science, and Transportation and the
12 House of Representatives Committee on Energy and Com-
13 merce on the availability, feasibility, and potential cost of
14 technology to detect the loss of oil carried as cargo or as
15 fuel on tank and non-tank vessels greater than 400 gross
16 tons.

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

18 Section 1012(a)(5) of the Oil Pollution Act of 1990
19 (33 U.S.C. 2712(a)(5)) is amended—

20 (1) by redesignating subparagraphs (B) and
21 (C) as subparagraphs (C) and (D), respectively; and

22 (2) by inserting after subparagraph (A) the fol-
23 lowing:

24 “(B) not more than \$15,000,000 in each
25 fiscal year shall be available to the Under Sec-

1 (c) REPORT TO CONGRESS.—Not later than 3 years
2 after the date of enactment of this Act the Secretary shall
3 provide a report to the Senate Committee on Commerce,
4 Science, and Transportation, and to the House of Rep-
5 resentatives Committee on Transportation and Infrastruc-
6 ture on the results of the program.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to the Commandant to
9 carry out this section \$2,000,000 for each of fiscal years
10 2008, 2009, and 2010, to remain available until expended.

11 (e) TRANSFER PROHIBITED.—Administration of the
12 program established under subsection (a) may not be
13 transferred within the Department of Homeland Security
14 or to another department or Federal agency.

15 **SEC. 712. HIGHER VOLUME PORT AREA REGULATORY DEFINITION CHANGE.**
16

17 (a) IN GENERAL.—Within 30 days after the date of
18 enactment of this Act, notwithstanding subchapter 5 of
19 title 5, United States Code, the Commandant shall modify
20 the definition of the term “higher volume port area” in
21 section 155.1020 of the Coast Guard regulations (33
22 C.F.R. 155.1020) by striking “Port Angeles, WA” in
23 paragraph (13) of that section and inserting “Cape Flat-
24 tery, WA” without initiating a rulemaking proceeding.

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

8 **SEC. 713. RESPONSE TUGS.**

9 (a) IN GENERAL.—Paragraph (5) of section 311(j)
10 of the Federal Water Pollution Control Act (33 U.S.C.
11 1321(j)) is amended by adding at the end the following:

12 “(J) RESPONSE TUG.—

13 “(i) IN GENERAL.—The Secretary
14 shall require the stationing of a year round
15 response tug of a minimum of 70-tons
16 bollard pull in the entry to the Strait of
17 Juan de Fuca at Neah Bay capable of pro-
18 viding rapid assistance and towing capa-
19 bility to disabled vessels during severe
20 weather conditions.

21 “(ii) SHARED RESOURCES.—The Sec-
22 retary may authorize compliance with the
23 response tug stationing requirement of
24 clause (i) through joint or shared resources

1 between or among entities to which this
2 subsection applies.

3 “(iii) EXISTING STATE AUTHORITY
4 NOT AFFECTED.—Nothing in this subpara-
5 graph supersedes or interferes with any ex-
6 isting authority of a State with respect to
7 the stationing of rescue tugs in any area
8 under State law or regulations.

9 “(iv) ADMINISTRATION.—In carrying
10 out this subparagraph, the Secretary—

11 “(I) shall require the vessel re-
12 sponse plan holders to negotiate and
13 adopt a cost-sharing formula and a
14 schedule for carrying out this sub-
15 paragraph by no later than June 1,
16 2008;

17 “(II) shall establish a cost-shar-
18 ing formula and a schedule for car-
19 rying out this subparagraph by no
20 later than July 1, 2008 (without re-
21 gard to the requirements of chapter 5
22 of title 5, United States Code) if the
23 vessel response plan holders fail to
24 adopt the cost-sharing formula and

1 schedule required by subclause (I) of
2 this clause by June 1, 2008; and

3 “(III) shall implement clauses (i)
4 and (ii) of this subparagraph by June
5 1, 2008, without a rulemaking and
6 without regard to the requirements of
7 chapter 5 of title 5, United States
8 Code.

9 “(v) LONG TERM TUG CAPABILI-
10 TIES.—Within 6 months after imple-
11 menting clauses (i) and (ii), and section
12 707 of the Coast Guard Authorization Act
13 for Fiscal Year 2008, the Secretary shall
14 execute a contract with the National Acad-
15 emy of Sciences to conduct a study of re-
16 gional response tug and salvage needs for
17 Washington’s Olympic coast. In developing
18 the scope of the study, the National Acad-
19 emy of Sciences shall consult with Federal,
20 State, and Tribal trustees as well as rel-
21 evant stakeholders. The study—

22 “(I) shall define the needed capa-
23 bilities, equipment, and facilities for a
24 response tug in the entry to the Strait
25 of Juan de Fuca at Neah Bay in

1 order to optimize oil spill protection
2 on Washington's Olympic coast, pro-
3 vide rescue towing services, oil spill
4 response, and salvage and fire-fighting
5 capabilities;

6 “(II) shall analyze the tug's
7 multi-mission capabilities as well as
8 its ability to utilize cached salvage, oil
9 spill response, and oil storage equip-
10 ment while responding to a spill or a
11 vessel in distress and make rec-
12 ommendations as to the placement of
13 this equipment;

14 “(III) shall address scenarios
15 that consider all vessel types and
16 weather conditions and compare cur-
17 rent Neah Bay tug capabilities, costs,
18 and benefits with other United States
19 industry funded response tugs, includ-
20 ing those currently operating in *the*
21 *entrance of* Alaska's Prince William
22 Sound;

23 “(IV) shall determine whether
24 the current level of protection af-
25 forded by the Neah Bay response tug

1 and associated response equipment is
2 comparable to protection in other lo-
3 cations where response tugs operate,
4 including *the entrance of* Prince Wil-
5 liam Sound, and if it is not com-
6 parable, shall make recommendations
7 as to how capabilities, equipment, and
8 facilities should be modified to achieve
9 ~~optimum~~ *such comparable* protec-
10 tion.”.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Secretary for fis-
13 cal year 2008 such sums as necessary to carry out section
14 311(j)(5)(J)(v) of the Federal Water Pollution Control
15 Act (33 U.S.C. 1321(j)(5)(J)(v)).

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

17 Within 1 year after the date of enactment of this Act,
18 the Secretary of State, in consultation with the Com-
19 mandant, shall enter into negotiations with the Govern-
20 ment of Canada to ensure that tugboat escorts are re-
21 quired for all tank ships with a capacity over 40,000 dead-
22 weight tons in the Strait of Juan de Fuca, Strait of Geor-
23 gia, and in Haro Strait. The Commandant shall consult
24 with the State of Washington and affected tribal govern-

1 ments during negotiations with the Government of Can-
2 ada.

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

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

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

8 (2) by inserting “or” after the semicolon in
9 paragraph (2); and

10 (3) by inserting after paragraph (2) the fol-
11 lowing:

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

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

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

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

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

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

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

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

7 (A) traffic separation schemes and routing
8 measures;

9 (B) long-range vessel tracking systems de-
10 veloped under section 70115 of title 46, United
11 States Code;

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

13 (D) vessel traffic services;

14 (E) emergency towing packages on vessels;

15 (F) increased spill response equipment in-
16 cluding equipment appropriate for severe weath-
17 er and sea conditions;

18 (G) the Automatic Identification System
19 developed under section 70114 of title 46,
20 United States Code;

21 (H) particularly sensitive sea areas, areas
22 to be avoided, and other traffic exclusion zones;

23 (i) aids to navigation; and

24 (J) vessel response plans.

25 (c) RECOMMENDATIONS.—

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

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

12 (d) PROVISION TO CONGRESS.—The Commandant
13 shall provide a copy of each assessment to the Senate
14 Committee on Commerce, Science, and Transportation
15 and the House of Representatives Committee on Trans-
16 portation and Infrastructure.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Commandant
19 \$1,800,000 for each of fiscal years 2008 and 2009 to con-
20 duct the assessments.

21 **SEC. 717. OIL SPILL LIABILITY TRUST FUND INVESTMENT**
22 **AMOUNT.**

23 Within 30 days after the date of enactment of this
24 Act, the Secretary of the Treasury shall increase the
25 amount invested in income producing securities under sec-

1 tion 5006(b) of the Oil Pollution Act of 1990 (33 U.S.C.
2 2736(b)) by \$12,851,340.

3 **SEC. 718. LIABILITY FOR USE OF UNSAFE SINGLE-HULL**
4 **VESSELS.**

5 Section 1001(32) of the Oil Pollution Act of 1990
6 (33 U.S.C. 2701(32)) is amended by striking subpara-
7 graph (A) and inserting the following:

8 “(A) VESSELS.—In the case of a vessel
9 (other than a vessel described in section
10 3703a(b) of title 46, United States Code)—

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

13 “(ii) the owner of oil being trans-
14 ported in a tank vessel with a single hull
15 after December 31, 2010, if the owner of
16 the oil knew, or should have known, from
17 publicly available information that the ves-
18 sel had a poor safety or operational
19 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~~ *tank, bulk, or break-bulk vessel shipments*
 20 of especially hazardous cargo to the 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~~ *cargo transported by tank, bulk, or*
23 *break-bulk vessel.*

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

4 **TITLE IX—MISCELLANEOUS**
5 **PROVISIONS**

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

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

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

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

1 (2) an annual summary for fiscal year 2000
 2 through fiscal year 2007 by Coast Guard district of
 3 the level of effort measured by personnel hours and
 4 other available data, for enforcement of the Lacey
 5 Act Amendments of 1981 (16 U.S.C. 3371 et seq.),
 6 the Endangered Species Act (16 U.S.C. 1531 et
 7 seq.), and the Marine Mammal Protection Act (16
 8 U.S.C. 1361 et seq.) as well as international agree-
 9 ments that include provisions on sea turtles or ma-
 10 rine mammals to which the United States is a party;
 11 and

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

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

15 (a) CONVEYANCE AUTHORIZED.—

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

22 (2) PROPERTY DESCRIPTION.—

23 (A) IN GENERAL.—The Umpqua Light-
 24 house property is the parcel of approximately
 25 14.81 acres of Coast Guard controlled land lo-

1 cated in the NW $\frac{1}{4}$ of sec. 13, T. 22 S., R. 13
2 W., Willamette Meridian, and identified as Ex-
3 hibit A on the aerial map entitled “U.S. Coast
4 Guard Property at Salmon Harbor/Winchester
5 Bay, Oregon” dated February 22, 2006.

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

12 (b) USE OF PROPERTY CONVEYED.—Notwithstanding
13 section 59.3 of title 36, Code of Federal Regulations (or
14 any successor regulation), and the limitations on the use
15 of land provided assistance under the Land and Water
16 Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et
17 seq.), the real property to be conveyed under this section
18 may be converted to a use other than a public outdoor
19 recreation use.

20 (c) PROVISION OF REPLACEMENT FACILITIES.—

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

23 (A) may, at its expense design and con-
24 struct the replacement facilities for the Coast

1 Guard to replace the facilities conveyed under
2 that subsection;

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

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

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

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

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

23 (f) LIMITATION.—Nothing in this section compels the
24 County or the Commandant to execute a memorandum of
25 agreement or deed, except upon such terms and conditions

1 that the County and the Commandant may consider ap-
2 propriate, in the exercise of their discretion, to protect the
3 interests of the County and the United States.

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

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

14 (b) CONDITIONS OF TRANSFER.—

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

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

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

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

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

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

16 (C) the Secretary of the Interior.

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

23 (3) PUBLIC AVAILABILITY.—Each map and
24 legal description filed under paragraph (1) shall be

1 on file and available for public inspection in the ap-
2 propriate office of the Department of the Interior.

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

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

9 (e) MAINTENANCE OF CAPE ARAGO LIGHT STA-
10 TION.—

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

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

1 terior in consultation with the Oregon State
2 Historic Preservation Officer, for consistency
3 with section 800.5(a)(2)(vii) of title 36, Code of
4 Federal Regulations, and the Secretary of the
5 Interior's Standards for Rehabilitation, set
6 forth in part 67.7 of title 36, Code of Federal
7 Regulations;

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

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

20 (D) not conduct any commercial activities
21 at the Cape Arago Light Station, any part
22 thereof, or in connection with any historic arti-
23 fact conveyed in conjunction with the transfer
24 under this section in any manner, unless such

1 commercial activities are approved by the Sec-
2 retary of the Interior; and

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

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

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

22 **SEC. 904. DATA.**

23 In each of fiscal years 2008 through 2010, there are
24 authorized to be appropriated to the Administrator of the
25 National Oceanic and Atmospheric Administration

1 \$7,000,000 to acquire through the use of unmanned aerial
2 vehicles data to improve the management of natural disas-
3 ters, the safety of marine and aviation transportation, and
4 fisheries enforcement.

5 **SEC. 905. EXTENSION.**

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

8 (1) *by adding at the end of subsection (c) the fol-*
9 *lowing:*

10 “(3) *UPDATE.—One year after the date of the re-*
11 *port required by paragraph (2), and annually there-*
12 *after until its termination, the Committee shall up-*
13 *date its report to adjust priorities as necessary and*
14 *include progress made on measures prioritized in the*
15 *most recent report and submit the report to the enti-*
16 *ties referred to in paragraph (1).”;*

17 (2) *by striking “Chairman.” in subsection (d)(2)*
18 *and inserting “Chairman, but not less than once*
19 *every 90 days.”;*

20 ~~(1)~~ (3) *by striking “2007” in subsection (h)*
21 *and inserting “2012”;* and

22 ~~(2)~~ (4) *by striking “terminate” and all that fol-*
23 *lows in subsection (i) and inserting “terminate on*
24 *September 30, 2012.”.*

1 **SEC. 906. FORWARD OPERATING FACILITY.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Secretary of the department in which the
4 Coast Guard is operating may construct or lease hangar,
5 berthing, and messing facilities in the Aleutian Island-
6 Bering Sea operating area. These facilities shall—

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

11 (2) shelter for both current helicopter assets
12 and those projected to be located at Air Station Ko-
13 diak, Alaska for up to 20 years.

14 **SEC. 907. ENCLOSED HANGAR AT AIR STATION BARBERS**
15 **POINT, HAWAII.**

16 Not later than 180 days after the date of enactment
17 of this Act, the Secretary of the department in which the
18 Coast Guard is operating may construct an enclosed hang-
19 ar at Air Station Barbers Point, Hawaii. The hangar
20 shall—

21 (1) support aircraft maintenance, including ex-
22 haust ventilation, heat, engine wash system, head fa-
23 cilities, fuel, ground support services, and electrical
24 power; and

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

4 **SEC. 908. CONVEYANCE OF DECOMMISSIONED COAST**
5 **GUARD CUTTER STORIS.**

6 (a) IN GENERAL.—Upon the scheduled decommis-
7 sioning of the Coast Guard Cutter STORIS, the Com-
8 mandant of the Coast Guard shall convey, without consid-
9 eration, all right, title, and interest of the United States
10 in and to that vessel to the USCG Cutter STORIS Mu-
11 seum and Maritime Education Center, LLC, located in the
12 State of Alaska if the recipient—

13 (1) agrees—

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

16 (B) not to use the vessel for commercial
17 transportation purposes;

18 (C) to make the vessel available to the
19 United States Government if needed for use by
20 the Commandant in time of war or a national
21 emergency; and

22 (D) to hold the Government harmless for
23 any claims arising from exposure to hazardous
24 materials, including asbestos and poly-
25 chlorinated biphenyls, after conveyance of the

1 vessel, except for claims arising from the use by
2 the Government under subparagraph (C);

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

8 (3) agrees to any other conditions the Com-
9 mandant considers appropriate.

10 (b) MAINTENANCE AND DELIVERY OF VESSEL.—

11 (1) MAINTENANCE.—Before conveyance of the
12 vessel under this section, the Commandant shall
13 make, to the extent practical and subject to other
14 Coast Guard mission requirements, every effort to
15 maintain the integrity of the vessel and its equip-
16 ment until the time of delivery.

17 (2) DELIVERY.—If a conveyance is made under
18 this section, the Commandant shall deliver the ves-
19 sel—

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

21 and

22 (B) without cost to the Government.

23 (3) TREATMENT OF CONVEYANCE.—The con-
24 veyance of the vessel under this section shall not be
25 considered a distribution in commerce for purposes

1 of section 6(e) of Public Law 94-469 (15 U.S.C.
2 2605(e)).

3 (c) OTHER EXCESS EQUIPMENT.—The Commandant
4 may convey to the recipient of a conveyance under sub-
5 section (a) any excess equipment or parts from other de-
6 commissioned Coast Guard vessels for use to enhance the
7 operability and function of the vessel conveyed under sub-
8 section (a) for purposes of a museum and historical dis-
9 play.

10 **SEC. 909. CONVEYANCE OF THE PRESQUE ISLE LIGHT STA-**
11 **TION FRESNEL LENS TO PRESQUE ISLE**
12 **TOWNSHIP, MICHIGAN.**

13 (a) CONVEYANCE OF LENS AUTHORIZED.—

14 (1) TRANSFER OF POSSESSION.—Notwith-
15 standing any other provision of law, the Com-
16 mandant of the Coast Guard may transfer to
17 Presque Isle Township, a township in Presque Isle
18 County in the State of Michigan (in this section re-
19 ferred to as the “Township”), possession of the His-
20 toric Fresnel Lens (in this section referred to as the
21 “Lens”) from the Presque Isle Light Station Light-
22 house, Michigan (in this section referred to as the
23 “Lighthouse”).

24 (2) CONDITION.—As a condition of the transfer
25 of possession authorized by paragraph (1), the

1 Township shall, not later than one year after the
2 date of transfer, install the Lens in the Lighthouse
3 for the purpose of operating the Lens and Light-
4 house as a Class I private aid to navigation pursu-
5 ant to section 85 of title 14, United States Code,
6 and the applicable regulations under that section.

7 (3) CONVEYANCE OF LENS.—Upon the certifi-
8 cation of the Commandant that the Township has
9 installed the Lens in the Lighthouse and is able to
10 operate the Lens and Lighthouse as a private aid to
11 navigation as required by paragraph (2), the Com-
12 mandant shall convey to the Township all right,
13 title, and interest of the United States in and to the
14 Lens.

15 (4) CESSATION OF UNITED STATES OPER-
16 ATIONS OF AIDS TO NAVIGATION AT LIGHTHOUSE.—
17 Upon the making of the certification described in
18 paragraph (3), all active Federal aids to navigation
19 located at the Lighthouse shall cease to be operated
20 and maintained by the United States.

21 (b) REVERSION.—

22 (1) REVERSION FOR FAILURE OF AID TO NAVI-
23 GATION.—If the Township does not comply with the
24 condition set forth in subsection (a)(2) within the
25 time specified in that subsection, the Township shall,

1 except as provided in paragraph (2), return the Lens
2 to the Commandant at no cost to the United States
3 and under such conditions as the Commandant may
4 require.

5 (2) EXCEPTION FOR HISTORICAL PRESERVA-
6 TION.—Notwithstanding the lack of compliance of
7 the Township as described in paragraph (1), the
8 Township may retain possession of the Lens for in-
9 stallation as an artifact in, at, or near the Light-
10 house upon the approval of the Commandant. The
11 Lens shall be retained by the Township under this
12 paragraph under such conditions for the preserva-
13 tion and conservation of the Lens as the Com-
14 mandant shall specify for purposes of this para-
15 graph. Installation of the Lens under this paragraph
16 shall occur, if at all, not later than two years after
17 the date of the transfer of the Lens to the Township
18 under subsection (a)(1).

19 (3) REVERSION FOR FAILURE OF HISTORICAL
20 PRESERVATION.—If retention of the Lens by the
21 Township is authorized under paragraph (2) and the
22 Township does not install the Lens in accordance
23 with that paragraph within the time specified in that
24 paragraph, the Township shall return the lens to the
25 Coast Guard at no cost to the United States and

1 under such conditions as the Commandant may re-
2 quire.

3 (c) CONVEYANCE OF ADDITIONAL PERSONAL PROP-
4 erty.—

5 (1) TRANSFER AND CONVEYANCE OF PERSONAL
6 PROPERTY.—Notwithstanding any other provision of
7 law, the Commandant may transfer to the Township
8 any additional personal property of the United
9 States related to the Lens that the Commandant
10 considers appropriate for conveyance under this sec-
11 tion. If the Commandant conveys the Lens to the
12 Township under subsection (a)(3), the Commandant
13 may convey to the Township any personal property
14 previously transferred to the Township under this
15 subsection.

16 (2) REVERSION.—If the Lens is returned to the
17 Coast Guard pursuant to subsection (b), the Town-
18 ship shall return to the Coast Guard all personal
19 property transferred or conveyed to the Township
20 under this subsection except to the extent otherwise
21 approved by the Commandant.

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

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

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

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

6 (3) without cost to the United States.

7 (f) MAINTENANCE OF PROPERTY.—As a condition of
8 the conveyance of any property to the Township under this
9 section, the Commandant shall enter into an agreement
10 with the Township under which the Township agrees—

11 (1) to operate the Lens as a Class I private aid
12 to navigation under section 85 of title 14, United
13 States Code, and application regulations under that
14 section; and

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

18 (g) LIMITATION ON FUTURE CONVEYANCE.—The in-
19 struments providing for the conveyance of property under
20 this section shall—

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

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

4 (A) all right, title, and interest in such
5 property shall revert to the United States, and
6 the United States shall have the right to imme-
7 diate possession of such property; and

8 (B) the recipient of such property shall pay
9 the United States for costs incurred by the
10 United States in recovering such property.

11 (h) **ADDITIONAL TERMS AND CONDITIONS.**—The
12 Commandant may require such additional terms and con-
13 ditions in connection with the conveyances authorized by
14 this section as the Commandant considers appropriate to
15 protect the interests of the United States.

16 **SEC. 910. REPEALS.**

17 The following sections are repealed:

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

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

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

2 (a) REPORT.—No later than 1 year after the date
3 of enactment of this Act and annually thereafter, the Sec-
4 retary of the department in which the Coast Guard is op-
5 erating shall provide a report to the Senate Committee
6 on Commerce, Science, and Transportation and the House
7 of Representatives Committee on Transportation and In-
8 frastructure on the volume of foreign flag ships entering
9 waters subject to the jurisdiction of the United States.
10 The report may be submitted in classified format if the
11 Secretary deems it to be necessary for national security.

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

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

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

19 (3) do not enter a United States port or place
20 but pass only through the exclusive economic zone of
21 the United States.

22 (c) DEFINITIONS.—In this section:

23 (1) EXCLUSIVE ECONOMIC ZONE.—The term
24 “exclusive economic zone” means the Exclusive Eco-
25 nomic Zone of the United States established by

1 Proclamation Number 5030, dated March 10, 1983
 2 (16 U.S.C. 1453 note).

3 (2) TERRITORIAL SEA.—The term “territorial
 4 sea” means the waters of the Territorial Sea of the
 5 United States under Presidential Proclamation
 6 5928, dated December 27, 1988 (43 U.S.C. 1331
 7 note).

8 **SEC. 912. SMALL VESSEL EXCEPTION FROM DEFINITION OF**
 9 **FISH PROCESSING VESSEL.**

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

- 14 (A) fillets only salmon taken by that vessel;
 15 (B) fillets less than 5 metric tons of such salm-
 16 on during any 7-day period.”.

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

19 (a) RIGHT OF FIRST REFUSAL.—Notwithstanding
 20 any other law (other than this section), the Town of Jupi-
 21 ter Island, Florida, shall have the right of first refusal
 22 to select and take without consideration fee simple title
 23 to real property within the jurisdiction of the Town com-
 24 prising Parcel #35-38-42-004-000-02590-6 (Bon Air
 25 Beach lots 259 and 260 located at 83 North Beach Road)

1 and Parcel #35-38-42-004-000-02610-2 (Bon Air Beach
2 lots 261 to 267), including any improvements thereon that
3 are not authorized or required by another provision of law
4 to be conveyed to another person.

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

9 (c) LIMITATION.—The property referred to in sub-
10 section (a) may not be conveyed under that subsection
11 until the Commandant of the Coast Guard determines that
12 the property is not needed to carry out Coast Guard oper-
13 ations.

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

18 (e) REVERSION.—Any conveyance of property under
19 this section shall be subject to the condition that all right,
20 title, and interest in the property, at the option of the
21 Commandant of the Coast Guard, shall revert to the
22 United States Government if the property is used for pur-
23 poses other than conservation.

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

1 (1) promptly take those actions necessary to
2 make property identified under subsection (b) and
3 determined by the Commandant under subsection (c)
4 ready for conveyance to the Town; and

5 (2) convey the property to the Town subject to
6 subsections (d) and (e).

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

8 (a) IN GENERAL.—Within 30 days after the date of
9 enactment of this Act, the Secretary of Transportation
10 shall convene a working group, composed of senior rep-
11 resentatives from the Maritime Administration, the Coast
12 Guard, the Environmental Protection Agency, the Na-
13 tional Oceanic and Atmospheric Administration, and the
14 United States Navy. The Secretary may request the par-
15 ticipation of senior representatives of any other Federal
16 department or agency, as appropriate, and shall consult
17 with appropriate State environmental agencies. The work-
18 ing group shall review and make recommendations on en-
19 vironmental practices for the storage and disposal of obso-
20 lete vessels owned or operated by the Federal Government.

21 (b) SCOPE.—Among the vessels to be considered by
22 the working group are Federally owned or operated vessels
23 that are—

24 (A) to be scrapped or recycled;

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

1 (C) to be used for the Navy's SINKEX
2 program.

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

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

7 (2) examine Federal and State laws and regula-
8 tions governing such policies, procedures, and prac-
9 tices and any applicable environmental laws; and

10 (3) within 90 days after the date of enactment
11 of this Act, submit a plan to the Senate Committee
12 on Commerce, Science, and Transportation, the Sen-
13 ate Committee on Environment and Public Works,
14 and the House of Representatives Committee on
15 Armed Services to improve and harmonize practices
16 for storage and disposal of such vessels, including
17 the interim transportation of such vessels.

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

20 (1) a description of existing measures for the
21 storage, disposal, and interim transportation of ob-
22 solete vessels owned or operated by Federal agencies
23 in compliance with Federal and State environmental
24 laws in a manner that protects the environment;

1 (2) a description of Federal and State laws and
2 regulations governing current policies, procedures,
3 and practices for the storage, disposal, and interim
4 transportation of such vessels;

5 (3) recommendations for environmental best
6 practices that meet or exceed, and harmonize, the
7 requirements of Federal environmental laws and reg-
8 ulations applicable to the storage, disposal, and in-
9 terim transportation of such vessels;

10 (4) recommendations for environmental best
11 practices that meet or exceed the requirements of
12 State laws and regulations applicable to the storage,
13 disposal, and interim transportation of such vessels;

14 (5) procedures for the identification and reme-
15 diation of any environmental impacts caused by the
16 storage, disposal, and interim transportation of such
17 vessels; and

18 (6) recommendations for necessary steps, in-
19 cluding regulations if appropriate, to ensure that
20 best environmental practices apply to all such ves-
21 sels.

22 (e) IMPLEMENTATION OF PLAN.—

23 (1) IN GENERAL.—As soon as practicable after
24 the date of enactment of this Act, the head of each
25 Federal department or agency participating in the

1 working group, in consultation with the other Fed-
2 eral departments and agencies participating in the
3 working group, shall take such action as may be nec-
4 essary, including the promulgation of regulations,
5 under existing authorities to ensure that the imple-
6 mentation of the plan provides for compliance with
7 all Federal and State laws and for the protection of
8 the environment in the storage, interim transpor-
9 tation, and disposal of obsolete vessels owned or op-
10 erated by Federal agencies.

11 (2) ARMED SERVICES VESSELS.—The Secretary
12 and the Secretary of Defense, in consultation with
13 the Administrator of the Environmental Protection
14 Agency, shall each ensure that environmental best
15 practices are observed with respect to the storage,
16 disposal, and interim transportation of obsolete ves-
17 sels owned or operated by the Department of De-
18 fense.

19 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to supersede, limit, modify, or oth-
21 erwise affect any other provision of law, including environ-
22 mental law.

1 **SEC. 915. FULL MULTI-MISSION RESPONSE STATION IN**
2 **VALDEZ, ALASKA.**

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 a full multi-mis-
6 sion Coast Guard Response Station in Valdez, Alaska. The
7 Station shall include shore and maintenance infrastruc-
8 ture facilities to support all current and projected Coast
9 Guard waterborne security forces to be located in Valdez,
10 Alaska, over the next 20 years.

11 **SEC. 916. PROTECTION AND FAIR TREATMENT OF SEA-**
12 **FARERS.**

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

16 **“§ 89a. Protection and fair treatment of seafarers**

17 **“(a) AUTHORITY OF THE SECRETARY.—**

18 **“(1) IN GENERAL.—**The Secretary is author-
19 ized—

20 **“(A)** to require a bond or surety satisfac-
21 tory as an alternative to withholding or revok-
22 ing clearance required under section 60105 of
23 title 46 if, in the opinion of the Secretary, such
24 bond or surety satisfactory is necessary to fa-
25 cilitate an investigation, reporting, documenta-
26 tion, or adjudication of any matter that is re-

1 lated to the administration or enforcement of
2 any treaty, law, or regulation by the Coast
3 Guard, provided that corporate sureties under-
4 writing any such bonds be certified by the De-
5 partment of the Treasury to write Federal
6 bonds under sections 9304 and 9305 of title 31;

7 “(B) at the discretion of the Secretary, to
8 pay, in whole or in part, without further appro-
9 priation and without fiscal year limitation, from
10 amounts in the Fund, necessary support of—

11 “(i) any seafarer who enters, remains,
12 or has been paroled into the United States
13 and is involved in an investigation, report-
14 ing, documentation, or adjudication of any
15 matter that is related to the administration
16 or enforcement of any treaty, law, or regu-
17 lation by the Coast Guard; and

18 “(ii) any seafarer whom the Secretary
19 finds to have been abandoned in the
20 United States; and

21 “(C) at the sole discretion of the Sec-
22 retary, to reimburse, in whole or in part, with-
23 out further appropriation and without fiscal
24 year limitation, from amounts in the Fund, a
25 shipowner, who has filed a bond or surety satis-

1 factory pursuant to subparagraph (A) of this
2 paragraph and provided necessary support of a
3 seafarer who has been paroled into the United
4 States to facilitate an investigation, reporting,
5 documentation, or adjudication of any matter
6 that is related to the administration or enforce-
7 ment of any treaty, law, or regulation by the
8 Coast Guard, for costs of necessary support,
9 when the Secretary deems reimbursement nec-
10 essary to avoid serious injustice.

11 “(2) APPLICATION.—The authority to require a
12 bond or a surety satisfactory or to request the with-
13 holding or revocation of the clearance required under
14 section 60105 of title 46 is applicable to any inves-
15 tigation, reporting, documentation, or adjudication
16 of any matter that is related to the administration
17 or enforcement of any treaty, law, or regulation by
18 the Coast Guard.

19 “(3) LIMITATIONS.—Nothing in this section
20 shall be construed—

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

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

25 “(b) FUND.—

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

4 “(2) AVAILABILITY.—The amounts covered into
5 the Fund shall be available to the Secretary, without
6 further appropriation and without fiscal year limita-
7 tion—

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

10 “(B) to reimburse a shipowner for nec-
11 essary support, pursuant to subsection
12 (a)(1)(C) of this section.

13 “(3) RECEIPTS.—Notwithstanding any other
14 provision of law, the Fund shall be authorized to re-
15 ceive—

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

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

20 “(C) appropriations available to the Sec-
21 retary for transfer.

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

1 “(5) REPORT REQUIRED.—

2 “(A) Except as provided in subparagraph
3 (B) of this paragraph, the Secretary shall not
4 obligate any amount in the Fund in a given fis-
5 cal year unless the Secretary has submitted to
6 Congress, concurrent with the President’s budg-
7 et submission for that fiscal year, a report that
8 describes—

9 “(i) the amounts credited to the
10 Fund, pursuant to paragraph (3) of this
11 section, for the preceding fiscal year;

12 “(ii) a detailed description of the ac-
13 tivities for which amounts were charged;
14 and

15 “(iii) the projected level of expendi-
16 tures from the Fund for the coming fiscal
17 year, based on—

18 “(I) on-going activities; and

19 “(II) new cases, derived from his-
20 toric data.

21 “(B) The limitation in subparagraph (A)
22 of this paragraph shall not apply to obligations
23 during the first fiscal year during which
24 amounts are credited to the Fund.

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

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

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

7 “(C) monitor the unobligated balance of
8 the Fund and provide notice to the Secretary
9 and the Attorney General whenever the unobli-
10 gated balance of the Fund is less than
11 \$5,000,000.

12 “(c) REIMBURSEMENTS—

13 “(1) RECOVERY.—Any shipowner—

14 “(A)(i) who, during the course of an inves-
15 tigation, reporting, documentation, or adjudica-
16 tion of any matter that the Coast Guard re-
17 ferred to a United States Attorney or the Attor-
18 ney General, fails to provide necessary support
19 of a seafarer who has been paroled into the
20 United States to facilitate the investigation, re-
21 porting, documentation, or adjudication, and

22 “(ii) against whom a criminal penalty is
23 subsequently imposed, or

1 “(B) who, under any circumstance, aban-
2 dons a seafarer in the United States, as deter-
3 mined by the Secretary,
4 shall reimburse the Fund an amount equal to the
5 total amount paid from the Fund for necessary sup-
6 port of the seafarer, plus a surcharge of 25 per cent
7 of such total amount.

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

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

14 “(B) withhold or revoke the clearance, re-
15 quired by section 60105 of title 46, of any ves-
16 sel of the shipowner wherever such vessel is
17 found.

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

23 “(d) DEFINITIONS.—In this section:

24 “(1) ABANDONS; ABANDONED.—The term
25 ‘abandons’ or ‘abandoned’ means a shipowner’s uni-

1 lateral severance of ties with a seafarer or the ship-
2 owner's failure to provide necessary support of a
3 seafarer;

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

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

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

21 “(C) stipulate to certain incontrovertible
22 facts, including, but not limited to, the owner-
23 ship or operation of the vessel, or the authen-
24 ticity of documents and things from the vessel;

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

3 “(E) enter an appearance in Federal dis-
4 trict court;

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

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

9 “(H) make stipulations as to the authen-
10 ticity of certain documents in Federal district
11 court;

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

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

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

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

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

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

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

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

19 “(7) VESSEL SUBJECT TO THE JURISDICTION
20 OF THE UNITED STATES.—The term ‘vessel subject
21 to the jurisdiction of the United States’ has the
22 same meaning it has in section 70502(c) of title 46,
23 except that it excludes a vessel owned or bareboat
24 chartered and operated by the United States, by a
25 State or political subdivision thereof, or by a foreign

1 nation, except when such vessel is engaged in com-
2 merce.

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

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

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

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

11 **SEC. 917. ICEBREAKERS.**

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

16 (b) NECESSARY MEASURES.—The Secretary shall
17 take all necessary measures, including the provision of
18 necessary operation and maintenance funding, to ensure
19 that—

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

1 Guard facilities at Coast Guard Sector Buffalo with-
2 in the study area;

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

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

8 (b) DEFINITIONS.—In this section:

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

11 (2) SECTOR BUFFALO.—The term “Sector Buf-
12 falo” means Coast Guard Sector Buffalo of the
13 Ninth Coast Guard District.

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

21 (c) STUDY.—

22 (1) IN GENERAL.—Within 12 months after the
23 date on which funds are first made available to carry
24 out this section, the Commandant shall conduct a
25 project proposal report of the study area and shall

1 submit such report to the Committee on Commerce,
2 Science, and Transportation of the Senate and the
3 Committee on Transportation and Infrastructure of
4 the House of Representatives.

5 (2) REQUIREMENTS.—The project proposal re-
6 port shall—

7 (A) evaluate the most cost-effective method
8 for providing shore facilities to meet the oper-
9 ational requirements of Sector Buffalo;

10 (B) determine the feasibility of consoli-
11 dating and relocating shore facilities on a por-
12 tion of the existing site, while—

13 (i) meeting the operational require-
14 ments of Sector Buffalo; and

15 (ii) allowing the expansion of oper-
16 ational requirements of Sector Buffalo;
17 and

18 (C) contain a preliminary plan for the de-
19 sign, engineering, and construction of the pro-
20 posed project, including—

21 (i) the estimated cost of the design,
22 engineering, and construction of the pro-
23 posed project;

24 (ii) an anticipated timeline of the pro-
25 posed project; and

1 (iii) a description of what Federal
 2 lands, if any, shall be considered excess to
 3 Coast Guard needs.

4 (d) LIMITATION.—Nothing in this section shall affect
 5 the current administration and management of the study
 6 area.

7 **SEC. 920. CONVEYANCE OF POINT NO POINT HISTORIC**
 8 **LIGHTHOUSE TO KITSAP COUNTY, WASH-**
 9 **INGTON.**

10 (a) *AUTHORITY TO CONVEY.*—

11 (1) *IN GENERAL.*—*The Commandant of the*
 12 *Coast Guard shall convey to Kitsap County, Wash-*
 13 *ington, without monetary consideration, all right,*
 14 *title, and interest, of the United States in and to*
 15 *Point No Point Lighthouse located in Kitsap County,*
 16 *Washington, together with any improvements thereon*
 17 *in their then current condition for the purpose of per-*
 18 *mitting the County to use the property as a park and*
 19 *educational facility, and to preserve the important*
 20 *cultural and historic features of the site. All condi-*
 21 *tions placed with the deed of title shall be construed*
 22 *as covenants running with the land.*

23 (2) *IDENTIFICATION OF PROPERTY.*—*The Point*
 24 *No Point Lighthouse property is a 3.04 acre parcel*
 25 *located 1 mile east of the township of Hansville,*

1 *Kitsap County, Washington, and is legally described*
 2 *as all that tract of land situated in Kitsap County,*
 3 *Washington, and situated partly in lot 2 of section 15*
 4 *and partly in lot 2 section 22 both of said township*
 5 *28 north of said range 2 east W.M.; commencing at*
 6 *a point on east side of spit on said section 22 of*
 7 *township and range aforesaid; said point bearing*
 8 *S81*45'E 825 feet distant from quarter section corner*
 9 *between said sections 15 and 22 of township and*
 10 *range aforesaid; run thence (using var N21*30E)*
 11 *North 60* West at 236 1/4 feet from section line and*
 12 *enter section 15 at 561 1/4 feet point on west side of*
 13 *spit; thence N24*W 180 feet to low tide mark; thence*
 14 *following low tide mark line N72*E 450 feet; thence*
 15 *N86*E 250 feet; thence S39*30'E 300 feet; thence*
 16 *S3*15'E 252 1/2 feet cross section line and enter sec-*
 17 *tion 22; at 371 feet, point at low tide mark; thence*
 18 *west 330 feet to the place of beginning.*

19 (3) *HISTORICAL ARTIFACTS.*—*The Commandant*
 20 *may retain all right, title, and interest of the United*
 21 *States in and to any historical artifact that is associ-*
 22 *ated with and located at the Point No Point Light-*
 23 *house at the time of conveyance. Notwithstanding the*
 24 *preceding sentence, the decommissioned, but in-place,*
 25 *fourth order Fresnel lens at the lighthouse will be con-*

1 *veyed with the lighthouse. Artifacts associated with,*
2 *but not located at the Point No Point Lighthouse at*
3 *the time of conveyance, shall remain the personal*
4 *property of the United States under the administra-*
5 *tive control of the Commandant.*

6 *(b) TERMS AND CONDITIONS OF CONVEYANCE.—*

7 *(1) IN GENERAL.—The conveyance of the Point*
8 *No Point Lighthouse shall be made subject to any*
9 *terms and conditions the Commandant considers nec-*
10 *essary, including the reservation of easements and*
11 *other rights on behalf of the United States, to ensure*
12 *that—*

13 *(A) the aids to navigation located at the*
14 *Point No Point Lighthouse shall remain the per-*
15 *sonal property of the United States and continue*
16 *to be operated and maintained by the United*
17 *States for as long as needed for navigational*
18 *purposes;*

19 *(B) there is reserved to the United States*
20 *the right to remove, relocate, or replace any aid*
21 *to navigation located upon, or install or con-*
22 *struct any aid to navigation upon, the property*
23 *conveyed under this section as may be necessary*
24 *for navigational purposes;*

1 (C) *the United States shall have the right to*
2 *enter the property conveyed under this section at*
3 *any time, without notice, for purposes of oper-*
4 *ating, maintaining, and inspecting any aid to*
5 *navigation and for the purpose of exercising any*
6 *of the rights set forth in subparagraph (B); and*

7 (D) *Kitsap County shall not interfere or*
8 *allow interference, in any manner, with any aid*
9 *to navigation, nor hinder activities required for*
10 *the inspection, operation, and maintenance of*
11 *any aid to navigation, without the express writ-*
12 *ten permission of the head of the agency respon-*
13 *sible for the aid to navigation.*

14 (2) *MAINTENANCE.—Kitsap County shall, at its*
15 *own cost and expense, maintain the Point No Point*
16 *Lighthouse in a proper, substantial, and workmanlike*
17 *manner, and in accordance with any conditions es-*
18 *tablished by the Commandant under the National*
19 *Historic Preservation Act of 1966 (16 U.S.C. 470 et*
20 *seq.), and any other applicable laws.*

21 (3) *PUBLIC AVAILABILITY.—Kitsap County shall*
22 *ensure that the Point No Point Lighthouse conveyed*
23 *is available to the public, on a reasonable basis, for*
24 *educational, park, recreational, cultural, historic*

1 *preservation or similar purposes, as permitted by the*
2 *Commandant.*

3 (4) *RESTRICTIONS ON ALIENATION.—Kitsap*
4 *County shall not convey, assign, exchange, or in any*
5 *way encumber the property for consideration, unless*
6 *approved by the Commandant.*

7 (5) *OPERATION.—The County may enter into a*
8 *partnership with an organization for the operation*
9 *and maintenance of the duplex and associated struc-*
10 *tures. All revenues generated by such activities will be*
11 *used for the preservation, restoration, maintenance*
12 *and operation of the lighthouse property. Kitsap*
13 *County shall not otherwise conduct any commercial*
14 *activities at the Point No Point Lighthouse unless ap-*
15 *proved by the Commandant.*

16 (6) *AIDS TO NAVIGATION.—Kitsap County shall*
17 *not be required to maintain any active aid to naviga-*
18 *tion associated with the Point No Point Lighthouse,*
19 *except for private aids to navigation permitted under*
20 *section 83 of title 14, United States Code.*

21 (c) *REVERSIONARY INTEREST.—In addition to any*
22 *term or condition established pursuant to this section, the*
23 *conveyance of property under this section shall include a*
24 *condition that the Point No Point Lighthouse, at the option*
25 *of the Commandant, shall revert to the United States and*

1 *be placed under the administrative control of the Com-*
2 *mandant, if—*

3 (1) *the Point No Point Lighthouse, or any part*
4 *thereof, ceases to be maintained in a manner that en-*
5 *sure its present or future use as a site for an aid to*
6 *navigation as determined by the Commandant;*

7 (2) *the Point No Point Lighthouse, or any part*
8 *thereof, ceases to be available to the public, on a rea-*
9 *sonable basis, for educational, park, recreational, cul-*
10 *tural, historic preservation or similar purposes, as*
11 *permitted by the Commandant;*

12 (3) *the Point No Point Lighthouse, or any part*
13 *thereof, ceases to be maintained in a manner compli-*
14 *ant with any conditions established under the Na-*
15 *tional Historic Preservation Act of 1966 (16 U.S.C.*
16 *470 et seq.), and any other applicable laws, as estab-*
17 *lished by the Commandant;*

18 (4) *Kitsap County conveys, assigns, exchanges,*
19 *or in any encumbers the property for consideration,*
20 *unless approved by the Commandant;*

21 (5) *Kitsap County conducts any commercial ac-*
22 *tivities at the Point No Point Lighthouse unless ap-*
23 *proved by the Commandant, except as noted in sub-*
24 *section (b)(5); or*

1 (6) *at least 30 days before the reversion, the*
2 *Commandant provides written notice to the grantee*
3 *that the property conveyed under this section, or any*
4 *portion thereof, is needed for national security pur-*
5 *poses.*

6 (d) *AID TO NAVIGATION DEFINED.—In this section the*
7 *term “aid to navigation” means equipment used for naviga-*
8 *tional purposes, including lights, antennas, sound signals,*
9 *electronic navigation equipment, cameras, sensors, and*
10 *other equipment which are operated or maintained by the*
11 *United States.*

12 **SEC. 921. FACILITY SECURITY PLANS.**

13 *Each facility security plan approved under section*
14 *70103(c) of title 46, United State Code, shall provide a sys-*
15 *tem for seamen assigned to a vessel at that facility, pilots,*
16 *and representatives of seamen’s welfare and labor organiza-*
17 *tions, to board and depart the vessel through the facility*
18 *in a timely manner at no cost to the individual. Nothing*
19 *in this section shall be construed to affect the requirement*
20 *for or the fees associated with applying for and receiving*
21 *a Transportation Worker Identification Credential pursu-*
22 *ant to section 70107 of title 46, United States Code.*

1 **SEC. 922. CLASS ACTION SUITS FOR CREW WAGES ON PAS-**
2 **SENGER VESSELS; DEPOSIT OF SEAMAN'S**
3 **WAGES.**

4 (a) *TIME LIMIT FOR FILING CLASS ACTION SUIT.*—
5 *Section 10313 of title 46, United States Code, is amended*
6 *by adding at the end thereof the following:*

7 “(j) *CLASS ACTION SUIT FOR WAGES.*—*A class action*
8 *suit by seamen employed on a passenger vessel capable of*
9 *carrying more than 500 passengers for wages under this*
10 *section may not be commenced more than 3 years after the*
11 *date of the end of the last voyage for which wages are*
12 *claimed.”.*

13 (b) *DEPOSITS.*—*Section 10315 of title 46, United*
14 *States Code, is amended by adding at the end the following:*

15 “(f) *DEPOSITS IN SEAMAN ACCOUNT.*—*A seaman em-*
16 *ployed on a passenger vessel capable of carrying more than*
17 *500 passengers may authorize, by written request signed by*
18 *the seaman, the master, owner, or operator of the vessel,*
19 *or the employer of the seaman, to make deposits of wages*
20 *of the seaman into a checking, savings, investment, or re-*
21 *tirement account, or other account to secure a payroll or*
22 *debit card for the seaman if—*

23 “(1) *the wages designated by the seaman for such*
24 *deposit are deposited in a United States or inter-*
25 *national financial institution designated by the sea-*
26 *man;*

1 “(2) such deposits in the financial institution
2 are fully guaranteed under commonly accepted inter-
3 national standards by the government of the country
4 in which the financial institution is licensed;

5 “(3) a written wage statement or pay stub, in-
6 cluding an accounting of any direct deposit, is deliv-
7 ered to the seaman no less often than monthly; and

8 “(4) while on board the vessel on which the sea-
9 man is employed, the seaman is able to arrange for
10 withdrawal of all funds on deposit in the account in
11 which the wages are deposited.”

12 **SEC. 920. SEC. 923. INSPECTOR GENERAL REPORT ON COAST**
13 **GUARD 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).

14 ***TITLE X—VESSEL CONVEYANCE***

15 ***SEC. 1001. SHORT TITLE.***

16 *This title may be cited as the “Vessel Conveyance Act”.*

17 ***SEC. 1002. CONVEYANCE OF UNITED STATES VESSELS FOR***
18 ***PUBLIC PURPOSES.***

19 (a) *IN GENERAL.*—*The conveyance of a United States*
20 *Government vessel to an eligible entity for use as an edu-*
21 *cational, cultural, historical, charitable, or recreational or*
22 *other public purpose shall be made subject to any condi-*
23 *tions, including the reservation of such rights on behalf of*
24 *the United States, as the Secretary considers necessary to*
25 *ensure that the vessel will be maintained and used in ac-*

1 *cordance with the purposes for which it was conveyed, in-*
2 *cluding conditions necessary to ensure that unless approved*
3 *by the Secretary—*

4 (1) *the eligible entity to which the vessel is con-*
5 *veyed may not sell, convey, assign, exchange, or en-*
6 *cumber the vessel, any part thereof, or any associated*
7 *historic artifact conveyed to the eligible entity in con-*
8 *junction with the vessel; and*

9 (2) *the eligible entity to which the vessel is con-*
10 *veyed may not conduct any commercial activities at*
11 *the vessel, any part thereof, or in connection with any*
12 *associated historic artifact conveyed to the eligible en-*
13 *tity in conjunction with the vessel, in any manner.*

14 (b) *REVERSION.*—*In addition to any term or condition*
15 *established pursuant to this section, the conveyance of a*
16 *United States Government vessel shall include a condition*
17 *that the vessel, or any associated historic artifact conveyed*
18 *to the eligible entity in conjunction with the vessel, at the*
19 *option of the Secretary, shall revert to the United States*
20 *and be placed under the administrative control of the Ad-*
21 *ministrator if, without approval of the Secretary—*

22 (1) *the vessel, any part thereof, or any associated*
23 *historic artifact ceases to be available for the edu-*
24 *cational, cultural, historical, charitable, or rec-*
25 *reational or other public purpose for which it was*

1 conveyed under reasonable conditions which shall be
2 set forth in the eligible entity's application;

3 (2) the vessel or any part thereof ceases to be
4 maintained in a manner consistent with the commit-
5 ments made by the eligible entity to which it was con-
6 veyed;

7 (3) the eligible entity to which the vessel is con-
8 veyed, sells, conveys, assigns, exchanges, or encumbers
9 the vessel, any part thereof, or any associated historic
10 artifact; or

11 (4) the eligible entity to which the vessel is con-
12 veyed, conducts any commercial activities at the ves-
13 sel, any part thereof, or in conjunction with any asso-
14 ciated historic artifact.

15 (c) *AGREEMENT REQUIRED.*—*Except as may be other-*
16 *wise explicitly provided by statute, a United States Govern-*
17 *ment vessel may not be conveyed to an entity unless that*
18 *entity agrees to comply with any terms or conditions im-*
19 *posed on the conveyance under this section.*

20 (d) *RECORDS AND MONITORING.*—

21 (1) *COMPILATION AND TRANSFER.*—*The Sec-*
22 *retary shall provide a written or electronic record for*
23 *each vessel conveyed pursuant to the Secretary's au-*
24 *thority, including the vessel registration, the applica-*
25 *tion for conveyance, the terms and conditions of con-*

1 *veyance, and any other documents associated with the*
2 *conveyance, and any post-conveyance correspondence*
3 *or other documentation, to the Administrator.*

4 (2) *MONITORING.*—*For a period not less than 5*
5 *years after the date of conveyance the Administrator*
6 *shall monitor the eligible entity’s use of the vessel con-*
7 *veyed to ensure that the vessel is being used in accord-*
8 *ance with the purpose for which it was conveyed. The*
9 *Administrator shall create a written or electronic*
10 *record of such monitoring activities and their find-*
11 *ings.*

12 (3) *MAINTENANCE.*—*The Administrator shall*
13 *maintain vessel conveyance records provided under*
14 *paragraph (1), and monitoring records created under*
15 *paragraph (2), on each vessel conveyed until such*
16 *time as the vessel is destroyed, scuttled, recycled, or*
17 *otherwise disposed of. The Administrator may make*
18 *the records available to the public.*

19 (e) *COST ESTIMATES.*—*The Secretary may provide an*
20 *estimate to an eligible entity of the cost of maintaining and*
21 *operating any vessel to be conveyed to that entity.*

22 (f) *GUIDANCE.*—*The Secretary may issue guidance*
23 *concerning the types and extent of commercial activities,*
24 *including the sale of goods or services incidental to, and*
25 *consistent with, the purposes for which a vessel was con-*

1 *veyed, that are approved by the Secretary for purposes of*
2 *subsections (a)(2) and (b)(4) of this section.*

3 **SEC. 1003. WORKING GROUP ON CONVEYANCE OF UNITED**
4 **STATES VESSELS.**

5 *Within 180 days after the date of enactment of this*
6 *Act, the Secretary of Transportation shall convene a work-*
7 *ing group, composed of representatives from the Maritime*
8 *Administration, the Coast Guard, and the United States*
9 *Navy to review and to make recommendations on a common*
10 *set of conditions for the conveyance of vessels of the United*
11 *States to eligible entities (as defined in section 1002(d)(2)).*
12 *The Secretary may request the participation of senior rep-*
13 *resentatives of any other Federal department or agency, as*
14 *appropriate.*

15 **SEC. 1004. CIVIL ENFORCEMENT OF CONVEYANCE CONDI-**
16 **TIONS.**

17 *(a) CIVIL ADMINISTRATIVE PENALTIES.—*

18 *(1) Any eligible entity found by the Secretary,*
19 *after notice and opportunity for a hearing in accord-*
20 *ance with section 554 of title 5, United States Code,*
21 *to have failed to comply with the terms and condi-*
22 *tions under which a vessel was conveyed to it shall be*
23 *liable to the United States for a civil penalty. The*
24 *amount of the civil penalty under this paragraph*
25 *shall not exceed \$10,000 for each violation. Each day*

1 of a continuing violation shall constitute a separate
2 violation.

3 (2) *COMPROMISE OR OTHER ACTION BY THE*
4 *SECRETARY.*—The Secretary may compromise, mod-
5 ify, or remit, with or without conditions, any civil
6 administrative penalty imposed under this section
7 that has not been referred to the Attorney General for
8 further enforcement action.

9 (b) *HEARING.*—For the purposes of conducting any in-
10 vestigation or hearing under this section, the Secretary may
11 issue subpoenas for the attendance and testimony of wit-
12 nesses and the production of relevant papers, books, and
13 documents, and may administer oaths. Witnesses sum-
14 moned shall be paid the same fees and mileage that are paid
15 to witnesses in the courts of the United States. In case of
16 contempt or refusal to obey a subpoena served upon any
17 person pursuant to this subsection, the district court of the
18 United States for any district in which such person is
19 found, resides, or transacts business, upon application by
20 the United States and after notice to such person, shall have
21 jurisdiction to issue an order requiring such person to ap-
22 pear and give testimony before the Secretary or to appear
23 and produce documents before the Secretary, or both, and
24 any failure to obey such order of the court may be punished
25 by such court as a contempt thereof. Nothing in this title

1 *shall be construed to grant jurisdiction to a district court*
2 *to entertain an application for an order to enforce a sub-*
3 *poena issued by the Secretary of Commerce to the Federal*
4 *Government or any entity thereof.*

5 (c) *JURISDICTION.*—*The United States district courts*
6 *shall have original jurisdiction of any action under this sec-*
7 *tion arising out of or in connection with the operation,*
8 *maintenance, or disposition of a conveyed vessel, and pro-*
9 *ceedings with respect to any such action may be instituted*
10 *in the judicial district in which any defendant resides or*
11 *may be found. For the purpose of this section, American*
12 *Samoa shall be included within the judicial district of the*
13 *District Court of the United States for the District of Ha-*
14 *waii.*

15 (d) *COLLECTION.*—*If an eligible entity fails to pay an*
16 *assessment of a civil penalty after it has become a final*
17 *and unappealable order, or after the appropriate court has*
18 *entered final judgment in favor of the Secretary, the matter*
19 *may be referred to the Attorney General, who may recover*
20 *the amount (plus interest at currently prevailing rates from*
21 *the date of the final order). In such action the validity,*
22 *amount, and appropriateness of the final order imposing*
23 *the civil penalty shall not be subject to review. Any eligible*
24 *entity that fails to pay, on a timely basis, the amount of*
25 *an assessment of a civil penalty shall be required to pay,*

1 *in addition to such amount and interest, attorney's fees and*
 2 *costs for collection proceedings and a quarterly nonpayment*
 3 *penalty for each quarter during which such failure to pay*
 4 *persists. Such nonpayment penalty shall be in an amount*
 5 *equal to 20 percent of the aggregate amount of such the enti-*
 6 *ty's penalties and nonpayment penalties which are unpaid*
 7 *as of the beginning of such quarter.*

8 *(e) NATIONWIDE SERVICE OF PROCESS.—In any ac-*
 9 *tion by the United States under this title, process may be*
 10 *served in any district where the defendant is found, resides,*
 11 *transacts business or has appointed an agent for the service*
 12 *of process, and for civil cases may also be served in a place*
 13 *not within the United States in accordance with Rule 4*
 14 *of the Federal Rules of Civil Procedure.*

15 **SEC. 1005. DEFINITIONS.**

16 *In this title:*

17 (1) *ADMINISTRATOR.—The term “Adminis-*
 18 *trator” means the Administrator of General Services.*

19 (2) *ELIGIBLE ENTITY.—The term “eligible enti-*
 20 *ty” means a State or local government, nonprofit cor-*
 21 *poration, educational agency, community develop-*
 22 *ment organization, or other entity that agrees to com-*
 23 *ply with the conditions established under this section.*

1 (3) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of the department or agency on whose*
3 *authority a vessel is conveyed to an eligible entity.*

4 (4) *UNITED STATES GOVERNMENT VESSEL.*—*The*
5 *term “United States government vessel” means a ves-*
6 *sel owned by the United States Government.*

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110TH CONGRESS
2^D SESSION

S. 1892

[Report No. 110-261]

A BILL

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

FEBRUARY 5, 2008

Reported with amendments