

Union Calendar No. 317

110TH CONGRESS
2D SESSION

H. R. 2830

[Report No. 110–338, Parts I, II, and III]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2007

Mr. OBERSTAR (for himself, Mr. CUMMINGS, and Mr. LATOURETTE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

SEPTEMBER 20, 2007

Reported with an amendment and referred to the Committee on Homeland Security for a period ending not later than October 1, 2007, for consideration of such provisions of the bill and the amendment as fall within the jurisdiction of that committee pursuant to clause 1(i), rule X

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

OCTOBER 1, 2007

Reported from the Committee on Homeland Security with an amendment

[Strike out all after the enacting clause and insert the part printed in **boldface roman**]

OCTOBER 1, 2007

Referred to the Committees on Energy and Commerce and the Judiciary for a period ending not later than October 15, 2007, for consideration of such provisions of the bill and the amendment as fall within the jurisdiction of those committees pursuant to clauses 1(f) and 1(k) respectively, rule X

OCTOBER 15, 2007

Referral to the Committees on Energy and Commerce and the Judiciary extended for a period ending not later than October 29, 2007

OCTOBER 29, 2007

Referral to the Committee on the Judiciary extended for a period ending not later than October 30, 2007

OCTOBER 29, 2007

Referral to the Committee on Energy and Commerce extended for a period ending not later than November 16, 2007

OCTOBER 30, 2007

Reported from the Committee on the Judiciary with an amendment
[Strike out all after the enacting clause and insert the part printed in boldface italic]

NOVEMBER 15, 2007

Referral to the Committee on Energy and Commerce extended for a period ending not later than December 7, 2007

DECEMBER 7, 2007

Referral to the Committee on Energy and Commerce extended for a period ending not later than December 14, 2007

DECEMBER 14, 2007

Referral to the Committee on Energy and Commerce extended for a period ending not later than January 12, 2008

DECEMBER 18, 2007

Referral to the Committee on Energy and Commerce extended for a period ending not later than January 15, 2008

JANUARY 15, 2008

Referral to the Committee on Energy and Commerce extended for a period ending not later than January 23, 2008

JANUARY 23, 2008

Referral to the Committee on Energy and Commerce extended for a period ending not later than January 29, 2008

JANUARY 29, 2008

Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 22, 2007]

A BILL

To authorize appropriations for 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 Authoriza-*
 5 *tion Act of 2007”.*

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

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

Sec. 103. Transfer of bridge administration program authority and functions.

TITLE II—COAST GUARD

Sec. 201. Appointment of civilian Coast Guard judges.

Sec. 202. Industrial activities.

Sec. 203. Reimbursement for medical-related travel expenses.

Sec. 204. Commissioned officers.

*Sec. 205. Coast Guard participation in the Armed Forces Retirement Home
(AFRH) system.*

Sec. 206. Grants to international maritime organizations.

Sec. 207. Emergency leave retention authority.

Sec. 208. Enforcement authority.

Sec. 209. Repeal.

Sec. 210. Admirals and Vice Admirals.

Sec. 211. Merchant Mariner Medical Advisory Committee.

Sec. 212. Reserve commissioned warrant officer to lieutenant program.

Sec. 213. Enhanced status quo officer promotion system.

Sec. 214. Laser Training System.

Sec. 215. Coast Guard vessels and aircraft.

Sec. 216. Coast Guard District Ombudsmen.

TITLE III—SHIPPING AND NAVIGATION

Sec. 301. Vessel size limits.

Sec. 302. Goods and services.

Sec. 303. Seaward extension of anchorage grounds jurisdiction.

Sec. 304. Maritime Drug Law Enforcement Act amendment-simple possession.

Sec. 305. Technical amendments to tonnage measurement law.

Sec. 306. Seamen’s shoreside access.

Sec. 307. Fishing vessel safety.

Sec. 308. Mariner records.

*Sec. 309. Deletion of exemption of license requirement for operators of certain
towing vessels.*

- Sec. 310. Adjustment of liability limits for natural gas deepwater ports.*
Sec. 311. Period of limitations for claims against Oil Spill Liability Trust Fund.
Sec. 312. Log books.
Sec. 313. Unsafe operation.
Sec. 314. Approval of survival craft.
Sec. 315. Safety management.
Sec. 316. Protection against discrimination.
Sec. 317. Dry bulk cargo residue.
Sec. 318. Clarification of delegation of authority to classification societies.
Sec. 319. Registry endorsement for LNG vessels.
Sec. 320. Oaths.
Sec. 321. Duration of credentials.
Sec. 322. Fingerprinting.
Sec. 323. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.
Sec. 324. Merchant mariner documentation.
Sec. 325. Merchant mariner assistance report.
Sec. 326. Merchant mariner shortage report.
Sec. 327. Merchant mariner document standards.
Sec. 328. Waterside security around liquefied natural gas terminals and liquefied natural gas tankers.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Certificate of documentation for GALLANT LADY.*
Sec. 402. Waiver.
Sec. 403. Great Lakes Maritime Research Institute.
Sec. 404. Conveyance.
Sec. 405. Crew wages on passenger vessels.
Sec. 406. Technical corrections.
Sec. 407. Conveyance of decommissioned Coast Guard Cutter STORIS.
Sec. 408. Repeal of requirement of license for employment in the business of salvaging on the coast of Florida.
Sec. 409. Right-of-first-refusal for Coast Guard property on Jupiter Island, Florida.
Sec. 410. Conveyance of Coast Guard HU-25 Falcon Jet aircraft.
Sec. 411. Decommissioned Coast Guard vessels for Haiti.
Sec. 412. Extension of period of operation of vessel for setting, relocation, or recovery of anchors or other mooring equipment.
Sec. 413. Vessel traffic risk assessments.
Sec. 414. Vessel MARYLAND INDEPENDENCE.
Sec. 415. Study of relocation of Coast Guard Sector Buffalo facilities.

TITLE V—BALLAST WATER TREATMENT

- Sec. 501. Short title.*
Sec. 502. Declaration of goals and purposes.
Sec. 503. Ballast water management.
Sec. 504. National ballast water management information.
Sec. 505. Ballast water management evaluation and demonstration program.
Sec. 506. Rapid response plan.
Sec. 507. Authorization of appropriations.

TITLE VI—ALIEN SMUGGLING

Sec. 601. Short title.

Sec. 602. Maritime law enforcement.

1 **TITLE I—AUTHORIZATION**

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

3 *Funds are authorized to be appropriated for fiscal year*
4 *2008 for necessary expenses of the Coast Guard as follows:*

5 (1) *For the operation and maintenance of the*
6 *Coast Guard, \$5,965,742,000, of which—*

7 (A) *\$24,500,000 is authorized to be derived*
8 *from the Oil Spill Liability Trust Fund to carry*
9 *out the purposes of section 1012(a)(5) of the Oil*
10 *Pollution Act of 1990 (33 U.S.C. 2712(a)(5));*

11 (B) *\$631,000,000 shall be available only for*
12 *paying for search and rescue programs;*

13 (C) *\$527,000,000 shall be available only for*
14 *paying for marine safety programs; and*

15 (D) *\$80,500,000 shall be available only for*
16 *paying for operating expenses of the Integrated*
17 *Deepwater System program.*

18 (2) *For the acquisition, construction, rebuilding,*
19 *and improvement of aids to navigation, shore and off-*
20 *shore facilities, vessels, and aircraft, including equip-*
21 *ment related thereto, \$1,005,768,000, of which—*

22 (A) *\$20,000,000 shall be derived from the*
23 *Oil Spill Liability Trust Fund to carry out the*

1 *purposes of section 1012(a)(5) of the Oil Pollu-*
2 *tion Act of 1990, to remain available until ex-*
3 *pended;*

4 *(B) \$836,866,000 is authorized for the Inte-*
5 *grated Deepwater System Program; and*

6 *(C) \$44,597,000 is authorized for shore fa-*
7 *cilities and aids to navigation.*

8 *(3) To the Commandant of the Coast Guard for*
9 *research, development, test, and evaluation of tech-*
10 *nologies, materials, and human factors directly relat-*
11 *ing to improving the performance of the Coast*
12 *Guard's mission in search and rescue, aids to naviga-*
13 *tion, marine safety, marine environmental protection,*
14 *enforcement of laws and treaties, ice operations,*
15 *oceanographic research, and defense readiness,*
16 *\$18,583,000, to remain available until expended, of*
17 *which \$2,000,000 shall be derived from the Oil Spill*
18 *Liability Trust Fund to carry out the purposes of sec-*
19 *tion 1012(a)(5) of the Oil Pollution Act of 1990.*

20 *(4) For retired pay (including the payment of*
21 *obligations otherwise chargeable to lapsed appropria-*
22 *tions for this purpose), payments under the Retired*
23 *Serviceman's Family Protection and Survivor Benefit*
24 *Plans, and payments for medical care of retired per-*
25 *sonnel and their dependents under chapter 55 of title*

1 10, United States Code, \$1,184,720,000, to remain
2 available until expended.

3 (5) For alteration or removal of bridges over
4 navigable waters of the United States constituting ob-
5 structions to navigation, and for personnel and ad-
6 ministrative costs associated with the Bridge Alter-
7 ation Program, \$16,000,000.

8 (6) For environmental compliance and restora-
9 tion at Coast Guard facilities (other than parts and
10 equipment associated with operation and mainte-
11 nance), \$12,079,000, to remain available until ex-
12 pended.

13 (7) For the Coast Guard Reserve program, in-
14 cluding personnel and training costs, equipment, and
15 services, \$126,883,000.

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

18 (a) *ACTIVE DUTY STRENGTH.*—The Coast Guard is
19 authorized an end-of-year strength for active duty personnel
20 of 45,500 for the fiscal year ending on September 30, 2008.

21 (b) *MILITARY TRAINING STUDENT LOADS.*—For fiscal
22 year 2008, the Coast Guard is authorized average military
23 training student loads as follows:

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

1 (2) *For flight training, 165 student years.*

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

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

5 **SEC. 103. TRANSFER OF BRIDGE ADMINISTRATION PRO-**
6 **GRAM AUTHORITY AND FUNCTIONS.**

7 (a) *TRANSFER.—*

8 (1) *AUTHORITY AND FUNCTIONS.—Notwith-*
9 *standing section 888(b) of the Homeland Security Act*
10 *of 2002 (6 U.S.C. 468(b)) or any other provision of*
11 *law, the authorities of the Secretary of Homeland Se-*
12 *curity to approve the construction, alteration, or op-*
13 *eration of a bridge, drawbridge, or causeway across or*
14 *over the navigable waters of the United States and to*
15 *require the alteration, repair, or removal of that*
16 *bridge, drawbridge, or causeway, pursuant to the*
17 *Bridge Act of 1906 (34 Stat. 84; 33 U.S.C. 491 et*
18 *seq.), the General Bridge Act of 1946 (60 Stat. 847,*
19 *33 U.S.C. 525 note), the Truman-Hobbs Act (54 Stat.*
20 *497; 33 U.S.C. 511 et seq.), and the International*
21 *Bridge Act of 1972 (60 Stat. 847; 33 U.S.C. 525 et*
22 *seq.), and the functions related thereto, are hereby*
23 *transferred to the Secretary of Transportation.*

24 (2) *TRANSFER AND ADMINISTRATION OF BAL-*
25 *ANCES.—Any unobligated balances of prior appro-*

1 *priations provided for the alteration of bridges are*
 2 *transferred and shall be available to the Secretary of*
 3 *Transportation to carry out the functions and au-*
 4 *thorities transferred by subsection (a).*

5 **TITLE II—COAST GUARD**

6 **SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD**
 7 **JUDGES.**

8 *(a) IN GENERAL.—Chapter 7 of title 14, United States*
 9 *Code, is amended by adding at the end the following:*

10 **“§ 153. Appointment of judges**

11 *“The Secretary may appoint civilian employees of the*
 12 *Department in which the Coast Guard is operating as ap-*
 13 *pellate military judges, available for assignment to the*
 14 *Coast Guard Court of Criminal Appeals as provided for*
 15 *in section 866(a) of title 10.”.*

16 *(b) CLERICAL AMENDMENT.—The analysis for such*
 17 *chapter is amended by adding at the end the following:*

“153. Appointment of judges.”.

18 **SEC. 202. INDUSTRIAL ACTIVITIES.**

19 *Section 151 of title 14, United States Code, is amend-*
 20 *ed—*

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

23 *(2) by adding at the end the following:*

24 *“(b) ORDERS AND AGREEMENTS FOR INDUSTRIAL AC-*
 25 *TIVITIES.—Under this section, the Coast Guard industrial*

1 *activities may accept orders and enter into reimbursable*
2 *agreements with establishments, agencies, and departments*
3 *of the Department of Defense.”.*

4 **SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAV-**
5 **EL EXPENSES.**

6 (a) *IN GENERAL.*—Chapter 13 of title 14, United
7 States Code, is amended by adding at the end the following:

8 **“§518. Reimbursement for medical-related travel ex-**
9 **penses for certain persons residing on is-**
10 **lands in the continental United States**

11 *“In any case in which a covered beneficiary (as de-*
12 *finied in section 1072(5) of title 10) resides on an island*
13 *that is located in the 48 contiguous States and the District*
14 *of Columbia and that lacks public access roads to the main-*
15 *land and is referred by a primary care physician to a spe-*
16 *cialty care provider (as defined in section 1074i(b) of title*
17 *10) on the mainland who provides services less than 100*
18 *miles from the location where the beneficiary resides, the*
19 *Secretary shall reimburse the reasonable travel expenses of*
20 *the covered beneficiary and, when accompaniment by an*
21 *adult is necessary, for a parent or guardian of the covered*
22 *beneficiary or another member of the covered beneficiary’s*
23 *family who is at least 21 years of age.”.*

24 (b) *CLERICAL AMENDMENT.*—The analysis for such
25 chapter is amended by adding at the end the following:

“518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.”.

1 **SEC. 204. COMMISSIONED OFFICERS.**

2 (a) *ACTIVE DUTY PROMOTION LIST.*—Section 42 of
3 title 14, United States Code, is amended to read as follows:

4 **“§42. Number and distribution of commissioned offi-**
5 **cers on active duty promotion list**

6 “(a) *MAXIMUM TOTAL NUMBER.*—The total number of
7 Coast Guard commissioned officers on the active duty pro-
8 motion list, excluding warrant officers, shall not exceed
9 6,700; except that the Commandant may temporarily in-
10 crease that number by up to 2 percent for no more than
11 60 days following the date of the commissioning of a Coast
12 Guard Academy class.

13 “(b) *DISTRIBUTION PERCENTAGES BY GRADE.*—

14 “(1) *REQUIRED.*—The total number of commis-
15 sioned officers authorized by this section shall be dis-
16 tributed in grade in the following percentages: 0.375
17 percent for rear admiral; 0.375 percent for rear admi-
18 ral (lower half); 6.0 percent for captain; 15.0 percent
19 for commander; and 22.0 percent for lieutenant com-
20 mander.

21 “(2) *DISCRETIONARY.*—The Secretary shall pre-
22 scribe the percentages applicable to the grades of lieu-
23 tenant, lieutenant (junior grade), and ensign.

1 “(3) *AUTHORITY OF SECRETARY TO REDUCE*
2 *PERCENTAGE.—The Secretary—*

3 “(A) *may reduce, as the needs of the Coast*
4 *Guard require, any of the percentages set forth*
5 *in paragraph (1); and*

6 “(B) *shall apply that total percentage re-*
7 *duction to any other lower grade or combination*
8 *of lower grades.*

9 “(c) *COMPUTATIONS.—*

10 “(1) *IN GENERAL.—The Secretary shall compute,*
11 *at least once each year, the total number of commis-*
12 *sioned officers authorized to serve in each grade by*
13 *applying the grade distribution percentages estab-*
14 *lished by or under this section to the total number of*
15 *commissioned officers listed on the current active duty*
16 *promotion list.*

17 “(2) *ROUNDING FRACTIONS.—Subject to sub-*
18 *section (a), in making the computations under para-*
19 *graph (1), any fraction shall be rounded to the near-*
20 *est whole number.*

21 “(3) *TREATMENT OF OFFICERS SERVING OUT-*
22 *SIDE COAST GUARD.—The number of commissioned*
23 *officers on the active duty promotion list below the*
24 *rank of rear admiral (lower half) serving with other*
25 *Federal departments or agencies on a reimbursable*

1 *basis or excluded under section 324(d) of title 49 shall*
2 *not be counted against the total number of commis-*
3 *sioned officers authorized to serve in each grade.*

4 “(d) *USE OF NUMBERS; TEMPORARY INCREASES.—*
5 *The numbers resulting from computations under subsection*
6 *(c) shall be, for all purposes, the authorized number in each*
7 *grade; except that the authorized number for a grade is tem-*
8 *porarily increased during the period between one computa-*
9 *tion and the next by the number of officers originally ap-*
10 *pointed in that grade during that period and the number*
11 *of officers of that grade for whom vacancies exist in the next*
12 *higher grade but whose promotion has been delayed for any*
13 *reason.*

14 “(e) *OFFICERS SERVING COAST GUARD ACADEMY AND*
15 *RESERVE.—The number of officers authorized to be serving*
16 *on active duty in each grade of the permanent commis-*
17 *sioned teaching staff of the Coast Guard Academy and of*
18 *the Reserve serving in connection with organizing, admin-*
19 *istering, recruiting, instructing, or training the reserve*
20 *components shall be prescribed by the Secretary.”.*

21 “(b) *CLERICAL AMENDMENT.—The analysis for chapter*
22 *3 of such title is amended by striking the item relating to*
23 *section 42 and inserting the following:*

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

1 **SEC. 205. COAST GUARD PARTICIPATION IN THE ARMED**
2 **FORCES RETIREMENT HOME (AFRH) SYSTEM.**

3 (a) *IN GENERAL.*—Section 1502 of the Armed Forces
4 Retirement Home Act of 1991 (24 U.S.C. 401) is amend-
5 ed—

6 (1) *by striking paragraph (4);*

7 (2) *in paragraph (5)—*

8 (A) *by striking “and” at the end of sub-*
9 *paragraph (C);*

10 (B) *by striking the period at the end of sub-*
11 *paragraph (D) and inserting “; and”; and*

12 (C) *by inserting at the end the following:*

13 “(E) *the Assistant Commandant of the*
14 *Coast Guard for Human Resources.”; and*

15 (3) *by adding at the end of paragraph (6) the*
16 *following:*

17 “(E) *The Master Chief Petty Officer of the*
18 *Coast Guard.”.*

19 (b) *CONFORMING AMENDMENTS.*—(1) Section 2772 of
20 title 10, United States Code, is amended—

21 (A) *in subsection (a) by inserting “or, in the*
22 *case of the Coast Guard, the Commandant” after*
23 *“concerned”; and*

24 (B) *by striking subsection (c).*

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

1 (A) in paragraph (3) by inserting “or, in the
2 case of the Coast Guard, the Commandant” after
3 “Secretary of Defense”;

4 (B) by striking paragraph (4); and

5 (C) by redesignating paragraph (5) as para-
6 graph (4).

7 **SEC. 206. GRANTS TO INTERNATIONAL MARITIME ORGANI-**
8 **ZATIONS.**

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

11 “(c) *GRANTS TO INTERNATIONAL MARITIME ORGANI-*
12 *ZATIONS.*—After consultation with the Secretary of State,
13 the Commandant may make grants to, or enter into cooper-
14 ative agreements, contracts, or other agreements with, inter-
15 national maritime organizations for the purpose of acquir-
16 ing information or data about merchant vessel inspections,
17 security, safety, classification, and port state or flag state
18 law enforcement or oversight.”.

19 **SEC. 207. EMERGENCY LEAVE RETENTION AUTHORITY.**

20 (a) *IN GENERAL.*—Chapter 11 of title 14, United
21 States Code, is amended by inserting after section 425 the
22 following:

23 “**§ 426. Emergency leave retention authority**

24 “With regard to a member of the Coast Guard who
25 serves on active duty, a duty assignment in support of a

1 *declaration of a major disaster or emergency by the Presi-*
 2 *dent under the Robert T. Stafford Disaster Relief and*
 3 *Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall*
 4 *be treated, for the purpose of section 701(f)(2) of title 10,*
 5 *a duty assignment in support of a contingency operation.”.*

6 (b) *CLERICAL AMENDMENT.—The analysis for such*
 7 *chapter is amended by inserting after the item relating to*
 8 *section 425 the following new item:*

“426. Emergency leave retention authority.”.

9 **SEC. 208. ENFORCEMENT AUTHORITY.**

10 (a) *IN GENERAL.—Chapter 5 of title 14, United States*
 11 *Code, is amended by adding at the end the following:*

12 **“§ 99. Enforcement authority**

13 *“Subject to guidelines approved by the Secretary,*
 14 *members of the Coast Guard, in the performance of official*
 15 *duties, may—*

16 *“(1) carry a firearm; and*

17 *“(2) while at a facility (as defined in section*
 18 *70101 of title 46)—*

19 *“(A) make an arrest without warrant for*
 20 *any offense against the United States; and*

21 *“(B) seize property as otherwise provided*
 22 *by law.”.*

23 (b) *CONFORMING REPEAL.—The first section added to*
 24 *title 46, United States Code, by the amendment made by*
 25 *subsection (a) of section 801 of the Coast Guard and Mari-*

1 *time Transportation Act of 2004 (118 Stat. 1078), and the*
 2 *item relating to such first section enacted by the amendment*
 3 *made by subsection (b) of such section 801, are repealed.*

4 (c) *CLERICAL AMENDMENT.—The analysis for such*
 5 *chapter is amended by adding at the end the following:*

“99. Enforcement authority.”.

6 **SEC. 209. REPEAL.**

7 *Section 216 of title 14, United States Code, and the*
 8 *item relating to such section in the analysis for chapter 11*
 9 *of such title, are repealed.*

10 **SEC. 210. ADMIRALS AND VICE ADMIRALS.**

11 (a) *VICE COMMANDANT.—Section 47 of title 14,*
 12 *United States Code, is amended by striking “vice admiral”*
 13 *and inserting “admiral”.*

14 (b) *VICE ADMIRALS.—Section 50 of title 14, United*
 15 *States Code, is amended to read as follows:*

16 **“§ 50. Vice admirals**

17 *“(a)(1) The President may designate 4 positions of im-*
 18 *portance and responsibility that shall be held by officers*
 19 *who—*

20 *“(A) while so serving, shall have the grade of vice*
 21 *admiral, with the pay and allowances of that grade;*
 22 *and*

23 *“(B) shall perform any duties as the Com-*
 24 *mandant may prescribe.*

1 “(2) *The 4 vice admiral positions authorized under*
2 *paragraph (1) are, respectively, the following:*

3 “(A) *The Deputy Commandant for Mission Sup-*
4 *port.*

5 “(B) *The Deputy Commandant for National Op-*
6 *erations and Policy.*

7 “(C) *The Commander, Force Readiness Com-*
8 *mand.*

9 “(D) *The Commander, Operations Command.*

10 “(3) *The President may appoint, by and with the ad-*
11 *vice and consent of the Senate, and reappoint, by and with*
12 *the advice and consent of the Senate, to each of the positions*
13 *designated under paragraph (1) an officer of the Coast*
14 *Guard who is serving on active duty above the grade of cap-*
15 *tain. The Commandant shall make recommendations for*
16 *those appointments.*

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

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

1 “(A) while under orders transferring the officer
2 to another position designated under subsection (a),
3 beginning on the date the officer is detached from
4 duty and terminating on the date before the day the
5 officer assumes the subsequent duty, but not for more
6 than 60 days;

7 “(B) while hospitalized, beginning on the day of
8 the hospitalization and ending on the day the officer
9 is discharged from the hospital, but not for more than
10 180 days; and

11 “(C) while awaiting retirement, beginning on the
12 date the officer is detached from duty and ending on
13 the day before the officer’s retirement, but not for
14 more than 60 days.

15 “(c)(1) An appointment of an officer under subsection
16 (a) does not vacate the permanent grade held by the officer.

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

22 “(d) Whenever a vacancy occurs in a position des-
23 igned under subsection (a), the Commandant shall inform
24 the President of the qualifications needed by an officer serv-

1 *ing in that position to carry out effectively the duties and*
2 *responsibilities of that position.”.*

3 (c) *REPEAL.*—Section 50a of title 14, United States
4 Code, is repealed.

5 (d) *CONFORMING AMENDMENT.*—Section 51(d)(2) of
6 that title is amended by striking “Area Commander, or
7 Chief of Staff” and inserting “or Vice Admirals”.

8 (e) *CLERICAL AMENDMENTS.*—

9 (1) The heading for section 47 of that title is
10 amended by striking “**assignment**” and inserting
11 “**appointment**”.

12 (2) The table of sections at the beginning of
13 chapter 3 of that title is amended—

14 (A) by striking the item relating to section
15 47 and inserting the following:

“47. Vice Commandant; appointment.”;

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

“50. Vice admirals.”;

18 and

19 (C) by striking the item relating to section
20 50a.

21 (f) *TECHNICAL CORRECTION.*—Section 47 of that title
22 is further amended in the fifth sentence by striking “sub-
23 section” and inserting “section”.

1 **SEC. 211. MERCHANT MARINER MEDICAL ADVISORY COM-**
2 **MITTEE.**

3 (a) *IN GENERAL.*—Chapter 71 of title 46, United
4 States Code, is amended by adding at the end the following
5 new section:

6 **“§7115. Merchant Mariner Medical Advisory Com-**
7 **mittee**

8 “(a) *ESTABLISHMENT.*—

9 “(1) *IN GENERAL.*—There is established a Mer-
10 chant Mariner Medical Advisory Committee (in this
11 section referred to as the ‘Committee’).

12 “(2) *FUNCTIONS.*—The Committee shall advise
13 the Secretary on matters relating to—

14 “(A) medical certification determinations
15 for issuance of merchant mariner credentials;

16 “(B) medical standards and guidelines for
17 the physical qualifications of operators of com-
18 mercial vessels;

19 “(C) medical examiner education; and

20 “(D) medical research.

21 “(b) *MEMBERSHIP.*—

22 “(1) *IN GENERAL.*—The Committee shall consist
23 of twelve members, none of whom is a Federal em-
24 ployee, and shall include—

25 “(A) ten who are health-care professionals
26 with particular expertise, knowledge, or experi-

1 *ence regarding the medical examinations of mer-*
2 *chant mariners or occupational medicine; and*

3 *“(B) two who are professional mariners*
4 *with knowledge and experience in mariner occu-*
5 *pational requirements.*

6 *“(2) STATUS OF MEMBERS.—Members of the*
7 *Committee shall not be considered Federal employees*
8 *or otherwise in the service or the employment of the*
9 *Federal Government, except that members shall be*
10 *considered special Government employees, as defined*
11 *in section 202(a) of title 18, United States Code, and*
12 *shall be subject to any administrative standards of*
13 *conduct applicable to the employees of the department*
14 *in which the Coast Guard is operating.*

15 *“(c) APPOINTMENTS; TERMS; VACANCIES.—*

16 *“(1) APPOINTMENTS.—The Secretary shall ap-*
17 *point the members of the Committee, and each mem-*
18 *ber shall serve at the pleasure of the Secretary.*

19 *“(2) TERMS.—Each member shall be appointed*
20 *for a term of three years, except that, of the members*
21 *first appointed, three members shall be appointed for*
22 *a term of two years and three members shall be ap-*
23 *pointed for a term of one year.*

24 *“(3) VACANCIES.—Any member appointed to fill*
25 *the vacancy prior to the expiration of the term for*

1 *which that member's predecessor was appointed shall*
2 *be appointed for the remainder of that term.*

3 “(d) *CHAIRMAN AND VICE CHAIRMAN.*—*The Secretary*
4 *shall designate one member of the Committee as the Chair-*
5 *man and one member as the Vice Chairman. The Vice*
6 *Chairman shall act as Chairman in the absence or inca-*
7 *capacity of, or in the event of a vacancy in the office of, the*
8 *Chairman.*

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

16 “(f) *STAFF; SERVICES.*—*The Secretary shall furnish to*
17 *the Committee the personnel and services as are considered*
18 *necessary for the conduct of its business.”.*

19 “(b) *FIRST MEETING.*—*No later than six months after*
20 *the date of enactment of this Act, the Merchant Mariner*
21 *Medical Advisory Committee established by the amendment*
22 *made by this section shall hold its first meeting.*

23 “(c) *CLERICAL AMENDMENT.*—*The analysis for chapter*
24 *71 of that title is amended by adding at the end the fol-*
25 *lowing:*

“7115. *Merchant Mariner Medical Advisory Committee.*”.

1 **SEC. 212. 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, not*
8 *above lieutenant, appropriate to their qualifications,*
9 *experience, and length of service, as the needs of the*
10 *Coast Guard may require, from among the commis-*
11 *sioned warrant officers, warrant officers, and enlisted*
12 *members of the Coast Guard, and from holders of li-*
13 *licenses issued under chapter 71 of title 46; and*

14 *“(2) in the Coast Guard Reserve in a grade, not*
15 *above lieutenant, appropriate to their qualifications,*
16 *experience, and length of service, as the needs of the*
17 *Coast Guard may require, from among the commis-*
18 *sioned warrant officers of the Coast Guard Reserve.”.*

19 **SEC. 213. ENHANCED STATUS QUO OFFICER PROMOTION**
20 **SYSTEM.**

21 *Chapter 11 of title 14, United States Code, is amend-*
22 *ed—*

23 *(1) in section 253(a)—*

24 *(A) by inserting “and” after “considered,”;*

25 *and*

1 (B) by striking “, and the number of offi-
2 cers the board may recommend for promotion”;
3 (2) in section 258—

4 (A) by inserting “(a) IN GENERAL.—” be-
5 fore the existing text;

6 (B) in subsection (a) (as so designated) by
7 striking the colon at the end of the material pre-
8 ceding paragraph (1) and inserting “—”; and

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

10 “(b) PROVISION OF DIRECTION AND GUIDANCE.—

11 “(1) In addition to the information provided
12 pursuant to subsection (a), the Secretary may furnish
13 the selection board—

14 “(A) specific direction relating to the needs
15 of the Coast Guard for officers having particular
16 skills, including direction relating to the need for
17 a minimum number of officers with particular
18 skills within a specialty; and

19 “(B) any other guidance that the Secretary
20 believes may be necessary to enable the board to
21 properly perform its functions.

22 “(2) Selections made based on the direction and
23 guidance provided under this subsection shall not ex-
24 ceed the maximum percentage of officers who may be
25 selected from below the announced promotion zone at

1 *any given selection board convened under section 251*
2 *of this title.”;*

3 (3) *in section 259(a), by inserting after “whom*
4 *the board” the following: “, giving due consideration*
5 *to the needs of the Coast Guard for officers with par-*
6 *ticular skills so noted in specific direction furnished*
7 *to the board by the Secretary under section 258 of*
8 *this title,”; and*

9 (4) *in section 260(b), by inserting after “quali-*
10 *fied for promotion” the following: “to meet the needs*
11 *of the service (as noted in specific direction furnished*
12 *the board by the Secretary under section 258 of this*
13 *title)”.*

14 **SEC. 214. LASER TRAINING SYSTEM.**

15 (a) *IN GENERAL.—Within one year after the date of*
16 *enactment of this Act, the Secretary of the department in*
17 *which the Coast Guard shall test an integrated laser engage-*
18 *ment system for the training of members of the Coast Guard*
19 *assigned to small vessels in the use of individual weapons*
20 *and machine guns on those vessels. The test shall be con-*
21 *ducted on vessels on the Great Lakes using similar laser*
22 *equipment used by other Federal agencies. However, that*
23 *equipment shall be adapted for use in the marine environ-*
24 *ment.*

1 (b) *REPORT.*—*The Secretary shall submit a report to*
2 *Congress within 6 months after the conclusions of the test*
3 *required under subsection (a) on the costs and benefits of*
4 *using the system regionally and nationwide to train mem-*
5 *bers of the Coast Guard in the use of individual weapons*
6 *and machine guns.*

7 **SEC. 215. COAST GUARD VESSELS AND AIRCRAFT.**

8 (a) *AUTHORITY TO FIRE AT OR INTO A VESSEL.*—
9 *Section 637(c) of title 14, United States Code, is amended—*

10 (1) *in paragraph (1), by striking “; or” and in-*
11 *serting a semicolon;*

12 (2) *in paragraph (2), by striking the period at*
13 *the end and inserting “; or”; and*

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

15 “(3) *any other vessel or aircraft owned by a gov-*
16 *ernment and used for noncommercial service when—*

17 “(A) *the vessel or aircraft is under the tac-*
18 *tical control of the Coast Guard; and*

19 “(B) *at least one member of the Coast*
20 *Guard is assigned and conducting a Coast*
21 *Guard mission on the vessel or aircraft.”.*

22 (b) *AUTHORITY TO DISPLAY COAST GUARD ENSIGNS*
23 *AND PENNANTS.*—*Section 638(a) of title 14, United States*
24 *Code, is amended by striking “Coast Guard vessels and air-*

1 *craft” and inserting “Vessels and aircraft authorized by the*
2 *Secretary”.*

3 **SEC. 216. COAST GUARD DISTRICT OMBUDSMEN.**

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

7 **“§ 55. District Ombudsmen**

8 *“(a) IN GENERAL.—The Commandant shall appoint*
9 *in each Coast Guard District a District Ombudsman to*
10 *serve as a liaison between ports, terminal operators, ship-*
11 *owners, and labor representatives and the Coast Guard.*

12 *“(b) PURPOSE.—The purpose of the District Ombuds-*
13 *man shall be the following:*

14 *“(1) To support the operations of the Coast*
15 *Guard in each port in the District for which the Dis-*
16 *trict Ombudsman is appointed.*

17 *“(2) To seek to resolve disputes between the Coast*
18 *Guard and all petitioners regarding requirements im-*
19 *posed or services provided by the Coast Guard.*

20 *“(c) FUNCTIONS.—*

21 *“(1) INVESTIGATIONS.—The District Ombuds-*
22 *man may investigate complaints brought to the atten-*
23 *tion of the District Ombudsman by a petitioner oper-*
24 *ating in a port or by Coast Guard personnel.*

25 *“(2) GUIDELINES FOR DISPUTES.—*

1 “(A) *IN GENERAL.*—*The District Ombuds-*
2 *man shall develop guidelines regarding the types*
3 *of disputes with respect to which the District*
4 *Ombudsman will provide assistance.*

5 “(B) *LIMITATION.*—*The District Ombuds-*
6 *man shall not provide assistance with respect to*
7 *a dispute unless it involves the impact of Coast*
8 *Guard requirements on port business and the*
9 *flow of commerce.*

10 “(C) *PRIORITY.*—*In providing such assist-*
11 *ance, the District Ombudsman shall give priority*
12 *to complaints brought by petitioners who believe*
13 *they will suffer a significant hardship as the re-*
14 *sult of implementing a Coast Guard requirement*
15 *or being denied a Coast Guard service.*

16 “(3) *CONSULTATION.*—*The District Ombudsman*
17 *may consult with any Coast Guard personnel who*
18 *can aid in the investigation of a complaint.*

19 “(4) *ACCESS TO INFORMATION.*—*The District*
20 *Ombudsman shall have access to any document, in-*
21 *cluding any record or report, that will aid the Dis-*
22 *trict Ombudsman in obtaining the information need-*
23 *ed to conduct an investigation of a compliant.*

24 “(5) *REPORTS.*—*At the conclusion of an inves-*
25 *tigation, the District Ombudsman shall submit a re-*

1 *port on the findings and recommendations of the Dis-*
2 *trict Ombudsman, to the Commander of the District*
3 *in which the petitioner who brought the complaint is*
4 *operating.*

5 “(6) *DEADLINE.*—*The District Ombudsman shall*
6 *seek to resolve each complaint brought in accordance*
7 *with the guidelines—*

8 “(A) *in a timely fashion; and*

9 “(B) *not later than 4 months after the com-*
10 *plaint is officially accepted by the District Om-*
11 *budsman.*

12 “(d) *APPOINTMENT.*—*The Commandant shall appoint*
13 *as the District Ombudsman a civilian who has experience*
14 *in port and transportation systems and knowledge of port*
15 *operations or of maritime commerce (or both).*

16 “(e) *ANNUAL REPORTS.*—*The Secretary shall report*
17 *annually to the Committee on Transportation and Infra-*
18 *structure of the House of Representatives and the Committee*
19 *on Commerce, Science, and Transportation of the Senate*
20 *on the matters brought before the District Ombudsmen, in-*
21 *cluding—*

22 “(1) *the number of matters brought before each*
23 *District Ombudsman;*

24 “(2) *a brief summary of each such matter; and*

1 “(3) the eventual resolution of each such mat-
2 ter.”.

3 (b) *CLERICAL AMENDMENT.*—*The analysis at the be-*
4 *ginning of that chapter is amended by adding at the end*
5 *the following new item:*

 “55. *District Ombudsmen.*”.

6 ***TITLE III—SHIPPING AND***
7 ***NAVIGATION***

8 ***SEC. 301. VESSEL SIZE LIMITS.***

9 (a) *LENGTH, TONNAGE, AND HORSEPOWER.*—*Section*
10 *12113(d)(2) of title 46, United States Code, is amended—*

11 (1) *by inserting “and” after the semicolon at the*
12 *end of subparagraph (A)(i);*

13 (2) *by striking “and” at the end of subpara-*
14 *graph (A)(ii);*

15 (3) *by striking subparagraph (A)(iii);*

16 (4) *by striking the period at the end of subpara-*
17 *graph (B) and inserting “; or”; and*

18 (5) *by inserting at the end the following:*

19 “(C) *the vessel is either a rebuilt vessel or*
20 *a replacement vessel under section 208(g) of the*
21 *American Fisheries Act (title II of division C of*
22 *Public Law 105–277; 112 Stat. 2681–627) and*
23 *is eligible for a fishery endorsement under this*
24 *section.*”.

25 (b) *CONFORMING AMENDMENTS.*—

1 (1) *VESSEL REBUILDING AND REPLACEMENT.*—
2 *Section 208(g) of the American Fisheries Act (title II*
3 *of division C of Public Law 105–277; 112 Stat. 2681–*
4 *627) is amended to read as follows:*

5 “(g) *VESSEL REBUILDING AND REPLACEMENT.*—

6 “(1) *IN GENERAL.*—

7 “(A) *REBUILD OR REPLACE.*—*Notwith-*
8 *standing any limitation to the contrary on re-*
9 *placing, rebuilding, or lengthening vessels or*
10 *transferring permits or licenses to a replacement*
11 *vessel contained in sections 679.2 and 679.4 of*
12 *title 50, Code of Federal Regulations, as in effect*
13 *on the date of enactment of the Coast Guard Au-*
14 *thorization Act of 2007 and except as provided*
15 *in paragraph (4), the owner of a vessel eligible*
16 *under subsection (a), (b), (c), (d), or (e) (other*
17 *than paragraph (21)), in order to improve vessel*
18 *safety and operational efficiencies (including fuel*
19 *efficiency), may rebuild or replace that vessel*
20 *(including fuel efficiency) with a vessel docu-*
21 *mented with a fishery endorsement under section*
22 *12113 of title 46, United States Code.*

23 “(B) *SAME REQUIREMENTS.*—*The rebuilt or*
24 *replacement vessel shall be eligible in the same*
25 *manner and subject to the same restrictions and*

1 *limitations under such subsection as the vessel*
2 *being rebuilt or replaced.*

3 “(C) *TRANSFER OF PERMITS AND LI-*
4 *CENSES.—Each fishing permit and license held*
5 *by the owner of a vessel or vessels to be rebuilt*
6 *or replaced under subparagraph (A) shall be*
7 *transferred to the rebuilt or replacement vessel.*

8 “(2) *RECOMMENDATIONS OF NORTH PACIFIC*
9 *COUNCIL.—The North Pacific Council may rec-*
10 *ommend for approval by the Secretary such conserva-*
11 *tion and management measures, including size limits*
12 *and measures to control fishing capacity, in accord-*
13 *ance with the Magnuson-Stevens Act as it considers*
14 *necessary to ensure that this subsection does not di-*
15 *minish the effectiveness of fishery management plans*
16 *of the Bering Sea and Aleutian Islands Management*
17 *Area or the Gulf of Alaska.*

18 “(3) *SPECIAL RULE FOR REPLACEMENT OF CER-*
19 *TAIN VESSELS.—*

20 “(A) *IN GENERAL.—Notwithstanding the re-*
21 *quirements of subsections (b)(2), (c)(1), and*
22 *(c)(2) of section 12113 of title 46, United States*
23 *Code, a vessel that is eligible under subsection*
24 *(a), (b), (c), (d), or (e) (other than paragraph*
25 *(21)) and that qualifies to be documented with*

1 *a fishery endorsement pursuant to section 203(g)*
2 *or 213(g) may be replaced with a replacement*
3 *vessel under paragraph (1) if the vessel that is*
4 *replaced is validly documented with a fishery en-*
5 *dorsement pursuant to section 203(g) or 213(g)*
6 *before the replacement vessel is documented with*
7 *a fishery endorsement under section 12113 of*
8 *title 46, United States Code.*

9 “(B) *APPLICABILITY.*—*A replacement vessel*
10 *under subparagraph (A) and its owner and*
11 *mortgagee are subject to the same limitations*
12 *under section 203(g) or 213(g) that are applica-*
13 *ble to the vessel that has been replaced and its*
14 *owner and mortgagee.*

15 “(4) *SPECIAL RULES FOR CERTAIN CATCHER*
16 *VESSELS.*—

17 “(A) *IN GENERAL.*—*A replacement for a*
18 *covered vessel described in subparagraph (B) is*
19 *prohibited from harvesting fish in any fishery*
20 *(except for the Pacific whiting fishery) managed*
21 *under the authority of any regional fishery man-*
22 *agement council (other than the North Pacific*
23 *Council) established under section 302(a) of the*
24 *Magnuson-Stevens Act.*

1 “(B) *COVERED VESSELS.*—*A covered vessel*
2 *referred to in subparagraph (A) is—*

3 “*(i) a vessel eligible under subsection*
4 *(a), (b), or (c) that is replaced under para-*
5 *graph (1); or*

6 “*(ii) a vessel eligible under subsection*
7 *(a), (b), or (c) that is rebuilt to increase its*
8 *registered length, gross tonnage, or shaft*
9 *horsepower.*

10 “(5) *LIMITATION ON FISHERY ENDORSEMENTS.*—
11 *Any vessel that is replaced under this subsection shall*
12 *thereafter not be eligible for a fishery endorsement*
13 *under section 12113 of title 46, United States Code,*
14 *unless that vessel is also a replacement vessel de-*
15 *scribed in paragraph (1).*

16 “(6) *GULF OF ALASKA LIMITATION.*—*Notwith-*
17 *standing paragraph (1), the Secretary shall prohibit*
18 *from participation in the groundfish fisheries of the*
19 *Gulf of Alaska any vessel that is rebuilt or replaced*
20 *under this subsection and that exceeds the maximum*
21 *length overall specified on the license that authorizes*
22 *fishing for groundfish pursuant to the license limita-*
23 *tion program under part 679 of title 50, Code of Fed-*
24 *eral Regulations, as in effect on the date of enactment*
25 *of the Coast Guard Authorization Act of 2007.*

1 “(7) *AUTHORITY OF PACIFIC COUNCIL.*—*Nothing*
2 *in this section shall be construed to diminish or other-*
3 *wise affect the authority of the Pacific Council to rec-*
4 *ommend to the Secretary conservation and manage-*
5 *ment measures to protect fisheries under its jurisdic-*
6 *tion (including the Pacific whiting fishery) and par-*
7 *ticipants in such fisheries from adverse impacts*
8 *caused by this Act.”.*

9 (2) *EXEMPTION OF CERTAIN VESSELS.*—*Section*
10 *203(g) of the American Fisheries Act (title II of divi-*
11 *sion C of Public Law 105–277; 112 Stat. 2681–620)*
12 *is amended—*

13 (A) *by inserting “and” after “(United*
14 *States official number 651041)”;*

15 (B) *by striking “, NORTHERN TRAV-*
16 *ELER (United States official number 635986),*
17 *and NORTHERN VOYAGER (United States of-*
18 *ficial number 637398) (or a replacement vessel*
19 *for the NORTHERN VOYAGER that complies*
20 *with paragraphs (2), (5), and (6) of section*
21 *208(g) of this Act)”;* and

22 (C) *by striking “, in the case of the*
23 *NORTHERN” and all that follows through*
24 *“PHOENIX,”.*

1 (3) *FISHERY COOPERATIVE EXIT PROVISIONS.*—
2 *Section 210(b) of the American Fisheries Act (title II*
3 *of division C of Public Law 105–277; 112 Stat. 2681–*
4 *629) is amended—*

5 (A) *by moving the matter beginning with*
6 *“the Secretary shall” in paragraph (1) 2 ems to*
7 *the right;*

8 (B) *by adding at the end the following:*

9 “(7) *FISHERY COOPERATIVE EXIT PROVISIONS.*—

10 “(A) *FISHING ALLOWANCE DETERMINA-*
11 *TION.—For purposes of determining the aggre-*
12 *gate percentage of directed fishing allowances*
13 *under paragraph (1), when a catcher vessel is re-*
14 *moved from the directed pollock fishery, the fish-*
15 *ery allowance for pollock for the vessel being re-*
16 *moved—*

17 *“(i) shall be based on the catch history*
18 *determination for the vessel made pursuant*
19 *to section 679.62 of title 50, Code of Federal*
20 *Regulations, as in effect on the date of en-*
21 *actment of the Coast Guard Authorization*
22 *Act of 2007; and*

23 *“(ii) shall be assigned, for all purposes*
24 *under this title, in the manner specified by*
25 *the owner of the vessel being removed to any*

1 *other catcher vessel or among other catcher*
2 *vessels participating in the fishery coopera-*
3 *tive if such vessel or vessels remain in the*
4 *fishery cooperative for at least one year*
5 *after the date on which the vessel being re-*
6 *moved leaves the directed pollock fishery.*

7 “(B) *ELIGIBILITY FOR FISHERY ENDORSE-*
8 *MENT.—Except as provided in subparagraph*
9 *(C), a vessel that is removed pursuant to this*
10 *paragraph shall be permanently ineligible for a*
11 *fishery endorsement, and any claim (including*
12 *relating to catch history) associated with such*
13 *vessel that could qualify any owner of such vessel*
14 *for any permit to participate in any fishery*
15 *within the exclusive economic zone of the United*
16 *States shall be extinguished, unless such removed*
17 *vessel is thereafter designated to replace a vessel*
18 *to be removed pursuant to this paragraph.*

19 “(C) *LIMITATIONS ON STATUTORY CON-*
20 *STRUCTION.—Nothing in this paragraph shall be*
21 *construed—*

22 “(i) *to make the vessels AJ (United*
23 *States official number 905625), DONA*
24 *MARTITA (United States official number*
25 *651751), NORDIC EXPLORER (United*

1 *States official number 678234), and*
2 *PROVIDIAN (United States official num-*
3 *ber 1062183) ineligible for a fishery en-*
4 *dorsement or any permit necessary to par-*
5 *ticipate in any fishery under the authority*
6 *of the New England Fishery Management*
7 *Council or the Mid-Atlantic Fishery Man-*
8 *agement Council established, respectively,*
9 *under subparagraphs (A) and (B) of section*
10 *302(a)(1) of the Magnuson-Stevens Act; or*

11 “(ii) to allow the vessels referred to in
12 clause (i) to participate in any fishery
13 under the authority of the Councils referred
14 to in clause (i) in any manner that is not
15 consistent with the fishery management
16 plan for the fishery developed by the Coun-
17 cils under section 303 of the Magnuson-Ste-
18 vens Act.”.

19 **SEC. 302. GOODS AND SERVICES.**

20 *Section 4(b) of the Act of July 5, 1884, commonly*
21 *known as the Rivers and Harbors Appropriation Act of*
22 *1884 (33 U.S.C. 5(b)), is amended—*

23 (1) by striking “or” at the end of paragraph
24 (2)(C);

1 (2) *by striking the period at the end of para-*
2 *graph (3) and inserting “; or”; and*

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

4 “(4) *sales taxes on goods and services provided*
5 *to or by vessels or watercraft (other than vessels or*
6 *watercraft primarily engaged in foreign commerce).”.*

7 **SEC. 303. SEAWARD EXTENSION OF ANCHORAGE GROUNDS**

8 **JURISDICTION.**

9 *Section 7 of the Rivers and Harbors Appropriations*
10 *Act of 1915 (33 U.S.C. 471) is amended—*

11 (1) *by striking “That the” and inserting the fol-*
12 *lowing:*

13 “(a) *IN GENERAL.—The”.*

14 (2) *in subsection (a) (as designated by para-*
15 *graph (1)) by striking “\$100; and the” and inserting*
16 *“up to \$10,000. Each day during which a violation*
17 *continues shall constitute a separate violation. The”;*

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

19 “(b) *DEFINITION.—As used in this section ‘navigable*
20 *waters of the United States’ includes all waters of the terri-*
21 *torial sea of the United States as described in Presidential*
22 *Proclamation No. 5928 of December 27, 1988.”.*

1 **SEC. 304. MARITIME DRUG LAW ENFORCEMENT ACT AMEND-**
2 **MENT-SIMPLE POSSESSION.**

3 *Section 70506 of title 46, United States Code, is*
4 *amended by adding at the end the following:*

5 “(c) *SIMPLE POSSESSION.*—

6 “(1) *IN GENERAL.*—*Any individual on a vessel*
7 *subject to the jurisdiction of the United States who is*
8 *found by the Secretary, after notice and an oppor-*
9 *tunity for a hearing, to have knowingly or inten-*
10 *tionally possessed a controlled substance within the*
11 *meaning of the Controlled Substances Act (21 U.S.C.*
12 *812) shall be liable to the United States for a civil*
13 *penalty of not to exceed \$10,000 for each violation.*
14 *The Secretary shall notify the individual in writing*
15 *of the amount of the civil penalty.*

16 “(2) *DETERMINATION OF AMOUNT.*—*In deter-*
17 *mining the amount of the penalty, the Secretary shall*
18 *consider the nature, circumstances, extent, and grav-*
19 *ity of the prohibited acts committed and, with respect*
20 *to the violator, the degree of culpability, any history*
21 *of prior offenses, ability to pay, and other matters*
22 *that justice requires.*

23 “(3) *TREATMENT OF CIVIL PENALTY ASSESS-*
24 *MENT.*—*Assessment of a civil penalty under this sub-*
25 *section shall not be considered a conviction for pur-*
26 *poses of State or Federal law but may be considered*

1 *proof of possession if such a determination is rel-*
2 *evant.”.*

3 **SEC. 305. TECHNICAL AMENDMENTS TO TONNAGE MEAS-**
4 **UREMENT LAW.**

5 (a) *DEFINITIONS.*—Section 14101(4) of title 46,
6 *United States Code, is amended—*

7 (1) *by striking “engaged” the first place it ap-*
8 *pears and inserting “that engages”;*

9 (2) *in subparagraph (A), by striking “arriving”*
10 *and inserting “that arrives”;*

11 (3) *in subparagraph (B)—*

12 (A) *by striking “making” and inserting*
13 *“that makes”; and*

14 (B) *by striking “(except a foreign vessel en-*
15 *gaged on that voyage)”;*

16 (4) *in subparagraph (C), by striking “depart-*
17 *ing” and inserting “that departs”; and*

18 (5) *in subparagraph (D), by striking “making”*
19 *and inserting “that makes”.*

20 (b) *DELEGATION OF AUTHORITY.*—Section 14103(c) of
21 *that title is amended by striking “intended to be engaged*
22 *on” and inserting “that engages on”.*

23 (c) *APPLICATION.*—Section 14301 of that title is
24 *amended—*

1 (1) *by amending subsection (a) to read as fol-*
2 *lows:*

3 “(a) *Except as otherwise provided in this section, this*
4 *chapter applies to any vessel for which the application of*
5 *an international agreement or other law of the United*
6 *States to the vessel depends on the vessel’s tonnage.”;*

7 (2) *in subsection (b)—*

8 (A) *in paragraph (1), by striking the period*
9 *at the end and inserting “, unless the govern-*
10 *ment of the country to which the vessel belongs*
11 *elects to measure the vessel under this chapter.”;*

12 (B) *in paragraph (3), by inserting “of*
13 *United States or Canadian registry or nation-*
14 *ality, or a vessel operated under the authority of*
15 *the United States or Canada, and that is” after*
16 *“vessel”;*

17 (C) *in paragraph (4), by striking “a vessel*
18 *(except a vessel engaged” and inserting “a vessel*
19 *of United States registry or nationality, or one*
20 *operated under the authority of the United*
21 *States (except a vessel that engages”;*

22 (D) *by striking paragraph (5);*

23 (E) *by redesignating paragraph (6) as*
24 *paragraph (5); and*

1 (F) by amending paragraph (5), as so re-
2 designated, to read as follows:

3 “(5) a barge of United States registry or nation-
4 ality, or a barge operated under the authority of the
5 United States (except a barge that engages on a for-
6 eign voyage) unless the owner requests.”;

7 (3) by striking subsection (c);

8 (4) by redesignating subsections (d) and (e) as
9 subsections (c) and (d), respectively; and

10 (5) in subsection (c), as redesignated, by striking
11 “After July 18, 1994, an existing vessel (except an ex-
12 isting vessel referred to in subsection (b)(5)(A) or (B)
13 of this section)” and inserting “An existing vessel that
14 has not undergone a change that the Secretary finds
15 substantially affects the vessel’s gross tonnage (or a
16 vessel to which IMO Resolutions A.494 (XII) of No-
17 vember 19, 1981, A.540 (XIII) of November 17, 1983,
18 or A.541 (XIII) of November 17, 1983 apply)”.

19 (d) *MEASUREMENT*.—Section 14302(b) of that title is
20 amended to read as follows:

21 “(b) A vessel measured under this chapter may not be
22 required to be measured under another law.”.

23 (e) *TONNAGE CERTIFICATE*.—

24 (1) *ISSUANCE*.—Section 14303 of title 46, United
25 States Code, is amended—

1 (A) in subsection (a), by adding at the end
 2 the following: “For a vessel to which the Conven-
 3 tion does not apply, the Secretary shall prescribe
 4 a certificate to be issued as evidence of a vessel’s
 5 measurement under this chapter.”;

6 (B) in subsection (b), by inserting “issued
 7 under this section” after “certificate”; and

8 (C) in the section heading by striking
 9 “**International**” and “(1969)”.

10 (2) MAINTENANCE.—Section 14503 of that title
 11 is amended—

12 (A) by designating the existing text as sub-
 13 section (a); and

14 (B) by adding at the end the following new
 15 subsection:

16 “(b) The certificate shall be maintained as required by
 17 the Secretary.”.

18 (3) CLERICAL AMENDMENT.—The analysis at the
 19 beginning of chapter 143 of that title is amended by
 20 striking the item relating to section 14303 and insert-
 21 ing the following:

“14303. Tonnage Certificate.”.

22 (f) OPTIONAL REGULATORY MEASUREMENT.—Section
 23 14305(a) of that title is amended by striking “documented
 24 vessel measured under this chapter,” and inserting “vessel
 25 measured under this chapter that is of United States reg-

1 *istry or nationality, or a vessel operated under the author-*
2 *ity of the United States,”.*

3 (g) *APPLICATION.*—Section 14501 of that title is
4 *amended—*

5 (1) *by amending paragraph (1) to read as fol-*
6 *lows:*

7 “(1) *A vessel not measured under chapter 143 of*
8 *this title if the application of an international agree-*
9 *ment or other law of the United States to the vessel*
10 *depends on the vessel’s tonnage.”; and*

11 (2) *in paragraph (2), by striking “a vessel” and*
12 *inserting “A vessel”.*

13 (h) *DUAL TONNAGE MEASUREMENT.*—Section
14 *14513(c) of that title is amended—*

15 (1) *in paragraph (1)—*

16 (A) *by striking “vessel’s tonnage mark is*
17 *below the uppermost part of the load line*
18 *marks,” and inserting “vessel is assigned two*
19 *sets of gross and net tonnages under this sec-*
20 *tion,”; and*

21 (B) *by inserting “vessel’s tonnage” before*
22 *“mark” the second place such term appears; and*

23 (2) *in paragraph (2), by striking the period at*
24 *the end and inserting “as assigned under this sec-*
25 *tion.”.*

1 (i) *RECIPROCITY FOR FOREIGN VESSELS.*—Sub-
 2 *chapter II of chapter 145 of that title is amended by adding*
 3 *at the end the following:*

4 **“§ 14514. Reciprocity for foreign vessels**

5 *“For a foreign vessel not measured under chapter 143,*
 6 *if the Secretary finds that the laws and regulations of a*
 7 *foreign country related to measurement of vessels are sub-*
 8 *stantially similar to those of this chapter and the regula-*
 9 *tions prescribed under this chapter, the Secretary may ac-*
 10 *cept the measurement and certificate of a vessel of that for-*
 11 *ign country as complying with this chapter and the regula-*
 12 *tions prescribed under this chapter.”.*

13 (j) *CLERICAL AMENDMENT.*—*The analysis for sub-*
 14 *chapter II of chapter 145 of such title is amended by adding*
 15 *at the end the following:*

“14514. Reciprocity for foreign vessels.”.

16 **SEC. 306. SEAMEN’S SHORESIDE ACCESS.**

17 *Each facility security plan approved under section*
 18 *70103(c) of title 46, United States Code, shall provide a*
 19 *system for seamen assigned to a vessel at that facility, pi-*
 20 *lots, and representatives of seamen’s welfare and labor orga-*
 21 *nizations to board and depart the vessel through the facility*
 22 *in a timely manner at no cost to the individual.*

23 **SEC. 307. FISHING VESSEL SAFETY.**

24 (a) *SAFETY STANDARDS.*—*Section 4502 of title 46,*
 25 *United States Code, is amended—*

1 (1) *in subsection (a), by—*

2 (A) *striking paragraphs (6) and (7) and in-*
3 *serting the following:*

4 “*(6) other equipment required to minimize the*
5 *risk of injury to the crew during vessel operations, if*
6 *the Secretary determines that a risk of serious injury*
7 *exists that can be eliminated or mitigated by that*
8 *equipment; and*”;
9 *and*

10 (B) *redesignating paragraph (8) as para-*
11 *graph (7);*

12 (2) *in subsection (b)—*

13 (A) *in paragraph (1) in the matter pre-*
14 *ceding subparagraph (A), by striking “docu-*
15 *mented”;*

16 (B) *in paragraph (1)(A), by striking “the*
17 *Boundary Line” and inserting “3 nautical miles*
18 *from the baseline from which the territorial sea*
19 *of the United States is measured or beyond 3*
20 *nautical miles from the coastline of the Great*
21 *Lakes”;*

22 (C) *in paragraph (2)(B), by striking “life-*
23 *boats or liferafts” and inserting “a survival craft*
24 *that ensures that no part of an individual is im-*
 mersed in water”;

1 (D) in paragraph (2)(D), by inserting “ma-
2 rine” before “radio”;

3 (E) in paragraph (2)(E), by striking
4 “radar reflectors, nautical charts, and anchors”
5 and inserting “nautical charts, and publica-
6 tions”;

7 (F) in paragraph (2)(F), by striking “, in-
8 cluding medicine chests” and inserting “and
9 medical supplies sufficient for the size and area
10 of operation of the vessel” and

11 (G) by amending paragraph (2)(G) to read
12 as follows:

13 “(G) ground tackle sufficient for the vessel.”;

14 (3) by amending subsection (f) to read as follows:

15 “(f) To ensure compliance with the requirements of
16 this chapter, the Secretary—

17 “(1) shall require the individual in charge of a
18 vessel described in subsection (b) to keep a record of
19 equipment maintenance, and required instruction
20 and drills; and

21 “(2) shall examine at dockside a vessel described
22 in subsection (b) at least twice every 5 years, and
23 shall issue a certificate of compliance to a vessel meet-
24 ing the requirements of this chapter.”; and

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

1 “(g)(1) *The individual in charge of a vessel described*
2 *in subsection (b) must pass a training program approved*
3 *by the Secretary that meets the requirements in paragraph*
4 *(2) of this subsection and hold a valid certificate issued*
5 *under that program.*

6 “(2) *The training program shall—*

7 “(A) *be based on professional knowledge and skill*
8 *obtained through sea service and hands-on training,*
9 *including training in seamanship, stability, collision*
10 *prevention, navigation, fire fighting and prevention,*
11 *damage control, personal survival, emergency medical*
12 *care, and weather;*

13 “(B) *require an individual to demonstrate abil-*
14 *ity to communicate in an emergency situation and*
15 *understand information found in navigation publica-*
16 *tions;*

17 “(C) *recognize and give credit for recent past ex-*
18 *perience in fishing vessel operation; and*

19 “(D) *provide for issuance of a certificate to an*
20 *individual that has successfully completed the pro-*
21 *gram.*

22 “(3) *The Secretary shall prescribe regulations imple-*
23 *menting this subsection. The regulations shall require that*
24 *individuals who are issued a certificate under paragraph*
25 *(2)(D) must complete refresher training at least once every*

1 5 years as a condition of maintaining the validity of the
2 certificate.

3 “(4) The Secretary shall establish a publicly accessible
4 electronic database listing the names of individuals who
5 have participated in and received a certificate confirming
6 successful completion of a training program approved by
7 the Secretary under this section.

8 “(h) A vessel to which this chapter applies shall be con-
9 structed in a manner that provides a level of safety equiva-
10 lent to the minimum safety standards the Secretary may
11 established for recreational vessels under section 4302, if—

12 “(1) subsection (b) of this section applies to the
13 vessel;

14 “(2) the vessel is less than 50 feet overall in
15 length; and

16 “(3) the vessel is built after January 1, 2008.

17 “(i)(1) The Secretary shall establish a Fishing Safety
18 Training Grants Program to provide funding to munici-
19 palities, port authorities, other appropriate public entities,
20 not-for-profit organizations, and other qualified persons
21 that provide commercial fishing safety training—

22 “(A) to conduct fishing vessel safety training
23 that meets the requirements of subsection (g); and

1 “(B) for purchase of safety equipment and train-
2 ing aids for use in those fishing vessel safety training
3 programs.

4 “(2) The Secretary shall award grants under this sub-
5 section on a competitive basis.

6 “(3) The Federal share of the cost of any activity car-
7 ried out with a grant under this subsection shall not exceed
8 75 percent.

9 “(4) There is authorized to be appropriated \$3,000,000
10 for each of fiscal years 2008 through 2012 for grants under
11 this subsection.

12 “(j)(1) The Secretary shall establish a Fishing Safety
13 Research Grant Program to provide funding to individuals
14 in academia, members of non-profit organizations and busi-
15 nesses involved in fishing and maritime matters, and other
16 persons with expertise in fishing safety, to conduct research
17 on methods of improving the safety of the commercial fish-
18 ing industry, including vessel design, emergency and sur-
19 vival equipment, enhancement of vessel monitoring systems,
20 communications devices, de-icing technology, and severe
21 weather detection.

22 “(2) The Secretary shall award grants under this sub-
23 section on a competitive basis.

1 “(3) *The Federal share of the cost of any activity car-*
 2 *ried out with a grant under this subsection shall not exceed*
 3 *75 percent.*”.

4 (b) *CONFORMING AMENDMENT.*—Section 4506(b) of
 5 *title 46, United States Code, is repealed.*

6 (c) *ADVISORY COMMITTEE.*—

7 (1) *CHANGE OF NAME.*—Section 4508 of title 46,
 8 *United States Code, is amended—*

9 (A) *by striking the section heading and in-*
 10 *serting the following:*

11 **“§4508. Commercial Fishing Safety Advisory Com-**
 12 **mittee”;**

13 *and*

14 (B) *in subsection (a) by striking “Industry*
 15 *Vessel”.*

16 (2) *CLERICAL AMENDMENT.*—*The table of section*
 17 *at the beginning of chapter 45 of title 46, United*
 18 *States Code, is amended by striking the item relating*
 19 *to such section and inserting the following:*

“4508. Commercial Fishing Safety Advisory Committee.”.

20 (d) *LOADLINES FOR VESSELS OVER 79 FEET.*—*Sec-*
 21 *tion 5102(b)(3) of title 46, United States Code, is amended*
 22 *by inserting after “vessel” the following “, unless the vessel*
 23 *is built or undergoes a major conversion completed after*
 24 *January 1, 2008”.*

25 (e) *CLASSING OF VESSELS.*—

1 (1) *IN GENERAL.*—Section 4503 of title 46,
2 *United States Code, is amended—*

3 (A) *by striking the section heading and in-*
4 *serting the following:*

5 **“§4503. Fishing, fish tender, and fish processing ves-**
6 **sel certification”;**

7 (B) *in subsection (a) by striking “fish proc-*
8 *essing”;* and

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

10 “(c) *This section applies to a vessel to which section*
11 *4502(b) of this title applies that—*

12 “(1) *is at least 50 feet overall in length;*

13 “(2) *is built after January 1, 2008; or*

14 “(3) *undergoes a major conversion completed*
15 *after that date.*

16 “(d) *After January 1, 2018, this section applies to a*
17 *fishing vessel or fish tender vessel that is built before Janu-*
18 *ary 1, 2008, and is 25 years of age or older, unless the*
19 *vessel complies with an alternate safety compliance pro-*
20 *gram prescribed by the Secretary.”.*

21 (2) *CLERICAL AMENDMENT.*—*The table of section*
22 *at the beginning of chapter 45 of title 46, United*
23 *States Code, is amended by striking the item relating*
24 *to such section and inserting the following:*

“4503. Fishing, fish tender, and fish processing vessel certification.”.

1 (f) *ALTERNATIVE SAFETY COMPLIANCE PROGRAM.*—
2 *No later than January 1, 2015, the Secretary of the depart-*
3 *ment in which the Coast Guard is operating shall prescribe*
4 *an alternative safety compliance program referred to in sec-*
5 *tion 4503(d) of the title 46, United States Code, as amended*
6 *by this section.*

7 **SEC. 308. MARINER RECORDS.**

8 Section 7502 of title 46, United States Code, is amend-
9 ed—

10 (1) *by inserting “(a)” before “The”;*

11 (2) *by striking “computerized records” and in-*
12 *serting “records, including electronic records,”; and*

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

14 “(b) *The Secretary may prescribe regulations requir-*
15 *ing a vessel owner or managing operator of a commercial*
16 *vessel, or the employer of a seaman on that vessel, to main-*
17 *tain records of each individual engaged on the vessel on*
18 *matters of engagement, discharge, and service for not less*
19 *than 5 years after the date of the completion of the service*
20 *of that individual on the vessel. The regulations may re-*
21 *quire that a vessel owner, managing operator, or employer*
22 *shall make these records available to the individual and the*
23 *Coast Guard on request.*”

1 “(c) A person violating this section, or a regulation
2 prescribed under this section, is liable to the United States
3 Government for a civil penalty of not more than \$5,000.”.

4 **SEC. 309. DELETION OF EXEMPTION OF LICENSE REQUIRE-**
5 **MENT FOR OPERATORS OF CERTAIN TOWING**
6 **VESSELS.**

7 Section 8905 of title 46, United States Code, is amend-
8 ed—

9 (1) by striking subsection (b); and

10 (2) by redesignating subsection (c) as subsection
11 (b).

12 **SEC. 310. ADJUSTMENT OF LIABILITY LIMITS FOR NATURAL**
13 **GAS DEEPWATER PORTS.**

14 Section 1004(d)(2) of the Oil Pollution Act of 1990 (33
15 U.S.C. 2704(d)(2)) is amended by adding at the end the
16 following:

17 “(D) The Secretary may establish, by regu-
18 lation, a limit of liability of not less than
19 \$12,000,000 for a deepwater port used only in
20 connection with transportation of natural gas.”.

21 **SEC. 311. PERIOD OF LIMITATIONS FOR CLAIMS AGAINST**
22 **OIL SPILL LIABILITY TRUST FUND.**

23 Section 1012(h)(1) of the Oil Pollution Act of 1990 (33
24 U.S.C. 2712(h)(1)) is amended by striking “6” and insert-
25 ing “3”.

1 **SEC. 312. LOG BOOKS.**

2 (a) *IN GENERAL.*—Chapter 113 of title 46, United
3 States Code, is amended by adding at the end the following:

4 **“§ 11304. Additional logbook and entry requirements**

5 “(a) *A vessel of the United States that is subject to*
6 *inspection under section 3301 of this title, except a vessel*
7 *on a voyage from a port in the United States to a port*
8 *in Canada, shall have an official logbook.*

9 “(b) *The log book required by subsection (a) shall in-*
10 *clude the following entries:*

11 “(1) *The time when each seaman and each offi-*
12 *cer assumed or relieved the watch.*

13 “(2) *The number of hours in service to the vessels*
14 *of each seaman and each officer.*

15 “(3) *An account of each accident, illness, and in-*
16 *jury that occurs during each watch.”.*

17 (b) *CLERICAL AMENDMENT.*—The table of sections at
18 the beginning of such chapter is amended by adding at the
19 end the following:

“11304. Additional logbook and entry requirements.”.

20 **SEC. 313. UNSAFE OPERATION.**

21 (a) *IN GENERAL.*—Chapter 21 of title 46, United
22 States Code, is amended by adding at the end the following
23 new section:

24 **“§2116. Termination for unsafe operation**

25 “*An individual authorized to enforce this title—*

1 “(1) may remove a certificate required by this
2 title from a vessel that is operating in a condition
3 that does not comply with the provisions of the certifi-
4 cate;

5 “(2) may order the individual in charge of a ves-
6 sel that is operating that does not have on board the
7 certificate required by this title to return the vessel to
8 a mooring and to remain there until the vessel is in
9 compliance with this title; and

10 “(3) may direct the individual in charge of a
11 vessel to which this title applies to immediately take
12 reasonable steps necessary for the safety of individuals
13 on board the vessel if the official observes the vessel
14 being operated in an unsafe condition that the official
15 believes creates an especially hazardous condition, in-
16 cluding ordering the individual in charge to return
17 the vessel to a mooring and to remain there until the
18 situation creating the hazard is corrected or ended.”.

19 (b) *CLERICAL AMENDMENT.*—The table of sections at
20 the beginning of that title is amended by adding at the end
21 the following:

“2116. Termination for unsafe operation.”.

22 **SEC. 314. APPROVAL OF SURVIVAL CRAFT.**

23 (a) *IN GENERAL.*—Chapter 31 of title 46, United
24 States Code, is amended by adding at the end the following
25 new section:

1 **“§ 3104. Survival craft**

2 “(a) *Except as provided in subsection (b), the Sec-*
3 *retary may not approve a survival craft as a safety device*
4 *for purposes of this part, unless the craft ensures that no*
5 *part of an individual is immersed in water.*

6 “(b) *The Secretary may authorize a survival craft that*
7 *does not provide protection described in subsection (a) to*
8 *remain in service until not later than January 1, 2013,*
9 *if—*

10 “(1) *it was approved by the Secretary before*
11 *January 1, 2008; and*

12 “(2) *it is in serviceable condition.*”.

13 (b) *CLERICAL AMENDMENT.—The table of sections at*
14 *the beginning of that title is amended by adding at the end*
15 *the following:*

 “3104. *Survival craft.*”.

16 **SEC. 315. SAFETY MANAGEMENT.**

17 (a) *VESSELS TO WHICH REQUIREMENTS APPLY.—Sec-*
18 *tion 3202 of title 46, United States Code, is amended—*

19 (1) *in subsection (a) by striking the heading and*
20 *inserting “FOREIGN VOYAGES AND FOREIGN VES-*
21 *SELS.—”;*

22 (2) *by redesignating subsections (b) and (c) as*
23 *subsections (c) and (d), respectively;*

24 (3) *by inserting after subsection (a) the fol-*
25 *lowing:*

1 “(b) *OTHER PASSENGER VESSELS.*—*This chapter ap-*
2 *plies to a vessel that is—*

3 “(1) *a passenger vessel or small passenger vessel;*
4 *and*

5 “(2) *is transporting more passengers than a*
6 *number prescribed by the Secretary based on the*
7 *number of individuals on the vessel that could be*
8 *killed or injured in a marine casualty.”;*

9 (4) *in subsection (d), as so redesignated, by*
10 *striking “subsection (b)” and inserting “subsection*
11 *(c)”;*

12 (5) *in subsection (d)(4), as so redesignated, by*
13 *inserting “that is not described in subsection (b) of*
14 *this section” after “waters”.*

15 (b) *SAFETY MANAGEMENT SYSTEM.*—*Section 3203 of*
16 *title 46, United States Code, is amended by adding at the*
17 *end the following new subsection:*

18 “(c) *In prescribing regulations for passenger vessels*
19 *and small passenger vessels, the Secretary shall consider the*
20 *characteristics, methods of operation, and nature of the*
21 *service of these vessels.”.*

22 **SEC. 316. PROTECTION AGAINST DISCRIMINATION.**

23 (a) *IN GENERAL.*—*Section 2114 of title 46, United*
24 *States Code, is amended—*

1 (1) in subsection (a)(1)(A), by striking “or” after
2 the semicolon;

3 (2) in subsection (a)(1)(B), by striking the pe-
4 riod at the end and inserting a semicolon;

5 (3) by adding at the end of subsection (a)(1) the
6 following new subparagraphs:

7 “(C) the seaman testified in a proceeding
8 brought to enforce a maritime safety law or regula-
9 tion prescribed under that law;

10 “(D) the seaman notified, or attempted to notify,
11 the vessel owner or the Secretary of a work-related
12 personal injury or work-related illness of a seaman;

13 “(E) the seaman cooperated with a safety inves-
14 tigation by the Secretary or the National Transpor-
15 tation Safety Board;

16 “(F) the seaman furnished information to the
17 Secretary, the National Transportation Safety Board,
18 or any other public official as to the facts relating to
19 any marine casualty resulting in injury or death to
20 an individual or damage to property occurring in
21 connection with vessel transportation; or

22 “(G) the seaman accurately reported hours of
23 duty under this part.”; and

24 (4) by amending subsection (b) to read as fol-
25 lows:

1 “(b) A seaman alleging discharge or discrimination in
2 violation of subsection (a) of this section, or another person
3 at the seaman’s request, may file a complaint with respect
4 to such allegation in the same manner as a complaint may
5 be filed under subsection (b) of section 31105 of title 49.
6 Such complaint shall be subject to the procedures, require-
7 ments, and rights described in that section, including with
8 respect to the right to file an objection, the right of a person
9 to file for a petition for review under subsection (c) of that
10 section, and the requirement to bring a civil action under
11 subsection (d) of that section.”.

12 (b) *EXISTING ACTIONS*.—This section shall not affect
13 the application of section 2114(b) of title 46, United States
14 Code, as in effect before the date of enactment of this Act,
15 to an action filed under that section before that date.

16 **SEC. 317. DRY BULK CARGO RESIDUE.**

17 Section 623(a)(2) of the Coast Guard and Maritime
18 Transportation Act of 2004 (33 U.S.C. 1901 note) is
19 amended by striking “2008” and inserting “2009”.

20 **SEC. 318. CLARIFICATION OF DELEGATION OF AUTHORITY**
21 **TO CLASSIFICATION SOCIETIES.**

22 Section 3316 of title 46, United States Code, is amend-
23 ed—

24 (1) in subsection (b)(1), by inserting “or for a
25 floating installation” after “chapter 121 of this title”;

1 (2) *in subsection (b)(2)(A), by inserting “or for*
2 *floating installations” after “vessels documented in*
3 *that country”;*

4 (3) *in subsection (b)(3)(A), by inserting “or*
5 *floating installation” after “after the vessel”; and*

6 (4) *by adding at the end the following new sub-*
7 *section:*

8 “(d) *For purposes of this section, the term ‘floating in-*
9 *stallation’ means any installation, structure, or other device*
10 *that floats and that either dynamically holds position or*
11 *is temporarily or permanently attached to the seabed or*
12 *subsoil under the territorial sea of the United States or the*
13 *outer Continental Shelf (as that term is defined in section*
14 *2 of the Outer Continental Shelf Lands Act (43 U.S.C.*
15 *1331)), and is used for the purpose of exploring for, devel-*
16 *oping, producing, or storing the resources from that seabed*
17 *or subsoil.”.*

18 **SEC. 319. REGISTRY ENDORSEMENT FOR LNG VESSELS.**

19 *Section 12111 of title 46, United States Code, is*
20 *amended by adding at the end the following:*

21 “(d) *A vessel or facility for which a registry endorse-*
22 *ment is not issued may not engage in regassifying on navi-*
23 *gable waters unless the vessel or facility transported the gas*
24 *from a foreign port.”.*

1 **SEC. 320. OATHS.**

2 *Sections 7105 and 7305 of title 46, United States Code,*
3 *and the items relating to such sections in the analysis for*
4 *chapters 71 and 73 of such title, are repealed.*

5 **SEC. 321. DURATION OF CREDENTIALS.**

6 (a) *MERCHANT MARINER'S DOCUMENTS.*—Section
7 *7302(f) of title 46, United States Code, is amended to read*
8 *as follows:*

9 “(f) *PERIODS OF VALIDITY AND RENEWAL OF MER-*
10 *CHANT MARINERS' DOCUMENTS.*—

11 “(1) *IN GENERAL.*—*Except as provided in sub-*
12 *section (g), a merchant mariner's document issued*
13 *under this chapter is valid for a 5-year period and*
14 *may be renewed for additional 5-year periods.*

15 “(2) *ADVANCE RENEWALS.*—*A renewed merchant*
16 *mariner's document may be issued under this chapter*
17 *up to 8 months in advance but is not effective until*
18 *the date that the previously issued merchant mari-*
19 *ner's document expires.”.*

20 (b) *DURATION OF LICENSES.*—Section 7106 of such
21 *title is amended to read as follows:*

22 **“§ 7106. Duration of licenses**

23 “(a) *IN GENERAL.*—*A license issued under this part*
24 *is valid for a 5-year period and may be renewed for addi-*
25 *tional 5-year periods; except that the validity of a license*
26 *issued to a radio officer is conditioned on the continuous*

1 possession by the holder of a first-class or second-class ra-
 2 diotelegraph operator license issued by the Federal Commu-
 3 nications Commission.

4 “(b) *ADVANCE RENEWALS.*—A renewed license issued
 5 under this part may be issued up to 8 months in advance
 6 but is not effective until the date that the previously issued
 7 license expires.”.

8 (c) *CERTIFICATES OF REGISTRY.*—Section 7107 of
 9 such title is amended to read as follows:

10 **“§ 7107. Duration of certificates of registry**

11 “(a) *IN GENERAL.*—A certificate of registry issued
 12 under this part is valid for a 5-year period and may be
 13 renewed for additional 5-year periods; except that the valid-
 14 ity of a certificate issued to a medical doctor or professional
 15 nurse is conditioned on the continuous possession by the
 16 holder of a license as a medical doctor or registered nurse,
 17 respectively, issued by a State.

18 “(b) *ADVANCE RENEWALS.*—A renewed certificate of
 19 registry issued under this part may be issued up to 8
 20 months in advance but is not effective until the date that
 21 the previously issued certificate of registry expires.”.

22 **SEC. 322. FINGERPRINTING.**

23 (a) *MERCHANT MARINER LICENSES AND DOCU-*
 24 *MENTS.*—Chapter 75 of title 46, United States Code, is
 25 amended by adding at the end the following:

1 **“§ 7507. Fingerprinting**

2 *“The Secretary of the Department in which the Coast*
 3 *Guard is operating may not require an individual to be*
 4 *fingerprinted for the issuance or renewal of a license, a cer-*
 5 *tificate of registry, or a merchant mariner’s document*
 6 *under chapter 71 or 73 if the individual was fingerprinted*
 7 *when the individual applied for a transportation security*
 8 *card under section 70105.”.*

9 **(b) CLERICAL AMENDMENT.**—*The analysis for such*
 10 *chapter is amended by adding at the end the following:*

“7507. Fingerprinting.”.

11 **SEC. 323. AUTHORIZATION TO EXTEND THE DURATION OF**
 12 **LICENSES, CERTIFICATES OF REGISTRY, AND**
 13 **MERCHANT MARINERS’ DOCUMENTS.**

14 **(a) MERCHANT MARINER LICENSES AND DOCU-**
 15 **MENTS.**—*Chapter 75 of title 46, United States Code, as*
 16 *amended by section 322(a) of this Act, is further amended*
 17 *by adding at the end the following:*

18 **“§ 7508. Authority to extend the duration of licenses,**
 19 **certificates of registry, and merchant**
 20 **mariner documents**

21 **“(a) LICENSES AND CERTIFICATES OF REGISTRY.**—
 22 *Notwithstanding section 7106 and 7107, the Secretary of*
 23 *the department in which the Coast Guard is operating may*
 24 *extend for one year an expiring license or certificate of reg-*
 25 *istry issued for an individual under chapter 71 if the Sec-*

1 *retary determines that extension is required to enable the*
2 *Coast Guard to eliminate a backlog in processing applica-*
3 *tions for those licenses or certificates of registry.*

4 “(b) *MERCHANT MARINER DOCUMENTS.*—Notwith-
5 *standing section 7302(g), the Secretary may extend for one*
6 *year an expiring merchant mariner’s document issued for*
7 *an individual under chapter 71 if the Secretary determines*
8 *that extension is required to enable the Coast Guard to*
9 *eliminate a backlog in processing applications for those doc-*
10 *uments.*

11 “(c) *MANNER OF EXTENSION.*—Any extensions grant-
12 *ed under this section may be granted to individual seamen*
13 *or a specifically identified group of seamen.*

14 “(d) *EXPIRATION OF AUTHORITY.*—The authority for
15 *providing an extension under this section shall expire on*
16 *June 30, 2009.”.*

17 (b) *CLERICAL AMENDMENT.*—The analysis for such
18 *chapter, as amended by section 322(b), is further amended*
19 *by adding at the end the following:*

“7508. Authority to extend the duration of licenses, certificates of registry, and
merchant mariner documents.”.

20 **SEC. 324. MERCHANT MARINER DOCUMENTATION.**

21 (a) *INTERIM CLEARANCE PROCESS.*—Not later than
22 *180 days after the date of enactment of this Act, the Sec-*
23 *retary of the department in which the Coast Guard is oper-*
24 *ating shall develop an interim clearance process for*

1 *issuance of a merchant mariner document to enable a newly*
2 *hired seaman to begin working on an offshore supply vessel*
3 *or towing vessel if the Secretary makes an initial deter-*
4 *mination that the seaman does not pose a safety and secu-*
5 *rity risk.*

6 (b) *CONTENTS OF PROCESS.*—*The process under sub-*
7 *section (a) shall include a check against the consolidated*
8 *and integrated terrorist watch list maintained by the Fed-*
9 *eral Government, review of the seaman’s criminal record,*
10 *and review of the results of testing the seaman for use of*
11 *a dangerous drug (as defined in section 2101 of title 46,*
12 *United States Code) in violation of law or Federal regula-*
13 *tion.*

14 **SEC. 325. MERCHANT MARINER ASSISTANCE REPORT.**

15 *Not later than 180 days after the date of enactment*
16 *of this Act, the Commandant of the Coast Guard shall sub-*
17 *mit to the Committee on Transportation and Infrastructure*
18 *of the House of Representatives and the Committee on Com-*
19 *merce, Science, and Transportation of the Senate a report*
20 *regarding a plan—*

21 (1) *to expand the streamlined evaluation process*
22 *program that was affiliated with the Houston Re-*
23 *gional Examination Center of the Coast Guard to all*
24 *processing centers of the Coast Guard nationwide;*

1 (2) to include proposals to simplify the applica-
2 tion process for a license as an officer, staff officer, or
3 operator and for a merchant mariner's document to
4 help eliminate errors by merchant mariners when
5 completing the application form (CG-719B), includ-
6 ing instructions attached to the application form and
7 a modified application form for renewals with ques-
8 tions pertaining only to the period of time since the
9 previous application;

10 (3) to provide notice to an applicant of the sta-
11 tus of the pending application, including a process to
12 allow the applicant to check on the status of the ap-
13 plication by electronic means; and

14 (4) to ensure that all information collected with
15 respect to applications for new or renewed licenses,
16 merchant mariner documents, and certificates of reg-
17 istry is retained in a secure electronic format.

18 **SEC. 326. MERCHANT MARINER SHORTAGE REPORT.**

19 Not later than 180 days after the date of enactment
20 of this Act, the Secretary of Transportation, acting through
21 the Administrator of the Maritime Administration, shall
22 submit to the Committee on Transportation and Infrastruc-
23 ture of the House of Representatives and the Committee on
24 Commerce, Science, and Transportation of the Senate a re-
25 port concerning methods to address the current and future

1 *shortage in the number of merchant mariners, particularly*
2 *entry-level mariners, including an evaluation of whether an*
3 *educational loan program providing loans for the cost of*
4 *on-the-job training would provide an incentive for workers*
5 *and help alleviate the shortage.*

6 **SEC. 327. MERCHANT MARINER DOCUMENT STANDARDS.**

7 *Not later than 270 days after the date of enactment*
8 *of this Act, the Secretary of the department in which the*
9 *Coast Guard is operating shall submit to the Committee*
10 *on Transportation and Infrastructure of the House of Rep-*
11 *resentatives and the Committee on Commerce, Science, and*
12 *Transportation of the Senate—*

13 *(1) a plan to ensure that the process for an ap-*
14 *plication, by an individual who has, or has applied*
15 *for, a transportation security card under section*
16 *70105 of title 46, United States Code, for a merchant*
17 *mariner document can be completed entirely by mail;*
18 *and*

19 *(2) a report on the feasibility of, and a timeline*
20 *to, redesign the merchant mariner document to com-*
21 *ply with the requirements of such section, including*
22 *a biometric identifier, and all relevant international*
23 *conventions, including the International Labour Or-*
24 *ganization Convention Number 185 concerning the*
25 *seafarers identity document, and include a review on*

1 (c) *ENFORCEMENT OF SECURITY ZONES.*—Security
2 zones established by the Coast Guard around tankers trans-
3 porting liquefied natural gas shall be enforced by the Coast
4 Guard.

5 (d) *CERTIFICATION REQUIRED FOR NEW LNG TERMI-*
6 *NALS.*—The Secretary of the department in which the Coast
7 Guard is operating may not approve a facility security
8 plan under section 70103 of title 46, United States Code,
9 for a liquefied natural gas terminal the construction of
10 which is begun after the date of enactment of this Act unless
11 the Secretary certifies that the Coast Guard sector in which
12 the terminal is located has all of the assets it needs to pro-
13 vide waterside security around the terminal and to provide
14 security around tankers transporting liquefied natural gas
15 in security zones established by the Coast Guard.

16 **TITLE IV—MISCELLANEOUS**
17 **PROVISIONS**

18 **SEC. 401. CERTIFICATE OF DOCUMENTATION FOR GALLANT**

19 **LADY.**

20 Section 1120(c) of the Coast Guard Authorization Act
21 of 1996 (110 Stat. 3977) is amended—

22 (1) in paragraph (1)—

23 (A) by striking “of Transportation” and in-
24 serting “of the department in which the Coast
25 Guard is operating”; and

1 (B) by striking subparagraph (A) and in-
2 serting the following:

3 “(A) the vessel *GALLANT LADY* (Leadship
4 hull number 672, approximately 168 feet in
5 length).”;

6 (2) by striking paragraphs (3) and (4) and re-
7 designating paragraph (5) as paragraph (3); and

8 (3) in paragraph (3) (as so redesignated) by
9 striking all after “shall expire” and inserting “on the
10 date of the sale of the vessel by the owner.”.

11 **SEC. 402. WAIVER.**

12 Notwithstanding section 12112 and chapter 551 of title
13 46, United States Code, the Secretary of the department in
14 which the Coast Guard is operating may issue a certificate
15 of documentation with a coastwise endorsement for the
16 *OCEAN VERITAS* (IMO Number 7366805).

17 **SEC. 403. GREAT LAKES MARITIME RESEARCH INSTITUTE.**

18 Section 605 of the Coast Guard and Maritime Trans-
19 portation Act of 2004 (118 Stat. 1052) is amended—

20 (1) in subsection (b)(1)—

21 (A) by striking “The Secretary of Transpor-
22 tation shall conduct a study that” and inserting
23 “*The Institute shall conduct maritime transpor-*
24 *tation studies of the Great Lakes region, includ-*
25 *ing studies that*”;

1 (B) in subparagraphs (A), (B), (C), (E),
2 (F), (H), (I), and (J) by striking “evaluates”
3 and inserting “evaluate”;

4 (C) in subparagraphs (D) and (G) by strik-
5 ing “analyzes” and inserting “analyze”;

6 (D) by striking “and” at the end of sub-
7 paragraph (I);

8 (E) by striking the period at the end of sub-
9 paragraph (J) and inserting a semicolon;

10 (F) by adding at the end the following:

11 “(K) identify ways to improve the integra-
12 tion of the Great Lakes marine transportation
13 system into the national transportation system;

14 “(L) examine the potential of expanded op-
15 erations on the Great Lakes marine transpor-
16 tation system;

17 “(M) identify ways to include intelligent
18 transportation applications into the Great Lakes
19 marine transportation system;

20 “(N) analyze the effects and impacts of
21 aging infrastructure and port corrosion on the
22 Great Lakes marine transportation system;

23 “(O) establish and maintain a model Great
24 Lakes marine transportation system database;
25 and

1 “(P) identify market opportunities for, and
2 impediments to, the use of United States-flag
3 vessels in trade with Canada on the Great
4 Lakes.”; and

5 (2) by striking subsection (b)(4) and inserting
6 the following:

7 “(4) AUTHORIZATION OF APPROPRIATIONS.—
8 There are authorized to be appropriated to carry out
9 paragraph (1)—

10 “(A) \$2,100,000 for fiscal year 2007;

11 “(B) \$2,200,000 for fiscal year 2008;

12 “(C) \$2,300,000 for fiscal year 2009;

13 “(D) \$2,400,000 for fiscal year 2010; and

14 “(E) \$2,500,000 for fiscal year 2011.”.

15 **SEC. 404. CONVEYANCE.**

16 (a) *STATION BRANT POINT BOAT HOUSE.*—

17 (1) *REQUIREMENT.*—The Secretary of the de-
18 partment in which the Coast Guard is operating shall
19 convey to the town of Nantucket, Massachusetts, all
20 right, title, and interest of the United States in and
21 to the buildings known as the Station Brant Point
22 Boat House located at Coast Guard Station Brant
23 Point, Nantucket, Massachusetts, for use for a public
24 purpose.

1 (2) *TERMS OF CONVEYANCE.*—A conveyance of
2 the building under paragraph (1) shall be made—

3 (A) without the payment of consideration;

4 and

5 (B) subject to appropriate terms and condi-
6 tions the Secretary considers necessary.

7 (3) *REVERSIONARY INTEREST.*—All right, title,
8 and interest in property conveyed under this sub-
9 section shall revert to the United States if any por-
10 tion of the property is used other than for a public
11 purpose.

12 (b) *LEASE.*—

13 (1) *REQUIREMENT.*—The Secretary of the de-
14 partment in which the Coast Guard is operating shall
15 enter into a lease with the town of Nantucket that au-
16 thorizes the town of Nantucket to occupy the land on
17 which the buildings conveyed under subsection (a) are
18 located, subject to appropriate terms and conditions
19 the Secretary considers necessary.

20 (2) *LEASE TERM.*—A lease under this subsection
21 shall not expire before January 31, 2033.

22 (3) *TERMINATION OF LEASE.*—If the Secretary
23 determines that the property leased under paragraph
24 (1) is necessary for purposes of the Coast Guard, the
25 Secretary—

1 (A) may terminate the lease without pay-
2 ment of compensation; and

3 (B) shall provide the town of Nantucket not
4 less than 12 months notice of the requirement to
5 vacate the site and move the buildings conveyed
6 under subsection (a) to another location.

7 **SEC. 405. CREW WAGES ON PASSENGER VESSELS.**

8 (a) *FOREIGN AND INTERCOASTAL VOYAGES.*—

9 (1) *CAP ON PENALTY WAGES.*—Section 10313(g)
10 of title 46, United States Code, is amended—

11 (A) by striking “When” and inserting “(1)
12 Subject to paragraph (2), when”; and

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

14 “(2) The total amount required to be paid under para-
15 graph (1) with respect to all claims in a class action suit
16 by seamen on a passenger vessel capable of carrying more
17 than 500 passengers for wages under this section against
18 a vessel master, owner, or operator or the employer of the
19 seamen shall not exceed ten times the unpaid wages that
20 are the subject of the claims.

21 “(3) A class action suit for wages under this subsection
22 must be commenced within three years after the later of—

23 (A) the date of the end of the last voyage for
24 which the wages are claimed; or

1 “(B) the receipt, by a seaman who is a claimant
2 in the suit, of a payment of wages that are the subject
3 of the suit that is made in the ordinary course of em-
4 ployment.”.

5 (2) *DEPOSITS*.—Section 10315 of such title is
6 amended by adding at the end the following:

7 “(f) *DEPOSITS IN SEAMAN ACCOUNT*.—A seaman em-
8 ployed on a passenger vessel capable of carrying more than
9 500 passengers may authorize, by written request signed by
10 the seaman, the master, owner, or operator of the vessel,
11 or the employer of the seaman, to make deposits of wages
12 of the seaman into a checking, savings, investment, or re-
13 tirement account, or other account to secure a payroll or
14 debit card for the seaman if—

15 “(1) the wages designated by the seaman for such
16 deposit are deposited in a United States or inter-
17 national financial institution designated by the sea-
18 man;

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

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

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

5 (b) COASTWISE VOYAGES.—

6 (1) CAP ON PENALTY WAGES.—Section 10504(c)
7 of such title is amended—

8 (A) by striking “When” and inserting “(1)
9 Subject to subsection (d), and except as provided
10 in paragraph (2), when”; and

11 (B) by inserting at the end the following:

12 “(2) The total amount required to be paid under para-
13 graph (1) with respect to all claims in a class action suit
14 by seamen on a passenger vessel capable of carrying more
15 than 500 passengers for wages under this section against
16 a vessel master, owner, or operator or the employer of the
17 seamen shall not exceed ten times the unpaid wages that
18 are the subject of the claims.

19 “(3) A class action suit for wages under this subsection
20 must be commenced within three years after the later of—

21 (A) the date of the end of the last voyage for
22 which the wages are claimed; or

23 (B) the receipt, by a seaman who is a claimant
24 in the suit, of a payment of wages that are the subject

1 *of the suit that is made in the ordinary course of em-*
2 *ployment.”.*

3 (2) *DEPOSITS.*—*Section 10504 of such title is*
4 *amended by adding at the end the following:*

5 “(f) *DEPOSITS IN SEAMAN ACCOUNT.*—*A seaman em-*
6 *ployed on a passenger vessel capable of carrying more than*
7 *500 passengers may authorize, by written request signed by*
8 *the seaman, the master, owner, or operator of the vessel,*
9 *or the employer of the seaman, to make deposits of wages*
10 *of the seaman into a checking, savings, investment, or re-*
11 *tirement account, or other account to secure a payroll or*
12 *debit card for the seaman if—*

13 “(1) *the wages designated by the seaman for such*
14 *deposit are deposited in a United States or inter-*
15 *national financial institution designated by the sea-*
16 *man;*

17 “(2) *such deposits in the financial institution*
18 *are fully guaranteed under commonly accepted inter-*
19 *national standards by the government of the country*
20 *in which the financial institution is licensed;*

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

24 “(4) *while on board the vessel on which the sea-*
25 *man is employed, the seaman is able to arrange for*

1 *withdrawal of all funds on deposit in the account in*
2 *which the wages are deposited.”.*

3 **SEC. 406. TECHNICAL CORRECTIONS.**

4 (a) *COAST GUARD AND MARITIME TRANSPORTATION*
5 *ACT OF 2006.—Effective with enactment of the Coast Guard*
6 *and Maritime Transportation Act of 2006 (Public Law*
7 *109–241), such Act is amended—*

8 (1) *in section 311(b) (120 Stat. 530) by insert-*
9 *ing “paragraphs (1) and (2) of” before “section*
10 *8104(o)”;*

11 (2) *in section 603(a)(2) (120 Stat. 554) by strik-*
12 *ing “33 U.S.C. 2794(a)(2)” and inserting “33 U.S.C.*
13 *2704(a)(2)”;*

14 (3) *in section 901(r)(2) (120 Stat. 566) by strik-*
15 *ing “the” the second place it appears;*

16 (4) *in section 902(c) (120 Stat. 566) by inserting*
17 *“of the United States” after “Revised Statutes”;*

18 (5) *in section 902(e) (120 Stat. 567) is amend-*
19 *ed—*

20 (A) *by inserting “and” after the semicolon*
21 *at the end of paragraph (1);*

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

24 (C) *by redesignating paragraphs (3) and*
25 *(4) as subparagraphs (C) and (D) of paragraph*

1 (2), respectively, and aligning the left margin of
2 such subparagraphs with the left margin of sub-
3 paragraph (A) of paragraph (2);

4 (6) in section 902(e)(2)(C) (as so redesignated)
5 by striking “this section” and inserting “this para-
6 graph”;

7 (7) in section 902(e)(2)(D) (as so redesignated)
8 by striking “this section” and inserting “this para-
9 graph”;

10 (8) in section 902(h)(1) (120 Stat. 567)—

11 (A) by striking “Bisti/De-Na-Zin” and all
12 that follows through “Protection” and inserting
13 “Omnibus Parks and Public Lands Manage-
14 ment”; and

15 (B) by inserting a period after “Com-
16 mandant of the Coast Guard”;

17 (9) in section 902(k) (120 Stat. 568) is amend-
18 ed—

19 (A) by inserting “the Act of March 23,
20 1906, commonly known as” before “the General
21 Bridge”;

22 (B) by striking “491)” and inserting
23 “494),”; and

24 (C) by inserting “each place it appears” be-
25 fore “and inserting”; and

1 (10) in section 902(o) (120 Stat. 569) by strik-
2 ing the period after “Homeland Security”.

3 (b) TITLE 14.—(1) The analysis for chapter 7 of title
4 14, United States Code, is amended by adding a period at
5 the end of the item relating to section 149.

6 (2) The analysis for chapter 17 of title 14, United
7 States Code, is amended by adding a period at the end of
8 the item relating to section 677.

9 (3) The analysis for chapter 9 of title 14, United States
10 Code, is amended by adding a period at the end of the item
11 relating to section 198.

12 (c) TITLE 46.—(1) The analysis for chapter 81 of title
13 46, United States Code, is amended by adding a period at
14 the end of the item relating to section 8106.

15 (2) Section 70105(c)(3)(C) of such title is amended by
16 striking “National Intelligence Director” and inserting
17 “Director of National Intelligence”.

18 (d) DEEPWATER PORT ACT OF 1974.—Section 5(c)(2)
19 of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2))
20 is amended by aligning the left margin of subparagraph
21 (K) with the left margin of subparagraph (L).

22 (e) OIL POLLUTION ACT OF 1990.—(1) Section
23 1004(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C.
24 2704(a)(2)) is amended by striking the first comma fol-
25 lowing “\$800,000”.

1 (2) *The table of sections in section 2 of such Act is*
2 *amended by inserting a period at the end of the item relat-*
3 *ing to section 7002.*

4 (f) *COAST GUARD AUTHORIZATION ACT OF 1996.—*
5 *The table of sections in section 2 of the Coast Guard Author-*
6 *ization Act of 1996 is amended in the item relating to sec-*
7 *tion 103 by striking “reports” and inserting “report”.*

8 **SEC. 407. CONVEYANCE OF DECOMMISSIONED COAST**
9 **GUARD CUTTER STORIS.**

10 (a) *IN GENERAL.—Upon the scheduled decommis-*
11 *sioning of the Coast Guard Cutter STORIS, the Com-*
12 *mandant of the Coast Guard shall convey, without consider-*
13 *ation, all right, title, and interest of the United States in*
14 *and to that vessel to the USCG Cutter STORIS Museum*
15 *and Maritime Education Center, LLC, located in the State*
16 *of Alaska if the recipient—*

17 (1) *agrees—*

18 (A) *to use the vessel for purposes of a mu-*
19 *seum and historical display;*

20 (B) *not to use the vessel for commercial*
21 *transportation purposes;*

22 (C) *to make the vessel available to the*
23 *United States Government if needed for use by*
24 *the Commandant in time of war or a national*
25 *emergency; and*

1 (D) to hold the Government harmless for
2 any claims arising from exposure to hazardous
3 materials, including asbestos and poly-
4 chlorinated biphenyls, after conveyance of the
5 vessel, except for claims arising from the use by
6 the Government under subparagraph (C);

7 (2) has funds available that will be committed to
8 operate and maintain in good working condition the
9 vessel conveyed, in the form of cash, liquid assets, or
10 a written loan commitment and in an amount of at
11 least \$700,000; and

12 (3) agrees to any other conditions the Com-
13 mandant considers appropriate.

14 (b) MAINTENANCE AND DELIVERY OF VESSEL.—

15 (1) MAINTENANCE.—Before conveyance of the
16 vessel under this section, the Commandant shall make,
17 to the extent practical and subject to other Coast
18 Guard mission requirements, every effort to maintain
19 the integrity of the vessel and its equipment until the
20 time of delivery.

21 (2) DELIVERY.—If a conveyance is made under
22 this section, the Commandant shall deliver the vessel
23 to a suitable mooring in the local area in its present
24 condition.

1 (3) *TREATMENT OF CONVEYANCE.*—*The convey-*
 2 *ance of the vessel under this section shall not be con-*
 3 *sidered a distribution in commerce for purposes of*
 4 *section 6(e) of Public Law 94–469 (15 U.S.C.*
 5 *2605(e)).*

6 (c) *OTHER EXCESS EQUIPMENT.*—*The Commandant*
 7 *may convey to the recipient of a conveyance under sub-*
 8 *section (a) any excess equipment or parts from other decom-*
 9 *missioned Coast Guard vessels for use to enhance the oper-*
 10 *ability and function of the vessel conveyed under subsection*
 11 *(a) for purposes of a museum and historical display.*

12 **SEC. 408. REPEAL OF REQUIREMENT OF LICENSE FOR EM-**
 13 **PLOYMENT IN THE BUSINESS OF SALVAGING**
 14 **ON THE COAST OF FLORIDA.**

15 *Chapter 801 of title 46, United States Code, is amend-*
 16 *ed—*

17 (1) *by striking section 80102; and*

18 (2) *in the table of sections at the beginning of the*
 19 *chapter by striking the item relating to that section.*

20 **SEC. 409. RIGHT-OF-FIRST-REFUSAL FOR COAST GUARD**
 21 **PROPERTY ON JUPITER ISLAND, FLORIDA.**

22 (a) *RIGHT-OF-FIRST-REFUSAL.*—*Notwithstanding*
 23 *any other law (other than this section), the Town of Jupiter*
 24 *Island, Florida, shall have the right-of-first-refusal for an*
 25 *exchange of real property within the jurisdiction of the*

1 *Town comprising Parcel #35-38-42-004-000-02590-6*
2 *(Bon Air Beach lots 259 and 260 located at 83 North Beach*
3 *Road) and Parcel #35-38-42-004-000-02610-2 (Bon Air*
4 *Beach lots 261 to 267), including any improvements there-*
5 *on, for other real property of equal or greater value.*

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

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

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

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

1 (f) *IMPLEMENTATION.*—*The Commandant of the Coast*
 2 *Guard shall upon request by the Town—*

3 (1) *promptly take those actions necessary to*
 4 *make property identified under subsection (b) and de-*
 5 *termined by the Commandant under subsection (c)*
 6 *ready for conveyance to the Town; and*

7 (2) *convey the property to the Town subject to*
 8 *subsections (d) and (e).*

9 **SEC. 410. CONVEYANCE OF COAST GUARD HU-25 FALCON**

10 **JET AIRCRAFT.**

11 (a) *AUTHORITY TO CONVEY.*—*Notwithstanding any*
 12 *other law, the Commandant of the Coast Guard may convey*
 13 *to the Elizabeth City State University (in this section re-*
 14 *ferred to as the “University”), a public university located*
 15 *in the State of North Carolina, without consideration all*
 16 *right, title, and interest of the United States in an HU-*
 17 *25 Falcon Jet aircraft under the administrative jurisdic-*
 18 *tion of the Coast Guard that the Commandant determines—*

19 (1) *is appropriate for use by the University; and*

20 (2) *is excess to the needs of the Coast Guard.*

21 (b) *CONDITIONS.*—

22 (1) *IN GENERAL.*—*As a condition of conveying*
 23 *an aircraft to the University under subsection (a), the*
 24 *Commandant shall enter into an agreement with the*
 25 *University under which the University agrees—*

1 (A) to utilize the aircraft for educational
2 purposes or other public purposes as jointly
3 agreed upon by the Commandant and the Uni-
4 versity before conveyance; and

5 (B) to hold the United States harmless for
6 any claim arising with respect to the aircraft
7 after conveyance of the aircraft.

8 (2) *REVERSIONARY INTEREST.*—If the Com-
9 mandant determines that the recipient violated sub-
10 paragraph (A) or (B) of paragraph (1), then—

11 (A) all right, title, and interest in the air-
12 craft shall revert to the United States;

13 (B) the United States shall have the right to
14 immediate possession of the aircraft; and

15 (C) the recipient shall pay the United
16 States for its costs incurred in recovering the
17 aircraft for such violation.

18 (c) *LIMITATION ON FUTURE TRANSFERS.*—

19 (1) *IN GENERAL.*—The Commandant shall in-
20 clude in the instruments for the conveyance a require-
21 ment that any further conveyance of an interest in
22 the aircraft may not be made without the approval in
23 advance of the Commandant.

1 (2) *REVERSIONARY INTEREST.*—If the Com-
2 mandant determines that an interest in the aircraft
3 was conveyed without such approval, then—

4 (A) all right, title, and interest in the air-
5 craft shall revert to the United States;

6 (B) the United States shall have the right to
7 immediate possession of the aircraft; and

8 (C) the recipient shall pay the United
9 States for its costs incurred in recovering the
10 aircraft for such a violation.

11 (d) *DELIVERY OF AIRCRAFT.*—The Commandant shall
12 deliver the aircraft conveyed under subsection (a)—

13 (1) at the place where the aircraft is located on
14 the date of the conveyance;

15 (2) in its condition on the date of conveyance;

16 and

17 (3) without cost to the United States.

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

1 **SEC. 411. DECOMMISSIONED COAST GUARD VESSELS FOR**
2 **HAITI.**

3 (a) *IN GENERAL.*—Notwithstanding any other law,
4 upon the scheduled decommissioning of any Coast Guard
5 41-foot patrol boat, the Commandant of the Coast Guard
6 shall give the Government of Haiti a right-of-first-refusal
7 for conveyance of that vessel to the Government of Haiti,
8 if that Government of Haiti agrees—

9 (1) to use the vessel for the Coast Guard of
10 Haiti;

11 (2) to make the vessel available to the United
12 States Government if needed for use by the Com-
13 mandant in time of war or national emergency;

14 (3) to hold the United States Government harm-
15 less for any claims arising from exposure to haz-
16 ardous materials, including asbestos and poly-
17 chlorinated biphenyls, after conveyance of the vessel,
18 except for claims arising from the use by the United
19 States Government under paragraph (2); and

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

22 (b) *LIMITATION.*—The Commandant may not convey
23 more than 10 vessels to the Government of Haiti pursuant
24 to this section.

25 (c) *MAINTENANCE AND DELIVERY OF VESSEL.*—

1 (1) *MAINTENANCE.*—*Before conveyance of a ves-*
2 *sel under this section, the Commandant shall make, to*
3 *the extent practical and subject to other Coast Guard*
4 *mission requirements, every effort to maintain the in-*
5 *tegrity of the vessel and its equipment until the time*
6 *of delivery.*

7 (2) *DELIVERY.*—*If a conveyance is made under*
8 *this section, the Commandant shall deliver a vessel to*
9 *a suitable mooring in the local area in its present*
10 *condition.*

11 (3) *TREATMENT OF CONVEYANCE.*—*The convey-*
12 *ance of a vessel under this section shall not be consid-*
13 *ered a distribution in commerce for purposes of sec-*
14 *tion 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).*

15 **SEC. 412. EXTENSION OF PERIOD OF OPERATION OF VES-**
16 **SEL FOR SETTING, RELOCATION, OR RECOV-**
17 **ERY OF ANCHORS OR OTHER MOORING**
18 **EQUIPMENT.**

19 *Section 705(a)(2) of Public Law 109–347 (120 Stat.*
20 *1945) is amended by striking “2” and inserting “3”.*

21 **SEC. 413. VESSEL TRAFFIC RISK ASSESSMENTS.**

22 (a) *REQUIREMENT.*—*The Commandant of the Coast*
23 *Guard, acting through the appropriate Area Committee es-*
24 *tablished under section 311(j)(4) of the Federal Water Pol-*

1 *lution Control Act, shall prepare a vessel traffic risk assess-*
2 *ment—*

3 *(1) for Cook Inlet, Alaska, within one year after*
4 *the date of enactment of this Act; and*

5 *(2) for the Aleutian Islands, Alaska, within two*
6 *years after the date of enactment of this Act.*

7 *(b) CONTENTS.—Each of the assessments shall describe,*
8 *for the region covered by the assessment—*

9 *(1) the amount and character of present and es-*
10 *timated future shipping traffic in the region; and*

11 *(2) the current and projected use and effective-*
12 *ness in reducing risk, of—*

13 *(A) traffic separation schemes and routing*
14 *measures;*

15 *(B) long-range vessel tracking systems devel-*
16 *oped under section 70115 of title 46, United*
17 *States Code;*

18 *(C) towing, response, or escort tugs;*

19 *(D) vessel traffic services;*

20 *(E) emergency towing packages on vessels;*

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

1 (G) *the Automatic Identification System de-*
2 *veloped under section 70114 of title 46, United*
3 *States Code;*

4 (H) *particularly sensitive sea areas, areas*
5 *to be avoided, and other traffic exclusion zones;*

6 (I) *aids to navigation; and*

7 (J) *vessel response plans.*

8 (c) *RECOMMENDATIONS.—*

9 (1) *IN GENERAL.—Each of the assessments shall*
10 *include any appropriate recommendations to enhance*
11 *the safety and security, or lessen potential adverse en-*
12 *vironmental impacts, of marine shipping.*

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

20 (d) *PROVISION TO CONGRESS.—The Commandant*
21 *shall provide a copy of each assessment to the Committee*
22 *on Transportation and Infrastructure of the House of Rep-*
23 *resentatives and the Committee on Commerce, Science, and*
24 *Transportation of the Senate.*

1 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 2 *authorized to be appropriated to the Commandant*
 3 *\$1,800,000 for each of fiscal years 2008 and 2009 to the*
 4 *conduct the assessments.*

5 **SEC. 414. VESSEL MARYLAND INDEPENDENCE.**

6 *Notwithstanding sections 55101, 55103, and 12112 of*
 7 *title 46, United States Code, the Secretary of the depart-*
 8 *ment in which the Coast Guard is operating may issue a*
 9 *certificate of documentation with a coastwise endorsement*
 10 *for the vessel MARYLAND INDEPENDENCE (official*
 11 *number 662573). The coastwise endorsement issued under*
 12 *authority of this section is terminated if—*

13 (1) *the vessel, or controlling interest in the per-*
 14 *son that owns the vessel, is conveyed after the date of*
 15 *enactment of this Act; or*

16 (2) *any repairs or alterations are made to the*
 17 *vessel outside of the United States.*

18 **SEC. 415. STUDY OF RELOCATION OF COAST GUARD SEC-**

19 **TOR BUFFALO FACILITIES.**

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

21 (1) *to authorize a project study to evaluate the*
 22 *feasibility of consolidating and relocating Coast*
 23 *Guard facilities at Coast Guard Sector Buffalo within*
 24 *the study area;*

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

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

6 (b) *DEFINITIONS.—In this section:*

7 (1) *COMMANDANT.—The term “Commandant”*
8 *means the Commandant of the Coast Guard.*

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

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

19 (c) *STUDY.—*

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

1 *Committee on Transportation and Infrastructure of*
2 *the House of Representatives.*

3 (2) *REQUIREMENTS.—The project proposal re-*
4 *port shall—*

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

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

11 (i) *meeting the operational require-*
12 *ments of Sector Buffalo; and*

13 (ii) *allowing the expansion of oper-*
14 *ational requirements of Sector Buffalo; and*

15 (C) *contain a preliminary plan for the de-*
16 *sign, engineering, and construction of the pro-*
17 *posed project, including—*

18 (i) *the estimated cost of the design, en-*
19 *gineering, and construction of the proposed*
20 *project;*

21 (ii) *an anticipated timeline of the pro-*
22 *posed project; and*

23 (iii) *a description of what Federal*
24 *lands, if any, shall be considered excess to*
25 *Coast Guard needs.*

1 (d) *LIMITATION.*—*Nothing in this section shall affect*
2 *the current administration and management of the study*
3 *area.*

4 ***TITLE V—BALLAST WATER***
5 ***TREATMENT***

6 ***SEC. 501. SHORT TITLE.***

7 *This title may be cited as the “Ballast Water Treat-*
8 *ment Act of 2007”.*

9 ***SEC. 502. DECLARATION OF GOALS AND PURPOSES.***

10 *Section 1002 of the Nonindigenous Aquatic Nuisance*
11 *Prevention and Control Act of 1990 (16 U.S.C. 4701) is*
12 *amended—*

13 (1) *by redesignating subsection (b) as subsection*
14 *(c);*

15 (2) *by inserting after subsection (a) the fol-*
16 *lowing:*

17 “(b) *DECLARATION OF GOALS AND PURPOSES.*—*The*
18 *objective of this Act is to eliminate the threat and impacts*
19 *of nonindigenous aquatic nuisance species in the waters of*
20 *the United States. In order to achieve this objective, it is*
21 *declared that, consistent with the provisions of this Act—*

22 “(1) *it is the national goal that ballast water*
23 *discharged into the waters of the United States will*
24 *contain no living (viable) organisms by the year*
25 *2015;*

1 “(2) it is the national policy that the introduc-
2 tion of nonindigenous aquatic nuisance species in the
3 waters of the United States be prohibited; and

4 “(3) it is the national policy that Federal, State,
5 and local governments and the private sector identify
6 the most effective ways to coordinate prevention ef-
7 forts, and harmonize environmentally sound methods
8 to prevent, detect, monitor, and control nonindigenous
9 aquatic nuisance species, in an expeditious manner.”.

10 (3) in subsection (c)(1) (as redesignated by para-
11 graph (1) of this section)—

12 (A) by striking “prevent” and inserting
13 “eliminate”; and

14 (B) by inserting “treatment” after “ballast
15 water”;

16 (4) in subsection (c)(2) (as so redesignated)—

17 (A) by inserting “, detection, monitoring,”
18 after “prevention”; and

19 (B) by striking “the zebra mussel and
20 other”;

21 (5) in subsection (c)(3) (as so redesignated)—

22 (A) by inserting “detect,” after “prevent,”;
23 and

24 (B) by striking “from pathways other than
25 ballast water exchange”;

1 (6) *in subsection (c)(4) (as so redesignated) by*
2 *striking “, including the zebra mussel”;* and

3 (7) *in subsection (c)(5) (as so redesignated)—*

4 (A) *by inserting “prevention,” after “in*
5 *the”;*

6 (B) *by inserting a comma after “manage-*
7 *ment”;* and

8 (C) *by striking “zebra mussels” and insert-*
9 *ing “aquatic nuisance species”.*

10 **SEC. 503. BALLAST WATER MANAGEMENT.**

11 (a) *IN GENERAL.—Section 1101 of the Nonindigenous*
12 *Aquatic Nuisance Prevention and Control Act of 1990 (16*
13 *U.S.C. 4711) is amended to read as follows:*

14 **“SEC. 1101. BALLAST WATER MANAGEMENT.**

15 “(a) *VESSELS TO WHICH THIS SECTION APPLIES.—*

16 “(1) *IN GENERAL.—Except as provided in para-*
17 *graphs (2), (3), (4), and (5), this section applies to*
18 *a vessel that—*

19 “(A) *is designed, constructed, or adapted to*
20 *carry ballast water; and*

21 “(B)(i) *is a vessel of the United States; or*

22 “(ii) *is a foreign vessel that—*

23 “(I) *is en route to a United States port*
24 *or place; or*

1 “(II) *has departed from a United*
2 *States port or place and is within waters*
3 *subject to the jurisdiction of the United*
4 *States.*

5 “(2) *PERMANENT BALLAST WATER VESSELS.—*
6 *This section does not apply to a vessel that carries all*
7 *of its permanent ballast water in sealed tanks that*
8 *are not subject to discharge.*

9 “(3) *ARMED FORCES VESSELS.—*

10 “(A) *EXEMPTION.—Except as provided in*
11 *subparagraph (B), this section does not apply to*
12 *a vessel of the Armed Forces.*

13 “(B) *BALLAST WATER MANAGEMENT PRO-*
14 *GRAM.—The Secretary and the Secretary of De-*
15 *fense, after consultation with each other and*
16 *with the Under Secretary and the heads of other*
17 *appropriate Federal agencies as determined by*
18 *the Secretary, shall implement a ballast water*
19 *management program, including the issuance of*
20 *standards for ballast water exchange and treat-*
21 *ment and for sediment management, for vessels*
22 *of the Armed Forces under their respective juris-*
23 *dictions designed, constructed, or adapted to*
24 *carry ballast water that are—*

1 “(i) consistent with the requirements of
2 this section, including the deadlines estab-
3 lished by this section; and

4 “(ii) at least as stringent as the re-
5 quirements issued for such vessels under sec-
6 tion 312 of the Federal Water Pollution
7 Control Act (33 U.S.C. 1322).

8 “(4) SPECIAL RULE FOR SMALL RECREATIONAL
9 VESSELS.—In applying this section to recreational
10 vessels less than 50 meters in length that have a max-
11 imum ballast water capacity of 8 cubic meters, the
12 Secretary may issue alternative measures for man-
13 aging ballast water in a manner that is consistent
14 with the requirements of this section.

15 “(5) MARAD VESSELS.—Subsection (f) does not
16 apply to any vessel in the National Defense Reserve
17 Fleet that is scheduled to be disposed of through
18 scrapping or sinking.

19 “(b) UPTAKE AND DISCHARGE OF BALLAST WATER OR
20 SEDIMENT.—

21 “(1) PROHIBITION.—The operator of a vessel to
22 which this section applies may not conduct the uptake
23 or discharge of ballast water or sediment in waters
24 subject to the jurisdiction of the United States except
25 as provided in this section.

1 “(2) *EXCEPTIONS.—Paragraph (1) does not*
2 *apply to the uptake or discharge of ballast water or*
3 *sediment in the following circumstances:*

4 “(A) *The uptake or discharge is solely for*
5 *the purpose of—*

6 “(i) *ensuring the safety of the vessel in*
7 *an emergency situation; or*

8 “(ii) *saving a life at sea.*

9 “(B) *The uptake or discharge is accidental*
10 *and the result of damage to the vessel or its*
11 *equipment and—*

12 “(i) *all reasonable precautions to pre-*
13 *vent or minimize ballast water and sedi-*
14 *ment discharge have been taken before and*
15 *after the damage occurs, the discovery of the*
16 *damage, and the discharge; and*

17 “(ii) *the owner or officer in charge of*
18 *the vessel did not willfully or recklessly*
19 *cause the damage.*

20 “(C) *The uptake or discharge is solely for*
21 *the purpose of avoiding or minimizing the dis-*
22 *charge from the vessel of pollution that would*
23 *otherwise violate applicable Federal or State*
24 *law.*

1 “(D) *The uptake or discharge of ballast*
2 *water and sediment occurs at the same location*
3 *where the whole of that ballast water and that*
4 *sediment originated and there is no mixing with*
5 *ballast water and sediment from another area*
6 *that has not been managed in accordance with*
7 *the requirements of this section.*

8 “(c) *VESSEL BALLAST WATER MANAGEMENT PLAN.—*

9 “(1) *IN GENERAL.—The operator of a vessel to*
10 *which this section applies shall conduct all ballast*
11 *water management operations of that vessel in ac-*
12 *cordance with a ballast water management plan de-*
13 *signed to minimize the discharge of aquatic nuisance*
14 *species that—*

15 “(A) *meets the requirements prescribed by*
16 *the Secretary by regulation; and*

17 “(B) *is approved by the Secretary.*

18 “(2) *APPROVAL CRITERIA.—*

19 “(A) *IN GENERAL.—The Secretary may not*
20 *approve a ballast water management plan unless*
21 *the Secretary determines that the plan—*

22 “(i) *describes in detail the actions to be*
23 *taken to implement the ballast water man-*
24 *agement requirements established under this*
25 *section;*

1 “(ii) describes in detail the procedures
2 to be used for disposal of sediment at sea
3 and on shore in accordance with the re-
4 quirements of this section;

5 “(iii) describes in detail safety proce-
6 dures for the vessel and crew associated with
7 ballast water management;

8 “(iv) designates the officer on board the
9 vessel in charge of ensuring that the plan is
10 properly implemented;

11 “(v) contains the reporting require-
12 ments for vessels established under this sec-
13 tion and a copy of each form necessary to
14 meet those requirements; and

15 “(vi) meets all other requirements pre-
16 scribed by the Secretary.

17 “(B) FOREIGN VESSELS.—The Secretary
18 may approve a ballast water management plan
19 for a foreign vessel on the basis of a certificate
20 of compliance with the criteria described in sub-
21 paragraph (A) issued by the vessel’s country of
22 registration in accordance with regulations
23 issued by the Secretary.

1 “(3) *COPY OF PLAN ON BOARD VESSEL.*—*The*
2 *owner or operator of a vessel to which this section ap-*
3 *plies shall—*

4 “(A) *maintain a copy of the vessel’s ballast*
5 *water management plan on board at all times;*
6 *and*

7 “(B) *keep the plan readily available for ex-*
8 *amination by the Secretary and the head of the*
9 *appropriate agency of the State in which the ves-*
10 *sel is located at all reasonable times.*

11 “(d) *VESSEL BALLAST WATER RECORD BOOK.*—

12 “(1) *IN GENERAL.*—*The owner or operator of a*
13 *vessel to which this section applies shall maintain, in*
14 *English on board the vessel, a ballast water record*
15 *book in which each operation of the vessel involving*
16 *ballast water or sediment discharge is recorded in ac-*
17 *cordance with regulations issued by the Secretary.*

18 “(2) *AVAILABILITY.*—*The ballast water record*
19 *book—*

20 “(A) *shall be kept readily available for ex-*
21 *amination by the Secretary and the head of the*
22 *appropriate agency of the State in which the ves-*
23 *sel is located at all reasonable times; and*

1 “(B) notwithstanding paragraph (1), may
2 be kept on the towing vessel in the case of an un-
3 manned vessel under tow.

4 “(3) *RETENTION PERIOD.*—The ballast water
5 record book shall be retained—

6 “(A) on board the vessel for a period of 3
7 years after the date on which the last entry in
8 the book is made; and

9 “(B) under the control of the vessel’s owner
10 for an additional period of 3 years.

11 “(4) *REGULATIONS.*—In the regulations issued
12 under this section, the Secretary shall require, at a
13 minimum, that—

14 “(A) each entry in the ballast water record
15 book be signed and dated by the officer in charge
16 of the ballast water operation recorded;

17 “(B) each completed page in the ballast
18 water record book be signed and dated by the
19 master of the vessel; and

20 “(C) the owner or operator of the vessel
21 transmit such information to the Secretary re-
22 garding the ballast operations of the vessel as the
23 Secretary may require.

24 “(5) *ALTERNATIVE MEANS OF RECORD-*
25 *KEEPING.*—The Secretary may provide, by regulation,

1 *for alternative methods of recordkeeping, including*
2 *electronic recordkeeping, to comply with the require-*
3 *ments of this subsection. Any electronic recordkeeping*
4 *method authorized by the Secretary shall support the*
5 *inspection and enforcement provisions of this Act and*
6 *shall comply with applicable standards of the Na-*
7 *tional Institute of Standards and Technology and the*
8 *Office of Management and Budget governing reli-*
9 *ability, integrity, identity authentication, and non-*
10 *repudiation of stored electronic data.*

11 *“(e) BALLAST WATER EXCHANGE REQUIREMENTS.—*

12 *“(1) IN GENERAL.—*

13 *“(A) REQUIREMENT.—Until a vessel is re-*
14 *quired to conduct ballast water treatment in ac-*
15 *cordance with subsection (f), the operator of a*
16 *vessel to which this section applies may not dis-*
17 *charge ballast water in waters subject to the ju-*
18 *risdiction of the United States, except after—*

19 *“(i) conducting ballast water exchange*
20 *as required by this subsection, in accord-*
21 *ance with regulations issued by the Sec-*
22 *retary;*

23 *“(ii) using ballast water treatment*
24 *technology that meets the performance*
25 *standards of subsection (f); or*

1 “(iii) using environmentally sound al-
2 ternative ballast water treatment technology
3 if the Secretary determines that such treat-
4 ment technology is at least as effective as
5 the ballast water exchange required by
6 clause (i) in preventing and controlling the
7 introduction of aquatic nuisance species.

8 “(B) *TECHNOLOGY EFFICACY.*—For pur-
9 poses of this paragraph, a ballast water treat-
10 ment technology shall be considered to be at least
11 as effective as the ballast water exchange re-
12 quired by clause (i) in preventing and control-
13 ling the introduction of aquatic nuisance species
14 if preliminary experiments prior to installation
15 of the technology aboard the vessel demonstrate
16 that the technology removed or killed at least 98
17 percent of organisms larger than 50 microns.

18 “(2) *GUIDANCE; 5-YEAR USAGE.*—

19 “(A) *GUIDANCE.*—Not later than one year
20 after the date of enactment of the Ballast Water
21 Treatment Act of 2007, the Secretary shall de-
22 velop and issue guidance on technology that may
23 be used under paragraph (1)(A)(iii).

24 “(B) *5-YEAR USAGE.*—The Secretary shall
25 allow a vessel using environmentally-sound alter-

1 *native ballast treatment technology under para-*
2 *graph (1)(A)(iii) to continue to use that tech-*
3 *nology for 5 years after the date on which the en-*
4 *vironmentally-sound alternative ballast water*
5 *treatment technology was first placed in service*
6 *on the vessel or the date on which treatment re-*
7 *quirements under subsection (f) become applica-*
8 *ble, whichever is later.*

9 “(3) *EXCHANGE AREAS.*—

10 “(A) *VESSELS OUTSIDE THE UNITED*
11 *STATES EEZ.*—*The operator of a vessel en route*
12 *to a United States port or place from a port or*
13 *place outside the waters subject to the jurisdic-*
14 *tion of the United States shall conduct ballast*
15 *water exchange—*

16 “(i) *before arriving at a United States*
17 *port or place;*

18 “(ii) *at least 200 nautical miles from*
19 *the nearest point of land; and*

20 “(iii) *in water at least 200 meters in*
21 *depth.*

22 “(B) *COASTAL VOYAGES.*—*The operator of a*
23 *vessel originating from a port or place within*
24 *the United States exclusive economic zone, or*
25 *from a port within 200 nautical miles of the*

1 *United States in Canada, Mexico, or other ports*
2 *designated by the Secretary for purposes of this*
3 *section, shall conduct ballast water exchange—*

4 *“(i) at least 50 nautical miles from the*
5 *nearest point of land; and*

6 *“(ii) in water at least 200 meters in*
7 *depth.*

8 *“(4) SAFETY OR STABILITY EXCEPTION.—*

9 *“(A) SECRETARIAL DETERMINATION.—*
10 *Paragraph (3) does not apply to the discharge of*
11 *ballast water if the Secretary determines that*
12 *compliance with that paragraph would threaten*
13 *the safety or stability of the vessel, its crew, or*
14 *is passengers.*

15 *“(B) MASTER OF THE VESSEL DETERMINA-*
16 *TION.—Paragraph (3) does not apply to the dis-*
17 *charge of ballast water if the master of a vessel*
18 *determines that compliance with that paragraph*
19 *would threaten the safety or stability of the ves-*
20 *sel, its crew, or its passengers because of adverse*
21 *weather, equipment failure, or any other relevant*
22 *condition.*

23 *“(C) NOTIFICATION REQUIRED.—Whenever*
24 *the master of a vessel is unable to comply with*
25 *the requirements of paragraph (3) because of a*

1 *determination made under subparagraph (B),*
2 *the master of the vessel shall—*

3 “(i) *notify the Secretary as soon as*
4 *practicable thereafter but no later than 24*
5 *hours after making that determination and*
6 *shall ensure that the determination, the rea-*
7 *sons for the determination, and the notice*
8 *are recorded in the vessel’s ballast water*
9 *record book; and*

10 “(ii) *undertake ballast water exchange*
11 *in accordance with paragraph (6) if safety*
12 *or stability concerns prevent undertaking*
13 *ballast water exchange in the alternative*
14 *area.*

15 “(D) *REVIEW OF CIRCUMSTANCES.—If the*
16 *master of a vessel conducts a ballast water dis-*
17 *charge under the provisions of this paragraph,*
18 *the Secretary shall review the circumstances to*
19 *determine whether the discharge met the require-*
20 *ments of this paragraph. The review under this*
21 *clause shall be in addition to any other enforce-*
22 *ment authority of the Secretary.*

23 “(5) *DISCHARGE UNDER WAIVER.—*

24 “(A) *SUBSTANTIAL BUSINESS HARDSHIP*
25 *WAIVER.—If, because of the short length of a voy-*

1 *age, the operator of a vessel is unable to dis-*
2 *charge ballast water in accordance with the re-*
3 *quirements of paragraph (3)(B) without substan-*
4 *tial business hardship, as determined under reg-*
5 *ulations issued by the Secretary, the operator*
6 *may request a waiver from the Secretary and*
7 *discharge the ballast water in accordance with*
8 *paragraph (6). A request for a waiver under this*
9 *subparagraph shall be submitted to the Secretary*
10 *at such time and in such form and manner as*
11 *the Secretary may require.*

12 “(B) *SUBSTANTIAL BUSINESS HARDSHIP.—*
13 *For purposes of subparagraph (A), the factors*
14 *taken into account in determining substantial*
15 *business hardship shall include whether—*

16 “(i) *compliance with the requirements*
17 *of paragraph (3)(B) would require a suffi-*
18 *ciently great change in routing or sched-*
19 *uling of service as to compromise the eco-*
20 *nomical or commercial viability of the trade*
21 *or business in which the vessel is operated;*
22 *or*

23 “(ii) *it is reasonable to expect that the*
24 *trade or business or service provided will be*

1 *continued only if a waiver is granted under*
2 *subparagraph (A).*

3 “(6) *PERMISSABLE DISCHARGE.*—

4 “(A) *IN GENERAL.*—*The discharge of ballast*
5 *water shall be considered to be carried out in ac-*
6 *cordance with this paragraph if it is—*

7 “(i) *in an area designated for that*
8 *purpose by the Secretary, after consultation*
9 *with the Under Secretary, the heads of other*
10 *appropriate Federal agencies as determined*
11 *by the Secretary, and representatives of any*
12 *State that may be affected by discharge of*
13 *ballast water in that area; or*

14 “(ii) *into a reception facility described*
15 *in subsection (f)(2).*

16 “(B) *LIMITATION ON VOLUME.*—*The volume*
17 *of any ballast water discharged under this para-*
18 *graph may not exceed the volume necessary to*
19 *ensure the safe operation of the vessel.*

20 “(7) *CERTAIN GEOGRAPHICALLY LIMITED*
21 *ROUTES.*—*Notwithstanding paragraph (1), the oper-*
22 *ator of a vessel is not required to comply with the re-*
23 *quirements of this subsection—*

24 “(A) *if the vessel operates exclusively—*

25 “(i) *within the Great Lakes; or*

1 “(ii) *between or among the main group*
2 *of the Hawaiian Islands; or*

3 “(B) *if the vessel operates exclusively within*
4 *any area with respect to which the Secretary has*
5 *determined, after consultation with the Under*
6 *Secretary, the Administrator, and representa-*
7 *tives of States the waters of which would be af-*
8 *ected by the discharge of ballast water from the*
9 *vessel, that the risk of introducing aquatic nui-*
10 *sance species through ballast water discharge in*
11 *the areas in which the vessel operates is insig-*
12 *nificant.*

13 “(8) *MARINE SANCTUARIES AND OTHER PROHIB-*
14 *ITED AREAS.—A vessel may not conduct ballast water*
15 *exchange or discharge ballast water under this sub-*
16 *section—*

17 “(A) *within a national marine sanctuary*
18 *designated under of the National Marine Sanc-*
19 *tuaries Act (16 U.S.C. 1431 et seq.);*

20 “(B) *in waters that are approved by the*
21 *Administrator as a nondischarge zone under sec-*
22 *tion 312(n)(7) of the Federal Water Pollution*
23 *Control Act (33 U.S.C. 1322(n)(7)); or*

1 “(C) *in any other waters designated by the*
2 *Secretary, in consultation with the Under Sec-*
3 *retary and the Administrator.*

4 “(9) *VESSELS WITHOUT PUMPABLE BALLAST*
5 *WATER.—*

6 “(A) *APPLICABILITY OF REQUIREMENTS.—*
7 *Ballast water exchange requirements under this*
8 *subsection shall apply to vessels that are*
9 *equipped with ballast water tanks and that enter*
10 *a port of the United States without pumpable*
11 *ballast water.*

12 “(B) *REGULATIONS.—The Secretary shall*
13 *issue regulations, not later than 180 days after*
14 *the date of enactment of the Ballast Water Treat-*
15 *ment Act of 2007, that are intended to minimize*
16 *the introduction of nuisance species from vessels*
17 *that enter the navigable waters without pump-*
18 *able ballast water, including the requirements*
19 *that apply under subparagraph (A), and that*
20 *are at least as stringent as the regulations in ef-*
21 *fect on the date of enactment such Act.*

22 “(C) *APPLICATION OF EXISTING REGULA-*
23 *TIONS.—The regulations issued by the Secretary*
24 *under this section, as such regulations were in*
25 *effect on the day before the date of enactment of*

1 *the Ballast Water Treatment Act of 2007, shall*
2 *continue to apply to vessels without pumpable*
3 *ballast water entering or operating on the navi-*
4 *gable waters until the earlier of—*

5 *“(i) the date on which such vessels are*
6 *required to conduct ballast water treatment,*
7 *in accordance with the requirements of sub-*
8 *section (f); or*

9 *“(ii) the effective date of final regula-*
10 *tions required under this paragraph.*

11 *“(f) BALLAST WATER TREATMENT REQUIREMENTS.—*

12 *“(1) PERFORMANCE STANDARDS.—A vessel to*
13 *which this section applies shall conduct ballast water*
14 *treatment in accordance with the requirements of this*
15 *subsection before discharging ballast water in waters*
16 *subject to the jurisdiction of the United States so that*
17 *the ballast water discharged will contain—*

18 *“(A) less than 1 living organism per 10*
19 *cubic meters that is 50 or more micrometers in*
20 *minimum dimension;*

21 *“(B) less than 1 living organism per 10*
22 *milliliters that is less than 50 micrometers in*
23 *minimum dimension and more than 10 microm-*
24 *eters in minimum dimension;*

1 “(C) concentrations of indicator microbes
2 that are less than—

3 “(i) 1 colony-forming unit of
4 toxicogenic *Vibrio cholera* (serotypes O1 and
5 O139) per 100 milliliters or less than 1 col-
6 ony-forming unit of that microbe per gram
7 of wet weight of zoological samples;

8 “(ii) 126 colony-forming units of *esch-*
9 *erichia coli* per 100 milliliters; and

10 “(iii) 33 colony-forming units of intes-
11 tinal enterococci per 100 milliliters; and

12 “(D) concentrations of such additional indi-
13 cator microbes as may be specified in regulations
14 issued by the Secretary, after consultation with
15 other appropriate Federal agencies as determined
16 by the Secretary, that are less than the amount
17 specified in those regulations.

18 “(2) RECEPTION FACILITY EXCEPTION.—

19 “(A) IN GENERAL.—Paragraph (1) does not
20 apply to a vessel that discharges ballast water
21 into—

22 “(i) a land-based facility for the recep-
23 tion of ballast water that meets standards
24 issued by the Administrator; or

1 “(i) a water-based facility for the re-
2 ception of ballast water that meets stand-
3 ards issued by the Secretary.

4 “(B) *ISSUANCE OF STANDARDS.*—Not later
5 than one year after the date of enactment of the
6 Ballast Water Treatment Act of 2007, the Sec-
7 retary, in consultation with the heads of other
8 appropriate Federal agencies as determined by
9 the Secretary, shall issue standards for—

10 “(i) the reception of ballast water in
11 land-based and water-based reception facili-
12 ties; and

13 “(ii) the disposal or treatment of such
14 ballast water in a way that does not impair
15 or damage the environment, human health,
16 property, or resources.

17 “(3) *TREATMENT SYSTEM IMPLEMENTATION.*—
18 Paragraph (1) applies to a vessel to which this section
19 applies beginning on the date of the first dry-docking
20 of the vessel after December 31, 2008, but not later
21 than December 31, 2013.

22 “(4) *TREATMENT SYSTEM APPROVAL RE-*
23 *QUIRED.*—The operator of a vessel to which this sec-
24 tion applies may not use a ballast water treatment
25 system to comply with the requirements of this sub-

1 *section unless the system is approved by the Sec-*
2 *retary. The Secretary shall issue regulations estab-*
3 *lishing a process for such approval, after consultation*
4 *with the heads of other appropriate Federal agencies*
5 *as determined by the Secretary.*

6 *“(5) RELIANCE ON CERTAIN REPORTS, DOCU-*
7 *MENTS, AND RECORDS.—In approving a ballast water*
8 *treatment system under this subsection, the Secretary*
9 *may rely on reports, documents, and records of per-*
10 *sons that meet such requirements as the Secretary*
11 *may prescribe.*

12 *“(6) FEASIBILITY REVIEW.—*

13 *“(A) REQUIREMENT TO REVIEW.—The Sec-*
14 *retary shall periodically conduct a review to de-*
15 *termine whether appropriate technologies are*
16 *available to achieve the standards set forth in*
17 *paragraph (1). In reviewing technologies under*
18 *this subparagraph, the Secretary, after consulta-*
19 *tion with the heads of other appropriate Federal*
20 *agencies as determined by the Secretary, shall*
21 *consider—*

22 *“(i) the effectiveness of a technology in*
23 *achieving the standards;*

24 *“(ii) feasibility in terms of compat-*
25 *ibility with ship design and operations;*

1 “(iii) safety considerations;

2 “(iv) whether a technology has an ad-
3 verse impact on the environment; and

4 “(v) cost effectiveness.

5 “(B) DEADLINES.—The Secretary shall—

6 “(i) complete an initial review of tech-
7 nologies under subparagraph (A) within 12
8 months after the date of the enactment of
9 the Ballast Water Treatment Act of 2007;
10 and

11 “(ii) carry out subsequent reviews of
12 technologies under subparagraph (A) no
13 later than 24 months after the date that the
14 previous review was completed.

15 “(C) DELAY IN SCHEDULED APPLICA-
16 TION.—If the Secretary determines, on the basis
17 of the initial review or any subsequent review
18 conducted under this paragraph, that compliance
19 with the standards set forth in paragraph (1) is
20 not feasible for any class of vessels, the Secretary
21 shall—

22 “(i) delay the date on which such
23 standards apply to that class of vessels for
24 a period of not more than 24 months; and

1 “(ii) recommend action to ensure such
2 compliance in accordance with the revised
3 implementation schedule for that class of
4 vessels by the date established under clause
5 (i).

6 “(7) *DELAY OF APPLICATION FOR VESSEL PAR-*
7 *TICIPATING IN PROMISING TECHNOLOGY EVALUA-*
8 *TIONS.—*

9 “(A) *IN GENERAL.—*If a vessel participates
10 in a program, including the Shipboard Tech-
11 nology Evaluation Program established under
12 section 1104, using a technology approved by the
13 Secretary to test and evaluate promising ballast
14 water treatment technologies that are likely to
15 result in treatment technologies achieving a
16 standard that is the same as or more stringent
17 than the standard that applies under paragraph
18 (1) before the first date on which paragraph (1)
19 applies to that vessel, the Secretary shall allow
20 the vessel to use that technology for a 10-year pe-
21 riod and such vessel shall be deemed to be in
22 compliance with the requirements of paragraph
23 (1) during that 10-year period.

24 “(B) *VESSEL DIVERSITY.—*The Secretary—

1 “(i) shall seek to ensure that a wide
2 variety of vessel types and voyages are in-
3 cluded in the program; but

4 “(ii) may not grant a delay under this
5 paragraph to more than 5 percent of the
6 vessels to which this section applies.

7 “(C) *TERMINATION OF GRACE PERIOD.*—
8 *The Secretary may terminate the 10-year grace*
9 *period of a vessel under subparagraph (A) if—*

10 “(i) the participation of the vessel in
11 the program is terminated without the con-
12 sent of the Secretary;

13 “(ii) the vessel does not comply with
14 manufacturer’s standards for operating the
15 ballast water treatment technology used on
16 such vessel; or

17 “(iii) the Secretary determines that the
18 approved technology is insufficiently effec-
19 tive or is causing harm to the environment.

20 “(8) *REVIEW OF STANDARDS.*—

21 “(A) *IN GENERAL.*—*In December 2012 and*
22 *every third year thereafter, the Secretary shall*
23 *complete review of ballast water treatment stand-*
24 *ards in effect under this subsection to determine,*
25 *after consultation with the Administrator and*

1 *the heads of other appropriate Federal agencies*
2 *determined by the Secretary, if the standards*
3 *under this subsection should be revised to reduce*
4 *the amount of organisms or microbes allowed to*
5 *be discharged, taking into account improvements*
6 *in the scientific understanding of biological proc-*
7 *esses leading to the spread of aquatic nuisance*
8 *species and improvements in ballast water treat-*
9 *ment technology. The Secretary shall revise, by*
10 *regulation, the requirements of this subsection as*
11 *necessary.*

12 “(B) *APPLICATION OF ADJUSTED STAND-*
13 *ARDS.—In the regulations, the Secretary shall*
14 *provide for the prospective application of the ad-*
15 *justed standards issued under this paragraph to*
16 *vessels constructed after the date on which the*
17 *adjusted standards apply and for an orderly*
18 *phase-in of the adjusted standards to existing*
19 *vessels.*

20 “(9) *HIGH-RISK VESSELS.—*

21 “(A) *VESSEL LIST.—Not later than one*
22 *year after the date of enactment of the Ballast*
23 *Water Treatment Act of 2007, the Secretary shall*
24 *publish and regularly update a list of vessels*
25 *identified by the States that, due to factors such*

1 *as the origin of their voyages, the frequency of*
2 *their voyages, the volume of ballast water they*
3 *carry, the biological makeup of the ballast water,*
4 *and the fact that they frequently discharge bal-*
5 *last water under an exception to subsection (e),*
6 *pose a high risk of introducing aquatic nuisance*
7 *species into the waters of those States.*

8 “(B) *INCENTIVE PROGRAMS.*—*The Secretary*
9 *shall give priority to vessels on the list for par-*
10 *ticipation in a program described in paragraph*
11 *(7). Any Federal agency, and any State agency*
12 *with respect to vessels identified by such State to*
13 *the Secretary for inclusion on a list under sub-*
14 *paragraph (A), may develop and implement*
15 *technology development programs or other incen-*
16 *tives (whether positive or negative) in order to*
17 *encourage the adoption of ballast water treat-*
18 *ment technology by those vessels consistent with*
19 *the requirements of this section on an expedited*
20 *basis.*

21 “(10) *NONAPPLICABILITY OF VESSELS OPER-*
22 *ATING EXCLUSIVELY IN DETERMINED AREA.*—

23 “(A) *IN GENERAL.*—*Except as provided in*
24 *subparagraph (D), paragraph (1) does not apply*
25 *to a vessel that operates exclusively within an*

1 *area if the Secretary has determined through a*
2 *rulemaking proceeding, after consultation with*
3 *the Administrator and the heads of other appro-*
4 *priate Federal agencies as determined by the*
5 *Secretary, and representatives of States the wa-*
6 *ters of which could be affected by the discharge*
7 *of ballast water from the vessel, that the risk of*
8 *introducing aquatic nuisance species through*
9 *ballast water discharge from the vessel is insig-*
10 *nificant.*

11 “(B) *CERTAIN VESSELS.*—*A vessel con-*
12 *structed before January 1, 2001, that operates*
13 *exclusively within the Great Lakes shall be pre-*
14 *sumed not to pose a significant risk of intro-*
15 *ducing aquatic nuisance species unless the Sec-*
16 *retary finds otherwise in a rulemaking pro-*
17 *ceeding under subparagraph (A).*

18 “(C) *BEST PRACTICES.*—*The Secretary*
19 *shall develop, and require a vessel exempted from*
20 *complying with the requirements of paragraph*
21 *(1) under this paragraph to follow, best practices*
22 *to minimize the spreading of aquatic nuisance*
23 *species in its operation area. The best practices*
24 *shall be developed in consultation with the Gov-*
25 *ernors of States that may be affected.*

1 “(D) *STOPPING THE SPREAD OF INFEC-*
2 *TIOUS DISEASE.—The Secretary, at the request*
3 *of the Secretary of Agriculture, shall require a*
4 *vessel to which paragraph (1) does not apply in*
5 *accordance with subparagraph (A) to have a bal-*
6 *last water treatment system approved by the Sec-*
7 *retary under this subsection to stop the spread of*
8 *infectious diseases to plants and animals as oth-*
9 *erwise authorized by law.*

10 “(11) *LABORATORIES.—The Secretary may use*
11 *any Federal, non-Federal, or foreign laboratory that*
12 *meets standards established by the Secretary for the*
13 *purpose of evaluating and certifying ballast water*
14 *treatment technologies that meet the requirements of*
15 *this subsection.*

16 “(12) *PROGRAM TO SUPPORT THE PROMULGA-*
17 *TION AND IMPLEMENTATION OF STANDARDS.—*

18 “(A) *IN GENERAL.—The Secretary, in co-*
19 *ordination with the Under Secretary, the Task*
20 *Force and other appropriate Federal agencies,*
21 *shall carry out a coordinated program to sup-*
22 *port the promulgation and implementation of*
23 *standards under this subsection to prevent the*
24 *introduction and spread of aquatic invasive spe-*

1 *cies by vessels. The program established under*
2 *this section shall, at a minimum—*

3 “(i) *characterize physical, chemical,*
4 *and biological harbor conditions relevant to*
5 *ballast discharge into United States waters*
6 *to inform the design and implementation of*
7 *ship vector control technologies and prac-*
8 *tices;*

9 “(ii) *develop testing protocols for deter-*
10 *mining the effectiveness of vessel vector*
11 *monitoring and control technologies and*
12 *practices;*

13 “(iii) *demonstrate methods for miti-*
14 *gating the spread of invasive species by*
15 *coastal voyages, including exploring the ef-*
16 *fectiveness of alternative exchange zones in*
17 *the near coastal areas and other methods*
18 *proposed to reduce transfers of organisms;*

19 “(iv) *verify the practical effectiveness*
20 *of any process for approving a type of alter-*
21 *native ballast water management as meet-*
22 *ing standards established under this sub-*
23 *section, to ensure that the process produces*
24 *repeatable and accurate assessments of*
25 *treatment effectiveness; and*

1 “(v) *evaluate the effectiveness and re-*
2 *sidual risk and environmental impacts as-*
3 *sociated with any standard set with respect*
4 *to the vessel pathways.*

5 “(B) *AUTHORIZATION OF APPROPRIA-*
6 *TIONS.—In addition to other amounts authorized*
7 *by this title, to carry out this paragraph there*
8 *are authorized to be appropriated \$1,500,000 to*
9 *the Secretary and \$1,500,000 to the Under Sec-*
10 *retary for each of fiscal years 2008 through 2012.*

11 “(g) *WARNINGS CONCERNING BALLAST WATER UP-*
12 *TAKE.—*

13 “(1) *IN GENERAL.—The Secretary shall notify*
14 *vessel owners and operators of any area in waters*
15 *subject to the jurisdiction of the United States in*
16 *which vessels may not uptake ballast water due to*
17 *known conditions.*

18 “(2) *CONTENTS.—The notice shall include—*

19 “(A) *the coordinates of the area; and*

20 “(B) *if possible, the location of alternative*
21 *areas for the uptake of ballast water.*

22 “(h) *SEDIMENT MANAGEMENT.—*

23 “(1) *IN GENERAL.—The operator of a vessel to*
24 *which this section applies may not remove or dispose*

1 of sediment from spaces designed to carry ballast
2 water, except—

3 “(A) in accordance with this subsection and
4 the ballast water management plan approved
5 under subsection (c); and

6 “(B)(i) more than 200 nautical miles from
7 the nearest point of land; or

8 “(ii) into a reception facility that meets the
9 requirements of paragraph (3).

10 “(2) DESIGN REQUIREMENTS.—

11 “(A) NEW VESSELS.—After December 31,
12 2008, a vessel to which this section applies may
13 not be operated on waters subject to the jurisdic-
14 tion of the United States, unless that vessel is de-
15 signed and constructed in accordance with regu-
16 lations issued under subparagraph (C) and in a
17 manner that—

18 “(i) minimizes the uptake and entrap-
19 ment of sediment;

20 “(ii) facilitates removal of sediment;
21 and

22 “(iii) provides for safe access for sedi-
23 ment removal and sampling.

24 “(B) EXISTING VESSELS.—A vessel to which
25 this section applies that was constructed before

1 *January 1, 2009, shall be modified, to the extent*
2 *practicable, at the first drydocking of the vessel*
3 *after December 31 2008, but not later than De-*
4 *cember 31, 2013, to achieve the objectives de-*
5 *scribed in subparagraph (A).*

6 *“(C) REGULATIONS.—The Secretary shall*
7 *issue regulations establishing design and con-*
8 *struction standards to achieve the objectives of*
9 *subparagraph (A) and providing guidance for*
10 *modifications and practices under subparagraph*
11 *(B). The Secretary shall incorporate the stand-*
12 *ards and guidance in the regulations governing*
13 *the ballast water management plan approved*
14 *under subsection (c).*

15 *“(3) SEDIMENT RECEPTION FACILITIES.—*

16 *“(A) STANDARDS.—The Secretary, in con-*
17 *sultation with the heads of other appropriate*
18 *Federal agencies as determined by the Secretary,*
19 *shall issue regulations governing facilities for the*
20 *reception of vessel sediment from spaces designed*
21 *to carry ballast water that provide for the dis-*
22 *posal of such sediment in a way that does not*
23 *impair or damage the environment, human*
24 *health, or property or resources of the disposal*
25 *area.*

1 “(B) *DESIGNATION.*—*The Secretary, in con-*
2 *sultation with the heads of other appropriate*
3 *Federal agencies as determined by the Secretary*
4 *shall designate facilities for the reception of ves-*
5 *sel sediment that meet the requirements of the*
6 *regulations issued under subparagraph (A) at*
7 *ports and terminals where ballast tanks are*
8 *cleaned or repaired.*

9 “(i) *EXAMINATIONS AND CERTIFICATIONS.*—

10 “(1) *INITIAL EXAMINATION.*—

11 “(A) *IN GENERAL.*—*The Secretary shall ex-*
12 *amine vessels to which this section applies to de-*
13 *termine whether—*

14 “(i) *there is a ballast water manage-*
15 *ment plan for the vessel that is approved by*
16 *the Secretary and a ballast water record*
17 *book on the vessel that meets the require-*
18 *ments of subsection (d);*

19 “(ii) *the equipment used for ballast*
20 *water and sediment management in accord-*
21 *ance with the requirements of this section*
22 *and the regulations issued under this sec-*
23 *tion is installed and functioning properly.*

24 “(B) *NEW VESSELS.*—*For vessels con-*
25 *structed on or after January 1, 2009, the Sec-*

1 *retary shall conduct the examination required by*
2 *subparagraph (A) before the vessel is placed in*
3 *service.*

4 “(C) *EXISTING VESSELS.—For vessels con-*
5 *structed before January 1, 2009, the Secretary*
6 *shall—*

7 “(i) *conduct the examination required*
8 *by subparagraph (A) before the date on*
9 *which subsection (f)(1) applies to the vessel*
10 *according to the schedule in subsection*
11 *(f)(3); and*

12 “(ii) *inspect the vessel’s ballast water*
13 *record book required by subsection (d).*

14 “(D) *FOREIGN VESSEL.—In the case of a*
15 *foreign vessel, the Secretary shall perform the ex-*
16 *amination required by this paragraph the first*
17 *time the vessel enters a United States port.*

18 “(2) *SUBSEQUENT EXAMINATIONS.—In addition*
19 *to the examination required by paragraph (1), the*
20 *Secretary shall annually examine vessels to which this*
21 *section applies, to ensure compliance with the require-*
22 *ments of this section and the regulations issued under*
23 *this section.*

24 “(3) *INSPECTION AUTHORITY.—*

1 “(A) *IN GENERAL.*—*The Secretary may*
2 *carry out inspections of any vessel to which this*
3 *section applies at any time, including the taking*
4 *of ballast water samples, to ensure compliance*
5 *with this section. The Secretary shall use all ap-*
6 *propriate and practical measures of detection*
7 *and environmental monitoring such vessels and*
8 *shall establish adequate procedures for reporting*
9 *violations of this section and accumulating evi-*
10 *dence regarding such violations.*

11 “(B) *INVESTIGATIONS.*—

12 “(i) *IN GENERAL.*—*Upon receipt of*
13 *evidence that a violation of this section or*
14 *a regulation issued under this section has*
15 *occurred, the Secretary shall cause the mat-*
16 *ter to be investigated.*

17 “(ii) *ISSUANCE OF SUBPOENAS.*—*In*
18 *an investigation under this subparagraph,*
19 *the Secretary may issue subpoenas to re-*
20 *quire the attendance of any witness and the*
21 *production of documents and other evidence.*

22 “(iii) *COMPELLING COMPLIANCE WITH*
23 *SUBPOENAS.*—*In case of refusal to obey a*
24 *subpoena issued under this subparagraph,*
25 *the Secretary may request the Attorney*

1 *General to invoke the aid of the appropriate*
2 *district court of the United States to compel*
3 *compliance.*

4 “(4) *STATE PROGRAMS.*—

5 “(A) *SUBMISSION TO SECRETARY.*—*At any*
6 *time after the date of issuance of ballast water*
7 *treatment regulations issued under this section,*
8 *the Governor of each State desiring to admin-*
9 *ister its own inspection and enforcement author-*
10 *ity for ballast water discharges within its juris-*
11 *isdiction may submit to the Secretary a complete*
12 *description of the program the Governor proposes*
13 *to establish and administer under State law. In*
14 *addition, the Governor shall submit a statement*
15 *from the attorney general that the laws of such*
16 *State provide adequate authority to carry out*
17 *the described program.*

18 “(B) *APPROVAL.*—*The Secretary shall ap-*
19 *prove a program submitted under subparagraph*
20 *(A), unless the Secretary determines that ade-*
21 *quate resources do not exist or, in the case of bal-*
22 *last water testing, that adequate scientific exper-*
23 *tise does not exist—*

24 “(i) *to inspect, monitor, and board*
25 *any vessel to which this section applies at*

1 *any time, including the taking and testing*
2 *of ballast water samples, to ensure the ves-*
3 *sel's compliance with this section;*

4 “(ii) *to ensure that any ballast water*
5 *discharged within the waters subject to the*
6 *jurisdiction of the State meet the ballast*
7 *water requirements of this section and the*
8 *regulations issued under this section, in-*
9 *cluding any revisions to such requirements*
10 *and regulations;*

11 “(iii) *to establish adequate procedures*
12 *for reporting violations of this section;*

13 “(iv) *to investigate and abate viola-*
14 *tions of this section, including civil and*
15 *criminal penalties and other ways and*
16 *means of enforcement; and*

17 “(v) *to ensure that the Secretary re-*
18 *ceives notice of each violation of the ballast*
19 *water treatment requirements issued under*
20 *this section in an expeditious manner.*

21 “(C) *SUSPENSION OF FEDERAL AUTHORI-*
22 *TIES.—Not later than 90 days after the date on*
23 *which a State submits a program (or revision*
24 *thereof) under this paragraph, the Secretary*
25 *shall suspend its authorities under subsections*

1 *(k) and (l) in such State, unless the Secretary*
2 *determines that the State program does not meet*
3 *the requirements of this paragraph. If the Sec-*
4 *retary so determines, the Secretary shall notify*
5 *the State of any revisions or modifications nec-*
6 *essary to conform to such requirements.*

7 “(D) COMPLIANCE.—Any State program
8 approved under this paragraph shall at all times
9 be conducted in accordance with this section and
10 regulations issued under this section.

11 “(E) WITHDRAWAL OF APPROVAL.—When-
12 ever the Secretary determines, after public hear-
13 ing, that a State is not administering a program
14 approved under this paragraph in accordance
15 with this section and regulations issued under
16 this section, the Secretary shall notify the State
17 and, if appropriate corrective action is not taken
18 within a reasonable period of time not to exceed
19 90 days, the Secretary shall withdraw approval
20 of the program. The Secretary shall not with-
21 draw approval of any program unless the Sec-
22 retary shall first have notified the State, and
23 made public, in writing, the reasons for such
24 withdrawal.

1 “(F) *LIMITATION ON STATUTORY CONSTRUC-*
2 *TION.—Nothing in this paragraph shall limit the*
3 *authority of the Secretary carry out inspections*
4 *and investigations of any vessels under para-*
5 *graph (3).*

6 “(5) *REQUIRED CERTIFICATE.—If, on the basis*
7 *of an initial examination under paragraph (1), the*
8 *Secretary finds that a vessel complies with the re-*
9 *quirements of this section and the regulations issued*
10 *under this section, the Secretary shall issue a certifi-*
11 *cate under this paragraph as evidence of such compli-*
12 *ance. The certificate shall be valid for a period of not*
13 *more than 5 years, as specified by the Secretary. The*
14 *certificate or a true copy shall be maintained on*
15 *board the vessel.*

16 “(6) *NOTIFICATION OF VIOLATIONS.—If the Sec-*
17 *retary finds, on the basis of an examination under*
18 *paragraph (1) or (2), investigation under paragraph*
19 *(3), or any other information, that a vessel is being*
20 *operated in violation of any requirement of this sec-*
21 *tion or regulation issued under this section, the Sec-*
22 *retary shall—*

23 “(A) *notify, in writing—*

24 “(i) *the master of the vessel; and*

1 “(ii) *the captain of the port at the ves-*
2 *sel’s next port of call;*

3 “(B) *remove from the vessel the certificate*
4 *issued under paragraph (5);*

5 “(C) *take such other action as may be ap-*
6 *propriate.*

7 “(7) *COMPLIANCE MONITORING.—*

8 “(A) *IN GENERAL.—The Secretary shall es-*
9 *tablish, by regulation, sampling and other proce-*
10 *dures to monitor compliance with the require-*
11 *ments of this section and the regulations issued*
12 *under this section.*

13 “(B) *USE OF MARKERS.—The Secretary*
14 *may verify compliance with the discharge re-*
15 *quirements of subsection (f) and the regulations*
16 *issued under this section with respect to such re-*
17 *quirements through identification of markers as-*
18 *sociated with a treatment technology’s effective-*
19 *ness, such as the presence of indicators associated*
20 *with a certified treatment technology.*

21 “(8) *EDUCATION AND TECHNICAL ASSISTANCE*
22 *PROGRAMS.—The Secretary may carry out education*
23 *and technical assistance programs and other measures*
24 *to promote compliance with the requirements of this*
25 *section and the regulations issued under this section.*

1 “(j) *DETENTION OF VESSELS.*—*The Secretary, by no-*
2 *tice to the owner, charterer, managing operator, agent, mas-*
3 *ter, or other individual in charge of a vessel, may detain*
4 *that vessel if the Secretary has reasonable cause to believe*
5 *that—*

6 “(1) *the vessel is a vessel to which this section*
7 *applies; and*

8 “(2) *the vessel does not comply with any require-*
9 *ment of this section or regulation issued under this*
10 *section or is being operated in violation of such a re-*
11 *quirement or regulation.*

12 “(k) *SANCTIONS.*—

13 “(1) *CIVIL PENALTIES.*—*Any person who violates*
14 *this section (including a regulation issued under this*
15 *section) shall be liable for a civil penalty in an*
16 *amount not to exceed \$32,500. Each day of a con-*
17 *tinuing violation constitutes a separate violation. A*
18 *vessel operated in violation of this section (including*
19 *a regulation issued under this section) is liable in*
20 *rem for any civil penalty assessed under this sub-*
21 *section for that violation.*

22 “(2) *CRIMINAL PENALTIES.*—*Whoever knowingly*
23 *violates this section (including a regulation issued*
24 *under this section) shall be fined under title 18,*

1 *United States, or imprisoned not more than 12 years,*
2 *or both.*

3 “(3) *REVOCATION OF CLEARANCE.*—*Except as*
4 *provided in subsection (j)(2), upon request of the Sec-*
5 *retary, the Secretary of the Treasury shall withhold*
6 *or revoke the clearance of a vessel required by section*
7 *60105 of title 46, United States Code, if the owner or*
8 *operator of that vessel is in violation of this section*
9 *or a regulation issued under this section.*

10 “(l) *ENFORCEMENT.*—

11 “(1) *ADMINISTRATIVE ACTIONS.*—*If the Sec-*
12 *retary finds, after notice and an opportunity for a*
13 *hearing, that a person has violated this section or a*
14 *regulation issued under this section, the Secretary*
15 *may assess a civil penalty for that violation. In deter-*
16 *mining the amount of the civil penalty, the Secretary*
17 *shall take into account the nature, circumstances, ex-*
18 *tent, and gravity of the prohibited acts committed*
19 *and, with respect to the violator, the degree of culpa-*
20 *bility, any history of prior violations, and such other*
21 *matters as justice may require.*

22 “(2) *CIVIL ACTIONS.*—*At the request of the Sec-*
23 *retary, the Attorney General may bring a civil action*
24 *in an appropriate district court of the United States*
25 *to enforce this section or any regulation issued under*

1 *this section. Any court before which such an action is*
2 *brought may award appropriate relief, including tem-*
3 *porary or permanent injunctions and civil penalties.*

4 “(m) *CONSULTATION WITH CANADA, MEXICO, AND*
5 *OTHER FOREIGN GOVERNMENTS.—In developing the guide-*
6 *lines and regulations to be issued under this section, the*
7 *Secretary is encouraged to consult with the Government of*
8 *Canada, the Government of Mexico and any other govern-*
9 *ment of a foreign country that the Secretary, after consulta-*
10 *tion with the Task Force, determines to be necessary to de-*
11 *velop and implement an effective international program for*
12 *preventing the unintentional introduction and spread of*
13 *aquatic nuisance species through ballast water.*

14 “(n) *INTERNATIONAL COOPERATION.—The Secretary,*
15 *in cooperation with the Under Secretary, the Secretary of*
16 *State, the Administrator, the heads of other relevant Federal*
17 *agencies, the International Maritime Organization of the*
18 *United Nations, and the Commission on Environmental*
19 *Cooperation established pursuant to the North American*
20 *Free Trade Agreement, is encouraged to enter into negotia-*
21 *tions with the governments of foreign countries to develop*
22 *and implement an effective international program for pre-*
23 *venting the unintentional introduction and spread of*
24 *aquatic invasive species. The Secretary is particularly en-*
25 *couraged to seek bilateral or multilateral agreements with*

1 *Canada, Mexico, and other nations in the Wider Caribbean*
2 *Region (as defined in the Convention for the Protection and*
3 *Development of the Marine Environment of the Wider Car-*
4 *ibbean, signed at Cartagena on March 24, 1983 (TIAF*
5 *11085), to carry out the objectives of this section.*

6 “(o) *NONDISCRIMINATION.*—*The Secretary shall ensure*
7 *that foreign vessels do not receive more favorable treatment*
8 *than vessels of the United States when the Secretary per-*
9 *forms studies, reviews compliance, determines effectiveness,*
10 *establishes requirements, or performs any other responsibil-*
11 *ities under this Act.*

12 “(p) *CONSULTATION WITH TASK FORCE.*—*The Sec-*
13 *retary shall consult with the Task Force in carrying out*
14 *this section.*

15 “(q) *PREEMPTION.*—

16 “(1) *IN GENERAL.*—*Except as provided in sub-*
17 *section (i)(4) but notwithstanding any other provision*
18 *of law, the provisions of subsections (e) and (f) super-*
19 *sede any provision of State or local law that is incon-*
20 *sistent with the requirements of those subsections or*
21 *that conflicts with the requirements of those sub-*
22 *sections.*

23 “(2) *GREATER PENALTIES OR FEES.*—*For pur-*
24 *pose of paragraph (1), the imposition by State or*
25 *local law of greater penalties or fees for acts or omis-*

1 *sions that are violations of such law and also viola-*
2 *tions of this Act or the imposition by a State of in-*
3 *centives under subsection (f)(9)(B) shall not be con-*
4 *sidered to be inconsistent, or to conflict, with the re-*
5 *quirements of subsections (e) and (f).*

6 “(3) *RECEPTION FACILITIES.*—*The standards*
7 *issued by the Secretary or the heads of other appro-*
8 *priate Federal agencies under subsection (f)(2) do not*
9 *supersede any more stringent standard under any*
10 *otherwise applicable Federal, State, or local law.*

11 “(r) *COAST GUARD REPORT ON OTHER SOURCES OF*
12 *VESSEL-BOURNE NUISANCE SPECIES.*—

13 “(1) *IN GENERAL.*—

14 “(A) *HULL-FOULING AND OTHER VESSEL*
15 *SOURCES.*—*Not later than 180 days after the*
16 *date of enactment of the Ballast Water Treat-*
17 *ment Act of 2007, the Secretary shall transmit*
18 *a report to the Committee on Commerce, Science,*
19 *and Transportation of the Senate and the Com-*
20 *mittee on Transportation and Infrastructure of*
21 *the House of Representatives on vessel-related*
22 *pathways of harmful aquatic organisms and*
23 *pathogens other than ballast water and sediment,*
24 *including vessel hulls and equipment, and from*

1 *vessels equipped with ballast tanks that carry no*
2 *ballast water on board.*

3 “(B) *BEST PRACTICES.*—

4 “(i) *IN GENERAL.*—*As soon as prac-*
5 *ticable, the Secretary shall develop best*
6 *practices standards and procedures designed*
7 *to reduce the introduction and spread of*
8 *invasive species into and within the United*
9 *States from vessels and establish a time-*
10 *frame for implementation of those standards*
11 *and procedures by vessels. Such standards*
12 *and procedures shall include designation of*
13 *geographical locations for uptake and dis-*
14 *charge of untreated ballast water, as well as*
15 *standards and procedure for other vessel*
16 *pathways of aquatic invasive species.*

17 “(ii) *REPORT.*—*The Secretary shall*
18 *transmit a report to the committees referred*
19 *to in subparagraph (A) describing the*
20 *standards and procedures developed under*
21 *this subparagraph and the implementation*
22 *timeframe, together with such recommenda-*
23 *tions as the Secretary determines appro-*
24 *priate.*

1 “(iii) *REGULATIONS.*—*The Secretary*
2 *may issue regulations to incorporate and*
3 *enforce standards and procedures developed*
4 *under this paragraph.*

5 “(2) *TRANSITING VESSELS.*—*Not later than 180*
6 *days after the date of enactment of the Ballast Water*
7 *Treatment Act of 2007, the Secretary shall transmit*
8 *a report to the Committee on Commerce, Science, and*
9 *Transportation of the Senate and the Committee on*
10 *Transportation and Infrastructure of the House of*
11 *Representatives containing—*

12 “(A) *an assessment of the magnitude and*
13 *potential adverse impacts of ballast water oper-*
14 *ations from foreign vessels designed, adapted, or*
15 *constructed to carry ballast water that are*
16 *transiting waters subject to the jurisdiction of*
17 *the United States; and*

18 “(B) *recommendations, including legislative*
19 *recommendations if appropriate, of options for*
20 *addressing ballast water operations of those ves-*
21 *sels.”.*

22 “(b) *DEFINITIONS.*—*Section 1003 of the Nonindigenous*
23 *Aquatic Nuisance Prevention and Control Act of 1990 (16*
24 *U.S.C. 4702) is amended—*

25 (1) *by redesignating—*

1 (A) paragraphs (1), (2), and (3) as para-
2 graphs (2), (3), and (4), respectively;

3 (B) paragraphs (4), (5), and (6) as para-
4 graphs (8), (9), and (10), respectively;

5 (C) paragraphs (7), (8), (9), and (10) as
6 paragraphs (12), (13), (14), and (15), respec-
7 tively;

8 (D) paragraphs (11) and (12) as para-
9 graphs (17) and (18), respectively;

10 (E) paragraphs (13), (14), and (15) as
11 paragraphs (20), (21), and (22), respectively;

12 (F) paragraph (16) as paragraph (27); and

13 (G) paragraph (17) as paragraph (23);

14 (2) by moving paragraph (23), as so redesign-
15 ated, after paragraph (22), as so redesignated;

16 (3) by inserting before paragraph (2), as so re-
17 designated, the following:

18 “(1) ‘Administrator’ means the Administrator of
19 the Environmental Protection Agency;”;

20 (4) by striking paragraph (4), as so redesign-
21 ated, and inserting the following:

22 “(4) ‘ballast water’ means—

23 “(A) water taken on board a vessel to con-
24 trol trim, list, draught, stability, or stresses of

1 *the vessel, including matter suspended in such*
2 *water; or*

3 “(B) *any water placed into a ballast tank*
4 *during cleaning, maintenance, or other oper-*
5 *ations;”;*

6 (5) *by inserting after paragraph (4), as so redes-*
7 *ignated and amended, the following:*

8 “(5) ‘*ballast water capacity*’ *means the total vol-*
9 *umetric capacity of any tanks, spaces, or compart-*
10 *ments on a vessel that is used for carrying, loading,*
11 *or discharging ballast water, including any multi-use*
12 *tank, space, or compartment designed to allow car-*
13 *riage of ballast water;*

14 “(6) ‘*ballast water management*’ *means mechan-*
15 *ical, physical, chemical, and biological processes used,*
16 *either singularly or in combination, to remove, render*
17 *harmless, or avoid the uptake or discharge of harmful*
18 *aquatic organisms and pathogens within ballast*
19 *water and sediment;*

20 “(7) ‘*constructed*’ *means a state of construction*
21 *of a vessel at which—*

22 “(A) *the keel is laid;*

23 “(B) *construction identifiable with the spe-*
24 *cific vessel begins;*

1 “(C) assembly of the vessel has begun com-
2 prising at least 50 tons or 1 percent of the esti-
3 mated mass of all structural material of the ves-
4 sel, whichever is less; or

5 “(D) the vessel undergoes a major conver-
6 sion;”;

7 (6) by inserting after paragraph (10), as so re-
8 designated, the following:

9 “(11) ‘foreign vessel’ has the meaning such term
10 has under section 110 of title 46, United States
11 Code;”;

12 (7) by inserting after paragraph (15), as so re-
13 designated, the following:

14 “(16) ‘major conversion’ means a conversion of
15 a vessel, that—

16 “(A) changes its ballast water carrying ca-
17 pacity by at least 15 percent;

18 “(B) changes the vessel class;

19 “(C) is projected to prolong the vessel’s life
20 by at least 10 years (as determined by the Sec-
21 retary); or

22 “(D) results in modifications to the vessel’s
23 ballast water system, except—

24 “(i) component replacement-in-kind; or

1 “(ii) conversion of a vessel to meet the
2 requirements of section 1101(e);”;

3 (8) by inserting after paragraph (18), as so re-
4 designated, the following:

5 “(19) ‘sediment’ means matter that has settled
6 out of ballast water within a vessel;”;

7 (9) in paragraph (12), as so redesignated, by
8 striking the period at the end and inserting a semi-
9 colon;

10 (10) by inserting after paragraph (23), as so re-
11 designated and moved, the following:

12 “(24) ‘United States port’ means a port, river,
13 harbor, or offshore terminal under the jurisdiction of
14 the United States, including ports located in Puerto
15 Rico, Guam, and the United States Virgin Islands;

16 “(25) ‘vessel of the Armed Forces’ means—

17 “(A) any vessel owned or operated by the
18 Department of Defense, other than a time or voy-
19 age chartered vessel; and

20 “(B) any vessel owned or operated by the
21 Department of Homeland Security that is des-
22 ignated by the Secretary as a vessel equivalent to
23 a vessel described in subparagraph (A);

1 “(26) ‘vessel of the United States’ has the mean-
2 ing such term has under section 116 of title 46,
3 United States Code;”; and

4 (11) in paragraph (23), as so redesignated, by
5 striking the period at the end and inserting “;”; and

6 (12) by inserting after paragraph (27), as so re-
7 designated and amended, the following:

8 “(28) ‘waters subject to the jurisdiction of the
9 United States’ means navigable waters and the terri-
10 torial sea of the United States, the exclusive economic
11 zone, and the Great Lakes.”.

12 (c) *REPEAL OF SECTION 1103.*—Section 1103 of the
13 *Nonindigenous Aquatic Nuisance Prevention and Control*
14 *Act of 1990 (16 U.S.C. 4713) is repealed.*

15 (d) *INTERIM FINAL RULE.*—The Secretary shall issue
16 *an interim final rule as a temporary regulation imple-*
17 *menting the amendments made by this section as soon as*
18 *practicable after the date of enactment of this section, with-*
19 *out regard to the provisions of chapter 5 of title 5, United*
20 *States Code. All regulations issued under the authority of*
21 *this subsection that are not earlier superseded by final regu-*
22 *lations shall expire not later than one year after the date*
23 *of enactment of this Act.*

1 **SEC. 504. NATIONAL BALLAST WATER MANAGEMENT INFOR-**
2 **MATION.**

3 *Section 1102 (16 U.S.C. 4712) is amended—*

4 *(1) by adding at the end the following:*

5 *“(g) BALLAST WATER SURVEYS.—*

6 *“(1) IN GENERAL.—The Secretary shall conduct*
7 *the following ballast water surveys:*

8 *“(A) A survey of the number of living orga-*
9 *nisms in untreated ballast water of a representa-*
10 *tive number of vessels, as determined by the Sec-*
11 *retary.*

12 *“(B) A survey of the number of living orga-*
13 *nisms in the ballast water of a representative*
14 *number of vessels, as determined by the Sec-*
15 *retary, that has been exchanged on the high seas.*

16 *“(C) Surveys of the number of living orga-*
17 *nisms in the ballast water of vessels that are*
18 *participating in a program to test and evaluate*
19 *promising ballast water treatment, as approved*
20 *by the Secretary.*

21 *“(2) REPORTS.—The Secretary shall submit to*
22 *the Committee on Transportation and Infrastructure*
23 *of the House of Representatives and the Committee on*
24 *Commerce, Science, and Transportation of the Sen-*
25 *ate—*

1 “(A) a report on the results of the surveys
2 under subparagraphs (A) and (B) of paragraph
3 (1) by not later than 18 months after the date
4 of the enactment of the Ballast Water Treatment
5 Act of 2007; and

6 “(B) a report on the results of the surveys
7 required under subparagraph (C) of paragraph
8 (1) upon completion of each demonstration con-
9 cerned.”;

10 (2) in subsection (b)(1)(B)(ii), by striking
11 “guidelines issued and”;

12 (3) in subsection (b)(2)(B)(ii), by striking “vol-
13 untary guidelines issued, and regulations promul-
14 gated,” and inserting “regulations promulgated”;

15 (4) in subsection (c)(1), by striking “section
16 1101(b)” and inserting “section 1101(a)”; and

17 (5) in subsection (f)(1)(B), by striking “guide-
18 lines issued pursuant to section 1101(c)” and insert-
19 ing “regulations issued pursuant to section 1101”.

20 **SEC. 505. BALLAST WATER MANAGEMENT EVALUATION AND**
21 **DEMONSTRATION PROGRAM.**

22 Section 1104 (16 U.S.C. 4714) is amended—

23 (1) by striking the section heading and inserting
24 the following:

1 **“SEC. 1104. BALLAST WATER TREATMENT TECHNOLOGY**
2 **EVALUATION AND DEMONSTRATION PRO-**
3 **GRAMS.”;**

4 *(2) by striking subsection (a);*

5 *(3) by redesignating subsection (b) as subsection*
6 *(a);*

7 *(4) by redesignating subsection (c) as subsection*
8 *(d);*

9 *(5) in subsection (a), as so redesignated—*

10 *(A) by striking so much as precedes para-*
11 *graph (2) and inserting the following:*

12 *“(a) SHIPBOARD TECHNOLOGY EVALUATION PRO-*
13 *GRAM.—*

14 *“(1) IN GENERAL.—The Secretary shall establish*
15 *a Shipboard Technology Evaluation Program to*
16 *evaluate alternative ballast water management meth-*
17 *ods aboard vessels to prevent aquatic nuisance species*
18 *from being introduced into and spread through dis-*
19 *charges of ballast water in waters of the United*
20 *States.”; and*

21 *(B) in paragraph (2) by striking “of the*
22 *technologies and practices used in the demonstra-*
23 *tion program” and inserting “of alternative bal-*
24 *last water management methods used in the pro-*
25 *gram”;*

1 (6) *in subsection (a)(3), as so redesignated, by*
2 *striking “technologies and practices” and all that fol-*
3 *lows through “shall—” and inserting “ballast water*
4 *treatment technologies on vessels under this sub-*
5 *section, the Secretary shall—”;*

6 (7) *in subsection (a)(3)(A), as so redesignated,*
7 *by striking clause (i) and redesignating clauses (ii)*
8 *and (iii) in order as clauses (i) and (ii);*

9 (8) *by amending subsection (a)(3)(A)(i), as so*
10 *redesignated, to read as follows:*

11 *“(i) have ballast water systems condu-*
12 *cive to testing aboard the vessel; and”;*

13 (9) *by amending subsection (a)(3)(C), as so re-*
14 *designated, to read as follows:*

15 *“(C) seek to use a variety of vessel types.”;*

16 (10) *by amending subsection (a)(4), as so redesi-*
17 *gnated, to read as follows:*

18 *“(4) SELECTION OF ALTERNATIVE BALLAST*
19 *WATER MANAGEMENT METHODS.—In order for a bal-*
20 *last water treatment technology to be eligible to be in-*
21 *stalled on vessels for evaluation under this section,*
22 *such technology must be, at a minimum—*

23 *“(A) determined by the Secretary to have*
24 *the demonstrated potential to reduce the number*
25 *of organisms greater than or equal to 50 microns*

1 *in minimum dimension in discharged ballast*
2 *water to fewer than 10 living organisms per*
3 *cubic meter of water;*

4 “(B) *cost-effective;*

5 “(C) *environmentally sound;*

6 “(D) *operationally practical;*

7 “(E) *able to be retrofitted on existing vessels*
8 *or incorporated in new vessel design (or both);*

9 “(F) *safe for a vessel and crew; and*

10 “(G) *accessible to monitoring.”;*

11 (11) *in subsection (a), as so redesignated, by*
12 *adding at the end the following:*

13 “(6) *AUTHORITY OF SECRETARY TO REVIEW AND*
14 *REVISE CRITERIA.—The Secretary may review and*
15 *revise the criteria described in paragraph (4)(A) to*
16 *require ballast water treatment technologies to meet a*
17 *more stringent ballast water discharge standard, in-*
18 *cluding standards promulgated under section 1101(f),*
19 *before being eligible for installation aboard vessels*
20 *under the program.”;*

21 (12) *by inserting after subsection (a), as so re-*
22 *designated, the following:*

23 “(b) *SHIPBOARD TECHNOLOGY DEMONSTRATION PRO-*
24 *GRAM.—*

1 “(1) *IN GENERAL.*—*The Under Secretary, with*
2 *the concurrence of and in cooperation with the Sec-*
3 *retary, shall conduct a program to demonstrate bal-*
4 *last water treatment technologies evaluated aboard*
5 *vessels under subsection (a) to prevent aquatic nui-*
6 *sance species from being introduced into and spread*
7 *through ballast water in waters of the United States.*

8 “(2) *LOCATION.*—*The installation and construc-*
9 *tion of ballast water treatment technologies used in*
10 *the demonstration program under this subsection*
11 *shall be performed in the United States.*

12 “(3) *VESSEL ELIGIBILITY.*—*Vessels eligible to*
13 *participate in the demonstration program under this*
14 *subsection shall consist only of vessels that have been*
15 *accepted into and are actively participating in the*
16 *Shipboard Technology Evaluation Program under*
17 *subsection (a).*

18 “(4) *GRANTS.*—

19 “(A) *IN GENERAL.*—*The Under Secretary*
20 *shall establish a grant program to provide fund-*
21 *ing for acquiring, installing, and operating bal-*
22 *last water treatment technologies aboard vessels*
23 *participating in the program under this sub-*
24 *section.*

1 “(B) *MATCHING REQUIREMENTS.*—*The*
2 *amount of Federal funds used for any dem-*
3 *onstration project under this subsection—*

4 “(i) *shall not exceed \$1,000,000; and*

5 “(ii) *shall not exceed 50 percent of the*
6 *total cost of such project.*

7 “(c) *ALTERNATIVE SHIP PATHWAY PROGRAM.*—

8 “(1) *IN GENERAL.*—*The Under Secretary, with*
9 *the concurrence of and in cooperation with the Sec-*
10 *retary, shall conduct a program to demonstrate and*
11 *verify technologies and practices to monitor and con-*
12 *trol the introduction of aquatic invasive species by*
13 *ship pathways other than the release of ballast water.*

14 “(2) *SELECTION OF METHODS.*—*The Under Sec-*
15 *retary may not select technologies and practices for*
16 *demonstration or verification under paragraph (1)*
17 *unless such technologies and practices, in the deter-*
18 *mination of the Under Secretary, in consultation*
19 *with the Secretary, meet the criteria outlined in sub-*
20 *paragraphs (B) through (G) of subsection (a)(4).*

21 “(3) *LOCATION.*—*The installation and construc-*
22 *tion of technologies and practices for demonstration*
23 *and verification under this subsection shall be per-*
24 *formed in the United States.”; and*

1 (13) in subsection (d), as so redesignated, by
2 striking “Secretary of the Interior” each place it ap-
3 pears and inserting “Secretary, in consultation with
4 the Under Secretary,”.

5 **SEC. 506. RAPID RESPONSE PLAN.**

6 Subtitle C of title I of the Nonindigenous Aquatic Nui-
7 sance Prevention and Control Act of 1990 (16 U.S.C. 4721
8 et seq.) is amended by adding at the end the following:

9 **“SEC. 1210. RAPID RESPONSE PLAN.**

10 “(a) *PREPARATION BY PRESIDENT.*—The President
11 shall prepare and publish a national rapid response plan
12 for killing, removing, or minimizing the spread of aquatic
13 nuisance species in the waters of the United States in ac-
14 cordance with this section.

15 “(b) *CONTENTS.*—The national rapid response plan
16 shall provide for efficient, coordinated, and effective action
17 to minimize damage from aquatic nuisance species in the
18 navigable waters of the United States, including killing,
19 containing, and removal of the aquatic nuisance species,
20 and shall include the following:

21 “(1) *Assignment of duties and responsibilities*
22 *among Federal departments and agencies in coordi-*
23 *nation with State and local agencies and port au-*
24 *thorities and private entities.*

1 “(2) *Identification, procurement, maintenance,*
2 *and storage of equipment and supplies needed to fa-*
3 *facilitate the killing, containment, and removal of*
4 *aquatic nuisance species under this section.*

5 “(3) *Establishment or designation by the Presi-*
6 *dent of Federal aquatic nuisance species response*
7 *teams, consisting of—*

8 “(A) *personnel who shall be trained and*
9 *prepared by the President and shall be available*
10 *to provide necessary services to carry out the na-*
11 *tional rapid response plan;*

12 “(B) *adequate equipment and material*
13 *needed to facilitate the killing, containment, and*
14 *removal of aquatic nuisance species under this*
15 *section; and*

16 “(C) *a detailed plans to kill, contain, and*
17 *remove aquatic nuisance species, including meas-*
18 *ures to protect fisheries and wildlife.*

19 “(4) *A system of surveillance and notice designed*
20 *to safeguard against, as well as ensure earliest pos-*
21 *sible notice of, the introduction of aquatic nuisance*
22 *species and imminent threats of such introduction to*
23 *the appropriate State and Federal agencies.*

1 “(5) *Establishment by the President of a na-*
2 *tional center to provide coordination and direction*
3 *for operations in carrying out the plan.*

4 “(6) *Procedures and techniques to be employed*
5 *in identifying, containing, killing, and removing*
6 *aquatic nuisance species in the waters of the United*
7 *States.*

8 “(7) *A schedule, prepared by the President in co-*
9 *operation with the States, identifying—*

10 “(A) *mitigating devices and substances, if*
11 *any, that may be used in carrying out the plan;*

12 “(B) *the waters in which such mitigating*
13 *devices and substances may be used; and*

14 “(C) *the quantities of such mitigating de-*
15 *vice or substance which can be used safely in*
16 *such waters.*

17 “(8) *A system whereby the State or States af-*
18 *ected by an aquatic nuisance species may act where*
19 *necessary to remove such species.*

20 “(9) *Establishment by the President of criteria*
21 *and procedures to ensure immediate and effective*
22 *Federal identification of, and response to, an intro-*
23 *duction of aquatic nuisance species.*

24 “(10) *Designation by the President of the Fed-*
25 *eral official who shall be the Federal on-scene coordi-*

1 nator for measures taken to kill, contain, and remove
2 aquatic nuisance species under this section.

3 “(11) A fish and wildlife response plan for the
4 immediate and effective protection, rescue, and reha-
5 bilitation of, and the minimization of risk of damage
6 to, fish and wildlife resources and their habitat that
7 are harmed or that may be jeopardized by an intro-
8 duction of an aquatic nuisance species.

9 “(c) *FEDERAL REMOVAL AUTHORITY.*—

10 “(1) *REMOVAL REQUIREMENT.*—

11 “(A) *IN GENERAL.*—The President shall en-
12 sure, in accordance with the national rapid re-
13 sponse plan, effective and immediate killing, con-
14 taining, and removal of the aquatic nuisance
15 species in the waters of the United States.

16 “(B) *DISCRETIONARY AUTHORITY.*—In car-
17 rying out this paragraph, the President may—

18 “(i) kill, contain, and remove an
19 aquatic nuisance species, at any time; and

20 “(ii) direct or monitor all Federal,
21 State, and private actions to kill, contain,
22 and remove the aquatic nuisance species.

23 “(2) *ACTIONS IN ACCORDANCE WITH NATIONAL*
24 *RAPID RESPONSE PLAN.*—Each Federal agency, State,
25 owner or operator, or other person participating in

1 *efforts under this subsection shall act in accordance*
2 *with the national rapid response plan or as directed*
3 *by the President to carry out the plan.”.*

4 **SEC. 507. AUTHORIZATION OF APPROPRIATIONS.**

5 *Section 1301(a) of the Nonindigenous Aquatic Nui-*
6 *sance Prevention and Control Act of 1990 (16 U.S.C.*
7 *4741(a)) is amended—*

8 *(1) by striking “and” after the semicolon in*
9 *paragraph (4)(B);*

10 *(2) by striking the period at the end of para-*
11 *graph (5)(B) and inserting a semicolon; and*

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

13 *“(6) \$20,000,000 for each of fiscal years 2008*
14 *through 2012 to the Secretary to carry out section*
15 *1101;*

16 *“(7) \$500,000 to the Secretary for each of fiscal*
17 *years 2008 through 2013 to carry out section 1102(f);*

18 *“(8) \$6,000,000 to the Under Secretary for each*
19 *of fiscal years 2008 through 2013 to carry out para-*
20 *graph (4) of section 1104(b); and*

21 *“(9) \$1,500,000 to the Under Secretary for each*
22 *of fiscal years 2008 through 2013 to carry out section*
23 *1104(c).”.*

1 **TITLE VI—ALIEN SMUGGLING**

2 **SEC. 601. SHORT TITLE.**

3 *This title may be cited as the “Maritime Law Enforce-*
 4 *ment Improvement Act of 2007”.*

5 **SEC. 602. MARITIME LAW ENFORCEMENT.**

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

8 **“CHAPTER 707—MARITIME LAW**
 9 **ENFORCEMENT**

 “Sec.

 “70701. *Offense.*

 “70702. *Attempt or conspiracy.*

 “70703. *Affirmative defenses.*

 “70704. *Penalties.*

 “70705. *Criminal forfeiture.*

 “70706. *Civil forfeiture.*

 “70707. *Extension beyond territorial jurisdiction.*

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

 “70709. *Federal activities.*

 “70710. *Definitions.*

10 **“§ 70701. Offense**

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

16 **“§ 70702. Attempt or conspiracy**

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

1 *violation, the commission of which was the object of the at-*
2 *tempt 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 nec-*
10 *essary response to an imminent threat of death or se-*
11 *rious 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 given*
17 *by law enforcement officials of the United States.*

18 **“§ 70704. Penalties**

19 *“Any person who commits a violation of this chapter*
20 *shall be imprisoned for not less than 3 nor more than 20*
21 *years or fined not more than \$100,000, or both; except*
22 *that—*

23 *“(1) in any case in which the violation causes*
24 *serious bodily injury to any person, regardless of*
25 *where the injury occurs, the person shall be impris-*

1 *oned for not less than 7 nor more than 30 years or*
2 *fined not more than \$500,000, or both; and*

3 *“(2) in any case in which the violation causes or*
4 *results in the death of any person regardless of where*
5 *the death occurs, the person shall be imprisoned for*
6 *not less than 10 years nor more than life or fined not*
7 *more than \$1,000,000, or both.*

8 **“§ 70705. Criminal forfeiture**

9 *“The court, at the time of sentencing a person con-*
10 *victed of an offense under this chapter, shall order forfeited*
11 *to the United States any vessel used in the offense in the*
12 *same manner and to the same extent as if it were a vessel*
13 *used in an offense under section 274 of the Immigration*
14 *and Nationality Act (8 U.S.C. 1324).*

15 **“§ 70706. Civil forfeiture**

16 *“A vessel that has been used in the commission of a*
17 *violation of this chapter shall be seized and subject to for-*
18 *feiture in the same manner and to the same extent as if*
19 *it were used in the commission of a violation of section*
20 *274(a) of the Immigration and Nationality Act (8 U.S.C.*
21 *1324(a)).*

22 **“§ 70707. Extension beyond territorial jurisdiction**

23 *“Sections 70701 and 70702 apply even though the act*
24 *is committed outside the territorial jurisdiction of the*
25 *United States.*

1 **“§ 70708. Claim of failure to comply with inter-**
2 **national law; jurisdiction of court**

3 *“A claim of failure to comply with international law*
4 *in the enforcement of this chapter may be invoked as a basis*
5 *for a defense solely by a foreign nation. A failure to comply*
6 *with international law shall not divest a court of jurisdic-*
7 *tion or otherwise constitute a defense to any proceeding*
8 *under this chapter.*

9 **“§ 70709. Federal activities**

10 *“Nothing in this chapter applies to otherwise lawful*
11 *activities carried out by or at the direction of the United*
12 *States Government.*

13 **“§ 70710. Definitions**

14 *“In this chapter, the following definitions apply:*

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

17 *“(2) COVERED VESSEL.—The term ‘covered ves-*
18 *sel’ means a vessel of the United States, or a vessel*
19 *subject to the jurisdiction of the United States, that*
20 *is less than 300 gross tons (or an alternate tonnage*
21 *prescribed by the Secretary under section 14104 of*
22 *this title) as measured under section 14502 of this*
23 *title.*

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

- Sec. 204. Commissioned officers.
- Sec. 205. Coast Guard participation in the Armed Forces Retirement Home (AFRH) system.
- Sec. 206. Grants to international maritime organizations.
- Sec. 207. Emergency leave retention authority.
- Sec. 208. Enforcement authority.
- Sec. 209. Repeal.
- Sec. 210. Admirals and Vice Admirals.
- Sec. 211. Merchant Mariner Medical Advisory Committee.
- Sec. 212. Reserve commissioned warrant officer to lieutenant program.
- Sec. 213. Enhanced status quo officer promotion system.
- Sec. 214. Laser Training System.
- Sec. 215. Coast Guard vessels and aircraft.
- Sec. 216. Coast Guard District Ombudsmen.

TITLE III—SHIPPING AND NAVIGATION

- Sec. 301. Vessel size limits.
- Sec. 302. Goods and services.
- Sec. 303. Seaward extension of anchorage grounds jurisdiction.
- Sec. 304. Maritime Drug Law Enforcement Act amendment—simple possession.
- Sec. 305. Technical amendments to tonnage measurement law.
- Sec. 306. Access for seamen.
- Sec. 307. Fishing vessel safety.
- Sec. 308. Mariner records.
- Sec. 309. Deletion of exemption of license requirement for operators of certain towing vessels.
- Sec. 310. Adjustment of liability limits for natural gas deep-water ports.
- Sec. 311. Period of limitations for claims against Oil Spill Liability Trust Fund.
- Sec. 312. Log books.
- Sec. 313. Unsafe operation.
- Sec. 314. Approval of survival craft.
- Sec. 315. Safety management.
- Sec. 316. Protection against discrimination.
- Sec. 317. Dry bulk cargo residue.
- Sec. 318. Clarification of delegation of authority to classification societies.
- Sec. 319. Registry endorsement for LNG vessels.
- Sec. 320. Oaths.
- Sec. 321. Duration of credentials.
- Sec. 322. Fingerprinting.
- Sec. 323. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.
- Sec. 324. Merchant mariner documentation.
- Sec. 325. Merchant mariner assistance report.
- Sec. 326. Merchant mariner shortage report.
- Sec. 327. Merchant mariner document standards.
- Sec. 328. Waterside security around liquefied natural gas terminals and liquefied natural gas tankers.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Certificate of documentation for GALLANT LADY.
- Sec. 402. Waiver.
- Sec. 403. Great Lakes Maritime Research Institute.
- Sec. 404. Conveyance.
- Sec. 405. Crew wages on passenger vessels.
- Sec. 406. Technical corrections.
- Sec. 407. Conveyance of decommissioned Coast Guard Cutter STORIS.
- Sec. 408. Repeal of requirement of license for employment in the business of salvaging on the coast of Florida.
- Sec. 409. Right-of-first-refusal for Coast Guard property on Jupiter Island, Florida.
- Sec. 410. Conveyance of Coast Guard HU-25 Falcon Jet aircraft.
- Sec. 411. Conveyance of a Coast Guard vessel.
- Sec. 412. Conveyance of a Coast Guard vessel.
- Sec. 413. Conveyance of a Coast Guard vessel.
- Sec. 414. Decommissioned Coast Guard vessels for Haiti.
- Sec. 415. Extension of period of operation of vessel for setting, relocation, or recovery of anchors or other mooring equipment.
- Sec. 416. Vessel traffic risk assessments.
- Sec. 417. Vessel MARYLAND INDEPENDENCE.
- Sec. 418. Study of relocation of Coast Guard Sector Buffalo facilities.
- Sec. 419. Coast Guard assets for United States Virgin Islands.

TITLE V—BALLAST WATER TREATMENT

- Sec. 501. Short title.
- Sec. 502. Declaration of goals and purposes.
- Sec. 503. Ballast water management.
- Sec. 504. National ballast water management information.
- Sec. 505. Ballast water management evaluation and demonstration program.
- Sec. 506. Rapid response plan.
- Sec. 507. Authorization of appropriations.

TITLE VI—ALIEN SMUGGLING

- Sec. 601. Short title.
- Sec. 602. Maritime law enforcement.

TITLE VII—MISCELLANEOUS HOMELAND SECURITY PROVISIONS

- Sec. 701. Maritime homeland security public awareness program.
- Sec. 702. Transportation Worker Identification Credential.
- Sec. 703. Study to identify redundant background records checks.
- Sec. 704. Review of interagency operational centers.
- Sec. 705. Maritime security response teams.
- Sec. 706. Coast Guard detection canine team program expansion.
- Sec. 707. Coast Guard port assistance program.

- Sec. 708. Homeland security impact review of liquefied natural gas facilities.
- Sec. 709. Maritime biometric identification.
- Sec. 710. Review of potential threats.
- Sec. 711. Port security pilot.
- Sec. 712. Advance notice of port arrival of significant or fatal incidents involving U.S. persons.
- Sec. 713. Safety and security assistance for foreign ports.
- Sec. 714. Seasonal workers.
- Sec. 715. Comparative risk assessment of vessel-based and facility-based liquefied natural gas regasification processes.
- Sec. 716. Savings clause.

TITLE VIII—COAST GUARD INTEGRATED DEEPWATER PROGRAM

- Sec. 801. Short title.
- Sec. 802. Implementation of Coast Guard Integrated Deepwater Acquisition Program.
- Sec. 803. Chief Acquisition Officer.
- Sec. 804. Testing and certification.
- Sec. 805. National Security Cutters.
- Sec. 806. Miscellaneous reports.
- Sec. 807. Use of the Naval Sea Systems Command, the Naval Air Systems Command, and the Space and Naval Warfare Systems Command to assist the Coast Guard in exercising technical authority for the Deepwater Program and other Coast Guard acquisition programs.
- Sec. 808. Definitions.

1 **TITLE I—AUTHORIZATION**

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

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

6 **(1) For the operation and mainte-**
 7 **nance of the Coast Guard, \$5,965,742,000,**
 8 **of which—**

9 **(A) \$24,500,000 is authorized to be**
 10 **derived from the Oil Spill Liability**
 11 **Trust Fund to carry out the purposes**

1 of section 1012(a)(5) of the Oil Pollu-
2 tion Act of 1990 (33 U.S.C. 2712(a)(5));

3 (B) not less than \$631,000,000
4 shall be available for paying for
5 search and rescue programs;

6 (C) not less than \$527,000,000
7 shall be available for paying for ma-
8 rine safety programs; and

9 (D) not less than \$80,500,000 shall
10 be available only for paying for oper-
11 ating expenses of the Integrated
12 Deepwater System program.

13 (2) For the acquisition, construction,
14 rebuilding, and improvement of aids to
15 navigation, shore and offshore facilities,
16 vessels, and aircraft, including equip-
17 ment related thereto, \$1,234,774,000, of
18 which—

19 (A) \$20,000,000 shall be derived
20 from the Oil Spill Liability Trust
21 Fund to carry out the purposes of
22 section 1012(a)(5) of the Oil Pollution
23 Act of 1990, to remain available until
24 expended;

1 **(B) \$1,065,872,000 is authorized**
2 **for the Integrated Deepwater System**
3 **Program; and**

4 **(C) \$44,597,000 is authorized for**
5 **shore facilities and aids to naviga-**
6 **tion.**

7 **(3) To the Commandant of the Coast**
8 **Guard for research, development, test,**
9 **and evaluation of technologies, materials,**
10 **and human factors directly relating to**
11 **improving the performance of the Coast**
12 **Guard's mission in search and rescue,**
13 **aids to navigation, marine safety, marine**
14 **environmental protection, enforcement of**
15 **laws and treaties, ice operations, oceano-**
16 **graphic research, and defense readiness,**
17 **\$18,583,000, to remain available until ex-**
18 **pende d, of which \$2,000,000 shall be de-**
19 **rived from the Oil Spill Liability Trust**
20 **Fund to carry out the purposes of section**
21 **1012(a)(5) of the Oil Pollution Act of 1990.**

22 **(4) For retired pay (including the pay-**
23 **ment of obligations otherwise chargeable**
24 **to lapsed appropriations for this pur-**
25 **pose), payments under the Retired Serv-**

1 **iceman’s Family Protection and Survivor**
2 **Benefit Plans, and payments for medical**
3 **care of retired personnel and their de-**
4 **pendents under chapter 55 of title 10,**
5 **United States Code, \$1,184,720,000, to re-**
6 **main available until expended.**

7 **(5) For alteration or removal of**
8 **bridges over navigable waters of the**
9 **United States constituting obstructions to**
10 **navigation, and for personnel and admin-**
11 **istrative costs associated with the Bridge**
12 **Alteration Program, \$16,000,000.**

13 **(6) For environmental compliance**
14 **and restoration at Coast Guard facilities**
15 **(other than parts and equipment associ-**
16 **ated with operation and maintenance),**
17 **\$12,079,000, to remain available until ex-**
18 **pended.**

19 **(7) For the Coast Guard Reserve pro-**
20 **gram, including personnel and training**
21 **costs, equipment, and services,**
22 **\$126,883,000.**

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

3 **(a) ACTIVE DUTY STRENGTH.—The Coast**
4 **Guard is authorized an end-of-year strength**
5 **for active duty personnel of 45,500 for the fis-**
6 **cal year ending on September 30, 2008.**

7 **(b) MILITARY TRAINING STUDENT LOADS.—**
8 **For fiscal year 2008, the Coast Guard is au-**
9 **thorized average military training student**
10 **loads as follows:**

11 **(1) For recruit and special training,**
12 **2,500 student years.**

13 **(2) For flight training, 165 student**
14 **years.**

15 **(3) For professional training in mili-**
16 **tary and civilian institutions, 350 student**
17 **years.**

18 **(4) For officer acquisition, 1,200 stu-**
19 **dent years.**

20 **SEC. 103. TRANSFER OF BRIDGE ADMINISTRATION PRO-**
21 **GRAM AUTHORITY AND FUNCTIONS.**

22 **(a) TRANSFER.—**

23 **(1) AUTHORITY AND FUNCTIONS.—Not-**
24 **withstanding section 888(b) of the Home-**
25 **land Security Act of 2002 (6 U.S.C. 468(b))**
26 **or any other provision of law, the au-**

1 **thorities of the Secretary of Homeland**
2 **Security to approve the construction, al-**
3 **teration, or operation of a bridge, draw-**
4 **bridge, or causeway across or over the**
5 **navigable waters of the United States and**
6 **to require the alteration, repair, or re-**
7 **moval of that bridge, drawbridge, or**
8 **causeway, pursuant to the Bridge Act of**
9 **1906 (34 Stat. 84; 33 U.S.C. 491 et seq.), the**
10 **General Bridge Act of 1946 (60 Stat. 847,**
11 **33 U.S.C. 525 note), the Truman-Hobbs**
12 **Act (54 Stat. 497; 33 U.S.C. 511 et seq.),**
13 **and the International Bridge Act of 1972**
14 **(60 Stat. 847; 33 U.S.C. 525 et seq.), and**
15 **the functions related thereto, are hereby**
16 **transferred to the Secretary of Transpor-**
17 **tation.**

18 **(2) TRANSFER AND ADMINISTRATION OF**
19 **BALANCES.—Any unobligated balances of**
20 **prior appropriations provided for the al-**
21 **teration of bridges are transferred and**
22 **shall be available to the Secretary of**
23 **Transportation to carry out the functions**
24 **and authorities transferred by subsection**
25 **(a).**

1 **TITLE II—COAST GUARD**

2 **SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD**
3 **JUDGES.**

4 **(a) IN GENERAL.—Chapter 7 of title 14,**
5 **United States Code, is amended by adding at**
6 **the end the following:**

7 **“§ 153. Appointment of judges**

8 **“The Secretary may appoint civilian em-**
9 **ployees of the Department in which the Coast**
10 **Guard is operating as appellate military**
11 **judges, available for assignment to the Coast**
12 **Guard Court of Criminal Appeals as provided**
13 **for in section 866(a) of title 10.”.**

14 **(b) CLERICAL AMENDMENT.—The analysis**
15 **for such chapter is amended by adding at the**
16 **end the following:**

“153. Appointment of judges.”.

17 **SEC. 202. INDUSTRIAL ACTIVITIES.**

18 **Section 151 of title 14, United States Code,**
19 **is amended—**

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

22 **(2) by adding at the end the fol-**
23 **lowing:**

1 **“(b) ORDERS AND AGREEMENTS FOR INDUS-**
2 **TRIAL ACTIVITIES.—Under this section, the**
3 **Coast Guard industrial activities may accept**
4 **orders and enter into reimbursable agree-**
5 **ments with establishments, agencies, and de-**
6 **partments of the Department of Defense.”.**

7 **SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAV-**
8 **EL EXPENSES.**

9 **(a) IN GENERAL.—Chapter 13 of title 14,**
10 **United States Code, is amended by adding at**
11 **the end the following:**

12 **“§ 518. Reimbursement for medical-related travel ex-**
13 **penses for certain persons residing on is-**
14 **lands in the continental United States**

15 **“In any case in which a covered bene-**
16 **ficiary (as defined in section 1072(5) of title**
17 **10) resides on an island that is located in the**
18 **48 contiguous States and the District of Co-**
19 **lumbia and that lacks public access roads to**
20 **the mainland and is referred by a primary**
21 **care physician to a specialty care provider (as**
22 **defined in section 1074i(b) of title 10) on the**
23 **mainland who provides services less than 100**
24 **miles from the location where the beneficiary**
25 **resides, the Secretary shall reimburse the rea-**

1 **sonable travel expenses of the covered bene-**
2 **ficiary and, when accompaniment by an adult**
3 **is necessary, for a parent or guardian of the**
4 **covered beneficiary or another member of the**
5 **covered beneficiary's family who is at least 21**
6 **years of age.”.**

7 **(b) CLERICAL AMENDMENT.—The analysis**
8 **for such chapter is amended by adding at the**
9 **end the following:**

**“518. Reimbursement for medical-related travel expenses for
certain persons residing on islands in the conti-
nental United States.”.**

10 **SEC. 204. COMMISSIONED OFFICERS.**

11 **(a) ACTIVE DUTY PROMOTION LIST.—Section**
12 **42 of title 14, United States Code, is amended**
13 **to read as follows:**

14 **“§ 42. Number and distribution of commissioned offi-**
15 **cers on active duty promotion list**

16 **“(a) MAXIMUM TOTAL NUMBER.—The total**
17 **number of Coast Guard commissioned officers**
18 **on the active duty promotion list, excluding**
19 **warrant officers, shall not exceed 6,700; ex-**
20 **cept that the Commandant may temporarily**
21 **increase that number by up to 2 percent for**
22 **no more than 60 days following the date of the**
23 **commissioning of a Coast Guard Academy**
24 **class.**

1 **“(b) DISTRIBUTION PERCENTAGES BY**
2 **GRADE.—**

3 **“(1) REQUIRED.—The total number of**
4 **commissioned officers authorized by this**
5 **section shall be distributed in grade in**
6 **the following percentages: 0.375 percent**
7 **for rear admiral; 0.375 percent for rear**
8 **admiral (lower half); 6.0 percent for cap-**
9 **tain; 15.0 percent for commander; and**
10 **22.0 percent for lieutenant commander.**

11 **“(2) DISCRETIONARY.—The Secretary**
12 **shall prescribe the percentages applica-**
13 **ble to the grades of lieutenant, lieutenant**
14 **(junior grade), and ensign.**

15 **“(3) AUTHORITY OF SECRETARY TO RE-**
16 **DUCE PERCENTAGE.—The Secretary—**

17 **“(A) may reduce, as the needs of**
18 **the Coast Guard require, any of the**
19 **percentages set forth in paragraph**
20 **(1); and**

21 **“(B) shall apply that total percent-**
22 **age reduction to any other lower**
23 **grade or combination of lower**
24 **grades.**

25 **“(c) COMPUTATIONS.—**

1 **“(1) IN GENERAL.—The Secretary shall**
2 **compute, at least once each year, the**
3 **total number of commissioned officers**
4 **authorized to serve in each grade by ap-**
5 **plying the grade distribution percentages**
6 **established by or under this section to**
7 **the total number of commissioned offi-**
8 **cers listed on the current active duty pro-**
9 **motion list.**

10 **“(2) ROUNDING FRACTIONS.—Subject to**
11 **subsection (a), in making the computa-**
12 **tions under paragraph (1), any fraction**
13 **shall be rounded to the nearest whole**
14 **number.**

15 **“(3) TREATMENT OF OFFICERS SERVING**
16 **OUTSIDE COAST GUARD.—The number of**
17 **commissioned officers on the active duty**
18 **promotion list below the rank of rear ad-**
19 **miral (lower half) serving with other Fed-**
20 **eral departments or agencies on a reim-**
21 **bursable basis or excluded under section**
22 **324(d) of title 49 shall not be counted**
23 **against the total number of commis-**
24 **sioned officers authorized to serve in**
25 **each grade.**

1 **“(d) USE OF NUMBERS; TEMPORARY IN-**
2 **CREASES.—The numbers resulting from com-**
3 **putations under subsection (c) shall be, for all**
4 **purposes, the authorized number in each**
5 **grade; except that the authorized number for**
6 **a grade is temporarily increased during the**
7 **period between one computation and the next**
8 **by the number of officers originally appointed**
9 **in that grade during that period and the num-**
10 **ber of officers of that grade for whom vacan-**
11 **cies exist in the next higher grade but whose**
12 **promotion has been delayed for any reason.**

13 **“(e) OFFICERS SERVING COAST GUARD ACAD-**
14 **EMY AND RESERVE.—The number of officers au-**
15 **thorized to be serving on active duty in each**
16 **grade of the permanent commissioned teach-**
17 **ing staff of the Coast Guard Academy and of**
18 **the Reserve serving in connection with orga-**
19 **nizing, administering, recruiting, instructing,**
20 **or training the reserve components shall be**
21 **prescribed by the Secretary.”.**

22 **(b) CLERICAL AMENDMENT.—The analysis**
23 **for chapter 3 of such title is amended by strik-**
24 **ing the item relating to section 42 and insert-**
25 **ing the following:**

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

1 SEC. 205. COAST GUARD PARTICIPATION IN THE ARMED
2 FORCES RETIREMENT HOME (AFRH) SYSTEM.

3 (a) IN GENERAL.—Section 1502 of the
4 Armed Forces Retirement Home Act of 1991
5 (24 U.S.C. 401) is amended—

6 (1) by striking paragraph (4);

7 (2) in paragraph (5)—

8 (A) by striking “and” at the end of
9 subparagraph (C);

10 (B) by striking the period at the
11 end of subparagraph (D) and insert-
12 ing “; and”; and

13 (C) by inserting at the end the fol-
14 lowing:

15 “(E) the Assistant Commandant of
16 the Coast Guard for Human Re-
17 sources.”; and

18 (3) by adding at the end of paragraph
19 (6) the following:

20 “(E) The Master Chief Petty Offi-
21 cer of the Coast Guard.”.

22 (b) CONFORMING AMENDMENTS.—(1) Section
23 2772 of title 10, United States Code, is amend-
24 ed—

1 **(A) in subsection (a) by inserting “or,**
2 **in the case of the Coast Guard, the Com-**
3 **mandant” after “concerned”; and**

4 **(B) by striking subsection (c).**

5 **(2) Section 1007(i) of title 37, United States**
6 **Code, is amended—**

7 **(A) in paragraph (3) by inserting “or,**
8 **in the case of the Coast Guard, the Com-**
9 **mandant” after “Secretary of Defense”;**

10 **(B) by striking paragraph (4); and**

11 **(C) by redesignating paragraph (5) as**
12 **paragraph (4).**

13 **SEC. 206. GRANTS TO INTERNATIONAL MARITIME ORGANI-**
14 **ZATIONS.**

15 **Section 149 of title 14, United States Code,**
16 **is amended by adding at the end the fol-**
17 **lowing:**

18 **“(c) GRANTS TO INTERNATIONAL MARITIME**
19 **ORGANIZATIONS.—After consultation with the**
20 **Secretary of State, the Commandant may**
21 **make grants to, or enter into cooperative**
22 **agreements, contracts, or other agreements**
23 **with, international maritime organizations**
24 **for the purpose of acquiring information or**
25 **data about merchant vessel inspections, secu-**

1 rity, safety, classification, and port State or
2 flag State law enforcement or oversight.”.

3 SEC. 207. EMERGENCY LEAVE RETENTION AUTHORITY.

4 (a) IN GENERAL.—Chapter 11 of title 14,
5 United States Code, is amended by inserting
6 after section 425 the following:

7 “§ 426. Emergency leave retention authority

8 “With regard to a member of the Coast
9 Guard who serves on active duty, a duty as-
10 signment in support of a declaration of a
11 major disaster or emergency by the President
12 under the Robert T. Stafford Disaster Relief
13 and Emergency Assistance Act (42 U.S.C. 5121
14 et seq.) shall be treated, for the purpose of
15 section 701(f)(2) of title 10, a duty assignment
16 in support of a contingency operation.”.

17 (b) CLERICAL AMENDMENT.—The analysis
18 for such chapter is amended by inserting
19 after the item relating to section 425 the fol-
20 lowing new item:

“426. Emergency leave retention authority.”.

21 SEC. 208. ENFORCEMENT AUTHORITY.

22 (a) IN GENERAL.—Chapter 5 of title 14,
23 United States Code, is amended by adding at
24 the end the following:

1 **“§ 99. Enforcement authority**

2 **“Subject to guidelines approved by the**
3 **Secretary, members of the Coast Guard, in the**
4 **performance of official duties, may—**

5 **“(1) carry a firearm; and**

6 **“(2) while at a facility (as defined in**
7 **section 70101 of title 46)—**

8 **“(A) make an arrest without war-**
9 **rant for any offense against the**
10 **United States; and**

11 **“(B) seize property as otherwise**
12 **provided by law.”.**

13 **(b) CONFORMING REPEAL.—The first sec-**
14 **tion added to title 46, United States Code, by**
15 **the amendment made by subsection (a) of sec-**
16 **tion 801 of the Coast Guard and Maritime**
17 **Transportation Act of 2004 (118 Stat. 1078),**
18 **and the item relating to such first section en-**
19 **acted by the amendment made by subsection**
20 **(b) of such section 801, are repealed.**

21 **(c) CLERICAL AMENDMENT.—The analysis**
22 **for such chapter is amended by adding at the**
23 **end the following:**

“99. Enforcement authority.”.

1 **SEC. 209. REPEAL.**

2 **Section 216 of title 14, United States Code,**
3 **and the item relating to such section in the**
4 **analysis for chapter 11 of such title, are re-**
5 **pealed.**

6 **SEC. 210. ADMIRALS AND VICE ADMIRALS.**

7 **(a) VICE COMMANDANT.—Section 47 of title**
8 **14, United States Code, is amended by strik-**
9 **ing “vice admiral” and inserting “admiral”.**

10 **(b) VICE ADMIRALS.—Section 50 of title 14,**
11 **United States Code, is amended to read as fol-**
12 **lows:**

13 **“§ 50. Vice admirals**

14 **“(a)(1) The President may designate 4 po-**
15 **sitions of importance and responsibility that**
16 **shall be held by officers who—**

17 **“(A) while so serving, shall have the**
18 **grade of vice admiral, with the pay and**
19 **allowances of that grade; and**

20 **“(B) shall perform any duties as the**
21 **Commandant may prescribe.**

22 **“(2) The 4 vice admiral positions author-**
23 **ized under paragraph (1) are, respectively,**
24 **the following:**

25 **“(A) The Deputy Commandant for**
26 **Mission Support.**

1 **“(B) The Deputy Commandant for Na-**
2 **tional Operations and Policy.**

3 **“(C) The Commander, Force Readiness**
4 **Command.**

5 **“(D) The Commander, Operations**
6 **Command.**

7 **“(3) The President may appoint, by and**
8 **with the advice and consent of the Senate,**
9 **and reappoint, by and with the advice and**
10 **consent of the Senate, to each of the positions**
11 **designated under paragraph (1) an officer of**
12 **the Coast Guard who is serving on active duty**
13 **above the grade of captain. The Commandant**
14 **shall make recommendations for those ap-**
15 **pointments.**

16 **“(b)(1) The appointment and the grade of**
17 **vice admiral under this section shall be effec-**
18 **tive on the date the officer assumes that duty**
19 **and, except as provided in paragraph (2) of**
20 **this subsection or in section 51(d) of this title,**
21 **shall terminate on the date the officer is de-**
22 **tached from that duty.**

23 **“(2) An officer who is appointed to a posi-**
24 **tion designated under subsection (a) shall**
25 **continue to hold the grade of vice admiral—**

1 **“(A) while under orders transferring**
2 **the officer to another position designated**
3 **under subsection (a), beginning on the**
4 **date the officer is detached from duty**
5 **and terminating on the date before the**
6 **day the officer assumes the subsequent**
7 **duty, but not for more than 60 days;**

8 **“(B) while hospitalized, beginning on**
9 **the day of the hospitalization and ending**
10 **on the day the officer is discharged from**
11 **the hospital, but not for more than 180**
12 **days; and**

13 **“(C) while awaiting retirement, begin-**
14 **ning on the date the officer is detached**
15 **from duty and ending on the day before**
16 **the officer’s retirement, but not for more**
17 **than 60 days.**

18 **“(c)(1) An appointment of an officer under**
19 **subsection (a) does not vacate the permanent**
20 **grade held by the officer.**

21 **“(2) An officer serving in a grade above**
22 **rear admiral who holds the permanent grade**
23 **of rear admiral (lower half) shall be consid-**
24 **ered for promotion to the permanent grade of**

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

3 “(d) Whenever a vacancy occurs in a posi-
4 tion designated under subsection (a), the
5 Commandant shall inform the President of
6 the qualifications needed by an officer serv-
7 ing in that position to carry out effectively the
8 duties and responsibilities of that position.”.

9 (c) REPEAL.—Section 50a of title 14, United
10 States Code, is repealed.

11 (d) CONFORMING AMENDMENT.—Section
12 51(d)(2) of that title is amended by striking
13 “Area Commander, or Chief of Staff” and in-
14 serting “or Vice Admirals”.

15 (e) CLERICAL AMENDMENTS.—

16 (1) The heading for section 47 of that
17 title is amended by striking “assignment”
18 and inserting “appointment”.

19 (2) The table of sections at the begin-
20 ning of chapter 3 of that title is amend-
21 ed—

22 (A) by striking the item relating
23 to section 47 and inserting the fol-
24 lowing:

“47. Vice Commandant; appointment.”;

1 “(A) medical certification deter-
2 minations for issuance of merchant
3 mariner credentials;

4 “(B) medical standards and guide-
5 lines for the physical qualifications of
6 operators of commercial vessels;

7 “(C) medical examiner education;
8 and

9 “(D) medical research.

10 “(b) MEMBERSHIP.—

11 “(1) IN GENERAL.—The Committee
12 shall consist of twelve members, none of
13 whom is a Federal employee, and shall
14 include—

15 “(A) ten who are health-care pro-
16 fessionals with particular expertise,
17 knowledge, or experience regarding
18 the medical examinations of mer-
19 chant mariners or occupational medi-
20 cine; and

21 “(B) two who are professional
22 mariners with knowledge and experi-
23 ence in mariner occupational require-
24 ments.

1 **“(2) STATUS OF MEMBERS.—Members of**
2 **the Committee shall not be considered**
3 **Federal employees or otherwise in the**
4 **service or the employment of the Federal**
5 **Government, except that members shall**
6 **be considered special Government em-**
7 **ployees, as defined in section 202(a) of**
8 **title 18, United States Code, and shall be**
9 **subject to any administrative standards**
10 **of conduct applicable to the employees of**
11 **the department in which the Coast Guard**
12 **is operating.**

13 **“(c) APPOINTMENTS; TERMS; VACANCIES.—**

14 **“(1) APPOINTMENTS.—The Secretary**
15 **shall appoint the members of the Com-**
16 **mittee, and each member shall serve at**
17 **the pleasure of the Secretary.**

18 **“(2) TERMS.—Each member shall be**
19 **appointed for a term of three years, ex-**
20 **cept that, of the members first appointed,**
21 **three members shall be appointed for a**
22 **term of two years and three members**
23 **shall be appointed for a term of one year.**

24 **“(3) VACANCIES.—Any member ap-**
25 **pointed to fill the vacancy prior to the ex-**

1 **piration of the term for which that mem-**
2 **ber's predecessor was appointed shall be**
3 **appointed for the remainder of that term.**

4 **“(d) CHAIRMAN AND VICE CHAIRMAN.—The**
5 **Secretary shall designate one member of the**
6 **Committee as the Chairman and one member**
7 **as the Vice Chairman. The Vice Chairman**
8 **shall act as Chairman in the absence or inca-**
9 **capacity of, or in the event of a vacancy in the**
10 **office of, the Chairman.**

11 **“(e) COMPENSATION; REIMBURSEMENT.—**
12 **Members of the Committee shall serve with-**
13 **out compensation, except that, while engaged**
14 **in the performance of duties away from their**
15 **homes or regular places of business of the**
16 **member, the member of the Committee may**
17 **be allowed travel expenses, including per**
18 **diem in lieu of subsistence, as authorized by**
19 **section 5703 of title 5.**

20 **“(f) STAFF; SERVICES.—The Secretary shall**
21 **furnish to the Committee the personnel and**
22 **services as are considered necessary for the**
23 **conduct of its business.”.**

24 **(b) FIRST MEETING.—No later than six**
25 **months after the date of enactment of this**

1 **Act, the Merchant Mariner Medical Advisory**
2 **Committee established by the amendment**
3 **made by this section shall hold its first meet-**
4 **ing.**

5 **(c) CLERICAL AMENDMENT.—The analysis**
6 **for chapter 71 of that title is amended by add-**
7 **ing at the end the following:**

“7115. Merchant Mariner Medical Advisory Committee.”.

8 **SEC. 212. RESERVE COMMISSIONED WARRANT OFFICER TO**
9 **LIEUTENANT PROGRAM.**

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

12 **“(a) The president may appoint temporary**
13 **commissioned officers—**

14 **“(1) in the Regular Coast Guard in a**
15 **grade, not above lieutenant, appropriate**
16 **to their qualifications, experience, and**
17 **length of service, as the needs of the**
18 **Coast Guard may require, from among**
19 **the commissioned warrant officers, war-**
20 **rant officers, and enlisted members of the**
21 **Coast Guard, and from holders of licenses**
22 **issued under chapter 71 of title 46; and**

23 **“(2) in the Coast Guard Reserve in a**
24 **grade, not above lieutenant, appropriate**
25 **to their qualifications, experience, and**

1 length of service, as the needs of the
2 Coast Guard may require, from among
3 the commissioned warrant officers of the
4 Coast Guard Reserve.”.

5 SEC. 213. ENHANCED STATUS QUO OFFICER PROMOTION
6 SYSTEM.

7 Chapter 11 of title 14, United States Code,
8 is amended—

9 (1) in section 253(a)—

10 (A) by inserting “and” after “con-
11 sidered,”; and

12 (B) by striking “, and the number
13 of officers the board may recommend
14 for promotion”;

15 (2) in section 258—

16 (A) by inserting “(a) IN GENERAL.—
17 ” before the existing text;

18 (B) in subsection (a) (as so des-
19 ignated) by striking the colon at the
20 end of the material preceding para-
21 graph (1) and inserting “—”; and

22 (C) by adding at the end the fol-
23 lowing:

24 “(b) PROVISION OF DIRECTION AND GUID-
25 ANCE.—

1 **“(1) In addition to the information**
2 **provided pursuant to subsection (a), the**
3 **Secretary may furnish the selection**
4 **board—**

5 **“(A) specific direction relating to**
6 **the needs of the Coast Guard for offi-**
7 **cers having particular skills, includ-**
8 **ing direction relating to the need for**
9 **a minimum number of officers with**
10 **particular skills within a specialty;**
11 **and**

12 **“(B) any other guidance that the**
13 **Secretary believes may be necessary**
14 **to enable the board to properly per-**
15 **form its functions.**

16 **“(2) Selections made based on the di-**
17 **rection and guidance provided under this**
18 **subsection shall not exceed the maximum**
19 **percentage of officers who may be se-**
20 **lected from below the announced pro-**
21 **motion zone at any given selection board**
22 **convened under section 251 of this title.”;**

23 **(3) in section 259(a), by inserting**
24 **after “whom the board” the following: “,**
25 **giving due consideration to the needs of**

1 the Coast Guard for officers with par-
2 ticular skills so noted in specific direc-
3 tion furnished to the board by the Sec-
4 retary under section 258 of this title,”;
5 and

6 (4) in section 260(b), by inserting
7 after “qualified for promotion” the fol-
8 lowing: “to meet the needs of the service
9 (as noted in specific direction furnished
10 the board by the Secretary under section
11 258 of this title)”.

12 SEC. 214. LASER TRAINING SYSTEM.

13 (a) IN GENERAL.—Within one year after the
14 date of enactment of this Act, the Secretary of
15 the department in which the Coast Guard
16 shall test an integrated laser engagement sys-
17 tem for the training of members of the Coast
18 Guard assigned to small vessels in the use of
19 individual weapons and machine guns on
20 those vessels. The test shall be conducted on
21 vessels on the Great Lakes using similar laser
22 equipment used by other Federal agencies.
23 However, that equipment shall be adapted for
24 use in the marine environment.

1 **(b) REPORT.**—The Secretary shall submit a
2 report to Congress within 6 months after the
3 conclusions of the test required under sub-
4 section (a) on the costs and benefits of using
5 the system regionally and nationwide to train
6 members of the Coast Guard in the use of in-
7 dividual weapons and machine guns.

8 **SEC. 215. COAST GUARD VESSELS AND AIRCRAFT.**

9 **(a) AUTHORITY TO FIRE AT OR INTO A VES-**
10 **SEL.**—Section 637(c) of title 14, United States
11 Code, is amended—

12 **(1) in paragraph (1), by striking “; or”**
13 **and inserting a semicolon;**

14 **(2) in paragraph (2), by striking the**
15 **period at the end and inserting “; or”;**
16 **and**

17 **(3) by adding at the end the fol-**
18 **lowing:**

19 **“(3) any other vessel or aircraft**
20 **owned by a government and used for**
21 **noncommercial service when—**

22 **“(A) the vessel or aircraft is under**
23 **the tactical control of the Coast**
24 **Guard; and**

1 “(B) at least one member of the
2 Coast Guard is assigned and con-
3 ducting a Coast Guard mission on the
4 vessel or aircraft.”.

5 **(b) AUTHORITY TO DISPLAY COAST GUARD**
6 **ENSIGNS AND PENNANTS.—Section 638(a) of title**
7 **14, United States Code, is amended by strik-**
8 **ing “Coast Guard vessels and aircraft” and in-**
9 **serting “Vessels and aircraft authorized by**
10 **the Secretary”.**

11 **SEC. 216. COAST GUARD DISTRICT OMBUDSMEN.**

12 **(a) IN GENERAL.—Chapter 3 of title 14,**
13 **United States Code, is amended by adding at**
14 **the end the following new section:**

15 **“§ 55. District Ombudsmen**

16 **“(a) IN GENERAL.—The Commandant may**
17 **appoint in each Coast Guard District a Dis-**
18 **trict Ombudsman to serve as a liaison be-**
19 **tween representatives of port stakeholders,**
20 **including the Area Maritime Security Advi-**
21 **sory Committees required by section 70112 of**
22 **title 46 and the Coast Guard.**

23 **“(b) PURPOSES.—The purposes of the Dis-**
24 **trict Ombudsman shall be the following:**

1 **“(1) To support the operations of the**
2 **Coast Guard in each port in the District**
3 **for which the District Ombudsman is ap-**
4 **pointed.**

5 **“(2) To improve communications be-**
6 **tween and among port stakeholders in-**
7 **cluding, but not limited to, port and ter-**
8 **minal operators, ship owners, labor rep-**
9 **resentatives, and the Coast Guard.**

10 **“(3) To ensure timely resolution of**
11 **disputes between the Coast Guard and all**
12 **petitioners regarding requirements im-**
13 **posed or services provided by the Coast**
14 **Guard.**

15 **“(c) FUNCTIONS.—**

16 **“(1) INVESTIGATIONS.—The District**
17 **Ombudsman may investigate complaints**
18 **brought to the attention of the District**
19 **Ombudsman by a petitioner operating in**
20 **a port provided such a complaint is not**
21 **the subject of an administrative, civil, or**
22 **criminal investigation or other legal pro-**
23 **ceeding and provided the District Om-**
24 **budsman receives no benefit, either di-**

1 **rect or indirect, from the outcome of the**
2 **complaint.**

3 **“(2) GUIDELINES FOR DISPUTES.—**

4 **“(A) IN GENERAL.—The Com-**
5 **mandant of the Coast Guard shall de-**
6 **velop guidelines regarding disputes**
7 **with respect to which the District**
8 **Ombudsman will provide assistance.**

9 **“(B) LIMITATION.—The District**
10 **Ombudsman shall not provide assist-**
11 **ance with respect to a dispute if such**
12 **a dispute is the subject of an adminis-**
13 **trative, civil, or criminal investiga-**
14 **tion or other legal proceeding or if**
15 **the District Ombudsman receives a**
16 **benefit, either direct or indirect, from**
17 **the outcome of the dispute.**

18 **“(C) PRIORITY.—In providing such**
19 **assistance, the District Ombudsman**
20 **shall give priority to complaints**
21 **brought by petitioners who will suf-**
22 **fer a significant hardship as the re-**
23 **sult of implementing a Coast Guard**
24 **requirement or being denied a Coast**
25 **Guard service.**

1 **“(3) CONSULTATION.—The District Om-**
2 **budsman may consult with any Coast**
3 **Guard personnel who can aid in the in-**
4 **vestigation of a complaint provided such**
5 **persons are reasonably available.**

6 **“(4) ACCESS TO INFORMATION.—Unless**
7 **otherwise prohibited by law or regula-**
8 **tion, the District Ombudsman shall have**
9 **access to any document, including any**
10 **record or report, that will aid the District**
11 **Ombudsman in obtaining the information**
12 **needed to conduct an investigation of a**
13 **compliant.**

14 **“(5) REPORTS.—At the conclusion of an**
15 **investigation, the District Ombudsman**
16 **shall submit a report on the findings and**
17 **recommendations of the District Ombuds-**
18 **man, to the Commander of the District in**
19 **which the petitioner who brought the**
20 **complaint is located or operating.**

21 **“(6) DEADLINE.—The District Ombuds-**
22 **man shall seek to resolve each complaint**
23 **brought in accordance with the guide-**
24 **lines—**

25 **“(A) in a timely fashion; and**

1 **“(B) to the maximum extent prac-**
2 **ticable, not later than 4 months after**
3 **the complaint is officially accepted by**
4 **the District Ombudsman.**

5 **“(d) APPOINTMENT.—The Commandant**
6 **shall appoint as the District Ombudsman an**
7 **appropriately cleared civilian who has experi-**
8 **ence in port and transportation systems and**
9 **knowledge of port operations or of maritime**
10 **commerce (or both).**

11 **“(e) ANNUAL REPORTS.—The Secretary**
12 **shall report annually to the Committees on**
13 **Homeland Security and Transportation and**
14 **Infrastructure of the House of Representa-**
15 **tives and the Committee on Commerce,**
16 **Science, and Transportation of the Senate on**
17 **the matters brought before the District Om-**
18 **budsmen, including—**

19 **“(1) the number of matters brought**
20 **before each District Ombudsman;**

21 **“(2) a brief summary of each such**
22 **matter; and**

23 **“(3) the eventual resolution of each**
24 **such matter.”.**

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

“55. District Ombudsmen.”.

4 **TITLE III—SHIPPING AND**
5 **NAVIGATION**

6 **SEC. 301. VESSEL SIZE LIMITS.**

7 **(a) LENGTH, TONNAGE, AND HORSEPOWER.—**
8 **Section 12113(d)(2) of title 46, United States**
9 **Code, is amended—**

10 **(1) by inserting “and” after the semi-**
11 **colon at the end of subparagraph (A)(i);**

12 **(2) by striking “and” at the end of**
13 **subparagraph (A)(ii);**

14 **(3) by striking subparagraph (A)(iii);**

15 **(4) by striking the period at the end**
16 **of subparagraph (B) and inserting “; or”;**
17 **and**

18 **(5) by inserting at the end the fol-**
19 **lowing:**

20 **“(C) the vessel is either a rebuilt**
21 **vessel or a replacement vessel under**
22 **section 208(g) of the American Fish-**
23 **eries Act (title II of division C of Pub-**
24 **lic Law 105–277; 112 Stat. 2681–627)**

1 **and is eligible for a fishery endorse-**
2 **ment under this section.”.**

3 **(b) CONFORMING AMENDMENTS.—**

4 **(1) VESSEL REBUILDING AND REPLACE-**
5 **MENT.—Section 208(g) of the American**
6 **Fisheries Act (title II of division C of**
7 **Public Law 105–277; 112 Stat. 2681–627) is**
8 **amended to read as follows:**

9 **“(g) VESSEL REBUILDING AND REPLACE-**
10 **MENT.—**

11 **“(1) IN GENERAL.—**

12 **“(A) REBUILD OR REPLACE.—Not-**
13 **withstanding any limitation to the**
14 **contrary on replacing, rebuilding, or**
15 **lengthening vessels or transferring**
16 **permits or licenses to a replacement**
17 **vessel contained in sections 679.2 and**
18 **679.4 of title 50, Code of Federal Reg-**
19 **ulations, as in effect on the date of**
20 **enactment of the Coast Guard Au-**
21 **thorization Act of 2007 and except as**
22 **provided in paragraph (4), the owner**
23 **of a vessel eligible under subsection**
24 **(a), (b), (c), (d), or (e) (other than**
25 **paragraph (21)), in order to improve**

1 vessel safety and operational effi-
2 ciencies (including fuel efficiency),
3 may rebuild or replace that vessel (in-
4 cluding fuel efficiency) with a vessel
5 documented with a fishery endorse-
6 ment under section 12113 of title 46,
7 United States Code.

8 “(B) SAME REQUIREMENTS.—The re-
9 built or replacement vessel shall be
10 eligible in the same manner and sub-
11 ject to the same restrictions and limi-
12 tations under such subsection as the
13 vessel being rebuilt or replaced.

14 “(C) TRANSFER OF PERMITS AND LI-
15 CENSES.—Each fishing permit and li-
16 cense held by the owner of a vessel or
17 vessels to be rebuilt or replaced
18 under subparagraph (A) shall be
19 transferred to the rebuilt or replace-
20 ment vessel.

21 “(2) RECOMMENDATIONS OF NORTH PA-
22 CIFIC COUNCIL.—The North Pacific Coun-
23 cil may recommend for approval by the
24 Secretary such conservation and manage-
25 ment measures, including size limits and

1 **measures to control fishing capacity, in**
2 **accordance with the Magnuson-Stevens**
3 **Act as it considers necessary to ensure**
4 **that this subsection does not diminish**
5 **the effectiveness of fishery management**
6 **plans of the Bering Sea and Aleutian Is-**
7 **lands Management Area or the Gulf of**
8 **Alaska.**

9 **“(3) SPECIAL RULE FOR REPLACEMENT**
10 **OF CERTAIN VESSELS.—**

11 **“(A) IN GENERAL.—Notwith-**
12 **standing the requirements of sub-**
13 **sections (b)(2), (c)(1), and (c)(2) of sec-**
14 **tion 12113 of title 46, United States**
15 **Code, a vessel that is eligible under**
16 **subsection (a), (b), (c), (d), or (e)**
17 **(other than paragraph (21)) and that**
18 **qualifies to be documented with a**
19 **fishery endorsement pursuant to sec-**
20 **tion 203(g) or 213(g) may be replaced**
21 **with a replacement vessel under**
22 **paragraph (1) if the vessel that is re-**
23 **placed is validly documented with a**
24 **fishery endorsement pursuant to sec-**
25 **tion 203(g) or 213(g) before the re-**

1 placement vessel is documented with
2 a fishery endorsement under section
3 12113 of title 46, United States Code.

4 “(B) APPLICABILITY.—A replace-
5 ment vessel under subparagraph (A)
6 and its owner and mortgagee are sub-
7 ject to the same limitations under
8 section 203(g) or 213(g) that are appli-
9 cable to the vessel that has been re-
10 placed and its owner and mortgagee.

11 “(4) SPECIAL RULES FOR CERTAIN CATCH-
12 ER VESSELS.—

13 “(A) IN GENERAL.—A replacement
14 for a covered vessel described in sub-
15 paragraph (B) is prohibited from har-
16 vesting fish in any fishery (except for
17 the Pacific whiting fishery) managed
18 under the authority of any regional
19 fishery management council (other
20 than the North Pacific Council) estab-
21 lished under section 302(a) of the
22 Magnuson-Stevens Act.

23 “(B) COVERED VESSELS.—A covered
24 vessel referred to in subparagraph
25 (A) is—

1 “(i) a vessel eligible under
2 subsection (a), (b), or (c) that is
3 replaced under paragraph (1); or

4 “(ii) a vessel eligible under
5 subsection (a), (b), or (c) that is
6 rebuilt to increase its registered
7 length, gross tonnage, or shaft
8 horsepower.

9 “(5) LIMITATION ON FISHERY ENDORSE-
10 MENTS.—Any vessel that is replaced under
11 this subsection shall thereafter not be eli-
12 gible for a fishery endorsement under
13 section 12113 of title 46, United States
14 Code, unless that vessel is also a replace-
15 ment vessel described in paragraph (1).

16 “(6) GULF OF ALASKA LIMITATION.—Not-
17 withstanding paragraph (1), the Sec-
18 retary shall prohibit from participation
19 in the groundfish fisheries of the Gulf of
20 Alaska any vessel that is rebuilt or re-
21 placed under this subsection and that ex-
22 ceeds the maximum length overall speci-
23 fied on the license that authorizes fishing
24 for groundfish pursuant to the license
25 limitation program under part 679 of title

1 **50, Code of Federal Regulations, as in ef-**
2 **fect on the date of enactment of the Coast**
3 **Guard Authorization Act of 2007.**

4 **“(7) AUTHORITY OF PACIFIC COUNCIL.—**
5 **Nothing in this section shall be construed**
6 **to diminish or otherwise affect the au-**
7 **thority of the Pacific Council to rec-**
8 **ommend to the Secretary conservation**
9 **and management measures to protect**
10 **fisheries under its jurisdiction (including**
11 **the Pacific whiting fishery) and partici-**
12 **pants in such fisheries from adverse im-**
13 **pacts caused by this Act.”.**

14 **(2) EXEMPTION OF CERTAIN VESSELS.—**
15 **Section 203(g) of the American Fisheries**
16 **Act (title II of division C of Public Law**
17 **105–277; 112 Stat. 2681–620) is amended—**

18 **(A) by inserting “and” after**
19 **“(United States official number**
20 **651041)”;**

21 **(B) by striking “, NORTHERN**
22 **TRAVELER (United States official**
23 **number 635986), and NORTHERN**
24 **VOYAGER (United States official**
25 **number 637398) (or a replacement**

1 vessel for the **NORTHERN VOYAGER**
2 that complies with paragraphs (2),
3 (5), and (6) of section 208(g) of this
4 Act)”; and

5 (C) by striking “, in the case of
6 the **NORTHERN**” and all that follows
7 through “**PHOENIX**,”.

8 (3) **FISHERY COOPERATIVE EXIT PROVI-**
9 **SIONS.—**Section 210(b) of the American
10 Fisheries Act (title II of division C of
11 Public Law 105–277; 112 Stat. 2681–629) is
12 amended—

13 (A) by moving the matter begin-
14 ning with “the Secretary shall” in
15 paragraph (1) 2 ems to the right;

16 (B) by adding at the end the fol-
17 lowing:

18 “(7) **FISHERY COOPERATIVE EXIT PROVI-**
19 **SIONS.—**

20 “(A) **FISHING ALLOWANCE DETER-**
21 **MINATION.—**For purposes of deter-
22 mining the aggregate percentage of
23 directed fishing allowances under
24 paragraph (1), when a catcher vessel
25 is removed from the directed pollock

1 **fishery, the fishery allowance for pol-**
2 **lock for the vessel being removed—**

3 **“(i) shall be based on the**
4 **catch history determination for**
5 **the vessel made pursuant to sec-**
6 **tion 679.62 of title 50, Code of**
7 **Federal Regulations, as in effect**
8 **on the date of enactment of the**
9 **Coast Guard Authorization Act of**
10 **2007; and**

11 **“(ii) shall be assigned, for all**
12 **purposes under this title, in the**
13 **manner specified by the owner of**
14 **the vessel being removed to any**
15 **other catcher vessel or among**
16 **other catcher vessels partici-**
17 **pating in the fishery cooperative**
18 **if such vessel or vessels remain in**
19 **the fishery cooperative for at**
20 **least one year after the date on**
21 **which the vessel being removed**
22 **leaves the directed pollock fish-**
23 **ery.**

24 **“(B) ELIGIBILITY FOR FISHERY EN-**
25 **DORSEMENT.—Except as provided in**

1 subparagraph (C), a vessel that is re-
2 moved pursuant to this paragraph
3 shall be permanently ineligible for a
4 fishery endorsement, and any claim
5 (including relating to catch history)
6 associated with such vessel that could
7 qualify any owner of such vessel for
8 any permit to participate in any fish-
9 ery within the exclusive economic
10 zone of the United States shall be ex-
11 tinguished, unless such removed ves-
12 sel is thereafter designated to replace
13 a vessel to be removed pursuant to
14 this paragraph.

15 “(C) LIMITATIONS ON STATUTORY
16 CONSTRUCTION.—Nothing in this para-
17 graph shall be construed—

18 “(i) to make the vessels AJ
19 (United States official number
20 905625), DONA MARTITA (United
21 States official number 651751),
22 NORDIC EXPLORER (United
23 States official number 678234),
24 and PROVIDIAN (United States
25 official number 1062183) ineli-

1 **gible for a fishery endorsement or**
2 **any permit necessary to partici-**
3 **pate in any fishery under the au-**
4 **thority of the New England Fish-**
5 **ery Management Council or the**
6 **Mid-Atlantic Fishery Management**
7 **Council established, respectively,**
8 **under subparagraphs (A) and (B)**
9 **of section 302(a)(1) of the Magnu-**
10 **son-Stevens Act; or**

11 **“(ii) to allow the vessels re-**
12 **ferred to in clause (i) to partici-**
13 **pate in any fishery under the au-**
14 **thority of the Councils referred to**
15 **in clause (i) in any manner that is**
16 **not consistent with the fishery**
17 **management plan for the fishery**
18 **developed by the Councils under**
19 **section 303 of the Magnuson-Ste-**
20 **vens Act.”.**

21 **SEC. 302. GOODS AND SERVICES.**

22 **Section 4(b) of the Act of July 5, 1884, com-**
23 **monly known as the Rivers and Harbors Ap-**
24 **propriation Act of 1884 (33 U.S.C. 5(b)), is**
25 **amended—**

1 (1) by striking “or” at the end of para-
2 graph (2)(C);

3 (2) by striking the period at the end
4 of paragraph (3) and inserting “; or”; and

5 (3) by adding at the end the fol-
6 lowing:

7 “(4) sales taxes on goods and services
8 provided to or by vessels or watercraft
9 (other than vessels or watercraft pri-
10 marily engaged in foreign commerce).”.

11 SEC. 303. SEAWARD EXTENSION OF ANCHORAGE GROUNDS

12 JURISDICTION.

13 Section 7 of the Rivers and Harbors Ap-
14 propriations Act of 1915 (33 U.S.C. 471) is
15 amended—

16 (1) by striking “That the” and insert-
17 ing the following:

18 “(a) IN GENERAL.—The”.

19 (2) in subsection (a) (as designated by
20 paragraph (1)) by striking “\$100; and the”
21 and inserting “up to \$10,000. Each day
22 during which a violation continues shall
23 constitute a separate violation. The”;

24 (3) by adding at the end the fol-
25 lowing:

1 “(b) DEFINITION.—As used in this section
2 ‘navigable waters of the United States’ in-
3 cludes all waters of the territorial sea of the
4 United States as described in Presidential
5 Proclamation No. 5928 of December 27, 1988.”.

6 SEC. 304. MARITIME DRUG LAW ENFORCEMENT ACT

7 AMENDMENT-SIMPLE POSSESSION.

8 Section 70506 of title 46, United States
9 Code, is amended by adding at the end the fol-
10 lowing:

11 “(c) SIMPLE POSSESSION.—

12 “(1) IN GENERAL.—Any individual on a
13 vessel subject to the jurisdiction of the
14 United States who is found by the Sec-
15 retary, after notice and an opportunity
16 for a hearing, to have knowingly or inten-
17 tionally possessed a controlled substance
18 within the meaning of the Controlled
19 Substances Act (21 U.S.C. 812) shall be
20 liable to the United States for a civil pen-
21 alty of not to exceed \$10,000 for each vio-
22 lation. The Secretary shall notify the in-
23 dividual in writing of the amount of the
24 civil penalty.

1 **“(2) DETERMINATION OF AMOUNT.—In**
2 **determining the amount of the penalty,**
3 **the Secretary shall consider the nature,**
4 **circumstances, extent, and gravity of the**
5 **prohibited acts committed and, with re-**
6 **spect to the violator, the degree of culpa-**
7 **bility, any history of prior offenses, abil-**
8 **ity to pay, and other matters that justice**
9 **requires.**

10 **“(3) TREATMENT OF CIVIL PENALTY AS-**
11 **SESSMENT.—Assessment of a civil penalty**
12 **under this subsection shall not be consid-**
13 **ered a conviction for purposes of State or**
14 **Federal law but may be considered proof**
15 **of possession if such a determination is**
16 **relevant.”.**

17 **SEC. 305. TECHNICAL AMENDMENTS TO TONNAGE MEAS-**
18 **UREMENT LAW.**

19 **(a) DEFINITIONS.—Section 14101(4) of title**
20 **46, United States Code, is amended—**

21 **(1) by striking “engaged” the first**
22 **place it appears and inserting “that en-**
23 **gages”;**

24 **(2) in subparagraph (A), by striking**
25 **“arriving” and inserting “that arrives”;**

1 **(3) in subparagraph (B)—**

2 **(A) by striking “making” and in-**
3 **serting “that makes”; and**

4 **(B) by striking “(except a foreign**
5 **vessel engaged on that voyage)”;**

6 **(4) in subparagraph (C), by striking**
7 **“departing” and inserting “that departs”;**
8 **and**

9 **(5) in subparagraph (D), by striking**
10 **“making” and inserting “that makes”.**

11 **(b) DELEGATION OF AUTHORITY.—Section**
12 **14103(c) of that title is amended by striking**
13 **“intended to be engaged on” and inserting**
14 **“that engages on”.**

15 **(c) APPLICATION.—Section 14301 of that**
16 **title is amended—**

17 **(1) by amending subsection (a) to**
18 **read as follows:**

19 **“(a) Except as otherwise provided in this**
20 **section, this chapter applies to any vessel for**
21 **which the application of an international**
22 **agreement or other law of the United States**
23 **to the vessel depends on the vessel’s ton-**
24 **nage.”;**

25 **(2) in subsection (b)—**

1 **(A) in paragraph (1), by striking**
2 **the period at the end and inserting “,**
3 **unless the government of the country**
4 **to which the vessel belongs elects to**
5 **measure the vessel under this chap-**
6 **ter.”;**

7 **(B) in paragraph (3), by inserting**
8 **“of United States or Canadian reg-**
9 **istry or nationality, or a vessel oper-**
10 **ated under the authority of the**
11 **United States or Canada, and that is”**
12 **after “vessel”;**

13 **(C) in paragraph (4), by striking**
14 **“a vessel (except a vessel engaged”**
15 **and inserting “a vessel of United**
16 **States registry or nationality, or one**
17 **operated under the authority of the**
18 **United States (except a vessel that en-**
19 **gages”;**

20 **(D) by striking paragraph (5);**

21 **(E) by redesignating paragraph**
22 **(6) as paragraph (5); and**

23 **(F) by amending paragraph (5), as**
24 **so redesignated, to read as follows:**

1 “(5) a barge of United States registry
2 or nationality, or a barge operated under
3 the authority of the United States (except
4 a barge that engages on a foreign voyage)
5 unless the owner requests.”;

6 (3) by striking subsection (c);

7 (4) by redesignating subsections (d)
8 and (e) as subsections (c) and (d), respec-
9 tively; and

10 (5) in subsection (c), as redesignated,
11 by striking “After July 18, 1994, an exist-
12 ing vessel (except an existing vessel re-
13 ferred to in subsection (b)(5)(A) or (B) of
14 this section)” and inserting “An existing
15 vessel that has not undergone a change
16 that the Secretary finds substantially af-
17 fects the vessel’s gross tonnage (or a ves-
18 sel to which IMO Resolutions A.494 (XII)
19 of November 19, 1981, A.540 (XIII) of No-
20 vember 17, 1983, or A.541 (XIII) of Novem-
21 ber 17, 1983 apply)”.

22 (d) MEASUREMENT.—Section 14302(b) of
23 that title is amended to read as follows:

1 “(b) A vessel measured under this chapter
2 may not be required to be measured under an-
3 other law.”.

4 (e) TONNAGE CERTIFICATE.—

5 (1) ISSUANCE.—Section 14303 of title
6 46, United States Code, is amended—

7 (A) in subsection (a), by adding at
8 the end the following: “For a vessel to
9 which the Convention does not apply,
10 the Secretary shall prescribe a certifi-
11 cate to be issued as evidence of a ves-
12 sel’s measurement under this chap-
13 ter.”;

14 (B) in subsection (b), by inserting
15 “issued under this section” after “cer-
16 tificate”; and

17 (C) in the section heading by
18 striking “International” and “(1969)”.

19 (2) MAINTENANCE.—Section 14503 of
20 that title is amended—

21 (A) by designating the existing
22 text as subsection (a); and

23 (B) by adding at the end the fol-
24 lowing new subsection:

1 “(b) The certificate shall be maintained as
2 required by the Secretary.”.

3 (3) CLERICAL AMENDMENT.—The anal-
4 ysis at the beginning of chapter 143 of
5 that title is amended by striking the item
6 relating to section 14303 and inserting
7 the following:

“14303. Tonnage Certificate.”.

8 (f) OPTIONAL REGULATORY MEASUREMENT.—
9 Section 14305(a) of that title is amended by
10 striking “documented vessel measured under
11 this chapter,” and inserting “vessel measured
12 under this chapter that is of United States
13 registry or nationality, or a vessel operated
14 under the authority of the United States,”.

15 (g) APPLICATION.—Section 14501 of that
16 title is amended—

17 (1) by amending paragraph (1) to
18 read as follows:

19 “(1) A vessel not measured under
20 chapter 143 of this title if the application
21 of an international agreement or other
22 law of the United States to the vessel de-
23 pends on the vessel’s tonnage.”; and

24 (2) in paragraph (2), by striking “a
25 vessel” and inserting “A vessel”.

1 **(h) DUAL TONNAGE MEASUREMENT.—Section**
2 **14513(c) of that title is amended—**

3 **(1) in paragraph (1)—**

4 **(A) by striking “vessel’s tonnage**
5 **mark is below the uppermost part of**
6 **the load line marks,” and inserting**
7 **“vessel is assigned two sets of gross**
8 **and net tonnages under this section,”;**
9 **and**

10 **(B) by inserting “vessel’s tonnage”**
11 **before “mark” the second place such**
12 **term appears; and**

13 **(2) in paragraph (2), by striking the**
14 **period at the end and inserting “as as-**
15 **signed under this section.”.**

16 **(i) RECIPROCITY FOR FOREIGN VESSELS.—**
17 **Subchapter II of chapter 145 of that title is**
18 **amended by adding at the end the following:**

19 **“§ 14514. Reciprocity for foreign vessels**

20 **“For a foreign vessel not measured under**
21 **chapter 143, if the Secretary finds that the**
22 **laws and regulations of a foreign country re-**
23 **lated to measurement of vessels are substan-**
24 **tially similar to those of this chapter and the**
25 **regulations prescribed under this chapter,**

1 the Secretary may accept the measurement
2 and certificate of a vessel of that foreign
3 country as complying with this chapter and
4 the regulations prescribed under this chap-
5 ter.”.

6 (j) CLERICAL AMENDMENT.—The analysis
7 for subchapter II of chapter 145 of such title
8 is amended by adding at the end the fol-
9 lowing:

“14514. Reciprocity for foreign vessels.”.

10 SEC. 306. ACCESS FOR SEAMEN.

11 A seaman assigned to a vessel docked at
12 a facility with a security plan approved under
13 section 70103(c) of title 46, United States
14 Code, and pilots and representatives of sea-
15 men’s welfare and labor organizations, who
16 board and depart from the vessel in compli-
17 ance with the provisions of the facility secu-
18 rity plan shall be provided access through the
19 facility at no cost to the individual.

20 SEC. 307. FISHING VESSEL SAFETY.

21 (a) SAFETY STANDARDS.—Section 4502 of
22 title 46, United States Code, is amended—

23 (1) in subsection (a), by—

24 (A) striking paragraphs (6) and (7)

25 and inserting the following:

1 **“(6) other equipment required to min-**
2 **imize the risk of injury to the crew dur-**
3 **ing vessel operations, if the Secretary de-**
4 **termines that a risk of serious injury ex-**
5 **ists that can be eliminated or mitigated**
6 **by that equipment; and”;** and

7 **(B) redesignating paragraph (8)**
8 **as paragraph (7);**

9 **(2) in subsection (b)—**

10 **(A) in paragraph (1) in the matter**
11 **preceding subparagraph (A), by strik-**
12 **ing “documented”;**

13 **(B) in paragraph (1)(A), by strik-**
14 **ing “the Boundary Line” and insert-**
15 **ing “3 nautical miles from the base-**
16 **line from which the territorial sea of**
17 **the United States is measured or be-**
18 **yond 3 nautical miles from the coast-**
19 **line of the Great Lakes”;**

20 **(C) in paragraph (2)(B), by strik-**
21 **ing “lifeboats or liferafts” and insert-**
22 **ing “a survival craft that ensures that**
23 **no part of an individual is immersed**
24 **in water”;**

1 **(D) in paragraph (2)(D), by insert-**
2 **ing “marine” before “radio”;**

3 **(E) in paragraph (2)(E), by strik-**
4 **ing “radar reflectors, nautical charts,**
5 **and anchors” and inserting “nautical**
6 **charts, and publications”;**

7 **(F) in paragraph (2)(F), by strik-**
8 **ing “, including medicine chests” and**
9 **inserting “and medical supplies suffi-**
10 **cient for the size and area of oper-**
11 **ation of the vessel” and**

12 **(G) by amending paragraph (2)(G)**
13 **to read as follows:**

14 **“(G) ground tackle sufficient for the**
15 **vessel.”;**

16 **(3) by amending subsection (f) to read**
17 **as follows:**

18 **“(f) To ensure compliance with the re-**
19 **quirements of this chapter, the Secretary—**

20 **“(1) shall require the individual in**
21 **charge of a vessel described in subsection**
22 **(b) to keep a record of equipment mainte-**
23 **nance, and required instruction and**
24 **drills; and**

1 “(2) shall examine at dockside a ves-
2 sel described in subsection (b) at least
3 twice every 5 years, and shall issue a cer-
4 tificate of compliance to a vessel meeting
5 the requirements of this chapter.”; and

6 (4) by adding at the end the fol-
7 lowing:

8 “(g)(1) The individual in charge of a vessel
9 described in subsection (b) must pass a train-
10 ing program approved by the Secretary that
11 meets the requirements in paragraph (2) of
12 this subsection and hold a valid certificate
13 issued under that program.

14 “(2) The training program shall—

15 “(A) be based on professional knowl-
16 edge and skill obtained through sea serv-
17 ice and hands-on training, including
18 training in seamanship, stability, colli-
19 sion prevention, navigation, fire fighting
20 and prevention, damage control, personal
21 survival, emergency medical care, and
22 weather;

23 “(B) require an individual to dem-
24 onstrate ability to communicate in an
25 emergency situation and understand in-

1 **formation found in navigation publica-**
2 **tions;**

3 **“(C) recognize and give credit for re-**
4 **cent past experience in fishing vessel op-**
5 **eration; and**

6 **“(D) provide for issuance of a certifi-**
7 **cate to an individual that has success-**
8 **fully completed the program.**

9 **“(3) The Secretary shall prescribe regula-**
10 **tions implementing this subsection. The regu-**
11 **lations shall require that individuals who are**
12 **issued a certificate under paragraph (2)(D)**
13 **must complete refresher training at least once**
14 **every 5 years as a condition of maintaining**
15 **the validity of the certificate.**

16 **“(4) The Secretary shall establish a pub-**
17 **licly accessible electronic database listing the**
18 **names of individuals who have participated**
19 **in and received a certificate confirming suc-**
20 **cessful completion of a training program ap-**
21 **proved by the Secretary under this section.**

22 **“(h) A vessel to which this chapter applies**
23 **shall be constructed in a manner that pro-**
24 **vides a level of safety equivalent to the min-**
25 **imum safety standards the Secretary may es-**

1 **tablished for recreational vessels under sec-**
2 **tion 4302, if—**

3 **“(1) subsection (b) of this section ap-**
4 **plies to the vessel;**

5 **“(2) the vessel is less than 50 feet**
6 **overall in length; and**

7 **“(3) the vessel is built after January**
8 **1, 2008.**

9 **“(i)(1) The Secretary shall establish a**
10 **Fishing Safety Training Grants Program to**
11 **provide funding to municipalities, port au-**
12 **thorities, other appropriate public entities,**
13 **not-for-profit organizations, and other quali-**
14 **fied persons that provide commercial fishing**
15 **safety training—**

16 **“(A) to conduct fishing vessel safety**
17 **training that meets the requirements of**
18 **subsection (g); and**

19 **“(B) for purchase of safety equipment**
20 **and training aids for use in those fishing**
21 **vessel safety training programs.**

22 **“(2) The Secretary shall award grants**
23 **under this subsection on a competitive basis.**

1 **“(3) The Federal share of the cost of any**
2 **activity carried out with a grant under this**
3 **subsection shall not exceed 75 percent.**

4 **“(4) There is authorized to be appro-**
5 **priated \$3,000,000 for each of fiscal years 2008**
6 **through 2012 for grants under this subsection.**

7 **“(j)(1) The Secretary shall establish a**
8 **Fishing Safety Research Grant Program to**
9 **provide funding to individuals in academia,**
10 **members of non-profit organizations and**
11 **businesses involved in fishing and maritime**
12 **matters, and other persons with expertise in**
13 **fishing safety, to conduct research on meth-**
14 **ods of improving the safety of the commercial**
15 **fishing industry, including vessel design,**
16 **emergency and survival equipment, enhance-**
17 **ment of vessel monitoring systems, commu-**
18 **nications devices, de-icing technology, and se-**
19 **vere weather detection.**

20 **“(2) The Secretary shall award grants**
21 **under this subsection on a competitive basis.**

22 **“(3) The Federal share of the cost of any**
23 **activity carried out with a grant under this**
24 **subsection shall not exceed 75 percent.”.**

1 **(b) CONFORMING AMENDMENT.—Section**
2 **4506(b) of title 46, United States Code, is re-**
3 **pealed.**

4 **(c) ADVISORY COMMITTEE.—**

5 **(1) CHANGE OF NAME.—Section 4508 of**
6 **title 46, United States Code, is amended—**

7 **(A) by striking the section head-**
8 **ing and inserting the following:**

9 “§ 4508. Commercial Fishing Safety Advisory Com-
10 committee”;

11 **and**

12 **(B) in subsection (a) by striking**
13 **“Industry Vessel”.**

14 **(2) CLERICAL AMENDMENT.—The table**
15 **of section at the beginning of chapter 45**
16 **of title 46, United States Code, is amend-**
17 **ed by striking the item relating to such**
18 **section and inserting the following:**

“4508. Commercial Fishing Safety Advisory Committee.”.

19 **(d) LOADLINES FOR VESSELS OVER 79**
20 **FEET.—Section 5102(b)(3) of title 46, United**
21 **States Code, is amended by inserting after**
22 **“vessel” the following “, unless the vessel is**
23 **built or undergoes a major conversion com-**
24 **pleted after January 1, 2008”.**

25 **(e) CLASSING OF VESSELS.—**

1 **(1) IN GENERAL.—Section 4503 of title**
2 **46, United States Code, is amended—**

3 **(A) by striking the section head-**
4 **ing and inserting the following:**

5 **“§ 4503. Fishing, fish tender, and fish processing ves-**
6 **sel certification”;**

7 **(B) in subsection (a) by striking**
8 **“fish processing”; and**

9 **(C) by adding at the end the fol-**
10 **lowing:**

11 **“(c) This section applies to a vessel to**
12 **which section 4502(b) of this title applies**
13 **that—**

14 **“(1) is at least 50 feet overall in**
15 **length;**

16 **“(2) is built after January 1, 2008; or**

17 **“(3) undergoes a major conversion**
18 **completed after that date.**

19 **“(d) After January 1, 2018, this section ap-**
20 **plies to a fishing vessel or fish tender vessel**
21 **that is built before January 1, 2008, and is 25**
22 **years of age or older, unless the vessel com-**
23 **plies with an alternate safety compliance pro-**
24 **gram prescribed by the Secretary.”.**

1 **(2) CLERICAL AMENDMENT.—**The table
2 **of section at the beginning of chapter 45**
3 **of title 46, United States Code, is amend-**
4 **ed by striking the item relating to such**
5 **section and inserting the following:**

“4503. Fishing, fish tender, and fish processing vessel certifi-
 cation.”.

6 **(f) ALTERNATIVE SAFETY COMPLIANCE PRO-**
7 **GRAM.—**No later than January 1, 2015, the Sec-
8 **retary of the department in which the Coast**
9 **Guard is operating shall prescribe an alter-**
10 **native safety compliance program referred to**
11 **in section 4503(d) of the title 46, United States**
12 **Code, as amended by this section.**

13 **SEC. 308. MARINER RECORDS.**

14 **Section 7502 of title 46, United States**
15 **Code, is amended—**

- 16 **(1) by inserting “(a)” before “The”;**
17 **(2) by striking “computerized**
18 **records” and inserting “records, includ-**
19 **ing electronic records,”; and**
20 **(3) by adding at the end the fol-**
21 **lowing:**

22 **“(b) The Secretary may prescribe regula-**
23 **tions requiring a vessel owner or managing**
24 **operator of a commercial vessel, or the em-**

1 ployer of a seaman on that vessel, to maintain
2 records of each individual engaged on the
3 vessel on matters of engagement, discharge,
4 and service for not less than 5 years after the
5 date of the completion of the service of that
6 individual on the vessel. The regulations may
7 require that a vessel owner, managing oper-
8 ator, or employer shall make these records
9 available to the individual and the Coast
10 Guard on request.

11 “(c) A person violating this section, or a
12 regulation prescribed under this section, is
13 liable to the United States Government for a
14 civil penalty of not more than \$5,000.”.

15 SEC. 309. DELETION OF EXEMPTION OF LICENSE REQUIRE-
16 MENT FOR OPERATORS OF CERTAIN TOWING
17 VESSELS.

18 Section 8905 of title 46, United States
19 Code, is amended—

20 (1) by striking subsection (b); and

21 (2) by redesignating subsection (c) as
22 subsection (b).

1 SEC. 310. ADJUSTMENT OF LIABILITY LIMITS FOR NAT-
2 URAL GAS DEEPWATER PORTS.

3 Section 1004(d)(2) of the Oil Pollution Act
4 of 1990 (33 U.S.C. 2704(d)(2)) is amended by
5 adding at the end the following:

6 “(D) The Secretary may establish,
7 by regulation, a limit of liability of
8 not less than \$12,000,000 for a deep-
9 water port used only in connection
10 with transportation of natural gas.”.

11 SEC. 311. PERIOD OF LIMITATIONS FOR CLAIMS AGAINST
12 OIL SPILL LIABILITY TRUST FUND.

13 Section 1012(h)(1) of the Oil Pollution Act
14 of 1990 (33 U.S.C. 2712(h)(1)) is amended by
15 striking “6” and inserting “3”.

16 SEC. 312. LOG BOOKS.

17 (a) IN GENERAL.—Chapter 113 of title 46,
18 United States Code, is amended by adding at
19 the end the following:

20 “§ 11304. Additional logbook and entry requirements

21 “(a) A vessel of the United States that is
22 subject to inspection under section 3301 of
23 this title, except a vessel on a voyage from a
24 port in the United States to a port in Canada,
25 shall have an official logbook.

1 **“(b) The log book required by subsection**
2 **(a) shall include the following entries:**

3 **“(1) The time when each seaman and**
4 **each officer assumed or relieved the**
5 **watch.**

6 **“(2) The number of hours in service to**
7 **the vessels of each seaman and each offi-**
8 **cer.**

9 **“(3) An account of each accident, ill-**
10 **ness, and injury that occurs during each**
11 **watch.”.**

12 **(b) CLERICAL AMENDMENT.—The table of**
13 **sections at the beginning of such chapter is**
14 **amended by adding at the end the following:**

“11304. Additional logbook and entry requirements.”.

15 **SEC. 313. UNSAFE OPERATION.**

16 **(a) IN GENERAL.—Chapter 21 of title 46,**
17 **United States Code, is amended by adding at**
18 **the end the following new section:**

19 **“§ 2116. Termination for unsafe operation**

20 **“An individual authorized to enforce this**
21 **title—**

22 **“(1) may remove a certificate re-**
23 **quired by this title from a vessel that is**
24 **operating in a condition that does not**

1 **comply with the provisions of the certifi-**
2 **cate;**

3 **“(2) may order the individual in**
4 **charge of a vessel that is operating that**
5 **does not have on board the certificate re-**
6 **quired by this title to return the vessel to**
7 **a mooring and to remain there until the**
8 **vessel is in compliance with this title;**
9 **and**

10 **“(3) may direct the individual in**
11 **charge of a vessel to which this title ap-**
12 **plies to immediately take reasonable**
13 **steps necessary for the safety of individ-**
14 **uals on board the vessel if the official ob-**
15 **serves the vessel being operated in an un-**
16 **safe condition that the official believes**
17 **creates an especially hazardous condi-**
18 **tion, including ordering the individual in**
19 **charge to return the vessel to a mooring**
20 **and to remain there until the situation**
21 **creating the hazard is corrected or**
22 **ended.”.**

23 **(b) CLERICAL AMENDMENT.—The table of**
24 **sections at the beginning of such chapter is**
25 **amended by adding at the end the following:**

“2116. Termination for unsafe operation.”.

1 **SEC. 314. APPROVAL OF SURVIVAL CRAFT.**

2 **(a) IN GENERAL.—Chapter 31 of title 46,**
3 **United States Code, is amended by adding at**
4 **the end the following new section:**

5 **“§ 3104. Survival craft**

6 **“(a) Except as provided in subsection (b),**
7 **the Secretary may not approve a survival**
8 **craft as a safety device for purposes of this**
9 **part, unless the craft ensures that no part of**
10 **an individual is immersed in water.**

11 **“(b) The Secretary may authorize a sur-**
12 **vival craft that does not provide protection**
13 **described in subsection (a) to remain in serv-**
14 **ice until not later than January 1, 2013, if—**

15 **“(1) it was approved by the Secretary**
16 **before January 1, 2008; and**

17 **“(2) it is in serviceable condition.”.**

18 **(b) CLERICAL AMENDMENT.—The table of**
19 **sections at the beginning of such chapter is**
20 **amended by adding at the end the following:**

“3104. Survival craft.”.

21 **SEC. 315. SAFETY MANAGEMENT.**

22 **(a) VESSELS TO WHICH REQUIREMENTS**
23 **APPLY.—Section 3202 of title 46, United States**
24 **Code, is amended—**

1 (1) in subsection (a) by striking the
2 heading and inserting “FOREIGN VOYAGES
3 AND FOREIGN VESSELS.—”;

4 (2) by redesignating subsections (b)
5 and (c) as subsections (c) and (d), respec-
6 tively;

7 (3) by inserting after subsection (a)
8 the following:

9 “(b) OTHER PASSENGER VESSELS.—This
10 chapter applies to a vessel that is—

11 “(1) a passenger vessel or small pas-
12 senger vessel; and

13 “(2) is transporting more passengers
14 than a number prescribed by the Sec-
15 retary based on the number of individ-
16 uals on the vessel that could be killed or
17 injured in a marine casualty.”;

18 (4) in subsection (d), as so redesign-
19 ated, by striking “subsection (b)” and in-
20 serting “subsection (c)”;

21 (5) in subsection (d)(4), as so redesign-
22 ated, by inserting “that is not described
23 in subsection (b) of this section” after
24 “waters”.

1 **(b) SAFETY MANAGEMENT SYSTEM.—Section**
2 **3203 of title 46, United States Code, is amend-**
3 **ed by adding at the end the following new**
4 **subsection:**

5 **“(c) In prescribing regulations for pas-**
6 **senger vessels and small passenger vessels,**
7 **the Secretary shall consider the characteris-**
8 **tics, methods of operation, and nature of the**
9 **service of these vessels.”.**

10 **SEC. 316. PROTECTION AGAINST DISCRIMINATION.**

11 **(a) IN GENERAL.—Section 2114 of title 46,**
12 **United States Code, is amended—**

13 **(1) in subsection (a)(1)(A), by striking**
14 **“or” after the semicolon;**

15 **(2) in subsection (a)(1)(B), by striking**
16 **the period at the end and inserting a**
17 **semicolon;**

18 **(3) by adding at the end of subsection**
19 **(a)(1) the following new subparagraphs:**

20 **“(C) the seaman testified in a pro-**
21 **ceeding brought to enforce a maritime**
22 **safety law or regulation prescribed under**
23 **that law;**

24 **“(D) the seaman notified, or at-**
25 **tempted to notify, the vessel owner or the**

1 **Secretary of a work-related personal in-**
2 **jury or work-related illness of a seaman;**

3 **“(E) the seaman cooperated with a**
4 **safety investigation by the Secretary or**
5 **the National Transportation Safety**
6 **Board;**

7 **“(F) the seaman furnished informa-**
8 **tion to the Secretary, the National Trans-**
9 **portation Safety Board, or any other pub-**
10 **lic official as to the facts relating to any**
11 **marine casualty resulting in injury or**
12 **death to an individual or damage to prop-**
13 **erty occurring in connection with vessel**
14 **transportation; or**

15 **“(G) the seaman accurately reported**
16 **hours of duty under this part.”; and**

17 **(4) by amending subsection (b) to**
18 **read as follows:**

19 **“(b) A seaman alleging discharge or dis-**
20 **crimination in violation of subsection (a) of**
21 **this section, or another person at the sea-**
22 **man’s request, may file a complaint with re-**
23 **spect to such allegation in the same manner**
24 **as a complaint may be filed under subsection**
25 **(b) of section 31105 of title 49. Such complaint**

1 shall be subject to the procedures, require-
2 ments, and rights described in that section,
3 including with respect to the right to file an
4 objection, the right of a person to file for a pe-
5 tition for review under subsection (c) of that
6 section, and the requirement to bring a civil
7 action under subsection (d) of that section.”.

8 (b) **EXISTING ACTIONS.**—This section shall
9 not affect the application of section 2114(b) of
10 title 46, United States Code, as in effect before
11 the date of enactment of this Act, to an action
12 filed under that section before that date.

13 **SEC. 317. DRY BULK CARGO RESIDUE.**

14 Section 623(a)(2) of the Coast Guard and
15 Maritime Transportation Act of 2004 (33
16 U.S.C. 1901 note) is amended by striking
17 “2008” and inserting “2009”.

18 **SEC. 318. CLARIFICATION OF DELEGATION OF AUTHORITY**

19 **TO CLASSIFICATION SOCIETIES.**

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

22 (1) in subsection (b)(1), by inserting
23 “or for a floating installation” after
24 “chapter 121 of this title”;

1 **(2) in subsection (b)(2)(A), by insert-**
2 **ing “or for floating installations” after**
3 **“vessels documented in that country”;**

4 **(3) in subsection (b)(3)(A), by insert-**
5 **ing “or floating installation” after “after**
6 **the vessel”; and**

7 **(4) by adding at the end the following**
8 **new subsection:**

9 **“(d) For purposes of this section, the term**
10 **‘floating installation’ means any installation,**
11 **structure, or other device that floats and that**
12 **either dynamically holds position or is tempo-**
13 **rarily or permanently attached to the seabed**
14 **or subsoil under the territorial sea of the**
15 **United States or the outer Continental Shelf**
16 **(as that term is defined in section 2 of the**
17 **Outer Continental Shelf Lands Act (43 U.S.C.**
18 **1331)), and is used for the purpose of explor-**
19 **ing for, developing, producing, or storing the**
20 **resources from that seabed or subsoil.”.**

21 **SEC. 319. REGISTRY ENDORSEMENT FOR LNG VESSELS.**

22 **Section 12111 of title 46, United States**
23 **Code, is amended by adding at the end the fol-**
24 **lowing:**

1 “(d) A vessel or facility for which a reg-
2 istry endorsement is not issued may not en-
3 gage in regassifying on navigable waters un-
4 less the vessel or facility transported the gas
5 from a foreign port.”.

6 SEC. 320. OATHS.

7 Sections 7105 and 7305 of title 46, United
8 States Code, and the items relating to such
9 sections in the analysis for chapters 71 and 73
10 of such title, are repealed.

11 SEC. 321. DURATION OF CREDENTIALS.

12 (a) **MERCHANT MARINER’S DOCUMENTS.—**
13 Section 7302(f) of title 46, United States Code,
14 is amended to read as follows:

15 “(f) **PERIODS OF VALIDITY AND RENEWAL OF**
16 **MERCHANT MARINERS’ DOCUMENTS.—**

17 “(1) **IN GENERAL.—**Except as provided
18 in subsection (g), a merchant mariner’s
19 document issued under this chapter is
20 valid for a 5-year period and may be re-
21 newed for additional 5-year periods.

22 “(2) **ADVANCE RENEWALS.—**A renewed
23 merchant mariner’s document may be
24 issued under this chapter up to 8 months
25 in advance but is not effective until the

1 **date that the previously issued merchant**
2 **mariner’s document expires.”.**

3 **(b) DURATION OF LICENSES.—Section 7106**
4 **of such title is amended to read as follows:**

5 **“§ 7106. Duration of licenses**

6 **“(a) IN GENERAL.—A license issued under**
7 **this part is valid for a 5-year period and may**
8 **be renewed for additional 5-year periods; ex-**
9 **cept that the validity of a license issued to a**
10 **radio officer is conditioned on the continuous**
11 **possession by the holder of a first-class or sec-**
12 **ond-class radiotelegraph operator license**
13 **issued by the Federal Communications Com-**
14 **mission.**

15 **“(b) ADVANCE RENEWALS.—A renewed li-**
16 **cence issued under this part may be issued up**
17 **to 8 months in advance but is not effective**
18 **until the date that the previously issued li-**
19 **cence expires.”.**

20 **(c) CERTIFICATES OF REGISTRY.—Section**
21 **7107 of such title is amended to read as fol-**
22 **lows:**

23 **“§ 7107. Duration of certificates of registry**

24 **“(a) IN GENERAL.—A certificate of registry**
25 **issued under this part is valid for a 5-year pe-**

1 riod and may be renewed for additional 5-
2 year periods; except that the validity of a cer-
3 tificate issued to a medical doctor or profes-
4 sional nurse is conditioned on the continuous
5 possession by the holder of a license as a med-
6 ical doctor or registered nurse, respectively,
7 issued by a State.

8 “(b) **ADVANCE RENEWALS.**—A renewed cer-
9 tificate of registry issued under this part may
10 be issued up to 8 months in advance but is not
11 effective until the date that the previously
12 issued certificate of registry expires.”.

13 **SEC. 322. FINGERPRINTING.**

14 “(a) **MERCHANT MARINER LICENSES AND DOC-**
15 **UMENTS.**—Chapter 75 of title 46, United States
16 Code, is amended by adding at the end the fol-
17 lowing:

18 “§ 7507. **Fingerprinting**

19 “The Secretary of the Department in
20 which the Coast Guard is operating may not
21 require an individual to be fingerprinted for
22 the issuance or renewal of a license, a certifi-
23 cate of registry, or a merchant mariner’s doc-
24 ument under chapter 71 or 73 if the individual
25 was fingerprinted when the individual ap-

1 plied for a transportation security card under
2 section 70105.”.

3 (b) CLERICAL AMENDMENT.—The analysis
4 for such chapter is amended by adding at the
5 end the following:

“7507. Fingerprinting.”.

6 SEC. 323. AUTHORIZATION TO EXTEND THE DURATION OF
7 LICENSES, CERTIFICATES OF REGISTRY, AND
8 MERCHANT MARINERS’ DOCUMENTS.

9 (a) MERCHANT MARINER LICENSES AND DOC-
10 UMENTS.—Chapter 75 of title 46, United States
11 Code, as amended by section 322(a) of this
12 Act, is further amended by adding at the end
13 the following:

14 “§ 7508. Authority to extend the duration of licenses,
15 certificates of registry, and merchant
16 mariner documents

17 “(a) LICENSES AND CERTIFICATES OF REG-
18 ISTRY.—Notwithstanding section 7106 and
19 7107, the Secretary of the department in
20 which the Coast Guard is operating may ex-
21 tend for one year an expiring license or cer-
22 tificate of registry issued for an individual
23 under chapter 71 if the Secretary determines
24 that extension is required to enable the Coast
25 Guard to eliminate a backlog in processing

1 applications for those licenses or certificates
2 of registry.

3 “(b) **MERCHANT MARINER DOCUMENTS.—**
4 **Notwithstanding section 7302(g), the Sec-**
5 **retary may extend for one year an expiring**
6 **merchant mariner’s document issued for an**
7 **individual under chapter 71 if the Secretary**
8 **determines that extension is required to en-**
9 **able the Coast Guard to eliminate a backlog**
10 **in processing applications for those docu-**
11 **ments.**

12 “(c) **MANNER OF EXTENSION.—Any exten-**
13 **sions granted under this section may be**
14 **granted to individual seamen or a specifically**
15 **identified group of seamen.**

16 “(d) **EXPIRATION OF AUTHORITY.—The au-**
17 **thority for providing an extension under this**
18 **section shall expire on June 30, 2009.”.**

19 (b) **CLERICAL AMENDMENT.—The analysis**
20 **for such chapter, as amended by section**
21 **322(b), is further amended by adding at the**
22 **end the following:**

“7508. Authority to extend the duration of licenses, certificates
of registry, and merchant mariner documents.”.

1 **SEC. 324. MERCHANT MARINER DOCUMENTATION.**

2 **(a) INTERIM CLEARANCE PROCESS.—Not**
3 **later than 180 days after the date of enact-**
4 **ment of this Act, the Secretary of the depart-**
5 **ment in which the Coast Guard is operating**
6 **shall develop an interim clearance process for**
7 **issuance of a merchant mariner document to**
8 **enable a newly hired seaman to begin work-**
9 **ing on an offshore supply vessel or towing**
10 **vessel if the Secretary makes an initial deter-**
11 **mination that the seaman does not pose a**
12 **safety and security risk.**

13 **(b) CONTENTS OF PROCESS.—The process**
14 **under subsection (a) shall include a check**
15 **against the consolidated and integrated ter-**
16 **rorist watch list maintained by the Federal**
17 **Government, review of the seaman’s criminal**
18 **record, and review of the results of testing the**
19 **seaman for use of a dangerous drug (as de-**
20 **finied in section 2101 of title 46, United States**
21 **Code) in violation of law or Federal regula-**
22 **tion.**

23 **SEC. 325. MERCHANT MARINER ASSISTANCE REPORT.**

24 **Not later than 180 days after the date of**
25 **enactment of this Act, the Commandant of the**
26 **Coast Guard shall submit to the Committee on**

1 **Transportation and Infrastructure of the**
2 **House of Representatives and the Committee**
3 **on Commerce, Science, and Transportation of**
4 **the Senate a report regarding a plan—**

5 **(1) to expand the streamlined evalua-**
6 **tion process program that was affiliated**
7 **with the Houston Regional Examination**
8 **Center of the Coast Guard to all proc-**
9 **essing centers of the Coast Guard nation-**
10 **wide;**

11 **(2) to include proposals to simplify**
12 **the application process for a license as an**
13 **officer, staff officer, or operator and for a**
14 **merchant mariner’s document to help**
15 **eliminate errors by merchant mariners**
16 **when completing the application form**
17 **(CG-719B), including instructions at-**
18 **tached to the application form and a**
19 **modified application form for renewals**
20 **with questions pertaining only to the pe-**
21 **riod of time since the previous applica-**
22 **tion;**

23 **(3) to provide notice to an applicant**
24 **of the status of the pending application,**
25 **including a process to allow the applicant**

1 to check on the status of the application
2 by electronic means; and

3 (4) to ensure that all information col-
4 lected with respect to applications for
5 new or renewed licenses, merchant mar-
6 iner documents, and certificates of reg-
7 istry is retained in a secure electronic
8 format.

9 SEC. 326. MERCHANT MARINER SHORTAGE REPORT.

10 Not later than 180 days after the date of
11 enactment of this Act, the Secretary of Trans-
12 portation, acting through the Administrator
13 of the Maritime Administration, shall submit
14 to the Committee on Transportation and In-
15 frastructure of the House of Representatives
16 and the Committee on Commerce, Science,
17 and Transportation of the Senate a report
18 concerning methods to address the current
19 and future shortage in the number of mer-
20 chant mariners, particularly entry-level mari-
21 ners, including an evaluation of whether an
22 educational loan program providing loans for
23 the cost of on-the-job training would provide
24 an incentive for workers and help alleviate
25 the shortage.

1 SEC. 327. MERCHANT MARINER DOCUMENT STANDARDS.

2 Not later than 270 days after the date of
3 enactment of this Act, the Secretary of the de-
4 partment in which the Coast Guard is oper-
5 ating shall submit to the Committees on
6 Transportation and Infrastructure and Home-
7 land Security of the House of Representatives
8 and the Committee on Commerce, Science,
9 and Transportation of the Senate—

10 (1) a plan to ensure that the process
11 for an application, by an individual who
12 has, or has applied for, a transportation
13 security card under section 70105 of title
14 46, United States Code, for a merchant
15 mariner document can be completed en-
16 tirely by mail; and

17 (2) a report on the feasibility of, and
18 a timeline to, redesign the merchant mar-
19 iner document to comply with the re-
20 quirements of such section, including a
21 biometric identifier, and all relevant
22 international conventions, including the
23 International Labour Organization Con-
24 vention Number 185 concerning the sea-
25 farers identity document, and include a
26 review on whether or not such redesign

1 **will eliminate the need for separate cre-**
2 **dentials and background screening and**
3 **streamline the application process for**
4 **mariners.**

5 **SEC. 328. WATERSIDE SECURITY AROUND LIQUEFIED NAT-**
6 **URAL GAS TERMINALS AND LIQUEFIED NAT-**
7 **URAL GAS TANKERS.**

8 **(a) IN GENERAL.—The Commandant of the**
9 **Coast Guard shall be responsible for ensuring**
10 **appropriate waterside security services,**
11 **based on the threat, vulnerability, and con-**
12 **sequence of a terrorist attack, around lique-**
13 **fied natural gas terminals and around tankers**
14 **transporting liquefied natural gas in security**
15 **zones established by the Coast Guard.**

16 **(b) LIMITATION ON RELIANCE ON STATE AND**
17 **LOCAL GOVERNMENT.—Security arrangements**
18 **approved as part of the facility security plan**
19 **approved under section 70103 of title 46,**
20 **United States Code, for an onshore liquefied**
21 **natural gas terminal may not be based upon**
22 **the provision of security by a State or local**
23 **government unless the State or local govern-**
24 **ment has entered into a contract, cooperative**
25 **agreement, or other arrangement with the**

1 terminal operator to provide such services
2 and the Secretary certifies that the water-
3 borne patrols operated by State or local gov-
4 ernments have the training, resources, per-
5 sonnel, equipment, and experience necessary
6 to successfully deter and respond to transpor-
7 tation security incidents (as that term is de-
8 fined in section 70101 of title 46, United States
9 Code).

10 (c) ENFORCEMENT OF SECURITY ZONES.—

11 (1) IN GENERAL.—Security zones estab-
12 lished by the Coast Guard around tank-
13 ers transporting liquefied natural gas
14 shall be enforced by the Coast Guard.

15 (2) UTILIZATION OF STATE AND LOCAL
16 RESOURCES.—Subject to any contract, co-
17 operative agreement, or other arrange-
18 ment established in accordance with sub-
19 section (b), the Coast Guard may utilize
20 State or local government resources to
21 assist in enforcing any security zone es-
22 tablished by the Coast Guard.

23 (3) REIMBURSEMENT.— Any Federal,
24 State, or local entity enforcing a security
25 zone established by the Coast Guard for a

1 liquefied natural gas terminal or for a
2 tanker traveling to or from such a ter-
3 minal, may seek appropriate reimburse-
4 ment from the terminal.

5 (d) **CERTIFICATION REQUIRED FOR NEW LNG**
6 **TERMINALS.**—The Secretary of the department
7 in which the Coast Guard is operating may
8 not approve a facility security plan under sec-
9 tion 70103 of title 46, United States Code, for
10 a liquefied natural gas terminal the construc-
11 tion of which is begun after the date of enact-
12 ment of this Act unless the Secretary certifies
13 that the Coast Guard sector in which the ter-
14 minal is located has all of the assets it needs
15 to provide waterside security around the ter-
16 minal and to provide security around tankers
17 transporting liquefied natural gas in security
18 zones established by the Coast Guard.

19 **TITLE IV—MISCELLANEOUS**
20 **PROVISIONS**

21 **SEC. 401. CERTIFICATE OF DOCUMENTATION FOR GALLANT**

22 **LADY.**

23 **Section 1120(c) of the Coast Guard Au-**
24 **thorization Act of 1996 (110 Stat. 3977) is**
25 **amended—**

1 **(1) in paragraph (1)—**

2 **(A) by striking “of Transpor-**
3 **tation” and inserting “of the depart-**
4 **ment in which the Coast Guard is op-**
5 **erating”;** and

6 **(B) by striking subparagraph (A)**
7 **and inserting the following:**

8 **“(A) the vessel GALLANT LADY**
9 **(Feadship hull number 672, approxi-**
10 **mately 168 feet in length).”;**

11 **(2) by striking paragraphs (3) and (4)**
12 **and redesignating paragraph (5) as para-**
13 **graph (3); and**

14 **(3) in paragraph (3) (as so redesign-**
15 **ated) by striking all after “shall expire”**
16 **and inserting “on the date of the sale of**
17 **the vessel by the owner.”.**

18 **SEC. 402. WAIVER.**

19 **Notwithstanding section 12112 and chap-**
20 **ter 551 of title 46, United States Code, the Sec-**
21 **retary of the department in which the Coast**
22 **Guard is operating may issue a certificate of**
23 **documentation with a coastwise endorsement**
24 **for the OCEAN VERITAS (IMO Number**
25 **7366805).**

1 SEC. 403. GREAT LAKES MARITIME RESEARCH INSTITUTE.

2 Section 605 of the Coast Guard and Mari-
3 time Transportation Act of 2004 (118 Stat.
4 1052) is amended—

5 (1) in subsection (b)(1)—

6 (A) by striking “The Secretary of
7 Transportation shall conduct a study
8 that” and inserting “The Institute
9 shall conduct maritime transpor-
10 tation studies of the Great Lakes re-
11 gion, including studies that”;

12 (B) in subparagraphs (A), (B), (C),
13 (E), (F), (H), (I), and (J) by striking
14 “evaluates” and inserting “evaluate”;

15 (C) in subparagraphs (D) and (G)
16 by striking “analyzes” and inserting
17 “analyze”;

18 (D) by striking “and” at the end of
19 subparagraph (I);

20 (E) by striking the period at the
21 end of subparagraph (J) and insert-
22 ing a semicolon;

23 (F) by adding at the end the fol-
24 lowing:

25 “(K) identify ways to improve the
26 integration of the Great Lakes marine

1 **transportation system into the na-**
2 **tional transportation system;**

3 **“(L) examine the potential of ex-**
4 **panded operations on the Great**
5 **Lakes marine transportation system;**

6 **“(M) identify ways to include in-**
7 **telligent transportation applications**
8 **into the Great Lakes marine trans-**
9 **portation system;**

10 **“(N) analyze the effects and im-**
11 **pacts of aging infrastructure and port**
12 **corrosion on the Great Lakes marine**
13 **transportation system;**

14 **“(O) establish and maintain a**
15 **model Great Lakes marine transpor-**
16 **tation system database; and**

17 **“(P) identify market opportunities**
18 **for, and impediments to, the use of**
19 **United States-flag vessels in trade**
20 **with Canada on the Great Lakes.”;**
21 **and**

22 **(2) by striking subsection (b)(4) and**
23 **inserting the following:**

1 **“(4) AUTHORIZATION OF APPROPRIA-**
2 **TIONS.—There are authorized to be appro-**
3 **priated to carry out paragraph (1)—**

4 **“(A) \$2,100,000 for fiscal year 2007;**

5 **“(B) \$2,200,000 for fiscal year**
6 **2008;**

7 **“(C) \$2,300,000 for fiscal year**
8 **2009;**

9 **“(D) \$2,400,000 for fiscal year**
10 **2010; and**

11 **“(E) \$2,500,000 for fiscal year**
12 **2011.”.**

13 **SEC. 404. CONVEYANCE.**

14 **(a) STATION BRANT POINT BOAT HOUSE.—**

15 **(1) REQUIREMENT.—The Secretary of**
16 **the department in which the Coast Guard**
17 **is operating shall convey to the town of**
18 **Nantucket, Massachusetts, all right, title,**
19 **and interest of the United States in and**
20 **to the buildings known as the Station**
21 **Brant Point Boat House located at Coast**
22 **Guard Station Brant Point, Nantucket,**
23 **Massachusetts, for use for a public pur-**
24 **pose.**

1 **(2) TERMS OF CONVEYANCE.—A convey-**
2 **ance of the building under paragraph (1)**
3 **shall be made—**

4 **(A) without the payment of con-**
5 **sideration; and**

6 **(B) subject to appropriate terms**
7 **and conditions the Secretary con-**
8 **siders necessary.**

9 **(3) REVERSIONARY INTEREST.—All right,**
10 **title, and interest in property conveyed**
11 **under this subsection shall revert to the**
12 **United States if any portion of the prop-**
13 **erty is used other than for a public pur-**
14 **pose.**

15 **(b) LEASE.—**

16 **(1) REQUIREMENT.—The Secretary of**
17 **the department in which the Coast Guard**
18 **is operating shall enter into a lease with**
19 **the town of Nantucket that authorizes**
20 **the town of Nantucket to occupy the land**
21 **on which the buildings conveyed under**
22 **subsection (a) are located, subject to ap-**
23 **propriate terms and conditions the Sec-**
24 **retary considers necessary.**

1 **(2) LEASE TERM.—A lease under this**
2 **subsection shall not expire before Janu-**
3 **ary 31, 2033.**

4 **(3) TERMINATION OF LEASE.—If the Sec-**
5 **retary determines that the property**
6 **leased under paragraph (1) is necessary**
7 **for purposes of the Coast Guard, the Sec-**
8 **retary—**

9 **(A) may terminate the lease with-**
10 **out payment of compensation; and**

11 **(B) shall provide the town of Nan-**
12 **tucket not less than 12 months notice**
13 **of the requirement to vacate the site**
14 **and move the buildings conveyed**
15 **under subsection (a) to another loca-**
16 **tion.**

17 **SEC. 405. CREW WAGES ON PASSENGER VESSELS.**

18 **(a) FOREIGN AND INTERCOASTAL VOYAGES.—**

19 **(1) CAP ON PENALTY WAGES.—Section**
20 **10313(g) of title 46, United States Code, is**
21 **amended—**

22 **(A) by striking “When” and insert-**
23 **ing “(1) Subject to paragraph (2),**
24 **when”; and**

1 **(B) by adding at the end the fol-**
2 **lowing:**

3 **“(2) The total amount required to be paid**
4 **under paragraph (1) with respect to all claims**
5 **in a class action suit by seamen on a pas-**
6 **senger vessel capable of carrying more than**
7 **500 passengers for wages under this section**
8 **against a vessel master, owner, or operator or**
9 **the employer of the seamen shall not exceed**
10 **ten times the unpaid wages that are the sub-**
11 **ject of the claims.**

12 **“(3) A class action suit for wages under**
13 **this subsection must be commenced within**
14 **three years after the later of—**

15 **“(A) the date of the end of the last**
16 **voyage for which the wages are claimed;**
17 **or**

18 **“(B) the receipt, by a seaman who is**
19 **a claimant in the suit, of a payment of**
20 **wages that are the subject of the suit that**
21 **is made in the ordinary course of employ-**
22 **ment.”.**

23 **(2) DEPOSITS.—Section 10315 of such**
24 **title is amended by adding at the end the**
25 **following:**

1 **“(f) DEPOSITS IN SEAMAN ACCOUNT.—A sea-**
2 **man employed on a passenger vessel capable**
3 **of carrying more than 500 passengers may au-**
4 **thorize, by written request signed by the sea-**
5 **man, the master, owner, or operator of the**
6 **vessel, or the employer of the seaman, to**
7 **make deposits of wages of the seaman into a**
8 **checking, savings, investment, or retirement**
9 **account, or other account to secure a payroll**
10 **or debit card for the seaman if—**

11 **“(1) the wages designated by the sea-**
12 **man for such deposit are deposited in a**
13 **United States or international financial**
14 **institution designated by the seaman;**

15 **“(2) such deposits in the financial in-**
16 **stitution are fully guaranteed under com-**
17 **monly accepted international standards**
18 **by the government of the country in**
19 **which the financial institution is li-**
20 **censed;**

21 **“(3) a written wage statement or pay**
22 **stub, including an accounting of any di-**
23 **rect deposit, is delivered to the seaman**
24 **no less often than monthly; and**

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

6 **(b) COASTWISE VOYAGES.—**

7 **(1) CAP ON PENALTY WAGES.—Section**
8 **10504(c) of such title is amended—**

9 **(A) by striking “When” and insert-**
10 **ing “(1) Subject to subsection (d), and**
11 **except as provided in paragraph (2),**
12 **when”; and**

13 **(B) by inserting at the end the fol-**
14 **lowing:**

15 **“(2) The total amount required to be paid**
16 **under paragraph (1) with respect to all claims**
17 **in a class action suit by seamen on a pas-**
18 **senger vessel capable of carrying more than**
19 **500 passengers for wages under this section**
20 **against a vessel master, owner, or operator or**
21 **the employer of the seamen shall not exceed**
22 **ten times the unpaid wages that are the sub-**
23 **ject of the claims.**

1 **“(3) A class action suit for wages under**
2 **this subsection must be commenced within**
3 **three years after the later of—**

4 **“(A) the date of the end of the last**
5 **voyage for which the wages are claimed;**
6 **or**

7 **“(B) the receipt, by a seaman who is**
8 **a claimant in the suit, of a payment of**
9 **wages that are the subject of the suit that**
10 **is made in the ordinary course of employ-**
11 **ment.”.**

12 **(2) DEPOSITS.—Section 10504 of such**
13 **title is amended by adding at the end the**
14 **following:**

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

1 “(1) the wages designated by the sea-
2 man for such deposit are deposited in a
3 United States or international financial
4 institution designated by the seaman;

5 “(2) such deposits in the financial in-
6 stitution are fully guaranteed under com-
7 monly accepted international standards
8 by the government of the country in
9 which the financial institution is li-
10 censed;

11 “(3) a written wage statement or pay
12 stub, including an accounting of any di-
13 rect deposit, is delivered to the seaman
14 no less often than monthly; and

15 “(4) while on board the vessel on
16 which the seaman is employed, the sea-
17 man is able to arrange for withdrawal of
18 all funds on deposit in the account in
19 which the wages are deposited.”.

20 SEC. 406. TECHNICAL CORRECTIONS.

21 (a) COAST GUARD AND MARITIME TRANSPOR-
22 TATION ACT OF 2006.—Effective with enact-
23 ment of the Coast Guard and Maritime Trans-
24 portation Act of 2006 (Public Law 109–241),
25 such Act is amended—

1 **(1) in section 311(b) (120 Stat. 530) by**
2 **inserting “paragraphs (1) and (2) of” be-**
3 **fore “section 8104(o)”;**

4 **(2) in section 603(a)(2) (120 Stat. 554)**
5 **by striking “33 U.S.C. 2794(a)(2)” and in-**
6 **serting “33 U.S.C. 2704(a)(2)”;**

7 **(3) in section 901(r)(2) (120 Stat. 566)**
8 **by striking “the” the second place it ap-**
9 **pears;**

10 **(4) in section 902(c) (120 Stat. 566) by**
11 **inserting “of the United States” after “Re-**
12 **vised Statutes”;**

13 **(5) in section 902(e) (120 Stat. 567) is**
14 **amended—**

15 **(A) by inserting “and” after the**
16 **semicolon at the end of paragraph (1);**

17 **(B) by striking “and” at the end of**
18 **paragraph (2)(A); and**

19 **(C) by redesignating paragraphs**
20 **(3) and (4) as subparagraphs (C) and**
21 **(D) of paragraph (2), respectively, and**
22 **aligning the left margin of such sub-**
23 **paragraphs with the left margin of**
24 **subparagraph (A) of paragraph (2);**

1 **(6) in section 902(e)(2)(C) (as so reded-**
2 **ignated) by striking “this section” and in-**
3 **serting “this paragraph”;**

4 **(7) in section 902(e)(2)(D) (as so reded-**
5 **ignated) by striking “this section” and in-**
6 **serting “this paragraph”;**

7 **(8) in section 902(h)(1) (120 Stat.**
8 **567)—**

9 **(A) by striking “Bisti/De-Na-Zin”**
10 **and all that follows through “Protec-**
11 **tion” and inserting “Omnibus Parks**
12 **and Public Lands Management”; and**

13 **(B) by inserting a period after**
14 **“Commandant of the Coast Guard”;**

15 **(9) in section 902(k) (120 Stat. 568) is**
16 **amended—**

17 **(A) by inserting “the Act of March**
18 **23, 1906, commonly known as” before**
19 **“the General Bridge”;**

20 **(B) by striking “491)” and insert-**
21 **ing “494),”;** and

22 **(C) by inserting “each place it ap-**
23 **pears” before “and inserting”; and**

1 **(10) in section 902(o) (120 Stat. 569)**
2 **by striking the period after “Homeland**
3 **Security”.**

4 **(b) TITLE 14.—(1) The analysis for chapter**
5 **7 of title 14, United States Code, is amended**
6 **by adding a period at the end of the item re-**
7 **lating to section 149.**

8 **(2) The analysis for chapter 17 of title 14,**
9 **United States Code, is amended by adding a**
10 **period at the end of the item relating to sec-**
11 **tion 677.**

12 **(3) The analysis for chapter 9 of title 14,**
13 **United States Code, is amended by adding a**
14 **period at the end of the item relating to sec-**
15 **tion 198.**

16 **(c) TITLE 46.—(1) The analysis for chapter**
17 **81 of title 46, United States Code, is amended**
18 **by adding a period at the end of the item re-**
19 **lating to section 8106.**

20 **(2) Section 70105(c)(3)(C) of such title is**
21 **amended by striking “National Intelligence**
22 **Director” and inserting “Director of National**
23 **Intelligence”.**

24 **(d) DEEPWATER PORT ACT OF 1974.—Sec-**
25 **tion 5(c)(2) of the Deepwater Port Act of 1974**

1 **(33 U.S.C. 1504(c)(2)) is amended by aligning**
2 **the left margin of subparagraph (K) with the**
3 **left margin of subparagraph (L).**

4 **(e) OIL POLLUTION ACT OF 1990.—(1) Sec-**
5 **tion 1004(a)(2) of the Oil Pollution Act of 1990**
6 **(33 U.S.C. 2704(a)(2)) is amended by striking**
7 **the first comma following “\$800,000”.**

8 **(2) The table of sections in section 2 of**
9 **such Act is amended by inserting a period at**
10 **the end of the item relating to section 7002.**

11 **(f) COAST GUARD AUTHORIZATION ACT OF**
12 **1996.—The table of sections in section 2 of the**
13 **Coast Guard Authorization Act of 1996 is**
14 **amended in the item relating to section 103 by**
15 **striking “reports” and inserting “report”.**

16 **SEC. 407. CONVEYANCE OF DECOMMISSIONED COAST**
17 **GUARD CUTTER STORIS.**

18 **(a) IN GENERAL.—Upon the scheduled de-**
19 **commissioning of the Coast Guard Cutter**
20 **STORIS, the Commandant of the Coast Guard**
21 **shall convey, without consideration, all right,**
22 **title, and interest of the United States in and**
23 **to that vessel to the USCG Cutter STORIS Mu-**
24 **seum and Maritime Education Center, LLC,**

1 located in the State of Alaska if the recipi-
2 ent—

3 (1) agrees—

4 (A) to use the vessel for purposes
5 of a museum and historical display;

6 (B) not to use the vessel for com-
7 mercial transportation purposes;

8 (C) to make the vessel available to
9 the United States Government if
10 needed for use by the Commandant in
11 time of war or a national emergency;
12 and

13 (D) to hold the Government harm-
14 less for any claims arising from expo-
15 sure to hazardous materials, includ-
16 ing asbestos and polychlorinated
17 biphenyls, after conveyance of the
18 vessel, except for claims arising from
19 the use by the Government under
20 subparagraph (C);

21 (2) has funds available that will be
22 committed to operate and maintain in
23 good working condition the vessel con-
24 veyed, in the form of cash, liquid assets,

1 or a written loan commitment and in an
2 amount of at least \$700,000; and

3 (3) agrees to any other conditions the
4 Commandant considers appropriate.

5 (b) MAINTENANCE AND DELIVERY OF VES-
6 SEL.—

7 (1) MAINTENANCE.—Before conveyance
8 of the vessel under this section, the Com-
9 mandant shall make, to the extent prac-
10 tical and subject to other Coast Guard
11 mission requirements, every effort to
12 maintain the integrity of the vessel and
13 its equipment until the time of delivery.

14 (2) DELIVERY.—If a conveyance is
15 made under this section, the Com-
16 mandant shall deliver the vessel to a suit-
17 able mooring in the local area in its
18 present condition.

19 (3) TREATMENT OF CONVEYANCE.—The
20 conveyance of the vessel under this sec-
21 tion shall not be considered a distribu-
22 tion in commerce for purposes of section
23 6(e) of Public Law 94-469 (15 U.S.C.
24 2605(e)).

1 **(c) OTHER EXCESS EQUIPMENT.—The Com-**
2 **mandant may convey to the recipient of a con-**
3 **veyance under subsection (a) any excess**
4 **equipment or parts from other decommis-**
5 **sioned Coast Guard vessels for use to enhance**
6 **the operability and function of the vessel con-**
7 **veyed under subsection (a) for purposes of a**
8 **museum and historical display.**

9 **SEC. 408. REPEAL OF REQUIREMENT OF LICENSE FOR EM-**
10 **PLOYMENT IN THE BUSINESS OF SALVAGING**
11 **ON THE COAST OF FLORIDA.**

12 **Chapter 801 of title 46, United States**
13 **Code, is amended—**

14 **(1) by striking section 80102; and**
15 **(2) in the table of sections at the be-**
16 **ginning of the chapter by striking the**
17 **item relating to that section.**

18 **SEC. 409. RIGHT-OF-FIRST-REFUSAL FOR COAST GUARD**
19 **PROPERTY ON JUPITER ISLAND, FLORIDA.**

20 **(a) RIGHT-OF-FIRST-REFUSAL.—Notwith-**
21 **standing any other law (other than this sec-**
22 **tion), the Town of Jupiter Island, Florida,**
23 **shall have the right-of-first-refusal for an ex-**
24 **change of real property within the jurisdic-**
25 **tion of the Town comprising Parcel #35-38-**

1 42-004-000-02590-6 (Bon Air Beach lots 259
2 and 260 located at 83 North Beach Road) and
3 Parcel #35-38-42-004-000-02610-2 (Bon Air
4 Beach lots 261 to 267), including any improve-
5 ments thereon, for other real property of
6 equal or greater value.

7 (b) IDENTIFICATION OF PROPERTY.—The
8 Commandant of the Coast Guard may iden-
9 tify, describe, and determine the property re-
10 ferred to in subsection (a) that is subject to
11 the right of the Town under that subsection.

12 (c) LIMITATION.—The property referred to
13 in subsection (a) may not be conveyed under
14 that subsection until the Commandant of the
15 Coast Guard determines that the property is
16 not needed to carry out Coast Guard missions
17 or functions.

18 (d) REQUIRED USE.—Any property con-
19 veyed under this section shall be used by the
20 Town of Jupiter Island, Florida, solely for
21 conservation of habitat and as protection
22 against damage from wind, tidal, and wave
23 energy.

24 (e) REVERSION.—Any conveyance of prop-
25 erty under this section shall be subject to the

1 condition that all right, title, and interest in
2 the property, at the option of the Com-
3 mandant of the Coast Guard, shall revert to
4 the United States Government if the property
5 is used for purposes other than conservation.

6 (f) IMPLEMENTATION.—The Commandant of
7 the Coast Guard shall upon request by the
8 Town—

9 (1) promptly take those actions nec-
10 essary to make property identified under
11 subsection (b) and determined by the
12 Commandant under subsection (c) ready
13 for conveyance to the Town; and

14 (2) convey the property to the Town
15 subject to subsections (d) and (e).

16 SEC. 410. CONVEYANCE OF COAST GUARD HU-25 FALCON
17 JET AIRCRAFT.

18 (a) AUTHORITY TO CONVEY.—Notwith-
19 standing any other law, the Commandant of
20 the Coast Guard may convey to the Elizabeth
21 City State University (in this section referred
22 to as the “University”), a public university lo-
23 cated in the State of North Carolina, without
24 consideration all right, title, and interest of
25 the United States in an HU-25 Falcon Jet air-

1 **craft under the administrative jurisdiction of**
2 **the Coast Guard that the Commandant deter-**
3 **mines—**

4 **(1) is appropriate for use by the Uni-**
5 **versity; and**

6 **(2) is excess to the needs of the Coast**
7 **Guard.**

8 **(b) CONDITIONS.—**

9 **(1) IN GENERAL.—As a condition of**
10 **conveying an aircraft to the University**
11 **under subsection (a), the Commandant**
12 **shall enter into an agreement with the**
13 **University under which the University**
14 **agrees—**

15 **(A) to utilize the aircraft for edu-**
16 **cational purposes or other public**
17 **purposes as jointly agreed upon by**
18 **the Commandant and the University**
19 **before conveyance; and**

20 **(B) to hold the United States**
21 **harmless for any claim arising with**
22 **respect to the aircraft after convey-**
23 **ance of the aircraft.**

24 **(2) REVERSIONARY INTEREST.—If the**
25 **Commandant determines that the recipi-**

1 ent violated subparagraph (A) or (B) of
2 paragraph (1), then—

3 (A) all right, title, and interest in
4 the aircraft shall revert to the United
5 States;

6 (B) the United States shall have
7 the right to immediate possession of
8 the aircraft; and

9 (C) the recipient shall pay the
10 United States for its costs incurred in
11 recovering the aircraft for such viola-
12 tion.

13 (c) **LIMITATION ON FUTURE TRANSFERS.—**

14 (1) **IN GENERAL.—**The Commandant
15 shall include in the instruments for the
16 conveyance a requirement that any fur-
17 ther conveyance of an interest in the air-
18 craft may not be made without the ap-
19 proval in advance of the Commandant.

20 (2) **REVERSIONARY INTEREST.—**If the
21 Commandant determines that an interest
22 in the aircraft was conveyed without
23 such approval, then—

1 **(A) all right, title, and interest in**
2 **the aircraft shall revert to the United**
3 **States;**

4 **(B) the United States shall have**
5 **the right to immediate possession of**
6 **the aircraft; and**

7 **(C) the recipient shall pay the**
8 **United States for its costs incurred in**
9 **recovering the aircraft for such a vio-**
10 **lation.**

11 **(d) DELIVERY OF AIRCRAFT.—The Com-**
12 **mandant shall deliver the aircraft conveyed**
13 **under subsection (a)—**

14 **(1) at the place where the aircraft is**
15 **located on the date of the conveyance;**

16 **(2) in its condition on the date of con-**
17 **veyance; and**

18 **(3) without cost to the United States.**

19 **(e) ADDITIONAL TERMS AND CONDITIONS.—**
20 **The Commandant may require such addi-**
21 **tional terms and conditions in connection**
22 **with the conveyance required by subsection**
23 **(a) as the Commandant considers appropriate**
24 **to protect the interests of the United States.**

1 SEC. 411. CONVEYANCE OF A COAST GUARD VESSEL.

2 (a) **AUTHORITY TO CONVEY.**—Notwith-
3 standing the Federal Property and Adminis-
4 trative Services Act of 1949, the Commandant
5 of the Coast Guard may convey to the Sher-
6 iff’s Department of Coahoma County, Mis-
7 sissippi (in this section referred to as the
8 “Sheriff’s Department”), without consider-
9 ation all right, title, and interest of the United
10 States in and to a Coast Guard trailerable
11 boat, ranging from 17 feet to 30 feet in size,
12 that the Commandant determines—

13 (1) is appropriate for use by the Sher-
14 iff’s Department; and

15 (2) is excess to the needs of the Coast
16 Guard and the Department of Homeland
17 Security.

18 (b) **CONDITION.**—As a condition of con-
19 veying a vessel under the authority provided
20 in subsection (a), the Commandant shall enter
21 into an agreement with the Sheriff’s Depart-
22 ment under which the Sheriff’s Department
23 agrees—

24 (1) to utilize the vessel for homeland
25 security and other appropriate purposes
26 as jointly agreed upon by the Com-

1 **mandant and the Sheriff's Department**
2 **before conveyance; and**

3 **(2) to take the vessel "as is" and to**
4 **hold the United States harmless for any**
5 **claim arising with respect to that vessel**
6 **after conveyance of the vessel, including**
7 **any claims arising from the condition of**
8 **the vessel and its equipment or exposure**
9 **to hazardous materials.**

10 **(c) DELIVERY OF VESSEL.—The Com-**
11 **mandant shall deliver the vessel conveyed**
12 **under the authority provided in subsection**
13 **(a)—**

14 **(1) at the place where the vessel is lo-**
15 **cated on the date of the conveyance;**

16 **(2) in its condition on the date of con-**
17 **veyance; and**

18 **(3) without cost to the United States.**

19 **(d) OTHER EXCESS EQUIPMENT.—The Com-**
20 **mandant may further convey any excess**
21 **equipment or parts from other Coast Guard**
22 **vessels, which are excess to the needs of the**
23 **Coast Guard and the Department of Home-**
24 **land Security, to the Sheriff's Department for**
25 **use to enhance the operability of the vessel**

1 conveyed under the authority provided in
2 subsection (a).

3 (e) **ADDITIONAL TERMS AND CONDITIONS.—**
4 **The Commandant may require such addi-**
5 **tional terms and conditions in connection**
6 **with the conveyance authorized by subsection**
7 **(a) as the Commandant considers appropriate**
8 **to protect the interests of the United States.**

9 **SEC. 412. CONVEYANCE OF A COAST GUARD VESSEL.**

10 (a) **AUTHORITY TO CONVEY.—Notwith-**
11 **standing the Federal Property and Adminis-**
12 **trative Services Act of 1949, the Commandant**
13 **of the Coast Guard may convey to the Sher-**
14 **iff's Office of Warren County, Mississippi (in**
15 **this section referred to as the “Sheriff's Of-**
16 **lice”), without consideration all right, title,**
17 **and interest of the United States in and to a**
18 **Coast Guard trailerable boat, ranging from 17**
19 **feet to 30 feet in size, that the Commandant**
20 **determines—**

21 (1) **is appropriate for use by the Sher-**
22 **iff's Office; and**

23 (2) **is excess to the needs of the Coast**
24 **Guard and the Department of Homeland**
25 **Security.**

1 **(b) CONDITION.—As a condition of con-**
2 **veying a vessel under the authority provided**
3 **in subsection (a), the Commandant shall enter**
4 **into an agreement with the Sheriff’s Office**
5 **under which the Sheriff’s Office agrees—**

6 **(1) to utilize the vessel for homeland**
7 **security and other appropriate purposes**
8 **as jointly agreed upon by the Com-**
9 **mandant and the Sheriff’s Office before**
10 **conveyance; and**

11 **(2) to take the vessel “as is” and to**
12 **hold the United States harmless for any**
13 **claim arising with respect to that vessel**
14 **after conveyance of the vessel, including**
15 **any claims arising from the condition of**
16 **the vessel and its equipment or exposure**
17 **to hazardous materials.**

18 **(c) DELIVERY OF VESSEL.—The Com-**
19 **mandant shall deliver the vessel conveyed**
20 **under the authority provided in subsection**
21 **(a)**

22 **(1) at the place where the vessel is lo-**
23 **cated on the date of the conveyance;**

24 **(2) in its condition on the date of con-**
25 **veyance; and**

1 **(3) without cost to the United States.**

2 **(d) OTHER EXCESS EQUIPMENT.—The Com-**
3 **mandant may further convey any excess**
4 **equipment or parts from other Coast Guard**
5 **vessels, which are excess to the needs of the**
6 **Coast Guard and the Department of Home-**
7 **land Security, to the Sheriff’s Office for use to**
8 **enhance the operability of the vessel con-**
9 **veyed under the authority provided in sub-**
10 **section (a).**

11 **(e) ADDITIONAL TERMS AND CONDITIONS.—**
12 **The Commandant may require such addi-**
13 **tional terms and conditions in connection**
14 **with the conveyance authorized by subsection**
15 **(a) as the Commandant considers appropriate**
16 **to protect the interests of the United States.**

17 **SEC. 413. CONVEYANCE OF A COAST GUARD VESSEL.**

18 **(a) AUTHORITY TO CONVEY.—Notwith-**
19 **standing the Federal Property and Adminis-**
20 **trative Services Act of 1949, the Commandant**
21 **of the Coast Guard may convey to the Sher-**
22 **iff’s Office of Washington County, Mississippi**
23 **(in this section referred to as the “Sheriff’s Of-**
24 **lice”), without consideration all right, title,**
25 **and interest of the United States in and to a**

1 **Coast Guard trailerable boat, ranging from 17**
2 **feet to 30 feet in size, that the Commandant**
3 **determines—**

4 **(1) is appropriate for use by the Sher-**
5 **iff's Office; and**

6 **(2) is excess to the needs of the Coast**
7 **Guard and the Department of Homeland**
8 **Security.**

9 **(b) CONDITION.—As a condition of con-**
10 **veying a vessel under the authority provided**
11 **in subsection (a), the Commandant shall enter**
12 **into an agreement with the Sheriff's Office**
13 **under which the Sheriff's Office agrees—**

14 **(1) to utilize the vessel for homeland**
15 **security and other appropriate purposes**
16 **as jointly agreed upon by the Com-**
17 **mandant and the Sheriff's Office before**
18 **conveyance; and**

19 **(2) to take the vessel “as is” and to**
20 **hold the United States harmless for any**
21 **claim arising with respect to that vessel**
22 **after conveyance of the vessel, including**
23 **any claims arising from the condition of**
24 **the vessel and its equipment or exposure**
25 **to hazardous materials.**

1 **(c) DELIVERY OF VESSEL.—**The Com-
2 **mandant shall deliver the vessel conveyed**
3 **under the authority provided in subsection**
4 **(a)—**

5 **(1) at the place where the vessel is lo-**
6 **cated on the date of the conveyance;**

7 **(2) in its condition on the date of con-**
8 **veyance; and**

9 **(3) without cost to the United States.**

10 **(d) OTHER EXCESS EQUIPMENT.—**The Com-
11 **mandant may further convey any excess**
12 **equipment or parts from other Coast Guard**
13 **vessels, which are excess to the needs of the**
14 **Coast Guard and the Department of Home-**
15 **land Security, to the Sheriff's Office for use to**
16 **enhance the operability of the vessel con-**
17 **veyed under the authority provided in sub-**
18 **section (a).**

19 **(e) ADDITIONAL TERMS AND CONDITIONS.—**
20 **The Commandant may require such addi-**
21 **tional terms and conditions in connection**
22 **with the conveyance authorized by subsection**
23 **(a) as the Commandant considers appropriate**
24 **to protect the interests of the United States.**

1 SEC. 414. DECOMMISSIONED COAST GUARD VESSELS FOR
2 HAITI.

3 (a) IN GENERAL.—Notwithstanding any
4 other law, upon the scheduled decommis-
5 sioning of any Coast Guard 41-foot patrol
6 boat, the Commandant of the Coast Guard
7 shall give the Government of Haiti a right-of-
8 first-refusal for conveyance of that vessel to
9 the Government of Haiti, if that Government
10 of Haiti agrees—

11 (1) to use the vessel for the Coast
12 Guard of Haiti;

13 (2) to make the vessel available to the
14 United States Government if needed for
15 use by the Commandant in time of war or
16 national emergency;

17 (3) to hold the United States Govern-
18 ment harmless for any claims arising
19 from exposure to hazardous materials, in-
20 cluding asbestos and polychlorinated
21 biphenyls, after conveyance of the vessel,
22 except for claims arising from the use by
23 the United States Government under
24 paragraph (2); and

25 (4) to any other conditions the Com-
26 mandant considers appropriate.

1 **(b) LIMITATION.—The Commandant may**
2 **not convey more than 10 vessels to the Gov-**
3 **ernment of Haiti pursuant to this section.**

4 **(c) MAINTENANCE AND DELIVERY OF VES-**
5 **SEL.—**

6 **(1) MAINTENANCE.—Before conveyance**
7 **of a vessel under this section, the Com-**
8 **mandant shall make, to the extent prac-**
9 **tical and subject to other Coast Guard**
10 **mission requirements, every effort to**
11 **maintain the integrity of the vessel and**
12 **its equipment until the time of delivery.**

13 **(2) DELIVERY.—If a conveyance is**
14 **made under this section, the Com-**
15 **mandant shall deliver a vessel to a suit-**
16 **able mooring in the local area in its**
17 **present condition.**

18 **(3) TREATMENT OF CONVEYANCE.—The**
19 **conveyance of a vessel under this section**
20 **shall not be considered a distribution in**
21 **commerce for purposes of section 6(e) of**
22 **Public Law 94-469 (15 U.S.C. 2605(e)).**

1 SEC. 415. EXTENSION OF PERIOD OF OPERATION OF VES-
2 SEL FOR SETTING, RELOCATION, OR RECOV-
3 ERY OF ANCHORS OR OTHER MOORING
4 EQUIPMENT.

5 Section 705(a)(2) of Public Law 109-347
6 (120 Stat. 1945) is amended by striking “2” and
7 inserting “3”.

8 SEC. 416. VESSEL TRAFFIC RISK ASSESSMENTS.

9 (a) REQUIREMENT.—The Commandant of
10 the Coast Guard, acting through the appro-
11 priate Area Committee established under sec-
12 tion 311(j)(4) of the Federal Water Pollution
13 Control Act, shall prepare a vessel traffic risk
14 assessment—

15 (1) for Cook Inlet, Alaska, within one
16 year after the date of enactment of this
17 Act; and

18 (2) for the Aleutian Islands, Alaska,
19 within two years after the date of enact-
20 ment of this Act.

21 (b) CONTENTS.—Each of the assessments
22 shall describe, for the region covered by the
23 assessment—

24 (1) the amount and character of
25 present and estimated future shipping
26 traffic in the region; and

1 **(2) the current and projected use and**
2 **effectiveness in reducing risk, of—**

3 **(A) traffic separation schemes**
4 **and routing measures;**

5 **(B) long-range vessel tracking sys-**
6 **tems developed under section 70115**
7 **of title 46, United States Code;**

8 **(C) towing, response, or escort**
9 **tugs;**

10 **(D) vessel traffic services;**

11 **(E) emergency towing packages**
12 **on vessels;**

13 **(F) increased spill response**
14 **equipment including equipment ap-**
15 **propriate for severe weather and sea**
16 **conditions;**

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

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

23 **(I) aids to navigation; and**

24 **(J) vessel response plans.**

25 **(c) RECOMMENDATIONS.—**

1 **(1) IN GENERAL.—**Each of the assess-
2 **ments shall include any appropriate rec-**
3 **ommendations to enhance the safety and**
4 **security, or lessen potential adverse envi-**
5 **ronmental impacts, of marine shipping.**

6 **(2) CONSULTATION.—**Before making
7 **any recommendations under paragraph**
8 **(1) for a region, the Area Committee shall**
9 **consult with affected local, State, and**
10 **Federal government agencies, represent-**
11 **atives of the fishing industry, Alaska Na-**
12 **tives from the region, the conservation**
13 **community, and the merchant shipping**
14 **and oil transportation industries.**

15 **(d) PROVISION TO CONGRESS.—**The Com-
16 **mandant shall provide a copy of each assess-**
17 **ment to the Committee on Transportation and**
18 **Infrastructure of the House of Representa-**
19 **tives and the Committee on Commerce,**
20 **Science, and Transportation of the Senate.**

21 **(e) AUTHORIZATION OF APPROPRIATIONS.—**
22 **There is authorized to be appropriated to the**
23 **Commandant \$1,800,000 for each of fiscal**
24 **years 2008 and 2009 to the conduct the assess-**
25 **ments.**

1 SEC. 417. VESSEL MARYLAND INDEPENDENCE.

2 **Notwithstanding sections 55101, 55103,**
3 **and 12112 of title 46, United States Code, the**
4 **Secretary of the department in which the**
5 **Coast Guard is operating may issue a certifi-**
6 **cate of documentation with a coastwise en-**
7 **dorsement for the vessel MARYLAND INDE-**
8 **PENDENCE (official number 662573). The**
9 **coastwise endorsement issued under author-**
10 **ity of this section is terminated if—**

11 **(1) the vessel, or controlling interest**
12 **in the person that owns the vessel, is con-**
13 **veyed after the date of enactment of this**
14 **Act; or**

15 **(2) any repairs or alterations are**
16 **made to the vessel outside of the United**
17 **States.**

18 SEC. 418. STUDY OF RELOCATION OF COAST GUARD SEC-
19 TOR BUFFALO FACILITIES.

20 **(a) PURPOSES.—The purposes of this sec-**
21 **tion are—**

22 **(1) to authorize a project study to**
23 **evaluate the feasibility of consolidating**
24 **and relocating Coast Guard facilities at**
25 **Coast Guard Sector Buffalo within the**
26 **study area;**

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

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

8 **(b) DEFINITIONS.—In this section:**

9 (1) **COMMANDANT.—**The term “Com-
10 mandant” means the Commandant of the
11 Coast Guard.

12 (2) **SECTOR BUFFALO.—**The term “Sec-
13 tor Buffalo” means Coast Guard Sector
14 Buffalo of the Ninth Coast Guard District.

15 (3) **STUDY AREA.—**The term “study
16 area” means the area consisting of ap-
17 proximately 31 acres of real property and
18 any improvements thereon that are com-
19 monly identified as Coast Guard Sector
20 Buffalo, located at 1 Fuhrmann Boule-
21 vard, Buffalo, New York, and under the
22 administrative control of the Coast
23 Guard.

24 **(c) STUDY.—**

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

11 **(2) REQUIREMENTS.**—The project pro-
12 posal report shall—

13 **(A) evaluate the most cost-effec-**
14 **tive method for providing shore fa-**
15 **ilities to meet the operational re-**
16 **quirements of Sector Buffalo;**

17 **(B) determine the feasibility of**
18 **consolidating and relocating shore fa-**
19 **ilities on a portion of the existing**
20 **site, while—**

21 **(i) meeting the operational re-**
22 **quirements of Sector Buffalo; and**

23 **(ii) allowing the expansion of**
24 **operational requirements of Sec-**
25 **tor Buffalo; and**

1 **(C) contain a preliminary plan for**
2 **the design, engineering, and con-**
3 **struction of the proposed project, in-**
4 **cluding—**

5 **(i) the estimated cost of the**
6 **design, engineering, and con-**
7 **struction of the proposed project;**

8 **(ii) an anticipated timeline of**
9 **the proposed project; and**

10 **(iii) a description of what Fed-**
11 **eral lands, if any, shall be consid-**
12 **ered excess to Coast Guard needs.**

13 **(d) LIMITATION.—Nothing in this section**
14 **shall affect the current administration and**
15 **management of the study area.**

16 **SEC. 419. COAST GUARD ASSETS FOR UNITED STATES VIR-**
17 **GIN ISLANDS.**

18 **(a) IN GENERAL.—The Secretary of Home-**
19 **land Security may station additional Coast**
20 **Guard assets in the United States Virgin Is-**
21 **lands for port security and other associated**
22 **purposes.**

23 **(b) AUTHORIZATION OF APPROPRIATIONS.—**
24 **There are authorized to be appropriated to**

1 **the Secretary for fiscal year 2008 such sums**
2 **as are necessary to carry out this section.**

3 **TITLE V—BALLAST WATER**
4 **TREATMENT**

5 **SEC. 501. SHORT TITLE.**

6 **This title may be cited as the “Ballast**
7 **Water Treatment Act of 2007”.**

8 **SEC. 502. DECLARATION OF GOALS AND PURPOSES.**

9 **Section 1002 of the Nonindigenous Aquat-**
10 **ic Nuisance Prevention and Control Act of**
11 **1990 (16 U.S.C. 4701) is amended—**

12 **(1) by redesignating subsection (b) as**
13 **subsection (c);**

14 **(2) by inserting after subsection (a)**
15 **the following:**

16 **“(b) DECLARATION OF GOALS AND PUR-**
17 **POSES.—The objective of this Act is to elimi-**
18 **nate the threat and impacts of nonindigenous**
19 **aquatic nuisance species in the waters of the**
20 **United States. In order to achieve this objec-**
21 **tive, it is declared that, consistent with the**
22 **provisions of this Act—**

23 **“(1) it is the national goal that ballast**
24 **water discharged into the waters of the**

1 **United States will contain no living (via-**
2 **ble) organisms by the year 2015;**

3 **“(2) it is the national policy that the**
4 **introduction of nonindigenous aquatic**
5 **nuisance species in the waters of the**
6 **United States be prohibited; and**

7 **“(3) it is the national policy that Fed-**
8 **eral, State, and local governments and**
9 **the private sector identify the most effec-**
10 **tive ways to coordinate prevention ef-**
11 **forts, and harmonize environmentally**
12 **sound methods to prevent, detect, mon-**
13 **itor, and control nonindigenous aquatic**
14 **nuisance species, in an expeditious man-**
15 **ner.”.**

16 **(3) in subsection (c)(1) (as redesign-**
17 **ated by paragraph (1) of this section)—**

18 **(A) by striking “prevent” and in-**
19 **serting “eliminate”; and**

20 **(B) by inserting “treatment” after**
21 **“ballast water”;**

22 **(4) in subsection (c)(2) (as so redesign-**
23 **ated)—**

24 **(A) by inserting “, detection, mon-**
25 **itoring,” after “prevention”; and**

1 **(B) by striking “the zebra mussel**
2 **and other”;**

3 **(5) in subsection (c)(3) (as so redesign-**
4 **ated)—**

5 **(A) by inserting “detect,” after**
6 **“prevent,”; and**

7 **(B) by striking “from pathways**
8 **other than ballast water exchange”;**

9 **(6) in subsection (c)(4) (as so redesign-**
10 **ated) by striking “, including the zebra**
11 **mussel”; and**

12 **(7) in subsection (c)(5) (as so redesign-**
13 **ated)—**

14 **(A) by inserting “prevention,”**
15 **after “in the”;**

16 **(B) by inserting a comma after**
17 **“management”; and**

18 **(C) by striking “zebra mussels”**
19 **and inserting “aquatic nuisance spe-**
20 **cies”.**

21 **SEC. 503. BALLAST WATER MANAGEMENT.**

22 **(a) IN GENERAL.—Section 1101 of the Non-**
23 **indigenous Aquatic Nuisance Prevention and**
24 **Control Act of 1990 (16 U.S.C. 4711) is amend-**
25 **ed to read as follows:**

1 **“SEC. 1101. BALLAST WATER MANAGEMENT.**

2 **“(a) VESSELS TO WHICH THIS SECTION AP-**
3 **PLIES.—**

4 **“(1) IN GENERAL.—Except as provided**
5 **in paragraphs (2), (3), (4), and (5), this**
6 **section applies to a vessel that—**

7 **“(A) is designed, constructed, or**
8 **adapted to carry ballast water; and**

9 **“(B)(i) is a vessel of the United**
10 **States; or**

11 **“(ii) is a foreign vessel that—**

12 **“(I) is en route to a United**
13 **States port or place; or**

14 **“(II) has departed from a**
15 **United States port or place and is**
16 **within waters subject to the juris-**
17 **isdiction of the United States.**

18 **“(2) PERMANENT BALLAST WATER VES-**
19 **SELS.—This section does not apply to a**
20 **vessel that carries all of its permanent**
21 **ballast water in sealed tanks that are not**
22 **subject to discharge.**

23 **“(3) ARMED FORCES VESSELS.—**

24 **“(A) EXEMPTION.—Except as pro-**
25 **vided in subparagraph (B), this sec-**

1 **tion does not apply to a vessel of the**
2 **Armed Forces.**

3 **“(B) BALLAST WATER MANAGEMENT**
4 **PROGRAM.—The Secretary and the**
5 **Secretary of Defense, after consulta-**
6 **tion with each other and with the**
7 **Under Secretary and the heads of**
8 **other appropriate Federal agencies as**
9 **determined by the Secretary, shall**
10 **implement a ballast water manage-**
11 **ment program, including the issuance**
12 **of standards for ballast water ex-**
13 **change and treatment and for sedi-**
14 **ment management, for vessels of the**
15 **Armed Forces under their respective**
16 **jurisdictions designed, constructed,**
17 **or adapted to carry ballast water that**
18 **are—**

19 **“(i) consistent with the re-**
20 **quirements of this section, includ-**
21 **ing the deadlines established by**
22 **this section; and**

23 **“(ii) at least as stringent as**
24 **the requirements issued for such**
25 **vessels under section 312 of the**

1 **Federal Water Pollution Control**
2 **Act (33 U.S.C. 1322).**

3 **“(4) SPECIAL RULE FOR SMALL REC-**
4 **REATIONAL VESSELS.—In applying this sec-**
5 **tion to recreational vessels less than 50**
6 **meters in length that have a maximum**
7 **ballast water capacity of 8 cubic meters,**
8 **the Secretary may issue alternative meas-**
9 **ures for managing ballast water in a**
10 **manner that is consistent with the re-**
11 **quirements of this section.**

12 **“(5) MARAD VESSELS.—Subsection (f)**
13 **does not apply to any vessel in the Na-**
14 **tional Defense Reserve Fleet that is**
15 **scheduled to be disposed of through**
16 **scrapping or sinking.**

17 **“(b) UPTAKE AND DISCHARGE OF BALLAST**
18 **WATER OR SEDIMENT.—**

19 **“(1) PROHIBITION.—The operator of a**
20 **vessel to which this section applies may**
21 **not conduct the uptake or discharge of**
22 **ballast water or sediment in waters sub-**
23 **ject to the jurisdiction of the United**
24 **States except as provided in this section.**

1 **“(2) EXCEPTIONS.—Paragraph (1) does**
2 **not apply to the uptake or discharge of**
3 **ballast water or sediment in the following**
4 **circumstances:**

5 **“(A) The uptake or discharge is**
6 **solely for the purpose of—**

7 **“(i) ensuring the safety of the**
8 **vessel in an emergency situation;**
9 **or**

10 **“(ii) saving a life at sea.**

11 **“(B) The uptake or discharge is**
12 **accidental and the result of damage**
13 **to the vessel or its equipment and—**

14 **“(i) all reasonable precautions**
15 **to prevent or minimize ballast**
16 **water and sediment discharge**
17 **have been taken before and after**
18 **the damage occurs, the discovery**
19 **of the damage, and the discharge;**
20 **and**

21 **“(ii) the owner or officer in**
22 **charge of the vessel did not will-**
23 **fully or recklessly cause the dam-**
24 **age.**

1 **“(C) The uptake or discharge is**
2 **solely for the purpose of avoiding or**
3 **minimizing the discharge from the**
4 **vessel of pollution that would other-**
5 **wise violate applicable Federal or**
6 **State law.**

7 **“(D) The uptake or discharge of**
8 **ballast water and sediment occurs at**
9 **the same location where the whole of**
10 **that ballast water and that sediment**
11 **originated and there is no mixing**
12 **with ballast water and sediment from**
13 **another area that has not been man-**
14 **aged in accordance with the require-**
15 **ments of this section.**

16 **“(c) VESSEL BALLAST WATER MANAGEMENT**
17 **PLAN.—**

18 **“(1) IN GENERAL.—The operator of a**
19 **vessel to which this section applies shall**
20 **conduct all ballast water management op-**
21 **erations of that vessel in accordance with**
22 **a ballast water management plan de-**
23 **signed to minimize the discharge of**
24 **aquatic nuisance species that—**

1 “(A) meets the requirements pre-
2 scribed by the Secretary by regula-
3 tion; and

4 “(B) is approved by the Secretary.

5 “(2) APPROVAL CRITERIA.—

6 “(A) IN GENERAL.—The Secretary
7 may not approve a ballast water man-
8 agement plan unless the Secretary
9 determines that the plan—

10 “(i) describes in detail the ac-
11 tions to be taken to implement
12 the ballast water management re-
13 quirements established under this
14 section;

15 “(ii) describes in detail the
16 procedures to be used for disposal
17 of sediment at sea and on shore in
18 accordance with the require-
19 ments of this section;

20 “(iii) describes in detail safety
21 procedures for the vessel and
22 crew associated with ballast
23 water management;

24 “(iv) designates the officer on
25 board the vessel in charge of en-

1 **sure that the plan is properly**
2 **implemented;**

3 **“(v) contains the reporting re-**
4 **quirements for vessels established**
5 **under this section and a copy of**
6 **each form necessary to meet**
7 **those requirements; and**

8 **“(vi) meets all other require-**
9 **ments prescribed by the Sec-**
10 **retary.**

11 **“(B) FOREIGN VESSELS.—The Sec-**
12 **retary may approve a ballast water**
13 **management plan for a foreign vessel**
14 **on the basis of a certificate of compli-**
15 **ance with the criteria described in**
16 **subparagraph (A) issued by the ves-**
17 **sel’s country of registration in ac-**
18 **cordance with regulations issued by**
19 **the Secretary.**

20 **“(3) COPY OF PLAN ON BOARD VESSEL.—**
21 **The owner or operator of a vessel to**
22 **which this section applies shall—**

23 **“(A) maintain a copy of the ves-**
24 **sel’s ballast water management plan**
25 **on board at all times; and**

1 “(B) keep the plan readily avail-
2 able for examination by the Secretary
3 and the head of the appropriate agen-
4 cy of the State in which the vessel is
5 located at all reasonable times.

6 “(d) VESSEL BALLAST WATER RECORD
7 BOOK.—

8 “(1) IN GENERAL.—The owner or oper-
9 ator of a vessel to which this section ap-
10 plies shall maintain, in English on board
11 the vessel, a ballast water record book in
12 which each operation of the vessel in-
13 volving ballast water or sediment dis-
14 charge is recorded in accordance with
15 regulations issued by the Secretary.

16 “(2) AVAILABILITY.—The ballast water
17 record book—

18 “(A) shall be kept readily avail-
19 able for examination by the Secretary
20 and the head of the appropriate agen-
21 cy of the State in which the vessel is
22 located at all reasonable times; and

23 “(B) notwithstanding paragraph
24 (1), may be kept on the towing vessel

1 in the case of an unmanned vessel
2 under tow.

3 **“(3) RETENTION PERIOD.—The ballast**
4 **water record book shall be retained—**

5 **“(A) on board the vessel for a pe-**
6 **riod of 3 years after the date on**
7 **which the last entry in the book is**
8 **made; and**

9 **“(B) under the control of the ves-**
10 **sel’s owner for an additional period**
11 **of 3 years.**

12 **“(4) REGULATIONS.—In the regulations**
13 **issued under this section, the Secretary**
14 **shall require, at a minimum, that—**

15 **“(A) each entry in the ballast**
16 **water record book be signed and**
17 **dated by the officer in charge of the**
18 **ballast water operation recorded;**

19 **“(B) each completed page in the**
20 **ballast water record book be signed**
21 **and dated by the master of the vessel;**
22 **and**

23 **“(C) the owner or operator of the**
24 **vessel transmit such information to**
25 **the Secretary regarding the ballast**

1 **operations of the vessel as the Sec-**
2 **retary may require.**

3 **“(5) ALTERNATIVE MEANS OF RECORD-**
4 **KEEPING.—The Secretary may provide, by**
5 **regulation, for alternative methods of**
6 **recordkeeping, including electronic rec-**
7 **ordkeeping, to comply with the require-**
8 **ments of this subsection. Any electronic**
9 **recordkeeping method authorized by the**
10 **Secretary shall support the inspection**
11 **and enforcement provisions of this Act**
12 **and shall comply with applicable stand-**
13 **ards of the National Institute of Stand-**
14 **ards and Technology and the Office of**
15 **Management and Budget governing reli-**
16 **ability, integrity, identity authentication,**
17 **and nonrepudiation of stored electronic**
18 **data.**

19 **“(e) BALLAST WATER EXCHANGE REQUIRE-**
20 **MENTS.—**

21 **“(1) IN GENERAL.—**

22 **“(A) REQUIREMENT.—Until a vessel**
23 **is required to conduct ballast water**
24 **treatment in accordance with sub-**
25 **section (f), the operator of a vessel to**

1 **which this section applies may not**
2 **discharge ballast water in waters sub-**
3 **ject to the jurisdiction of the United**
4 **States, except after—**

5 **“(i) conducting ballast water**
6 **exchange as required by this sub-**
7 **section, in accordance with regu-**
8 **lations issued by the Secretary;**

9 **“(ii) using ballast water treat-**
10 **ment technology that meets the**
11 **performance standards of sub-**
12 **section (f); or**

13 **“(iii) using environmentally**
14 **sound alternative ballast water**
15 **treatment technology if the Sec-**
16 **retary determines that such treat-**
17 **ment technology is at least as ef-**
18 **fective as the ballast water ex-**
19 **change required by clause (i) in**
20 **preventing and controlling the in-**
21 **troduction of aquatic nuisance**
22 **species.**

23 **“(B) TECHNOLOGY EFFICACY.—For**
24 **purposes of this paragraph, a ballast**
25 **water treatment technology shall be**

1 **considered to be at least as effective**
2 **as the ballast water exchange re-**
3 **quired by clause (i) in preventing and**
4 **controlling the introduction of**
5 **aquatic nuisance species if prelimi-**
6 **nary experiments prior to installation**
7 **of the technology aboard the vessel**
8 **demonstrate that the technology re-**
9 **moved or killed at least 98 percent of**
10 **organisms larger than 50 microns.**

11 **“(2) GUIDANCE; 5-YEAR USAGE.—**

12 **“(A) GUIDANCE.—Not later than**
13 **one year after the date of enactment**
14 **of the Ballast Water Treatment Act of**
15 **2007, the Secretary shall develop and**
16 **issue guidance on technology that**
17 **may be used under paragraph**
18 **(1)(A)(iii).**

19 **“(B) 5-YEAR USAGE.—The Secretary**
20 **shall allow a vessel using environ-**
21 **mentally-sound alternative ballast**
22 **treatment technology under para-**
23 **graph (1)(A)(iii) to continue to use**
24 **that technology for 5 years after the**
25 **date on which the environmentally-**

1 **sound alternative ballast water treat-**
2 **ment technology was first placed in**
3 **service on the vessel or the date on**
4 **which treatment requirements under**
5 **subsection (f) become applicable,**
6 **whichever is later.**

7 **“(3) EXCHANGE AREAS.—**

8 **“(A) VESSELS OUTSIDE THE UNITED**
9 **STATES EEZ.—The operator of a vessel**
10 **en route to a United States port or**
11 **place from a port or place outside the**
12 **waters subject to the jurisdiction of**
13 **the United States shall conduct bal-**
14 **last water exchange—**

15 **“(i) before arriving at a**
16 **United States port or place;**

17 **“(ii) at least 200 nautical miles**
18 **from the nearest point of land;**
19 **and**

20 **“(iii) in water at least 200 me-**
21 **ters in depth.**

22 **“(B) COASTAL VOYAGES.—The oper-**
23 **ator of a vessel originating from a**
24 **port or place within the United States**
25 **exclusive economic zone, or from a**

1 port within 200 nautical miles of the
2 United States in Canada, Mexico, or
3 other ports designated by the Sec-
4 retary for purposes of this section,
5 shall conduct ballast water ex-
6 change—

7 “(i) at least 50 nautical miles
8 from the nearest point of land;
9 and

10 “(ii) in water at least 200 me-
11 ters in depth.

12 “(4) SAFETY OR STABILITY EXCEPTION.—

13 “(A) SECRETARIAL DETERMINA-
14 TION.—Paragraph (3) does not apply
15 to the discharge of ballast water if
16 the Secretary determines that compli-
17 ance with that paragraph would
18 threaten the safety or stability of the
19 vessel, its crew, or its passengers.

20 “(B) MASTER OF THE VESSEL DETER-
21 MINATION.—Paragraph (3) does not
22 apply to the discharge of ballast
23 water if the master of a vessel deter-
24 mines that compliance with that
25 paragraph would threaten the safety

1 or stability of the vessel, its crew, or
2 its passengers because of adverse
3 weather, equipment failure, or any
4 other relevant condition.

5 **“(C) NOTIFICATION REQUIRED.—**

6 **Whenever the master of a vessel is**
7 **unable to comply with the require-**
8 **ments of paragraph (3) because of a**
9 **determination made under subpara-**
10 **graph (B), the master of the vessel**
11 **shall—**

12 **“(i) notify the Secretary as**
13 **soon as practicable thereafter but**
14 **no later than 24 hours after mak-**
15 **ing that determination and shall**
16 **ensure that the determination,**
17 **the reasons for the determination,**
18 **and the notice are recorded in the**
19 **vessel’s ballast water record book;**
20 **and**

21 **“(ii) undertake ballast water**
22 **exchange in accordance with**
23 **paragraph (6) if safety or stability**
24 **concerns prevent undertaking**

1 ballast water exchange in the al-
2 ternative area.

3 “(D) REVIEW OF CIRCUMSTANCES.—

4 If the master of a vessel conducts a
5 ballast water discharge under the
6 provisions of this paragraph, the Sec-
7 retary shall review the circumstances
8 to determine whether the discharge
9 met the requirements of this para-
10 graph. The review under this clause
11 shall be in addition to any other en-
12 forcement authority of the Secretary.

13 “(5) DISCHARGE UNDER WAIVER.—

14 “(A) SUBSTANTIAL BUSINESS HARD-
15 SHIP WAIVER.—If, because of the short
16 length of a voyage, the operator of a
17 vessel is unable to discharge ballast
18 water in accordance with the require-
19 ments of paragraph (3)(B) without
20 substantial business hardship, as de-
21 termined under regulations issued by
22 the Secretary, the operator may re-
23 quest a waiver from the Secretary
24 and discharge the ballast water in ac-
25 cordance with paragraph (6). A re-

1 **quest for a waiver under this sub-**
2 **paragraph shall be submitted to the**
3 **Secretary at such time and in such**
4 **form and manner as the Secretary**
5 **may require.**

6 **“(B) SUBSTANTIAL BUSINESS HARD-**
7 **SHIP.—For purposes of subparagraph**
8 **(A), the factors taken into account in**
9 **determining substantial business**
10 **hardship shall include whether—**

11 **“(i) compliance with the re-**
12 **quirements of paragraph (3)(B)**
13 **would require a sufficiently great**
14 **change in routing or scheduling**
15 **of service as to compromise the**
16 **economic or commercial viability**
17 **of the trade or business in which**
18 **the vessel is operated; or**

19 **“(ii) it is reasonable to expect**
20 **that the trade or business or serv-**
21 **ice provided will be continued**
22 **only if a waiver is granted under**
23 **subparagraph (A).**

24 **“(6) PERMISSIBLE DISCHARGE.—**

1 **“(A) IN GENERAL.—The discharge**
2 **of ballast water shall be considered to**
3 **be carried out in accordance with**
4 **this paragraph if it is—**

5 **“(i) in an area designated for**
6 **that purpose by the Secretary,**
7 **after consultation with the Under**
8 **Secretary, the heads of other ap-**
9 **propriate Federal agencies as de-**
10 **termined by the Secretary, and**
11 **representatives of any State that**
12 **may be affected by discharge of**
13 **ballast water in that area; or**

14 **“(ii) into a reception facility**
15 **described in subsection (f)(2).**

16 **“(B) LIMITATION ON VOLUME.—The**
17 **volume of any ballast water dis-**
18 **charged under this paragraph may**
19 **not exceed the volume necessary to**
20 **ensure the safe operation of the ves-**
21 **sel.**

22 **“(7) CERTAIN GEOGRAPHICALLY LIMITED**
23 **ROUTES.—Notwithstanding paragraph (1),**
24 **the operator of a vessel is not required to**

1 **comply with the requirements of this sub-**
2 **section—**

3 **“(A) if the vessel operates exclu-**
4 **sively—**

5 **“(i) within the Great Lakes; or**

6 **“(ii) between or among the**
7 **main group of the Hawaiian Is-**
8 **lands; or**

9 **“(B) if the vessel operates exclu-**
10 **sively within any area with respect to**
11 **which the Secretary has determined,**
12 **after consultation with the Under**
13 **Secretary, the Administrator, and**
14 **representatives of States the waters**
15 **of which would be affected by the dis-**
16 **charge of ballast water from the ves-**
17 **sel, that the risk of introducing**
18 **aquatic nuisance species through bal-**
19 **last water discharge in the areas in**
20 **which the vessel operates is insignifi-**
21 **cant.**

22 **“(8) MARINE SANCTUARIES AND OTHER**
23 **PROHIBITED AREAS.—A vessel may not con-**
24 **duct ballast water exchange or discharge**
25 **ballast water under this subsection—**

1 “(A) within a national marine
2 sanctuary designated under of the
3 National Marine Sanctuaries Act (16
4 U.S.C. 1431 et seq.);

5 “(B) in waters that are approved
6 by the Administrator as a nondis-
7 charge zone under section 312(n)(7) of
8 the Federal Water Pollution Control
9 Act (33 U.S.C. 1322(n)(7)); or

10 “(C) in any other waters des-
11 igned by the Secretary, in consulta-
12 tion with the Under Secretary and
13 the Administrator.

14 “(9) VESSELS WITHOUT PUMPABLE BAL-
15 LAST WATER.—

16 “(A) APPLICABILITY OF REQUIRE-
17 MENTS.—Ballast water exchange re-
18 quirements under this subsection
19 shall apply to vessels that are
20 equipped with ballast water tanks
21 and that enter a port of the United
22 States without pumpable ballast
23 water.

24 “(B) REGULATIONS.—The Secretary
25 shall issue regulations, not later than

1 180 days after the date of enactment
2 of the Ballast Water Treatment Act of
3 2007, that are intended to minimize
4 the introduction of nuisance species
5 from vessels that enter the navigable
6 waters without pumpable ballast
7 water, including the requirements
8 that apply under subparagraph (A),
9 and that are at least as stringent as
10 the regulations in effect on the date
11 of enactment such Act.

12 “(C) APPLICATION OF EXISTING REG-
13 ULATIONS.—The regulations issued by
14 the Secretary under this section, as
15 such regulations were in effect on the
16 day before the date of enactment of
17 the Ballast Water Treatment Act of
18 2007, shall continue to apply to ves-
19 sels without pumpable ballast water
20 entering or operating on the navi-
21 gable waters until the earlier of—

22 “(i) the date on which such
23 vessels are required to conduct
24 ballast water treatment, in ac-

1 cordance with the requirements
2 of subsection (f); or

3 “(ii) the effective date of final
4 regulations required under this
5 paragraph.

6 “(f) BALLAST WATER TREATMENT REQUIRE-
7 MENTS.—

8 “(1) PERFORMANCE STANDARDS.—A ves-
9 sel to which this section applies shall
10 conduct ballast water treatment in ac-
11 cordance with the requirements of this
12 subsection before discharging ballast
13 water in waters subject to the jurisdic-
14 tion of the United States so that the bal-
15 last water discharged will contain—

16 “(A) less than 1 living organism
17 per 10 cubic meters that is 50 or more
18 micrometers in minimum dimension;

19 “(B) less than 1 living organism
20 per 10 milliliters that is less than 50
21 micrometers in minimum dimension
22 and more than 10 micrometers in
23 minimum dimension;

24 “(C) concentrations of indicator
25 microbes that are less than—

1 “(i) 1 colony-forming unit of
2 toxicogenic *Vibrio cholera*
3 (serotypes O1 and O139) per 100
4 milliliters or less than 1 colony-
5 forming unit of that microbe per
6 gram of wet weight of zoological
7 samples;

8 “(ii) 126 colony-forming units
9 of *Escherichia coli* per 100 milli-
10 liters; and

11 “(iii) 33 colony-forming units
12 of intestinal enterococci per 100
13 milliliters; and

14 “(D) concentrations of such addi-
15 tional indicator microbes as may be
16 specified in regulations issued by the
17 Secretary, after consultation with
18 other appropriate Federal agencies as
19 determined by the Secretary, that are
20 less than the amount specified in
21 those regulations.

22 “(2) RECEPTION FACILITY EXCEPTION.—

23 “(A) IN GENERAL.—Paragraph (1)
24 does not apply to a vessel that dis-
25 charges ballast water into—

1 “(i) a land-based facility for
2 the reception of ballast water that
3 meets standards issued by the Ad-
4 ministrators; or

5 “(ii) a water-based facility for
6 the reception of ballast water that
7 meets standards issued by the
8 Secretary.

9 “(B) ISSUANCE OF STANDARDS.—Not
10 later than one year after the date of
11 enactment of the Ballast Water Treat-
12 ment Act of 2007, the Secretary, in
13 consultation with the heads of other
14 appropriate Federal agencies as de-
15 termined by the Secretary, shall issue
16 standards for—

17 “(i) the reception of ballast
18 water in land-based and water-
19 based reception facilities; and

20 “(ii) the disposal or treatment
21 of such ballast water in a way
22 that does not impair or damage
23 the environment, human health,
24 property, or resources.

1 **“(3) TREATMENT SYSTEM IMPLEMENTA-**
2 **TION.—Paragraph (1) applies to a vessel to**
3 **which this section applies beginning on**
4 **the date of the first dry-docking of the**
5 **vessel after December 31, 2008, but not**
6 **later than December 31, 2013.**

7 **“(4) TREATMENT SYSTEM APPROVAL RE-**
8 **QUIRED.—The operator of a vessel to**
9 **which this section applies may not use a**
10 **ballast water treatment system to comply**
11 **with the requirements of this subsection**
12 **unless the system is approved by the Sec-**
13 **retary. The Secretary shall issue regula-**
14 **tions establishing a process for such ap-**
15 **proval, after consultation with the heads**
16 **of other appropriate Federal agencies as**
17 **determined by the Secretary.**

18 **“(5) RELIANCE ON CERTAIN REPORTS,**
19 **DOCUMENTS, AND RECORDS.—In approving**
20 **a ballast water treatment system under**
21 **this subsection, the Secretary may rely**
22 **on reports, documents, and records of**
23 **persons that meet such requirements as**
24 **the Secretary may prescribe.**

25 **“(6) FEASIBILITY REVIEW.—**

1 **“(A) REQUIREMENT TO REVIEW.—**

2 **The Secretary shall periodically con-**
3 **duct a review to determine whether**
4 **appropriate technologies are avail-**
5 **able to achieve the standards set**
6 **forth in paragraph (1). In reviewing**
7 **technologies under this subpara-**
8 **graph, the Secretary, after consulta-**
9 **tion with the heads of other appro-**
10 **priate Federal agencies as deter-**
11 **mined by the Secretary, shall con-**
12 **sider—**

13 **“(i) the effectiveness of a tech-**
14 **nology in achieving the stand-**
15 **ards;**

16 **“(ii) feasibility in terms of**
17 **compatibility with ship design**
18 **and operations;**

19 **“(iii) safety considerations;**

20 **“(iv) whether a technology**
21 **has an adverse impact on the en-**
22 **vironment; and**

23 **“(v) cost effectiveness.**

24 **“(B) DEADLINES.—The Secretary**
25 **shall—**

1 “(i) complete an initial review
2 of technologies under subpara-
3 graph (A) within 12 months after
4 the date of the enactment of the
5 Ballast Water Treatment Act of
6 2007; and

7 “(ii) carry out subsequent re-
8 views of technologies under sub-
9 paragraph (A) no later than 24
10 months after the date that the
11 previous review was completed.

12 “(C) DELAY IN SCHEDULED APPLICA-
13 TION.—If the Secretary determines, on
14 the basis of the initial review or any
15 subsequent review conducted under
16 this paragraph, that compliance with
17 the standards set forth in paragraph
18 (1) is not feasible for any class of ves-
19 sels, the Secretary shall—

20 “(i) delay the date on which
21 such standards apply to that class
22 of vessels for a period of not more
23 than 24 months; and

24 “(ii) recommend action to en-
25 sure such compliance in accord-

1 **ance with the revised implemen-**
2 **tation schedule for that class of**
3 **vessels by the date established**
4 **under clause (i).**

5 **“(7) DELAY OF APPLICATION FOR VESSEL**
6 **PARTICIPATING IN PROMISING TECHNOLOGY**
7 **EVALUATIONS.—**

8 **“(A) IN GENERAL.—If a vessel par-**
9 **ticipates in a program, including the**
10 **Shipboard Technology Evaluation**
11 **Program established under section**
12 **1104, using a technology approved by**
13 **the Secretary to test and evaluate**
14 **promising ballast water treatment**
15 **technologies that are likely to result**
16 **in treatment technologies achieving a**
17 **standard that is the same as or more**
18 **stringent than the standard that ap-**
19 **plies under paragraph (1) before the**
20 **first date on which paragraph (1) ap-**
21 **plies to that vessel, the Secretary**
22 **shall allow the vessel to use that tech-**
23 **nology for a 10-year period and such**
24 **vessel shall be deemed to be in com-**
25 **pliance with the requirements of**

1 paragraph (1) during that 10-year pe-
2 riod.

3 “(B) VESSEL DIVERSITY.—The Sec-
4 retary—

5 “(i) shall seek to ensure that a
6 wide variety of vessel types and
7 voyages are included in the pro-
8 gram; but

9 “(ii) may not grant a delay
10 under this paragraph to more
11 than 5 percent of the vessels to
12 which this section applies.

13 “(C) TERMINATION OF GRACE PE-
14 RIOD.—The Secretary may terminate
15 the 10-year grace period of a vessel
16 under subparagraph (A) if—

17 “(i) the participation of the
18 vessel in the program is termi-
19 nated without the consent of the
20 Secretary;

21 “(ii) the vessel does not com-
22 ply with manufacturer’s stand-
23 ards for operating the ballast
24 water treatment technology used
25 on such vessel; or

1 “(iii) the Secretary determines
2 that the approved technology is
3 insufficiently effective or is caus-
4 ing harm to the environment.

5 “(8) REVIEW OF STANDARDS.—

6 “(A) IN GENERAL.—In December
7 2012 and every third year thereafter,
8 the Secretary shall complete review
9 of ballast water treatment standards
10 in effect under this subsection to de-
11 termine, after consultation with the
12 Administrator and the heads of other
13 appropriate Federal agencies deter-
14 mined by the Secretary, if the stand-
15 ards under this subsection should be
16 revised to reduce the amount of orga-
17 nisms or microbes allowed to be dis-
18 charged, taking into account im-
19 provements in the scientific under-
20 standing of biological processes lead-
21 ing to the spread of aquatic nuisance
22 species and improvements in ballast
23 water treatment technology. The Sec-
24 retary shall revise, by regulation, the

1 requirements of this subsection as
2 necessary.

3 “(B) APPLICATION OF ADJUSTED
4 STANDARDS.—In the regulations, the
5 Secretary shall provide for the pro-
6 spective application of the adjusted
7 standards issued under this para-
8 graph to vessels constructed after the
9 date on which the adjusted standards
10 apply and for an orderly phase-in of
11 the adjusted standards to existing
12 vessels.

13 “(9) HIGH-RISK VESSELS.—

14 “(A) VESSEL LIST.—Not later than
15 one year after the date of enactment
16 of the Ballast Water Treatment Act of
17 2007, the Secretary shall publish and
18 regularly update a list of vessels iden-
19 tified by the States that, due to fac-
20 tors such as the origin of their voy-
21 ages, the frequency of their voyages,
22 the volume of ballast water they
23 carry, the biological makeup of the
24 ballast water, and the fact that they
25 frequently discharge ballast water

1 under an exception to subsection (e),
2 pose a high risk of introducing aquat-
3 ic nuisance species into the waters of
4 those States.

5 “(B) INCENTIVE PROGRAMS.—The
6 Secretary shall give priority to ves-
7 sels on the list for participation in a
8 program described in paragraph (7).
9 Any Federal agency, and any State
10 agency with respect to vessels identi-
11 fied by such State to the Secretary for
12 inclusion on a list under subpara-
13 graph (A), may develop and imple-
14 ment technology development pro-
15 grams or other incentives (whether
16 positive or negative) in order to en-
17 courage the adoption of ballast water
18 treatment technology by those vessels
19 consistent with the requirements of
20 this section on an expedited basis.

21 “(10) NONAPPLICABILITY OF VESSELS OP-
22 ERATING EXCLUSIVELY IN DETERMINED
23 AREA.—

24 “(A) IN GENERAL.—Except as pro-
25 vided in subparagraph (D), paragraph

1 **(1) does not apply to a vessel that op-**
2 **erates exclusively within an area if**
3 **the Secretary has determined**
4 **through a rulemaking proceeding,**
5 **after consultation with the Adminis-**
6 **trator and the heads of other appro-**
7 **priate Federal agencies as deter-**
8 **mined by the Secretary, and rep-**
9 **resentatives of States the waters of**
10 **which could be affected by the dis-**
11 **charge of ballast water from the ves-**
12 **sel, that the risk of introducing**
13 **aquatic nuisance species through bal-**
14 **last water discharge from the vessel**
15 **is insignificant.**

16 **“(B) CERTAIN VESSELS.—A vessel**
17 **constructed before January 1, 2001,**
18 **that operates exclusively within the**
19 **Great Lakes shall be presumed not to**
20 **pose a significant risk of introducing**
21 **aquatic nuisance species unless the**
22 **Secretary finds otherwise in a rule-**
23 **making proceeding under subpara-**
24 **graph (A).**

1 **“(C) BEST PRACTICES.—The Sec-**
2 **retary shall develop, and require a**
3 **vessel exempted from complying with**
4 **the requirements of paragraph (1)**
5 **under this paragraph to follow, best**
6 **practices to minimize the spreading**
7 **of aquatic nuisance species in its op-**
8 **eration area. The best practices shall**
9 **be developed in consultation with the**
10 **Governors of States that may be af-**
11 **ected.**

12 **“(D) STOPPING THE SPREAD OF IN-**
13 **FECTIOUS DISEASE.—The Secretary, at**
14 **the request of the Secretary of Agri-**
15 **culture, shall require a vessel to**
16 **which paragraph (1) does not apply**
17 **in accordance with subparagraph (A)**
18 **to have a ballast water treatment sys-**
19 **tem approved by the Secretary under**
20 **this subsection to stop the spread of**
21 **infectious diseases to plants and ani-**
22 **mals as otherwise authorized by law.**

23 **“(11) LABORATORIES.—The Secretary**
24 **may use any Federal, non-Federal, or for-**
25 **foreign laboratory that meets standards es-**

1 **tablished by the Secretary for the pur-**
2 **pose of evaluating and certifying ballast**
3 **water treatment technologies that meet**
4 **the requirements of this subsection.**

5 **“(12) PROGRAM TO SUPPORT THE PRO-**
6 **MULGATION AND IMPLEMENTATION OF STAND-**
7 **ARDS.—**

8 **“(A) IN GENERAL.—The Secretary,**
9 **in coordination with the Under Sec-**
10 **retary, the Task Force and other ap-**
11 **propriate Federal agencies, shall**
12 **carry out a coordinated program to**
13 **support the promulgation and imple-**
14 **mentation of standards under this**
15 **subsection to prevent the introduc-**
16 **tion and spread of aquatic invasive**
17 **species by vessels. The program es-**
18 **tablished under this section shall, at**
19 **a minimum—**

20 **“(i) characterize physical,**
21 **chemical, and biological harbor**
22 **conditions relevant to ballast dis-**
23 **charge into United States waters**
24 **to inform the design and imple-**

1 **mentation of ship vector control**
2 **technologies and practices;**

3 **“(ii) develop testing protocols**
4 **for determining the effectiveness**
5 **of vessel vector monitoring and**
6 **control technologies and prac-**
7 **tices;**

8 **“(iii) demonstrate methods for**
9 **mitigating the spread of invasive**
10 **species by coastal voyages, in-**
11 **cluding exploring the effective-**
12 **ness of alternative exchange**
13 **zones in the near coastal areas**
14 **and other methods proposed to**
15 **reduce transfers of organisms;**

16 **“(iv) verify the practical effec-**
17 **tiveness of any process for ap-**
18 **proving a type of alternative bal-**
19 **last water management as meet-**
20 **ing standards established under**
21 **this subsection, to ensure that the**
22 **process produces repeatable and**
23 **accurate assessments of treat-**
24 **ment effectiveness; and**

1 “(v) evaluate the effectiveness
2 and residual risk and environ-
3 mental impacts associated with
4 any standard set with respect to
5 the vessel pathways.

6 “(B) AUTHORIZATION OF APPROPRIA-
7 TIONS.—In addition to other amounts
8 authorized by this title, to carry out
9 this paragraph there are authorized
10 to be appropriated \$1,500,000 to the
11 Secretary and \$1,500,000 to the Under
12 Secretary for each of fiscal years 2008
13 through 2012.

14 “(g) WARNINGS CONCERNING BALLAST
15 WATER UPTAKE.—

16 “(1) IN GENERAL.—The Secretary shall
17 notify vessel owners and operators of any
18 area in waters subject to the jurisdiction
19 of the United States in which vessels may
20 not uptake ballast water due to known
21 conditions.

22 “(2) CONTENTS.—The notice shall in-
23 clude—

24 “(A) the coordinates of the area;
25 and

1 **“(B) if possible, the location of al-**
2 **ternative areas for the uptake of bal-**
3 **last water.**

4 **“(h) SEDIMENT MANAGEMENT.—**

5 **“(1) IN GENERAL.—The operator of a**
6 **vessel to which this section applies may**
7 **not remove or dispose of sediment from**
8 **spaces designed to carry ballast water,**
9 **except—**

10 **“(A) in accordance with this sub-**
11 **section and the ballast water manage-**
12 **ment plan approved under subsection**
13 **(c); and**

14 **“(B)(i) more than 200 nautical**
15 **miles from the nearest point of land;**
16 **or**

17 **“(ii) into a reception facility that**
18 **meets the requirements of paragraph**
19 **(3).**

20 **“(2) DESIGN REQUIREMENTS.—**

21 **“(A) NEW VESSELS.—After Decem-**
22 **ber 31, 2008, a vessel to which this**
23 **section applies may not be operated**
24 **on waters subject to the jurisdiction**
25 **of the United States, unless that ves-**

1 sel is designed and constructed in ac-
2 cordance with regulations issued
3 under subparagraph (C) and in a
4 manner that—

5 “(i) minimizes the uptake and
6 entrapment of sediment;

7 “(ii) facilitates removal of
8 sediment; and

9 “(iii) provides for safe access
10 for sediment removal and sam-
11 pling.

12 “(B) EXISTING VESSELS.—A vessel
13 to which this section applies that was
14 constructed before January 1, 2009,
15 shall be modified, to the extent prac-
16 ticable, at the first drydocking of the
17 vessel after December 31 2008, but
18 not later than December 31, 2013, to
19 achieve the objectives described in
20 subparagraph (A).

21 “(C) REGULATIONS.—The Secretary
22 shall issue regulations establishing
23 design and construction standards to
24 achieve the objectives of subpara-
25 graph (A) and providing guidance for

1 **modifications and practices under**
2 **subparagraph (B). The Secretary**
3 **shall incorporate the standards and**
4 **guidance in the regulations gov-**
5 **erning the ballast water management**
6 **plan approved under subsection (c).**

7 **“(3) SEDIMENT RECEPTION FACILITIES.—**

8 **“(A) STANDARDS.—The Secretary,**
9 **in consultation with the heads of**
10 **other appropriate Federal agencies as**
11 **determined by the Secretary, shall**
12 **issue regulations governing facilities**
13 **for the reception of vessel sediment**
14 **from spaces designed to carry ballast**
15 **water that provide for the disposal of**
16 **such sediment in a way that does not**
17 **impair or damage the environment,**
18 **human health, or property or re-**
19 **sources of the disposal area.**

20 **“(B) DESIGNATION.—The Secretary,**
21 **in consultation with the heads of**
22 **other appropriate Federal agencies as**
23 **determined by the Secretary shall**
24 **designate facilities for the reception**
25 **of vessel sediment that meet the re-**

1 **quirements of the regulations issued**
2 **under subparagraph (A) at ports and**
3 **terminals where ballast tanks are**
4 **cleaned or repaired.**

5 **“(i) EXAMINATIONS AND CERTIFICATIONS.—**

6 **“(1) INITIAL EXAMINATION.—**

7 **“(A) IN GENERAL.—The Secretary**
8 **shall examine vessels to which this**
9 **section applies to determine wheth-**
10 **er—**

11 **“(i) there is a ballast water**
12 **management plan for the vessel**
13 **that is approved by the Secretary**
14 **and a ballast water record book**
15 **on the vessel that meets the re-**
16 **quirements of subsection (d);**

17 **“(ii) the equipment used for**
18 **ballast water and sediment man-**
19 **agement in accordance with the**
20 **requirements of this section and**
21 **the regulations issued under this**
22 **section is installed and func-**
23 **tioning properly.**

24 **“(B) NEW VESSELS.—For vessels**
25 **constructed on or after January 1,**

1 **2009, the Secretary shall conduct the**
2 **examination required by subpara-**
3 **graph (A) before the vessel is placed**
4 **in service.**

5 **“(C) EXISTING VESSELS.—For ves-**
6 **sels constructed before January 1,**
7 **2009, the Secretary shall—**

8 **“(i) conduct the examination**
9 **required by subparagraph (A) be-**
10 **fore the date on which subsection**
11 **(f)(1) applies to the vessel accord-**
12 **ing to the schedule in subsection**
13 **(f)(3); and**

14 **“(ii) inspect the vessel’s bal-**
15 **last water record book required**
16 **by subsection (d).**

17 **“(D) FOREIGN VESSEL.—In the case**
18 **of a foreign vessel, the Secretary shall**
19 **perform the examination required by**
20 **this paragraph the first time the ves-**
21 **sel enters a United States port.**

22 **“(2) SUBSEQUENT EXAMINATIONS.—In**
23 **addition to the examination required by**
24 **paragraph (1), the Secretary shall annu-**
25 **ally examine vessels to which this section**

1 **applies, to ensure compliance with the re-**
2 **quirements of this section and the regula-**
3 **tions issued under this section.**

4 **“(3) INSPECTION AUTHORITY.—**

5 **“(A) IN GENERAL.—The Secretary**
6 **may carry out inspections of any ves-**
7 **sel to which this section applies at**
8 **any time, including the taking of bal-**
9 **last water samples, to ensure compli-**
10 **ance with this section. The Secretary**
11 **shall use all appropriate and prac-**
12 **tical measures of detection and envi-**
13 **ronmental monitoring such vessels**
14 **and shall establish adequate proce-**
15 **dures for reporting violations of this**
16 **section and accumulating evidence**
17 **regarding such violations.**

18 **“(B) INVESTIGATIONS.—**

19 **“(i) IN GENERAL.—Upon receipt**
20 **of evidence that a violation of this**
21 **section or a regulation issued**
22 **under this section has occurred,**
23 **the Secretary shall cause the mat-**
24 **ter to be investigated.**

1 **“(ii) ISSUANCE OF SUBPOENAS.—**

2 **In an investigation under this**
3 **subparagraph, the Secretary may**
4 **issue subpoenas to require the at-**
5 **tendance of any witness and the**
6 **production of documents and**
7 **other evidence.**

8 **“(iii) COMPELLING COMPLIANCE**
9 **WITH SUBPOENAS.—In case of re-**
10 **fusal to obey a subpoena issued**
11 **under this subparagraph, the Sec-**
12 **retary may request the Attorney**
13 **General to invoke the aid of the**
14 **appropriate district court of the**
15 **United States to compel compli-**
16 **ance.**

17 **“(4) STATE PROGRAMS.—**

18 **“(A) SUBMISSION TO SECRETARY.—At**
19 **any time after the date of issuance of**
20 **ballast water treatment regulations**
21 **issued under this section, the Gov-**
22 **ernor of each State desiring to admin-**
23 **ister its own inspection and enforce-**
24 **ment authority for ballast water dis-**
25 **charges within its jurisdiction may**

1 submit to the Secretary a complete
2 description of the program the Gov-
3 ernor proposes to establish and ad-
4 minister under State law. In addition,
5 the Governor shall submit a state-
6 ment from the attorney general that
7 the laws of such State provide ade-
8 quate authority to carry out the de-
9 scribed program.

10 “(B) APPROVAL.—The Secretary
11 shall approve a program submitted
12 under subparagraph (A), unless the
13 Secretary determines that adequate
14 resources do not exist or, in the case
15 of ballast water testing, that adequate
16 scientific expertise does not exist—

17 “(i) to inspect, monitor, and
18 board any vessel to which this
19 section applies at any time, in-
20 cluding the taking and testing of
21 ballast water samples, to ensure
22 the vessel’s compliance with this
23 section;

24 “(ii) to ensure that any ballast
25 water discharged within the wa-

1 **ters subject to the jurisdiction of**
2 **the State meet the ballast water**
3 **requirements of this section and**
4 **the regulations issued under this**
5 **section, including any revisions to**
6 **such requirements and regula-**
7 **tions;**

8 **“(iii) to establish adequate**
9 **procedures for reporting viola-**
10 **tions of this section;**

11 **“(iv) to investigate and abate**
12 **violations of this section, includ-**
13 **ing civil and criminal penalties**
14 **and other ways and means of en-**
15 **forcement; and**

16 **“(v) to ensure that the Sec-**
17 **retary receives notice of each vio-**
18 **lation of the ballast water treat-**
19 **ment requirements issued under**
20 **this section in an expeditious**
21 **manner.**

22 **“(C) SUSPENSION OF FEDERAL AU-**
23 **THORITIES.—Not later than 90 days**
24 **after the date on which a State sub-**
25 **mits a program (or revision thereof)**

1 under this paragraph, the Secretary
2 shall suspend its authorities under
3 subsections (k) and (l) in such State,
4 unless the Secretary determines that
5 the State program does not meet the
6 requirements of this paragraph. If the
7 Secretary so determines, the Sec-
8 retary shall notify the State of any re-
9 visions or modifications necessary to
10 conform to such requirements.

11 “(D) COMPLIANCE.—Any State pro-
12 gram approved under this paragraph
13 shall at all times be conducted in ac-
14 cordance with this section and regu-
15 lations issued under this section.

16 “(E) WITHDRAWAL OF APPROVAL.—
17 Whenever the Secretary determines,
18 after public hearing, that a State is
19 not administering a program ap-
20 proved under this paragraph in ac-
21 cordance with this section and regu-
22 lations issued under this section, the
23 Secretary shall notify the State and,
24 if appropriate corrective action is not
25 taken within a reasonable period of

1 time not to exceed 90 days, the Sec-
2 retary shall withdraw approval of the
3 program. The Secretary shall not
4 withdraw approval of any program
5 unless the Secretary shall first have
6 notified the State, and made public,
7 in writing, the reasons for such with-
8 drawal.

9 “(F) LIMITATION ON STATUTORY
10 CONSTRUCTION.—Nothing in this para-
11 graph shall limit the authority of the
12 Secretary carry out inspections and
13 investigations of any vessels under
14 paragraph (3).

15 “(5) REQUIRED CERTIFICATE.—If, on the
16 basis of an initial examination under
17 paragraph (1), the Secretary finds that a
18 vessel complies with the requirements of
19 this section and the regulations issued
20 under this section, the Secretary shall
21 issue a certificate under this paragraph
22 as evidence of such compliance. The cer-
23 tificate shall be valid for a period of not
24 more than 5 years, as specified by the

1 **Secretary. The certificate or a true copy**
2 **shall be maintained on board the vessel.**

3 **“(6) NOTIFICATION OF VIOLATIONS.—If**
4 **the Secretary finds, on the basis of an ex-**
5 **amination under paragraph (1) or (2), in-**
6 **vestigation under paragraph (3), or any**
7 **other information, that a vessel is being**
8 **operated in violation of any requirement**
9 **of this section or regulation issued under**
10 **this section, the Secretary shall—**

11 **“(A) notify, in writing—**

12 **“(i) the master of the vessel;**

13 **and**

14 **“(ii) the captain of the port at**
15 **the vessel’s next port of call;**

16 **“(B) remove from the vessel the**
17 **certificate issued under paragraph**
18 **(5);**

19 **“(C) take such other action as**
20 **may be appropriate.**

21 **“(7) COMPLIANCE MONITORING.—**

22 **“(A) IN GENERAL.—The Secretary**
23 **shall establish, by regulation, sam-**
24 **pling and other procedures to mon-**
25 **itor compliance with the require-**

1 **ments of this section and the regula-**
2 **tions issued under this section.**

3 **“(B) USE OF MARKERS.—The Sec-**
4 **retary may verify compliance with**
5 **the discharge requirements of sub-**
6 **section (f) and the regulations issued**
7 **under this section with respect to**
8 **such requirements through identi-**
9 **fication of markers associated with a**
10 **treatment technology’s effectiveness,**
11 **such as the presence of indicators as-**
12 **sociated with a certified treatment**
13 **technology.**

14 **“(8) EDUCATION AND TECHNICAL ASSIST-**
15 **ANCE PROGRAMS.—The Secretary may**
16 **carry out education and technical assist-**
17 **ance programs and other measures to**
18 **promote compliance with the require-**
19 **ments of this section and the regulations**
20 **issued under this section.**

21 **“(j) DETENTION OF VESSELS.—The Sec-**
22 **retary, by notice to the owner, charterer,**
23 **managing operator, agent, master, or other in-**
24 **dividual in charge of a vessel, may detain that**

1 vessel if the Secretary has reasonable cause to
2 believe that—

3 “(1) the vessel is a vessel to which
4 this section applies; and

5 “(2) the vessel does not comply with
6 any requirement of this section or regula-
7 tion issued under this section or is being
8 operated in violation of such a require-
9 ment or regulation.

10 “(k) SANCTIONS.—

11 “(1) CIVIL PENALTIES.—Any person
12 who violates this section (including a reg-
13 ulation issued under this section) shall be
14 liable for a civil penalty in an amount not
15 to exceed \$32,500. Each day of a con-
16 tinuing violation constitutes a separate
17 violation. A vessel operated in violation
18 of this section (including a regulation
19 issued under this section) is liable in rem
20 for any civil penalty assessed under this
21 subsection for that violation.

22 “(2) CRIMINAL PENALTIES.—Whoever
23 knowingly violates this section (including
24 a regulation issued under this section)
25 shall be fined under title 18, United

1 States, or imprisoned not more than 12
2 years, or both.

3 “(3) REVOCATION OF CLEARANCE.—Ex-
4 cept as provided in subsection (j)(2),
5 upon request of the Secretary, the Sec-
6 retary of the Treasury shall withhold or
7 revoke the clearance of a vessel required
8 by section 60105 of title 46, United States
9 Code, if the owner or operator of that
10 vessel is in violation of this section or a
11 regulation issued under this section.

12 “(1) ENFORCEMENT.—

13 “(1) ADMINISTRATIVE ACTIONS.—If the
14 Secretary finds, after notice and an op-
15 portunity for a hearing, that a person has
16 violated this section or a regulation
17 issued under this section, the Secretary
18 may assess a civil penalty for that viola-
19 tion. In determining the amount of the
20 civil penalty, the Secretary shall take
21 into account the nature, circumstances,
22 extent, and gravity of the prohibited acts
23 committed and, with respect to the viola-
24 tor, the degree of culpability, any history

1 of prior violations, and such other mat-
2 ters as justice may require.

3 “(2) CIVIL ACTIONS.—At the request of
4 the Secretary, the Attorney General may
5 bring a civil action in an appropriate dis-
6 trict court of the United States to enforce
7 this section or any regulation issued
8 under this section. Any court before
9 which such an action is brought may
10 award appropriate relief, including tem-
11 porary or permanent injunctions and
12 civil penalties.

13 “(m) CONSULTATION WITH CANADA, MEXICO,
14 AND OTHER FOREIGN GOVERNMENTS.—In devel-
15 oping the guidelines and regulations to be
16 issued under this section, the Secretary is en-
17 couraged to consult with the Government of
18 Canada, the Government of Mexico and any
19 other government of a foreign country that
20 the Secretary, after consultation with the
21 Task Force, determines to be necessary to de-
22 velop and implement an effective inter-
23 national program for preventing the uninten-
24 tional introduction and spread of aquatic nui-
25 sance species through ballast water.

1 “(n) **INTERNATIONAL COOPERATION.**—The
2 **Secretary, in cooperation with the Under Sec-**
3 **retary, the Secretary of State, the Adminis-**
4 **trator, the heads of other relevant Federal**
5 **agencies, the International Maritime Organi-**
6 **zation of the United Nations, and the Commis-**
7 **sion on Environmental Cooperation estab-**
8 **lished pursuant to the North American Free**
9 **Trade Agreement, is encouraged to enter into**
10 **negotiations with the governments of foreign**
11 **countries to develop and implement an effec-**
12 **tive international program for preventing the**
13 **unintentional introduction and spread of**
14 **aquatic invasive species. The Secretary is par-**
15 **ticularly encouraged to seek bilateral or mul-**
16 **tilateral agreements with Canada, Mexico,**
17 **and other nations in the Wider Caribbean Re-**
18 **gion (as defined in the Convention for the**
19 **Protection and Development of the Marine**
20 **Environment of the Wider Caribbean, signed**
21 **at Cartagena on March 24, 1983 (TIAF 11085)),**
22 **to carry out the objectives of this section.**

23 “(o) **NONDISCRIMINATION.**—The **Secretary**
24 **shall ensure that foreign vessels do not re-**
25 **ceive more favorable treatment than vessels**

1 of the United States when the Secretary per-
2 forms studies, reviews compliance, deter-
3 mines effectiveness, establishes requirements,
4 or performs any other responsibilities under
5 this Act.

6 “(p) CONSULTATION WITH TASK FORCE.—
7 The Secretary shall consult with the Task
8 Force in carrying out this section.

9 “(q) PREEMPTION.—

10 “(1) IN GENERAL.—Except as provided
11 in subsection (i)(4) but notwithstanding
12 any other provision of law, the provisions
13 of subsections (e) and (f) supersede any
14 provision of State or local law that is in-
15 consistent with the requirements of those
16 subsections or that conflicts with the re-
17 quirements of those subsections.

18 “(2) GREATER PENALTIES OR FEES.—For
19 purpose of paragraph (1), the imposition
20 by State or local law of greater penalties
21 or fees for acts or omissions that are vio-
22 lations of such law and also violations of
23 this Act or the imposition by a State of
24 incentives under subsection (f)(9)(B) shall
25 not be considered to be inconsistent, or

1 to conflict, with the requirements of sub-
2 sections (e) and (f).

3 “(3) RECEPTION FACILITIES.—The stand-
4 ards issued by the Secretary or the heads
5 of other appropriate Federal agencies
6 under subsection (f)(2) do not supersede
7 any more stringent standard under any
8 otherwise applicable Federal, State, or
9 local law.

10 “(r) COAST GUARD REPORT ON OTHER
11 SOURCES OF VESSEL-BOURNE NUISANCE SPE-
12 CIES.—

13 “(1) IN GENERAL.—

14 “(A) HULL-FOULING AND OTHER VES-
15 SEL SOURCES.—Not later than 180 days
16 after the date of enactment of the
17 Ballast Water Treatment Act of 2007,
18 the Secretary shall transmit a report
19 to the Committee on Commerce,
20 Science, and Transportation of the
21 Senate and the Committee on Trans-
22 portation and Infrastructure of the
23 House of Representatives on vessel-
24 related pathways of harmful aquatic
25 organisms and pathogens other than

1 ballast water and sediment, including
2 vessel hulls and equipment, and from
3 vessels equipped with ballast tanks
4 that carry no ballast water on board.

5 “(B) BEST PRACTICES.—

6 “(i) IN GENERAL.—As soon as
7 practicable, the Secretary shall
8 develop best practices standards
9 and procedures designed to re-
10 duce the introduction and spread
11 of invasive species into and with-
12 in the United States from vessels
13 and establish a timeframe for im-
14 plementation of those standards
15 and procedures by vessels. Such
16 standards and procedures shall
17 include designation of geo-
18 graphical locations for uptake
19 and discharge of untreated bal-
20 last water, as well as standards
21 and procedure for other vessel
22 pathways of aquatic invasive spe-
23 cies.

24 “(ii) REPORT.—The Secretary
25 shall transmit a report to the

1 committees referred to in sub-
2 paragraph (A) describing the
3 standards and procedures devel-
4 oped under this subparagraph
5 and the implementation time-
6 frame, together with such rec-
7 ommendations as the Secretary
8 determines appropriate.

9 “(iii) REGULATIONS.—The Sec-
10 retary may issue regulations to
11 incorporate and enforce stand-
12 ards and procedures developed
13 under this paragraph.

14 “(2) TRANSITING VESSELS.—Not later
15 than 180 days after the date of enactment
16 of the Ballast Water Treatment Act of
17 2007, the Secretary shall transmit a re-
18 port to the Committee on Commerce,
19 Science, and Transportation of the Sen-
20 ate and the Committee on Transportation
21 and Infrastructure of the House of Rep-
22 resentatives containing—

23 “(A) an assessment of the mag-
24 nitude and potential adverse impacts
25 of ballast water operations from for-

1 **eign vessels designed, adapted, or**
2 **constructed to carry ballast water**
3 **that are transiting waters subject to**
4 **the jurisdiction of the United States;**
5 **and**

6 **“(B) recommendations, including**
7 **legislative recommendations if appro-**
8 **priate, of options for addressing bal-**
9 **last water operations of those ves-**
10 **sels.”.**

11 **(b) DEFINITIONS.—Section 1003 of the Non-**
12 **indigenous Aquatic Nuisance Prevention and**
13 **Control Act of 1990 (16 U.S.C. 4702) is amend-**
14 **ed—**

15 **(1) by redesignating—**

16 **(A) paragraphs (1), (2), and (3) as**
17 **paragraphs (2), (3), and (4), respec-**
18 **tively;**

19 **(B) paragraphs (4), (5), and (6) as**
20 **paragraphs (8), (9), and (10), respec-**
21 **tively;**

22 **(C) paragraphs (7), (8), (9), and**
23 **(10) as paragraphs (12), (13), (14), and**
24 **(15), respectively;**

1 **(D) paragraphs (11) and (12) as**
2 **paragraphs (17) and (18), respec-**
3 **tively;**

4 **(E) paragraphs (13), (14), and (15)**
5 **as paragraphs (20), (21), and (22), re-**
6 **spectively;**

7 **(F) paragraph (16) as paragraph**
8 **(27); and**

9 **(G) paragraph (17) as paragraph**
10 **(23);**

11 **(2) by moving paragraph (23), as so**
12 **redesignated, after paragraph (22), as so**
13 **redesignated;**

14 **(3) by inserting before paragraph (2),**
15 **as so redesignated, the following:**

16 **“(1) ‘Administrator’ means the Admin-**
17 **istrator of the Environmental Protection**
18 **Agency;”;**

19 **(4) by striking paragraph (4), as so re-**
20 **designated, and inserting the following:**

21 **“(4) ‘ballast water’ means—**

22 **“(A) water taken on board a ves-**
23 **sel to control trim, list, draught, sta-**
24 **bility, or stresses of the vessel, includ-**

1 **ing matter suspended in such water;**
2 **or**

3 **“(B) any water placed into a bal-**
4 **last tank during cleaning, mainte-**
5 **nance, or other operations;”;**

6 **(5) by inserting after paragraph (4),**
7 **as so redesignated and amended, the fol-**
8 **lowing:**

9 **“(5) ‘ballast water capacity’ means the**
10 **total volumetric capacity of any tanks,**
11 **spaces, or compartments on a vessel that**
12 **is used for carrying, loading, or dis-**
13 **charging ballast water, including any**
14 **multi-use tank, space, or compartment**
15 **designed to allow carriage of ballast**
16 **water;**

17 **“(6) ‘ballast water management’**
18 **means mechanical, physical, chemical,**
19 **and biological processes used, either sin-**
20 **gularly or in combination, to remove,**
21 **render harmless, or avoid the uptake or**
22 **discharge of harmful aquatic organisms**
23 **and pathogens within ballast water and**
24 **sediment;**

1 **“(7) ‘constructed’ means a state of**
2 **construction of a vessel at which—**

3 **“(A) the keel is laid;**

4 **“(B) construction identifiable**
5 **with the specific vessel begins;**

6 **“(C) assembly of the vessel has**
7 **begun comprising at least 50 tons or**
8 **1 percent of the estimated mass of all**
9 **structural material of the vessel,**
10 **whichever is less; or**

11 **“(D) the vessel undergoes a major**
12 **conversion;”;**

13 **(6) by inserting after paragraph (10),**
14 **as so redesignated, the following:**

15 **“(11) ‘foreign vessel’ has the meaning**
16 **such term has under section 110 of title**
17 **46, United States Code;”;**

18 **(7) by inserting after paragraph (15),**
19 **as so redesignated, the following:**

20 **“(16) ‘major conversion’ means a con-**
21 **version of a vessel, that—**

22 **“(A) changes its ballast water car-**
23 **rying capacity by at least 15 percent;**

24 **“(B) changes the vessel class;**

1 “(C) is projected to prolong the
2 vessel’s life by at least 10 years (as de-
3 termined by the Secretary); or

4 “(D) results in modifications to
5 the vessel’s ballast water system, ex-
6 cept—

7 “(i) component replacement-
8 in-kind; or

9 “(ii) conversion of a vessel to
10 meet the requirements of section
11 1101(e);”;

12 (8) by inserting after paragraph (18),
13 as so redesignated, the following:

14 “(19) ‘sediment’ means matter that
15 has settled out of ballast water within a
16 vessel;”;

17 (9) in paragraph (12), as so redesign-
18 ated, by striking the period at the end
19 and inserting a semicolon;

20 (10) by inserting after paragraph (23),
21 as so redesignated and moved, the fol-
22 lowing:

23 “(24) ‘United States port’ means a
24 port, river, harbor, or offshore terminal
25 under the jurisdiction of the United

1 States, including ports located in Puerto
2 Rico, Guam, and the United States Virgin
3 Islands;

4 “(25) ‘vessel of the Armed Forces’
5 means—

6 “(A) any vessel owned or operated
7 by the Department of Defense, other
8 than a time or voyage chartered ves-
9 sel; and

10 “(B) any vessel owned or operated
11 by the Department of Homeland Se-
12 curity that is designated by the Sec-
13 retary as a vessel equivalent to a ves-
14 sel described in subparagraph (A);

15 “(26) ‘vessel of the United States’ has
16 the meaning such term has under section
17 116 of title 46, United States Code;”;

18 (11) in paragraph (23), as so redesi-
19 gnated, by striking the period at the end
20 and inserting “;”; and

21 (12) by inserting after paragraph (27),
22 as so redesignated and amended, the fol-
23 lowing:

24 “(28) ‘waters subject to the jurisdic-
25 tion of the United States’ means navi-

1 **gable waters and the territorial sea of the**
2 **United States, the exclusive economic**
3 **zone, and the Great Lakes.”.**

4 **(c) REPEAL OF SECTION 1103.—Section 1103**
5 **of the Nonindigenous Aquatic Nuisance Pre-**
6 **vention and Control Act of 1990 (16 U.S.C.**
7 **4713) is repealed.**

8 **(d) INTERIM FINAL RULE.—The Secretary**
9 **shall issue an interim final rule as a tem-**
10 **porary regulation implementing the amend-**
11 **ments made by this section as soon as prac-**
12 **ticable after the date of enactment of this sec-**
13 **tion, without regard to the provisions of chap-**
14 **ter 5 of title 5, United States Code. All regula-**
15 **tions issued under the authority of this sub-**
16 **section that are not earlier superseded by**
17 **final regulations shall expire not later than**
18 **one year after the date of enactment of this**
19 **Act.**

20 **SEC. 504. NATIONAL BALLAST WATER MANAGEMENT IN-**
21 **FORMATION.**

22 **Section 1102 (16 U.S.C. 4712) is amended—**

23 **(1) by adding at the end the fol-**
24 **lowing:**

25 **“(g) BALLAST WATER SURVEYS.—**

1 **“(1) IN GENERAL.—The Secretary shall**
2 **conduct the following ballast water sur-**
3 **veys:**

4 **“(A) A survey of the number of**
5 **living organisms in untreated ballast**
6 **water of a representative number of**
7 **vessels, as determined by the Sec-**
8 **retary.**

9 **“(B) A survey of the number of**
10 **living organisms in the ballast water**
11 **of a representative number of vessels,**
12 **as determined by the Secretary, that**
13 **has been exchanged on the high seas.**

14 **“(C) Surveys of the number of liv-**
15 **ing organisms in the ballast water of**
16 **vessels that are participating in a**
17 **program to test and evaluate prom-**
18 **ising ballast water treatment, as ap-**
19 **proved by the Secretary.**

20 **“(2) REPORTS.—The Secretary shall**
21 **submit to the Committee on Transpor-**
22 **tation and Infrastructure of the House of**
23 **Representatives and the Committee on**
24 **Commerce, Science, and Transportation**
25 **of the Senate—**

1 “(A) a report on the results of the
2 surveys under subparagraphs (A) and
3 (B) of paragraph (1) by not later than
4 18 months after the date of the enact-
5 ment of the Ballast Water Treatment
6 Act of 2007; and

7 “(B) a report on the results of the
8 surveys required under subpara-
9 graph (C) of paragraph (1) upon com-
10 pletion of each demonstration con-
11 cerned.”;

12 (2) in subsection (b)(1)(B)(ii), by strik-
13 ing “guidelines issued and”;

14 (3) in subsection (b)(2)(B)(ii), by strik-
15 ing “voluntary guidelines issued, and reg-
16 ulations promulgated,” and inserting
17 “regulations promulgated”;

18 (4) in subsection (c)(1), by striking
19 “section 1101(b)” and inserting “section
20 1101(a)”; and

21 (5) in subsection (f)(1)(B), by striking
22 “guidelines issued pursuant to section
23 1101(c)” and inserting “regulations issued
24 pursuant to section 1101”.

1 SEC. 505. BALLAST WATER MANAGEMENT EVALUATION
2 AND DEMONSTRATION PROGRAM.

3 Section 1104 (16 U.S.C. 4714) is amended—

4 (1) by striking the section heading
5 and inserting the following:

6 “SEC. 1104. BALLAST WATER TREATMENT TECHNOLOGY
7 EVALUATION AND DEMONSTRATION PRO-
8 GRAMS.”;

9 (2) by striking subsection (a);

10 (3) by redesignating subsection (b) as
11 subsection (a);

12 (4) by redesignating subsection (c) as
13 subsection (d);

14 (5) in subsection (a), as so redesign-
15 nated—

16 (A) by striking so much as pre-
17 cedes paragraph (2) and inserting the
18 following:

19 “(a) SHIPBOARD TECHNOLOGY EVALUATION
20 PROGRAM.—

21 “(1) IN GENERAL.—The Secretary shall
22 establish a Shipboard Technology Eval-
23 uation Program to evaluate alternative
24 ballast water management methods
25 aboard vessels to prevent aquatic nui-
26 sance species from being introduced into

1 **and spread through discharges of ballast**
2 **water in waters of the United States.”;**
3 **and**

4 **(B) in paragraph (2) by striking**
5 **“of the technologies and practices**
6 **used in the demonstration program”**
7 **and inserting “of alternative ballast**
8 **water management methods used in**
9 **the program”;**

10 **(6) in subsection (a)(3), as so redesign-**
11 **ated, by striking “technologies and prac-**
12 **tices” and all that follows through**
13 **“shall—” and inserting “ballast water**
14 **treatment technologies on vessels under**
15 **this subsection, the Secretary shall—”;**

16 **(7) in subsection (a)(3)(A), as so redesign-**
17 **ated, by striking clause (i) and by re-**
18 **designating clauses (ii) and (iii) in order**
19 **as clauses (i) and (ii);**

20 **(8) by amending subsection**
21 **(a)(3)(A)(i), as so redesignated, to read as**
22 **follows:**

23 **“(i) have ballast water sys-**
24 **tems conducive to testing aboard**
25 **the vessel; and”;**

1 **(9) by amending subsection (a)(3)(C),**
2 **as so redesignated, to read as follows:**

3 **“(C) seek to use a variety of vessel**
4 **types.”;**

5 **(10) by amending subsection (a)(4), as**
6 **so redesignated, to read as follows:**

7 **“(4) SELECTION OF ALTERNATIVE BAL-**
8 **LAST WATER MANAGEMENT METHODS.—In**
9 **order for a ballast water treatment tech-**
10 **nology to be eligible to be installed on**
11 **vessels for evaluation under this section,**
12 **such technology must be, at a minimum—**

13 **“(A) determined by the Secretary**
14 **to have the demonstrated potential to**
15 **reduce the number of organisms**
16 **greater than or equal to 50 microns in**
17 **minimum dimension in discharged**
18 **ballast water to fewer than 10 living**
19 **organisms per cubic meter of water;**

20 **“(B) cost-effective;**

21 **“(C) environmentally sound;**

22 **“(D) operationally practical;**

23 **“(E) able to be retrofitted on ex-**
24 **isting vessels or incorporated in new**
25 **vessel design (or both);**

1 “(F) safe for a vessel and crew;
2 and

3 “(G) accessible to monitoring.”;

4 (11) in subsection (a), as so redesignated,
5 by adding at the end the following:

6 “(6) **AUTHORITY OF SECRETARY TO REVIEW AND REVISE CRITERIA.—**The Secretary
7 may review and revise the criteria described in paragraph (4)(A) to require
8 ballast water treatment technologies to meet a more stringent ballast water discharge
9 standard, including standards promulgated under section 1101(f), before being eligible for installation aboard vessels
10 under the program.”;

11 (12) by inserting after subsection (a),
12 as so redesignated, the following:

13 “(b) **SHIPBOARD TECHNOLOGY DEMONSTRATION PROGRAM.—**

14 “(1) **IN GENERAL.—**The Under Secretary, with the concurrence of and in cooperation with the Secretary, shall conduct a program to demonstrate ballast water treatment technologies evaluated aboard vessels under subsection (a) to

1 prevent aquatic nuisance species from
2 being introduced into and spread
3 through ballast water in waters of the
4 United States.

5 “(2) LOCATION.—The installation and
6 construction of ballast water treatment
7 technologies used in the demonstration
8 program under this subsection shall be
9 performed in the United States.

10 “(3) VESSEL ELIGIBILITY.—Vessels eligi-
11 ble to participate in the demonstration
12 program under this subsection shall con-
13 sist only of vessels that have been accept-
14 ed into and are actively participating in
15 the Shipboard Technology Evaluation
16 Program under subsection (a).

17 “(4) GRANTS.—

18 “(A) IN GENERAL.—The Under Sec-
19 retary shall establish a grant pro-
20 gram to provide funding for acquir-
21 ing, installing, and operating ballast
22 water treatment technologies aboard
23 vessels participating in the program
24 under this subsection.

1 **“(B) MATCHING REQUIREMENTS.—**

2 **The amount of Federal funds used for**
3 **any demonstration project under this**
4 **subsection—**

5 **“(i) shall not exceed**
6 **\$1,000,000; and**

7 **“(ii) shall not exceed 50 per-**
8 **cent of the total cost of such**
9 **project.**

10 **“(c) ALTERNATIVE SHIP PATHWAY PRO-**
11 **GRAM.—**

12 **“(1) IN GENERAL.—The Under Sec-**
13 **retary, with the concurrence of and in co-**
14 **operation with the Secretary, shall con-**
15 **duct a program to demonstrate and**
16 **verify technologies and practices to mon-**
17 **itor and control the introduction of**
18 **aquatic invasive species by ship path-**
19 **ways other than the release of ballast**
20 **water.**

21 **“(2) SELECTION OF METHODS.—The**
22 **Under Secretary may not select tech-**
23 **nologies and practices for demonstration**
24 **or verification under paragraph (1) un-**
25 **less such technologies and practices, in**

1 the determination of the Under Sec-
2 retary, in consultation with the Sec-
3 retary, meet the criteria outlined in sub-
4 paragraphs (B) through (G) of subsection
5 (a)(4).

6 “(3) LOCATION.—The installation and
7 construction of technologies and prac-
8 tices for demonstration and verification
9 under this subsection shall be performed
10 in the United States.”; and

11 (13) in subsection (d), as so redesign-
12 nated, by striking “Secretary of the Inte-
13 rior” each place it appears and inserting
14 “Secretary, in consultation with the
15 Under Secretary,”.

16 SEC. 506. RAPID RESPONSE PLAN.

17 Subtitle C of title I of the Nonindigenous
18 Aquatic Nuisance Prevention and Control Act
19 of 1990 (16 U.S.C. 4721 et seq.) is amended by
20 adding at the end the following:

21 “SEC. 1210. RAPID RESPONSE PLAN.

22 “(a) PREPARATION BY PRESIDENT.—The
23 President shall prepare and publish a na-
24 tional rapid response plan for killing, remov-
25 ing, or minimizing the spread of aquatic nui-

1 sance species in the waters of the United
2 States in accordance with this section.

3 “(b) CONTENTS.—The national rapid re-
4 sponse plan shall provide for efficient, coordi-
5 nated, and effective action to minimize dam-
6 age from aquatic nuisance species in the navi-
7 gable waters of the United States, including
8 killing, containing, and removal of the aquat-
9 ic nuisance species, and shall include the fol-
10 lowing:

11 “(1) Assignment of duties and respon-
12 sibilities among Federal departments and
13 agencies in coordination with State and
14 local agencies and port authorities and
15 private entities.

16 “(2) Identification, procurement,
17 maintenance, and storage of equipment
18 and supplies needed to facilitate the kill-
19 ing, containment, and removal of aquatic
20 nuisance species under this section.

21 “(3) Establishment or designation by
22 the President of Federal aquatic nuisance
23 species response teams, consisting of—

24 “(A) personnel who shall be
25 trained and prepared by the Presi-

1 **dent and shall be available to provide**
2 **necessary services to carry out the**
3 **national rapid response plan;**

4 **“(B) adequate equipment and ma-**
5 **terial needed to facilitate the killing,**
6 **containment, and removal of aquatic**
7 **nuisance species under this section;**
8 **and**

9 **“(C) a detailed plans to kill, con-**
10 **tain, and remove aquatic nuisance**
11 **species, including measures to pro-**
12 **tect fisheries and wildlife.**

13 **“(4) A system of surveillance and no-**
14 **tice designed to safeguard against, as**
15 **well as ensure earliest possible notice of,**
16 **the introduction of aquatic nuisance spe-**
17 **cies and imminent threats of such intro-**
18 **duction to the appropriate State and Fed-**
19 **eral agencies.**

20 **“(5) Establishment by the President of**
21 **a national center to provide coordination**
22 **and direction for operations in carrying**
23 **out the plan.**

24 **“(6) Procedures and techniques to be**
25 **employed in identifying, containing, kill-**

1 **ing, and removing aquatic nuisance spe-**
2 **cies in the waters of the United States.**

3 **“(7) A schedule, prepared by the**
4 **President in cooperation with the States,**
5 **identifying—**

6 **“(A) mitigating devices and sub-**
7 **stances, if any, that may be used in**
8 **carrying out the plan;**

9 **“(B) the waters in which such**
10 **mitigating devices and substances**
11 **may be used; and**

12 **“(C) the quantities of such miti-**
13 **gating device or substance which can**
14 **be used safely in such waters.**

15 **“(8) A system whereby the State or**
16 **States affected by an aquatic nuisance**
17 **species may act where necessary to re-**
18 **move such species.**

19 **“(9) Establishment by the President of**
20 **criteria and procedures to ensure imme-**
21 **diat and effective Federal identification**
22 **of, and response to, an introduction of**
23 **aquatic nuisance species.**

24 **“(10) Designation by the President of**
25 **the Federal official who shall be the Fed-**

1 **eral on-scene coordinator for measures**
2 **taken to kill, contain, and remove aquatic**
3 **nuisance species under this section.**

4 **“(11) A fish and wildlife response plan**
5 **for the immediate and effective protec-**
6 **tion, rescue, and rehabilitation of, and**
7 **the minimization of risk of damage to,**
8 **fish and wildlife resources and their**
9 **habitat that are harmed or that may be**
10 **jeopardized by an introduction of an**
11 **aquatic nuisance species.**

12 **“(c) FEDERAL REMOVAL AUTHORITY.—**

13 **“(1) REMOVAL REQUIREMENT.—**

14 **“(A) IN GENERAL.—The President**
15 **shall ensure, in accordance with the**
16 **national rapid response plan, effec-**
17 **tive and immediate killing, con-**
18 **taining, and removal of the aquatic**
19 **nuisance species in the waters of the**
20 **United States.**

21 **“(B) DISCRETIONARY AUTHORITY.—**

22 **In carrying out this paragraph, the**
23 **President may—**

1 “(i) kill, contain, and remove
2 an aquatic nuisance species, at
3 any time; and

4 “(ii) direct or monitor all Fed-
5 eral, State, and private actions to
6 kill, contain, and remove the
7 aquatic nuisance species.

8 “(2) ACTIONS IN ACCORDANCE WITH NA-
9 TIONAL RAPID RESPONSE PLAN.—Each Fed-
10 eral agency, State, owner or operator, or
11 other person participating in efforts
12 under this subsection shall act in accord-
13 ance with the national rapid response
14 plan or as directed by the President to
15 carry out the plan.”.

16 SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

17 Section 1301(a) of the Nonindigenous
18 Aquatic Nuisance Prevention and Control Act
19 of 1990 (16 U.S.C. 4741(a)) is amended—

20 (1) by striking “and” after the semi-
21 colon in paragraph (4)(B);

22 (2) by striking the period at the end
23 of paragraph (5)(B) and inserting a semi-
24 colon; and

1 **(3) by adding at the end the fol-**
2 **lowing:**

3 **“(6) \$20,000,000 for each of fiscal**
4 **years 2008 through 2012 to the Secretary**
5 **to carry out section 1101;**

6 **“(7) \$500,000 to the Secretary for each**
7 **of fiscal years 2008 through 2013 to carry**
8 **out section 1102(f);**

9 **“(8) \$6,000,000 to the Under Secretary**
10 **for each of fiscal years 2008 through 2013**
11 **to carry out paragraph (4) of section**
12 **1104(b); and**

13 **“(9) \$1,500,000 to the Under Secretary**
14 **for each of fiscal years 2008 through 2013**
15 **to carry out section 1104(c).”.**

16 **TITLE VI—ALIEN SMUGGLING**

17 **SEC. 601. SHORT TITLE.**

18 **This title may be cited as the “Maritime**
19 **Law Enforcement Improvement Act of 2007”.**

20 **SEC. 602. MARITIME LAW ENFORCEMENT.**

21 **(a) IN GENERAL.—**Subtitle VII of title 46,
22 **United States Code, is amended by adding at**
23 **the end the following:**

1 **“§ 70703. Affirmative defenses**

2 **“It is an affirmative defense to a prosecu-**
3 **tion under this section, which the defendant**
4 **must prove by a preponderance of the evi-**
5 **dence, that—**

6 **“(1)(A) the alien was on board pursu-**
7 **ant to a rescue at sea, or was a stowaway;**
8 **or**

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

13 **“(2) the defendant, as soon as reason-**
14 **ably practicable, informed the Coast**
15 **Guard of the presence of the alien on the**
16 **vessel and the circumstances of the res-**
17 **cue; and**

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

21 **“§ 70704. Penalties**

22 **“Any person who commits a violation of**
23 **this chapter shall be imprisoned for not less**
24 **than 3 nor more than 20 years or fined not**
25 **more than \$100,000, or both; except that—**

1 **“(1) in any case in which the violation**
2 **causes serious bodily injury to any per-**
3 **son, regardless of where the injury oc-**
4 **curs, the person shall be imprisoned for**
5 **not less than 7 nor more than 30 years or**
6 **fined not more than \$500,000, or both;**
7 **and**

8 **“(2) in any case in which the violation**
9 **causes or results in the death of any per-**
10 **son regardless of where the death occurs,**
11 **the person shall be imprisoned for not**
12 **less than 10 years nor more than life or**
13 **fined not more than \$1,000,000, or both.**

14 **“§ 70705. Criminal forfeiture**

15 **“The court, at the time of sentencing a**
16 **person convicted of an offense under this**
17 **chapter, shall order forfeited to the United**
18 **States any vessel used in the offense in the**
19 **same manner and to the same extent as if it**
20 **were a vessel used in an offense under section**
21 **274 of the Immigration and Nationality Act (8**
22 **U.S.C. 1324).**

23 **“§ 70706. Civil forfeiture**

24 **“A vessel that has been used in the com-**
25 **mission of a violation of this chapter shall be**

1 seized and subject to forfeiture in the same
2 manner and to the same extent as if it were
3 used in the commission of a violation of sec-
4 tion 274(a) of the Immigration and Nationality
5 Act (8 U.S.C. 1324(a)).

6 “§ 70707. Extension beyond territorial jurisdiction

7 “Sections 70701 and 70702 apply even
8 though the act is committed outside the terri-
9 torial jurisdiction of the United States.

10 “§ 70708. Claim of failure to comply with inter-
11 national law; jurisdiction of court

12 “A claim of failure to comply with inter-
13 national law in the enforcement of this chap-
14 ter may be invoked as a basis for a defense
15 solely by a foreign nation. A failure to comply
16 with international law shall not divest a court
17 of jurisdiction or otherwise constitute a de-
18 fense to any proceeding under this chapter.

19 “§ 70709. Federal activities

20 “Nothing in this chapter applies to other-
21 wise lawful activities carried out by or at the
22 direction of the United States Government.

23 “§ 70710. Definitions

24 “In this chapter, the following definitions
25 apply:

1 **“(1) ALIEN.—The term ‘alien’ has the**
2 **meaning given that term in section**
3 **70105(f).**

4 **“(2) COVERED VESSEL.—The term ‘cov-**
5 **ered vessel’ means a vessel of the United**
6 **States, or a vessel subject to the jurisdic-**
7 **tion of the United States, that is less than**
8 **300 gross tons (or an alternate tonnage**
9 **prescribed by the Secretary under sec-**
10 **tion 14104 of this title) as measured**
11 **under section 14502 of this title.**

12 **“(3) SERIOUS BODILY INJURY.—The term**
13 **‘serious bodily injury’ has the meaning**
14 **given that term in section 1365 of title 18,**
15 **United States Code.**

16 **“(4) UNITED STATES.—The term ‘United**
17 **States’ has the meaning given that term**
18 **is section 114.**

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

23 **“(6) VESSEL SUBJECT TO THE JURISDIC-**
24 **TION OF THE UNITED STATES.—The term**
25 **‘vessel subject to the jurisdiction of the**

1 **tation Worker Identification Credential**
2 **program (in this section referred to as**
3 **“TWIC”) at the ten ports designated top**
4 **priority by the Secretary of Homeland Se-**
5 **curity, as required by section**
6 **70105(i)(2)(A) of title 46, United States**
7 **Code, the Secretary shall submit to the**
8 **Committee on Homeland Security of the**
9 **House of Representatives, the Committee**
10 **on Transportation and Infrastructure of**
11 **the House of Representatives, the Com-**
12 **mittee on Commerce, Science, and Trans-**
13 **portation of the Senate, and the Com-**
14 **mittee on Homeland Security and Gov-**
15 **ernmental Affairs of the Senate and to**
16 **the Comptroller General of the United**
17 **States a report containing an assessment**
18 **of the progress of the program’s imple-**
19 **mentation. The report shall include—**

20 **(A) the number of workers en-**
21 **rolled in the program to date and the**
22 **extent to which key metrics and con-**
23 **tract requirements have been met;**
24 **and**

1 **(B) an overview of the challenges**
2 **encountered during implementation**
3 **of the enrollment process, and plans**
4 **for how these challenges will be ad-**
5 **ressed as the program is imple-**
6 **mented at additional ports.**

7 **(2) GAO ASSESSMENT.—The Comp-**
8 **troller General shall review the report**
9 **and submit to the Committee on Home-**
10 **land Security of the House of Representa-**
11 **tives, the Committee on Transportation**
12 **and Infrastructure of the House of**
13 **Representatives, the Committee on Com-**
14 **merce, Science, and Transportation of the**
15 **Senate, and the Committee on Homeland**
16 **Security and Governmental Affairs of the**
17 **Senate an assessment of the report’s find-**
18 **ings and recommendations.**

19 **(b) ASSESSMENT OF TWIC PILOT.—**

20 **(1) IN GENERAL.—Not later than 120**
21 **days after completing the pilot program**
22 **under section 70105(k)(1) of title 46,**
23 **United States Code, to test TWIC access**
24 **control technologies at port facilities and**
25 **vessels nationwide, the Secretary of**

1 **Homeland Security shall submit to the**
2 **Committee on Homeland Security of the**
3 **House of Representatives, the Committee**
4 **on Transportation and Infrastructure of**
5 **the House of Represetatives, the Com-**
6 **mittee on Commerce, Science, and Trans-**
7 **portation of the Senate, and the Com-**
8 **mittee on Homeland Security and Gov-**
9 **ernmental Affairs of the Senate and to**
10 **the Comptroller General a report con-**
11 **taining an assessment of the results of**
12 **the pilot. The report shall include—**

13 **(A) the findings of the pilot pro-**
14 **gram with respect to key technical**
15 **and operational aspects of imple-**
16 **menting TWIC technologies in the**
17 **maritime sector;**

18 **(B) a comprehensive listing of the**
19 **extent to which established metrics**
20 **were achieved during the pilot pro-**
21 **gram; and**

22 **(C) an analysis of the viability of**
23 **those technologies for use in the ma-**
24 **rine environment, including any chal-**
25 **lenges to implementing those tech-**

1 shall submit a report to the Committee on
2 Homeland Security of the House of Represent-
3 atives, the Committee on Transportation and
4 Infrastructure of the House of Representatives,
5 the Committee on Commerce, Science, and
6 Transportation of the Senate, and the Com-
7 mittee on Homeland Security and Govern-
8 mental Affairs of the Senate on the results of
9 the study, including—

10 (1) an identification of redundancies
11 and inefficiencies in connection with
12 such checks referred to in subsection (a);
13 and

14 (2) recommendations for eliminating
15 such redundancies and inefficiencies.

16 SEC. 704. REVIEW OF INTERAGENCY OPERATIONAL CEN-
17 TERS.

18 (a) IN GENERAL.—Within 180 days of enact-
19 ment of this Act, the Department of Homeland
20 Security Inspector General shall provide a re-
21 port to the Committee on Homeland Security
22 of the House of Representatives and the Com-
23 mittees on Homeland Security and Govern-
24 mental Affairs and Commerce, Science, and
25 Transportation of the Senate concerning the

1 **establishment of Interagency Operational**
2 **Centers for Port Security required by section**
3 **108 of the SAFE Port Act (Public Law 109-**
4 **347).**

5 **(b) REPORT.—The report shall include—**

6 **(1) an examination of the Depart-**
7 **ment’s efforts to establish the Inter-**
8 **agency Operational Centers;**

9 **(2) a timeline for construction;**

10 **(3) a detailed breakdown, by center,**
11 **as to the incorporation of those rep-**
12 **resentatives required by section**
13 **70107A(b)(3) of title 46, United States**
14 **Code;**

15 **(4) an analysis of the hurdles faced by**
16 **the Department in developing these cen-**
17 **ters;**

18 **(5) information on the number of se-**
19 **curity clearances attained by State, local,**
20 **and tribal officials participating in the**
21 **program; and**

22 **(6) an examination of the relationship**
23 **between the Interagency Operational**
24 **Centers and State, local and regional fu-**
25 **sion centers participating in the Depart-**

1 **ment of Homeland Security’s State, Local,**
2 **and Regional Fusion Center Initiative**
3 **under section 511 of the Implementing**
4 **the Recommendations of the 9/11 Com-**
5 **mission Act of 2007 (Public Law 110–53),**
6 **with a particular emphasis on—**

7 **(A) how the centers collaborate**
8 **and coordinate their efforts; and**

9 **(B) the resources allocated by the**
10 **Coast Guard to both initiatives.**

11 **SEC. 705. MARITIME SECURITY RESPONSE TEAMS.**

12 **(a) IN GENERAL.—Section 70106 of title 46,**
13 **United States Code, is amended by striking**
14 **subsection (c) and inserting the following:**

15 **“(c) MARITIME SECURITY RESPONSE**
16 **TEAMS.—**

17 **“(1) IN GENERAL.—In addition to the**
18 **maritime safety and security teams, the**
19 **Secretary shall establish no less than two**
20 **maritime security response teams to act**
21 **as the Coast Guard’s rapidly deployable**
22 **counterterrorism and law enforcement**
23 **response units that can apply advanced**
24 **interdiction skills in response to threats**
25 **of maritime terrorism.**

1 **(2) SECRETARY.**—The term “Secretary”
2 means the Secretary of Homeland Secu-
3 rity.

4 **(b) DETECTION CANINE TEAMS.**—

5 **(1) INCREASED CAPACITY.**—Not later
6 than 240 days after the date of enactment
7 of this Act, the Secretary shall—

8 **(A)** begin to increase the number
9 of detection canine teams certified by
10 the Coast Guard for the purposes of
11 maritime-related security by no fewer
12 than 10 canine teams annually
13 through fiscal year 2012; and

14 **(B)** encourage owners and opera-
15 tors of port facilities, passenger
16 cruise liners, oceangoing cargo ves-
17 sels, and other vessels identified by
18 the Secretary to strengthen security
19 through the use of highly trained de-
20 tection canine teams.

21 **(2) CANINE PROCUREMENT.**—The Sec-
22 retary, acting through the Commandant
23 of the Coast Guard, shall—

24 **(A)** procure detection canine
25 teams as efficiently as possible, in-

1 **cluding, to the greatest extent pos-**
2 **sible, through increased domestic**
3 **breeding, while meeting the perform-**
4 **ance needs and criteria established**
5 **by the Commandant;**

6 **(B) support expansion and up-**
7 **grading of existing canine training fa-**
8 **ilities operated by the department in**
9 **which the Coast Guard is operating;**
10 **and**

11 **(C) as appropriate, partner with**
12 **other Federal, State, or local agen-**
13 **cies, nonprofit organizations, univer-**
14 **sities, or the private sector to in-**
15 **crease the breeding and training ca-**
16 **capacity for Coast Guard canine detec-**
17 **tion teams.**

18 **(c) DEPLOYMENT.—The Secretary shall**
19 **prioritize deployment of the additional canine**
20 **teams to ports based on risk, consistent with**
21 **the Security and Accountability For Every**
22 **Port Act of 2006 (Public Law 109–347).**

23 **(d) AUTHORIZATION.—There are authorized**
24 **to be appropriated to the Secretary such sums**

1 as may be necessary to carry out this section
2 for fiscal years 2008 through 2012.

3 SEC. 707. COAST GUARD PORT ASSISTANCE PROGRAM.

4 Section 70110 of title 46, United States
5 Code, is amended by adding at the end the fol-
6 lowing:

7 “(f) COAST GUARD ASSISTANCE PROGRAM.—

8 “(1) IN GENERAL.—The Secretary may
9 lend, lease, donate, or otherwise provide
10 equipment, and provide technical train-
11 ing and support, to the owner or operator
12 of a foreign port or facility—

13 “(A) to assist in bringing the port
14 or facility into compliance with appli-
15 cable International Ship and Port Fa-
16 cility Code standards;

17 “(B) to assist the port or facility
18 in meeting standards established
19 under section 70109A of this chapter;
20 and

21 “(C) to assist the port or facility
22 in exceeding the standards described
23 in subparagraphs (A) and (B).

24 “(2) CONDITIONS.—The Secretary—

1 “(A) shall provide such assistance
2 based upon an assessment of the risks
3 to the security of the United States
4 and the inability of the owner or op-
5 erator of the port or facility other-
6 wise to bring the port or facility into
7 compliance with those standards and
8 to maintain compliance with them;

9 “(B) may not provide such assist-
10 ance unless the port or facility has
11 been subjected to a comprehensive
12 port security assessment by the Coast
13 Guard or a third party entity cer-
14 tified by the Secretary under section
15 70110A(b) to validate foreign port or
16 facility compliance with International
17 Ship and Port Facility Code stand-
18 ards; and

19 “(C) may only lend, lease, or oth-
20 erwise provide equipment that the
21 Secretary has first determined is not
22 required by the Coast Guard for the
23 performance of its missions.”.

1 SEC. 708. HOMELAND SECURITY IMPACT REVIEW OF LIQUE-
2 FIED NATURAL GAS FACILITIES.

3 (a) REQUIREMENT OF APPROVAL.—No Fed-
4 eral agency shall license, approve, or other-
5 wise authorize the construction, expansion,
6 or operation of an offshore or waterfront fa-
7 cility for the transfer of liquefied natural gas
8 from ships to land or from land to ships unless
9 the Secretary of Homeland Security has ap-
10 proved such construction, expansion, or oper-
11 ation under this section.

12 (b) HOMELAND SECURITY IMPACT REVIEW.—
13 Upon receipt of notice of an application for a
14 license, approval, or other authorization de-
15 scribed in subsection (a), the Secretary of
16 Homeland Security shall conduct a com-
17 prehensive homeland security impact review
18 of the proposed construction, expansion, or
19 operation, including proposed shipping
20 routes to or from the facility.

21 (c) FACTORS TO BE CONSIDERED.—In con-
22 ducting the review under subsection (b), the
23 Secretary of Homeland Security shall con-
24 sider—

25 (1) the potential for muliple, simulta-
26 neous, coordinated attacks on facilities;

1 **(2) the potential for assistance in an**
2 **attack from several persons employed at**
3 **the facility;**

4 **(3) the potential for suicide attacks;**

5 **(4) water-based and air-based threats;**

6 **(5) the potential use of explosive de-**
7 **vices of considerable size and other mod-**
8 **ern weaponry;**

9 **(6) the potential for attacks by per-**
10 **sons with a sophisticated knowledge of**
11 **facility operations;**

12 **(7) the threat of fires and large explo-**
13 **sions; and**

14 **(8) special threats and vulnerabilities**
15 **affecting facilities located in or within 2**
16 **miles of a densely populated urban area.**

17 **(d) APPROVAL.—Upon completion of a re-**
18 **view under subsection (b), if the Secretary of**
19 **Homeland Security determines that the pro-**
20 **posed construction, expansion, or operation**
21 **of the facility does not pose a substantial risk**
22 **to life and property, the Secretary in coordi-**
23 **nation with appropriate Federal agencies**
24 **with regulatory responsibility over liquefied**
25 **natural gas facilities shall approve the pro-**

1 posed construction, expansion, or operation.
2 Except as provided in subsection (a), approval
3 under this subsection shall not affect any
4 other requirement under law to obtain a li-
5 cense, approval, or other authorization for
6 the construction, expansion, or operation of
7 an offshore or waterfront facility for the
8 transfer of liquefied natural gas from ships to
9 land or from land to ships.

10 (e) RESULTS OF REVIEW.—The Secretary of
11 Homeland Security shall provide the results
12 of a review conducted under subsection (b)—

13 (1) to the Committee on Homeland Se-
14 curity of the House of Representatives,
15 the Committee on Commerce, Science,
16 and Transportation of the Senate, and
17 the Committee on Homeland Security
18 and Governmental Affairs of the Senate;

19 (2) to each Federal agency respon-
20 sible for licensing, approval, or other au-
21 thorization for the construction, expan-
22 sion, or operation; and

23 (3) to the extent consistent with the
24 protection of homeland security, to af-

1 **ected State and local officials and the**
2 **public.**

3 **SEC. 709. MARITIME BIOMETRIC IDENTIFICATION.**

4 **(a) IN GENERAL.—The Secretary of Home-**
5 **land Security, through the Commandant of**
6 **the Coast Guard, may conduct, in the mari-**
7 **time environment, a pilot program for the mo-**
8 **bile biometric identification of suspected in-**
9 **dividuals, including terrorists, to enhance**
10 **border security and for other purposes.**

11 **(b) REQUIREMENTS.—The Secretary shall**
12 **ensure that the pilot program is coordinated**
13 **with other biometric identification programs**
14 **within the Department of Homeland Security**
15 **and shall evaluate the costs and feasibility of**
16 **expanding the capability to all Coast Guard**
17 **cutters, stations and deployable maritime**
18 **teams, and other appropriate Department of**
19 **Homeland Security maritime vessels and**
20 **units.**

21 **(c) DEFINITION.—For purposes of this sec-**
22 **tion, the term “biometric identification”**
23 **means use of fingerprint and digital photog-**
24 **raphy images.**

1 **(d) AUTHORIZATION OF APPROPRIATIONS.—**

2 **There are authorized such sums as appro-**
3 **priate to carry out this section.**

4 **SEC. 710. REVIEW OF POTENTIAL THREATS.**

5 **Not later than 1 year after the date of the**
6 **enactment of this Act, the Secretary of Home-**
7 **land Security shall submit to Congress a re-**
8 **port analyzing the threat, vulnerability, and**
9 **consequence of a terrorist attack on gasoline**
10 **and chemical cargo shipments in port activity**
11 **areas in the United States.**

12 **SEC. 711. PORT SECURITY PILOT.**

13 **The Secretary of Homeland Security shall**
14 **establish a pilot program to test and deploy**
15 **preventive radiological/nuclear detection**
16 **equipment on Coast Guard vessels and other**
17 **locations in select port regions to enhance**
18 **border security and for other purposes. The**
19 **pilot program shall leverage existing Federal**
20 **grant funding to support this program and**
21 **the procurement of additional equipment.**

1 SEC. 712. ADVANCE NOTICE OF PORT ARRIVAL OF SIGNIFI-
2 CANT OR FATAL INCIDENTS INVOLVING U.S.
3 PERSONS.

4 (a) REQUIREMENT.—The Secretary of
5 Homeland Security shall require the owner or
6 operator of a cruise ship that embarks or dis-
7 embarks passengers in a United States port to
8 notify the Secretary of any covered security
9 incident that occurs on the cruise ship in the
10 course of the voyage (or voyage segment) in
11 which a U.S. person is involved, in conjunc-
12 tion with any advance notice of arrival to a
13 United States port required by part 160 of
14 title 33, Code of Federal Regulations.

15 (b) DEFINITIONS.—For the purposes of this
16 section:

17 (1) COVERED SECURITY INCIDENT.—The
18 term “covered security incident” means
19 any act or omission that results in death,
20 serious bodily injury, sexual assault, or a
21 missing person, or poses a significant
22 threat to the cruise ship, any cruise ship
23 passenger, any port facility, or any per-
24 son in or near the port.

25 (2) CRUISE SHIP.—The term “cruise
26 ship” means a vessel on an international

1 voyage that embarks or disembarks pas-
2 sengers at a port of United States juris-
3 diction to which subpart C of part 160 of
4 title 33, Code of Federal Regulations, ap-
5 plies and that provides overnight accom-
6 modations.

7 (3) U.S. PERSON.—The term “U.S. per-
8 son” means a citizen of the United States
9 and an alien lawfully admitted for perma-
10 nent residence (as defined in section
11 101(a)(20) of the Immigration and Nation-
12 ality Act (8 U.S.C. 1101 (a)(20)).

13 (4) UNITED STATES.—The term “United
14 States” means the 50 States, the District
15 of Columbia, Puerto Rico, the Northern
16 Mariana Islands, the United States Virgin
17 Islands, Guam, American Samoa, and any
18 other territory or possession of the
19 United States.

20 (c) SAVINGS CLAUSE.—Nothing in this sec-
21 tion shall be interpreted to discourage imme-
22 diate notification to the Secretary of a cov-
23 ered security incident, nor shall this section
24 prohibit earlier notifications of covered secu-

1 rity incidents otherwise required by law or
2 regulation.

3 SEC. 713. SAFETY AND SECURITY ASSISTANCE FOR FOR-
4 EIGN PORTS.

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

15 (b) CONFORMING AMENDMENTS.—

16 (1) Section 70110 of title 46, United
17 States Code, is amended—

18 (A) by inserting “OR FACILITIES”
19 after “PORTS” in the section heading;

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

22 (C) by striking “PORTS” in the
23 heading for subsection (e) and insert-
24 ing “PORTS, FACILITIES,”.

1 **(2) The chapter analysis for chapter**
2 **701 of title 46, United States Code, is**
3 **amended by striking the item relating to**
4 **section 70110 and inserting the following:**

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

5 **SEC. 714. SEASONAL WORKERS.**

6 **(a) STUDY.—The Comptroller General of**
7 **the United States shall conduct a study on the**
8 **effects that the Transportation Worker Identi-**
9 **fication Card (in this section referred to as**
10 **“TWIC”) required by section 70105 of title 46,**
11 **United States Code, has on companies that**
12 **employ seasonal employees.**

13 **(b) REPORT.—Not later than one year after**
14 **the date of the enactment of this Act, the**
15 **Comptroller General shall submit a report to**
16 **Congress on the results of the study, includ-**
17 **ing—**

18 **(1) costs associated in requiring sea-**
19 **sonal employees to obtain TWIC cards on**
20 **companies**

21 **(2) whether the Coast Guard and**
22 **Transportation Security Administration**
23 **are processing TWIC applications quickly**

1 **enough for seasonal workers to obtain**
2 **TWIC certification;**

3 **(3) whether TWIC compliance costs or**
4 **other factors have led to a reduction in**
5 **service;**

6 **(4) the impact of TWIC on the recruit-**
7 **ing and hiring of seasonal and other tem-**
8 **porary employees; and**

9 **(5) an assessment of possible alter-**
10 **natives to TWIC certification that may be**
11 **used for seasonal employees including**
12 **any security vulnerabilities created by**
13 **those alternatives.**

14 **SEC. 715. COMPARATIVE RISK ASSESSMENT OF VESSEL-**
15 **BASED AND FACILITY-BASED LIQUEFIED NAT-**
16 **URAL GAS REGASIFICATION PROCESSES.**

17 **(a) IN GENERAL.—Within 90 days after the**
18 **date of the enactment of this Act, the Com-**
19 **mandant of the Coast Guard shall enter into**
20 **an arrangement for the performance of an**
21 **independent study to conduct a comparative**
22 **risk assessment examining the relative safety**
23 **and security risk associated with vessel-based**
24 **and facility-based liquefied natural gas re-**
25 **gasification processes conducted within 3**

1 miles from land versus such processes con-
2 ducted more than 3 miles from land.

3 (b) **REPORT.**—Not later than 1 year after
4 the date of the enactment of this Act, the Com-
5 mandant shall provide a report on the find-
6 ings and conclusions of the study required by
7 this section to the Committees on Homeland
8 Security, Transportation and Infrastructure,
9 and Energy and Commerce of the House of
10 Representatives, and the Committees on
11 Homeland Security and Governmental Affairs
12 and Commerce, Science, and Transportation
13 of the Senate.

14 **SEC. 716. SAVINGS CLAUSE.**

15 Nothing in this Act shall be construed to
16 diminish or affect the authority of the Sec-
17 retary of Homeland Security or the Com-
18 mandant of the Coast Guard pursuant to the
19 Maritime Transportation Security Act of 2002
20 (Public Law 107-295), the Ports and Water-
21 ways Safety Act (33 U.S.C. 1221 et seq.), the
22 SAFE Port Act (Public Law 109-347), the
23 Homeland Security Act of 2002, or the Imple-
24 menting Recommendations of the 9/11 Com-
25 mission Act of 2007 (Public Law 110-53).

1 **TITLE VIII—COAST GUARD INTE-**
2 **GRATED DEEPWATER PRO-**
3 **GRAM**

4 **SEC. 801. SHORT TITLE.**

5 **This title may be cited as the “Integrated**
6 **Deepwater Program Reform Act”.**

7 **SEC. 802. IMPLEMENTATION OF COAST GUARD INTE-**
8 **GRATED DEEPWATER ACQUISITION PRO-**
9 **GRAM.**

10 **(a) USE OF PRIVATE SECTOR ENTITY AS A**
11 **LEAD SYSTEMS INTEGRATOR.—**

12 **(1) IN GENERAL.—Except as otherwise**
13 **provided in this subsection, the Secretary**
14 **may not use a private sector entity as a**
15 **lead systems integrator for procurements**
16 **under, or in support of, the Deepwater**
17 **Program beginning on the earlier of Oc-**
18 **tober 1, 2011, or the date on which the**
19 **Secretary certifies in writing to the Com-**
20 **mittee on Transportation and Infrastruc-**
21 **ture and the Committee on Homeland Se-**
22 **curity of the House of Representatives**
23 **and the Committee on Commerce,**
24 **Science, and Transportation of the Sen-**
25 **ate that the Coast Guard has available**

1 **and can retain sufficient contracting per-**
2 **sonnel and expertise within the Coast**
3 **Guard, through an arrangement with**
4 **other Federal agencies, or through con-**
5 **tracts or other arrangements with pri-**
6 **vate sector entities, to perform the func-**
7 **tions and responsibilities of the lead sys-**
8 **tem integrator in an efficient and cost-ef-**
9 **fective manner.**

10 **(2) COMPLETION OF EXISTING DELIVERY**
11 **ORDERS AND TASK ORDERS.—The Secretary**
12 **may use a private sector entity as a lead**
13 **systems integrator to complete any deliv-**
14 **ery order or task order under the Deep-**
15 **water Program that was issued to the**
16 **lead systems integrator on or before the**
17 **date of enactment of this Act.**

18 **(3) ASSISTANCE OF OTHER FEDERAL**
19 **AGENCIES.—In any case in which the Sec-**
20 **retary is the systems integrator under**
21 **the Deepwater Program, the Secretary**
22 **may obtain any type of assistance the**
23 **Secretary considers appropriate, with**
24 **any systems integration functions, from**
25 **any Federal agency with experience in**

1 **systems integration involving maritime**
2 **vessels and aircraft.**

3 **(4) ASSISTANCE OF PRIVATE SECTOR EN-**
4 **TITIES.—In any case in which the Sec-**
5 **retary is the systems integrator under**
6 **the Deepwater Program, the Secretary**
7 **may, subject to the availability of appro-**
8 **priations, obtain by grant, contract, or**
9 **cooperative agreement any type of assist-**
10 **ance the Secretary considers appropriate,**
11 **with any systems integration functions,**
12 **from any private sector entity with expe-**
13 **rience in systems integration involving**
14 **maritime vessels and aircraft.**

15 **(b) COMPETITION.—**

16 **(1) IN GENERAL.—Except as otherwise**
17 **provided in this subsection, the Secretary**
18 **shall use full and open competition for**
19 **each class of asset acquisitions under the**
20 **Deepwater Program for which an outside**
21 **contractor is used, if the asset is pro-**
22 **cured directly by the Coast Guard or by**
23 **the Integrated Coast Guard System act-**
24 **ing under a contract with the Coast**
25 **Guard.**

1 **(2) EXCEPTION.—The Secretary may**
2 **use a procurement method that is less**
3 **than full and open competition to pro-**
4 **cure an asset under the Deepwater Pro-**
5 **gram, if—**

6 **(A) the Secretary determines that**
7 **such method is in the best interests of**
8 **the Federal Government; and**

9 **(B) by not later than 30 days be-**
10 **fore the date of the award of a con-**
11 **tract for the procurement, the Sec-**
12 **retary submits to the Committee on**
13 **Transportation and Infrastructure**
14 **and the Committee on Homeland Se-**
15 **curity of the House of Representa-**
16 **tives and the Committee on Com-**
17 **merce, Science, and Transportation of**
18 **the Senate a report explaining why**
19 **such procurement is in the best inter-**
20 **ests of the Federal Government.**

21 **(3) LIMITATION ON APPLICATION.—Para-**
22 **graph (1) shall not apply to a contract,**
23 **subcontract, or task order that was**
24 **issued before the date of enactment of**
25 **this Act, if there is no change in the**

1 **quantity of assets or the specific type of**
2 **assets procured.**

3 **(c) REQUIRED CONTRACT TERMS.—The Sec-**
4 **retary shall include in each contract, sub-**
5 **contract, and task order issued under the**
6 **Deepwater Program after the date of the en-**
7 **actment of this Act the following provisions,**
8 **as applicable:**

9 **(1) TECHNICAL REVIEWS.—A require-**
10 **ment that the Secretary shall conduct a**
11 **technical review of all proposed designs,**
12 **design changes, and engineering changes,**
13 **and a requirement that the contractor**
14 **must specifically address all engineering**
15 **concerns identified in the technical re-**
16 **views, before any funds may be obligated.**

17 **(2) RESPONSIBILITY FOR TECHNICAL RE-**
18 **QUIREMENTS.—A requirement that the Sec-**
19 **retary shall maintain the authority to es-**
20 **tablish, approve, and maintain technical**
21 **requirements.**

22 **(3) COST ESTIMATE OF MAJOR**
23 **CHANGES.—A requirement that an inde-**
24 **pendent cost estimate must be prepared**
25 **and approved by the Secretary before the**

1 execution of any change order costing
2 more than 5 percent of the unit cost ap-
3 proved in the Deepwater Program base-
4 line in effect as of May 2007.

5 (4) PERFORMANCE MEASUREMENT.—A
6 requirement that any measurement of
7 contractor and subcontractor perform-
8 ance must be based on the status of all
9 work performed, including the extent to
10 which the work performed met all cost,
11 schedule, and mission performance re-
12 quirements outlined in the Deepwater
13 Program contract.

14 (5) EARLY OPERATIONAL ASSESSMENT.—
15 For the acquisition of any cutter class for
16 which an Early Operational Assessment
17 has not been developed—

18 (A) a requirement that the Sec-
19 retary of the Department in which
20 the Coast Guard is operating shall
21 cause an Early Operational Assess-
22 ment to be conducted by the Depart-
23 ment of the Navy after the develop-
24 ment of the preliminary design of the
25 cutter and before the conduct of the

1 **critical design review of the cutter;**
2 **and**

3 **(B) a requirement that the Coast**
4 **Guard shall develop a plan to address**
5 **the findings presented in the Early**
6 **Operational Assessment.**

7 **(6) TRANSIENT ELECTROMAGNETIC PULSE**
8 **EMANATION.—For the acquisition or up-**
9 **grade of air, surface, or shore assets for**
10 **which compliance with transient electro-**
11 **magnetic pulse emanation (TEMPEST) is**
12 **a requirement, a provision specifying**
13 **that the standard for determining such**
14 **compliance shall be the air, surface, or**
15 **shore asset standard then used by the De-**
16 **partment of the Navy.**

17 **(7) OFFSHORE PATROL CUTTER UNDER-**
18 **WAY REQUIREMENT.—For any contract**
19 **issued to acquire an Offshore Patrol Cut-**
20 **ter, provisions specifying the service life,**
21 **fatigue life, days underway in general At-**
22 **lantic and North Pacific Sea conditions,**
23 **maximum range, and maximum speed the**
24 **cutter shall be built to achieve.**

1 **(8) INSPECTOR GENERAL ACCESS.—A re-**
2 **quirement that the Department of Home-**
3 **land Security’s Office of the Inspector**
4 **General shall have access to all records**
5 **maintained by all contractors working on**
6 **the Deepwater Program, and shall have**
7 **the right to privately interview any con-**
8 **tractor personnel.**

9 **(d) LIFE CYCLE COST ESTIMATE.—**

10 **(1) IN GENERAL.—The Secretary shall**
11 **develop an authoritative life cycle cost**
12 **estimate for the Deepwater Program.**

13 **(2) CONTENTS.—The life cycle cost esti-**
14 **mate shall include asset acquisition and**
15 **logistics support decisions and planned**
16 **operational tempo and locations as of the**
17 **date of enactment of this Act.**

18 **(3) SUBMITTAL.—The Secretary shall—**

19 **(A) submit the life cycle cost esti-**
20 **mate to the Committee on Transpor-**
21 **tation and Infrastructure and the**
22 **Committee on Homeland Security of**
23 **the House of Representatives and the**
24 **Committee on Commerce, Science,**
25 **and Transportation of the Senate**

1 **within 4 months after the date of en-**
2 **actment of this Act; and**

3 **(B) submit updates of the life**
4 **cycle cost estimate to such Commit-**
5 **tees annually.**

6 **(e) CONTRACT OFFICERS.—The Secretary**
7 **shall assign a separate contract officer for**
8 **each class of cutter and aircraft acquired or**
9 **rehabilitated under the Deepwater Program,**
10 **including the National Security Cutter, the**
11 **Offshore Patrol Cutter, the Fast Response**
12 **Cutter A, the Fast Response Cutter B, mari-**
13 **time patrol aircraft, the aircraft HC-130J, the**
14 **helicopter HH-65, the helicopter HH-60, and**
15 **the vertical unmanned aerial vehicle.**

16 **(f) TECHNOLOGY RISK REPORT.—The Sec-**
17 **retary shall submit to the Committee on**
18 **Transportation and Infrastructure and the**
19 **Committee on Homeland Security of the**
20 **House of Representatives and the Committee**
21 **on Commerce, Science, and Transportation of**
22 **the Senate a report identifying the technology**
23 **risks and level of maturity for major tech-**
24 **nologies used on each class of asset acquisi-**
25 **tions under the Deepwater Program, includ-**

1 ing the Fast Response Cutter A (FRC-A), the
2 Fast Response Cutter B (FRC-B), the Offshore
3 Patrol Cutter (OPC), and the Vertical Un-
4 manned Aerial Vehicle (VUAV), not later than
5 90 days before the date of award of a contract
6 for such an acquisition.

7 (g) SUBMISSION OF ASSESSMENT RESULTS
8 AND PLANS TO CONGRESS.—The Commandant
9 of the Coast Guard shall submit to the Com-
10 mittee on Transportation and Infrastructure
11 and the Committee on Homeland Security of
12 the House of Representatives and the Com-
13 mittee on Commerce, Science, and Transpor-
14 tation of the Senate—

15 (1) the results of each Early Oper-
16 ational Assessment conducted pursuant
17 to subsection (c)(5)(A) and the plan ap-
18 proved by the Commandant pursuant to
19 subsection (c)(5)(B) for addressing the
20 findings of such assessment, within 30
21 days after the Commandant approves the
22 plan; and

23 (2) a report describing how the rec-
24 ommendations of each Early Operational
25 Assessment conducted pursuant to sub-

1 **section (c)(5)(A) on the first in class of a**
2 **new cutter class have been addressed in**
3 **the design on which construction is to**
4 **begin, within 30 days before initiation of**
5 **construction.**

6 **SEC. 803. CHIEF ACQUISITION OFFICER.**

7 **(a) IN GENERAL.—Chapter 3 of title 14,**
8 **United States Code, is further amended by**
9 **adding at the end the following:**

10 **“§ 56. Chief Acquisition Officer**

11 **“(a) ESTABLISHMENT OF AGENCY CHIEF AC-**
12 **QUISITION OFFICER.—The Commandant shall**
13 **appoint or designate a career reserved em-**
14 **ployee as Chief Acquisition Officer for the**
15 **Coast Guard, who shall—**

16 **“(1) have acquisition management as**
17 **that official’s primary duty; and**

18 **“(2) report directly to the Com-**
19 **mandant to advise and assist the Com-**
20 **mandant to ensure that the mission of**
21 **the Coast Guard is achieved through the**
22 **management of the Coast Guard’s acqui-**
23 **sition activities.**

1 **“(b) AUTHORITY AND FUNCTIONS OF THE**
2 **CHIEF ACQUISITION OFFICER.—The functions of**
3 **the Chief Acquisition Officer shall include—**

4 **“(1) monitoring the performance of**
5 **acquisition activities and acquisition pro-**
6 **grams of the Coast Guard, evaluating the**
7 **performance of those programs on the**
8 **basis of applicable performance measure-**
9 **ments, and advising the Commandant re-**
10 **garding the appropriate business strat-**
11 **egy to achieve the mission of the Coast**
12 **Guard;**

13 **“(2) increasing the use of full and**
14 **open competition in the acquisition of**
15 **property and services by the Coast Guard**
16 **by establishing policies, procedures, and**
17 **practices that ensure that the Coast**
18 **Guard receives a sufficient number of**
19 **sealed bids or competitive proposals from**
20 **responsible sources to fulfill the Govern-**
21 **ment’s requirements (including perform-**
22 **ance and delivery schedules) at the low-**
23 **est cost or best value considering the na-**
24 **ture of the property or service procured;**

1 **“(3) ensuring the use of detailed per-**
2 **formance specifications in instances in**
3 **which performance-based contracting is**
4 **used;**

5 **“(4) making acquisition decisions con-**
6 **sistent with all applicable laws and estab-**
7 **lishing clear lines of authority, account-**
8 **ability, and responsibility for acquisition**
9 **decisionmaking within the Coast Guard;**

10 **“(5) managing the direction of acqui-**
11 **sition policy for the Coast Guard, includ-**
12 **ing implementation of the unique acquisi-**
13 **tion policies, regulations, and standards**
14 **of the Coast Guard;**

15 **“(6) developing and maintaining an**
16 **acquisition career management program**
17 **in the Coast Guard to ensure that there is**
18 **an adequate professional workforce; and**

19 **“(7) as part of the strategic planning**
20 **and performance evaluation process re-**
21 **quired under section 306 of title 5 and**
22 **sections 1105(a)(28), 1115, 1116, and 9703**
23 **of title 31—**

24 **“(A) assessing the requirements**
25 **established for Coast Guard per-**

1 **sonnel regarding knowledge and skill**
2 **in acquisition resources management**
3 **and the adequacy of such require-**
4 **ments for facilitating the achieve-**
5 **ment of the performance goals estab-**
6 **lished for acquisition management;**

7 **“(B) in order to rectify any defi-**
8 **ciency in meeting such requirements,**
9 **developing strategies and specific**
10 **plans for hiring, training, and profes-**
11 **sional development; and**

12 **“(C) reporting to the Com-**
13 **mandant on the progress made in im-**
14 **proving acquisition management ca-**
15 **pability.”.**

16 **(b) CLERICAL AMENDMENT.—The table of**
17 **sections at the beginning of such chapter is**
18 **further amended by adding at the end the fol-**
19 **lowing:**

“56. Chief Acquisition Officer.”.

20 **(c) SPECIAL RATE SUPPLEMENTS.—**

21 **(1) REQUIREMENT TO ESTABLISH.—Not**
22 **later than 1 year after the date of enact-**
23 **ment of this Act and in accordance with**
24 **part 9701.333 of title 5, Code of Federal**
25 **Regulations, the Commandant of the**

1 **Coast Guard shall establish special rate**
2 **supplements that provide higher pay lev-**
3 **els for employees necessary to carry out**
4 **the amendment made by this section.**

5 **(2) SUBJECT TO APPROPRIATIONS.—The**
6 **requirement under paragraph (1) is sub-**
7 **ject to the availability of appropriations.**

8 **SEC. 804. TESTING AND CERTIFICATION.**

9 **(a) IN GENERAL.—The Secretary shall—**

10 **(1) cause each cutter, other than a**
11 **National Security Cutter, acquired by the**
12 **Coast Guard and delivered after the date**
13 **of enactment of this Act to be classed by**
14 **the American Bureau of Shipping, before**
15 **acceptance of delivery;**

16 **(2) cause the design and construction**
17 **of each National Security Cutter, other**
18 **than National Security Cutter 1 and 2, to**
19 **be certified by an independent third**
20 **party with expertise in vessel design and**
21 **construction certification to be able to**
22 **meet a 185-underway-day requirement**
23 **under general Atlantic and North Pacific**
24 **sea conditions for a period of at least 30**
25 **years;**

1 **(3) cause all electronics on all air-**
2 **craft, surface, and shore assets that re-**
3 **quire TEMPEST certification and that**
4 **are delivered after the date of enactment**
5 **of this Act to be tested and certified in**
6 **accordance with TEMPEST standards**
7 **and communications security (COMSEC)**
8 **standards by an independent third party**
9 **that is authorized by the Federal Govern-**
10 **ment to perform such testing and certifi-**
11 **cation; and**

12 **(4) cause all aircraft and aircraft en-**
13 **gines acquired by the Coast Guard and**
14 **delivered after the date of enactment of**
15 **this Act to be certified for airworthiness**
16 **by an independent third party with ex-**
17 **pertise in aircraft and aircraft engine**
18 **certification, before acceptance of deliv-**
19 **ery.**

20 **(b) FIRST IN CLASS OF A MAJOR ASSET AC-**
21 **QUISITION.—The Secretary shall cause the first**
22 **in class of a major asset acquisition of a cutter**
23 **or an aircraft to be subjected to an assess-**
24 **ment of operational capability conducted by**
25 **the Secretary of the Navy.**

1 **(c) FINAL ARBITER.—The Secretary shall be**
2 **the final arbiter of all technical disputes re-**
3 **garding designs and acquisitions of vessels**
4 **and aircraft for the Coast Guard.**

5 **SEC. 805. NATIONAL SECURITY CUTTERS.**

6 **(a) NATIONAL SECURITY CUTTERS 1 AND 2.—**

7 **(1) REPORT ON OPTIONS UNDER CONSID-**
8 **ERATION.—The Secretary shall submit to**
9 **the Committee on Transportation and In-**
10 **frastructure and the Committee on**
11 **Homeland Security of the House of Rep-**
12 **resentatives and the Committee on Com-**
13 **merce, Science, and Transportation of the**
14 **Senate—**

15 **(A) within 120 days after the date**
16 **of enactment of this Act, a report de-**
17 **scribing in detail the cost increases**
18 **that have been experienced on Na-**
19 **tional Security Cutters 1 and 2 since**
20 **the date of the issuance of the task**
21 **orders for construction of those cut-**
22 **ters and explaining the causes of**
23 **these cost increases; and**

24 **(B) within 180 days after the date**
25 **of enactment of this Act, a report on**

1 the options that the Coast Guard is
2 considering to strengthen the hulls of
3 National Security Cutter 1 and Na-
4 tional Security Cutter 2, including—

5 (i) the costs of each of the op-
6 tions under consideration;

7 (ii) a schedule for when the
8 hull strengthening repairs are an-
9 ticipated to be performed; and

10 (iii) the impact that the
11 weight likely to be added to each
12 the cutter by each option will
13 have on the cutter's ability to
14 meet both the original perform-
15 ance requirements included in
16 the Deepwater Program contract
17 and the performance require-
18 ments created by contract
19 Amendment Modification 00042
20 dated February 7, 2007.

21 (2) DESIGN ASSESSMENT.—Not later
22 than 30 days before the Coast Guard
23 signs any contract, delivery order, or task
24 order to strengthen the hull of either of
25 National Security Cutter 1 or 2 to resolve

1 **the structural design and performance**
2 **issues identified in the Department of**
3 **Homeland Security Inspector General’s**
4 **report OIG–07–23 dated January 2007, the**
5 **Secretary shall submit to the Committee**
6 **on Transportation and Infrastructure**
7 **and the Committee on Homeland Secu-**
8 **rity of the House of Representatives and**
9 **the Committee on Commerce, Science,**
10 **and Transportation of the Senate all re-**
11 **sults of an assessment of the proposed**
12 **hull strengthening design conducted by**
13 **the Naval Surface Warfare Center,**
14 **Carderock Division, including a descrip-**
15 **tion in detail of the extent to which the**
16 **hull strengthening measures to be imple-**
17 **mented on those cutters will enable the**
18 **cutters to meet a 185-underway-day re-**
19 **quirement under general Atlantic and**
20 **North Pacific sea conditions for a period**
21 **of at least 30 years.**

22 **(b) NATIONAL SECURITY CUTTERS 3**
23 **THROUGH 8.—Not later than 30 days before the**
24 **Coast Guard signs any contract, delivery**
25 **order, or task order authorizing construction**

1 of National Security Cutters 3 through 8, the
2 Secretary shall submit to the Committee on
3 Transportation and Infrastructure and the
4 Committee on Homeland Security of the
5 House of Representatives and the Committee
6 on Commerce, Science, and Transportation of
7 the Senate all results of an assessment of the
8 proposed designs to resolve the structural de-
9 sign, safety, and performance issues identi-
10 fied by the Department of Homeland Security
11 Office of Inspector General report OIG-07-23
12 for the hulls of those cutters conducted by the
13 Naval Surface Warfare Center, Carderock Di-
14 vision, including a description in detail of the
15 extent to which such designs will enable the
16 cutters to meet a 185-underway-day require-
17 ment under general Atlantic and North Pa-
18 cific sea conditions.

19 SEC. 806. MISCELLANEOUS REPORTS.

20 (a) IN GENERAL.—The Secretary shall sub-
21 mit the following reports to the Committee on
22 Transportation and Infrastructure and the
23 Committee on Homeland Security of the
24 House of Representatives and the Committee

1 on Commerce, Science, and Transportation of
2 the Senate:

3 (1) Within 4 months after the date of
4 enactment of this Act, a justification for
5 why 8 National Security Cutters are re-
6 quired to meet the operational needs of
7 the Coast Guard, including—

8 (A) how many days per year each
9 National Security Cutter will be un-
10 derway at sea;

11 (B) where each National Security
12 Cutter will be home ported;

13 (C) the amount of funding that
14 will be required to establish home
15 port operations for each National Se-
16 curity Cutter;

17 (D) the extent to which 8 National
18 Security Cutters deployed without
19 vertical unmanned aerial vehicles
20 (VUAV) will meet or exceed the mis-
21 sion capability (including surveil-
22 lance capacity) of the 12 Hamilton-
23 class high endurance cutters that the
24 National Security Cutters will re-
25 place;

1 **(E) the business case in support**
2 **of constructing National Security**
3 **Cutters 3 through 8, including a cost-**
4 **benefit analysis; and**

5 **(F) an analysis of how many Off-**
6 **shore Patrol Cutters would be re-**
7 **quired to provide the patrol coverage**
8 **provided by a National Security Cut-**
9 **ter.**

10 **(2) Within 4 months after the date of**
11 **enactment of this Act, a report on—**

12 **(A) the impact that deployment of**
13 **a National Security Cutter and other**
14 **cutter assets without the vertical un-**
15 **manned aerial vehicle (VUAV) will**
16 **have on the amount of patrol cov-**
17 **erage that will be able to be provided**
18 **during missions conducted by the Na-**
19 **tional Security Cutter and all other**
20 **cutters planned to be equipped with a**
21 **VUAV;**

22 **(B) how the coverage gap will be**
23 **made up;**

1 **(C) an update on the current sta-**
2 **tus of the development of the VUAV;**
3 **and**

4 **(D) the timeline detailing the**
5 **major milestones to be achieved dur-**
6 **ing development of the VUAV and**
7 **identifying the delivery date for the**
8 **first and last VUAV.**

9 **(3) Within 30 days after the elevation**
10 **to flag-level for resolution of any design**
11 **or other dispute regarding the Deepwater**
12 **Program contract or an item to be pro-**
13 **cured under that contract, including a**
14 **detailed description of the issue and the**
15 **rationale underlying the decision taken**
16 **by the flag officer to resolve the issue.**

17 **(4) Within 4 months after the date of**
18 **enactment of this Act, a report detailing**
19 **the total number of change orders that**
20 **have been created by the Coast Guard**
21 **under the Deepwater Program before the**
22 **date of enactment of this Act, the total**
23 **cost of these change orders, and their im-**
24 **pact on the Deepwater Program sched-**
25 **ule.**

1 **(5) Within 180 days after the date of**
2 **enactment of this Act, a report detailing**
3 **the technology risks and level of maturity**
4 **for major technologies used on maritime**
5 **patrol aircraft, the HC-130J, and the Na-**
6 **tional Security Cutter.**

7 **(6) Not less than 60 days before sign-**
8 **ing a contract to acquire any vessel or**
9 **aircraft, a report comparing the cost of**
10 **purchasing that vessel or aircraft directly**
11 **from the manufacturer or shipyard with**
12 **the cost of procuring it through the Inte-**
13 **grated Coast Guard System.**

14 **(7) Within 30 days after the Program**
15 **Executive Officer of the Deepwater Pro-**
16 **gram becomes aware of a likely cost over-**
17 **run exceeding 5 percent of the overall**
18 **asset acquisition contract cost or sched-**
19 **ule delay exceeding 5 percent of the esti-**
20 **mated asset construction period under**
21 **the Deepwater Program, a report by the**
22 **Commandant containing a description of**
23 **the cost overrun or delay, an explanation**
24 **of the overrun or delay, a description of**
25 **Coast Guard's response, and a descrip-**

1 **tion of significant delays in the procure-**
2 **ment schedule likely to be caused by the**
3 **overrun or delay.**

4 **(8) Within 90 days after the date of**
5 **enactment of this Act, articulation of a**
6 **doctrine and description of an antici-**
7 **pated implementation of a plan for man-**
8 **agement of acquisitions programs, finan-**
9 **cial management (including earned value**
10 **management and cost estimating), engi-**
11 **neering and logistics management, and**
12 **contract management, that includes—**

13 **(A) a description of how the Coast**
14 **Guard will cultivate among uni-**
15 **formed personnel expertise in acqui-**
16 **sitions management and financial**
17 **management;**

18 **(B) a description of the processes**
19 **that will be followed to draft and en-**
20 **sure technical review of procurement**
21 **packages, including statements of**
22 **work, for any class of assets acquired**
23 **by the Coast Guard;**

24 **(C) a description of how the Coast**
25 **Guard will conduct an independent**

1 **cost estimating process, including**
2 **independently developing cost esti-**
3 **mates for major change orders; and**

4 **(D) a description of how Coast**
5 **Guard will strengthen the manage-**
6 **ment of change orders.**

7 **(9) Within 4 months after the date of**
8 **enactment of this Act, a report on the de-**
9 **velopment of a new acquisitions office**
10 **within the Coast Guard describing the**
11 **specific staffing structure for that direc-**
12 **torate, including—**

13 **(A) identification of all manage-**
14 **rial positions proposed as part of the**
15 **office, the functions that each mana-**
16 **gerial position will fill, and the num-**
17 **ber of employees each manager will**
18 **supervise; and**

19 **(B) a formal organizational chart**
20 **and identification of when manage-**
21 **rial positions are to be filled.**

22 **(10) Ninety days prior to the issuance**
23 **of a Request for Proposals for construc-**
24 **tion of an Offshore Patrol Cutter, a re-**
25 **port detailing the service life, fatigue life,**

1 **maximum range, maximum speed, and**
2 **number of days underway under general**
3 **Atlantic and North Pacific Sea conditions**
4 **the cutter shall be built to achieve.**

5 **(11) The Secretary shall report annu-**
6 **ally on the percentage of the total**
7 **amount of funds expended on procure-**
8 **ments under the Deepwater Program**
9 **that has been paid to each of small busi-**
10 **nesses and minority-owned businesses.**

11 **(12) Within 120 days after the date of**
12 **enactment of this Act, a report on any**
13 **Coast Guard mission performance gap**
14 **due to the removal of Deepwater Pro-**
15 **gram assets from service. The report**
16 **shall include the following:**

17 **(A) A description of the mission**
18 **performance gap detailing the geo-**
19 **graphic regions and Coast Guard ca-**
20 **pabilities affected.**

21 **(B) An analysis of factors affect-**
22 **ing the mission performance gap that**
23 **are unrelated to the Deepwater Pro-**
24 **gram, including deployment of Coast**

1 **Guard assets overseas and contin-**
2 **uous vessel shortages.**

3 **(C) A description of measures**
4 **being taken in the near term to fill**
5 **the mission performance gap, includ-**
6 **ing what those measures are and**
7 **when they will be implemented.**

8 **(D) A description of measures**
9 **being taken in the long term to fill**
10 **the mission performance gap, includ-**
11 **ing what those measures are and**
12 **when they will be implemented.**

13 **(E) A description of the potential**
14 **alternatives to fill the mission per-**
15 **formance gap, including any acquisi-**
16 **tion or lease considered and the rea-**
17 **sons they were not pursued.**

18 **(b) REPORT REQUIRED ON ACCEPTANCE OF**
19 **DELIVERY OF INCOMPLETE ASSET.—**

20 **(1) IN GENERAL.—If the Secretary ac-**
21 **cepts delivery of an asset after the date**
22 **of enactment of this Act for which a con-**
23 **tractually required certification cannot**
24 **be achieved within 30 days after the date**
25 **of delivery or with any system that is not**

1 fully functional for the mission for which
2 it was intended, the Secretary shall sub-
3 mit to the Committee on Transportation
4 and Infrastructure and the Committee on
5 Homeland Security of the House of Rep-
6 resentatives and the Committee on Com-
7 merce, Science, and Transportation of the
8 United States Senate within 30 days after
9 accepting delivery of the asset a report
10 explaining why acceptance of the asset in
11 such a condition is in the best interests of
12 the United States Government.

13 (2) CONTENTS.—The report shall—

14 (A) specify the systems that are
15 not able to achieve contractually re-
16 quired certifications within 30 days
17 after the date of delivery and the sys-
18 tems that are not fully functional at
19 the time of delivery for the missions
20 for which they were intended;

21 (B) identify milestones for the
22 completion of required certifications
23 and to make all systems fully func-
24 tional; and

1 **(C) identify when the milestones**
2 **will be completed, who will complete**
3 **them, and the cost to complete them.**

4 **SEC. 807. USE OF THE NAVAL SEA SYSTEMS COMMAND, THE**
5 **NAVAL AIR SYSTEMS COMMAND, AND THE**
6 **SPACE AND NAVAL WARFARE SYSTEMS COM-**
7 **MAND TO ASSIST THE COAST GUARD IN EX-**
8 **ERCISING TECHNICAL AUTHORITY FOR THE**
9 **DEEPWATER PROGRAM AND OTHER COAST**
10 **GUARD ACQUISITION PROGRAMS.**

11 **(a) FINDINGS.—Congress finds that the**
12 **Coast Guard’s use of the technical, contrac-**
13 **tual, and program management oversight ex-**
14 **pertise of the Department of the Navy in ship**
15 **and aircraft production complements and**
16 **augments the Coast Guard’s organic expertise**
17 **as it procures assets for the Deepwater Pro-**
18 **gram.**

19 **(b) INTER-SERVICE TECHNICAL ASSIST-**
20 **ANCE.—The Secretary may enter into a memo-**
21 **randum of understanding or a memorandum**
22 **of agreement with the Secretary of the Navy**
23 **to provide for the use of the Navy Systems**
24 **Commands to assist the Coast Guard with the**
25 **oversight of Coast Guard major acquisition**

1 **programs. Such memorandum of under-**
2 **standing or memorandum of agreement shall,**
3 **at a minimum provide for—**

4 **(1) the exchange of technical assist-**
5 **ance and support that the Coast Guard**
6 **Chief Engineer and the Coast Guard**
7 **Chief Information Officer, as Coast**
8 **Guard Technical Authorities, may iden-**
9 **tify;**

10 **(2) the use, as appropriate, of Navy**
11 **technical expertise; and**

12 **(3) the temporary assignment or ex-**
13 **change of personnel between the Coast**
14 **Guard and the Navy Systems Commands**
15 **to facilitate the development of organic**
16 **capabilities in the Coast Guard.**

17 **(c) TECHNICAL AUTHORITIES.—The Coast**
18 **Guard Chief Engineer, Chief Information Offi-**
19 **cer, and Chief Acquisition Officer shall adopt,**
20 **to the extent practicable, procedures that are**
21 **similar to those used by the Navy Senior Ac-**
22 **quisition Official to ensure the Coast Guard**
23 **Technical Authorities, or designated Tech-**
24 **nical Warrant Holders, approve all technical**
25 **requirements.**

1 **(d) COORDINATION.**—The Secretary, acting
2 through the Commandant of the Coast Guard,
3 may coordinate with the Secretary of the
4 Navy, acting through the Chief of Naval Oper-
5 ations, to develop processes by which the as-
6 sistance will be requested from the Navy Sys-
7 tems Commands and provided to the Coast
8 Guard.

9 **(e) REPORT.**—Not later than 120 days after
10 the date of enactment of this Act and every
11 twelve months thereafter, the Commandant of
12 the Coast Guard shall report to the Com-
13 mittee on Transportation and Infrastructure
14 and the Committee on Homeland Security of
15 the House of Representatives and the Com-
16 mittee on Commerce, Science, and Transpor-
17 tation of the Senate on the activities under-
18 taken pursuant to such memorandum of un-
19 derstanding or memorandum of agreement.

20 **SEC. 808. DEFINITIONS.**

21 **In this title:**

22 **(1) DEEPWATER PROGRAM.**—The term
23 “Deepwater Program” means the Inte-
24 grated Deepwater Systems Program de-
25 scribed by the Coast Guard in its report

1 to Congress entitled “Revised Deepwater
 2 Implementation Plan 2005”, dated March
 3 25, 2005. The Deepwater Program pri-
 4 marily involves the procurement of cut-
 5 ter and aviation assets that operate more
 6 than 50 miles offshore.

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

10 *SECTION 1. SHORT TITLE.*

11 *This Act may be cited as the “Coast Guard*
 12 *Authorization Act of 2007”.*

13 *SEC. 2. TABLE OF CONTENTS.*

14 *The table of contents for this Act is as fol-*
 15 *lows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

*Sec. 103. Transfer of bridge administration program authority
 and functions.*

TITLE II—COAST GUARD

Sec. 201. Appointment of civilian Coast Guard judges.

Sec. 202. Industrial activities.

Sec. 203. Reimbursement for medical-related travel expenses.

Sec. 204. Commissioned officers.

*Sec. 205. Coast Guard participation in the Armed Forces Retirement
 Home (AFRH) system.*

Sec. 206. Grants to international maritime organizations.

Sec. 207. Emergency leave retention authority.

Sec. 208. Enforcement authority.

Sec. 209. Repeal.

Sec. 210. Admirals and Vice Admirals.

- Sec. 211. Merchant Mariner Medical Advisory Committee.*
- Sec. 212. Reserve commissioned warrant officer to lieutenant program.*
- Sec. 213. Enhanced status quo officer promotion system.*
- Sec. 214. Laser Training System.*
- Sec. 215. Coast Guard vessels and aircraft.*
- Sec. 216. Coast Guard District Ombudsmen.*

TITLE III—SHIPPING AND NAVIGATION

- Sec. 301. Vessel size limits.*
- Sec. 302. Goods and services.*
- Sec. 303. Seaward extension of anchorage grounds jurisdiction.*
- Sec. 304. Maritime Drug Law Enforcement Act amendment-simple possession.*
- Sec. 305. Technical amendments to tonnage measurement law.*
- Sec. 306. Access for seamen.*
- Sec. 307. Fishing vessel safety.*
- Sec. 308. Mariner records.*
- Sec. 309. Deletion of exemption of license requirement for operators of certain towing vessels.*
- Sec. 310. Adjustment of liability limits for natural gas deep-water ports.*
- Sec. 311. Period of limitations for claims against Oil Spill Liability Trust Fund.*
- Sec. 312. Log books.*
- Sec. 313. Unsafe operation.*
- Sec. 314. Approval of survival craft.*
- Sec. 315. Safety management.*
- Sec. 316. Protection against discrimination.*
- Sec. 317. Dry bulk cargo residue.*
- Sec. 318. Clarification of delegation of authority to classification societies.*
- Sec. 319. Registry endorsement for LNG vessels.*
- Sec. 320. Oaths.*
- Sec. 321. Duration of credentials.*
- Sec. 322. Fingerprinting.*
- Sec. 323. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.*
- Sec. 324. Merchant mariner documentation.*
- Sec. 325. Merchant mariner assistance report.*
- Sec. 326. Merchant mariner shortage report.*
- Sec. 327. Merchant mariner document standards.*
- Sec. 328. Waterside security around liquefied natural gas terminals and liquefied natural gas tankers.*

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Certificate of documentation for GALLANT LADY.*
- Sec. 402. Waiver.*
- Sec. 403. Great Lakes Maritime Research Institute.*
- Sec. 404. Conveyance.*
- Sec. 405. Crew wages on passenger vessels.*
- Sec. 406. Technical corrections.*

- Sec. 407. Conveyance of decommissioned Coast Guard Cutter STORIS.*
- Sec. 408. Repeal of requirement of license for employment in the business of salvaging on the coast of Florida.*
- Sec. 409. Right-of-first-refusal for Coast Guard property on Jupiter Island, Florida.*
- Sec. 410. Conveyance of Coast Guard HU-25 Falcon Jet aircraft.*
- Sec. 411. Conveyance of a Coast Guard vessel.*
- Sec. 412. Conveyance of a Coast Guard vessel.*
- Sec. 413. Conveyance of a Coast Guard vessel.*
- Sec. 414. Decommissioned Coast Guard vessels for Haiti.*
- Sec. 415. Extension of period of operation of vessel for setting, relocation, or recovery of anchors or other mooring equipment.*
- Sec. 416. Vessel traffic risk assessments.*
- Sec. 417. Vessel MARYLAND INDEPENDENCE.*
- Sec. 418. Study of relocation of Coast Guard Sector Buffalo facilities.*
- Sec. 419. Coast Guard assets for United States Virgin Islands.*

TITLE V—BALLAST WATER TREATMENT

- Sec. 501. Short title.*
- Sec. 502. Declaration of goals and purposes.*
- Sec. 503. Ballast water management.*
- Sec. 504. National ballast water management information.*
- Sec. 505. Ballast water management evaluation and demonstration program.*
- Sec. 506. Rapid response plan.*
- Sec. 507. Authorization of appropriations.*

TITLE VI—ALIEN SMUGGLING

- Sec. 601. Maritime law enforcement.*
- Sec. 602. Amendment to the sentencing guidelines.*

TITLE VII—MISCELLANEOUS HOMELAND SECURITY PROVISIONS

- Sec. 701. Maritime homeland security public awareness program.*
- Sec. 702. Transportation Worker Identification Credential.*
- Sec. 703. Study to identify redundant background records checks.*
- Sec. 704. Review of interagency operational centers.*
- Sec. 705. Maritime security response teams.*
- Sec. 706. Coast Guard detection canine team program expansion.*
- Sec. 707. Coast Guard port assistance program.*
- Sec. 708. Homeland security impact review of liquefied natural gas facilities.*
- Sec. 709. Maritime biometric identification.*
- Sec. 710. Review of potential threats.*
- Sec. 711. Port security pilot.*
- Sec. 712. Advance notice of port arrival of significant or fatal incidents involving U.S. persons.*

Sec. 713. Safety and security assistance for foreign ports.

Sec. 714. Seasonal workers.

Sec. 715. Comparative risk assessment of vessel-based and facility-based liquefied natural gas regasification processes.

Sec. 716. Savings clause.

TITLE VIII—COAST GUARD INTEGRATED DEEPWATER PROGRAM

Sec. 801. Short title.

Sec. 802. Implementation of Coast Guard Integrated Deepwater Acquisition Program.

Sec. 803. Chief Acquisition Officer.

Sec. 804. Testing and certification.

Sec. 805. National Security Cutters.

Sec. 806. Miscellaneous reports.

Sec. 807. Use of the Naval Sea Systems Command, the Naval Air Systems Command, and the Space and Naval Warfare Systems Command to assist the Coast Guard in exercising technical authority for the Deepwater Program and other Coast Guard acquisition programs.

Sec. 808. Definitions.

1 TITLE I—AUTHORIZATION

2 SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

6 (1) For the operation and mainte-
7 nance of the Coast Guard, \$5,965,742,000,
8 of which—

9 (A) \$24,500,000 is authorized to be
10 derived from the Oil Spill Liability
11 Trust Fund to carry out the purposes
12 of section 1012(a)(5) of the Oil Pollu-
13 tion Act of 1990 (33 U.S.C. 2712(a)(5));

1 ***(B) not less than \$631,000,000***
2 ***shall be available for paying for***
3 ***search and rescue programs;***

4 ***(C) not less than \$527,000,000***
5 ***shall be available for paying for ma-***
6 ***rine safety programs; and***

7 ***(D) not less than \$80,500,000 shall***
8 ***be available only for paying for oper-***
9 ***ating expenses of the Integrated Deep-***
10 ***water System program.***

11 ***(2) For the acquisition, construction,***
12 ***rebuilding, and improvement of aids to***
13 ***navigation, shore and offshore facilities,***
14 ***vessels, and aircraft, including equipment***
15 ***related thereto, \$1,234,774,000, of which—***

16 ***(A) \$20,000,000 shall be derived***
17 ***from the Oil Spill Liability Trust***
18 ***Fund to carry out the purposes of sec-***
19 ***tion 1012(a)(5) of the Oil Pollution Act***
20 ***of 1990, to remain available until ex-***
21 ***pended;***

22 ***(B) \$1,065,872,000 is authorized***
23 ***for the Integrated Deepwater System***
24 ***Program; and***

1 (C) *\$44,597,000 is authorized for*
2 *shore facilities and aids to naviga-*
3 *tion.*

4 (3) *To the Commandant of the Coast*
5 *Guard for research, development, test,*
6 *and evaluation of technologies, materials,*
7 *and human factors directly relating to*
8 *improving the performance of the Coast*
9 *Guard's mission in search and rescue,*
10 *aids to navigation, marine safety, marine*
11 *environmental protection, enforcement of*
12 *laws and treaties, ice operations, oceano-*
13 *graphic research, and defense readiness,*
14 *\$18,583,000, to remain available until ex-*
15 *pende, of which \$2,000,000 shall be de-*
16 *ri,ved from the Oil Spill Liability Trust*
17 *Fund to carry out the purposes of section*
18 *1012(a)(5) of the Oil Pollution Act of 1990.*

19 (4) *For retired pay (including the pay-*
20 *ment of obligations otherwise chargeable*
21 *to lapsed appropriations for this pur-*
22 *pose), payments under the Retired Service-*
23 *man's Family Protection and Survivor*
24 *Benefit Plans, and payments for medical*
25 *care of retired personnel and their de-*

1 *pendents under chapter 55 of title 10,*
2 *United States Code, \$1,184,720,000, to re-*
3 *main available until expended.*

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

10 *(6) For environmental compliance and*
11 *restoration at Coast Guard facilities*
12 *(other than parts and equipment associ-*
13 *ated with operation and maintenance),*
14 *\$12,079,000, to remain available until ex-*
15 *pended.*

16 *(7) For the Coast Guard Reserve pro-*
17 *gram, including personnel and training*
18 *costs, equipment, and services,*
19 *\$126,883,000.*

20 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
21 **AND TRAINING.**

22 *(a) ACTIVE DUTY STRENGTH.—The Coast*
23 *Guard is authorized an end-of-year strength*
24 *for active duty personnel of 45,500 for the fis-*
25 *cal year ending on September 30, 2008.*

1 **(b) MILITARY TRAINING STUDENT LOADS.—**
2 *For fiscal year 2008, the Coast Guard is au-*
3 *thorized average military training student*
4 *loads as follows:*

5 **(1) For recruit and special training,**
6 *2,500 student years.*

7 **(2) For flight training, 165 student**
8 *years.*

9 **(3) For professional training in mili-**
10 *tary and civilian institutions, 350 student*
11 *years.*

12 **(4) For officer acquisition, 1,200 stu-**
13 *dent years.*

14 **SEC. 103. TRANSFER OF BRIDGE ADMINISTRATION PRO-**
15 **GRAM AUTHORITY AND FUNCTIONS.**

16 **(a) TRANSFER.—**

17 **(1) AUTHORITY AND FUNCTIONS.—Not-**
18 *withstanding section 888(b) of the Home-*
19 *land Security Act of 2002 (6 U.S.C. 468(b))*
20 *or any other provision of law, the authori-*
21 *ties of the Secretary of Homeland Security*
22 *to approve the construction, alteration, or*
23 *operation of a bridge, drawbridge, or*
24 *causeway across or over the navigable wa-*
25 *ters of the United States and to require*

1 *the alteration, repair, or removal of that*
2 *bridge, drawbridge, or causeway, pursu-*
3 *ant to the Bridge Act of 1906 (34 Stat. 84;*
4 *33 U.S.C. 491 et seq.), the General Bridge*
5 *Act of 1946 (60 Stat. 847, 33 U.S.C. 525*
6 *note), the Truman-Hobbs Act (54 Stat. 497;*
7 *33 U.S.C. 511 et seq.), and the Inter-*
8 *national Bridge Act of 1972 (60 Stat. 847;*
9 *33 U.S.C. 525 et seq.), and the functions*
10 *related thereto, are hereby transferred to*
11 *the Secretary of Transportation.*

12 (2) *TRANSFER AND ADMINISTRATION OF*
13 *BALANCES.—Any unobligated balances of*
14 *prior appropriations provided for the al-*
15 *teration of bridges are transferred and*
16 *shall be available to the Secretary of*
17 *Transportation to carry out the functions*
18 *and authorities transferred by subsection*
19 *(a).*

20 **TITLE II—COAST GUARD**

21 *SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD*
22 *JUDGES.*

23 (a) *IN GENERAL.—Chapter 7 of title 14,*
24 *United States Code, is amended by adding at*
25 *the end the following:*

1 *“§ 153. Appointment of judges*

2 *“The Secretary may appoint civilian em-*
3 *ployees of the Department in which the Coast*
4 *Guard is operating as appellate military*
5 *judges, available for assignment to the Coast*
6 *Guard Court of Criminal Appeals as provided*
7 *for in section 866(a) of title 10.”.*

8 *(b) CLERICAL AMENDMENT.—The analysis*
9 *for such chapter is amended by adding at the*
10 *end the following:*

“153. Appointment of judges.”.

11 *SEC. 202. INDUSTRIAL ACTIVITIES.*

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

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

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

17 *“(b) ORDERS AND AGREEMENTS FOR INDUS-*
18 *TRIAL ACTIVITIES.—Under this section, the*
19 *Coast Guard industrial activities may accept*
20 *orders and enter into reimbursable agree-*
21 *ments with establishments, agencies, and de-*
22 *partments of the Department of Defense.”.*

1 **SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAV-**
2 **EL EXPENSES.**

3 **(a) IN GENERAL.—Chapter 13 of title 14,**
4 **United States Code, is amended by adding at**
5 **the end the following:**

6 **“§518. Reimbursement for medical-related travel ex-**
7 **penses for certain persons residing on is-**
8 **lands in the continental United States**

9 **“In any case in which a covered bene-**
10 **ficiary (as defined in section 1072(5) of title 10)**
11 **resides on an island that is located in the 48**
12 **contiguous States and the District of Colum-**
13 **bia and that lacks public access roads to the**
14 **mainland and is referred by a primary care**
15 **physician to a specialty care provider (as de-**
16 **finied in section 1074i(b) of title 10) on the**
17 **mainland who provides services less than 100**
18 **miles from the location where the beneficiary**
19 **resides, the Secretary shall reimburse the rea-**
20 **sonable travel expenses of the covered bene-**
21 **ficiary and, when accompaniment by an adult**
22 **is necessary, for a parent or guardian of the**
23 **covered beneficiary or another member of the**
24 **covered beneficiary’s family who is at least 21**
25 **years of age.”.**

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

“518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.”.

4 **SEC. 204. COMMISSIONED OFFICERS.**

5 **(a) ACTIVE DUTY PROMOTION LIST.—***Section*
 6 *42 of title 14, United States Code, is amended*
 7 *to read as follows:*

8 *“§42. Number and distribution of commissioned offi-*
 9 *cers on active duty promotion list*

10 **“(a) MAXIMUM TOTAL NUMBER.—***The total*
 11 *number of Coast Guard commissioned officers*
 12 *on the active duty promotion list, excluding*
 13 *warrant officers, shall not exceed 6,700; except*
 14 *that the Commandant may temporarily in-*
 15 *crease that number by up to 2 percent for no*
 16 *more than 60 days following the date of the*
 17 *commissioning of a Coast Guard Academy*
 18 *class.*

19 **“(b) DISTRIBUTION PERCENTAGES BY**
 20 **GRADE.—**

21 **“(1) REQUIRED.—***The total number of*
 22 *commissioned officers authorized by this*
 23 *section shall be distributed in grade in*
 24 *the following percentages: 0.375 percent*

1 *for rear admiral; 0.375 percent for rear*
2 *admiral (lower half); 6.0 percent for cap-*
3 *tain; 15.0 percent for commander; and*
4 *22.0 percent for lieutenant commander.*

5 *“(2) DISCRETIONARY.—The Secretary*
6 *shall prescribe the percentages applicable*
7 *to the grades of lieutenant, lieutenant*
8 *(junior grade), and ensign.*

9 *“(3) AUTHORITY OF SECRETARY TO RE-*
10 *DUCE PERCENTAGE.—The Secretary—*

11 *“(A) may reduce, as the needs of*
12 *the Coast Guard require, any of the*
13 *percentages set forth in paragraph*
14 *(1); and*

15 *“(B) shall apply that total percent-*
16 *age reduction to any other lower*
17 *grade or combination of lower grades.*

18 *“(c) COMPUTATIONS.—*

19 *“(1) IN GENERAL.—The Secretary shall*
20 *compute, at least once each year, the total*
21 *number of commissioned officers author-*
22 *ized to serve in each grade by applying*
23 *the grade distribution percentages estab-*
24 *lished by or under this section to the total*

1 *number of commissioned officers listed on*
2 *the current active duty promotion list.*

3 “(2) *ROUNDING FRACTIONS.—Subject to*
4 *subsection (a), in making the computa-*
5 *tions under paragraph (1), any fraction*
6 *shall be rounded to the nearest whole*
7 *number.*

8 “(3) *TREATMENT OF OFFICERS SERVING*
9 *OUTSIDE COAST GUARD.—The number of*
10 *commissioned officers on the active duty*
11 *promotion list below the rank of rear ad-*
12 *miral (lower half) serving with other Fed-*
13 *eral departments or agencies on a reim-*
14 *bursable basis or excluded under section*
15 *324(d) of title 49 shall not be counted*
16 *against the total number of commissioned*
17 *officers authorized to serve in each grade.*

18 “(d) *USE OF NUMBERS; TEMPORARY IN-*
19 *CREASES.—The numbers resulting from com-*
20 *putations under subsection (c) shall be, for all*
21 *purposes, the authorized number in each*
22 *grade; except that the authorized number for*
23 *a grade is temporarily increased during the*
24 *period between one computation and the next*
25 *by the number of officers originally appointed*

1 *in that grade during that period and the num-*
 2 *ber of officers of that grade for whom vacan-*
 3 *cies exist in the next higher grade but whose*
 4 *promotion has been delayed for any reason.*

5 “(e) **OFFICERS SERVING COAST GUARD ACAD-**
 6 **EMY AND RESERVE.**—*The number of officers au-*
 7 *thorized to be serving on active duty in each*
 8 *grade of the permanent commissioned teach-*
 9 *ing staff of the Coast Guard Academy and of*
 10 *the Reserve serving in connection with orga-*
 11 *nizing, administering, recruiting, instructing,*
 12 *or training the reserve components shall be*
 13 *prescribed by the Secretary.”.*

14 (b) **CLERICAL AMENDMENT.**—*The analysis*
 15 *for chapter 3 of such title is amended by strik-*
 16 *ing the item relating to section 42 and insert-*
 17 *ing the following:*

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

18 **SEC. 205. COAST GUARD PARTICIPATION IN THE ARMED**
 19 **FORCES RETIREMENT HOME (AFRH) SYSTEM.**

20 (a) **IN GENERAL.**—*Section 1502 of the*
 21 *Armed Forces Retirement Home Act of 1991 (24*
 22 *U.S.C. 401) is amended—*

23 (1) *by striking paragraph (4);*

24 (2) *in paragraph (5)—*

1 **(A) by striking “and” at the end of**
2 **subparagraph (C);**

3 **(B) by striking the period at the**
4 **end of subparagraph (D) and insert-**
5 **ing “; and”; and**

6 **(C) by inserting at the end the fol-**
7 **lowing:**

8 **“(E) the Assistant Commandant of**
9 **the Coast Guard for Human Re-**
10 **sources.”; and**

11 **(3) by adding at the end of paragraph**
12 **(6) the following:**

13 **“(E) The Master Chief Petty Offi-**
14 **cer of the Coast Guard.”.**

15 **(b) CONFORMING AMENDMENTS.—(1) Section**
16 **2772 of title 10, United States Code, is amend-**
17 **ed—**

18 **(A) in subsection (a) by inserting “or,**
19 **in the case of the Coast Guard, the Com-**
20 **mandant” after “concerned”; and**

21 **(B) by striking subsection (c).**

22 **(2) Section 1007(i) of title 37, United States**
23 **Code, is amended—**

1 *“§ 426. Emergency leave retention authority*

2 *“With regard to a member of the Coast*
3 *Guard who serves on active duty, a duty as-*
4 *signment in support of a declaration of a*
5 *major disaster or emergency by the President*
6 *under the Robert T. Stafford Disaster Relief*
7 *and Emergency Assistance Act (42 U.S.C. 5121*
8 *et seq.) shall be treated, for the purpose of sec-*
9 *tion 701(f)(2) of title 10, a duty assignment in*
10 *support of a contingency operation.”.*

11 *(b) CLERICAL AMENDMENT.—The analysis*
12 *for such chapter is amended by inserting after*
13 *the item relating to section 425 the following*
14 *new item:*

“426. Emergency leave retention authority.”.

15 *SEC. 208. ENFORCEMENT AUTHORITY.*

16 *(a) IN GENERAL.—Chapter 5 of title 14,*
17 *United States Code, is amended by adding at*
18 *the end the following:*

19 *“§ 99. Enforcement authority*

20 *“Subject to guidelines approved by the Sec-*
21 *retary, members of the Coast Guard, in the per-*
22 *formance of official duties, may—*

23 *“(1) carry a firearm; and*

24 *“(2) while at a facility (as defined in*
25 *section 70101 of title 46)—*

1 “(A) *make an arrest without war-*
2 *rant for any offense against the*
3 *United States committed in their pres-*
4 *ence; and*

5 “(B) *seize property as otherwise*
6 *provided by law.”.*

7 **(b) CONFORMING REPEAL.**—*The first section*
8 *added to title 46, United States Code, by the*
9 *amendment made by subsection (a) of section*
10 *801 of the Coast Guard and Maritime Trans-*
11 *portation Act of 2004 (118 Stat. 1078), and the*
12 *item relating to such first section enacted by*
13 *the amendment made by subsection (b) of such*
14 *section 801, are repealed.*

15 **(c) CLERICAL AMENDMENT.**—*The analysis*
16 *for such chapter is amended by adding at the*
17 *end the following:*

“99. Enforcement authority.”.

18 **SEC. 209. REPEAL.**

19 *Section 216 of title 14, United States Code,*
20 *and the item relating to such section in the*
21 *analysis for chapter 11 of such title, are re-*
22 *pealed.*

1 *SEC. 210. ADMIRALS AND VICE ADMIRALS.*

2 *(a) VICE COMMANDANT.—Section 47 of title*
3 *14, United States Code, is amended by striking*
4 *“vice admiral” and inserting “admiral”.*

5 *(b) VICE ADMIRALS.—Section 50 of title 14,*
6 *United States Code, is amended to read as fol-*
7 *lows:*

8 *“§ 50. Vice admirals*

9 *“(a)(1) The President may designate 4 posi-*
10 *tions of importance and responsibility that*
11 *shall be held by officers who—*

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

15 *“(B) shall perform any duties as the*
16 *Commandant may prescribe.*

17 *“(2) The 4 vice admiral positions author-*
18 *ized under paragraph (1) are, respectively, the*
19 *following:*

20 *“(A) The Deputy Commandant for Mis-*
21 *sion Support.*

22 *“(B) The Deputy Commandant for Na-*
23 *tional Operations and Policy.*

24 *“(C) The Commander, Force Readiness*
25 *Command.*

1 **“(D) The Commander, Operations**
2 **Command.**

3 **“(3) The President may appoint, by and**
4 **with the advice and consent of the Senate, and**
5 **reappoint, by and with the advice and consent**
6 **of the Senate, to each of the positions des-**
7 **ignated under paragraph (1) an officer of the**
8 **Coast Guard who is serving on active duty**
9 **above the grade of captain. The Commandant**
10 **shall make recommendations for those ap-**
11 **pointments.**

12 **“(b)(1) The appointment and the grade of**
13 **vice admiral under this section shall be effec-**
14 **tive on the date the officer assumes that duty**
15 **and, except as provided in paragraph (2) of**
16 **this subsection or in section 51(d) of this title,**
17 **shall terminate on the date the officer is de-**
18 **tached from that duty.**

19 **“(2) An officer who is appointed to a posi-**
20 **tion designated under subsection (a) shall con-**
21 **tinue to hold the grade of vice admiral—**

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

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

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

9 *“(C) while awaiting retirement, begin-*
10 *ning on the date the officer is detached*
11 *from duty and ending on the day before*
12 *the officer’s retirement, but not for more*
13 *than 60 days.*

14 *“(c)(1) An appointment of an officer under*
15 *subsection (a) does not vacate the permanent*
16 *grade held by the officer.*

17 *“(2) An officer serving in a grade above*
18 *rear admiral who holds the permanent grade*
19 *of rear admiral (lower half) shall be consid-*
20 *ered for promotion to the permanent grade of*
21 *rear admiral as if the officer was serving in*
22 *the officer’s permanent grade.*

23 *“(d) Whenever a vacancy occurs in a posi-*
24 *tion designated under subsection (a), the Com-*
25 *mandant shall inform the President of the*

1 *qualifications needed by an officer serving in*
2 *that position to carry out effectively the duties*
3 *and responsibilities of that position.”.*

4 (c) *REPEAL.—Section 50a of title 14, United*
5 *States Code, is repealed.*

6 (d) *CONFORMING AMENDMENT.—Section*
7 *51(d)(2) of that title is amended by striking*
8 *“Area Commander, or Chief of Staff” and in-*
9 *serting “or Vice Admirals”.*

10 (e) *CLERICAL AMENDMENTS.—*

11 (1) *The heading for section 47 of that*
12 *title is amended by striking “assignment”*
13 *and inserting “appointment”.*

14 (2) *The table of sections at the begin-*
15 *ning of chapter 3 of that title is amend-*
16 *ed—*

17 (A) *by striking the item relating to*
18 *section 47 and inserting the following:*

“47. Vice Commandant; appointment.”;

19 (B) *by striking the item relating to*
20 *section 50 and inserting the following:*

“50. Vice admirals.”;

21 *and*

22 (C) *by striking the item relating to*
23 *section 50a.*

1 **(f) TECHNICAL CORRECTION.—Section 47 of**
2 *that title is further amended in the fifth sen-*
3 *tence by striking “subsection” and inserting*
4 *“section”.*

5 **SEC. 211. MERCHANT MARINER MEDICAL ADVISORY COM-**
6 **MITTEE.**

7 **(a) IN GENERAL.—Chapter 71 of title 46,**
8 *United States Code, is amended by adding at*
9 *the end the following new section:*

10 **“§7115. Merchant Mariner Medical Advisory Com-**
11 **mittee**

12 **“(a) ESTABLISHMENT.—**

13 **“(1) IN GENERAL.—There is established**
14 **a Merchant Mariner Medical Advisory**
15 **Committee (in this section referred to as**
16 **the ‘Committee’).**

17 **“(2) FUNCTIONS.—The Committee shall**
18 **advise the Secretary on matters relating**
19 **to—**

20 **“(A) medical certification deter-**
21 **minations for issuance of merchant**
22 **mariner credentials;**

23 **“(B) medical standards and guide-**
24 **lines for the physical qualifications of**
25 **operators of commercial vessels;**

1 “(C) *medical examiner education;*
2 *and*

3 “(D) *medical research.*

4 “(b) *MEMBERSHIP.—*

5 “(1) *IN GENERAL.—The Committee shall*
6 *consist of twelve members, none of whom*
7 *is a Federal employee, and shall include—*

8 “(A) *ten who are health-care pro-*
9 *essionals with particular expertise,*
10 *knowledge, or experience regarding*
11 *the medical examinations of merchant*
12 *mariners or occupational medicine;*
13 *and*

14 “(B) *two who are professional*
15 *mariners with knowledge and experi-*
16 *ence in mariner occupational require-*
17 *ments.*

18 “(2) *STATUS OF MEMBERS.—Members of*
19 *the Committee shall not be considered*
20 *Federal employees or otherwise in the*
21 *service or the employment of the Federal*
22 *Government, except that members shall be*
23 *considered special Government employees,*
24 *as defined in section 202(a) of title 18,*
25 *United States Code, and shall be subject*

1 *to any administrative standards of con-*
2 *duct applicable to the employees of the de-*
3 *partment in which the Coast Guard is op-*
4 *erating.*

5 **“(c) APPOINTMENTS; TERMS; VACANCIES.—**

6 **“(1) APPOINTMENTS.—***The Secretary*
7 *shall appoint the members of the Com-*
8 *mittee, and each member shall serve at*
9 *the pleasure of the Secretary.*

10 **“(2) TERMS.—***Each member shall be*
11 *appointed for a term of three years, except*
12 *that, of the members first appointed, three*
13 *members shall be appointed for a term of*
14 *two years and three members shall be ap-*
15 *pointed for a term of one year.*

16 **“(3) VACANCIES.—***Any member ap-*
17 *pointed to fill the vacancy prior to the ex-*
18 *piration of the term for which that mem-*
19 *ber’s predecessor was appointed shall be*
20 *appointed for the remainder of that term.*

21 **“(d) CHAIRMAN AND VICE CHAIRMAN.—***The*
22 *Secretary shall designate one member of the*
23 *Committee as the Chairman and one member*
24 *as the Vice Chairman. The Vice Chairman*
25 *shall act as Chairman in the absence or inca-*

1 *capacity of, or in the event of a vacancy in the*
2 *office of, the Chairman.*

3 “(e) **COMPENSATION; REIMBURSEMENT.**—
4 *Members of the Committee shall serve without*
5 *compensation, except that, while engaged in*
6 *the performance of duties away from their*
7 *homes or regular places of business of the*
8 *member, the member of the Committee may be*
9 *allowed travel expenses, including per diem in*
10 *lieu of subsistence, as authorized by section*
11 *5703 of title 5.*

12 “(f) **STAFF; SERVICES.**—*The Secretary shall*
13 *furnish to the Committee the personnel and*
14 *services as are considered necessary for the*
15 *conduct of its business.”.*

16 “(b) **FIRST MEETING.**—*No later than six*
17 *months after the date of enactment of this Act,*
18 *the Merchant Mariner Medical Advisory Com-*
19 *mittee established by the amendment made by*
20 *this section shall hold its first meeting.*

21 “(c) **CLERICAL AMENDMENT.**—*The analysis*
22 *for chapter 71 of that title is amended by add-*
23 *ing at the end the following:*

“7115. Merchant Mariner Medical Advisory Committee.”.

1 **SEC. 212. RESERVE COMMISSIONED WARRANT OFFICER TO**
2 **LIEUTENANT PROGRAM.**

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

5 **“(a) The president may appoint temporary**
6 **commissioned officers—**

7 **“(1) in the Regular Coast Guard in a**
8 **grade, not above lieutenant, appropriate**
9 **to their qualifications, experience, and**
10 **length of service, as the needs of the Coast**
11 **Guard may require, from among the com-**
12 **missioned warrant officers, warrant offi-**
13 **cers, and enlisted members of the Coast**
14 **Guard, and from holders of licenses**
15 **issued under chapter 71 of title 46; and**

16 **“(2) in the Coast Guard Reserve in a**
17 **grade, not above lieutenant, appropriate**
18 **to their qualifications, experience, and**
19 **length of service, as the needs of the Coast**
20 **Guard may require, from among the com-**
21 **missioned warrant officers of the Coast**
22 **Guard Reserve.”.**

23 **SEC. 213. ENHANCED STATUS QUO OFFICER PROMOTION**
24 **SYSTEM.**

25 **Chapter 11 of title 14, United States Code,**
26 **is amended—**

1 ***(1) in section 253(a)—***

2 ***(A) by inserting “and” after “con-***
3 ***sidered,”; and***

4 ***(B) by striking “, and the number***
5 ***of officers the board may recommend***
6 ***for promotion”;***

7 ***(2) in section 258—***

8 ***(A) by inserting “(a) IN GENERAL.—***
9 ***” before the existing text;***

10 ***(B) in subsection (a) (as so des-***
11 ***ignated) by striking the colon at the***
12 ***end of the material preceding para-***
13 ***graph (1) and inserting “—”; and***

14 ***(C) by adding at the end the fol-***
15 ***lowing:***

16 ***“(b) PROVISION OF DIRECTION AND GUID-***
17 ***ANCE.—***

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

22 ***“(A) specific direction relating to***
23 ***the needs of the Coast Guard for offi-***
24 ***cers having particular skills, includ-***
25 ***ing direction relating to the need for a***

1 *minimum number of officers with par-*
2 *ticular skills within a specialty; and*

3 “(B) *any other guidance that the*
4 *Secretary believes may be necessary to*
5 *enable the board to properly perform*
6 *its functions.*”

7 “(2) *Selections made based on the di-*
8 *rection and guidance provided under this*
9 *subsection shall not exceed the maximum*
10 *percentage of officers who may be selected*
11 *from below the announced promotion zone*
12 *at any given selection board convened*
13 *under section 251 of this title.”;*

14 (3) *in section 259(a), by inserting after*
15 *“whom the board” the following: “, giving*
16 *due consideration to the needs of the*
17 *Coast Guard for officers with particular*
18 *skills so noted in specific direction fur-*
19 *nished to the board by the Secretary*
20 *under section 258 of this title,”; and*

21 (4) *in section 260(b), by inserting after*
22 *“qualified for promotion” the following:*
23 *“to meet the needs of the service (as noted*
24 *in specific direction furnished the board*

1 *by the Secretary under section 258 of this*
2 *title)*”.

3 **SEC. 214. LASER TRAINING SYSTEM.**

4 **(a) IN GENERAL.**—*Within one year after the*
5 *date of enactment of this Act, the Secretary of*
6 *the department in which the Coast Guard*
7 *shall test an integrated laser engagement sys-*
8 *tem for the training of members of the Coast*
9 *Guard assigned to small vessels in the use of*
10 *individual weapons and machine guns on*
11 *those vessels. The test shall be conducted on*
12 *vessels on the Great Lakes using similar laser*
13 *equipment used by other Federal agencies.*
14 *However, that equipment shall be adapted for*
15 *use in the marine environment.*

16 **(b) REPORT.**—*The Secretary shall submit a*
17 *report to Congress within 6 months after the*
18 *conclusions of the test required under sub-*
19 *section (a) on the costs and benefits of using*
20 *the system regionally and nationwide to train*
21 *members of the Coast Guard in the use of indi-*
22 *vidual weapons and machine guns.*

1 **SEC. 215. COAST GUARD VESSELS AND AIRCRAFT.**

2 **(a) AUTHORITY TO FIRE AT OR INTO A VES-**
3 **SEL.—Section 637(c) of title 14, United States**
4 **Code, is amended—**

5 **(1) in paragraph (1), by striking “; or”**
6 **and inserting a semicolon;**

7 **(2) in paragraph (2), by striking the**
8 **period at the end and inserting “; or”; and**

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

10 **“(3) any other vessel or aircraft owned**
11 **by a government and used for noncommer-**
12 **cial service when—**

13 **“(A) the vessel or aircraft is under**
14 **the tactical control of the Coast**
15 **Guard; and**

16 **“(B) at least one member of the**
17 **Coast Guard is assigned and con-**
18 **ducting a Coast Guard mission on the**
19 **vessel or aircraft.”.**

20 **(b) AUTHORITY TO DISPLAY COAST GUARD**
21 **ENSIGNS AND PENNANTS.—Section 638(a) of title**
22 **14, United States Code, is amended by striking**
23 **“Coast Guard vessels and aircraft” and insert-**
24 **ing “Vessels and aircraft authorized by the**
25 **Secretary”.**

1 *SEC. 216. COAST GUARD DISTRICT OMBUDSMEN.*

2 *(a) IN GENERAL.—Chapter 3 of title 14,*
3 *United States Code, is amended by adding at*
4 *the end the following new section:*

5 *“§55. District Ombudsmen*

6 *“(a) IN GENERAL.—The Commandant may*
7 *appoint in each Coast Guard District a Dis-*
8 *trict Ombudsman to serve as a liaison between*
9 *representatives of port stakeholders, including*
10 *the Area Maritime Security Advisory Commit-*
11 *tees required by section 70112 of title 46 and*
12 *the Coast Guard.*

13 *“(b) PURPOSES.—The purposes of the Dis-*
14 *trict Ombudsman shall be the following:*

15 *“(1) To support the operations of the*
16 *Coast Guard in each port in the District*
17 *for which the District Ombudsman is ap-*
18 *pointed.*

19 *“(2) To improve communications be-*
20 *tween and among port stakeholders in-*
21 *cluding, but not limited to, port and ter-*
22 *terminal operators, ship owners, labor rep-*
23 *resentatives, and the Coast Guard.*

24 *“(3) To ensure timely resolution of dis-*
25 *putes between the Coast Guard and all pe-*

1 *tioners regarding requirements imposed*
2 *or services provided by the Coast Guard.*

3 **“(c) FUNCTIONS.—**

4 **“(1) INVESTIGATIONS.—***The District*
5 *Ombudsman may investigate complaints*
6 *brought to the attention of the District*
7 *Ombudsman by a petitioner operating in*
8 *a port provided such a complaint is not*
9 *the subject of an administrative, civil, or*
10 *criminal investigation or other legal pro-*
11 *ceeding and provided the District Om-*
12 *budsman receives no benefit, either direct*
13 *or indirect, from the outcome of the com-*
14 *plaint.*

15 **“(2) GUIDELINES FOR DISPUTES.—**

16 **“(A) IN GENERAL.—***The Com-*
17 *mandant of the Coast Guard shall de-*
18 *velop guidelines regarding disputes*
19 *with respect to which the District Om-*
20 *budsman will provide assistance.*

21 **“(B) LIMITATION.—***The District Om-*
22 *budsman shall not provide assistance*
23 *with respect to a dispute if such a dis-*
24 *pute is the subject of an administra-*
25 *tive, civil, or criminal investigation or*

1 *other legal proceeding or if the Dis-*
2 *trict Ombudsman receives a benefit,*
3 *either direct or indirect, from the out-*
4 *come of the dispute.*

5 “(C) *PRIORITY.—In providing such*
6 *assistance, the District Ombudsman*
7 *shall give priority to complaints*
8 *brought by petitioners who will suffer*
9 *a significant hardship as the result of*
10 *implementing a Coast Guard require-*
11 *ment or being denied a Coast Guard*
12 *service.*

13 “(3) *CONSULTATION.—The District Om-*
14 *budsman may consult with any Coast*
15 *Guard personnel who can aid in the in-*
16 *vestigation of a complaint provided such*
17 *persons are reasonably available.*

18 “(4) *ACCESS TO INFORMATION.—Unless*
19 *otherwise prohibited by law or regulation,*
20 *the District Ombudsman shall have access*
21 *to any document, including any record or*
22 *report, that will aid the District Ombuds-*
23 *man in obtaining the information needed*
24 *to conduct an investigation of a compli-*
25 *ant.*

1 “(5) **REPORTS.**—*At the conclusion of an*
2 *investigation, the District Ombudsman*
3 *shall submit a report on the findings and*
4 *recommendations of the District Ombuds-*
5 *man, to the Commander of the District in*
6 *which the petitioner who brought the com-*
7 *plaint is located or operating.*

8 “(6) **DEADLINE.**—*The District Ombuds-*
9 *man shall seek to resolve each complaint*
10 *brought in accordance with the guide-*
11 *lines—*

12 “(A) *in a timely fashion; and*

13 “(B) *to the maximum extent prac-*
14 *ticable, not later than 4 months after*
15 *the complaint is officially accepted by*
16 *the District Ombudsman.*

17 “(d) **APPOINTMENT.**—*The Commandant*
18 *shall appoint as the District Ombudsman an*
19 *appropriately cleared civilian who has experi-*
20 *ence in port and transportation systems and*
21 *knowledge of port operations or of maritime*
22 *commerce (or both).*

23 “(e) **ANNUAL REPORTS.**—*The Secretary shall*
24 *report annually to the Committees on Home-*
25 *land Security and Transportation and Infra-*

1 *structure of the House of Representatives and*
 2 *the Committee on Commerce, Science, and*
 3 *Transportation of the Senate on the matters*
 4 *brought before the District Ombudsmen, in-*
 5 *cluding—*

6 “(1) *the number of matters brought be-*
 7 *fore each District Ombudsman;*

8 “(2) *a brief summary of each such*
 9 *matter; and*

10 “(3) *the eventual resolution of each*
 11 *such matter.”.*

12 **(b) CLERICAL AMENDMENT.**—*The analysis at*
 13 *the beginning of such chapter is amended by*
 14 *adding at the end the following new item:*

“55. District Ombudsmen.”.

15 **TITLE III—SHIPPING AND**
 16 **NAVIGATION**

17 *SEC. 301. VESSEL SIZE LIMITS.*

18 **(a) LENGTH, TONNAGE, AND HORSEPOWER.**—
 19 *Section 12113(d)(2) of title 46, United States*
 20 *Code, is amended—*

21 (1) *by inserting “and” after the semi-*
 22 *colon at the end of subparagraph (A)(i);*

23 (2) *by striking “and” at the end of sub-*
 24 *paragraph (A)(ii);*

25 (3) *by striking subparagraph (A)(iii);*

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

4 ***(5) by inserting at the end the fol-***
5 ***lowing:***

6 ***“(C) the vessel is either a rebuilt***
7 ***vessel or a replacement vessel under***
8 ***section 208(g) of the American Fish-***
9 ***eries Act (title II of division C of Pub-***
10 ***lic Law 105–277; 112 Stat. 2681–627)***
11 ***and is eligible for a fishery endorse-***
12 ***ment under this section.”.***

13 ***(b) CONFORMING AMENDMENTS.—***

14 ***(1) VESSEL REBUILDING AND REPLACE-***
15 ***MENT.—Section 208(g) of the American***
16 ***Fisheries Act (title II of division C of Pub-***
17 ***lic Law 105–277; 112 Stat. 2681–627) is***
18 ***amended to read as follows:***

19 ***“(g) VESSEL REBUILDING AND REPLACE-***
20 ***MENT.—***

21 ***“(1) IN GENERAL.—***

22 ***“(A) REBUILD OR REPLACE.—Not-***
23 ***withstanding any limitation to the***
24 ***contrary on replacing, rebuilding, or***
25 ***lengthening vessels or transferring***

1 *permits or licenses to a replacement*
2 *vessel contained in sections 679.2 and*
3 *679.4 of title 50, Code of Federal Regu-*
4 *lations, as in effect on the date of en-*
5 *actment of the Coast Guard Author-*
6 *ization Act of 2007 and except as pro-*
7 *vided in paragraph (4), the owner of a*
8 *vessel eligible under subsection (a),*
9 *(b), (c), (d), or (e) (other than para-*
10 *graph (21)), in order to improve vessel*
11 *safety and operational efficiencies (in-*
12 *cluding fuel efficiency), may rebuild*
13 *or replace that vessel (including fuel*
14 *efficiency) with a vessel documented*
15 *with a fishery endorsement under sec-*
16 *tion 12113 of title 46, United States*
17 *Code.*

18 *“(B) SAME REQUIREMENTS.—The re-*
19 *built or replacement vessel shall be el-*
20 *igible in the same manner and subject*
21 *to the same restrictions and limita-*
22 *tions under such subsection as the ves-*
23 *sel being rebuilt or replaced.*

24 *“(C) TRANSFER OF PERMITS AND LI-*
25 *CENSES.—Each fishing permit and li-*

1 *cense held by the owner of a vessel or*
2 *vessels to be rebuilt or replaced under*
3 *subparagraph (A) shall be transferred*
4 *to the rebuilt or replacement vessel.*

5 “(2) *RECOMMENDATIONS OF NORTH PA-*
6 *CIFIC COUNCIL.—The North Pacific Council*
7 *may recommend for approval by the Sec-*
8 *retary such conservation and manage-*
9 *ment measures, including size limits and*
10 *measures to control fishing capacity, in*
11 *accordance with the Magnuson-Stevens*
12 *Act as it considers necessary to ensure*
13 *that this subsection does not diminish the*
14 *effectiveness of fishery management plans*
15 *of the Bering Sea and Aleutian Islands*
16 *Management Area or the Gulf of Alaska.*

17 “(3) *SPECIAL RULE FOR REPLACEMENT OF*
18 *CERTAIN VESSELS.—*

19 “(A) *IN GENERAL.—Notwith-*
20 *standing the requirements of sub-*
21 *sections (b)(2), (c)(1), and (c)(2) of sec-*
22 *tion 12113 of title 46, United States*
23 *Code, a vessel that is eligible under*
24 *subsection (a), (b), (c), (d), or (e)*
25 *(other than paragraph (21)) and that*

1 *qualifies to be documented with a*
2 *fishery endorsement pursuant to sec-*
3 *tion 203(g) or 213(g) may be replaced*
4 *with a replacement vessel under para-*
5 *graph (1) if the vessel that is replaced*
6 *is validly documented with a fishery*
7 *endorsement pursuant to section*
8 *203(g) or 213(g) before the replace-*
9 *ment vessel is documented with a fish-*
10 *ery endorsement under section 12113*
11 *of title 46, United States Code.*

12 *“(B) APPLICABILITY.—A replace-*
13 *ment vessel under subparagraph (A)*
14 *and its owner and mortgagee are sub-*
15 *ject to the same limitations under sec-*
16 *tion 203(g) or 213(g) that are applica-*
17 *ble to the vessel that has been re-*
18 *placed and its owner and mortgagee.*

19 *“(4) SPECIAL RULES FOR CERTAIN CATCH-*
20 *ER VESSELS.—*

21 *“(A) IN GENERAL.—A replacement*
22 *for a covered vessel described in sub-*
23 *paragraph (B) is prohibited from har-*
24 *vesting fish in any fishery (except for*
25 *the Pacific whiting fishery) managed*

1 *under the authority of any regional*
2 *fishery management council (other*
3 *than the North Pacific Council) estab-*
4 *lished under section 302(a) of the*
5 *Magnuson-Stevens Act.*

6 “(B) *COVERED VESSELS.—A covered*
7 *vessel referred to in subparagraph (A)*
8 *is—*

9 “(i) *a vessel eligible under sub-*
10 *section (a), (b), or (c) that is re-*
11 *placed under paragraph (1); or*

12 “(ii) *a vessel eligible under*
13 *subsection (a), (b), or (c) that is*
14 *rebuilt to increase its registered*
15 *length, gross tonnage, or shaft*
16 *horsepower.*

17 “(5) *LIMITATION ON FISHERY ENDORSE-*
18 *MENTS.—Any vessel that is replaced under*
19 *this subsection shall thereafter not be eli-*
20 *gible for a fishery endorsement under sec-*
21 *tion 12113 of title 46, United States Code,*
22 *unless that vessel is also a replacement*
23 *vessel described in paragraph (1).*

24 “(6) *GULF OF ALASKA LIMITATION.—Not-*
25 *withstanding paragraph (1), the Sec-*

1 *retary shall prohibit from participation*
2 *in the groundfish fisheries of the Gulf of*
3 *Alaska any vessel that is rebuilt or re-*
4 *placed under this subsection and that ex-*
5 *ceeds the maximum length overall speci-*
6 *fied on the license that authorizes fishing*
7 *for groundfish pursuant to the license*
8 *limitation program under part 679 of title*
9 *50, Code of Federal Regulations, as in ef-*
10 *fect on the date of enactment of the Coast*
11 *Guard Authorization Act of 2007.*

12 *“(7) AUTHORITY OF PACIFIC COUNCIL.—*
13 *Nothing in this section shall be construed*
14 *to diminish or otherwise affect the author-*
15 *ity of the Pacific Council to recommend to*
16 *the Secretary conservation and manage-*
17 *ment measures to protect fisheries under*
18 *its jurisdiction (including the Pacific*
19 *whiting fishery) and participants in such*
20 *fisheries from adverse impacts caused by*
21 *this Act.”.*

22 *(2) EXEMPTION OF CERTAIN VESSELS.—*
23 *Section 203(g) of the American Fisheries*
24 *Act (title II of division C of Public Law*
25 *105–277; 112 Stat. 2681–620) is amended—*

1 (A) *by inserting “and” after*
2 *“(United States official number*
3 *651041)”*;

4 (B) *by striking “, NORTHERN*
5 *TRAVELER (United States official*
6 *number 635986), and NORTHERN*
7 *VOYAGER (United States official*
8 *number 637398) (or a replacement ves-*
9 *sel for the NORTHERN VOYAGER*
10 *that complies with paragraphs (2),*
11 *(5), and (6) of section 208(g) of this*
12 *Act)”*; and

13 (C) *by striking “, in the case of the*
14 *NORTHERN” and all that follows*
15 *through “PHOENIX,”*.

16 (3) *FISHERY COOPERATIVE EXIT PROVI-*
17 *SIONS.—Section 210(b) of the American*
18 *Fisheries Act (title II of division C of Pub-*
19 *lic Law 105–277; 112 Stat. 2681–629) is*
20 *amended—*

21 (A) *by moving the matter begin-*
22 *ning with “the Secretary shall” in*
23 *paragraph (1) 2 ems to the right;*

24 (B) *by adding at the end the fol-*
25 *lowing:*

1 **“(7) FISHERY COOPERATIVE EXIT PROVI-**
2 **SIONS.—**

3 **“(A) FISHING ALLOWANCE DETER-**
4 **MINATION.—For purposes of deter-**
5 **mining the aggregate percentage of**
6 **directed fishing allowances under**
7 **paragraph (1), when a catcher vessel**
8 **is removed from the directed pollock**
9 **fishery, the fishery allowance for pol-**
10 **lock for the vessel being removed—**

11 **“(i) shall be based on the**
12 **catch history determination for**
13 **the vessel made pursuant to sec-**
14 **tion 679.62 of title 50, Code of Fed-**
15 **eral Regulations, as in effect on**
16 **the date of enactment of the Coast**
17 **Guard Authorization Act of 2007;**
18 **and**

19 **“(ii) shall be assigned, for all**
20 **purposes under this title, in the**
21 **manner specified by the owner of**
22 **the vessel being removed to any**
23 **other catcher vessel or among**
24 **other catcher vessels participating**
25 **in the fishery cooperative if such**

1 *vessel or vessels remain in the*
2 *fishery cooperative for at least one*
3 *year after the date on which the*
4 *vessel being removed leaves the di-*
5 *rected pollock fishery.*

6 “(B) *ELIGIBILITY FOR FISHERY EN-*
7 *DORSEMENT.—Except as provided in*
8 *subparagraph (C), a vessel that is re-*
9 *moved pursuant to this paragraph*
10 *shall be permanently ineligible for a*
11 *fishery endorsement, and any claim*
12 *(including relating to catch history)*
13 *associated with such vessel that could*
14 *qualify any owner of such vessel for*
15 *any permit to participate in any fish-*
16 *ery within the exclusive economic zone*
17 *of the United States shall be extin-*
18 *guished, unless such removed vessel is*
19 *thereafter designated to replace a ves-*
20 *sel to be removed pursuant to this*
21 *paragraph.*

22 “(C) *LIMITATIONS ON STATUTORY*
23 *CONSTRUCTION.—Nothing in this para-*
24 *graph shall be construed—*

1 “(i) to make the vessels *AJ*
2 *(United States official number*
3 *905625), DONA MARTITA (United*
4 *States official number 651751),*
5 *NORDIC EXPLORER (United*
6 *States official number 678234),*
7 *and PROVIDIAN (United States*
8 *official number 1062183) ineligible*
9 *for a fishery endorsement or any*
10 *permit necessary to participate in*
11 *any fishery under the authority of*
12 *the New England Fishery Manage-*
13 *ment Council or the Mid-Atlantic*
14 *Fishery Management Council es-*
15 *tablished, respectively, under sub-*
16 *paragraphs (A) and (B) of section*
17 *302(a)(1) of the Magnuson-Stevens*
18 *Act; or*

19 “(ii) to allow the vessels re-
20 ferred to in clause (i) to partici-
21 pate in any fishery under the au-
22 thority of the Councils referred to
23 in clause (i) in any manner that is
24 not consistent with the fishery
25 management plan for the fishery

1 *developed by the Councils under*
2 *section 303 of the Magnuson-Ste-*
3 *vens Act.”.*

4 *SEC. 302. GOODS AND SERVICES.*

5 *Section 4(b) of the Act of July 5, 1884, com-*
6 *monly known as the Rivers and Harbors Ap-*
7 *propriation Act of 1884 (33 U.S.C. 5(b)), is*
8 *amended—*

9 (1) *by striking “or” at the end of para-*
10 *graph (2)(C);*

11 (2) *by striking the period at the end of*
12 *paragraph (3) and inserting “; or”; and*

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

14 “(4) *sales taxes on goods and services*
15 *provided to or by vessels or watercraft*
16 *(other than vessels or watercraft pri-*
17 *marily engaged in foreign commerce).”.*

18 *SEC. 303. SEAWARD EXTENSION OF ANCHORAGE GROUNDS*

19 *JURISDICTION.*

20 *Section 7 of the Rivers and Harbors Appro-*
21 *priations Act of 1915 (33 U.S.C. 471) is amend-*
22 *ed—*

23 (1) *by striking “That the” and insert-*
24 *ing the following:*

25 “(a) *IN GENERAL.—The”.*

1 ***(2) in subsection (a) (as designated by***
2 ***paragraph (1)) by striking “\$100; and the”***
3 ***and inserting “up to \$10,000. Each day***
4 ***during which a violation continues shall***
5 ***constitute a separate violation. The”;***

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

7 ***“(b) DEFINITION.—As used in this section***
8 ***‘navigable waters of the United States’ in-***
9 ***cludes all waters of the territorial sea of the***
10 ***United States as described in Presidential***
11 ***Proclamation No. 5928 of December 27, 1988.”.***

12 ***SEC. 304. MARITIME DRUG LAW ENFORCEMENT ACT AMEND-***
13 ***MENT-SIMPLE POSSESSION.***

14 ***Section 70506 of title 46, United States***
15 ***Code, is amended by adding at the end the fol-***
16 ***lowing:***

17 ***“(c) SIMPLE POSSESSION.—***

18 ***“(1) IN GENERAL.—Any individual on a***
19 ***vessel subject to the jurisdiction of the***
20 ***United States who is found by the Sec-***
21 ***retary, after notice and an opportunity for***
22 ***a hearing, to have knowingly or inten-***
23 ***tionally possessed a controlled substance***
24 ***within the meaning of the Controlled Sub-***
25 ***stances Act (21 U.S.C. 812) shall be liable***

1 *to the United States for a civil penalty of*
2 *not to exceed \$10,000 for each violation.*
3 *The Secretary shall notify the individual*
4 *in writing of the amount of the civil pen-*
5 *alty.*

6 “(2) *DETERMINATION OF AMOUNT.—In*
7 *determining the amount of the penalty,*
8 *the Secretary shall consider the nature,*
9 *circumstances, extent, and gravity of the*
10 *prohibited acts committed and, with re-*
11 *spect to the violator, the degree of culpa-*
12 *bility, any history of prior offenses, ability*
13 *to pay, and other matters that justice re-*
14 *quires.*

15 “(3) *TREATMENT OF CIVIL PENALTY AS-*
16 *SESSMENT.—Assessment of a civil penalty*
17 *under this subsection shall not be consid-*
18 *ered a conviction for purposes of State or*
19 *Federal law but may be considered proof*
20 *of possession if such a determination is*
21 *relevant.”.*

22 *SEC. 305. TECHNICAL AMENDMENTS TO TONNAGE MEAS-*
23 *UREMENT LAW.*

24 *(a) DEFINITIONS.—Section 14101(4) of title*
25 *46, United States Code, is amended—*

1 (1) *by striking “engaged” the first*
2 *place it appears and inserting “that en-*
3 *gages”;*

4 (2) *in subparagraph (A), by striking*
5 *“arriving” and inserting “that arrives”;*

6 (3) *in subparagraph (B)—*

7 (A) *by striking “making” and in-*
8 *serting “that makes”; and*

9 (B) *by striking “(except a foreign*
10 *vessel engaged on that voyage)”;*

11 (4) *in subparagraph (C), by striking*
12 *“departing” and inserting “that departs”;*
13 *and*

14 (5) *in subparagraph (D), by striking*
15 *“making” and inserting “that makes”.*

16 (b) *DELEGATION OF AUTHORITY.—Section*
17 *14103(c) of that title is amended by striking*
18 *“intended to be engaged on” and inserting*
19 *“that engages on”.*

20 (c) *APPLICATION.—Section 14301 of that*
21 *title is amended—*

22 (1) *by amending subsection (a) to read*
23 *as follows:*

24 “(a) *Except as otherwise provided in this*
25 *section, this chapter applies to any vessel for*

1 *which the application of an international*
2 *agreement or other law of the United States to*
3 *the vessel depends on the vessel's tonnage.”;*

4 (2) *in subsection (b)—*

5 (A) *in paragraph (1), by striking*
6 *the period at the end and inserting “,*
7 *unless the government of the country*
8 *to which the vessel belongs elects to*
9 *measure the vessel under this chap-*
10 *ter.”;*

11 (B) *in paragraph (3), by inserting*
12 *“of United States or Canadian reg-*
13 *istry or nationality, or a vessel oper-*
14 *ated under the authority of the United*
15 *States or Canada, and that is” after*
16 *“vessel”;*

17 (C) *in paragraph (4), by striking*
18 *“a vessel (except a vessel engaged”*
19 *and inserting “a vessel of United*
20 *States registry or nationality, or one*
21 *operated under the authority of the*
22 *United States (except a vessel that en-*
23 *gages”;*

24 (D) *by striking paragraph (5);*

1 ***(E) by redesignating paragraph***
2 ***(6) as paragraph (5); and***

3 ***(F) by amending paragraph (5), as***
4 ***so redesignated, to read as follows:***

5 ***“(5) a barge of United States registry***
6 ***or nationality, or a barge operated under***
7 ***the authority of the United States (except***
8 ***a barge that engages on a foreign voyage)***
9 ***unless the owner requests.”;***

10 ***(3) by striking subsection (c);***

11 ***(4) by redesignating subsections (d)***
12 ***and (e) as subsections (c) and (d), respec-***
13 ***tively; and***

14 ***(5) in subsection (c), as redesignated,***
15 ***by striking “After July 18, 1994, an exist-***
16 ***ing vessel (except an existing vessel re-***
17 ***ferred to in subsection (b)(5)(A) or (B) of***
18 ***this section)” and inserting “An existing***
19 ***vessel that has not undergone a change***
20 ***that the Secretary finds substantially af-***
21 ***fects the vessel’s gross tonnage (or a vessel***
22 ***to which IMO Resolutions A.494 (XII) of***
23 ***November 19, 1981, A.540 (XIII) of Novem-***
24 ***ber 17, 1983, or A.541 (XIII) of November***
25 ***17, 1983 apply)”.***

1 **(d) MEASUREMENT.—Section 14302(b) of**
2 **that title is amended to read as follows:**

3 **“(b) A vessel measured under this chapter**
4 **may not be required to be measured under an-**
5 **other law.”.**

6 **(e) TONNAGE CERTIFICATE.—**

7 **(1) ISSUANCE.—Section 14303 of title**
8 **46, United States Code, is amended—**

9 **(A) in subsection (a), by adding at**
10 **the end the following: “For a vessel to**
11 **which the Convention does not apply,**
12 **the Secretary shall prescribe a certifi-**
13 **cate to be issued as evidence of a ves-**
14 **sel’s measurement under this chap-**
15 **ter.”;**

16 **(B) in subsection (b), by inserting**
17 **“issued under this section” after “cer-**
18 **tificate”;** and

19 **(C) in the section heading by strik-**
20 **ing “International” and “(1969)”.**

21 **(2) MAINTENANCE.—Section 14503 of**
22 **that title is amended—**

23 **(A) by designating the existing**
24 **text as subsection (a); and**

1 ***(B) by adding at the end the fol-***
2 ***lowing new subsection:***

3 ***“(b) The certificate shall be maintained as***
4 ***required by the Secretary.”.***

5 ***(3) CLERICAL AMENDMENT.—The anal-***
6 ***ysis at the beginning of chapter 143 of***
7 ***that title is amended by striking the item***
8 ***relating to section 14303 and inserting the***
9 ***following:***

“14303. Tonnage Certificate.”.

10 ***(f) OPTIONAL REGULATORY MEASUREMENT.—***
11 ***Section 14305(a) of that title is amended by***
12 ***striking “documented vessel measured under***
13 ***this chapter,” and inserting “vessel measured***
14 ***under this chapter that is of United States reg-***
15 ***istry or nationality, or a vessel operated under***
16 ***the authority of the United States,”.***

17 ***(g) APPLICATION.—Section 14501 of that***
18 ***title is amended—***

19 ***(1) by amending paragraph (1) to***
20 ***read as follows:***

21 ***“(1) A vessel not measured under***
22 ***chapter 143 of this title if the application***
23 ***of an international agreement or other***
24 ***law of the United States to the vessel de-***
25 ***pends on the vessel’s tonnage.”; and***

1 (2) *in paragraph (2), by striking “a*
2 *vessel” and inserting “A vessel”.*

3 ***(h) DUAL TONNAGE MEASUREMENT.—Section***
4 ***14513(c) of that title is amended—***

5 ***(1) in paragraph (1)—***

6 ***(A) by striking “vessel’s tonnage***
7 ***mark is below the uppermost part of***
8 ***the load line marks,” and inserting***
9 ***“vessel is assigned two sets of gross***
10 ***and net tonnages under this section,”;***
11 ***and***

12 ***(B) by inserting “vessel’s tonnage”***
13 ***before “mark” the second place such***
14 ***term appears; and***

15 ***(2) in paragraph (2), by striking the***
16 ***period at the end and inserting “as as-***
17 ***signed under this section.”.***

18 ***(i) RECIPROCITY FOR FOREIGN VESSELS.—***
19 ***Subchapter II of chapter 145 of that title is***
20 ***amended by adding at the end the following:***

21 ***“§ 14514. Reciprocity for foreign vessels***

22 ***“For a foreign vessel not measured under***
23 ***chapter 143, if the Secretary finds that the***
24 ***laws and regulations of a foreign country re-***
25 ***lated to measurement of vessels are substan-***

1 *tially similar to those of this chapter and the*
2 *regulations prescribed under this chapter, the*
3 *Secretary may accept the measurement and*
4 *certificate of a vessel of that foreign country*
5 *as complying with this chapter and the regula-*
6 *tions prescribed under this chapter.”.*

7 **(j) CLERICAL AMENDMENT.**—*The analysis for*
8 *subchapter II of chapter 145 of such title is*
9 *amended by adding at the end the following:*
“14514. Reciprocity for foreign vessels.”.

10 **SEC. 306. ACCESS FOR SEAMEN.**

11 *A seaman assigned to a vessel docked at a*
12 *facility with a security plan approved under*
13 *section 70103(c) of title 46, United States Code,*
14 *and pilots and representatives of seamen’s wel-*
15 *fare and labor organizations, who board and*
16 *depart from the vessel in compliance with the*
17 *provisions of the facility security plan shall be*
18 *provided access through the facility at no cost*
19 *to the individual.*

20 **SEC. 307. FISHING VESSEL SAFETY.**

21 **(a) SAFETY STANDARDS.**—*Section 4502 of*
22 *title 46, United States Code, is amended—*

23 **(1) in subsection (a), by—**

24 **(A) striking paragraphs (6) and**

25 **(7) and inserting the following:**

1 “(6) *other equipment required to mini-*
2 *mize the risk of injury to the crew during*
3 *vessel operations, if the Secretary deter-*
4 *mines that a risk of serious injury exists*
5 *that can be eliminated or mitigated by*
6 *that equipment; and”;* and

7 (B) *redesignating paragraph (8)*
8 *as paragraph (7);*

9 (2) *in subsection (b)—*

10 (A) *in paragraph (1) in the matter*
11 *preceding subparagraph (A), by strik-*
12 *ing “documented”;*

13 (B) *in paragraph (1)(A), by strik-*
14 *ing “the Boundary Line” and insert-*
15 *ing “3 nautical miles from the base-*
16 *line from which the territorial sea of*
17 *the United States is measured or be-*
18 *yond 3 nautical miles from the coast-*
19 *line of the Great Lakes”;*

20 (C) *in paragraph (2)(B), by strik-*
21 *ing “lifeboats or liferafts” and insert-*
22 *ing “a survival craft that ensures that*
23 *no part of an individual is immersed*
24 *in water”;*

1 ***(D) in paragraph (2)(D), by insert-***
2 ***ing “marine” before “radio”;***

3 ***(E) in paragraph (2)(E), by strik-***
4 ***ing “radar reflectors, nautical charts,***
5 ***and anchors” and inserting “nautical***
6 ***charts, and publications”;***

7 ***(F) in paragraph (2)(F), by strik-***
8 ***ing “, including medicine chests” and***
9 ***inserting “and medical supplies suffi-***
10 ***cient for the size and area of oper-***
11 ***ation of the vessel” and***

12 ***(G) by amending paragraph (2)(G)***
13 ***to read as follows:***

14 ***“(G) ground tackle sufficient for the***
15 ***vessel.”;***

16 ***(3) by amending subsection (f) to read***
17 ***as follows:***

18 ***“(f) To ensure compliance with the require-***
19 ***ments of this chapter, the Secretary—***

20 ***“(1) shall require the individual in***
21 ***charge of a vessel described in subsection***
22 ***(b) to keep a record of equipment mainte-***
23 ***nance, and required instruction and***
24 ***drills; and***

1 “(2) shall examine at dockside a vessel
2 described in subsection (b) at least twice
3 every 5 years, and shall issue a certificate
4 of compliance to a vessel meeting the re-
5 quirements of this chapter.”; and

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

7 “(g)(1) The individual in charge of a vessel
8 described in subsection (b) must pass a train-
9 ing program approved by the Secretary that
10 meets the requirements in paragraph (2) of
11 this subsection and hold a valid certificate
12 issued under that program.

13 “(2) The training program shall—

14 “(A) be based on professional knowl-
15 edge and skill obtained through sea serv-
16 ice and hands-on training, including
17 training in seamanship, stability, colli-
18 sion prevention, navigation, fire fighting
19 and prevention, damage control, personal
20 survival, emergency medical care, and
21 weather;

22 “(B) require an individual to dem-
23 onstrate ability to communicate in an
24 emergency situation and understand in-

1 *formation found in navigation publica-*
2 *tions;*

3 *“(C) recognize and give credit for re-*
4 *cent past experience in fishing vessel oper-*
5 *ation; and*

6 *“(D) provide for issuance of a certifi-*
7 *cate to an individual that has success-*
8 *fully completed the program.*

9 *“(3) The Secretary shall prescribe regula-*
10 *tions implementing this subsection. The regu-*
11 *lations shall require that individuals who are*
12 *issued a certificate under paragraph (2)(D)*
13 *must complete refresher training at least once*
14 *every 5 years as a condition of maintaining the*
15 *validity of the certificate.*

16 *“(4) The Secretary shall establish a pub-*
17 *licly accessible electronic database listing the*
18 *names of individuals who have participated in*
19 *and received a certificate confirming success-*
20 *ful completion of a training program ap-*
21 *proved by the Secretary under this section.*

22 *“(h) A vessel to which this chapter applies*
23 *shall be constructed in a manner that provides*
24 *a level of safety equivalent to the minimum*
25 *safety standards the Secretary may estab-*

1 *lished for recreational vessels under section*
2 *4302, if—*

3 *“(1) subsection (b) of this section ap-*
4 *plies to the vessel;*

5 *“(2) the vessel is less than 50 feet over-*
6 *all in length; and*

7 *“(3) the vessel is built after January 1,*
8 *2008.*

9 *“(i)(1) The Secretary shall establish a*
10 *Fishing Safety Training Grants Program to*
11 *provide funding to municipalities, port au-*
12 *thorities, other appropriate public entities,*
13 *not-for-profit organizations, and other quali-*
14 *fied persons that provide commercial fishing*
15 *safety training—*

16 *“(A) to conduct fishing vessel safety*
17 *training that meets the requirements of*
18 *subsection (g); and*

19 *“(B) for purchase of safety equipment*
20 *and training aids for use in those fishing*
21 *vessel safety training programs.*

22 *“(2) The Secretary shall award grants*
23 *under this subsection on a competitive basis.*

1 ***“(3) The Federal share of the cost of any***
2 ***activity carried out with a grant under this***
3 ***subsection shall not exceed 75 percent.***

4 ***“(4) There is authorized to be appropriated***
5 ***\$3,000,000 for each of fiscal years 2008 through***
6 ***2012 for grants under this subsection.***

7 ***“(j)(1) The Secretary shall establish a***
8 ***Fishing Safety Research Grant Program to***
9 ***provide funding to individuals in academia,***
10 ***members of non-profit organizations and busi-***
11 ***nesses involved in fishing and maritime mat-***
12 ***ters, and other persons with expertise in fish-***
13 ***ing safety, to conduct research on methods of***
14 ***improving the safety of the commercial fishing***
15 ***industry, including vessel design, emergency***
16 ***and survival equipment, enhancement of ves-***
17 ***sel monitoring systems, communications de-***
18 ***vices, de-icing technology, and severe weather***
19 ***detection.***

20 ***“(2) The Secretary shall award grants***
21 ***under this subsection on a competitive basis.***

22 ***“(3) The Federal share of the cost of any***
23 ***activity carried out with a grant under this***
24 ***subsection shall not exceed 75 percent.”.***

1 **(b) CONFORMING AMENDMENT.—Section**
2 **4506(b) of title 46, United States Code, is re-**
3 **pealed.**

4 **(c) ADVISORY COMMITTEE.—**

5 **(1) CHANGE OF NAME.—Section 4508 of**
6 **title 46, United States Code, is amended—**

7 **(A) by striking the section heading**
8 **and inserting the following:**

9 **“§4508. Commercial Fishing Safety Advisory Com-**
10 **mittee”;**

11 **and**

12 **(B) in subsection (a) by striking**
13 **“Industry Vessel”.**

14 **(2) CLERICAL AMENDMENT.—The table**
15 **of section at the beginning of chapter 45**
16 **of title 46, United States Code, is amended**
17 **by striking the item relating to such sec-**
18 **tion and inserting the following:**

“4508. Commercial Fishing Safety Advisory Committee.”.

19 **(d) LOADLINES FOR VESSELS OVER 79**
20 **FEET.—Section 5102(b)(3) of title 46, United**
21 **States Code, is amended by inserting after**
22 **“vessel” the following “, unless the vessel is**
23 **built or undergoes a major conversion com-**
24 **pleted after January 1, 2008”.**

25 **(e) CLASSING OF VESSELS.—**

1 ***(1) IN GENERAL.—Section 4503 of title***
2 ***46, United States Code, is amended—***

3 ***(A) by striking the section heading***
4 ***and inserting the following:***

5 ***“§4503. Fishing, fish tender, and fish processing ves-***
6 ***sel certification”;***

7 ***(B) in subsection (a) by striking***
8 ***“fish processing”; and***

9 ***(C) by adding at the end the fol-***
10 ***lowing:***

11 ***“(c) This section applies to a vessel to***
12 ***which section 4502(b) of this title applies***
13 ***that—***

14 ***“(1) is at least 50 feet overall in***
15 ***length;***

16 ***“(2) is built after January 1, 2008; or***

17 ***“(3) undergoes a major conversion***
18 ***completed after that date.***

19 ***“(d) After January 1, 2018, this section ap-***
20 ***plies to a fishing vessel or fish tender vessel***
21 ***that is built before January 1, 2008, and is 25***
22 ***years of age or older, unless the vessel complies***
23 ***with an alternate safety compliance program***
24 ***prescribed by the Secretary.”.***

1 **(2) CLERICAL AMENDMENT.**—*The table*
2 *of section at the beginning of chapter 45*
3 *of title 46, United States Code, is amended*
4 *by striking the item relating to such sec-*
5 *tion and inserting the following:*

“4503. Fishing, fish tender, and fish processing vessel certifi-
 cation.”.

6 **(f) ALTERNATIVE SAFETY COMPLIANCE PRO-**
7 **GRAM.**—*No later than January 1, 2015, the Sec-*
8 *retary of the department in which the Coast*
9 *Guard is operating shall prescribe an alter-*
10 *native safety compliance program referred to*
11 *in section 4503(d) of the title 46, United States*
12 *Code, as amended by this section.*

13 **SEC. 308. MARINER RECORDS.**

14 **Section 7502 of title 46, United States Code,**
15 **is amended—**

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

17 **(2) by striking “computerized records”**
18 **and inserting “records, including elec-**
19 **tronic records,”; and**

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

21 **“(b) The Secretary may prescribe regula-**
22 **tions requiring a vessel owner or managing**
23 **operator of a commercial vessel, or the em-**
24 **ployer of a seaman on that vessel, to maintain**

1 *records of each individual engaged on the ves-*
2 *sel on matters of engagement, discharge, and*
3 *service for not less than 5 years after the date*
4 *of the completion of the service of that indi-*
5 *vidual on the vessel. The regulations may re-*
6 *quire that a vessel owner, managing operator,*
7 *or employer shall make these records avail-*
8 *able to the individual and the Coast Guard on*
9 *request.*

10 *“(c) A person violating this section, or a*
11 *regulation prescribed under this section, is*
12 *liable to the United States Government for a*
13 *civil penalty of not more than \$5,000.”.*

14 *SEC. 309. DELETION OF EXEMPTION OF LICENSE REQUIRE-*
15 *MENT FOR OPERATORS OF CERTAIN TOWING*
16 *VESSELS.*

17 *Section 8905 of title 46, United States Code,*
18 *is amended—*

19 *(1) by striking subsection (b); and*

20 *(2) by redesignating subsection (c) as*
21 *subsection (b).*

1 **SEC. 310. ADJUSTMENT OF LIABILITY LIMITS FOR NATURAL**
2 **GAS DEEPWATER PORTS.**

3 **Section 1004(d)(2) of the Oil Pollution Act**
4 **of 1990 (33 U.S.C. 2704(d)(2)) is amended by**
5 **adding at the end the following:**

6 **“(D) The Secretary may establish,**
7 **by regulation, a limit of liability of**
8 **not less than \$12,000,000 for a deep-**
9 **water port used only in connection**
10 **with transportation of natural gas.”.**

11 **SEC. 311. PERIOD OF LIMITATIONS FOR CLAIMS AGAINST**
12 **OIL SPILL LIABILITY TRUST FUND.**

13 **Section 1012(h)(1) of the Oil Pollution Act**
14 **of 1990 (33 U.S.C. 2712(h)(1)) is amended by**
15 **striking “6” and inserting “3”.**

16 **SEC. 312. LOG BOOKS.**

17 **(a) IN GENERAL.—Chapter 113 of title 46,**
18 **United States Code, is amended by adding at**
19 **the end the following:**

20 **“§ 11304. Additional logbook and entry requirements**

21 **“(a) A vessel of the United States that is**
22 **subject to inspection under section 3301 of this**
23 **title, except a vessel on a voyage from a port**
24 **in the United States to a port in Canada, shall**
25 **have an official logbook.**

1 ***“(b) The log book required by subsection***
2 ***(a) shall include the following entries:***

3 ***“(1) The time when each seaman and***
4 ***each officer assumed or relieved the***
5 ***watch.***

6 ***“(2) The number of hours in service to***
7 ***the vessels of each seaman and each offi-***
8 ***cer.***

9 ***“(3) An account of each accident, ill-***
10 ***ness, and injury that occurs during each***
11 ***watch.”.***

12 ***(b) CLERICAL AMENDMENT.—The table of***
13 ***sections at the beginning of such chapter is***
14 ***amended by adding at the end the following:***

“11304. Additional logbook and entry requirements.”.

15 ***SEC. 313. UNSAFE OPERATION.***

16 ***(a) IN GENERAL.—Chapter 21 of title 46,***
17 ***United States Code, is amended by adding at***
18 ***the end the following new section:***

19 ***“§2116. Termination for unsafe operation***

20 ***“An individual authorized to enforce this***
21 ***title—***

22 ***“(1) may remove a certificate required***
23 ***by this title from a vessel that is operating***
24 ***in a condition that does not comply with***
25 ***the provisions of the certificate;***

1 “(2) *may order the individual in*
2 *charge of a vessel that is operating that*
3 *does not have on board the certificate re-*
4 *quired by this title to return the vessel to*
5 *a mooring and to remain there until the*
6 *vessel is in compliance with this title; and*

7 “(3) *may direct the individual in*
8 *charge of a vessel to which this title ap-*
9 *plies to immediately take reasonable steps*
10 *necessary for the safety of individuals on*
11 *board the vessel if the official observes the*
12 *vessel being operated in an unsafe condi-*
13 *tion that the official believes creates an*
14 *especially hazardous condition, including*
15 *ordering the individual in charge to re-*
16 *turn the vessel to a mooring and to re-*
17 *main there until the situation creating*
18 *the hazard is corrected or ended.”.*

19 **(b) CLERICAL AMENDMENT.**—*The table of*
20 *sections at the beginning of such chapter is*
21 *amended by adding at the end the following:*

“Sec. 2116. Termination for unsafe operation.”.

22 **SEC. 314. APPROVAL OF SURVIVAL CRAFT.**

23 **(a) IN GENERAL.**—*Chapter 31 of title 46,*
24 *United States Code, is amended by adding at*
25 *the end the following new section:*

1 **“§ 3104. Survival craft**

2 **“(a) Except as provided in subsection (b),**
3 **the Secretary may not approve a survival craft**
4 **as a safety device for purposes of this part, un-**
5 **less the craft ensures that no part of an indi-**
6 **vidual is immersed in water.**

7 **“(b) The Secretary may authorize a sur-**
8 **vival craft that does not provide protection de-**
9 **scribed in subsection (a) to remain in service**
10 **until not later than January 1, 2013, if—**

11 **“(1) it was approved by the Secretary**
12 **before January 1, 2008; and**

13 **“(2) it is in serviceable condition.”.**

14 **(b) CLERICAL AMENDMENT.—The table of**
15 **sections at the beginning of such chapter is**
16 **amended by adding at the end the following:**
“Sec. 3104. Survival craft.”.

17 **SEC. 315. SAFETY MANAGEMENT.**

18 **(a) VESSELS TO WHICH REQUIREMENTS**
19 **APPLY.—Section 3202 of title 46, United States**
20 **Code, is amended—**

21 **(1) in subsection (a) by striking the**
22 **heading and inserting “FOREIGN VOYAGES**
23 **AND FOREIGN VESSELS.—”;**

1 (2) *by redesignating subsections (b)*
2 *and (c) as subsections (c) and (d), respec-*
3 *tively;*

4 (3) *by inserting after subsection (a)*
5 *the following:*

6 “(b) *OTHER PASSENGER VESSELS.—This*
7 *chapter applies to a vessel that is—*

8 *“(1) a passenger vessel or small pas-*
9 *senger vessel; and*

10 *“(2) is transporting more passengers*
11 *than a number prescribed by the Sec-*
12 *retary based on the number of individuals*
13 *on the vessel that could be killed or in-*
14 *jured in a marine casualty.”;*

15 (4) *in subsection (d), as so redesign-*
16 *ated, by striking “subsection (b)” and in-*
17 *serting “subsection (c)”;*

18 (5) *in subsection (d)(4), as so redesign-*
19 *ated, by inserting “that is not described*
20 *in subsection (b) of this section” after*
21 *“waters”.*

22 (b) *SAFETY MANAGEMENT SYSTEM.—Section*
23 *3203 of title 46, United States Code, is amend-*
24 *ed by adding at the end the following new sub-*
25 *section:*

1 “(c) *In prescribing regulations for pas-*
2 *senger vessels and small passenger vessels, the*
3 *Secretary shall consider the characteristics,*
4 *methods of operation, and nature of the serv-*
5 *ice of these vessels.”*

6 SEC. 316. PROTECTION AGAINST DISCRIMINATION.

7 (a) *IN GENERAL.—Section 2114 of title 46,*
8 *United States Code, is amended—*

9 (1) *in subsection (a)(1)(A), by striking*
10 *“or” after the semicolon;*

11 (2) *in subsection (a)(1)(B), by striking*
12 *the period at the end and inserting a*
13 *semicolon;*

14 (3) *by adding at the end of subsection*
15 *(a)(1) the following new subparagraphs:*

16 “(C) *the seaman testified in a pro-*
17 *ceeding brought to enforce a maritime*
18 *safety law or regulation prescribed under*
19 *that law;*

20 “(D) *the seaman notified, or attempted*
21 *to notify, the vessel owner or the Secretary*
22 *of a work-related personal injury or work-*
23 *related illness of a seaman;*

24 “(E) *the seaman cooperated with a*
25 *safety investigation by the Secretary or*

1 *the National Transportation Safety*
2 *Board;*

3 *“(F) the seaman furnished informa-*
4 *tion to the Secretary, the National Trans-*
5 *portation Safety Board, or any other pub-*
6 *lic official as to the facts relating to any*
7 *marine casualty resulting in injury or*
8 *death to an individual or damage to prop-*
9 *erty occurring in connection with vessel*
10 *transportation; or*

11 *“(G) the seaman accurately reported*
12 *hours of duty under this part.”; and*

13 *(4) by amending subsection (b) to read*
14 *as follows:*

15 *“(b) A seaman alleging discharge or dis-*
16 *crimination in violation of subsection (a) of*
17 *this section, or another person at the seaman’s*
18 *request, may file a complaint with respect to*
19 *such allegation in the same manner as a com-*
20 *plaint may be filed under subsection (b) of sec-*
21 *tion 31105 of title 49. Such complaint shall be*
22 *subject to the procedures, requirements, and*
23 *rights described in that section, including*
24 *with respect to the right to file an objection,*
25 *the right of a person to file for a petition for*

1 *review under subsection (c) of that section,*
2 *and the requirement to bring a civil action*
3 *under subsection (d) of that section.”.*

4 **(b) EXISTING ACTIONS.**—*This section shall*
5 *not affect the application of section 2114(b) of*
6 *title 46, United States Code, as in effect before*
7 *the date of enactment of this Act, to an action*
8 *filed under that section before that date.*

9 **SEC. 317. DRY BULK CARGO RESIDUE.**

10 *Section 623(a)(2) of the Coast Guard and*
11 *Maritime Transportation Act of 2004 (33 U.S.C.*
12 *1901 note) is amended by striking “2008” and*
13 *inserting “2009”.*

14 **SEC. 318. CLARIFICATION OF DELEGATION OF AUTHORITY**
15 **TO CLASSIFICATION SOCIETIES.**

16 *Section 3316 of title 46, United States Code,*
17 *is amended—*

18 *(1) in subsection (b)(1), by inserting*
19 *“or for a floating installation” after*
20 *“chapter 121 of this title”;*

21 *(2) in subsection (b)(2)(A), by inserting*
22 *“or for floating installations” after “ves-*
23 *sels documented in that country”;*

1 ***(3) in subsection (b)(3)(A), by inserting***
2 ***“or floating installation” after “after the***
3 ***vessel”; and***

4 ***(4) by adding at the end the following***
5 ***new subsection:***

6 ***“(d) For purposes of this section, the term***
7 ***‘floating installation’ means any installation,***
8 ***structure, or other device that floats and that***
9 ***either dynamically holds position or is tempo-***
10 ***rarily or permanently attached to the seabed***
11 ***or subsoil under the territorial sea of the***
12 ***United States or the outer Continental Shelf***
13 ***(as that term is defined in section 2 of the***
14 ***Outer Continental Shelf Lands Act (43 U.S.C.***
15 ***1331)), and is used for the purpose of exploring***
16 ***for, developing, producing, or storing the re-***
17 ***sources from that seabed or subsoil.”.***

18 ***SEC. 319. REGISTRY ENDORSEMENT FOR LNG VESSELS.***

19 ***Section 12111 of title 46, United States***
20 ***Code, is amended by adding at the end the fol-***
21 ***lowing:***

22 ***“(d) A vessel or facility for which a registry***
23 ***endorsement is not issued may not engage in***
24 ***regassifying on navigable waters unless the***

1 *vessel or facility transported the gas from a*
2 *foreign port.”.*

3 *SEC. 320. OATHS.*

4 *Sections 7105 and 7305 of title 46, United*
5 *States Code, and the items relating to such sec-*
6 *tions in the analysis for chapters 71 and 73 of*
7 *such title, are repealed.*

8 *SEC. 321. DURATION OF CREDENTIALS.*

9 *(a) MERCHANT MARINER’S DOCUMENTS.—*
10 *Section 7302(f) of title 46, United States Code,*
11 *is amended to read as follows:*

12 *“(f) PERIODS OF VALIDITY AND RENEWAL OF*
13 *MERCHANT MARINERS’ DOCUMENTS.—*

14 *“(1) IN GENERAL.—Except as provided*
15 *in subsection (g), a merchant mariner’s*
16 *document issued under this chapter is*
17 *valid for a 5-year period and may be re-*
18 *newed for additional 5-year periods.*

19 *“(2) ADVANCE RENEWALS.—A renewed*
20 *merchant mariner’s document may be*
21 *issued under this chapter up to 8 months*
22 *in advance but is not effective until the*
23 *date that the previously issued merchant*
24 *mariner’s document expires.”.*

1 **(b) DURATION OF LICENSES.—Section 7106**
2 *of such title is amended to read as follows:*

3 *“§ 7106. Duration of licenses*

4 **“(a) IN GENERAL.—A license issued under**
5 *this part is valid for a 5-year period and may*
6 *be renewed for additional 5-year periods; ex-*
7 *cept that the validity of a license issued to a*
8 *radio officer is conditioned on the continuous*
9 *possession by the holder of a first-class or sec-*
10 *ond-class radiotelegraph operator license*
11 *issued by the Federal Communications Com-*
12 *mission.*

13 **“(b) ADVANCE RENEWALS.—A renewed li-**
14 *cense issued under this part may be issued up*
15 *to 8 months in advance but is not effective*
16 *until the date that the previously issued li-*
17 *cense expires.”.*

18 **(c) CERTIFICATES OF REGISTRY.—Section**
19 *7107 of such title is amended to read as fol-*
20 *lows:*

21 *“§ 7107. Duration of certificates of registry*

22 **“(a) IN GENERAL.—A certificate of registry**
23 *issued under this part is valid for a 5-year pe-*
24 *riod and may be renewed for additional 5-year*
25 *periods; except that the validity of a certificate*

1 *issued to a medical doctor or professional*
2 *nurse is conditioned on the continuous posses-*
3 *sion by the holder of a license as a medical*
4 *doctor or registered nurse, respectively, issued*
5 *by a State.*

6 “(b) *ADVANCE RENEWALS.—A renewed cer-*
7 *tificate of registry issued under this part may*
8 *be issued up to 8 months in advance but is not*
9 *effective until the date that the previously*
10 *issued certificate of registry expires.”.*

11 *SEC. 322. FINGERPRINTING.*

12 “(a) *MERCHANT MARINER LICENSES AND DOC-*
13 *UMENTS.—Chapter 75 of title 46, United States*
14 *Code, is amended by adding at the end the fol-*
15 *lowing:*

16 “§ 7507. *Fingerprinting*

17 “*The Secretary of the Department in which*
18 *the Coast Guard is operating may not require*
19 *an individual to be fingerprinted for the*
20 *issuance or renewal of a license, a certificate*
21 *of registry, or a merchant mariner’s document*
22 *under chapter 71 or 73 if the individual was*
23 *fingerprinted when the individual applied for*
24 *a transportation security card under section*
25 *70105.”.*

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

“7507. Fingerprinting.”.

4 **SEC. 323. AUTHORIZATION TO EXTEND THE DURATION OF**
5 **LICENSES, CERTIFICATES OF REGISTRY, AND**
6 **MERCHANT MARINERS’ DOCUMENTS.**

7 **(a) MERCHANT MARINER LICENSES AND DOC-**
8 *UMENTS.—Chapter 75 of title 46, United States*
9 *Code, as amended by section 322(a) of this Act,*
10 *is further amended by adding at the end the*
11 *following:*

12 *“§ 7508. Authority to extend the duration of licenses,*
13 *certificates of registry, and merchant*
14 *mariner documents*

15 **“(a) LICENSES AND CERTIFICATES OF REG-**
16 *ISTRY.—Notwithstanding section 7106 and*
17 *7107, the Secretary of the department in which*
18 *the Coast Guard is operating may extend for*
19 *one year an expiring license or certificate of*
20 *registry issued for an individual under chap-*
21 *ter 71 if the Secretary determines that exten-*
22 *sion is required to enable the Coast Guard to*
23 *eliminate a backlog in processing applications*
24 *for those licenses or certificates of registry.*

1 **“(b) MERCHANT MARINER DOCUMENTS.—Not-**
2 *withstanding section 7302(g), the Secretary*
3 *may extend for one year an expiring merchant*
4 *mariner’s document issued for an individual*
5 *under chapter 71 if the Secretary determines*
6 *that extension is required to enable the Coast*
7 *Guard to eliminate a backlog in processing*
8 *applications for those documents.*

9 **“(c) MANNER OF EXTENSION.—Any exten-**
10 *sions granted under this section may be grant-*
11 *ed to individual seamen or a specifically iden-*
12 *tified group of seamen.*

13 **“(d) EXPIRATION OF AUTHORITY.—The au-**
14 *thority for providing an extension under this*
15 *section shall expire on June 30, 2009.”.*

16 **(b) CLERICAL AMENDMENT.—The analysis**
17 *for such chapter, as amended by section*
18 *322(b), is further amended by adding at the*
19 *end the following:*

*“7508. Authority to extend the duration of licenses, certificates of
registry, and merchant mariner documents.”.*

20 *SEC. 324. MERCHANT MARINER DOCUMENTATION.*

21 **(a) INTERIM CLEARANCE PROCESS.—Not**
22 *later than 180 days after the date of enactment*
23 *of this Act, the Secretary of the department in*
24 *which the Coast Guard is operating shall de-*

1 *velop an interim clearance process for*
2 *issuance of a merchant mariner document to*
3 *enable a newly hired seaman to begin working*
4 *on an offshore supply vessel or towing vessel*
5 *if the Secretary makes an initial determina-*
6 *tion that the seaman does not pose a safety*
7 *and security risk.*

8 **(b) CONTENTS OF PROCESS.**—*The process*
9 *under subsection (a) shall include a check*
10 *against the consolidated and integrated ter-*
11 *rorist watch list maintained by the Federal*
12 *Government, review of the seaman’s criminal*
13 *record, and review of the results of testing the*
14 *seaman for use of a dangerous drug (as de-*
15 *fin ed in section 2101 of title 46, United States*
16 *Code) in violation of law or Federal regula-*
17 *tion.*

18 **SEC. 325. MERCHANT MARINER ASSISTANCE REPORT.**

19 *Not later than 180 days after the date of*
20 *enactment of this Act, the Commandant of the*
21 *Coast Guard shall submit to the Committee on*
22 *Transportation and Infrastructure of the*
23 *House of Representatives and the Committee*
24 *on Commerce, Science, and Transportation of*
25 *the Senate a report regarding a plan—*

1 ***(1) to expand the streamlined evalua-***
2 ***tion process program that was affiliated***
3 ***with the Houston Regional Examination***
4 ***Center of the Coast Guard to all proc-***
5 ***essing centers of the Coast Guard nation-***
6 ***wide;***

7 ***(2) to include proposals to simplify the***
8 ***application process for a license as an of-***
9 ***ficer, staff officer, or operator and for a***
10 ***merchant mariner's document to help***
11 ***eliminate errors by merchant mariners***
12 ***when completing the application form***
13 ***(CG-719B), including instructions at-***
14 ***tached to the application form and a***
15 ***modified application form for renewals***
16 ***with questions pertaining only to the pe-***
17 ***riod of time since the previous applica-***
18 ***tion;***

19 ***(3) to provide notice to an applicant of***
20 ***the status of the pending application, in-***
21 ***cluding a process to allow the applicant***
22 ***to check on the status of the application***
23 ***by electronic means; and***

24 ***(4) to ensure that all information col-***
25 ***lected with respect to applications for new***

1 *or renewed licenses, merchant mariner*
2 *documents, and certificates of registry is*
3 *retained in a secure electronic format.*

4 *SEC. 326. MERCHANT MARINER SHORTAGE REPORT.*

5 *Not later than 180 days after the date of*
6 *enactment of this Act, the Secretary of Trans-*
7 *portation, acting through the Administrator of*
8 *the Maritime Administration, shall submit to*
9 *the Committee on Transportation and Infra-*
10 *structure of the House of Representatives and*
11 *the Committee on Commerce, Science, and*
12 *Transportation of the Senate a report con-*
13 *cerning methods to address the current and*
14 *future shortage in the number of merchant*
15 *mariners, particularly entry-level mariners,*
16 *including an evaluation of whether an edu-*
17 *cational loan program providing loans for the*
18 *cost of on-the-job training would provide an*
19 *incentive for workers and help alleviate the*
20 *shortage.*

21 *SEC. 327. MERCHANT MARINER DOCUMENT STANDARDS.*

22 *Not later than 270 days after the date of*
23 *enactment of this Act, the Secretary of the de-*
24 *partment in which the Coast Guard is oper-*
25 *ating shall submit to the Committees on*

1 *Transportation and Infrastructure and Home-*
2 *land Security of the House of Representatives*
3 *and the Committee on Commerce, Science, and*
4 *Transportation of the Senate—*

5 (1) *a plan to ensure that the process*
6 *for an application, by an individual who*
7 *has, or has applied for, a transportation*
8 *security card under section 70105 of title*
9 *46, United States Code, for a merchant*
10 *mariner document can be completed en-*
11 *tirely by mail; and*

12 (2) *a report on the feasibility of, and a*
13 *timeline to, redesign the merchant mar-*
14 *iner document to comply with the require-*
15 *ments of such section, including a biomet-*
16 *ric identifier, and all relevant inter-*
17 *national conventions, including the Inter-*
18 *national Labour Organization Convention*
19 *Number 185 concerning the seafarers*
20 *identity document, and include a review*
21 *on whether or not such redesign will*
22 *eliminate the need for separate creden-*
23 *tials and background screening and*
24 *streamline the application process for*
25 *mariners.*

1 **SEC. 328. WATERSIDE SECURITY AROUND LIQUEFIED NAT-**
2 **URAL GAS TERMINALS AND LIQUEFIED NAT-**
3 **URAL GAS TANKERS.**

4 **(a) IN GENERAL.—***The Commandant of the*
5 *Coast Guard shall be responsible for ensuring*
6 *appropriate waterside security services, based*
7 *on the threat, vulnerability, and consequence*
8 *of a terrorist attack, around liquefied natural*
9 *gas terminals and around tankers trans-*
10 *porting liquefied natural gas in security zones*
11 *established by the Coast Guard.*

12 **(b) LIMITATION ON RELIANCE ON STATE AND**
13 **LOCAL GOVERNMENT.—***Security arrangements*
14 *approved as part of the facility security plan*
15 *approved under section 70103 of title 46,*
16 *United States Code, for an onshore liquefied*
17 *natural gas terminal may not be based upon*
18 *the provision of security by a State or local*
19 *government unless the State or local govern-*
20 *ment has entered into a contract, cooperative*
21 *agreement, or other arrangement with the ter-*
22 *minal operator to provide such services and*
23 *the Secretary certifies that the waterborne pa-*
24 *trols operated by State or local governments*
25 *have the training, resources, personnel, equip-*
26 *ment, and experience necessary to successfully*

1 *deter and respond to transportation security*
2 *incidents (as that term is defined in section*
3 *70101 of title 46, United States Code).*

4 **(c) ENFORCEMENT OF SECURITY ZONES.—**

5 **(1) IN GENERAL.—***Security zones estab-*
6 *lished by the Coast Guard around tankers*
7 *transporting liquefied natural gas shall*
8 *be enforced by the Coast Guard.*

9 **(2) UTILIZATION OF STATE AND LOCAL**
10 **RESOURCES.—***Subject to any contract, co-*
11 *operative agreement, or other arrange-*
12 *ment established in accordance with sub-*
13 *section (b), the Coast Guard may utilize*
14 *State or local government resources to as-*
15 *sist in enforcing any security zone estab-*
16 *lished by the Coast Guard.*

17 **(3) REIMBURSEMENT.—** *Any Federal,*
18 *State, or local entity enforcing a security*
19 *zone established by the Coast Guard for a*
20 *liquefied natural gas terminal or for a*
21 *tanker traveling to or from such a ter-*
22 *minal, may seek appropriate reimburse-*
23 *ment from the terminal.*

24 **(d) CERTIFICATION REQUIRED FOR NEW LNG**
25 **TERMINALS.—***The Secretary of the department*

1 *in which the Coast Guard is operating may not*
2 *approve a facility security plan under section*
3 *70103 of title 46, United States Code, for a liq-*
4 *uefied natural gas terminal the construction*
5 *of which is begun after the date of enactment*
6 *of this Act unless the Secretary certifies that*
7 *the Coast Guard sector in which the terminal*
8 *is located has all of the assets it needs to pro-*
9 *vide waterside security around the terminal*
10 *and to provide security around tankers trans-*
11 *porting liquefied natural gas in security zones*
12 *established by the Coast Guard.*

13 **TITLE IV—MISCELLANEOUS**
14 **PROVISIONS**

15 **SEC. 401. CERTIFICATE OF DOCUMENTATION FOR GALLANT**
16 **LADY.**

17 *Section 1120(c) of the Coast Guard Author-*
18 *ization Act of 1996 (110 Stat. 3977) is amend-*
19 *ed—*

20 *(1) in paragraph (1)—*

21 *(A) by striking “of Transpor-*
22 *tation” and inserting “of the depart-*
23 *ment in which the Coast Guard is op-*
24 *erating”; and*

1 ***(B) by striking subparagraph (A)***
2 ***and inserting the following:***

3 ***“(A) the vessel GALLANT LADY***
4 ***(Feadship hull number 672, approxi-***
5 ***mately 168 feet in length).”;***

6 ***(2) by striking paragraphs (3) and (4)***
7 ***and redesignating paragraph (5) as para-***
8 ***graph (3); and***

9 ***(3) in paragraph (3) (as so redesign-***
10 ***ated) by striking all after “shall expire”***
11 ***and inserting “on the date of the sale of***
12 ***the vessel by the owner.”.***

13 ***SEC. 402. WAIVER.***

14 ***Notwithstanding section 12112 and chap-***
15 ***ter 551 of title 46, United States Code, the Sec-***
16 ***retary of the department in which the Coast***
17 ***Guard is operating may issue a certificate of***
18 ***documentation with a coastwise endorsement***
19 ***for the OCEAN VERITAS (IMO Number***
20 ***7366805).***

21 ***SEC. 403. GREAT LAKES MARITIME RESEARCH INSTITUTE.***

22 ***Section 605 of the Coast Guard and Mari-***
23 ***time Transportation Act of 2004 (118 Stat.***
24 ***1052) is amended—***

25 ***(1) in subsection (b)(1)—***

1 (A) *by striking “The Secretary of*
2 *Transportation shall conduct a study*
3 *that” and inserting “The Institute*
4 *shall conduct maritime transpor-*
5 *tation studies of the Great Lakes re-*
6 *gion, including studies that”;*

7 (B) *in subparagraphs (A), (B), (C),*
8 *(E), (F), (H), (I), and (J) by striking*
9 *“evaluates” and inserting “evaluate”;*

10 (C) *in subparagraphs (D) and (G)*
11 *by striking “analyzes” and inserting*
12 *“analyze”;*

13 (D) *by striking “and” at the end of*
14 *subparagraph (I);*

15 (E) *by striking the period at the*
16 *end of subparagraph (J) and insert-*
17 *ing a semicolon;*

18 (F) *by adding at the end the fol-*
19 *lowing:*

20 *“(K) identify ways to improve the*
21 *integration of the Great Lakes marine*
22 *transportation system into the na-*
23 *tional transportation system;*

1 “(L) *examine the potential of ex-*
2 *expanded operations on the Great Lakes*
3 *marine transportation system;*

4 “(M) *identify ways to include intel-*
5 *ligent transportation applications*
6 *into the Great Lakes marine transpor-*
7 *tation system;*

8 “(N) *analyze the effects and im-*
9 *pacts of aging infrastructure and port*
10 *corrosion on the Great Lakes marine*
11 *transportation system;*

12 “(O) *establish and maintain a*
13 *model Great Lakes marine transpor-*
14 *tation system database; and*

15 “(P) *identify market opportunities*
16 *for, and impediments to, the use of*
17 *United States-flag vessels in trade*
18 *with Canada on the Great Lakes.”;*
19 *and*

20 (2) *by striking subsection (b)(4) and*
21 *inserting the following:*

22 “(4) *AUTHORIZATION OF APPROPRIA-*
23 *TIONS.—There are authorized to be appro-*
24 *priated to carry out paragraph (1)—*

1 “(A) \$2,100,000 for fiscal year
2 2007;

3 “(B) \$2,200,000 for fiscal year
4 2008;

5 “(C) \$2,300,000 for fiscal year
6 2009;

7 “(D) \$2,400,000 for fiscal year
8 2010; and

9 “(E) \$2,500,000 for fiscal year
10 2011.”.

11 *SEC. 404. CONVEYANCE.*

12 ***(a) STATION BRANT POINT BOAT HOUSE.—***

13 ***(1) REQUIREMENT.—The Secretary of***
14 ***the department in which the Coast Guard***
15 ***is operating shall convey to the town of***
16 ***Nantucket, Massachusetts, all right, title,***
17 ***and interest of the United States in and to***
18 ***the buildings known as the Station Brant***
19 ***Point Boat House located at Coast Guard***
20 ***Station Brant Point, Nantucket, Massa-***
21 ***chusetts, for use for a public purpose.***

22 ***(2) TERMS OF CONVEYANCE.—A convey-***
23 ***ance of the building under paragraph (1)***
24 ***shall be made—***

1 (A) *without the payment of consid-*
2 *eration; and*

3 (B) *subject to appropriate terms*
4 *and conditions the Secretary con-*
5 *siders necessary.*

6 (3) *REVERSIONARY INTEREST.—All right,*
7 *title, and interest in property conveyed*
8 *under this subsection shall revert to the*
9 *United States if any portion of the prop-*
10 *erty is used other than for a public pur-*
11 *pose.*

12 (b) *LEASE.—*

13 (1) *REQUIREMENT.—The Secretary of*
14 *the department in which the Coast Guard*
15 *is operating shall enter into a lease with*
16 *the town of Nantucket that authorizes the*
17 *town of Nantucket to occupy the land on*
18 *which the buildings conveyed under sub-*
19 *section (a) are located, subject to appro-*
20 *priate terms and conditions the Secretary*
21 *considers necessary.*

22 (2) *LEASE TERM.—A lease under this*
23 *subsection shall not expire before January*
24 *31, 2033.*

1 **(3) TERMINATION OF LEASE.—If the Sec-**
 2 **retary determines that the property leased**
 3 **under paragraph (1) is necessary for pur-**
 4 **poses of the Coast Guard, the Secretary—**

5 **(A) may terminate the lease with-**
 6 **out payment of compensation; and**

7 **(B) shall provide the town of Nan-**
 8 **tucket not less than 12 months notice**
 9 **of the requirement to vacate the site**
 10 **and move the buildings conveyed**
 11 **under subsection (a) to another loca-**
 12 **tion.**

13 **SEC. 405. CREW WAGES ON PASSENGER VESSELS.**

14 **(a) FOREIGN AND INTERCOASTAL VOYAGES.—**

15 **(1) CAP ON PENALTY WAGES.—Section**
 16 **10313(g) of title 46, United States Code, is**
 17 **amended—**

18 **(A) by striking “When” and insert-**
 19 **ing “(1) Subject to paragraph (2),**
 20 **when”; and**

21 **(B) by adding at the end the fol-**
 22 **lowing:**

23 **“(2) The total amount required to be paid**
 24 **under paragraph (1) with respect to all claims**
 25 **in a class action suit by seamen on a passenger**

1 *vessel capable of carrying more than 500 pas-*
2 *sengers for wages under this section against a*
3 *vessel master, owner, or operator or the em-*
4 *ployer of the seamen shall not exceed ten times*
5 *the unpaid wages that are the subject of the*
6 *claims.*

7 “(3) *A class action suit for wages under*
8 *this subsection must be commenced within*
9 *three years after the later of—*

10 “(A) *the date of the end of the last voy-*
11 *age for which the wages are claimed; or*

12 “(B) *the receipt, by a seaman who is a*
13 *claimant in the suit, of a payment of*
14 *wages that are the subject of the suit that*
15 *is made in the ordinary course of employ-*
16 *ment.”.*

17 (2) *DEPOSITS.—Section 10315 of such*
18 *title is amended by adding at the end the*
19 *following:*

20 “(f) *DEPOSITS IN SEAMAN ACCOUNT.—A sea-*
21 *man employed on a passenger vessel capable*
22 *of carrying more than 500 passengers may au-*
23 *thorize, by written request signed by the sea-*
24 *man, the master, owner, or operator of the ves-*
25 *sel, or the employer of the seaman, to make de-*

1 *posits of wages of the seaman into a checking,*
2 *savings, investment, or retirement account, or*
3 *other account to secure a payroll or debit card*
4 *for the seaman if—*

5 “(1) *the wages designated by the sea-*
6 *man for such deposit are deposited in a*
7 *United States or international financial*
8 *institution designated by the seaman;*

9 “(2) *such deposits in the financial in-*
10 *stitution are fully guaranteed under com-*
11 *monly accepted international standards*
12 *by the government of the country in which*
13 *the financial institution is licensed;*

14 “(3) *a written wage statement or pay*
15 *stub, including an accounting of any di-*
16 *rect deposit, is delivered to the seaman no*
17 *less often than monthly; and*

18 “(4) *while on board the vessel on*
19 *which the seaman is employed, the sea-*
20 *man is able to arrange for withdrawal of*
21 *all funds on deposit in the account in*
22 *which the wages are deposited.”.*

23 **(b) COASTWISE VOYAGES.—**

24 **(1) CAP ON PENALTY WAGES.—Section**
25 **10504(c) of such title is amended—**

1 (A) *by striking “When” and insert-*
2 *ing “(1) Subject to subsection (d), and*
3 *except as provided in paragraph (2),*
4 *when”; and*

5 (B) *by inserting at the end the fol-*
6 *lowing:*

7 “(2) *The total amount required to be paid*
8 *under paragraph (1) with respect to all claims*
9 *in a class action suit by seamen on a passenger*
10 *vessel capable of carrying more than 500 pas-*
11 *sengers for wages under this section against a*
12 *vessel master, owner, or operator or the em-*
13 *ployer of the seamen shall not exceed ten times*
14 *the unpaid wages that are the subject of the*
15 *claims.*

16 “(3) *A class action suit for wages under*
17 *this subsection must be commenced within*
18 *three years after the later of—*

19 (A) *the date of the end of the last voy-*
20 *age for which the wages are claimed; or*

21 (B) *the receipt, by a seaman who is a*
22 *claimant in the suit, of a payment of*
23 *wages that are the subject of the suit that*
24 *is made in the ordinary course of employ-*
25 *ment.”.*

1 **(2) DEPOSITS.—Section 10504 of such**
2 **title is amended by adding at the end the**
3 **following:**

4 **“(f) DEPOSITS IN SEAMAN ACCOUNT.—A sea-**
5 **man employed on a passenger vessel capable**
6 **of carrying more than 500 passengers may au-**
7 **thorize, by written request signed by the sea-**
8 **man, the master, owner, or operator of the ves-**
9 **sel, or the employer of the seaman, to make de-**
10 **posits of wages of the seaman into a checking,**
11 **savings, investment, or retirement account, or**
12 **other account to secure a payroll or debit card**
13 **for the seaman if—**

14 **“(1) the wages designated by the sea-**
15 **man for such deposit are deposited in a**
16 **United States or international financial**
17 **institution designated by the seaman;**

18 **“(2) such deposits in the financial in-**
19 **stitution are fully guaranteed under com-**
20 **monly accepted international standards**
21 **by the government of the country in which**
22 **the financial institution is licensed;**

23 **“(3) a written wage statement or pay**
24 **stub, including an accounting of any di-**

1 *rect deposit, is delivered to the seaman no*
2 *less often than monthly; and*

3 *“(4) while on board the vessel on*
4 *which the seaman is employed, the sea-*
5 *man is able to arrange for withdrawal of*
6 *all funds on deposit in the account in*
7 *which the wages are deposited.”.*

8 *SEC. 406. TECHNICAL CORRECTIONS.*

9 *(a) COAST GUARD AND MARITIME TRANSPOR-*
10 *TATION ACT OF 2006.—Effective with enactment*
11 *of the Coast Guard and Maritime Transpor-*
12 *tation Act of 2006 (Public Law 109–241), such*
13 *Act is amended—*

14 *(1) in section 311(b) (120 Stat. 530) by*
15 *inserting “paragraphs (1) and (2) of” be-*
16 *fore “section 8104(o)”;*

17 *(2) in section 603(a)(2) (120 Stat. 554)*
18 *by striking “33 U.S.C. 2794(a)(2)” and in-*
19 *serting “33 U.S.C. 2704(a)(2)”;*

20 *(3) in section 901(r)(2) (120 Stat. 566)*
21 *by striking “the” the second place it ap-*
22 *pears;*

23 *(4) in section 902(c) (120 Stat. 566) by*
24 *inserting “of the United States” after “Re-*
25 *vised Statutes”;*

1 ***(5) in section 902(e) (120 Stat. 567) is***
2 ***amended—***

3 ***(A) by inserting “and” after the***
4 ***semicolon at the end of paragraph (1);***

5 ***(B) by striking “and” at the end of***
6 ***paragraph (2)(A); and***

7 ***(C) by redesignating paragraphs***
8 ***(3) and (4) as subparagraphs (C) and***
9 ***(D) of paragraph (2), respectively, and***
10 ***aligning the left margin of such sub-***
11 ***paragraphs with the left margin of***
12 ***subparagraph (A) of paragraph (2);***

13 ***(6) in section 902(e)(2)(C) (as so redesi-***
14 ***gnated) by striking “this section” and in-***
15 ***serting “this paragraph”;***

16 ***(7) in section 902(e)(2)(D) (as so redesi-***
17 ***gnated) by striking “this section” and in-***
18 ***serting “this paragraph”;***

19 ***(8) in section 902(h)(1) (120 Stat.***
20 ***567)—***

21 ***(A) by striking “Bisti/De-Na-Zin”***
22 ***and all that follows through “Protec-***
23 ***tion” and inserting “Omnibus Parks***
24 ***and Public Lands Management”;*** and

1 ***(B) by inserting a period after***
2 ***“Commandant of the Coast Guard”;***
3 ***(9) in section 902(k) (120 Stat. 568) is***
4 ***amended—***

5 ***(A) by inserting “the Act of March***
6 ***23, 1906, commonly known as” before***
7 ***“the General Bridge”;***

8 ***(B) by striking “491)” and insert-***
9 ***ing “494),”;*** and

10 ***(C) by inserting “each place it ap-***
11 ***pears” before “and inserting”;*** and

12 ***(10) in section 902(o) (120 Stat. 569) by***
13 ***striking the period after “Homeland Secu-***
14 ***rity”.***

15 ***(b) TITLE 14.—(1) The analysis for chapter***
16 ***7 of title 14, United States Code, is amended***
17 ***by adding a period at the end of the item relat-***
18 ***ing to section 149.***

19 ***(2) The analysis for chapter 17 of title 14,***
20 ***United States Code, is amended by adding a***
21 ***period at the end of the item relating to section***
22 ***677.***

23 ***(3) The analysis for chapter 9 of title 14,***
24 ***United States Code, is amended by adding a***

1 *period at the end of the item relating to section*
2 *198.*

3 *(c) TITLE 46.—(1) The analysis for chapter*
4 *81 of title 46, United States Code, is amended*
5 *by adding a period at the end of the item relat-*
6 *ing to section 8106.*

7 *(2) Section 70105(c)(3)(C) of such title is*
8 *amended by striking “National Intelligence*
9 *Director” and inserting “Director of National*
10 *Intelligence”.*

11 *(d) DEEPWATER PORT ACT OF 1974.—Section*
12 *5(c)(2) of the Deepwater Port Act of 1974 (33*
13 *U.S.C. 1504(c)(2)) is amended by aligning the*
14 *left margin of subparagraph (K) with the left*
15 *margin of subparagraph (L).*

16 *(e) OIL POLLUTION ACT OF 1990.—(1) Sec-*
17 *tion 1004(a)(2) of the Oil Pollution Act of 1990*
18 *(33 U.S.C. 2704(a)(2)) is amended by striking*
19 *the first comma following “\$800,000”.*

20 *(2) The table of sections in section 2 of such*
21 *Act is amended by inserting a period at the*
22 *end of the item relating to section 7002.*

23 *(f) COAST GUARD AUTHORIZATION ACT OF*
24 *1996.—The table of sections in section 2 of the*
25 *Coast Guard Authorization Act of 1996 is*

1 *amended in the item relating to section 103 by*
2 *striking “reports” and inserting “report”.*

3 **SEC. 407. CONVEYANCE OF DECOMMISSIONED COAST**
4 **GUARD CUTTER STORIS.**

5 **(a) IN GENERAL.—***Upon the scheduled de-*
6 *commissioning of the Coast Guard Cutter*
7 *STORIS, the Commandant of the Coast Guard*
8 *shall convey, without consideration, all right,*
9 *title, and interest of the United States in and*
10 *to that vessel to the USCG Cutter STORIS Mu-*
11 *seum and Maritime Education Center, LLC, lo-*
12 *cated in the State of Alaska if the recipient—*

13 **(1) agrees—**

14 **(A) to use the vessel for purposes**
15 **of a museum and historical display;**

16 **(B) not to use the vessel for com-**
17 **mercial transportation purposes;**

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

22 **(D) to hold the Government harm-**
23 **less for any claims arising from expo-**
24 **sure to hazardous materials, includ-**
25 **ing asbestos and polychlorinated**

1 ***biphenyls, after conveyance of the ves-***
2 ***sel, except for claims arising from the***
3 ***use by the Government under subpara-***
4 ***graph (C);***

5 ***(2) has funds available that will be***
6 ***committed to operate and maintain in***
7 ***good working condition the vessel con-***
8 ***veyed, in the form of cash, liquid assets, or***
9 ***a written loan commitment and in an***
10 ***amount of at least \$700,000; and***

11 ***(3) agrees to any other conditions the***
12 ***Commandant considers appropriate.***

13 ***(b) MAINTENANCE AND DELIVERY OF VES-***
14 ***SEL.—***

15 ***(1) MAINTENANCE.—Before conveyance***
16 ***of the vessel under this section, the Com-***
17 ***mandant shall make, to the extent prac-***
18 ***tical and subject to other Coast Guard***
19 ***mission requirements, every effort to***
20 ***maintain the integrity of the vessel and***
21 ***its equipment until the time of delivery.***

22 ***(2) DELIVERY.—If a conveyance is***
23 ***made under this section, the Commandant***
24 ***shall deliver the vessel to a suitable moor-***

1 *ing in the local area in its present condi-*
2 *tion.*

3 (3) *TREATMENT OF CONVEYANCE.—The*
4 *conveyance of the vessel under this section*
5 *shall not be considered a distribution in*
6 *commerce for purposes of section 6(e) of*
7 *Public Law 94–469 (15 U.S.C. 2605(e)).*

8 (c) *OTHER EXCESS EQUIPMENT.—The Com-*
9 *mandant may convey to the recipient of a con-*
10 *veyance under subsection (a) any excess equip-*
11 *ment or parts from other decommissioned*
12 *Coast Guard vessels for use to enhance the*
13 *operability and function of the vessel conveyed*
14 *under subsection (a) for purposes of a museum*
15 *and historical display.*

16 *SEC. 408. REPEAL OF REQUIREMENT OF LICENSE FOR EM-*
17 *PLOYMENT IN THE BUSINESS OF SALVAGING*
18 *ON THE COAST OF FLORIDA.*

19 *Chapter 801 of title 46, United States Code,*
20 *is amended—*

21 (1) *by striking section 80102; and*

22 (2) *in the table of sections at the be-*
23 *ginning of the chapter by striking the*
24 *item relating to that section.*

1 **SEC. 409. RIGHT-OF-FIRST-REFUSAL FOR COAST GUARD**
2 **PROPERTY ON JUPITER ISLAND, FLORIDA.**

3 **(a) RIGHT-OF-FIRST-REFUSAL.—Notwith-**
4 **standing any other law (other than this sec-**
5 **tion), the Town of Jupiter Island, Florida,**
6 **shall have the right-of-first-refusal for an ex-**
7 **change of real property within the jurisdiction**
8 **of the Town comprising Parcel #35-38-42-004-**
9 **000-02590-6 (Bon Air Beach lots 259 and 260**
10 **located at 83 North Beach Road) and Parcel**
11 **#35-38-42-004-000-02610-2 (Bon Air Beach**
12 **lots 261 to 267), including any improvements**
13 **thereon, for other real property of equal or**
14 **greater value.**

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

20 **(c) LIMITATION.—The property referred to**
21 **in subsection (a) may not be conveyed under**
22 **that subsection until the Commandant of the**
23 **Coast Guard determines that the property is**
24 **not needed to carry out Coast Guard missions**
25 **or functions.**

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

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

13 ***(f) IMPLEMENTATION.—The Commandant of***
14 ***the Coast Guard shall upon request by the***
15 ***Town—***

16 ***(1) promptly take those actions nec-***
17 ***essary to make property identified under***
18 ***subsection (b) and determined by the Com-***
19 ***mandant under subsection (c) ready for***
20 ***conveyance to the Town; and***

21 ***(2) convey the property to the Town***
22 ***subject to subsections (d) and (e).***

1 **SEC. 410. CONVEYANCE OF COAST GUARD HU-25 FALCON**
2 **JET AIRCRAFT.**

3 **(a) AUTHORITY TO CONVEY.—Notwith-**
4 **standing any other law, the Commandant of**
5 **the Coast Guard may convey to the Elizabeth**
6 **City State University (in this section referred**
7 **to as the “University”), a public university lo-**
8 **cated in the State of North Carolina, without**
9 **consideration all right, title, and interest of**
10 **the United States in an HU-25 Falcon Jet air-**
11 **craft under the administrative jurisdiction of**
12 **the Coast Guard that the Commandant deter-**
13 **mines—**

14 **(1) is appropriate for use by the Uni-**
15 **versity; and**

16 **(2) is excess to the needs of the Coast**
17 **Guard.**

18 **(b) CONDITIONS.—**

19 **(1) IN GENERAL.—As a condition of con-**
20 **veying an aircraft to the University under**
21 **subsection (a), the Commandant shall**
22 **enter into an agreement with the Univer-**
23 **sity under which the University agrees—**

24 **(A) to utilize the aircraft for edu-**
25 **cational purposes or other public pur-**
26 **poses as jointly agreed upon by the**

1 *Commandant and the University be-*
2 *fore conveyance; and*

3 *(B) to hold the United States*
4 *harmless for any claim arising with*
5 *respect to the aircraft after convey-*
6 *ance of the aircraft.*

7 **(2) REVERSIONARY INTEREST.—***If the*
8 *Commandant determines that the recipi-*
9 *ent violated subparagraph (A) or (B) of*
10 *paragraph (1), then—*

11 *(A) all right, title, and interest in*
12 *the aircraft shall revert to the United*
13 *States;*

14 *(B) the United States shall have*
15 *the right to immediate possession of*
16 *the aircraft; and*

17 *(C) the recipient shall pay the*
18 *United States for its costs incurred in*
19 *recovering the aircraft for such viola-*
20 *tion.*

21 **(c) LIMITATION ON FUTURE TRANSFERS.—**

22 **(1) IN GENERAL.—***The Commandant*
23 *shall include in the instruments for the*
24 *conveyance a requirement that any fur-*
25 *ther conveyance of an interest in the air-*

1 *craft may not be made without the ap-*
2 *proval in advance of the Commandant.*

3 (2) *REVERSIONARY INTEREST.—If the*
4 *Commandant determines that an interest*
5 *in the aircraft was conveyed without such*
6 *approval, then—*

7 (A) *all right, title, and interest in*
8 *the aircraft shall revert to the United*
9 *States;*

10 (B) *the United States shall have*
11 *the right to immediate possession of*
12 *the aircraft; and*

13 (C) *the recipient shall pay the*
14 *United States for its costs incurred in*
15 *recovering the aircraft for such a vio-*
16 *lation.*

17 (d) *DELIVERY OF AIRCRAFT.—The Com-*
18 *mandant shall deliver the aircraft conveyed*
19 *under subsection (a)—*

20 (1) *at the place where the aircraft is*
21 *located on the date of the conveyance;*

22 (2) *in its condition on the date of con-*
23 *veyance; and*

24 (3) *without cost to the United States.*

1 **(e) ADDITIONAL TERMS AND CONDITIONS.—**
2 *The Commandant may require such addi-*
3 *tional terms and conditions in connection*
4 *with the conveyance required by subsection (a)*
5 *as the Commandant considers appropriate to*
6 *protect the interests of the United States.*

7 **SEC. 411. CONVEYANCE OF A COAST GUARD VESSEL.**

8 **(a) AUTHORITY TO CONVEY.—Notwith-**
9 *standing the Federal Property and Adminis-*
10 *trative Services Act of 1949, the Commandant*
11 *of the Coast Guard may convey to the Sheriff’s*
12 *Department of Coahoma County, Mississippi*
13 *(in this section referred to as the “Sheriff’s De-*
14 *partment”), without consideration all right,*
15 *title, and interest of the United States in and*
16 *to a Coast Guard trailerable boat, ranging*
17 *from 17 feet to 30 feet in size, that the Com-*
18 *mandant determines—*

19 **(1) is appropriate for use by the Sher-**
20 *iff’s Department; and*

21 **(2) is excess to the needs of the Coast**
22 *Guard and the Department of Homeland*
23 *Security.*

24 **(b) CONDITION.—As a condition of con-**
25 *veying a vessel under the authority provided in*

1 *subsection (a), the Commandant shall enter*
2 *into an agreement with the Sheriff's Depart-*
3 *ment under which the Sheriff's Department*
4 *agrees—*

5 *(1) to utilize the vessel for homeland*
6 *security and other appropriate purposes*
7 *as jointly agreed upon by the Com-*
8 *mandant and the Sheriff's Department be-*
9 *fore conveyance; and*

10 *(2) to take the vessel "as is" and to*
11 *hold the United States harmless for any*
12 *claim arising with respect to that vessel*
13 *after conveyance of the vessel, including*
14 *any claims arising from the condition of*
15 *the vessel and its equipment or exposure*
16 *to hazardous materials.*

17 *(c) DELIVERY OF VESSEL.—The Com-*
18 *mandant shall deliver the vessel conveyed*
19 *under the authority provided in subsection*
20 *(a)—*

21 *(1) at the place where the vessel is lo-*
22 *cated on the date of the conveyance;*

23 *(2) in its condition on the date of con-*
24 *veyance; and*

25 *(3) without cost to the United States.*

1 ***(d) OTHER EXCESS EQUIPMENT.—The Com-***
2 ***mandant may further convey any excess equip-***
3 ***ment or parts from other Coast Guard vessels,***
4 ***which are excess to the needs of the Coast***
5 ***Guard and the Department of Homeland Secu-***
6 ***rity, to the Sheriff’s Department for use to en-***
7 ***hance the operability of the vessel conveyed***
8 ***under the authority provided in subsection (a).***

9 ***(e) ADDITIONAL TERMS AND CONDITIONS.—***
10 ***The Commandant may require such addi-***
11 ***tional terms and conditions in connection***
12 ***with the conveyance authorized by subsection***
13 ***(a) as the Commandant considers appropriate***
14 ***to protect the interests of the United States.***

15 **SEC. 412. CONVEYANCE OF A COAST GUARD VESSEL.**

16 ***(a) AUTHORITY TO CONVEY.—Notwith-***
17 ***standing the Federal Property and Adminis-***
18 ***trative Services Act of 1949, the Commandant***
19 ***of the Coast Guard may convey to the Sheriff’s***
20 ***Office of Warren County, Mississippi (in this***
21 ***section referred to as the “Sheriff’s Office”),***
22 ***without consideration all right, title, and in-***
23 ***terest of the United States in and to a Coast***
24 ***Guard trailerable boat, ranging from 17 feet***

1 *to 30 feet in size, that the Commandant deter-*
2 *mines—*

3 *(1) is appropriate for use by the Sher-*
4 *iff's Office; and*

5 *(2) is excess to the needs of the Coast*
6 *Guard and the Department of Homeland*
7 *Security.*

8 *(b) CONDITION.—As a condition of con-*
9 *veying a vessel under the authority provided in*
10 *subsection (a), the Commandant shall enter*
11 *into an agreement with the Sheriff's Office*
12 *under which the Sheriff's Office agrees—*

13 *(1) to utilize the vessel for homeland*
14 *security and other appropriate purposes*
15 *as jointly agreed upon by the Com-*
16 *mandant and the Sheriff's Office before*
17 *conveyance; and*

18 *(2) to take the vessel “as is” and to*
19 *hold the United States harmless for any*
20 *claim arising with respect to that vessel*
21 *after conveyance of the vessel, including*
22 *any claims arising from the condition of*
23 *the vessel and its equipment or exposure*
24 *to hazardous materials.*

1 (c) **DELIVERY OF VESSEL.**—*The Com-*
2 *mandant shall deliver the vessel conveyed*
3 *under the authority provided in subsection (a)*

4 (1) *at the place where the vessel is lo-*
5 *cated on the date of the conveyance;*

6 (2) *in its condition on the date of con-*
7 *veyance; and*

8 (3) *without cost to the United States.*

9 (d) **OTHER EXCESS EQUIPMENT.**—*The Com-*
10 *mandant may further convey any excess equip-*
11 *ment or parts from other Coast Guard vessels,*
12 *which are excess to the needs of the Coast*
13 *Guard and the Department of Homeland Secu-*
14 *rity, to the Sheriff's Office for use to enhance*
15 *the operability of the vessel conveyed under the*
16 *authority provided in subsection (a).*

17 (e) **ADDITIONAL TERMS AND CONDITIONS.**—
18 *The Commandant may require such addi-*
19 *tional terms and conditions in connection*
20 *with the conveyance authorized by subsection*
21 *(a) as the Commandant considers appropriate*
22 *to protect the interests of the United States.*

23 **SEC. 413. CONVEYANCE OF A COAST GUARD VESSEL.**

24 (a) **AUTHORITY TO CONVEY.**—*Notwith-*
25 *standing the Federal Property and Adminis-*

1 *trative Services Act of 1949, the Commandant*
2 *of the Coast Guard may convey to the Sheriff's*
3 *Office of Washington County, Mississippi (in*
4 *this section referred to as the "Sheriff's Of-*
5 *fice"), without consideration all right, title,*
6 *and interest of the United States in and to a*
7 *Coast Guard trailerable boat, ranging from 17*
8 *feet to 30 feet in size, that the Commandant de-*
9 *termines—*

10 *(1) is appropriate for use by the Sher-*
11 *iff's Office; and*

12 *(2) is excess to the needs of the Coast*
13 *Guard and the Department of Homeland*
14 *Security.*

15 *(b) CONDITION.—As a condition of con-*
16 *veying a vessel under the authority provided in*
17 *subsection (a), the Commandant shall enter*
18 *into an agreement with the Sheriff's Office*
19 *under which the Sheriff's Office agrees—*

20 *(1) to utilize the vessel for homeland*
21 *security and other appropriate purposes*
22 *as jointly agreed upon by the Com-*
23 *mandant and the Sheriff's Office before*
24 *conveyance; and*

1 (2) *to take the vessel “as is” and to*
2 *hold the United States harmless for any*
3 *claim arising with respect to that vessel*
4 *after conveyance of the vessel, including*
5 *any claims arising from the condition of*
6 *the vessel and its equipment or exposure*
7 *to hazardous materials.*

8 (c) *DELIVERY OF VESSEL.—The Com-*
9 *mandant shall deliver the vessel conveyed*
10 *under the authority provided in subsection*
11 *(a)—*

12 (1) *at the place where the vessel is lo-*
13 *cated on the date of the conveyance;*

14 (2) *in its condition on the date of con-*
15 *veyance; and*

16 (3) *without cost to the United States.*

17 (d) *OTHER EXCESS EQUIPMENT.—The Com-*
18 *mandant may further convey any excess equip-*
19 *ment or parts from other Coast Guard vessels,*
20 *which are excess to the needs of the Coast*
21 *Guard and the Department of Homeland Secu-*
22 *rity, to the Sheriff’s Office for use to enhance*
23 *the operability of the vessel conveyed under the*
24 *authority provided in subsection (a).*

1 *cluding asbestos and polychlorinated*
2 *biphenyls, after conveyance of the vessel,*
3 *except for claims arising from the use by*
4 *the United States Government under*
5 *paragraph (2); and*

6 *(4) to any other conditions the Com-*
7 *mandant considers appropriate.*

8 *(b) LIMITATION.—The Commandant may*
9 *not convey more than 10 vessels to the Govern-*
10 *ment of Haiti pursuant to this section.*

11 *(c) MAINTENANCE AND DELIVERY OF VES-*
12 *SEL.—*

13 *(1) MAINTENANCE.—Before conveyance*
14 *of a vessel under this section, the Com-*
15 *mandant shall make, to the extent prac-*
16 *tical and subject to other Coast Guard*
17 *mission requirements, every effort to*
18 *maintain the integrity of the vessel and*
19 *its equipment until the time of delivery.*

20 *(2) DELIVERY.—If a conveyance is*
21 *made under this section, the Commandant*
22 *shall deliver a vessel to a suitable moor-*
23 *ing in the local area in its present condi-*
24 *tion.*

1 **(3) TREATMENT OF CONVEYANCE.—***The*
2 *conveyance of a vessel under this section*
3 *shall not be considered a distribution in*
4 *commerce for purposes of section 6(e) of*
5 *Public Law 94–469 (15 U.S.C. 2605(e)).*

6 **SEC. 415. EXTENSION OF PERIOD OF OPERATION OF VES-**
7 **SEL FOR SETTING, RELOCATION, OR RECOV-**
8 **ERY OF ANCHORS OR OTHER MOORING**
9 **EQUIPMENT.**

10 **Section 705(a)(2) of Public Law 109–347**
11 **(120 Stat. 1945) is amended by striking “2” and**
12 **inserting “3”.**

13 **SEC. 416. VESSEL TRAFFIC RISK ASSESSMENTS.**

14 **(a) REQUIREMENT.—***The Commandant of*
15 *the Coast Guard, acting through the appro-*
16 *priate Area Committee established under sec-*
17 *tion 311(j)(4) of the Federal Water Pollution*
18 *Control Act, shall prepare a vessel traffic risk*
19 *assessment—*

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

23 **(2) for the Aleutian Islands, Alaska,**
24 **within two years after the date of enact-**
25 **ment of this Act.**

1 ***(b) CONTENTS.—Each of the assessments***
2 ***shall describe, for the region covered by the as-***
3 ***essment—***

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

7 ***(2) the current and projected use and***
8 ***effectiveness in reducing risk, of—***

9 ***(A) traffic separation schemes and***
10 ***routing measures;***

11 ***(B) long-range vessel tracking sys-***
12 ***tems developed under section 70115 of***
13 ***title 46, United States Code;***

14 ***(C) towing, response, or escort***
15 ***tugs;***

16 ***(D) vessel traffic services;***

17 ***(E) emergency towing packages on***
18 ***vessels;***

19 ***(F) increased spill response equip-***
20 ***ment including equipment appro-***
21 ***priate for severe weather and sea con-***
22 ***ditions;***

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

1 ***(H) particularly sensitive sea***
2 ***areas, areas to be avoided, and other***
3 ***traffic exclusion zones;***

4 ***(I) aids to navigation; and***

5 ***(J) vessel response plans.***

6 ***(c) RECOMMENDATIONS.—***

7 ***(1) IN GENERAL.—Each of the assess-***
8 ***ments shall include any appropriate rec-***
9 ***ommendations to enhance the safety and***
10 ***security, or lessen potential adverse envi-***
11 ***ronmental impacts, of marine shipping.***

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

21 ***(d) PROVISION TO CONGRESS.—The Com-***
22 ***mandant shall provide a copy of each assess-***
23 ***ment to the Committee on Transportation and***
24 ***Infrastructure of the House of Representatives***

1 *and the Committee on Commerce, Science, and*
2 *Transportation of the Senate.*

3 (e) *AUTHORIZATION OF APPROPRIATIONS.—*
4 *There is authorized to be appropriated to the*
5 *Commandant \$1,800,000 for each of fiscal*
6 *years 2008 and 2009 to the conduct the assess-*
7 *ments.*

8 *SEC. 417. VESSEL MARYLAND INDEPENDENCE.*

9 *Notwithstanding sections 55101, 55103,*
10 *and 12112 of title 46, United States Code, the*
11 *Secretary of the department in which the*
12 *Coast Guard is operating may issue a certifi-*
13 *cate of documentation with a coastwise en-*
14 *dorsement for the vessel MARYLAND INDE-*
15 *PENDENCE (official number 662573). The*
16 *coastwise endorsement issued under authority*
17 *of this section is terminated if—*

18 (1) *the vessel, or controlling interest*
19 *in the person that owns the vessel, is con-*
20 *veyed after the date of enactment of this*
21 *Act; or*

22 (2) *any repairs or alterations are*
23 *made to the vessel outside of the United*
24 *States.*

1 **SEC. 418. STUDY OF RELOCATION OF COAST GUARD SEC-**
2 **TOR BUFFALO FACILITIES.**

3 **(a) PURPOSES.—The purposes of this sec-**
4 **tion are—**

5 **(1) to authorize a project study to**
6 **evaluate the feasibility of consolidating**
7 **and relocating Coast Guard facilities at**
8 **Coast Guard Sector Buffalo within the**
9 **study area;**

10 **(2) to obtain a preliminary plan for**
11 **the design, engineering, and construction**
12 **for the consolidation of Coast Guard fa-**
13 **cilities at Sector Buffalo; and**

14 **(3) to distinguish what Federal lands,**
15 **if any, shall be identified as excess after**
16 **the consolidation.**

17 **(b) DEFINITIONS.—In this section:**

18 **(1) COMMANDANT.—The term “Com-**
19 **mandant” means the Commandant of the**
20 **Coast Guard.**

21 **(2) SECTOR BUFFALO.—The term “Sec-**
22 **tor Buffalo” means Coast Guard Sector**
23 **Buffalo of the Ninth Coast Guard District.**

24 **(3) STUDY AREA.—The term “study**
25 **area” means the area consisting of ap-**
26 **proximately 31 acres of real property and**

1 *any improvements thereon that are com-*
2 *monly identified as Coast Guard Sector*
3 *Buffalo, located at 1 Fuhrmann Boule-*
4 *vard, Buffalo, New York, and under the*
5 *administrative control of the Coast*
6 *Guard.*

7 **(c) STUDY.—**

8 **(1) IN GENERAL.—***Within 12 months*
9 *after the date on which funds are first*
10 *made available to carry out this section,*
11 *the Commandant shall conduct a project*
12 *proposal report of the study area and*
13 *shall submit such report to the Committee*
14 *on Commerce, Science, and Transpor-*
15 *tation of the Senate and the Committee on*
16 *Transportation and Infrastructure of the*
17 *House of Representatives.*

18 **(2) REQUIREMENTS.—***The project pro-*
19 *posal report shall—*

20 **(A)** *evaluate the most cost-effective*
21 *method for providing shore facilities*
22 *to meet the operational requirements*
23 *of Sector Buffalo;*

24 **(B)** *determine the feasibility of*
25 *consolidating and relocating shore fa-*

1 *ilities on a portion of the existing*
2 *site, while—*

3 *(i) meeting the operational re-*
4 *quirements of Sector Buffalo; and*

5 *(ii) allowing the expansion of*
6 *operational requirements of Sec-*
7 *tor Buffalo; and*

8 *(C) contain a preliminary plan for*
9 *the design, engineering, and construc-*
10 *tion of the proposed project, includ-*
11 *ing—*

12 *(i) the estimated cost of the de-*
13 *sign, engineering, and construc-*
14 *tion of the proposed project;*

15 *(ii) an anticipated timeline of*
16 *the proposed project; and*

17 *(iii) a description of what Fed-*
18 *eral lands, if any, shall be consid-*
19 *ered excess to Coast Guard needs.*

20 *(d) LIMITATION.—Nothing in this section*
21 *shall affect the current administration and*
22 *management of the study area.*

1 *SEC. 419. COAST GUARD ASSETS FOR UNITED STATES VIR-*
2 *GIN ISLANDS.*

3 *(a) IN GENERAL.—The Secretary of Home-*
4 *land Security may station additional Coast*
5 *Guard assets in the United States Virgin Is-*
6 *lands for port security and other associated*
7 *purposes.*

8 *(b) AUTHORIZATION OF APPROPRIATIONS.—*
9 *There are authorized to be appropriated to the*
10 *Secretary for fiscal year 2008 such sums as are*
11 *necessary to carry out this section.*

12 **TITLE V—BALLAST WATER**
13 **TREATMENT**

14 *SEC. 501. SHORT TITLE.*

15 *This title may be cited as the “Ballast*
16 *Water Treatment Act of 2007”.*

17 *SEC. 502. DECLARATION OF GOALS AND PURPOSES.*

18 *Section 1002 of the Nonindigenous Aquatic*
19 *Nuisance Prevention and Control Act of 1990*
20 *(16 U.S.C. 4701) is amended—*

21 *(1) by redesignating subsection (b) as*
22 *subsection (c);*

23 *(2) by inserting after subsection (a)*
24 *the following:*

25 *“(b) DECLARATION OF GOALS AND PUR-*
26 *POSES.—The objective of this Act is to eliminate*

1 *the threat and impacts of nonindigenous*
2 *aquatic nuisance species in the waters of the*
3 *United States. In order to achieve this objec-*
4 *tive, it is declared that, consistent with the*
5 *provisions of this Act—*

6 “(1) *it is the national goal that ballast*
7 *water discharged into the waters of the*
8 *United States will contain no living (via-*
9 *ble) organisms by the year 2015;*

10 “(2) *it is the national policy that the*
11 *introduction of nonindigenous aquatic*
12 *nuisance species in the waters of the*
13 *United States be prohibited; and*

14 “(3) *it is the national policy that Fed-*
15 *eral, State, and local governments and*
16 *the private sector identify the most effec-*
17 *tive ways to coordinate prevention efforts,*
18 *and harmonize environmentally sound*
19 *methods to prevent, detect, monitor, and*
20 *control nonindigenous aquatic nuisance*
21 *species, in an expeditious manner.”.*

22 (3) *in subsection (c)(1) (as redesi-*
23 *gnated by paragraph (1) of this section)—*

24 (A) *by striking “prevent” and in-*
25 *serting “eliminate”; and*

1 ***(B) by inserting “treatment” after***
2 ***“ballast water”;***

3 ***(4) in subsection (c)(2) (as so redesign-***
4 ***ated)—***

5 ***(A) by inserting “, detection, moni-***
6 ***toring,” after “prevention”; and***

7 ***(B) by striking “the zebra mussel***
8 ***and other”;***

9 ***(5) in subsection (c)(3) (as so redesign-***
10 ***ated)—***

11 ***(A) by inserting “detect,” after***
12 ***“prevent,”; and***

13 ***(B) by striking “from pathways***
14 ***other than ballast water exchange”;***

15 ***(6) in subsection (c)(4) (as so redesign-***
16 ***ated) by striking “, including the zebra***
17 ***mussel”;*** and

18 ***(7) in subsection (c)(5) (as so redesign-***
19 ***ated)—***

20 ***(A) by inserting “prevention,”***
21 ***after “in the”;***

22 ***(B) by inserting a comma after***
23 ***“management”; and***

1 (C) *by striking “zebra mussels”*
2 *and inserting “aquatic nuisance spe-*
3 *cies”.*

4 *SEC. 503. BALLAST WATER MANAGEMENT.*

5 (a) *IN GENERAL.—Section 1101 of the Non-*
6 *indigenous Aquatic Nuisance Prevention and*
7 *Control Act of 1990 (16 U.S.C. 4711) is amended*
8 *to read as follows:*

9 *“SEC. 1101. BALLAST WATER MANAGEMENT.*

10 *“(a) VESSELS TO WHICH THIS SECTION AP-*
11 *PLIES.—*

12 *“(1) IN GENERAL.—Except as provided*
13 *in paragraphs (2), (3), (4), and (5), this*
14 *section applies to a vessel that—*

15 *“(A) is designed, constructed, or*
16 *adapted to carry ballast water; and*

17 *“(B)(i) is a vessel of the United*
18 *States; or*

19 *“(ii) is a foreign vessel that—*

20 *“(I) is en route to a United*
21 *States port or place; or*

22 *“(II) has departed from a*
23 *United States port or place and is*
24 *within waters subject to the juris-*
25 *isdiction of the United States.*

1 **“(2) PERMANENT BALLAST WATER VES-**
2 **SELS.—This section does not apply to a**
3 **vessel that carries all of its permanent**
4 **ballast water in sealed tanks that are not**
5 **subject to discharge.**

6 **“(3) ARMED FORCES VESSELS.—**

7 **“(A) EXEMPTION.—Except as pro-**
8 **vided in subparagraph (B), this sec-**
9 **tion does not apply to a vessel of the**
10 **Armed Forces.**

11 **“(B) BALLAST WATER MANAGEMENT**
12 **PROGRAM.—The Secretary and the Sec-**
13 **retary of Defense, after consultation**
14 **with each other and with the Under**
15 **Secretary and the heads of other ap-**
16 **propriate Federal agencies as deter-**
17 **mined by the Secretary, shall imple-**
18 **ment a ballast water management**
19 **program, including the issuance of**
20 **standards for ballast water exchange**
21 **and treatment and for sediment man-**
22 **agement, for vessels of the Armed**
23 **Forces under their respective jurisdic-**
24 **tions designed, constructed, or adapt-**
25 **ed to carry ballast water that are—**

1 “(i) *consistent with the re-*
2 *quirements of this section, includ-*
3 *ing the deadlines established by*
4 *this section; and*

5 “(ii) *at least as stringent as*
6 *the requirements issued for such*
7 *vessels under section 312 of the*
8 *Federal Water Pollution Control*
9 *Act (33 U.S.C. 1322).*

10 “(4) *SPECIAL RULE FOR SMALL REC-*
11 *REATIONAL VESSELS.—In applying this sec-*
12 *tion to recreational vessels less than 50*
13 *meters in length that have a maximum*
14 *ballast water capacity of 8 cubic meters,*
15 *the Secretary may issue alternative meas-*
16 *ures for managing ballast water in a*
17 *manner that is consistent with the re-*
18 *quirements of this section.*

19 “(5) *MARAD VESSELS.—Subsection (f)*
20 *does not apply to any vessel in the Na-*
21 *tional Defense Reserve Fleet that is sched-*
22 *uled to be disposed of through scrapping*
23 *or sinking.*

24 “(b) *UPTAKE AND DISCHARGE OF BALLAST*
25 *WATER OR SEDIMENT.—*

1 “(1) **PROHIBITION.**—*The operator of a*
2 *vessel to which this section applies may*
3 *not conduct the uptake or discharge of*
4 *ballast water or sediment in waters sub-*
5 *ject to the jurisdiction of the United*
6 *States except as provided in this section.*

7 “(2) **EXCEPTIONS.**—*Paragraph (1) does*
8 *not apply to the uptake or discharge of*
9 *ballast water or sediment in the following*
10 *circumstances:*

11 “(A) *The uptake or discharge is*
12 *solely for the purpose of—*

13 “(i) *ensuring the safety of the*
14 *vessel in an emergency situation;*
15 *or*

16 “(ii) *saving a life at sea.*

17 “(B) *The uptake or discharge is*
18 *accidental and the result of damage*
19 *to the vessel or its equipment and—*

20 “(i) *all reasonable precautions*
21 *to prevent or minimize ballast*
22 *water and sediment discharge*
23 *have been taken before and after*
24 *the damage occurs, the discovery*

1 *of the damage, and the discharge;*
2 *and*

3 *“(ii) the owner or officer in*
4 *charge of the vessel did not will-*
5 *fully or recklessly cause the dam-*
6 *age.*

7 *“(C) The uptake or discharge is*
8 *solely for the purpose of avoiding or*
9 *minimizing the discharge from the*
10 *vessel of pollution that would other-*
11 *wise violate applicable Federal or*
12 *State law.*

13 *“(D) The uptake or discharge of*
14 *ballast water and sediment occurs at*
15 *the same location where the whole of*
16 *that ballast water and that sediment*
17 *originated and there is no mixing*
18 *with ballast water and sediment from*
19 *another area that has not been man-*
20 *aged in accordance with the require-*
21 *ments of this section.*

22 **“(c) VESSEL BALLAST WATER MANAGEMENT**
23 **PLAN.—**

24 **“(1) IN GENERAL.—***The operator of a*
25 *vessel to which this section applies shall*

1 *conduct all ballast water management op-*
2 *erations of that vessel in accordance with*
3 *a ballast water management plan de-*
4 *signed to minimize the discharge of*
5 *aquatic nuisance species that—*

6 *“(A) meets the requirements pre-*
7 *scribed by the Secretary by regulation;*
8 *and*

9 *“(B) is approved by the Secretary.*

10 *“(2) APPROVAL CRITERIA.—*

11 *“(A) IN GENERAL.—The Secretary*
12 *may not approve a ballast water man-*
13 *agement plan unless the Secretary de-*
14 *termines that the plan—*

15 *“(i) describes in detail the ac-*
16 *tions to be taken to implement the*
17 *ballast water management re-*
18 *quirements established under this*
19 *section;*

20 *“(ii) describes in detail the*
21 *procedures to be used for disposal*
22 *of sediment at sea and on shore in*
23 *accordance with the requirements*
24 *of this section;*

1 “(iii) describes in detail safety
2 *procedures for the vessel and crew*
3 *associated with ballast water*
4 *management;*

5 “(iv) designates the officer on
6 *board the vessel in charge of en-*
7 *sureing that the plan is properly*
8 *implemented;*

9 “(v) contains the reporting re-
10 *quirements for vessels established*
11 *under this section and a copy of*
12 *each form necessary to meet those*
13 *requirements; and*

14 “(vi) meets all other require-
15 *ments prescribed by the Secretary.*

16 “(B) FOREIGN VESSELS.—The Sec-
17 *retary may approve a ballast water*
18 *management plan for a foreign vessel*
19 *on the basis of a certificate of compli-*
20 *ance with the criteria described in*
21 *subparagraph (A) issued by the ves-*
22 *sel’s country of registration in accord-*
23 *ance with regulations issued by the*
24 *Secretary.*

1 **“(3) COPY OF PLAN ON BOARD VESSEL.—**
2 ***The owner or operator of a vessel to which***
3 ***this section applies shall—***

4 **“(A) *maintain a copy of the ves-***
5 ***sel’s ballast water management plan***
6 ***on board at all times; and***

7 **“(B) *keep the plan readily avail-***
8 ***able for examination by the Secretary***
9 ***and the head of the appropriate agen-***
10 ***cy of the State in which the vessel is***
11 ***located at all reasonable times.***

12 **“(d) VESSEL BALLAST WATER RECORD**
13 ***BOOK.—***

14 **“(1) *IN GENERAL.—The owner or oper-***
15 ***ator of a vessel to which this section ap-***
16 ***plies shall maintain, in English on board***
17 ***the vessel, a ballast water record book in***
18 ***which each operation of the vessel involv-***
19 ***ing ballast water or sediment discharge is***
20 ***recorded in accordance with regulations***
21 ***issued by the Secretary.***

22 **“(2) *AVAILABILITY.—The ballast water***
23 ***record book—***

24 **“(A) *shall be kept readily avail-***
25 ***able for examination by the Secretary***

1 *and the head of the appropriate agen-*
2 *cy of the State in which the vessel is*
3 *located at all reasonable times; and*

4 “(B) *notwithstanding paragraph*
5 *(1), may be kept on the towing vessel*
6 *in the case of an unmanned vessel*
7 *under tow.*

8 “(3) *RETENTION PERIOD.—The ballast*
9 *water record book shall be retained—*

10 “(A) *on board the vessel for a pe-*
11 *riod of 3 years after the date on which*
12 *the last entry in the book is made; and*

13 “(B) *under the control of the ves-*
14 *sel’s owner for an additional period of*
15 *3 years.*

16 “(4) *REGULATIONS.—In the regulations*
17 *issued under this section, the Secretary*
18 *shall require, at a minimum, that—*

19 “(A) *each entry in the ballast*
20 *water record book be signed and*
21 *dated by the officer in charge of the*
22 *ballast water operation recorded;*

23 “(B) *each completed page in the*
24 *ballast water record book be signed*

1 *and dated by the master of the vessel;*
2 *and*

3 “(C) *the owner or operator of the*
4 *vessel transmit such information to*
5 *the Secretary regarding the ballast*
6 *operations of the vessel as the Sec-*
7 *retary may require.*

8 “(5) *ALTERNATIVE MEANS OF RECORD-*
9 *KEEPING.—The Secretary may provide, by*
10 *regulation, for alternative methods of rec-*
11 *ordkeeping, including electronic record-*
12 *keeping, to comply with the requirements*
13 *of this subsection. Any electronic record-*
14 *keeping method authorized by the Sec-*
15 *retary shall support the inspection and*
16 *enforcement provisions of this Act and*
17 *shall comply with applicable standards of*
18 *the National Institute of Standards and*
19 *Technology and the Office of Management*
20 *and Budget governing reliability, integ-*
21 *egrity, identity authentication, and non-*
22 *repudiation of stored electronic data.*

23 “(e) *BALLAST WATER EXCHANGE REQUIRE-*
24 *MENTS.—*

25 “(1) *IN GENERAL.—*

1 “(A) *REQUIREMENT.*—*Until a vessel*
2 *is required to conduct ballast water*
3 *treatment in accordance with sub-*
4 *section (f), the operator of a vessel to*
5 *which this section applies may not*
6 *discharge ballast water in waters sub-*
7 *ject to the jurisdiction of the United*
8 *States, except after—*

9 “(i) *conducting ballast water*
10 *exchange as required by this sub-*
11 *section, in accordance with regu-*
12 *lations issued by the Secretary;*

13 “(ii) *using ballast water treat-*
14 *ment technology that meets the*
15 *performance standards of sub-*
16 *section (f); or*

17 “(iii) *using environmentally*
18 *sound alternative ballast water*
19 *treatment technology if the Sec-*
20 *retary determines that such treat-*
21 *ment technology is at least as ef-*
22 *fective as the ballast water ex-*
23 *change required by clause (i) in*
24 *preventing and controlling the in-*

1 *roduction of aquatic nuisance*
2 *species.*

3 **“(B) TECHNOLOGY EFFICACY.—***For*
4 *purposes of this paragraph, a ballast*
5 *water treatment technology shall be*
6 *considered to be at least as effective*
7 *as the ballast water exchange re-*
8 *quired by clause (i) in preventing and*
9 *controlling the introduction of*
10 *aquatic nuisance species if prelimi-*
11 *nary experiments prior to installation*
12 *of the technology aboard the vessel*
13 *demonstrate that the technology re-*
14 *moved or killed at least 98 percent of*
15 *organisms larger than 50 microns.*

16 **“(2) GUIDANCE; 5-YEAR USAGE.—**

17 **“(A) GUIDANCE.—***Not later than*
18 *one year after the date of enactment of*
19 *the Ballast Water Treatment Act of*
20 *2007, the Secretary shall develop and*
21 *issue guidance on technology that*
22 *may be used under paragraph*
23 **(1)(A)(iii).**

24 **“(B) 5-YEAR USAGE.—***The Secretary*
25 *shall allow a vessel using environ-*

1 *mentally-sound alternative ballast*
2 *treatment technology under para-*
3 *graph (1)(A)(iii) to continue to use*
4 *that technology for 5 years after the*
5 *date on which the environmentally-*
6 *sound alternative ballast water treat-*
7 *ment technology was first placed in*
8 *service on the vessel or the date on*
9 *which treatment requirements under*
10 *subsection (f) become applicable,*
11 *whichever is later.*

12 “(3) *EXCHANGE AREAS.—*

13 “(A) *VESSELS OUTSIDE THE UNITED*
14 *STATES EEZ.—The operator of a vessel*
15 *en route to a United States port or*
16 *place from a port or place outside the*
17 *waters subject to the jurisdiction of*
18 *the United States shall conduct bal-*
19 *last water exchange—*

20 “(i) *before arriving at a*
21 *United States port or place;*

22 “(ii) *at least 200 nautical*
23 *miles from the nearest point of*
24 *land; and*

1 “(iii) *in water at least 200 me-*
2 *ters in depth.*

3 “(B) **COASTAL VOYAGES.**—*The oper-*
4 *ator of a vessel originating from a*
5 *port or place within the United States*
6 *exclusive economic zone, or from a*
7 *port within 200 nautical miles of the*
8 *United States in Canada, Mexico, or*
9 *other ports designated by the Sec-*
10 *retary for purposes of this section,*
11 *shall conduct ballast water ex-*
12 *change—*

13 “(i) *at least 50 nautical miles*
14 *from the nearest point of land;*
15 *and*

16 “(ii) *in water at least 200 me-*
17 *ters in depth.*

18 “(4) **SAFETY OR STABILITY EXCEPTION.**—

19 “(A) **SECRETARIAL DETERMINA-**
20 **TION.**—*Paragraph (3) does not apply*
21 *to the discharge of ballast water if the*
22 *Secretary determines that compliance*
23 *with that paragraph would threaten*
24 *the safety or stability of the vessel, its*
25 *crew, or its passengers.*

1 **“(B) MASTER OF THE VESSEL DETER-**
2 **MINATION.—Paragraph (3) does not**
3 **apply to the discharge of ballast**
4 **water if the master of a vessel deter-**
5 **mines that compliance with that**
6 **paragraph would threaten the safety**
7 **or stability of the vessel, its crew, or**
8 **its passengers because of adverse**
9 **weather, equipment failure, or any**
10 **other relevant condition.**

11 **“(C) NOTIFICATION REQUIRED.—**
12 **Whenever the master of a vessel is un-**
13 **able to comply with the requirements**
14 **of paragraph (3) because of a deter-**
15 **mination made under subparagraph**
16 **(B), the master of the vessel shall—**

17 **“(i) notify the Secretary as**
18 **soon as practicable thereafter but**
19 **no later than 24 hours after mak-**
20 **ing that determination and shall**
21 **ensure that the determination, the**
22 **reasons for the determination,**
23 **and the notice are recorded in the**
24 **vessel’s ballast water record book;**
25 **and**

1 “(ii) *undertake ballast water*
2 *exchange in accordance with*
3 *paragraph (6) if safety or stability*
4 *concerns prevent undertaking bal-*
5 *last water exchange in the alter-*
6 *native area.*

7 “(D) *REVIEW OF CIRCUMSTANCES.—If*
8 *the master of a vessel conducts a bal-*
9 *last water discharge under the provi-*
10 *sions of this paragraph, the Secretary*
11 *shall review the circumstances to de-*
12 *termine whether the discharge met the*
13 *requirements of this paragraph. The*
14 *review under this clause shall be in*
15 *addition to any other enforcement au-*
16 *thority of the Secretary.*

17 “(5) *DISCHARGE UNDER WAIVER.—*

18 “(A) *SUBSTANTIAL BUSINESS HARD-*
19 *SHIP WAIVER.—If, because of the short*
20 *length of a voyage, the operator of a*
21 *vessel is unable to discharge ballast*
22 *water in accordance with the require-*
23 *ments of paragraph (3)(B) without*
24 *substantial business hardship, as de-*
25 *termined under regulations issued by*

1 *the Secretary, the operator may re-*
2 *quest a waiver from the Secretary and*
3 *discharge the ballast water in accord-*
4 *ance with paragraph (6). A request for*
5 *a waiver under this subparagraph*
6 *shall be submitted to the Secretary at*
7 *such time and in such form and man-*
8 *ner as the Secretary may require.*

9 “(B) *SUBSTANTIAL BUSINESS HARD-*
10 *SHIP.—For purposes of subparagraph*
11 *(A), the factors taken into account in*
12 *determining substantial business*
13 *hardship shall include whether—*

14 “(i) *compliance with the re-*
15 *quirements of paragraph (3)(B)*
16 *would require a sufficiently great*
17 *change in routing or scheduling of*
18 *service as to compromise the eco-*
19 *nomical or commercial viability of*
20 *the trade or business in which the*
21 *vessel is operated; or*

22 “(ii) *it is reasonable to expect*
23 *that the trade or business or serv-*
24 *ice provided will be continued*

1 *only if a waiver is granted under*
2 *subparagraph (A).*

3 **“(6) PERMISSIBLE DISCHARGE.—**

4 **“(A) IN GENERAL.—***The discharge*
5 *of ballast water shall be considered to*
6 *be carried out in accordance with this*
7 *paragraph if it is—*

8 **“(i) in an area designated for**
9 *that purpose by the Secretary,*
10 *after consultation with the Under*
11 *Secretary, the heads of other ap-*
12 *propriate Federal agencies as de-*
13 *termined by the Secretary, and*
14 *representatives of any State that*
15 *may be affected by discharge of*
16 *ballast water in that area; or*

17 **“(ii) into a reception facility**
18 *described in subsection (f)(2).*

19 **“(B) LIMITATION ON VOLUME.—***The*
20 *volume of any ballast water dis-*
21 *charged under this paragraph may*
22 *not exceed the volume necessary to en-*
23 *sure the safe operation of the vessel.*

24 **“(7) CERTAIN GEOGRAPHICALLY LIMITED**
25 **ROUTES.—***Notwithstanding paragraph (1),*

1 *the operator of a vessel is not required to*
2 *comply with the requirements of this sub-*
3 *section—*

4 *“(A) if the vessel operates exclu-*
5 *sively—*

6 *“(i) within the Great Lakes; or*

7 *“(ii) between or among the*
8 *main group of the Hawaiian Is-*
9 *lands; or*

10 *“(B) if the vessel operates exclu-*
11 *sively within any area with respect to*
12 *which the Secretary has determined,*
13 *after consultation with the Under Sec-*
14 *retary, the Administrator, and rep-*
15 *resentatives of States the waters of*
16 *which would be affected by the dis-*
17 *charge of ballast water from the ves-*
18 *sel, that the risk of introducing aquat-*
19 *ic nuisance species through ballast*
20 *water discharge in the areas in which*
21 *the vessel operates is insignificant.*

22 *“(8) MARINE SANCTUARIES AND OTHER*
23 *PROHIBITED AREAS.—A vessel may not con-*
24 *duct ballast water exchange or discharge*
25 *ballast water under this subsection—*

1 “(A) *within a national marine*
2 *sanctuary designated under of the Na-*
3 *tional Marine Sanctuaries Act (16*
4 *U.S.C. 1431 et seq.);*

5 “(B) *in waters that are approved*
6 *by the Administrator as a nondis-*
7 *charge zone under section 312(n)(7) of*
8 *the Federal Water Pollution Control*
9 *Act (33 U.S.C. 1322(n)(7)); or*

10 “(C) *in any other waters des-*
11 *ignated by the Secretary, in consulta-*
12 *tion with the Under Secretary and the*
13 *Administrator.*

14 “(9) *VESSELS WITHOUT PUMPABLE BAL-*
15 *LAST WATER.—*

16 “(A) *APPLICABILITY OF REQUIRE-*
17 *MENTS.—Ballast water exchange re-*
18 *quirements under this subsection*
19 *shall apply to vessels that are*
20 *equipped with ballast water tanks*
21 *and that enter a port of the United*
22 *States without pumpable ballast*
23 *water.*

24 “(B) *REGULATIONS.—The Secretary*
25 *shall issue regulations, not later than*

1 *180 days after the date of enactment*
2 *of the Ballast Water Treatment Act of*
3 *2007, that are intended to minimize*
4 *the introduction of nuisance species*
5 *from vessels that enter the navigable*
6 *waters without pumpable ballast*
7 *water, including the requirements*
8 *that apply under subparagraph (A),*
9 *and that are at least as stringent as*
10 *the regulations in effect on the date of*
11 *enactment such Act.*

12 *“(C) APPLICATION OF EXISTING REG-*
13 *ULATIONS.—The regulations issued by*
14 *the Secretary under this section, as*
15 *such regulations were in effect on the*
16 *day before the date of enactment of*
17 *the Ballast Water Treatment Act of*
18 *2007, shall continue to apply to vessels*
19 *without pumpable ballast water enter-*
20 *ing or operating on the navigable wa-*
21 *ters until the earlier of—*

22 *“(i) the date on which such*
23 *vessels are required to conduct*
24 *ballast water treatment, in ac-*

1 *cordance with the requirements of*
2 *subsection (f); or*

3 *“(ii) the effective date of final*
4 *regulations required under this*
5 *paragraph.*

6 *“(f) BALLAST WATER TREATMENT REQUIRE-*
7 *MENTS.—*

8 *“(1) PERFORMANCE STANDARDS.—A ves-*
9 *sel to which this section applies shall con-*
10 *duct ballast water treatment in accord-*
11 *ance with the requirements of this sub-*
12 *section before discharging ballast water*
13 *in waters subject to the jurisdiction of the*
14 *United States so that the ballast water*
15 *discharged will contain—*

16 *“(A) less than 1 living organism*
17 *per 10 cubic meters that is 50 or more*
18 *micrometers in minimum dimension;*

19 *“(B) less than 1 living organism*
20 *per 10 milliliters that is less than 50*
21 *micrometers in minimum dimension*
22 *and more than 10 micrometers in min-*
23 *imum dimension;*

24 *“(C) concentrations of indicator*
25 *microbes that are less than—*

1 “(i) *1 colony-forming unit of*
2 *toxicogenic Vibrio cholera*
3 *(serotypes O1 and O139) per 100*
4 *milliliters or less than 1 colony-*
5 *forming unit of that microbe per*
6 *gram of wet weight of zoological*
7 *samples;*

8 “(ii) *126 colony-forming units*
9 *of escherichia coli per 100 milli-*
10 *liters; and*

11 “(iii) *33 colony-forming units*
12 *of intestinal enterococci per 100*
13 *milliliters; and*

14 “(D) *concentrations of such addi-*
15 *tional indicator microbes as may be*
16 *specified in regulations issued by the*
17 *Secretary, after consultation with*
18 *other appropriate Federal agencies as*
19 *determined by the Secretary, that are*
20 *less than the amount specified in*
21 *those regulations.*

22 “(2) *RECEPTION FACILITY EXCEPTION.—*

23 “(A) *IN GENERAL.—Paragraph (1)*
24 *does not apply to a vessel that dis-*
25 *charges ballast water into—*

1 “(i) a land-based facility for
2 the reception of ballast water that
3 meets standards issued by the Ad-
4 ministrators; or

5 “(ii) a water-based facility for
6 the reception of ballast water that
7 meets standards issued by the Sec-
8 retary.

9 “(B) ISSUANCE OF STANDARDS.—Not
10 later than one year after the date of
11 enactment of the Ballast Water Treat-
12 ment Act of 2007, the Secretary, in
13 consultation with the heads of other
14 appropriate Federal agencies as de-
15 termined by the Secretary, shall issue
16 standards for—

17 “(i) the reception of ballast
18 water in land-based and water-
19 based reception facilities; and

20 “(ii) the disposal or treatment
21 of such ballast water in a way
22 that does not impair or damage
23 the environment, human health,
24 property, or resources.

1 **“(3) TREATMENT SYSTEM IMPLEMENTA-**
2 **TION.—Paragraph (1) applies to a vessel to**
3 **which this section applies beginning on**
4 **the date of the first dry-docking of the ves-**
5 **sel after December 31, 2008, but not later**
6 **than December 31, 2013.**

7 **“(4) TREATMENT SYSTEM APPROVAL RE-**
8 **QUIRED.—The operator of a vessel to which**
9 **this section applies may not use a ballast**
10 **water treatment system to comply with the**
11 **requirements of this subsection unless the**
12 **system is approved by the Secretary. The**
13 **Secretary shall issue regulations estab-**
14 **lishing a process for such approval, after**
15 **consultation with the heads of other ap-**
16 **propriate Federal agencies as determined**
17 **by the Secretary.**

18 **“(5) RELIANCE ON CERTAIN REPORTS,**
19 **DOCUMENTS, AND RECORDS.—In approving**
20 **a ballast water treatment system under**
21 **this subsection, the Secretary may rely on**
22 **reports, documents, and records of per-**
23 **sons that meet such requirements as the**
24 **Secretary may prescribe.**

25 **“(6) FEASIBILITY REVIEW.—**

1 **“(A) REQUIREMENT TO REVIEW.—The**
2 **Secretary shall periodically conduct a**
3 **review to determine whether appro-**
4 **prate technologies are available to**
5 **achieve the standards set forth in**
6 **paragraph (1). In reviewing tech-**
7 **nologies under this subparagraph, the**
8 **Secretary, after consultation with the**
9 **heads of other appropriate Federal**
10 **agencies as determined by the Sec-**
11 **retary, shall consider—**

12 **“(i) the effectiveness of a tech-**
13 **nology in achieving the standards;**

14 **“(ii) feasibility in terms of**
15 **compatibility with ship design**
16 **and operations;**

17 **“(iii) safety considerations;**

18 **“(iv) whether a technology has**
19 **an adverse impact on the environ-**
20 **ment; and**

21 **“(v) cost effectiveness.**

22 **“(B) DEADLINES.—The Secretary**
23 **shall—**

24 **“(i) complete an initial review**
25 **of technologies under subpara-**

1 *graph (A) within 12 months after*
2 *the date of the enactment of the*
3 *Ballast Water Treatment Act of*
4 *2007; and*

5 *“(ii) carry out subsequent re-*
6 *views of technologies under sub-*
7 *paragraph (A) no later than 24*
8 *months after the date that the pre-*
9 *vious review was completed.*

10 *“(C) DELAY IN SCHEDULED APPLICA-*
11 *TION.—If the Secretary determines, on*
12 *the basis of the initial review or any*
13 *subsequent review conducted under*
14 *this paragraph, that compliance with*
15 *the standards set forth in paragraph*
16 *(1) is not feasible for any class of ves-*
17 *sels, the Secretary shall—*

18 *“(i) delay the date on which*
19 *such standards apply to that class*
20 *of vessels for a period of not more*
21 *than 24 months; and*

22 *“(ii) recommend action to en-*
23 *sure such compliance in accord-*
24 *ance with the revised implementa-*
25 *tion schedule for that class of ves-*

1 *sels by the date established under*
2 *clause (i).*

3 **“(7) DELAY OF APPLICATION FOR VESSEL**
4 **PARTICIPATING IN PROMISING TECHNOLOGY**
5 **EVALUATIONS.—**

6 **“(A) IN GENERAL.—***If a vessel par-*
7 *ticipates in a program, including the*
8 *Shipboard Technology Evaluation*
9 *Program established under section*
10 *1104, using a technology approved by*
11 *the Secretary to test and evaluate*
12 *promising ballast water treatment*
13 *technologies that are likely to result*
14 *in treatment technologies achieving a*
15 *standard that is the same as or more*
16 *stringent than the standard that ap-*
17 *plies under paragraph (1) before the*
18 *first date on which paragraph (1) ap-*
19 *plies to that vessel, the Secretary shall*
20 *allow the vessel to use that technology*
21 *for a 10-year period and such vessel*
22 *shall be deemed to be in compliance*
23 *with the requirements of paragraph*
24 **(1) during that 10-year period.**

1 “(B) *VESSEL DIVERSITY.*—*The Sec-*
2 *retary—*

3 “(i) *shall seek to ensure that a*
4 *wide variety of vessel types and*
5 *voyages are included in the pro-*
6 *gram; but*

7 “(ii) *may not grant a delay*
8 *under this paragraph to more*
9 *than 5 percent of the vessels to*
10 *which this section applies.*

11 “(C) *TERMINATION OF GRACE PE-*
12 *RIOD.*—*The Secretary may terminate*
13 *the 10-year grace period of a vessel*
14 *under subparagraph (A) if—*

15 “(i) *the participation of the*
16 *vessel in the program is termi-*
17 *nated without the consent of the*
18 *Secretary;*

19 “(ii) *the vessel does not comply*
20 *with manufacturer’s standards for*
21 *operating the ballast water treat-*
22 *ment technology used on such ves-*
23 *sel; or*

24 “(iii) *the Secretary determines*
25 *that the approved technology is in-*

1 *sufficiently effective or is causing*
2 *harm to the environment.*

3 **“(8) REVIEW OF STANDARDS.—**

4 **“(A) IN GENERAL.—***In December*
5 *2012 and every third year thereafter,*
6 *the Secretary shall complete review of*
7 *ballast water treatment standards in*
8 *effect under this subsection to deter-*
9 *mine, after consultation with the Ad-*
10 *ministrator and the heads of other ap-*
11 *propriate Federal agencies deter-*
12 *mined by the Secretary, if the stand-*
13 *ards under this subsection should be*
14 *revised to reduce the amount of orga-*
15 *nisms or microbes allowed to be dis-*
16 *charged, taking into account improve-*
17 *ments in the scientific understanding*
18 *of biological processes leading to the*
19 *spread of aquatic nuisance species*
20 *and improvements in ballast water*
21 *treatment technology. The Secretary*
22 *shall revise, by regulation, the re-*
23 *quirements of this subsection as nec-*
24 *essary.*

1 **“(B) APPLICATION OF ADJUSTED**
2 **STANDARDS.—***In the regulations, the*
3 **Secretary shall provide for the pro-**
4 **spective application of the adjusted**
5 **standards issued under this para-**
6 **graph to vessels constructed after the**
7 **date on which the adjusted standards**
8 **apply and for an orderly phase-in of**
9 **the adjusted standards to existing ves-**
10 **sels.**

11 **“(9) HIGH-RISK VESSELS.—**

12 **“(A) VESSEL LIST.—***Not later than*
13 **one year after the date of enactment of**
14 **the Ballast Water Treatment Act of**
15 **2007, the Secretary shall publish and**
16 **regularly update a list of vessels iden-**
17 **tified by the States that, due to factors**
18 **such as the origin of their voyages, the**
19 **frequency of their voyages, the volume**
20 **of ballast water they carry, the bio-**
21 **logical makeup of the ballast water,**
22 **and the fact that they frequently dis-**
23 **charge ballast water under an excep-**
24 **tion to subsection (e), pose a high risk**

1 *of introducing aquatic nuisance spe-*
2 *cies into the waters of those States.*

3 *“(B) INCENTIVE PROGRAMS.—The*
4 *Secretary shall give priority to vessels*
5 *on the list for participation in a pro-*
6 *gram described in paragraph (7). Any*
7 *Federal agency, and any State agency*
8 *with respect to vessels identified by*
9 *such State to the Secretary for inclu-*
10 *sion on a list under subparagraph*
11 *(A), may develop and implement tech-*
12 *nology development programs or other*
13 *incentives (whether positive or nega-*
14 *tive) in order to encourage the adop-*
15 *tion of ballast water treatment tech-*
16 *nology by those vessels consistent with*
17 *the requirements of this section on an*
18 *expedited basis.*

19 *“(10) NONAPPLICABILITY OF VESSELS OP-*
20 *ERATING EXCLUSIVELY IN DETERMINED*
21 *AREA.—*

22 *“(A) IN GENERAL.—Except as pro-*
23 *vided in subparagraph (D), para-*
24 *graph (1) does not apply to a vessel*
25 *that operates exclusively within an*

1 *area if the Secretary has determined*
2 *through a rulemaking proceeding,*
3 *after consultation with the Adminis-*
4 *trator and the heads of other appro-*
5 *priate Federal agencies as determined*
6 *by the Secretary, and representatives*
7 *of States the waters of which could be*
8 *affected by the discharge of ballast*
9 *water from the vessel, that the risk of*
10 *introducing aquatic nuisance species*
11 *through ballast water discharge from*
12 *the vessel is insignificant.*

13 “(B) *CERTAIN VESSELS.—A vessel*
14 *constructed before January 1, 2001,*
15 *that operates exclusively within the*
16 *Great Lakes shall be presumed not to*
17 *pose a significant risk of introducing*
18 *aquatic nuisance species unless the*
19 *Secretary finds otherwise in a rule-*
20 *making proceeding under subpara-*
21 *graph (A).*

22 “(C) *BEST PRACTICES.—The Sec-*
23 *retary shall develop, and require a*
24 *vessel exempted from complying with*
25 *the requirements of paragraph (1)*

1 *under this paragraph to follow, best*
2 *practices to minimize the spreading of*
3 *aquatic nuisance species in its oper-*
4 *ation area. The best practices shall be*
5 *developed in consultation with the*
6 *Governors of States that may be af-*
7 *ected.*

8 **“(D) STOPPING THE SPREAD OF IN-**
9 **FECTIONOUS DISEASE.—***The Secretary, at*
10 *the request of the Secretary of Agri-*
11 *culture, shall require a vessel to*
12 *which paragraph (1) does not apply in*
13 *accordance with subparagraph (A) to*
14 *have a ballast water treatment system*
15 *approved by the Secretary under this*
16 *subsection to stop the spread of infec-*
17 *tious diseases to plants and animals*
18 *as otherwise authorized by law.*

19 **“(11) LABORATORIES.—***The Secretary*
20 *may use any Federal, non-Federal, or for-*
21 *foreign laboratory that meets standards es-*
22 *tablished by the Secretary for the purpose*
23 *of evaluating and certifying ballast water*
24 *treatment technologies that meet the re-*
25 *quirements of this subsection.*

1 **“(12) PROGRAM TO SUPPORT THE PRO-**
2 **MULGATION AND IMPLEMENTATION OF STAND-**
3 **ARDS.—**

4 **“(A) IN GENERAL.—The Secretary,**
5 **in coordination with the Under Sec-**
6 **retary, the Task Force and other ap-**
7 **propriate Federal agencies, shall**
8 **carry out a coordinated program to**
9 **support the promulgation and imple-**
10 **mentation of standards under this**
11 **subsection to prevent the introduction**
12 **and spread of aquatic invasive species**
13 **by vessels. The program established**
14 **under this section shall, at a min-**
15 **imum—**

16 **“(i) characterize physical,**
17 **chemical, and biological harbor**
18 **conditions relevant to ballast dis-**
19 **charge into United States waters**
20 **to inform the design and imple-**
21 **mentation of ship vector control**
22 **technologies and practices;**

23 **“(ii) develop testing protocols**
24 **for determining the effectiveness**
25 **of vessel vector monitoring and**

1 *control technologies and prac-*
2 *tices;*

3 “(iii) *demonstrate methods for*
4 *mitigating the spread of invasive*
5 *species by coastal voyages, includ-*
6 *ing exploring the effectiveness of*
7 *alternative exchange zones in the*
8 *near coastal areas and other*
9 *methods proposed to reduce trans-*
10 *fers of organisms;*

11 “(iv) *verify the practical effec-*
12 *tiveness of any process for approv-*
13 *ing a type of alternative ballast*
14 *water management as meeting*
15 *standards established under this*
16 *subsection, to ensure that the*
17 *process produces repeatable and*
18 *accurate assessments of treatment*
19 *effectiveness; and*

20 “(v) *evaluate the effectiveness*
21 *and residual risk and environ-*
22 *mental impacts associated with*
23 *any standard set with respect to*
24 *the vessel pathways.*

1 **“(B) AUTHORIZATION OF APPROPRIA-**
2 **TIONS.—In addition to other amounts**
3 **authorized by this title, to carry out**
4 **this paragraph there are authorized**
5 **to be appropriated \$1,500,000 to the**
6 **Secretary and \$1,500,000 to the Under**
7 **Secretary for each of fiscal years 2008**
8 **through 2012.**

9 **“(g) WARNINGS CONCERNING BALLAST WATER**
10 **UPTAKE.—**

11 **“(1) IN GENERAL.—The Secretary shall**
12 **notify vessel owners and operators of any**
13 **area in waters subject to the jurisdiction**
14 **of the United States in which vessels may**
15 **not uptake ballast water due to known**
16 **conditions.**

17 **“(2) CONTENTS.—The notice shall in-**
18 **clude—**

19 **“(A) the coordinates of the area;**
20 **and**

21 **“(B) if possible, the location of al-**
22 **ternative areas for the uptake of bal-**
23 **last water.**

24 **“(h) SEDIMENT MANAGEMENT.—**

1 “(1) *IN GENERAL.—The operator of a*
2 *vessel to which this section applies may*
3 *not remove or dispose of sediment from*
4 *spaces designed to carry ballast water, ex-*
5 *cept—*

6 “(A) *in accordance with this sub-*
7 *section and the ballast water manage-*
8 *ment plan approved under subsection*
9 *(c); and*

10 “(B)(i) *more than 200 nautical*
11 *miles from the nearest point of land;*
12 *or*

13 “(ii) *into a reception facility that*
14 *meets the requirements of paragraph*
15 *(3).*

16 “(2) *DESIGN REQUIREMENTS.—*

17 “(A) *NEW VESSELS.—After Decem-*
18 *ber 31, 2008, a vessel to which this sec-*
19 *tion applies may not be operated on*
20 *waters subject to the jurisdiction of*
21 *the United States, unless that vessel is*
22 *designed and constructed in accord-*
23 *ance with regulations issued under*
24 *subparagraph (C) and in a manner*
25 *that—*

1 “(i) *minimizes the uptake and*
2 *entrapment of sediment;*

3 “(ii) *facilitates removal of*
4 *sediment; and*

5 “(iii) *provides for safe access*
6 *for sediment removal and sam-*
7 *pling.*

8 “(B) *EXISTING VESSELS.—A vessel to*
9 *which this section applies that was*
10 *constructed before January 1, 2009,*
11 *shall be modified, to the extent prac-*
12 *ticable, at the first drydocking of the*
13 *vessel after December 31 2008, but not*
14 *later than December 31, 2013, to*
15 *achieve the objectives described in*
16 *subparagraph (A).*

17 “(C) *REGULATIONS.—The Secretary*
18 *shall issue regulations establishing*
19 *design and construction standards to*
20 *achieve the objectives of subpara-*
21 *graph (A) and providing guidance for*
22 *modifications and practices under*
23 *subparagraph (B). The Secretary*
24 *shall incorporate the standards and*
25 *guidance in the regulations governing*

1 *the ballast water management plan*
2 *approved under subsection (c).*

3 **“(3) SEDIMENT RECEPTION FACILITIES.—**

4 **“(A) STANDARDS.—***The Secretary,*
5 *in consultation with the heads of*
6 *other appropriate Federal agencies as*
7 *determined by the Secretary, shall*
8 *issue regulations governing facilities*
9 *for the reception of vessel sediment*
10 *from spaces designed to carry ballast*
11 *water that provide for the disposal of*
12 *such sediment in a way that does not*
13 *impair or damage the environment,*
14 *human health, or property or re-*
15 *sources of the disposal area.*

16 **“(B) DESIGNATION.—***The Secretary,*
17 *in consultation with the heads of*
18 *other appropriate Federal agencies as*
19 *determined by the Secretary shall des-*
20 *ignate facilities for the reception of*
21 *vessel sediment that meet the require-*
22 *ments of the regulations issued under*
23 *subparagraph (A) at ports and termi-*
24 *nals where ballast tanks are cleaned*
25 *or repaired.*

1 “(i) **EXAMINATIONS AND CERTIFICATIONS.**—

2 “(1) **INITIAL EXAMINATION.**—

3 “(A) **IN GENERAL.**—*The Secretary*
4 *shall examine vessels to which this*
5 *section applies to determine whether—*

6 “(i) *there is a ballast water*
7 *management plan for the vessel*
8 *that is approved by the Secretary*
9 *and a ballast water record book*
10 *on the vessel that meets the re-*
11 *quirements of subsection (d);*

12 “(ii) *the equipment used for*
13 *ballast water and sediment man-*
14 *agement in accordance with the*
15 *requirements of this section and*
16 *the regulations issued under this*
17 *section is installed and func-*
18 *tioning properly.*

19 “(B) **NEW VESSELS.**—*For vessels*
20 *constructed on or after January 1,*
21 *2009, the Secretary shall conduct the*
22 *examination required by subpara-*
23 *graph (A) before the vessel is placed*
24 *in service.*

1 “(C) *EXISTING VESSELS.*—*For ves-*
2 *sels constructed before January 1,*
3 *2009, the Secretary shall—*

4 “(i) *conduct the examination*
5 *required by subparagraph (A) be-*
6 *fore the date on which subsection*
7 *(f)(1) applies to the vessel accord-*
8 *ing to the schedule in subsection*
9 *(f)(3); and*

10 “(ii) *inspect the vessel’s ballast*
11 *water record book required by*
12 *subsection (d).*

13 “(D) *FOREIGN VESSEL.*—*In the case*
14 *of a foreign vessel, the Secretary shall*
15 *perform the examination required by*
16 *this paragraph the first time the ves-*
17 *sel enters a United States port.*

18 “(2) *SUBSEQUENT EXAMINATIONS.*—*In*
19 *addition to the examination required by*
20 *paragraph (1), the Secretary shall annu-*
21 *ally examine vessels to which this section*
22 *applies, to ensure compliance with the re-*
23 *quirements of this section and the regula-*
24 *tions issued under this section.*

25 “(3) *INSPECTION AUTHORITY.*—

1 “(A) *IN GENERAL.*—*The Secretary*
2 *may carry out inspections of any ves-*
3 *sel to which this section applies at*
4 *any time, including the taking of bal-*
5 *last water samples, to ensure compli-*
6 *ance with this section. The Secretary*
7 *shall use all appropriate and prac-*
8 *tical measures of detection and envi-*
9 *ronmental monitoring such vessels*
10 *and shall establish adequate proce-*
11 *dures for reporting violations of this*
12 *section and accumulating evidence re-*
13 *garding such violations.*

14 “(B) *INVESTIGATIONS.*—

15 “(i) *IN GENERAL.*—*Upon receipt*
16 *of evidence that a violation of this*
17 *section or a regulation issued*
18 *under this section has occurred,*
19 *the Secretary shall cause the mat-*
20 *ter to be investigated.*

21 “(ii) *ISSUANCE OF SUBPOENAS.*—
22 *In an investigation under this*
23 *subparagraph, the Secretary may*
24 *issue subpoenas to require the at-*
25 *tendance of any witness and the*

1 *production of documents and*
2 *other evidence.*

3 “(iii) *COMPELLING COMPLIANCE*
4 *WITH SUBPOENAS.—In case of re-*
5 *fusals to obey a subpoena issued*
6 *under this subparagraph, the Sec-*
7 *retary may request the Attorney*
8 *General to invoke the aid of the*
9 *appropriate district court of the*
10 *United States to compel compli-*
11 *ance.*

12 “(4) *STATE PROGRAMS.—*

13 “(A) *SUBMISSION TO SECRETARY.—At*
14 *any time after the date of issuance of*
15 *ballast water treatment regulations*
16 *issued under this section, the Gov-*
17 *ernor of each State desiring to admin-*
18 *ister its own inspection and enforce-*
19 *ment authority for ballast water dis-*
20 *charges within its jurisdiction may*
21 *submit to the Secretary a complete de-*
22 *scription of the program the Governor*
23 *proposes to establish and administer*
24 *under State law. In addition, the Gov-*
25 *ernor shall submit a statement from*

1 *the attorney general that the laws of*
2 *such State provide adequate authority*
3 *to carry out the described program.*

4 **“(B) APPROVAL.—***The Secretary*
5 *shall approve a program submitted*
6 *under subparagraph (A), unless the*
7 *Secretary determines that adequate*
8 *resources do not exist or, in the case of*
9 *ballast water testing, that adequate*
10 *scientific expertise does not exist—*

11 *“(i) to inspect, monitor, and*
12 *board any vessel to which this sec-*
13 *tion applies at any time, including*
14 *the taking and testing of ballast*
15 *water samples, to ensure the ves-*
16 *sel’s compliance with this section;*

17 *“(ii) to ensure that any ballast*
18 *water discharged within the wa-*
19 *ters subject to the jurisdiction of*
20 *the State meet the ballast water*
21 *requirements of this section and*
22 *the regulations issued under this*
23 *section, including any revisions to*
24 *such requirements and regula-*
25 *tions;*

1 “(iii) to establish adequate
2 procedures for reporting viola-
3 tions of this section;

4 “(iv) to investigate and abate
5 violations of this section, includ-
6 ing civil and criminal penalties
7 and other ways and means of en-
8 forcement; and

9 “(v) to ensure that the Sec-
10 retary receives notice of each vio-
11 lation of the ballast water treat-
12 ment requirements issued under
13 this section in an expeditious
14 manner.

15 “(C) **SUSPENSION OF FEDERAL AU-**
16 **THORITIES.**—Not later than 90 days
17 after the date on which a State sub-
18 mits a program (or revision thereof)
19 under this paragraph, the Secretary
20 shall suspend its authorities under
21 subsections (k) and (l) in such State,
22 unless the Secretary determines that
23 the State program does not meet the
24 requirements of this paragraph. If the
25 Secretary so determines, the Secretary

1 *shall notify the State of any revisions*
2 *or modifications necessary to conform*
3 *to such requirements.*

4 “(D) *COMPLIANCE.—Any State pro-*
5 *gram approved under this paragraph*
6 *shall at all times be conducted in ac-*
7 *cordance with this section and regula-*
8 *tions issued under this section.*

9 “(E) *WITHDRAWAL OF APPROVAL.—*
10 *Whenever the Secretary determines,*
11 *after public hearing, that a State is*
12 *not administering a program ap-*
13 *proved under this paragraph in ac-*
14 *cordance with this section and regula-*
15 *tions issued under this section, the*
16 *Secretary shall notify the State and, if*
17 *appropriate corrective action is not*
18 *taken within a reasonable period of*
19 *time not to exceed 90 days, the Sec-*
20 *retary shall withdraw approval of the*
21 *program. The Secretary shall not*
22 *withdraw approval of any program*
23 *unless the Secretary shall first have*
24 *notified the State, and made public,*

1 *in writing, the reasons for such with-*
2 *drawal.*

3 “(F) *LIMITATION ON STATUTORY*
4 *CONSTRUCTION.—Nothing in this para-*
5 *graph shall limit the authority of the*
6 *Secretary carry out inspections and*
7 *investigations of any vessels under*
8 *paragraph (3).*

9 “(5) *REQUIRED CERTIFICATE.—If, on the*
10 *basis of an initial examination under*
11 *paragraph (1), the Secretary finds that a*
12 *vessel complies with the requirements of*
13 *this section and the regulations issued*
14 *under this section, the Secretary shall*
15 *issue a certificate under this paragraph*
16 *as evidence of such compliance. The cer-*
17 *tificate shall be valid for a period of not*
18 *more than 5 years, as specified by the Sec-*
19 *retary. The certificate or a true copy shall*
20 *be maintained on board the vessel.*

21 “(6) *NOTIFICATION OF VIOLATIONS.—If*
22 *the Secretary finds, on the basis of an ex-*
23 *amination under paragraph (1) or (2), in-*
24 *vestigation under paragraph (3), or any*
25 *other information, that a vessel is being*

1 *operated in violation of any requirement*
2 *of this section or regulation issued under*
3 *this section, the Secretary shall—*

4 *“(A) notify, in writing—*

5 *“(i) the master of the vessel;*

6 *and*

7 *“(ii) the captain of the port at*
8 *the vessel’s next port of call;*

9 *“(B) remove from the vessel the*
10 *certificate issued under paragraph*
11 *(5);*

12 *“(C) take such other action as may*
13 *be appropriate.*

14 *“(7) COMPLIANCE MONITORING.—*

15 *“(A) IN GENERAL.—The Secretary*
16 *shall establish, by regulation, sam-*
17 *pling and other procedures to monitor*
18 *compliance with the requirements of*
19 *this section and the regulations issued*
20 *under this section.*

21 *“(B) USE OF MARKERS.—The Sec-*
22 *retary may verify compliance with the*
23 *discharge requirements of subsection*
24 *(f) and the regulations issued under*
25 *this section with respect to such re-*

1 *quirements through identification of*
2 *markers associated with a treatment*
3 *technology’s effectiveness, such as the*
4 *presence of indicators associated with*
5 *a certified treatment technology.*

6 **“(8) EDUCATION AND TECHNICAL ASSIST-**
7 **ANCE PROGRAMS.—***The Secretary may carry*
8 *out education and technical assistance*
9 *programs and other measures to promote*
10 *compliance with the requirements of this*
11 *section and the regulations issued under*
12 *this section.*

13 **“(j) DETENTION OF VESSELS.—***The Sec-*
14 *retary, by notice to the owner, charterer, man-*
15 *aging operator, agent, master, or other indi-*
16 *vidual in charge of a vessel, may detain that*
17 *vessel if the Secretary has reasonable cause to*
18 *believe that—*

19 *“(1) the vessel is a vessel to which this*
20 *section applies; and*

21 *“(2) the vessel does not comply with*
22 *any requirement of this section or regula-*
23 *tion issued under this section or is being*
24 *operated in violation of such a require-*
25 *ment or regulation.*

1 “(k) **SANCTIONS.**—

2 “(1) **CIVIL PENALTIES.**—*Any person who*
3 *violates this section (including a regula-*
4 *tion issued under this section) shall be*
5 *liable for a civil penalty in an amount not*
6 *to exceed \$32,500. Each day of a con-*
7 *tinuing violation constitutes a separate*
8 *violation. A vessel operated in violation of*
9 *this section (including a regulation issued*
10 *under this section) is liable in rem for any*
11 *civil penalty assessed under this sub-*
12 *section for that violation.*

13 “(2) **CRIMINAL PENALTIES.**—*Whoever*
14 *knowingly violates this section (including*
15 *a regulation issued under this section)*
16 *shall be fined under title 18, United*
17 *States, or imprisoned not more than 12*
18 *years, or both.*

19 “(3) **REVOCAION OF CLEARANCE.**—*Ex-*
20 *cept as provided in subsection (j)(2), upon*
21 *request of the Secretary, the Secretary of*
22 *the Treasury shall withhold or revoke the*
23 *clearance of a vessel required by section*
24 *60105 of title 46, United States Code, if the*
25 *owner or operator of that vessel is in vio-*

1 *lation of this section or a regulation*
2 *issued under this section.*

3 **“(l) ENFORCEMENT.—**

4 **“(1) ADMINISTRATIVE ACTIONS.—***If the*
5 *Secretary finds, after notice and an op-*
6 *portunity for a hearing, that a person has*
7 *violated this section or a regulation*
8 *issued under this section, the Secretary*
9 *may assess a civil penalty for that viola-*
10 *tion. In determining the amount of the*
11 *civil penalty, the Secretary shall take into*
12 *account the nature, circumstances, extent,*
13 *and gravity of the prohibited acts com-*
14 *mitted and, with respect to the violator,*
15 *the degree of culpability, any history of*
16 *prior violations, and such other matters*
17 *as justice may require.*

18 **“(2) CIVIL ACTIONS.—***At the request of*
19 *the Secretary, the Attorney General may*
20 *bring a civil action in an appropriate dis-*
21 *trict court of the United States to enforce*
22 *this section or any regulation issued*
23 *under this section. Any court before which*
24 *such an action is brought may award ap-*
25 *propriate relief, including temporary or*

1 *permanent injunctions and civil pen-*
2 *alties.*

3 “(m) *CONSULTATION WITH CANADA, MEXICO,*
4 *AND OTHER FOREIGN GOVERNMENTS.—In devel-*
5 *oping the guidelines and regulations to be*
6 *issued under this section, the Secretary is en-*
7 *couraged to consult with the Government of*
8 *Canada, the Government of Mexico and any*
9 *other government of a foreign country that the*
10 *Secretary, after consultation with the Task*
11 *Force, determines to be necessary to develop*
12 *and implement an effective international pro-*
13 *gram for preventing the unintentional intro-*
14 *duction and spread of aquatic nuisance spe-*
15 *cies through ballast water.*

16 “(n) *INTERNATIONAL COOPERATION.—The*
17 *Secretary, in cooperation with the Under Sec-*
18 *retary, the Secretary of State, the Adminis-*
19 *trator, the heads of other relevant Federal*
20 *agencies, the International Maritime Organi-*
21 *zation of the United Nations, and the Commis-*
22 *sion on Environmental Cooperation estab-*
23 *lished pursuant to the North American Free*
24 *Trade Agreement, is encouraged to enter into*
25 *negotiations with the governments of foreign*

1 *countries to develop and implement an effec-*
2 *tive international program for preventing the*
3 *unintentional introduction and spread of*
4 *aquatic invasive species. The Secretary is par-*
5 *ticularly encouraged to seek bilateral or mul-*
6 *tilateral agreements with Canada, Mexico,*
7 *and other nations in the Wider Caribbean Re-*
8 *gion (as defined in the Convention for the Pro-*
9 *tection and Development of the Marine Envi-*
10 *ronment of the Wider Caribbean, signed at*
11 *Cartagena on March 24, 1983 (TIAF 11085)), to*
12 *carry out the objectives of this section.*

13 “(o) *NONDISCRIMINATION.—The Secretary*
14 *shall ensure that foreign vessels do not receive*
15 *more favorable treatment than vessels of the*
16 *United States when the Secretary performs*
17 *studies, reviews compliance, determines effec-*
18 *tiveness, establishes requirements, or performs*
19 *any other responsibilities under this Act.*

20 “(p) *CONSULTATION WITH TASK FORCE.—The*
21 *Secretary shall consult with the Task Force in*
22 *carrying out this section.*

23 “(q) *PREEMPTION.—*

24 “(1) *IN GENERAL.—Except as provided*
25 *in subsection (i)(4) but notwithstanding*

1 *any other provision of law, the provisions*
2 *of subsections (e) and (f) supersede any*
3 *provision of State or local law that is in-*
4 *consistent with the requirements of those*
5 *subsections or that conflicts with the re-*
6 *quirements of those subsections.*

7 *“(2) GREATER PENALTIES OR FEES.—For*
8 *purpose of paragraph (1), the imposition*
9 *by State or local law of greater penalties*
10 *or fees for acts or omissions that are vio-*
11 *lations of such law and also violations of*
12 *this Act or the imposition by a State of in-*
13 *centives under subsection (f)(9)(B) shall*
14 *not be considered to be inconsistent, or to*
15 *conflict, with the requirements of sub-*
16 *sections (e) and (f).*

17 *“(3) RECEPTION FACILITIES.—The stand-*
18 *ards issued by the Secretary or the heads*
19 *of other appropriate Federal agencies*
20 *under subsection (f)(2) do not supersede*
21 *any more stringent standard under any*
22 *otherwise applicable Federal, State, or*
23 *local law.*

1 **“(r) COAST GUARD REPORT ON OTHER**
2 **SOURCES OF VESSEL-BOURNE NUISANCE SPE-**
3 **CIES.—**

4 **“(1) IN GENERAL.—**

5 **“(A) HULL-FOULING AND OTHER VES-**
6 **SEL SOURCES.—Not later than 180 days**
7 **after the date of enactment of the Bal-**
8 **last Water Treatment Act of 2007, the**
9 **Secretary shall transmit a report to**
10 **the Committee on Commerce, Science,**
11 **and Transportation of the Senate and**
12 **the Committee on Transportation and**
13 **Infrastructure of the House of Rep-**
14 **resentatives on vessel-related path-**
15 **ways of harmful aquatic organisms**
16 **and pathogens other than ballast**
17 **water and sediment, including vessel**
18 **hulls and equipment, and from vessels**
19 **equipped with ballast tanks that**
20 **carry no ballast water on board.**

21 **“(B) BEST PRACTICES.—**

22 **“(i) IN GENERAL.—As soon as**
23 **practicable, the Secretary shall**
24 **develop best practices standards**
25 **and procedures designed to reduce**

1 *the introduction and spread of*
2 *invasive species into and within*
3 *the United States from vessels and*
4 *establish a timeframe for imple-*
5 *mentation of those standards and*
6 *procedures by vessels. Such stand-*
7 *ards and procedures shall include*
8 *designation of geographical loca-*
9 *tions for uptake and discharge of*
10 *untreated ballast water, as well as*
11 *standards and procedure for other*
12 *vessel pathways of aquatic*
13 *invasive species.*

14 *“(ii) REPORT.—The Secretary*
15 *shall transmit a report to the com-*
16 *mittees referred to in subpara-*
17 *graph (A) describing the stand-*
18 *ards and procedures developed*
19 *under this subparagraph and the*
20 *implementation timeframe, to-*
21 *gether with such recommenda-*
22 *tions as the Secretary determines*
23 *appropriate.*

24 *“(iii) REGULATIONS.—The Sec-*
25 *retary may issue regulations to in-*

1 *corporate and enforce standards*
2 *and procedures developed under*
3 *this paragraph.*

4 **“(2) TRANSITING VESSELS.—Not later**
5 ***than 180 days after the date of enactment***
6 ***of the Ballast Water Treatment Act of***
7 ***2007, the Secretary shall transmit a re-***
8 ***port to the Committee on Commerce,***
9 ***Science, and Transportation of the Senate***
10 ***and the Committee on Transportation and***
11 ***Infrastructure of the House of Representa-***
12 ***tives containing—***

13 ***“(A) an assessment of the mag-***
14 ***nitude and potential adverse impacts***
15 ***of ballast water operations from for-***
16 ***ign vessels designed, adapted, or con-***
17 ***structed to carry ballast water that***
18 ***are transiting waters subject to the ju-***
19 ***risdiction of the United States; and***

20 ***“(B) recommendations, including***
21 ***legislative recommendations if appro-***
22 ***priate, of options for addressing bal-***
23 ***last water operations of those ves-***
24 ***sels.”.***

1 ***(b) DEFINITIONS.—Section 1003 of the Non-***
2 ***indigenous Aquatic Nuisance Prevention and***
3 ***Control Act of 1990 (16 U.S.C. 4702) is amend-***
4 ***ed—***

5 ***(1) by redesignating—***

6 ***(A) paragraphs (1), (2), and (3) as***
7 ***paragraphs (2), (3), and (4), respec-***
8 ***tively;***

9 ***(B) paragraphs (4), (5), and (6) as***
10 ***paragraphs (8), (9), and (10), respec-***
11 ***tively;***

12 ***(C) paragraphs (7), (8), (9), and***
13 ***(10) as paragraphs (12), (13), (14), and***
14 ***(15), respectively;***

15 ***(D) paragraphs (11) and (12) as***
16 ***paragraphs (17) and (18), respectively;***

17 ***(E) paragraphs (13), (14), and (15)***
18 ***as paragraphs (20), (21), and (22), re-***
19 ***spectively;***

20 ***(F) paragraph (16) as paragraph***
21 ***(27); and***

22 ***(G) paragraph (17) as paragraph***
23 ***(23);***

1 (2) *by moving paragraph (23), as so*
2 *redesignated, after paragraph (22), as so*
3 *redesignated;*

4 (3) *by inserting before paragraph (2),*
5 *as so redesignated, the following:*

6 “(1) ‘Administrator’ means the Admin-
7 *istrator of the Environmental Protection*
8 *Agency;”;*

9 (4) *by striking paragraph (4), as so re-*
10 *designated, and inserting the following:*

11 “(4) ‘ballast water’ means—

12 “(A) *water taken on board a vessel*
13 *to control trim, list, draught, stability,*
14 *or stresses of the vessel, including*
15 *matter suspended in such water; or*

16 “(B) *any water placed into a bal-*
17 *last tank during cleaning, mainte-*
18 *nance, or other operations;”;*

19 (5) *by inserting after paragraph (4),*
20 *as so redesignated and amended, the fol-*
21 *lowing:*

22 “(5) ‘ballast water capacity’ means the
23 *total volumetric capacity of any tanks,*
24 *spaces, or compartments on a vessel that*
25 *is used for carrying, loading, or dis-*

1 *charging ballast water, including any*
2 *multi-use tank, space, or compartment de-*
3 *signed to allow carriage of ballast water;*

4 *“(6) ‘ballast water management’*
5 *means mechanical, physical, chemical,*
6 *and biological processes used, either sin-*
7 *gularly or in combination, to remove,*
8 *render harmless, or avoid the uptake or*
9 *discharge of harmful aquatic organisms*
10 *and pathogens within ballast water and*
11 *sediment;*

12 *“(7) ‘constructed’ means a state of con-*
13 *struction of a vessel at which—*

14 *“(A) the keel is laid;*

15 *“(B) construction identifiable with*
16 *the specific vessel begins;*

17 *“(C) assembly of the vessel has*
18 *begun comprising at least 50 tons or 1*
19 *percent of the estimated mass of all*
20 *structural material of the vessel,*
21 *whichever is less; or*

22 *“(D) the vessel undergoes a major*
23 *conversion;”;*

24 *(6) by inserting after paragraph (10),*
25 *as so redesignated, the following:*

1 “(11) ‘foreign vessel’ has the meaning
2 such term has under section 110 of title
3 46, United States Code;”;

4 (7) by inserting after paragraph (15),
5 as so redesignated, the following:

6 “(16) ‘major conversion’ means a con-
7 version of a vessel, that—

8 “(A) changes its ballast water car-
9 rying capacity by at least 15 percent;

10 “(B) changes the vessel class;

11 “(C) is projected to prolong the
12 vessel’s life by at least 10 years (as de-
13 termined by the Secretary); or

14 “(D) results in modifications to
15 the vessel’s ballast water system, ex-
16 cept—

17 “(i) component replacement-
18 in-kind; or

19 “(ii) conversion of a vessel to
20 meet the requirements of section
21 1101(e);”;

22 (8) by inserting after paragraph (18),
23 as so redesignated, the following:

1 “(19) ‘*sediment*’ means matter that
2 *has settled out of ballast water within a*
3 *vessel;*”;

4 (9) in paragraph (12), as so redesignated,
5 *by striking the period at the end*
6 *and inserting a semicolon;*

7 (10) by inserting after paragraph (23),
8 *as so redesignated and moved, the fol-*
9 *lowing:*

10 “(24) ‘*United States port*’ means a
11 *port, river, harbor, or offshore terminal*
12 *under the jurisdiction of the United*
13 *States, including ports located in Puerto*
14 *Rico, Guam, and the United States Virgin*
15 *Islands;*

16 “(25) ‘*vessel of the Armed Forces*’
17 *means—*

18 “(A) *any vessel owned or operated*
19 *by the Department of Defense, other*
20 *than a time or voyage chartered ves-*
21 *sel; and*

22 “(B) *any vessel owned or operated*
23 *by the Department of Homeland Secu-*
24 *rity that is designated by the Sec-*

1 *retary as a vessel equivalent to a ves-*
2 *sel described in subparagraph (A);*

3 “(26) ‘*vessel of the United States*’ has
4 *the meaning such term has under section*
5 *116 of title 46, United States Code;”;*

6 (11) *in paragraph (23), as so redesign-*
7 *ated, by striking the period at the end*
8 *and inserting “;”;* and

9 (12) *by inserting after paragraph (27),*
10 *as so redesignated and amended, the fol-*
11 *lowing:*

12 “(28) ‘*waters subject to the jurisdic-*
13 *tion of the United States*’ means *navigable*
14 *waters and the territorial sea of the*
15 *United States, the exclusive economic*
16 *zone, and the Great Lakes.”.*

17 (c) **REPEAL OF SECTION 1103.**—*Section 1103*
18 *of the Nonindigenous Aquatic Nuisance Pre-*
19 *vention and Control Act of 1990 (16 U.S.C.*
20 *4713) is repealed.*

21 (d) **INTERIM FINAL RULE.**—*The Secretary*
22 *shall issue an interim final rule as a tem-*
23 *porary regulation implementing the amend-*
24 *ments made by this section as soon as prac-*
25 *ticable after the date of enactment of this sec-*

1 *tion, without regard to the provisions of chap-*
2 *ter 5 of title 5, United States Code. All regula-*
3 *tions issued under the authority of this sub-*
4 *section that are not earlier superseded by final*
5 *regulations shall expire not later than one*
6 *year after the date of enactment of this Act.*

7 *SEC. 504. NATIONAL BALLAST WATER MANAGEMENT INFOR-*
8 *MATION.*

9 *Section 1102 (16 U.S.C. 4712) is amended—*

10 *(1) by adding at the end the following:*

11 *“(g) BALLAST WATER SURVEYS.—*

12 *“(1) IN GENERAL.—The Secretary shall*
13 *conduct the following ballast water sur-*
14 *veys:*

15 *“(A) A survey of the number of liv-*
16 *ing organisms in untreated ballast*
17 *water of a representative number of*
18 *vessels, as determined by the Sec-*
19 *retary.*

20 *“(B) A survey of the number of liv-*
21 *ing organisms in the ballast water of*
22 *a representative number of vessels, as*
23 *determined by the Secretary, that has*
24 *been exchanged on the high seas.*

1 “(C) *Surveys of the number of liv-*
2 *ing organisms in the ballast water of*
3 *vessels that are participating in a*
4 *program to test and evaluate prom-*
5 *ising ballast water treatment, as ap-*
6 *proved by the Secretary.*

7 “(2) *REPORTS.—The Secretary shall*
8 *submit to the Committee on Transpor-*
9 *tation and Infrastructure of the House of*
10 *Representatives and the Committee on*
11 *Commerce, Science, and Transportation*
12 *of the Senate—*

13 “(A) *a report on the results of the*
14 *surveys under subparagraphs (A) and*
15 *(B) of paragraph (1) by not later than*
16 *18 months after the date of the enact-*
17 *ment of the Ballast Water Treatment*
18 *Act of 2007; and*

19 “(B) *a report on the results of the*
20 *surveys required under subparagraph*
21 *(C) of paragraph (1) upon completion*
22 *of each demonstration concerned.”;*

23 (2) *in subsection (b)(1)(B)(ii), by strik-*
24 *ing “guidelines issued and”;*

1 **(3) in subsection (b)(2)(B)(ii), by strik-**
2 **ing “voluntary guidelines issued, and reg-**
3 **ulations promulgated,” and inserting**
4 **“regulations promulgated”;**

5 **(4) in subsection (c)(1), by striking**
6 **“section 1101(b)” and inserting “section**
7 **1101(a)”;** and

8 **(5) in subsection (f)(1)(B), by striking**
9 **“guidelines issued pursuant to section**
10 **1101(c)” and inserting “regulations issued**
11 **pursuant to section 1101”.**

12 **SEC. 505. BALLAST WATER MANAGEMENT EVALUATION AND**
13 **DEMONSTRATION PROGRAM.**

14 **Section 1104 (16 U.S.C. 4714) is amended—**

15 **(1) by striking the section heading**
16 **and inserting the following:**

17 **“SEC. 1104. BALLAST WATER TREATMENT TECHNOLOGY**
18 **EVALUATION AND DEMONSTRATION PRO-**
19 **GRAMS.”;**

20 **(2) by striking subsection (a);**

21 **(3) by redesignating subsection (b) as**
22 **subsection (a);**

23 **(4) by redesignating subsection (c) as**
24 **subsection (d);**

1 (5) *in subsection (a), as so redesign-*
2 *ated—*

3 (A) *by striking so much as pre-*
4 *cedes paragraph (2) and inserting the*
5 *following:*

6 “(a) *SHIPBOARD TECHNOLOGY EVALUATION*
7 *PROGRAM.—*

8 “(1) *IN GENERAL.—The Secretary shall*
9 *establish a Shipboard Technology Evalua-*
10 *tion Program to evaluate alternative bal-*
11 *last water management methods aboard*
12 *vessels to prevent aquatic nuisance spe-*
13 *cies from being introduced into and*
14 *spread through discharges of ballast*
15 *water in waters of the United States.”;*
16 *and*

17 (B) *in paragraph (2) by striking*
18 *“of the technologies and practices*
19 *used in the demonstration program”*
20 *and inserting “of alternative ballast*
21 *water management methods used in*
22 *the program”;*

23 (6) *in subsection (a)(3), as so redesign-*
24 *ated, by striking “technologies and prac-*
25 *tices” and all that follows through*

1 *“shall—” and inserting “ballast water*
2 *treatment technologies on vessels under*
3 *this subsection, the Secretary shall—”;*

4 *(7) in subsection (a)(3)(A), as so redes-*
5 *ignated, by striking clause (i) and by re-*
6 *designating clauses (ii) and (iii) in order*
7 *as clauses (i) and (ii);*

8 *(8) by amending subsection*
9 *(a)(3)(A)(i), as so redesignated, to read as*
10 *follows:*

11 *“(i) have ballast water systems*
12 *conducive to testing aboard the*
13 *vessel; and”;*

14 *(9) by amending subsection (a)(3)(C),*
15 *as so redesignated, to read as follows:*

16 *“(C) seek to use a variety of vessel*
17 *types.”;*

18 *(10) by amending subsection (a)(4), as*
19 *so redesignated, to read as follows:*

20 *“(4) SELECTION OF ALTERNATIVE BAL-*
21 *LAST WATER MANAGEMENT METHODS.—In*
22 *order for a ballast water treatment tech-*
23 *nology to be eligible to be installed on ves-*
24 *sels for evaluation under this section,*
25 *such technology must be, at a minimum—*

1 “(A) *determined by the Secretary*
2 *to have the demonstrated potential to*
3 *reduce the number of organisms*
4 *greater than or equal to 50 microns in*
5 *minimum dimension in discharged*
6 *ballast water to fewer than 10 living*
7 *organisms per cubic meter of water;*

8 “(B) *cost-effective;*

9 “(C) *environmentally sound;*

10 “(D) *operationally practical;*

11 “(E) *able to be retrofitted on exist-*
12 *ing vessels or incorporated in new ves-*
13 *sel design (or both);*

14 “(F) *safe for a vessel and crew;*
15 *and*

16 “(G) *accessible to monitoring.”;*

17 (11) *in subsection (a), as so redesi-*
18 *gnated, by adding at the end the following:*

19 “(6) *AUTHORITY OF SECRETARY TO RE-*
20 *VIEW AND REVISE CRITERIA.—The Secretary*
21 *may review and revise the criteria de-*
22 *scribed in paragraph (4)(A) to require*
23 *ballast water treatment technologies to*
24 *meet a more stringent ballast water dis-*
25 *charge standard, including standards*

1 *promulgated under section 1101(f), before*
2 *being eligible for installation aboard ves-*
3 *sels under the program.”;*

4 (12) *by inserting after subsection (a),*
5 *as so redesignated, the following:*

6 **“(b) SHIPBOARD TECHNOLOGY DEMONSTRA-**
7 **TION PROGRAM.—**

8 **“(1) IN GENERAL.—***The Under Sec-*
9 *retary, with the concurrence of and in co-*
10 *operation with the Secretary, shall con-*
11 *duct a program to demonstrate ballast*
12 *water treatment technologies evaluated*
13 *aboard vessels under subsection (a) to*
14 *prevent aquatic nuisance species from*
15 *being introduced into and spread through*
16 *ballast water in waters of the United*
17 *States.*

18 **“(2) LOCATION.—***The installation and*
19 *construction of ballast water treatment*
20 *technologies used in the demonstration*
21 *program under this subsection shall be*
22 *performed in the United States.*

23 **“(3) VESSEL ELIGIBILITY.—***Vessels eligi-*
24 *ble to participate in the demonstration*
25 *program under this subsection shall con-*

1 *sist only of vessels that have been accept-*
2 *ed into and are actively participating in*
3 *the Shipboard Technology Evaluation*
4 *Program under subsection (a).*

5 **“(4) GRANTS.—**

6 **“(A) IN GENERAL.—***The Under Sec-*
7 *retary shall establish a grant pro-*
8 *gram to provide funding for acquir-*
9 *ing, installing, and operating ballast*
10 *water treatment technologies aboard*
11 *vessels participating in the program*
12 *under this subsection.*

13 **“(B) MATCHING REQUIREMENTS.—**
14 *The amount of Federal funds used for*
15 *any demonstration project under this*
16 *subsection—*

17 **“(i) shall not exceed**
18 **\$1,000,000; and**

19 **“(ii) shall not exceed 50 per-**
20 **cent of the total cost of such**
21 **project.**

22 **“(c) ALTERNATIVE SHIP PATHWAY PRO-**
23 **GRAM.—**

24 **“(1) IN GENERAL.—***The Under Sec-*
25 *retary, with the concurrence of and in co-*

1 *operation with the Secretary, shall con-*
2 *duct a program to demonstrate and verify*
3 *technologies and practices to monitor and*
4 *control the introduction of aquatic*
5 *invasive species by ship pathways other*
6 *than the release of ballast water.*

7 *“(2) SELECTION OF METHODS.—The*
8 *Under Secretary may not select tech-*
9 *nologies and practices for demonstration*
10 *or verification under paragraph (1) un-*
11 *less such technologies and practices, in*
12 *the determination of the Under Secretary,*
13 *in consultation with the Secretary, meet*
14 *the criteria outlined in subparagraphs*
15 *(B) through (G) of subsection (a)(4).*

16 *“(3) LOCATION.—The installation and*
17 *construction of technologies and practices*
18 *for demonstration and verification under*
19 *this subsection shall be performed in the*
20 *United States.”; and*

21 *(13) in subsection (d), as so redesign-*
22 *ated, by striking “Secretary of the Inte-*
23 *rior” each place it appears and inserting*
24 *“Secretary, in consultation with the*
25 *Under Secretary,”.*

1 *SEC. 506. RAPID RESPONSE PLAN.*

2 *Subtitle C of title I of the Nonindigenous*
3 *Aquatic Nuisance Prevention and Control Act*
4 *of 1990 (16 U.S.C. 4721 et seq.) is amended by*
5 *adding at the end the following:*

6 *“SEC. 1210. RAPID RESPONSE PLAN.*

7 *“(a) PREPARATION BY PRESIDENT.—The*
8 *President shall prepare and publish a na-*
9 *tional rapid response plan for killing, remov-*
10 *ing, or minimizing the spread of aquatic nui-*
11 *sance species in the waters of the United*
12 *States in accordance with this section.*

13 *“(b) CONTENTS.—The national rapid re-*
14 *sponse plan shall provide for efficient, coordi-*
15 *nated, and effective action to minimize dam-*
16 *age from aquatic nuisance species in the navi-*
17 *gable waters of the United States, including*
18 *killing, containing, and removal of the aquat-*
19 *ic nuisance species, and shall include the fol-*
20 *lowing:*

21 *“(1) Assignment of duties and respon-*
22 *sibilities among Federal departments and*
23 *agencies in coordination with State and*
24 *local agencies and port authorities and*
25 *private entities.*

1 “(2) *Identification, procurement,*
2 *maintenance, and storage of equipment*
3 *and supplies needed to facilitate the kill-*
4 *ing, containment, and removal of aquatic*
5 *nuisance species under this section.*

6 “(3) *Establishment or designation by*
7 *the President of Federal aquatic nuisance*
8 *species response teams, consisting of—*

9 “(A) *personnel who shall be*
10 *trained and prepared by the President*
11 *and shall be available to provide nec-*
12 *essary services to carry out the na-*
13 *tional rapid response plan;*

14 “(B) *adequate equipment and ma-*
15 *terial needed to facilitate the killing,*
16 *containment, and removal of aquatic*
17 *nuisance species under this section;*
18 *and*

19 “(C) *a detailed plans to kill, con-*
20 *tain, and remove aquatic nuisance*
21 *species, including measures to protect*
22 *fisheries and wildlife.*

23 “(4) *A system of surveillance and no-*
24 *tice designed to safeguard against, as*
25 *well as ensure earliest possible notice of,*

1 *the introduction of aquatic nuisance spe-*
2 *cies and imminent threats of such intro-*
3 *duction to the appropriate State and Fed-*
4 *eral agencies.*

5 *“(5) Establishment by the President of*
6 *a national center to provide coordination*
7 *and direction for operations in carrying*
8 *out the plan.*

9 *“(6) Procedures and techniques to be*
10 *employed in identifying, containing, kill-*
11 *ing, and removing aquatic nuisance spe-*
12 *cies in the waters of the United States.*

13 *“(7) A schedule, prepared by the Presi-*
14 *dent in cooperation with the States, iden-*
15 *tifying—*

16 *“(A) mitigating devices and sub-*
17 *stances, if any, that may be used in*
18 *carrying out the plan;*

19 *“(B) the waters in which such*
20 *mitigating devices and substances*
21 *may be used; and*

22 *“(C) the quantities of such miti-*
23 *gating device or substance which can*
24 *be used safely in such waters.*

1 “(8) *A system whereby the State or*
2 *States affected by an aquatic nuisance*
3 *species may act where necessary to remove*
4 *such species.*

5 “(9) *Establishment by the President of*
6 *criteria and procedures to ensure imme-*
7 *diate and effective Federal identification*
8 *of, and response to, an introduction of*
9 *aquatic nuisance species.*

10 “(10) *Designation by the President of*
11 *the Federal official who shall be the Fed-*
12 *eral on-scene coordinator for measures*
13 *taken to kill, contain, and remove aquatic*
14 *nuisance species under this section.*

15 “(11) *A fish and wildlife response plan*
16 *for the immediate and effective protection,*
17 *rescue, and rehabilitation of, and the*
18 *minimization of risk of damage to, fish*
19 *and wildlife resources and their habitat*
20 *that are harmed or that may be jeopard-*
21 *ized by an introduction of an aquatic nui-*
22 *sance species.*

23 “(c) **FEDERAL REMOVAL AUTHORITY.—**

24 “(1) **REMOVAL REQUIREMENT.—**

1 “(A) *IN GENERAL.—The President*
2 *shall ensure, in accordance with the*
3 *national rapid response plan, effective*
4 *and immediate killing, containing,*
5 *and removal of the aquatic nuisance*
6 *species in the waters of the United*
7 *States.*

8 “(B) *DISCRETIONARY AUTHORITY.—*
9 *In carrying out this paragraph, the*
10 *President may—*

11 “(i) *kill, contain, and remove*
12 *an aquatic nuisance species, at*
13 *any time; and*

14 “(ii) *direct or monitor all Fed-*
15 *eral, State, and private actions to*
16 *kill, contain, and remove the*
17 *aquatic nuisance species.*

18 “(2) *ACTIONS IN ACCORDANCE WITH NA-*
19 *TIONAL RAPID RESPONSE PLAN.—Each Fed-*
20 *eral agency, State, owner or operator, or*
21 *other person participating in efforts*
22 *under this subsection shall act in accord-*
23 *ance with the national rapid response*
24 *plan or as directed by the President to*
25 *carry out the plan.”.*

1 *SEC. 507. AUTHORIZATION OF APPROPRIATIONS.*

2 *Section 1301(a) of the Nonindigenous*
3 *Aquatic Nuisance Prevention and Control Act*
4 *of 1990 (16 U.S.C. 4741(a)) is amended—*

5 *(1) by striking “and” after the semi-*
6 *colon in paragraph (4)(B);*

7 *(2) by striking the period at the end of*
8 *paragraph (5)(B) and inserting a semi-*
9 *colon; and*

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

11 *“(6) \$20,000,000 for each of fiscal*
12 *years 2008 through 2012 to the Secretary*
13 *to carry out section 1101;*

14 *“(7) \$500,000 to the Secretary for each*
15 *of fiscal years 2008 through 2013 to carry*
16 *out section 1102(f);*

17 *“(8) \$6,000,000 to the Under Secretary*
18 *for each of fiscal years 2008 through 2013*
19 *to carry out paragraph (4) of section*
20 *1104(b); and*

21 *“(9) \$1,500,000 to the Under Secretary*
22 *for each of fiscal years 2008 through 2013*
23 *to carry out section 1104(c).”.*

1 **TITLE VI—ALIEN SMUGGLING**

2 **SEC. 601. MARITIME LAW ENFORCEMENT.**

3 **(a) PENALTIES.—Subsection (b) of section**
4 **2237 of title 18, United States Code, is amend-**
5 **ed to read as follows:**

6 **“(b)(1) Whoever intentionally violates this**
7 **section shall, unless the offense is described in**
8 **paragraph (2), be fined under this title or im-**
9 **prisoned for not more than 5 years, or both.**

10 **“(2) If the offense—**

11 **“(A) is committed in the course of a**
12 **violation of section 274 of the Immigra-**
13 **tion and Nationality Act (alien smug-**
14 **gling); chapter 77 (peonage, slavery, and**
15 **trafficking in persons), section 111 (ship-**
16 **ping), 111A (interference with vessels), 113**
17 **(stolen property), or 117 (transportation**
18 **for illegal sexual activity) of this title;**
19 **chapter 705 (maritime drug law enforce-**
20 **ment) of title 46, or title II of the Act of**
21 **June 15, 1917 (Chapter 30; 40 Stat. 220),**
22 **the offender shall be fined under this title**
23 **or imprisoned for not more than 10 years,**
24 **or both;**

1 ***“(B) results in serious bodily injury***
2 ***(as defined in section 1365 of this title) or***
3 ***transportation under inhumane condi-***
4 ***tions, the offender shall be fined under***
5 ***this title, imprisoned not more than 15***
6 ***years, or both; or***

7 ***“(C) results in death or involves kid-***
8 ***naping, an attempt to kidnap, the conduct***
9 ***required for aggravated sexual abuse (as***
10 ***defined in section 2241 without regard to***
11 ***where it takes place), or an attempt to***
12 ***commit such abuse, or an attempt to kill,***
13 ***be fined under such title or imprisoned***
14 ***for any term of years or life, or both.”.***

15 ***(b) LIMITATION ON NECESSITY DEFENSE.—***
16 ***Section 2237(c) of title 18, United States Code,***
17 ***is amended—***

18 ***(1) by inserting “(1)” after “(c)”;***

19 ***(2) by adding at the end the following:***

20 ***“(2) In a prosecution for a violation of this***
21 ***section, no defense based on necessity can be***
22 ***raised unless the defendant—***

23 ***“(A) as soon as practicable upon***
24 ***reaching shore, delivered the person with***
25 ***respect to which the necessity arose to***

1 *emergency medical or law enforcement*
2 *personnel;*

3 *“(B) as soon as practicable, reported*
4 *to the Coast Guard the circumstances of*
5 *the necessity resulting giving rise to the*
6 *defense; and*

7 *“(C) did not bring, attempt to bring,*
8 *or in any manner intentionally facilitate*
9 *the entry of any alien, as that term is de-*
10 *fin ed in section 101(a)(3) of the Immigra-*
11 *tion and Nationality Act (8 U.S.C. 1101*
12 *(a)(3)), into the land territory of the*
13 *United States without lawful authority,*
14 *unless exigent circumstances existed that*
15 *placed the life of that alien in danger, in*
16 *which case the reporting requirement of*
17 *subparagraph (B) is satisfied by notifying*
18 *the Coast Guard as soon as practicable*
19 *after delivering that person to emergency*
20 *medical or law enforcement personnel*
21 *ashore.”.*

22 *(c) DEFINITION.—Section 2237(e) of title 18,*
23 *United States Code, is amended—*

24 *(1) by striking “and” at the end of*
25 *paragraph (3);*

1 (2) *by striking the period at the end of*
2 *paragraph (4) and inserting “; and”; and*

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

4 “(5) *the term ‘transportation under in-*
5 *humane conditions’ means the transpor-*
6 *tation of persons in an engine compart-*
7 *ment, storage compartment, or other con-*
8 *fin ed space, transportation at an exces-*
9 *sive speed, transportation of a number of*
10 *persons in excess of the rated capacity of*
11 *the means of transportation, or inten-*
12 *tionally grounding a vessel in which per-*
13 *sons are being transported.”.*

14 *SEC. 602. AMENDMENT TO THE SENTENCING GUIDELINES.*

15 (a) *IN GENERAL.—Pursuant to its authority*
16 *under section 994 of title 28, United States*
17 *Code, and in accordance with this section, the*
18 *United States Sentencing Commission shall re-*
19 *view and, if appropriate, amend the sen-*
20 *tencing guidelines and policy statements ap-*
21 *plicable to persons convicted of alien smug-*
22 *gling offenses and criminal failure to heave to*
23 *or obstruction of boarding.*

1 ***(b) CONSIDERATIONS.—In carrying out this***
2 ***subsection, the Sentencing Commission,***
3 ***shall—***

4 ***(1) consider providing sentencing en-***
5 ***hancements or stiffening existing en-***
6 ***hancements for those convicted of offenses***
7 ***described in paragraph (1) of this sub-***
8 ***section that—***

9 ***(A) involve a pattern of continued***
10 ***and flagrant violations;***

11 ***(B) are part of an ongoing com-***
12 ***mercial organization or enterprise;***

13 ***(C) involve aliens who were trans-***
14 ***ported in groups of 10 or more;***

15 ***(D) involve the transportation or***
16 ***abandonment of aliens in a manner***
17 ***that endangered their lives; or***

18 ***(E) involve the facilitation of ter-***
19 ***rorist activity; and***

20 ***(2) consider cross-references to the***
21 ***guidelines for Criminal Sexual Abuse and***
22 ***Attempted Murder.***

23 ***(c) EXPEDITED PROCEDURES.—The Commis-***
24 ***sion may promulgate the guidelines or amend-***
25 ***ments under this subsection in accordance***

1 *with the procedures set forth in section 21(a)*
2 *of the Sentencing Act of 1987, as though the*
3 *authority under that Act had not expired.*

4 **TITLE VII—MISCELLANEOUS**
5 **HOMELAND SECURITY PROVI-**
6 **SIONS**

7 *SEC. 701. MARITIME HOMELAND SECURITY PUBLIC AWARE-*
8 *NESS PROGRAM.*

9 *The Secretary of Homeland Security shall*
10 *establish a program to help prevent acts of ter-*
11 *rorism and other activity that jeopardizes*
12 *maritime homeland security, by seeking the co-*
13 *operation of the commercial and recreational*
14 *boating industries and the public to improve*
15 *awareness of activity in the maritime domain*
16 *and report suspicious and unusual activity.*

17 *SEC. 702. TRANSPORTATION WORKER IDENTIFICATION*
18 *CREDENTIAL.*

19 *(a) ASSESSMENT OF TWIC PROGRAM IMPLE-*
20 *MENTATION.—*

21 *(1) IN GENERAL.—Not later than 120*
22 *days after implementing the Transpor-*
23 *tation Worker Identification Credential*
24 *program (in this section referred to as*
25 *“TWIC”) at the ten ports designated top*

1 *priority by the Secretary of Homeland Se-*
2 *curity, as required by section*
3 *70105(i)(2)(A) of title 46, United States*
4 *Code, the Secretary shall submit to the*
5 *Committee on Homeland Security of the*
6 *House of Representatives, the Committee*
7 *on Transportation and Infrastructure of*
8 *the House of Representatives, the Com-*
9 *mittee on Commerce, Science, and Trans-*
10 *portation of the Senate, and the Com-*
11 *mittee on Homeland Security and Govern-*
12 *mental Affairs of the Senate and to the*
13 *Comptroller General of the United States*
14 *a report containing an assessment of the*
15 *progress of the program's implementation.*
16 *The report shall include—*

17 *(A) the number of workers en-*
18 *rolled in the program to date and the*
19 *extent to which key metrics and con-*
20 *tract requirements have been met; and*

21 *(B) an overview of the challenges*
22 *encountered during implementation of*
23 *the enrollment process, and plans for*
24 *how these challenges will be ad-*

1 *dressed as the program is imple-*
2 *mented at additional ports.*

3 **(2) GAO ASSESSMENT.**—*The Comp-*
4 *troller General shall review the report*
5 *and submit to the Committee on Home-*
6 *land Security of the House of Representa-*
7 *tives, the Committee on Transportation*
8 *and Infrastructure of the House of*
9 *Representatives, the Committee on Com-*
10 *merce, Science, and Transportation of the*
11 *Senate, and the Committee on Homeland*
12 *Security and Governmental Affairs of the*
13 *Senate an assessment of the report’s find-*
14 *ings and recommendations.*

15 **(b) ASSESSMENT OF TWIC PILOT.**—

16 **(1) IN GENERAL.**—*Not later than 120*
17 *days after completing the pilot program*
18 *under section 70105(k)(1) of title 46,*
19 *United States Code, to test TWIC access*
20 *control technologies at port facilities and*
21 *vessels nationwide, the Secretary of Home-*
22 *land Security shall submit to the Com-*
23 *mittee on Homeland Security of the House*
24 *of Representatives, the Committee on*
25 *Transportation and Infrastructure of the*

1 *House of Representatives, the Committee on*
2 *Commerce, Science, and Transportation*
3 *of the Senate, and the Committee on*
4 *Homeland Security and Governmental Af-*
5 *airs of the Senate and to the Comptroller*
6 *General a report containing an assess-*
7 *ment of the results of the pilot. The report*
8 *shall include—*

9 *(A) the findings of the pilot pro-*
10 *gram with respect to key technical*
11 *and operational aspects of imple-*
12 *menting TWIC technologies in the*
13 *maritime sector;*

14 *(B) a comprehensive listing of the*
15 *extent to which established metrics*
16 *were achieved during the pilot pro-*
17 *gram; and*

18 *(C) an analysis of the viability of*
19 *those technologies for use in the ma-*
20 *rine environment, including any chal-*
21 *lenges to implementing those tech-*
22 *nologies and strategies for mitigating*
23 *identified challenges.*

24 *(2) GAO ASSESSMENT.—The Comp-*
25 *troller General shall review the report*

1 *and submit to the Committee on Home-*
2 *land Security of the House of Representa-*
3 *tives, the Committee on Transportation*
4 *and Infrastructure of the House of*
5 *Representatives, the Committee on Com-*
6 *merce, Science, and Transportation of the*
7 *Senate, and the Committee on Homeland*
8 *Security and Governmental Affairs of the*
9 *Senate an assessment of the report's find-*
10 *ings and recommendations.*

11 **SEC. 703. STUDY TO IDENTIFY REDUNDANT BACKGROUND**
12 **RECORDS CHECKS.**

13 *(a) STUDY.—The Comptroller General of*
14 *the United States shall conduct a study com-*
15 *paring those background records checks re-*
16 *quired under section 70105 of title 46, United*
17 *States Code, and those conducted by States for*
18 *similar homeland security purposes.*

19 *(b) REPORT.—Not later than 6 months after*
20 *the date of the enactment of this Act, the*
21 *Comptroller General of the United States shall*
22 *submit a report to the Committee on Homeland*
23 *Security of the House of Representatives, the*
24 *Committee on Transportation and Infrastruc-*
25 *ture of the House of Representatives, the Com-*

1 *mittee on Commerce, Science, and Transpor-*
2 *tation of the Senate, and the Committee on*
3 *Homeland Security and Governmental Affairs*
4 *of the Senate on the results of the study, in-*
5 *cluding—*

6 (1) *an identification of redundancies*
7 *and inefficiencies in connection with such*
8 *checks referred to in subsection (a); and*

9 (2) *recommendations for eliminating*
10 *such redundancies and inefficiencies.*

11 *SEC. 704. REVIEW OF INTERAGENCY OPERATIONAL CEN-*
12 *TERS.*

13 (a) *IN GENERAL.—Within 180 days of enact-*
14 *ment of this Act, the Department of Homeland*
15 *Security Inspector General shall provide a re-*
16 *port to the Committee on Homeland Security of*
17 *the House of Representatives and the Commit-*
18 *tees on Homeland Security and Governmental*
19 *Affairs and Commerce, Science, and Transpor-*
20 *tation of the Senate concerning the establish-*
21 *ment of Interagency Operational Centers for*
22 *Port Security required by section 108 of the*
23 *SAFE Port Act (Public Law 109–347).*

24 (b) *REPORT.—The report shall include—*

1 ***(1) an examination of the Depart-***
2 ***ment's efforts to establish the Interagency***
3 ***Operational Centers;***

4 ***(2) a timeline for construction;***

5 ***(3) a detailed breakdown, by center,***
6 ***as to the incorporation of those represent-***
7 ***atives required by section 70107A(b)(3) of***
8 ***title 46, United States Code;***

9 ***(4) an analysis of the hurdles faced by***
10 ***the Department in developing these cen-***
11 ***ters;***

12 ***(5) information on the number of secu-***
13 ***rity clearances attained by State, local,***
14 ***and tribal officials participating in the***
15 ***program; and***

16 ***(6) an examination of the relationship***
17 ***between the Interagency Operational Cen-***
18 ***ters and State, local and regional fusion***
19 ***centers participating in the Department***
20 ***of Homeland Security's State, Local, and***
21 ***Regional Fusion Center Initiative under***
22 ***section 511 of the Implementing the Rec-***
23 ***ommendations of the 9/11 Commission Act***
24 ***of 2007 (Public Law 110-53), with a par-***
25 ***ticular emphasis on—***

1 (A) *how the centers collaborate*
2 *and coordinate their efforts; and*

3 (B) *the resources allocated by the*
4 *Coast Guard to both initiatives.*

5 *SEC. 705. MARITIME SECURITY RESPONSE TEAMS.*

6 (a) *IN GENERAL.—Section 70106 of title 46,*
7 *United States Code, is amended by striking*
8 *subsection (c) and inserting the following:*

9 “(c) *MARITIME SECURITY RESPONSE TEAMS.—*

10 “(1) *IN GENERAL.—In addition to the*
11 *maritime safety and security teams, the*
12 *Secretary shall establish no less than two*
13 *maritime security response teams to act as*
14 *the Coast Guard’s rapidly deployable*
15 *counterterrorism and law enforcement re-*
16 *sponse units that can apply advanced*
17 *interdiction skills in response to threats*
18 *of maritime terrorism.*

19 “(2) *MINIMIZATION OF RESPONSE TIME.—*
20 *The maritime security response teams*
21 *shall be stationed in such a way to mini-*
22 *mize, to the extent practicable, the re-*
23 *sponse time to any reported maritime ter-*
24 *rorist threat.*

1 “(d) **COORDINATION WITH OTHER AGEN-**
2 **CIES.—To the maximum extent feasible, each**
3 **maritime safety and security team and mari-**
4 **time security response team shall coordinate**
5 **its activities with other Federal, State, and**
6 **local law enforcement and emergency response**
7 **agencies.”.**

8 **SEC. 706. COAST GUARD DETECTION CANINE TEAM PRO-**
9 **GRAM EXPANSION.**

10 **(a) DEFINITIONS.—For purposes of this sec-**
11 **tion:**

12 **(1) CANINE DETECTION TEAM.—The term**
13 **“detection canine team” means a canine**
14 **and a canine handler that are trained to**
15 **detect narcotics or explosives, or other**
16 **threats as defined by the Secretary.**

17 **(2) SECRETARY.—The term “Secretary”**
18 **means the Secretary of Homeland Secu-**
19 **rity.**

20 **(b) DETECTION CANINE TEAMS.—**

21 **(1) INCREASED CAPACITY.—Not later**
22 **than 240 days after the date of enactment**
23 **of this Act, the Secretary shall—**

24 **(A) begin to increase the number**
25 **of detection canine teams certified by**

1 *the Coast Guard for the purposes of*
2 *maritime-related security by no fewer*
3 *than 10 canine teams annually*
4 *through fiscal year 2012; and*

5 *(B) encourage owners and opera-*
6 *tors of port facilities, passenger cruise*
7 *liners, oceangoing cargo vessels, and*
8 *other vessels identified by the Sec-*
9 *retary to strengthen security through*
10 *the use of highly trained detection ca-*
11 *nine teams.*

12 *(2) CANINE PROCUREMENT.—The Sec-*
13 *retary, acting through the Commandant*
14 *of the Coast Guard, shall—*

15 *(A) procure detection canine*
16 *teams as efficiently as possible, in-*
17 *cluding, to the greatest extent pos-*
18 *sible, through increased domestic*
19 *breeding, while meeting the perform-*
20 *ance needs and criteria established by*
21 *the Commandant;*

22 *(B) support expansion and up-*
23 *grading of existing canine training*
24 *facilities operated by the department*

1 *in which the Coast Guard is oper-*
2 *ating; and*

3 (C) *as appropriate, partner with*
4 *other Federal, State, or local agencies,*
5 *nonprofit organizations, universities,*
6 *or the private sector to increase the*
7 *breeding and training capacity for*
8 *Coast Guard canine detection teams.*

9 (c) *DEPLOYMENT.—The Secretary shall*
10 *prioritize deployment of the additional canine*
11 *teams to ports based on risk, consistent with*
12 *the Security and Accountability For Every Port*
13 *Act of 2006 (Public Law 109–347).*

14 (d) *AUTHORIZATION.—There are authorized*
15 *to be appropriated to the Secretary such sums*
16 *as may be necessary to carry out this section*
17 *for fiscal years 2008 through 2012.*

18 SEC. 707. COAST GUARD PORT ASSISTANCE PROGRAM.

19 Section 70110 of title 46, United States
20 Code, is amended by adding at the end the fol-
21 lowing:

22 “(f) COAST GUARD ASSISTANCE PROGRAM.—

23 “(1) IN GENERAL.—The Secretary may
24 lend, lease, donate, or otherwise provide
25 equipment, and provide technical train-

1 *ing and support, to the owner or operator*
2 *of a foreign port or facility—*

3 *“(A) to assist in bringing the port*
4 *or facility into compliance with appli-*
5 *cable International Ship and Port Fa-*
6 *cility Code standards;*

7 *“(B) to assist the port or facility in*
8 *meeting standards established under*
9 *section 70109A of this chapter; and*

10 *“(C) to assist the port or facility in*
11 *exceeding the standards described in*
12 *subparagraphs (A) and (B).*

13 *“(2) CONDITIONS.—The Secretary—*

14 *“(A) shall provide such assistance*
15 *based upon an assessment of the risks*
16 *to the security of the United States*
17 *and the inability of the owner or oper-*
18 *ator of the port or facility otherwise to*
19 *bring the port or facility into compli-*
20 *ance with those standards and to*
21 *maintain compliance with them;*

22 *“(B) may not provide such assist-*
23 *ance unless the port or facility has*
24 *been subjected to a comprehensive*
25 *port security assessment by the Coast*

1 ***Guard or a third party entity certified***
2 ***by the Secretary under section***
3 ***70110A(b) to validate foreign port or***
4 ***facility compliance with International***
5 ***Ship and Port Facility Code stand-***
6 ***ards; and***

7 ***“(C) may only lend, lease, or other-***
8 ***wise provide equipment that the Sec-***
9 ***retary has first determined is not re-***
10 ***quired by the Coast Guard for the per-***
11 ***formance of its missions.”***

12 **SEC. 708. HOMELAND SECURITY IMPACT REVIEW OF LIQUE-**
13 **FIED NATURAL GAS FACILITIES.**

14 ***(a) REQUIREMENT OF APPROVAL.—No Fed-***
15 ***eral agency shall license, approve, or other-***
16 ***wise authorize the construction, expansion, or***
17 ***operation of an offshore or waterfront facility***
18 ***for the transfer of liquefied natural gas from***
19 ***ships to land or from land to ships unless the***
20 ***Secretary of Homeland Security has approved***
21 ***such construction, expansion, or operation***
22 ***under this section.***

23 ***(b) HOMELAND SECURITY IMPACT REVIEW.—***
24 ***Upon receipt of notice of an application for a***
25 ***license, approval, or other authorization de-***

1 *scribed in subsection (a), the Secretary of*
2 *Homeland Security shall conduct a com-*
3 *prehensive homeland security impact review of*
4 *the proposed construction, expansion, or oper-*
5 *ation, including proposed shipping routes to*
6 *or from the facility.*

7 (c) *FACTORS TO BE CONSIDERED.—In con-*
8 *ducting the review under subsection (b), the*
9 *Secretary of Homeland Security shall con-*
10 *sider—*

11 (1) *the potential for multiple, simulta-*
12 *neous, coordinated attacks on facilities;*

13 (2) *the potential for assistance in an*
14 *attack from several persons employed at*
15 *the facility;*

16 (3) *the potential for suicide attacks;*

17 (4) *water-based and air-based threats;*

18 (5) *the potential use of explosive de-*
19 *vices of considerable size and other mod-*
20 *ern weaponry;*

21 (6) *the potential for attacks by persons*
22 *with a sophisticated knowledge of facility*
23 *operations;*

24 (7) *the threat of fires and large explo-*
25 *sions; and*

1 ***(8) special threats and vulnerabilities***
2 ***affecting facilities located in or within 2***
3 ***miles of a densely populated urban area.***

4 ***(d) APPROVAL.—Upon completion of a re-***
5 ***view under subsection (b), if the Secretary of***
6 ***Homeland Security determines that the pro-***
7 ***posed construction, expansion, or operation of***
8 ***the facility does not pose a substantial risk to***
9 ***life and property, the Secretary in coordina-***
10 ***tion with appropriate Federal agencies with***
11 ***regulatory responsibility over liquefied nat-***
12 ***ural gas facilities shall approve the proposed***
13 ***construction, expansion, or operation. Except***
14 ***as provided in subsection (a), approval under***
15 ***this subsection shall not affect any other re-***
16 ***quirement under law to obtain a license, ap-***
17 ***proval, or other authorization for the con-***
18 ***struction, expansion, or operation of an off-***
19 ***shore or waterfront facility for the transfer of***
20 ***liquefied natural gas from ships to land or***
21 ***from land to ships.***

22 ***(e) RESULTS OF REVIEW.—The Secretary of***
23 ***Homeland Security shall provide the results of***
24 ***a review conducted under subsection (b)—***

1 ***(1) to the Committee on Homeland Se-***
2 ***curity of the House of Representatives, the***
3 ***Committee on Commerce, Science, and***
4 ***Transportation of the Senate, and the***
5 ***Committee on Homeland Security and***
6 ***Governmental Affairs of the Senate;***

7 ***(2) to each Federal agency responsible***
8 ***for licensing, approval, or other author-***
9 ***ization for the construction, expansion, or***
10 ***operation; and***

11 ***(3) to the extent consistent with the***
12 ***protection of homeland security, to af-***
13 ***ected State and local officials and the***
14 ***public.***

15 **SEC. 709. MARITIME BIOMETRIC IDENTIFICATION.**

16 ***(a) IN GENERAL.—The Secretary of Home-***
17 ***land Security, through the Commandant of the***
18 ***Coast Guard, may conduct, in the maritime en-***
19 ***vironment, a pilot program for the mobile bio-***
20 ***metric identification of suspected individuals,***
21 ***including terrorists, to enhance border secu-***
22 ***rity and for other purposes.***

23 ***(b) REQUIREMENTS.—The Secretary shall***
24 ***ensure that the pilot program is coordinated***
25 ***with other biometric identification programs***

1 *within the Department of Homeland Security*
2 *and shall evaluate the costs and feasibility of*
3 *expanding the capability to all Coast Guard*
4 *cutters, stations and deployable maritime*
5 *teams, and other appropriate Department of*
6 *Homeland Security maritime vessels and*
7 *units.*

8 (c) *DEFINITION.—For purposes of this sec-*
9 *tion, the term “biometric identification”*
10 *means use of fingerprint and digital photog-*
11 *raphy images.*

12 (d) *AUTHORIZATION OF APPROPRIATIONS.—*
13 *There are authorized such sums as appro-*
14 *priate to carry out this section.*

15 *SEC. 710. REVIEW OF POTENTIAL THREATS.*

16 *Not later than 1 year after the date of the*
17 *enactment of this Act, the Secretary of Home-*
18 *land Security shall submit to Congress a re-*
19 *port analyzing the threat, vulnerability, and*
20 *consequence of a terrorist attack on gasoline*
21 *and chemical cargo shipments in port activity*
22 *areas in the United States.*

23 *SEC. 711. PORT SECURITY PILOT.*

24 *The Secretary of Homeland Security shall*
25 *establish a pilot program to test and deploy*

1 *preventive radiological/nuclear detection*
2 *equipment on Coast Guard vessels and other*
3 *locations in select port regions to enhance bor-*
4 *der security and for other purposes. The pilot*
5 *program shall leverage existing Federal grant*
6 *funding to support this program and the pro-*
7 *curement of additional equipment.*

8 *SEC. 712. ADVANCE NOTICE OF PORT ARRIVAL OF SIGNIFI-*
9 *CANT OR FATAL INCIDENTS INVOLVING U.S.*
10 *PERSONS.*

11 *(a) REQUIREMENT.—The Secretary of Home-*
12 *land Security shall require the owner or oper-*
13 *ator of a cruise ship that embarks or dis-*
14 *embarks passengers in a United States port to*
15 *notify the Secretary of any covered security in-*
16 *cident that occurs on the cruise ship in the*
17 *course of the voyage (or voyage segment) in*
18 *which a U.S. person is involved, in conjunction*
19 *with any advance notice of arrival to a United*
20 *States port required by part 160 of title 33,*
21 *Code of Federal Regulations.*

22 *(b) DEFINITIONS.—For the purposes of this*
23 *section:*

24 *(1) COVERED SECURITY INCIDENT.—The*
25 *term “covered security incident” means*

1 *any act or omission that results in death,*
2 *serious bodily injury, sexual assault, or a*
3 *missing person, or poses a significant*
4 *threat to the cruise ship, any cruise ship*
5 *passenger, any port facility, or any person*
6 *in or near the port.*

7 (2) *CRUISE SHIP.*—*The term “cruise*
8 *ship” means a vessel on an international*
9 *voyage that embarks or disembarks pas-*
10 *sengers at a port of United States juris-*
11 *isdiction to which subpart C of part 160 of*
12 *title 33, Code of Federal Regulations, ap-*
13 *plies and that provides overnight accom-*
14 *modations.*

15 (3) *U.S. PERSON.*—*The term “U.S. per-*
16 *son” means a citizen of the United States*
17 *and an alien lawfully admitted for per-*
18 *manent residence (as defined in section*
19 *101(a)(20) of the Immigration and Nation-*
20 *ality Act (8 U.S.C. 1101 (a)(20)).*

21 (4) *UNITED STATES.*—*The term “United*
22 *States” means the 50 States, the District*
23 *of Columbia, Puerto Rico, the Northern*
24 *Mariana Islands, the United States Virgin*
25 *Islands, Guam, American Samoa, and any*

1 (A) *by inserting “OR FACILITIES”*
2 *after “PORTS” in the section heading;*

3 (B) *by inserting “or facility” after*
4 *“port” each place it appears; and*

5 (C) *by striking “PORTS” in the*
6 *heading for subsection (e) and insert-*
7 *ing “PORTS, FACILITIES,”.*

8 (2) *The chapter analysis for chapter*
9 *701 of title 46, United States Code, is*
10 *amended by striking the item relating to*
11 *section 70110 and inserting the following:*

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

12 *SEC. 714. SEASONAL WORKERS.*

13 (a) *STUDY.—The Comptroller General of*
14 *the United States shall conduct a study on the*
15 *effects that the Transportation Worker Identi-*
16 *fication Card (in this section referred to as*
17 *“TWIC”) required by section 70105 of title 46,*
18 *United States Code, has on companies that em-*
19 *ploy seasonal employees.*

20 (b) *REPORT.—Not later than one year after*
21 *the date of the enactment of this Act, the*
22 *Comptroller General shall submit a report to*
23 *Congress on the results of the study, includ-*
24 *ing—*

1 ***(1) costs associated in requiring sea-***
2 ***sonal employees to obtain TWIC cards on***
3 ***companies***

4 ***(2) whether the Coast Guard and***
5 ***Transportation Security Administration***
6 ***are processing TWIC applications quickly***
7 ***enough for seasonal workers to obtain***
8 ***TWIC certification;***

9 ***(3) whether TWIC compliance costs or***
10 ***other factors have led to a reduction in***
11 ***service;***

12 ***(4) the impact of TWIC on the recruit-***
13 ***ing and hiring of seasonal and other tem-***
14 ***porary employees; and***

15 ***(5) an assessment of possible alter-***
16 ***natives to TWIC certification that may be***
17 ***used for seasonal employees including any***
18 ***security vulnerabilities created by those***
19 ***alternatives.***

20 ***SEC. 715. COMPARATIVE RISK ASSESSMENT OF VESSEL-***
21 ***BASED AND FACILITY-BASED LIQUEFIED NAT-***
22 ***URAL GAS REGASIFICATION PROCESSES.***

23 ***(a) IN GENERAL.—Within 90 days after the***
24 ***date of the enactment of this Act, the Com-***
25 ***mandant of the Coast Guard shall enter into***

1 *an arrangement for the performance of an*
2 *independent study to conduct a comparative*
3 *risk assessment examining the relative safety*
4 *and security risk associated with vessel-based*
5 *and facility-based liquefied natural gas re-*
6 *gasification processes conducted within 3*
7 *miles from land versus such processes con-*
8 *ducted more than 3 miles from land.*

9 **(b) REPORT.**—*Not later than 1 year after*
10 *the date of the enactment of this Act, the Com-*
11 *mandant shall provide a report on the find-*
12 *ings and conclusions of the study required by*
13 *this section to the Committees on Homeland*
14 *Security, Transportation and Infrastructure,*
15 *and Energy and Commerce of the House of*
16 *Representatives, and the Committees on Home-*
17 *land Security and Governmental Affairs and*
18 *Commerce, Science, and Transportation of the*
19 *Senate.*

20 **SEC. 716. SAVINGS CLAUSE.**

21 *Nothing in this Act shall be construed to*
22 *diminish or affect the authority of the Sec-*
23 *retary of Homeland Security or the Com-*
24 *mandant of the Coast Guard pursuant to the*
25 *Maritime Transportation Security Act of 2002*

1 *(Public Law 107–295), the Ports and Water-*
2 *ways Safety Act (33 U.S.C. 1221 et seq.), the*
3 *SAFE Port Act (Public Law 109–347), the*
4 *Homeland Security Act of 2002, or the Imple-*
5 *menting Recommendations of the 9/11 Commis-*
6 *sion Act of 2007 (Public Law 110–53).*

7 **TITLE VIII—COAST GUARD INTE-**
8 **GRATED DEEPWATER PRO-**
9 **GRAM**

10 *SEC. 801. SHORT TITLE.*

11 *This title may be cited as the “Integrated*
12 *Deepwater Program Reform Act”.*

13 *SEC. 802. IMPLEMENTATION OF COAST GUARD INTEGRATED*
14 *DEEPWATER ACQUISITION PROGRAM.*

15 *(a) USE OF PRIVATE SECTOR ENTITY AS A*
16 *LEAD SYSTEMS INTEGRATOR.—*

17 *(1) IN GENERAL.—Except as otherwise*
18 *provided in this subsection, the Secretary*
19 *may not use a private sector entity as a*
20 *lead systems integrator for procurements*
21 *under, or in support of, the Deepwater*
22 *Program beginning on the earlier of Octo-*
23 *ber 1, 2011, or the date on which the Sec-*
24 *retary certifies in writing to the Com-*
25 *mittee on Transportation and Infrastruc-*

1 *ture and the Committee on Homeland Se-*
2 *curity of the House of Representatives and*
3 *the Committee on Commerce, Science, and*
4 *Transportation of the Senate that the*
5 *Coast Guard has available and can retain*
6 *sufficient contracting personnel and ex-*
7 *pertise within the Coast Guard, through*
8 *an arrangement with other Federal agen-*
9 *cies, or through contracts or other ar-*
10 *rangements with private sector entities, to*
11 *perform the functions and responsibilities*
12 *of the lead system integrator in an effi-*
13 *cient and cost-effective manner.*

14 (2) *COMPLETION OF EXISTING DELIVERY*
15 *ORDERS AND TASK ORDERS.—The Secretary*
16 *may use a private sector entity as a lead*
17 *systems integrator to complete any deliv-*
18 *ery order or task order under the Deep-*
19 *water Program that was issued to the*
20 *lead systems integrator on or before the*
21 *date of enactment of this Act.*

22 (3) *ASSISTANCE OF OTHER FEDERAL*
23 *AGENCIES.—In any case in which the Sec-*
24 *retary is the systems integrator under the*
25 *Deepwater Program, the Secretary may*

1 *obtain any type of assistance the Sec-*
2 *retary considers appropriate, with any*
3 *systems integration functions, from any*
4 *Federal agency with experience in systems*
5 *integration involving maritime vessels*
6 *and aircraft.*

7 (4) *ASSISTANCE OF PRIVATE SECTOR EN-*
8 *TITIES.—In any case in which the Sec-*
9 *retary is the systems integrator under the*
10 *Deepwater Program, the Secretary may,*
11 *subject to the availability of appropria-*
12 *tions, obtain by grant, contract, or cooper-*
13 *ative agreement any type of assistance the*
14 *Secretary considers appropriate, with any*
15 *systems integration functions, from any*
16 *private sector entity with experience in*
17 *systems integration involving maritime*
18 *vessels and aircraft.*

19 (b) *COMPETITION.—*

20 (1) *IN GENERAL.—Except as otherwise*
21 *provided in this subsection, the Secretary*
22 *shall use full and open competition for*
23 *each class of asset acquisitions under the*
24 *Deepwater Program for which an outside*
25 *contractor is used, if the asset is procured*

1 *directly by the Coast Guard or by the Inte-*
2 *grated Coast Guard System acting under*
3 *a contract with the Coast Guard.*

4 (2) *EXCEPTION.—The Secretary may*
5 *use a procurement method that is less*
6 *than full and open competition to procure*
7 *an asset under the Deepwater Program,*
8 *if—*

9 (A) *the Secretary determines that*
10 *such method is in the best interests of*
11 *the Federal Government; and*

12 (B) *by not later than 30 days be-*
13 *fore the date of the award of a con-*
14 *tract for the procurement, the Sec-*
15 *retary submits to the Committee on*
16 *Transportation and Infrastructure*
17 *and the Committee on Homeland Se-*
18 *curity of the House of Representatives*
19 *and the Committee on Commerce,*
20 *Science, and Transportation of the*
21 *Senate a report explaining why such*
22 *procurement is in the best interests of*
23 *the Federal Government.*

24 (3) *LIMITATION ON APPLICATION.—Para-*
25 *graph (1) shall not apply to a contract,*

1 *subcontract, or task order that was issued*
2 *before the date of enactment of this Act, if*
3 *there is no change in the quantity of as-*
4 *sets or the specific type of assets procured.*

5 **(c) REQUIRED CONTRACT TERMS.**—*The Sec-*
6 *retary shall include in each contract, sub-*
7 *contract, and task order issued under the*
8 *Deepwater Program after the date of the en-*
9 *actment of this Act the following provisions, as*
10 *applicable:*

11 **(1) TECHNICAL REVIEWS.**—*A require-*
12 *ment that the Secretary shall conduct a*
13 *technical review of all proposed designs,*
14 *design changes, and engineering changes,*
15 *and a requirement that the contractor*
16 *must specifically address all engineering*
17 *concerns identified in the technical re-*
18 *views, before any funds may be obligated.*

19 **(2) RESPONSIBILITY FOR TECHNICAL RE-**
20 **QUIREMENTS.**—*A requirement that the Sec-*
21 *retary shall maintain the authority to es-*
22 *tablish, approve, and maintain technical*
23 *requirements.*

24 **(3) COST ESTIMATE OF MAJOR**
25 **CHANGES.**—*A requirement that an inde-*

1 *pendent cost estimate must be prepared*
2 *and approved by the Secretary before the*
3 *execution of any change order costing*
4 *more than 5 percent of the unit cost ap-*
5 *proved in the Deepwater Program base-*
6 *line in effect as of May 2007.*

7 **(4) PERFORMANCE MEASUREMENT.**—*A re-*
8 *quirement that any measurement of con-*
9 *tractor and subcontractor performance*
10 *must be based on the status of all work*
11 *performed, including the extent to which*
12 *the work performed met all cost, schedule,*
13 *and mission performance requirements*
14 *outlined in the Deepwater Program con-*
15 *tract.*

16 **(5) EARLY OPERATIONAL ASSESSMENT.**—
17 *For the acquisition of any cutter class for*
18 *which an Early Operational Assessment*
19 *has not been developed—*

20 **(A)** *a requirement that the Sec-*
21 *retary of the Department in which the*
22 *Coast Guard is operating shall cause*
23 *an Early Operational Assessment to be*
24 *conducted by the Department of the*
25 *Navy after the development of the pre-*

1 *liminary design of the cutter and be-*
2 *fore the conduct of the critical design*
3 *review of the cutter; and*

4 *(B) a requirement that the Coast*
5 *Guard shall develop a plan to address*
6 *the findings presented in the Early*
7 *Operational Assessment.*

8 *(6) TRANSIENT ELECTROMAGNETIC PULSE*
9 *EMANATION.—For the acquisition or up-*
10 *grade of air, surface, or shore assets for*
11 *which compliance with transient electro-*
12 *magnetic pulse emanation (TEMPEST) is*
13 *a requirement, a provision specifying that*
14 *the standard for determining such com-*
15 *pliance shall be the air, surface, or shore*
16 *asset standard then used by the Depart-*
17 *ment of the Navy.*

18 *(7) OFFSHORE PATROL CUTTER UNDER-*
19 *WAY REQUIREMENT.—For any contract*
20 *issued to acquire an Offshore Patrol Cut-*
21 *ter, provisions specifying the service life,*
22 *fatigue life, days underway in general At-*
23 *lantic and North Pacific Sea conditions,*
24 *maximum range, and maximum speed the*
25 *cutter shall be built to achieve.*

1 **(8) INSPECTOR GENERAL ACCESS.**—A re-
2 **quirement that the Department of Home-**
3 **land Security’s Office of the Inspector**
4 **General shall have access to all records**
5 **maintained by all contractors working on**
6 **the Deepwater Program, and shall have**
7 **the right to privately interview any con-**
8 **tractor personnel.**

9 **(d) LIFE CYCLE COST ESTIMATE.**—

10 **(1) IN GENERAL.**—The Secretary shall
11 **develop an authoritative life cycle cost es-**
12 **timate for the Deepwater Program.**

13 **(2) CONTENTS.**—The life cycle cost esti-
14 **mate shall include asset acquisition and**
15 **logistics support decisions and planned**
16 **operational tempo and locations as of the**
17 **date of enactment of this Act.**

18 **(3) SUBMITTAL.**—The Secretary shall—

19 **(A) submit the life cycle cost esti-**
20 **mate to the Committee on Transpor-**
21 **tation and Infrastructure and the**
22 **Committee on Homeland Security of**
23 **the House of Representatives and the**
24 **Committee on Commerce, Science, and**
25 **Transportation of the Senate within 4**

1 *months after the date of enactment of*
2 *this Act; and*

3 *(B) submit updates of the life cycle*
4 *cost estimate to such Committees an-*
5 *nually.*

6 *(e) CONTRACT OFFICERS.—The Secretary*
7 *shall assign a separate contract officer for*
8 *each class of cutter and aircraft acquired or*
9 *rehabilitated under the Deepwater Program,*
10 *including the National Security Cutter, the*
11 *Offshore Patrol Cutter, the Fast Response Cut-*
12 *ter A, the Fast Response Cutter B, maritime*
13 *patrol aircraft, the aircraft HC-130J, the heli-*
14 *copter HH-65, the helicopter HH-60, and the*
15 *vertical unmanned aerial vehicle.*

16 *(f) TECHNOLOGY RISK REPORT.—The Sec-*
17 *retary shall submit to the Committee on Trans-*
18 *portation and Infrastructure and the Com-*
19 *mittee on Homeland Security of the House of*
20 *Representatives and the Committee on Com-*
21 *merce, Science, and Transportation of the Sen-*
22 *ate a report identifying the technology risks*
23 *and level of maturity for major technologies*
24 *used on each class of asset acquisitions under*
25 *the Deepwater Program, including the Fast*

1 *Response Cutter A (FRC-A), the Fast Response*
2 *Cutter B (FRC-B), the Offshore Patrol Cutter*
3 *(OPC), and the Vertical Unmanned Aerial Ve-*
4 *hicle (VUAV), not later than 90 days before the*
5 *date of award of a contract for such an acqui-*
6 *sition.*

7 *(g) SUBMISSION OF ASSESSMENT RESULTS*
8 *AND PLANS TO CONGRESS.—The Commandant of*
9 *the Coast Guard shall submit to the Committee*
10 *on Transportation and Infrastructure and the*
11 *Committee on Homeland Security of the House*
12 *of Representatives and the Committee on Com-*
13 *merce, Science, and Transportation of the Sen-*
14 *ate—*

15 *(1) the results of each Early Oper-*
16 *ational Assessment conducted pursuant to*
17 *subsection (c)(5)(A) and the plan ap-*
18 *proved by the Commandant pursuant to*
19 *subsection (c)(5)(B) for addressing the*
20 *findings of such assessment, within 30*
21 *days after the Commandant approves the*
22 *plan; and*

23 *(2) a report describing how the rec-*
24 *ommendations of each Early Operational*
25 *Assessment conducted pursuant to sub-*

1 *section (c)(5)(A) on the first in class of a*
2 *new cutter class have been addressed in*
3 *the design on which construction is to*
4 *begin, within 30 days before initiation of*
5 *construction.*

6 *SEC. 803. CHIEF ACQUISITION OFFICER.*

7 *(a) IN GENERAL.—Chapter 3 of title 14,*
8 *United States Code, is further amended by*
9 *adding at the end the following:*

10 *“§56. Chief Acquisition Officer*

11 *“(a) ESTABLISHMENT OF AGENCY CHIEF AC-*
12 *QUISITION OFFICER.—The Commandant shall*
13 *appoint or designate a career reserved em-*
14 *ployee as Chief Acquisition Officer for the*
15 *Coast Guard, who shall—*

16 *“(1) have acquisition management as*
17 *that official’s primary duty; and*

18 *“(2) report directly to the Com-*
19 *mandant to advise and assist the Com-*
20 *mandant to ensure that the mission of the*
21 *Coast Guard is achieved through the*
22 *management of the Coast Guard’s acquisi-*
23 *tion activities.*

1 “(b) **AUTHORITY AND FUNCTIONS OF THE**
2 **CHIEF ACQUISITION OFFICER.**—*The functions of*
3 *the Chief Acquisition Officer shall include—*

4 “(1) *monitoring the performance of ac-*
5 *quisition activities and acquisition pro-*
6 *grams of the Coast Guard, evaluating the*
7 *performance of those programs on the*
8 *basis of applicable performance measure-*
9 *ments, and advising the Commandant re-*
10 *garding the appropriate business strategy*
11 *to achieve the mission of the Coast Guard;*

12 “(2) *increasing the use of full and*
13 *open competition in the acquisition of*
14 *property and services by the Coast Guard*
15 *by establishing policies, procedures, and*
16 *practices that ensure that the Coast*
17 *Guard receives a sufficient number of*
18 *sealed bids or competitive proposals from*
19 *responsible sources to fulfill the Govern-*
20 *ment’s requirements (including perform-*
21 *ance and delivery schedules) at the lowest*
22 *cost or best value considering the nature*
23 *of the property or service procured;*

24 “(3) *ensuring the use of detailed per-*
25 *formance specifications in instances in*

1 *which performance-based contracting is*
2 *used;*

3 *“(4) making acquisition decisions con-*
4 *sistent with all applicable laws and estab-*
5 *lishing clear lines of authority, account-*
6 *ability, and responsibility for acquisition*
7 *decisionmaking within the Coast Guard;*

8 *“(5) managing the direction of acqui-*
9 *sition policy for the Coast Guard, includ-*
10 *ing implementation of the unique acquisi-*
11 *tion policies, regulations, and standards*
12 *of the Coast Guard;*

13 *“(6) developing and maintaining an*
14 *acquisition career management program*
15 *in the Coast Guard to ensure that there is*
16 *an adequate professional workforce; and*

17 *“(7) as part of the strategic planning*
18 *and performance evaluation process re-*
19 *quired under section 306 of title 5 and sec-*
20 *tions 1105(a)(28), 1115, 1116, and 9703 of*
21 *title 31—*

22 *“(A) assessing the requirements es-*
23 *tablished for Coast Guard personnel*
24 *regarding knowledge and skill in ac-*
25 *quisition resources management and*

1 *the adequacy of such requirements for*
2 *facilitating the achievement of the*
3 *performance goals established for ac-*
4 *quisition management;*

5 “(B) *in order to rectify any defi-*
6 *ciency in meeting such requirements,*
7 *developing strategies and specific*
8 *plans for hiring, training, and profes-*
9 *sional development; and*

10 “(C) *reporting to the Commandant*
11 *on the progress made in improving ac-*
12 *quisition management capability.”.*

13 **(b) CLERICAL AMENDMENT.**—*The table of*
14 *sections at the beginning of such chapter is*
15 *further amended by adding at the end the fol-*
16 *lowing:*

“56. Chief Acquisition Officer.”.

17 **(c) SPECIAL RATE SUPPLEMENTS.**—

18 **(1) REQUIREMENT TO ESTABLISH.**—*Not*
19 *later than 1 year after the date of enact-*
20 *ment of this Act and in accordance with*
21 *part 9701.333 of title 5, Code of Federal*
22 *Regulations, the Commandant of the*
23 *Coast Guard shall establish special rate*
24 *supplements that provide higher pay lev-*

1 *els for employees necessary to carry out*
2 *the amendment made by this section.*

3 (2) *SUBJECT TO APPROPRIATIONS.—The*
4 *requirement under paragraph (1) is sub-*
5 *ject to the availability of appropriations.*

6 *SEC. 804. TESTING AND CERTIFICATION.*

7 (a) *IN GENERAL.—The Secretary shall—*

8 (1) *cause each cutter, other than a*
9 *National Security Cutter, acquired by the*
10 *Coast Guard and delivered after the date*
11 *of enactment of this Act to be classed by*
12 *the American Bureau of Shipping, before*
13 *acceptance of delivery;*

14 (2) *cause the design and construction*
15 *of each National Security Cutter, other*
16 *than National Security Cutter 1 and 2, to*
17 *be certified by an independent third party*
18 *with expertise in vessel design and con-*
19 *struction certification to be able to meet a*
20 *185-underway-day requirement under gen-*
21 *eral Atlantic and North Pacific sea condi-*
22 *tions for a period of at least 30 years;*

23 (3) *cause all electronics on all air-*
24 *craft, surface, and shore assets that re-*
25 *quire TEMPEST certification and that are*

1 *delivered after the date of enactment of*
2 *this Act to be tested and certified in ac-*
3 *cordance with TEMPEST standards and*
4 *communications security (COMSEC)*
5 *standards by an independent third party*
6 *that is authorized by the Federal Govern-*
7 *ment to perform such testing and certifi-*
8 *cation; and*

9 (4) *cause all aircraft and aircraft en-*
10 *gines acquired by the Coast Guard and*
11 *delivered after the date of enactment of*
12 *this Act to be certified for airworthiness*
13 *by an independent third party with exper-*
14 *tise in aircraft and aircraft engine certifi-*
15 *cation, before acceptance of delivery.*

16 (b) *FIRST IN CLASS OF A MAJOR ASSET AC-*
17 *QUISITION.—The Secretary shall cause the first*
18 *in class of a major asset acquisition of a cutter*
19 *or an aircraft to be subjected to an assessment*
20 *of operational capability conducted by the Sec-*
21 *retary of the Navy.*

22 (c) *FINAL ARBITER.—The Secretary shall be*
23 *the final arbiter of all technical disputes re-*
24 *garding designs and acquisitions of vessels*
25 *and aircraft for the Coast Guard.*

1 **SEC. 805. NATIONAL SECURITY CUTTERS.**

2 **(a) NATIONAL SECURITY CUTTERS 1 AND 2.—**

3 **(1) REPORT ON OPTIONS UNDER CONSID-**
4 **ERATION.—The Secretary shall submit to**
5 **the Committee on Transportation and In-**
6 **frastructure and the Committee on Home-**
7 **land Security of the House of Representa-**
8 **tives and the Committee on Commerce,**
9 **Science, and Transportation of the Sen-**
10 **ate—**

11 **(A) within 120 days after the date**
12 **of enactment of this Act, a report de-**
13 **scribing in detail the cost increases**
14 **that have been experienced on Na-**
15 **tional Security Cutters 1 and 2 since**
16 **the date of the issuance of the task or-**
17 **ders for construction of those cutters**
18 **and explaining the causes of these**
19 **cost increases; and**

20 **(B) within 180 days after the date**
21 **of enactment of this Act, a report on**
22 **the options that the Coast Guard is**
23 **considering to strengthen the hulls of**
24 **National Security Cutter 1 and Na-**
25 **tional Security Cutter 2, including—**

1 ***(i) the costs of each of the op-***
2 ***tions under consideration;***

3 ***(ii) a schedule for when the***
4 ***hull strengthening repairs are an-***
5 ***ticipated to be performed; and***

6 ***(iii) the impact that the***
7 ***weight likely to be added to each***
8 ***the cutter by each option will have***
9 ***on the cutter's ability to meet both***
10 ***the original performance require-***
11 ***ments included in the Deepwater***
12 ***Program contract and the per-***
13 ***formance requirements created by***
14 ***contract Amendment Modification***
15 ***00042 dated February 7, 2007.***

16 ***(2) DESIGN ASSESSMENT.—Not later***
17 ***than 30 days before the Coast Guard signs***
18 ***any contract, delivery order, or task order***
19 ***to strengthen the hull of either of Na-***
20 ***tional Security Cutter 1 or 2 to resolve the***
21 ***structural design and performance issues***
22 ***identified in the Department of Homeland***
23 ***Security Inspector General's report OIG-***
24 ***07-23 dated January 2007, the Secretary***
25 ***shall submit to the Committee on Trans-***

1 *portation and Infrastructure and the*
2 *Committee on Homeland Security of the*
3 *House of Representatives and the Com-*
4 *mittee on Commerce, Science, and Trans-*
5 *portation of the Senate all results of an*
6 *assessment of the proposed hull strength-*
7 *ening design conducted by the Naval Sur-*
8 *face Warfare Center, Carderock Division,*
9 *including a description in detail of the ex-*
10 *tent to which the hull strengthening*
11 *measures to be implemented on those cut-*
12 *ters will enable the cutters to meet a 185-*
13 *underway-day requirement under general*
14 *Atlantic and North Pacific sea conditions*
15 *for a period of at least 30 years.*

16 *(b) NATIONAL SECURITY CUTTERS 3*
17 *THROUGH 8.—Not later than 30 days before the*
18 *Coast Guard signs any contract, delivery*
19 *order, or task order authorizing construction*
20 *of National Security Cutters 3 through 8, the*
21 *Secretary shall submit to the Committee on*
22 *Transportation and Infrastructure and the*
23 *Committee on Homeland Security of the House*
24 *of Representatives and the Committee on Com-*
25 *merce, Science, and Transportation of the Sen-*

1 *ate all results of an assessment of the proposed*
2 *designs to resolve the structural design, safety,*
3 *and performance issues identified by the De-*
4 *partment of Homeland Security Office of In-*
5 *spector General report OIG-07-23 for the hulls*
6 *of those cutters conducted by the Naval Sur-*
7 *face Warfare Center, Carderock Division, in-*
8 *cluding a description in detail of the extent to*
9 *which such designs will enable the cutters to*
10 *meet a 185-underway-day requirement under*
11 *general Atlantic and North Pacific sea condi-*
12 *tions.*

13 *SEC. 806. MISCELLANEOUS REPORTS.*

14 *(a) IN GENERAL.—The Secretary shall sub-*
15 *mit the following reports to the Committee on*
16 *Transportation and Infrastructure and the*
17 *Committee on Homeland Security of the House*
18 *of Representatives and the Committee on Com-*
19 *merce, Science, and Transportation of the Sen-*
20 *ate:*

21 *(1) Within 4 months after the date of*
22 *enactment of this Act, a justification for*
23 *why 8 National Security Cutters are re-*
24 *quired to meet the operational needs of*
25 *the Coast Guard, including—*

1 (A) *how many days per year each*
2 *National Security Cutter will be un-*
3 *derway at sea;*

4 (B) *where each National Security*
5 *Cutter will be home ported;*

6 (C) *the amount of funding that*
7 *will be required to establish home*
8 *port operations for each National Se-*
9 *curity Cutter;*

10 (D) *the extent to which 8 National*
11 *Security Cutters deployed without*
12 *vertical unmanned aerial vehicles*
13 *(VUAV) will meet or exceed the mis-*
14 *sion capability (including surveil-*
15 *lance capacity) of the 12 Hamilton-*
16 *class high endurance cutters that the*
17 *National Security Cutters will re-*
18 *place;*

19 (E) *the business case in support of*
20 *constructing National Security Cut-*
21 *ters 3 through 8, including a cost-ben-*
22 *efit analysis; and*

23 (F) *an analysis of how many Off-*
24 *shore Patrol Cutters would be re-*
25 *quired to provide the patrol coverage*

1 *provided by a National Security Cut-*
2 *ter.*

3 (2) *Within 4 months after the date of*
4 *enactment of this Act, a report on—*

5 (A) *the impact that deployment of*
6 *a National Security Cutter and other*
7 *cutter assets without the vertical un-*
8 *manned aerial vehicle (VUAV) will*
9 *have on the amount of patrol coverage*
10 *that will be able to be provided during*
11 *missions conducted by the National*
12 *Security Cutter and all other cutters*
13 *planned to be equipped with a VUAV;*

14 (B) *how the coverage gap will be*
15 *made up;*

16 (C) *an update on the current sta-*
17 *tus of the development of the VUAV;*
18 *and*

19 (D) *the timeline detailing the*
20 *major milestones to be achieved dur-*
21 *ing development of the VUAV and*
22 *identifying the delivery date for the*
23 *first and last VUAV.*

24 (3) *Within 30 days after the elevation*
25 *to flag-level for resolution of any design*

1 *or other dispute regarding the Deepwater*
2 *Program contract or an item to be pro-*
3 *cured under that contract, including a de-*
4 *tailed description of the issue and the ra-*
5 *tionale underlying the decision taken by*
6 *the flag officer to resolve the issue.*

7 (4) *Within 4 months after the date of*
8 *enactment of this Act, a report detailing*
9 *the total number of change orders that*
10 *have been created by the Coast Guard*
11 *under the Deepwater Program before the*
12 *date of enactment of this Act, the total*
13 *cost of these change orders, and their im-*
14 *act on the Deepwater Program schedule.*

15 (5) *Within 180 days after the date of*
16 *enactment of this Act, a report detailing*
17 *the technology risks and level of maturity*
18 *for major technologies used on maritime*
19 *patrol aircraft, the HC-130J, and the Na-*
20 *tional Security Cutter.*

21 (6) *Not less than 60 days before sign-*
22 *ing a contract to acquire any vessel or*
23 *aircraft, a report comparing the cost of*
24 *purchasing that vessel or aircraft directly*
25 *from the manufacturer or shipyard with*

1 *the cost of procuring it through the Inte-*
2 *grated Coast Guard System.*

3 *(7) Within 30 days after the Program*
4 *Executive Officer of the Deepwater Pro-*
5 *gram becomes aware of a likely cost over-*
6 *run exceeding 5 percent of the overall*
7 *asset acquisition contract cost or schedule*
8 *delay exceeding 5 percent of the estimated*
9 *asset construction period under the Deep-*
10 *water Program, a report by the Com-*
11 *mandant containing a description of the*
12 *cost overrun or delay, an explanation of*
13 *the overrun or delay, a description of*
14 *Coast Guard's response, and a description*
15 *of significant delays in the procurement*
16 *schedule likely to be caused by the over-*
17 *run or delay.*

18 *(8) Within 90 days after the date of en-*
19 *actment of this Act, articulation of a doc-*
20 *trine and description of an anticipated*
21 *implementation of a plan for management*
22 *of acquisitions programs, financial man-*
23 *agement (including earned value manage-*
24 *ment and cost estimating), engineering*

1 *and logistics management, and contract*
2 *management, that includes—*

3 *(A) a description of how the Coast*
4 *Guard will cultivate among uni-*
5 *formed personnel expertise in acquisi-*
6 *tions management and financial man-*
7 *agement;*

8 *(B) a description of the processes*
9 *that will be followed to draft and en-*
10 *sure technical review of procurement*
11 *packages, including statements of*
12 *work, for any class of assets acquired*
13 *by the Coast Guard;*

14 *(C) a description of how the Coast*
15 *Guard will conduct an independent*
16 *cost estimating process, including*
17 *independently developing cost esti-*
18 *mates for major change orders; and*

19 *(D) a description of how Coast*
20 *Guard will strengthen the manage-*
21 *ment of change orders.*

22 *(9) Within 4 months after the date of*
23 *enactment of this Act, a report on the de-*
24 *velopment of a new acquisitions office*
25 *within the Coast Guard describing the*

1 *specific staffing structure for that direc-*
2 *torate, including—*

3 *(A) identification of all manage-*
4 *rial positions proposed as part of the*
5 *office, the functions that each mana-*
6 *gerial position will fill, and the num-*
7 *ber of employees each manager will*
8 *supervise; and*

9 *(B) a formal organizational chart*
10 *and identification of when manage-*
11 *rial positions are to be filled.*

12 *(10) Ninety days prior to the issuance*
13 *of a Request for Proposals for construc-*
14 *tion of an Offshore Patrol Cutter, a report*
15 *detailing the service life, fatigue life, max-*
16 *imum range, maximum speed, and num-*
17 *ber of days underway under general At-*
18 *lantic and North Pacific Sea conditions*
19 *the cutter shall be built to achieve.*

20 *(11) The Secretary shall report annu-*
21 *ally on the percentage of the total amount*
22 *of funds expended on procurements under*
23 *the Deepwater Program that has been*
24 *paid to each of small businesses and mi-*
25 *nority-owned businesses.*

1 ***(12) Within 120 days after the date of***
2 ***enactment of this Act, a report on any***
3 ***Coast Guard mission performance gap***
4 ***due to the removal of Deepwater Program***
5 ***assets from service. The report shall in-***
6 ***clude the following:***

7 ***(A) A description of the mission***
8 ***performance gap detailing the geo-***
9 ***graphic regions and Coast Guard ca-***
10 ***pabilities affected.***

11 ***(B) An analysis of factors affect-***
12 ***ing the mission performance gap that***
13 ***are unrelated to the Deepwater Pro-***
14 ***gram, including deployment of Coast***
15 ***Guard assets overseas and continuous***
16 ***vessel shortages.***

17 ***(C) A description of measures***
18 ***being taken in the near term to fill the***
19 ***mission performance gap, including***
20 ***what those measures are and when***
21 ***they will be implemented.***

22 ***(D) A description of measures***
23 ***being taken in the long term to fill the***
24 ***mission performance gap, including***

1 *what those measures are and when*
2 *they will be implemented.*

3 ***(E) A description of the potential***
4 ***alternatives to fill the mission per-***
5 ***formance gap, including any acquisi-***
6 ***tion or lease considered and the rea-***
7 ***sons they were not pursued.***

8 ***(b) REPORT REQUIRED ON ACCEPTANCE OF***
9 ***DELIVERY OF INCOMPLETE ASSET.—***

10 ***(1) IN GENERAL.—If the Secretary ac-***
11 ***cepts delivery of an asset after the date of***
12 ***enactment of this Act for which a contrac-***
13 ***tually required certification cannot be***
14 ***achieved within 30 days after the date of***
15 ***delivery or with any system that is not***
16 ***fully functional for the mission for which***
17 ***it was intended, the Secretary shall sub-***
18 ***mit to the Committee on Transportation***
19 ***and Infrastructure and the Committee on***
20 ***Homeland Security of the House of Rep-***
21 ***resentatives and the Committee on Com-***
22 ***merce, Science, and Transportation of the***
23 ***United States Senate within 30 days after***
24 ***accepting delivery of the asset a report ex-***
25 ***plaining why acceptance of the asset in***

1 *such a condition is in the best interests of*
2 *the United States Government.*

3 (2) **CONTENTS.**—*The report shall—*

4 (A) *specify the systems that are not*
5 *able to achieve contractually required*
6 *certifications within 30 days after the*
7 *date of delivery and the systems that*
8 *are not fully functional at the time of*
9 *delivery for the missions for which*
10 *they were intended;*

11 (B) *identify milestones for the*
12 *completion of required certifications*
13 *and to make all systems fully func-*
14 *tional; and*

15 (C) *identify when the milestones*
16 *will be completed, who will complete*
17 *them, and the cost to complete them.*

1 *SEC. 807. USE OF THE NAVAL SEA SYSTEMS COMMAND, THE*
2 *NAVAL AIR SYSTEMS COMMAND, AND THE*
3 *SPACE AND NAVAL WARFARE SYSTEMS COM-*
4 *MAND TO ASSIST THE COAST GUARD IN EXER-*
5 *CISING TECHNICAL AUTHORITY FOR THE*
6 *DEEPWATER PROGRAM AND OTHER COAST*
7 *GUARD ACQUISITION PROGRAMS.*

8 *(a) FINDINGS.—Congress finds that the*
9 *Coast Guard’s use of the technical, contrac-*
10 *tual, and program management oversight ex-*
11 *pertise of the Department of the Navy in ship*
12 *and aircraft production complements and*
13 *augments the Coast Guard’s organic expertise*
14 *as it procures assets for the Deepwater Pro-*
15 *gram.*

16 *(b) INTER-SERVICE TECHNICAL ASSIST-*
17 *ANCE.—The Secretary may enter into a memo-*
18 *randum of understanding or a memorandum*
19 *of agreement with the Secretary of the Navy to*
20 *provide for the use of the Navy Systems Com-*
21 *mands to assist the Coast Guard with the over-*
22 *sight of Coast Guard major acquisition pro-*
23 *grams. Such memorandum of understanding*
24 *or memorandum of agreement shall, at a min-*
25 *imum provide for—*

1 ***(1) the exchange of technical assist-***
2 ***ance and support that the Coast Guard***
3 ***Chief Engineer and the Coast Guard Chief***
4 ***Information Officer, as Coast Guard Tech-***
5 ***nical Authorities, may identify;***

6 ***(2) the use, as appropriate, of Navy***
7 ***technical expertise; and***

8 ***(3) the temporary assignment or ex-***
9 ***change of personnel between the Coast***
10 ***Guard and the Navy Systems Commands***
11 ***to facilitate the development of organic***
12 ***capabilities in the Coast Guard.***

13 ***(c) TECHNICAL AUTHORITIES.—The Coast***
14 ***Guard Chief Engineer, Chief Information Offi-***
15 ***cer, and Chief Acquisition Officer shall adopt,***
16 ***to the extent practicable, procedures that are***
17 ***similar to those used by the Navy Senior Acqui-***
18 ***sition Official to ensure the Coast Guard Tech-***
19 ***nical Authorities, or designated Technical***
20 ***Warrant Holders, approve all technical re-***
21 ***quirements.***

22 ***(d) COORDINATION.—The Secretary, acting***
23 ***through the Commandant of the Coast Guard,***
24 ***may coordinate with the Secretary of the Navy,***
25 ***acting through the Chief of Naval Operations,***

1 *to develop processes by which the assistance*
2 *will be requested from the Navy Systems Com-*
3 *mands and provided to the Coast Guard.*

4 (e) *REPORT.—Not later than 120 days after*
5 *the date of enactment of this Act and every*
6 *twelve months thereafter, the Commandant of*
7 *the Coast Guard shall report to the Committee*
8 *on Transportation and Infrastructure and the*
9 *Committee on Homeland Security of the House*
10 *of Representatives and the Committee on Com-*
11 *merce, Science, and Transportation of the Sen-*
12 *ate on the activities undertaken pursuant to*
13 *such memorandum of understanding or memo-*
14 *randum of agreement.*

15 *SEC. 808. DEFINITIONS.*

16 *In this title:*

17 (1) *DEEPWATER PROGRAM.—The term*
18 *“Deepwater Program” means the Inte-*
19 *grated Deepwater Systems Program de-*
20 *scribed by the Coast Guard in its report to*
21 *Congress entitled “Revised Deepwater Im-*
22 *plementation Plan 2005”, dated March 25,*
23 *2005. The Deepwater Program primarily*
24 *involves the procurement of cutter and*

1 *aviation assets that operate more than 50*
2 *miles offshore.*

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

Union Calendar No. 317

110TH CONGRESS
2^D SESSION

H. R. 2830

[Report No. 110-338, Parts I, II, and III]

A BILL

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

JANUARY 29, 2008

Committee on Energy and Commerce discharged; com-
mitted to the Committee of the Whole House on the
State of the Union and ordered to be printed