

1 **DIVISION C—DEPARTMENT OF**
2 **ENERGY NATIONAL SECURITY**
3 **AUTHORIZATIONS AND**
4 **OTHER AUTHORIZATIONS**
5 **TITLE XXXI—DEPARTMENT OF**
6 **ENERGY NATIONAL SECURITY**
7 **PROGRAMS**

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense nuclear waste disposal.
- Sec. 3105. Energy security and assurance.

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Reliable Replacement Warhead program.
- Sec. 3112. Nuclear test readiness.
- Sec. 3113. Modification of reporting requirement.
- Sec. 3114. Limitation on availability of funds for Fissile Materials Disposition program.
- Sec. 3115. Modification of limitations on availability of funds for Waste Treatment and Immobilization Plant.
- Sec. 3116. Modification of sunset date of the Office of the Ombudsman of the Energy Employees Occupational Illness Compensation Program.
- Sec. 3117. Technical amendments.

Subtitle C—Other Matters

- Sec. 3121. Study on using existing pits for the Reliable Replacement Warhead program.
- Sec. 3122. Report on retirement and dismantlement of nuclear warheads.
- Sec. 3123. Plan for addressing security risks posed to nuclear weapons complex.
- Sec. 3124. Department of Energy protective forces.
- Sec. 3125. Evaluation of National Nuclear Security Administration strategic plan for advanced computing.
- Sec. 3126. Sense of Congress on the nuclear nonproliferation policy of the United States and the Reliable Replacement Warhead program.
- Sec. 3127. Department of Energy report on plan to strengthen and expand International Radiological Threat Reduction program.

Sec. 3128. Department of Energy report on plan to strengthen and expand Materials Protection, Control, and Accounting program.

Sec. 3129. Agreements and reports on nuclear forensics capabilities.

Sec. 3130. Report on status of environmental management initiatives to accelerate the reduction of environmental risks and challenges posed by the legacy of the Cold War.

Subtitle D—Nuclear Terrorism Prevention

Sec. 3131. Definitions.

Sec. 3132. Sense of Congress on the prevention of nuclear terrorism.

Sec. 3133. Minimum security standard for nuclear weapons and formula quantities of strategic special nuclear material.

Sec. 3134. Annual report.

1 **Subtitle A—National Security**
2 **Programs Authorizations**

3 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
4 **TION.**

5 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
6 are hereby authorized to be appropriated to the Depart-
7 ment of Energy for fiscal year 2008 for the activities of
8 the National Nuclear Security Administration in carrying
9 out programs necessary for national security in the
10 amount of \$9,576,095,000, to be allocated as follows:

11 (1) For weapons activities, \$6,465,574,000.

12 (2) For defense nuclear nonproliferation activi-
13 ties, \$1,902,646,000.

14 (3) For naval reactors, \$808,219,000.

15 (4) For the Office of the Administrator for Nu-
16 clear Security, \$399,656,000.

17 (b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—
18 From funds referred to in subsection (a) that are available
19 for carrying out plant projects, the Secretary of Energy

1 may carry out new plant projects for the National Nuclear
2 Security Administration as follows:

3 (1) For readiness in technical base and facili-
4 ties, the following new plant projects:

5 Project 08-D-801, High pressure fire
6 loop, Pantex Plant, Amarillo, Texas,
7 \$7,000,000.

8 Project 08-D-802, High explosive pressing
9 facility, Pantex Plant, Amarillo, Texas,
10 \$25,300,000.

11 Project 08-D-804, Technical Area 55 re-
12 investment project, Los Alamos National Lab-
13 oratory, Los Alamos, New Mexico, \$6,000,000.

14 (2) For facilities and infrastructure recapital-
15 ization, the following new plant projects:

16 Project 08-D-601, Mercury highway, Ne-
17 vada Test Site, Nevada, \$7,800,000.

18 Project 08-D-602, Potable water system
19 upgrades, Y-12 Plant, Oak Ridge, Tennessee,
20 \$22,500,000.

21 (3) For safeguards and security, the following
22 new plant project:

23 Project 08-D-701, Nuclear materials safe-
24 guards and security upgrade, Los Alamos Na-

1 tional Laboratory, Los Alamos, New Mexico,
2 \$49,496,000.

3 (4) For naval reactors, the following new plant
4 projects:

5 Project 08–D–901, Shipping and receiving
6 and warehouse complex, Bettis Atomic Power
7 Laboratory, West Mifflin, Pennsylvania,
8 \$9,000,000.

9 Project 08–D–190, Project engineering
10 and design, Expanded Core Facility M–290 Re-
11 covering Discharge Station, Naval Reactors Fa-
12 cility, Idaho Falls, Idaho, \$550,000.

13 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

14 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
15 are hereby authorized to be appropriated to the Depart-
16 ment of Energy for fiscal year 2008 for defense environ-
17 mental cleanup activities in carrying out programs nec-
18 essary for national security in the amount of
19 \$5,367,905,000.

20 (b) AUTHORIZATION FOR NEW PLANT PROJECT.—
21 From funds referred to in subsection (a) that are available
22 for carrying out plant projects, the Secretary of Energy
23 may carry out, for defense environmental cleanup activi-
24 ties, the following new plant project:

1 Project 08–D–414, Project engineering and de-
2 sign, Plutonium Vitrification Facility, various loca-
3 tions, \$9,000,000.

4 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

5 Funds are hereby authorized to be appropriated to
6 the Department of Energy for fiscal year 2008 for other
7 defense activities in carrying out programs necessary for
8 national security in the amount of \$763,974,000.

9 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

10 Funds are hereby authorized to be appropriated to
11 the Department of Energy for fiscal year 2008 for defense
12 nuclear waste disposal for payment to the Nuclear Waste
13 Fund established in section 302(c) of the Nuclear Waste
14 Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount
15 of \$292,046,000.

16 **SEC. 3105. ENERGY SECURITY AND ASSURANCE.**

17 Funds are hereby authorized to be appropriated to
18 the Department of Energy for fiscal year 2008 for energy
19 security and assurance programs necessary for national
20 security in the amount of \$5,860,000.

1 **Subtitle B—Program Authoriza-**
2 **tions, Restrictions, and Limita-**
3 **tions**

4 **SEC. 3111. RELIABLE REPLACEMENT WARHEAD PROGRAM.**

5 No funds appropriated pursuant to the authorization
6 of appropriations in section 3101(a)(1) or otherwise made
7 available for weapons activities of the National Nuclear
8 Security Administration for fiscal year 2008 may be obli-
9 gated or expended for activities under the Reliable Re-
10 placement Warhead program under section 4204a of the
11 Atomic Energy Defense Act (50 U.S.C. 2524a) beyond
12 phase 2A activities.

13 **SEC. 3112. NUCLEAR TEST READINESS.**

14 (a) REPEAL OF REQUIREMENTS ON READINESS POS-
15 TURE.—Section 3113 of the National Defense Authoriza-
16 tion Act for Fiscal Year 2004 (Public Law 108–136; 117
17 Stat. 1743; 50 U.S.C. 2528a) is repealed.

18 (b) REPORTS ON NUCLEAR TEST READINESS POS-
19 TURES.—

20 (1) IN GENERAL.—Section 4208 of the Atomic
21 Energy Defense Act (50 U.S.C. 2528) is amended to
22 read as follows:

23 **“SEC. 4208. REPORTS ON NUCLEAR TEST READINESS.**

24 **“(a) IN GENERAL.—**Not later than March 1, 2009,
25 and every odd-numbered year thereafter, the Secretary of

1 Energy shall submit to the congressional defense commit-
2 tees a report on the nuclear test readiness of the United
3 States.

4 “(b) ELEMENTS.—Each report under subsection (a)
5 shall include, current as of the date of such report, the
6 following:

7 “(1) An estimate of the period of time that
8 would be necessary for the Secretary of Energy to
9 conduct an underground test of a nuclear weapon
10 once directed by the President to conduct such a
11 test.

12 “(2) A description of the level of test readiness
13 that the Secretary of Energy, in consultation with
14 the Secretary of Defense, determines to be appro-
15 priate.

16 “(3) A list and description of the workforce
17 skills and capabilities that are essential to carrying
18 out an underground nuclear test at the Nevada Test
19 Site.

20 “(4) A list and description of the infrastructure
21 and physical plant that are essential to carrying out
22 an underground nuclear test at the Nevada Test
23 Site.

24 “(5) An assessment of the readiness status of
25 the skills and capabilities described in paragraph (3)

1 and the infrastructure and physical plant described
2 in paragraph (4).

3 “(c) FORM.—Each report under subsection (a) shall
4 be submitted in unclassified form, but may include a clas-
5 sified annex.”.

6 (2) CLERICAL AMENDMENT.—The item relating
7 to section 4208 in the table of contents for such Act
8 is amended to read as follows:

“Sec. 4208. Reports on nuclear test readiness.”.

9 **SEC. 3113. MODIFICATION OF REPORTING REQUIREMENT.**

10 Section 3111 of the National Defense Authorization
11 Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat.
12 3539) is amended—

13 (1) by redesignating subsections (c) and (d) as
14 (d) and (e), respectively;

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

17 “(c) FORM.—The report required by subsection (b)
18 shall be submitted in classified form, and shall include a
19 detailed unclassified summary.”; and

20 (3) in subsection (e), as so redesignated, by
21 striking “(c)” and inserting “(d)”.

22 **SEC. 3114. LIMITATION ON AVAILABILITY OF FUNDS FOR**
23 **FISSILE MATERIALS DISPOSITION PROGRAM.**

24 (a) LIMITATION PENDING REPORT ON USE OF PRIOR
25 FISCAL YEAR FUNDS.—No more than 75 percent of the

1 fiscal year 2008 Fissile Materials Disposition program
2 funds may be obligated for the Fissile Materials Disposi-
3 tion program until the Secretary of Energy, in consulta-
4 tion with the Administrator for Nuclear Security, submits
5 to the congressional defense committees a report setting
6 forth a plan for obligating and expending funds made
7 available for that program in fiscal years before fiscal year
8 2008 that remain available for obligation or expenditure
9 as of January 1, 2005, and for fiscal year 2008.

10 (b) AVAILABILITY OF UNUTILIZED FUNDS UNDER
11 CERTIFICATION OF PARTIAL USE.—Any funds identified
12 in the plan required in subsection (a) that are not planned
13 to be obligated by the end of fiscal year 2009 shall also
14 be available for any defense nuclear nonproliferation ac-
15 tivities (other than the Fissile Materials Disposition pro-
16 gram) for which amounts are authorized to be appro-
17 priated by section 3101(a)(2).

18 (c) FISCAL YEAR 2008 FISSILE MATERIALS DISPOSI-
19 TION PROGRAM FUNDS DEFINED.—In this section, the
20 term “fiscal year 2008 Fissile Materials Disposition pro-
21 gram funds” means amounts authorized to be appro-
22 priated by section 3101(a)(2) and available for the Fissile
23 Materials Disposition program.

1 **SEC. 3115. MODIFICATION OF LIMITATIONS ON AVAIL-**
2 **ABILITY OF FUNDS FOR WASTE TREATMENT**
3 **AND IMMOBILIZATION PLANT.**

4 Paragraph (2) of section 3120(a) of the John Warner
5 National Defense Authorization Act for Fiscal Year 2007
6 (Public Law 109–364; 120 Stat. 2510) is amended—

7 (1) by striking “the Defense Contract Manage-
8 ment Agency has recommended for acceptance” and
9 inserting “an independent entity has reviewed”; and

10 (2) by inserting “and that the system has been
11 certified by the Secretary for use by a construction
12 contractor at the Waste Treatment and Immobiliza-
13 tion Plant” after “Waste Treatment and Immo-
14 bilization Plant”.

15 **SEC. 3116. MODIFICATION OF SUNSET DATE OF THE OFFICE**
16 **OF THE OMBUDSMAN OF THE ENERGY EM-**
17 **PLOYEES OCCUPATIONAL ILLNESS COM-**
18 **PENSATION PROGRAM.**

19 Section 3686(g) of the Energy Employees Occupa-
20 tional Illness Compensation Program Act of 2000 (42
21 U.S.C. 7385s–15(g)) is amended by striking “on the date
22 that is 3 years after the date of the enactment of this
23 section” and inserting “October 28, 2012”.

24 **SEC. 3117. TECHNICAL AMENDMENTS.**

25 The Atomic Energy Defense Act (50 U.S.C. 2521 et
26 seq.) is amended as follows:

1 (1) The heading of section 4204a (50 U.S.C.
2 2524a) is amended to read as follows:

3 **“SEC. 4204A. RELIABLE REPLACEMENT WARHEAD PRO-**
4 **GRAM.”.**

5 (2) The table of contents for that Act is amend-
6 ed by inserting after the item relating to section
7 4204 the following new item:

“Sec. 4204A. Reliable Replacement Warhead program.”.

8 **Subtitle C—Other Matters**

9 **SEC. 3121. STUDY ON USING EXISTING PITS FOR THE RELI-**
10 **ABLE REPLACEMENT WARHEAD PROGRAM.**

11 (a) **STUDY REQUIRED.**—The Administrator for Nu-
12 clear Security, in consultation with the Nuclear Weapons
13 Council, shall carry out a study analyzing the feasibility
14 of using existing pits in the Reliable Replacement War-
15 head program.

16 (b) **REPORT.**—

17 (1) **IN GENERAL.**—Not later six months after
18 the date of the enactment of this Act, the Adminis-
19 trator shall submit to the congressional defense com-
20 mittees a report on the results of the study. The re-
21 port shall be in unclassified form, but may include
22 a classified annex.

23 (2) **MATTERS INCLUDED.**—The report shall
24 contain the assessment of the Administrator of the
25 results of the study, including—

- 1 (A) an assessment of—
- 2 (i) whether using existing pits in the
- 3 program is technically feasible;
- 4 (ii) whether using existing pits in the
- 5 program is more advantageous than using
- 6 newly manufactured pits in the program;
- 7 (iii) the number of existing pits suit-
- 8 able for such use;
- 9 (iv) whether proceeding to use existing
- 10 pits in the program before using newly
- 11 manufactured pits in the program is desir-
- 12 able; and
- 13 (v) the extent to which using existing
- 14 pits, as compared to using newly manufac-
- 15 tured pits, in the program would reduce
- 16 future requirements for new pit produc-
- 17 tion, and how such use of existing pits
- 18 would affect the schedule and scope for
- 19 new pit production; and
- 20 (B) a comparison of the requirements for
- 21 certifying—
- 22 (i) reliable replacement warheads
- 23 using existing pits;
- 24 (ii) reliable replacement warheads
- 25 using newly manufactured pits; and

1 (iii) warheads maintained by the
2 Stockpile Life Extension Program.

3 (c) FUNDING.—Of the amounts made available pur-
4 suant to the authorization of appropriations in section
5 3101(a)(1), such funds as may be necessary shall be avail-
6 able to carry out this section.

7 **SEC. 3122. REPORT ON RETIREMENT AND DISMANTLEMENT**
8 **OF NUCLEAR WARHEADS.**

9 Not later than March 1, 2008, the Administrator for
10 Nuclear Security, in consultation with the Nuclear Weap-
11 ons Council, shall submit to the congressional defense
12 committees a report on the retirement and dismantlement
13 of the nuclear warheads that will not be part of the endur-
14 ing stockpile as of December 31, 2012, but that have not
15 yet been retired or dismantled. The report shall include—

16 (1) the existing plan and schedule for retiring
17 and dismantling those warheads;

18 (2) an assessment of the capacity of the nuclear
19 weapons complex to accommodate an accelerated
20 schedule for retiring and dismantling those war-
21 heads, taking into account the full range of capabili-
22 ties in the complex; and

23 (3) an identification of the resources needed to
24 accommodate such an accelerated schedule for retir-
25 ing and dismantling those warheads.

1 **SEC. 3123. PLAN FOR ADDRESSING SECURITY RISKS POSED**
2 **TO NUCLEAR WEAPONS COMPLEX.**

3 Section 3253(b) of the National Nuclear Security Ad-
4 ministration Act (50 U.S.C. 2453(b)) is amended by add-
5 ing at the end the following:

6 “(6) A plan, developed in consultation with the
7 Director of the Office of Health, Safety, and Secu-
8 rity of the Department of Energy, for the research
9 and development, deployment, and lifecycle
10 sustainment of the technologies employed within the
11 nuclear weapons complex to address physical and
12 cyber security threats during the applicable five-fis-
13 cal year period, together with—

14 “(A) for each site in the nuclear weapons
15 complex, a description of the technologies de-
16 ployed to address the physical and cyber secu-
17 rity threats posed to that site;

18 “(B) for each site and for the nuclear
19 weapons complex, the methods used by the Na-
20 tional Nuclear Security Administration to es-
21 tablish priorities among investments in physical
22 and cyber security technologies; and

23 “(C) a detailed description of how the
24 funds identified for each program element spec-
25 ified pursuant to paragraph (1) in the budget
26 for the Administration for each fiscal year dur-

1 ing that five-fiscal year period will help carry
2 out that plan.”.

3 **SEC. 3124. DEPARTMENT OF ENERGY PROTECTIVE FORCES.**

4 (a) COMPTROLLER GENERAL REPORT ON DEPART-
5 MENT OF ENERGY PROTECTIVE FORCE MANAGEMENT.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, the
8 Comptroller General of the United States shall sub-
9 mit to the Committee on Armed Services of the Sen-
10 ate and the Committee on Armed Services of the
11 House of Representatives a report on the manage-
12 ment of the protective forces of the Department of
13 Energy.

14 (2) CONTENTS.—The report shall include the
15 following:

16 (A) An identification of each Department
17 of Energy site with Category I nuclear mate-
18 rials.

19 (B) For each site identified under subpara-
20 graph (A)—

21 (i) a description of the management
22 and contractual structure for protective
23 forces at the site;

1 (ii) a statement of the number and
2 category of protective force members at the
3 site;

4 (iii) a description of the manner in
5 which the site is moving to a tactical re-
6 sponse force as required by the policy of
7 the Department of Energy and an assess-
8 ment of the issues or problems, if any, in-
9 volved in moving to such a force;

10 (iv) a description of the extent to
11 which the protective force at the site has
12 been assigned or is responsible for law en-
13 forcement or law-enforcement related ac-
14 tivities;

15 (v) an assessment of the ability of the
16 protective force at the site to fulfill any
17 such law enforcement or law enforcement-
18 related responsibilities; and

19 (vi) an assessment of whether the pro-
20 tective force at the site is adequately
21 staffed, trained, and equipped to comply
22 with the requirements of the Design Basis
23 Threat issued by the Department of En-
24 ergy in November 2005 and, if not, when
25 it is projected to be.

1 (C) An analysis comparing the manage-
2 ment, training, pay, benefits, duties, respon-
3 sibilities, and assignments of the protective
4 force at each site identified under subparagraph
5 (A) with the management, training, pay, bene-
6 fits, duties, responsibilities, and assignments of
7 the Federal transportation security force of the
8 Department of Energy.

9 (D) A statement of options for managing
10 the protective force at sites identified under
11 subparagraph (A) in a more uniform manner,
12 an analysis of the advantages and disadvan-
13 tages of each option, and an assessment of the
14 approximate cost of each option when compared
15 with the costs associated with the existing man-
16 agement of the protective force at such sites.

17 (3) FORM.—The report shall be submitted in
18 unclassified form, but may include a classified
19 annex.

20 (b) DEPARTMENT OF ENERGY ANALYSIS OF ALTER-
21 NATIVES FOR MANAGING AND DEPLOYING PROTECTIVE
22 FORCES.—

23 (1) IN GENERAL.—Not later than 90 days after
24 the date on which the report is submitted under sub-
25 section (a), the Secretary of Energy, in conjunction

1 with the Administrator for Nuclear Security and the
2 Assistant Secretary for Environmental Management,
3 shall submit to the Committee on Armed Services of
4 the Senate and the Committee on Armed Services of
5 the House of Representatives a report on the man-
6 agement of the protective forces of the Department
7 of Energy.

8 (2) CONTENTS.—The report shall include the
9 following:

10 (A) Each of the matters specified in sub-
11 paragraphs (A), (B), and (C) of subsection
12 (a)(2).

13 (B) Each of the matters specified in sub-
14 paragraph (D) of subsection (a)(2), except
15 that—

16 (i) the options analyzed shall include
17 each of the options included in the report
18 submitted under subsection (a), as well as
19 any other options identified by the Sec-
20 retary; and

21 (ii) the analysis and assessment shall
22 also include an analysis of the role played
23 by incentives inherent in the use of private
24 contractors to provide protective forces in
25 the performance of those protective forces.

1 (3) FORM.—The report shall be submitted in
2 unclassified form, but may include a classified
3 annex.

4 **SEC. 3125. EVALUATION OF NATIONAL NUCLEAR SECURITY**
5 **ADMINISTRATION STRATEGIC PLAN FOR AD-**
6 **VANCED COMPUTING.**

7 (a) IN GENERAL.—The Secretary of Energy shall—
8 (1) enter into an agreement with an inde-
9 pendent entity to conduct an evaluation of the stra-
10 tegic plan for advanced computing of the National
11 Nuclear Security Administration; and

12 (2) not later than one year after the date of the
13 enactment of this Act, submit to the congressional
14 defense committees a report containing the results of
15 the evaluation described in paragraph (1).

16 (b) ELEMENTS.—The evaluation described in sub-
17 section (a)(1) shall include the following:

18 (1) An assessment of—

19 (A) the adequacy of the strategic plan in
20 supporting the Stockpile Stewardship Program;

21 (B) the role of research into, and develop-
22 ment of, high-performance computing supported
23 by the National Nuclear Security Administra-
24 tion in fulfilling the mission of the National
25 Nuclear Security Administration and in main-

1 taining the leadership of the United States in
2 high-performance computing; and

3 (C) the impacts of changes in investment
4 levels or research and development strategies on
5 fulfilling the missions of the National Nuclear
6 Security Administration.

7 (2) An assessment of the efforts of the Depart-
8 ment of Energy to—

9 (A) coordinate high-performance com-
10 puting work within the Department, in par-
11 ticular between the National Nuclear Security
12 Administration and the Office of Science;

13 (B) develop joint strategies with other
14 Federal agencies and private industry groups
15 for the development of high-performance com-
16 puting; and

17 (C) share high-performance computing de-
18 velopments with private industry and capitalize
19 on innovations in private industry in high-per-
20 formance computing.

21 **SEC. 3126. SENSE OF CONGRESS ON THE NUCLEAR NON-**
22 **PROLIFERATION POLICY OF THE UNITED**
23 **STATES AND THE RELIABLE REPLACEMENT**
24 **WARHEAD PROGRAM.**

25 It is the sense of Congress that—

1 (1) the United States should maintain its com-
2 mitment to Article VI of the Treaty on the Non-Pro-
3 liferation of Nuclear Weapons, done at Washington,
4 London, and Moscow July 1, 1968, and entered into
5 force March 5, 1970 (in this section referred to as
6 the “Nuclear Non-Proliferation Treaty”);

7 (2) the United States should initiate talks with
8 Russia to reduce the number of nonstrategic nuclear
9 weapons and further reduce the number of strategic
10 nuclear weapons in the respective nuclear weapons
11 stockpiles of the United States and Russia in a
12 transparent and verifiable fashion and in a manner
13 consistent with the security of the United States;

14 (3) the United States and other declared nu-
15 clear weapons state parties to the Nuclear Non-Pro-
16 liferation Treaty, together with weapons states that
17 are not parties to the Treaty, should work to reduce
18 the total number of nuclear weapons in the respec-
19 tive stockpiles and related delivery systems of such
20 states;

21 (4) the United States, Russia, and other states
22 should work to negotiate, and then sign and ratify,
23 a treaty setting forth a date for the cessation of the
24 production of fissile material;

1 (5) the United States should sustain the
2 science-based stockpile stewardship program, which
3 provides the basis for certifying the United States
4 nuclear deterrent and maintaining the moratorium
5 on underground nuclear weapons testing;

6 (6) the United States should commit to dis-
7 mantle as soon as possible all retired warheads or
8 warheads that are planned to be retired from the
9 United States nuclear weapons stockpile;

10 (7) the United States, along with the other de-
11 clared nuclear weapons state parties to the Nuclear
12 Non-Proliferation Treaty, should participate in
13 transparent discussions regarding their nuclear
14 weapons programs and plans, including plans for
15 any new weapons or warheads, and how such pro-
16 grams and plans relate to their obligations as nu-
17 clear weapons state parties under the Treaty;

18 (8) the United States and the declared nuclear
19 weapons state parties to the Nuclear Non-Prolifera-
20 tion Treaty should work to decrease reliance on, and
21 the importance of, nuclear weapons; and

22 (9) the United States should formulate any de-
23 cision on whether to manufacture or deploy a reli-
24 able replacement warhead within the broader context
25 of the progress made by the United States toward

1 achieving each of the goals described in paragraphs
2 (1) through (8).

3 **SEC. 3127. DEPARTMENT OF ENERGY REPORT ON PLAN TO**
4 **STRENGTHEN AND EXPAND INTERNATIONAL**
5 **RADIOLOGICAL THREAT REDUCTION PRO-**
6 **GRAM.**

7 Not later than 120 days after the date of the enact-
8 ment of this Act, the Secretary of Energy shall submit
9 to Congress a report that sets forth a specific plan for
10 strengthening and expanding the Department of Energy
11 International Radiological Threat Reduction (IRTR) pro-
12 gram within the Global Threat Reduction Initiative. The
13 plan shall address concerns raised and recommendations
14 made by the Government Accountability Office in its re-
15 port of March 13, 2007, titled “Focusing on the Highest
16 Priority Radiological Sources Could Improve DOE’s Ef-
17 forts to Secure Sources in Foreign Countries”, and shall
18 specifically include actions to—

19 (1) improve the Department’s coordination with
20 the Department of State and the Nuclear Regu-
21 latory Commission;

22 (2) improve information-sharing between the
23 Department and the International Atomic Energy
24 Agency;

1 (3) with respect to hospitals and clinics con-
2 taining radiological sources that receive security up-
3 grades, give high priority to those determined to be
4 the highest risk;

5 (4) accelerate efforts to remove as many radio-
6 isotope thermoelectric generators (RTGs) in the
7 Russian Federation as practicable;

8 (5) develop a long-term sustainability plan for
9 security upgrades that includes, among other things,
10 future resources required to implement such a plan;
11 and

12 (6) develop a long-term operational plan that
13 ensures sufficient funding for the IRTR program
14 and ensures sufficient funding to identify, recover,
15 and secure all vulnerable high-risk radiological
16 sources worldwide as quickly and effectively as pos-
17 sible.

18 **SEC. 3128. DEPARTMENT OF ENERGY REPORT ON PLAN TO**
19 **STRENGTHEN AND EXPAND MATERIALS PRO-**
20 **TECTION, CONTROL, AND ACCOUNTING PRO-**
21 **GRAM.**

22 Not later than 120 days after the date of the enact-
23 ment of this Act, the Secretary of Energy shall submit
24 to Congress a specific plan for strengthening and expand-
25 ing the Department of Energy Materials Protection, Con-

1 trol, and Accounting (MPC&A) program. The plan shall
2 address concerns raised and recommendations made by
3 the Government Accountability Office in its report of Feb-
4 ruary 2007, titled “Progress Made in Improving Security
5 at Russian Nuclear Sites, but the Long-Term Sustain-
6 ability of U.S. Funded Security Upgrades is Uncertain”,
7 and shall specifically include actions to—

8 (1) strengthen program management and the
9 effectiveness of the Department’s efforts to improve
10 security at weapons-usable nuclear material and
11 warhead sites in the Russian Federation and other
12 countries by—

13 (A) revising the metrics used to measure
14 MPC&A program progress to better reflect the
15 level of security upgrade completion at buildings
16 reported as “secure”;

17 (B) actively working with other countries,
18 in coordination with the Secretary of State, to
19 develop an appropriate access plan for each
20 country; and

21 (C) developing a management information
22 system to track the Department’s progress in
23 providing Russia with a sustainable MPC&A
24 system by 2013; and

1 (2) develop a long-term operational plan that
2 ensures sufficient funding for the MPC&A program,
3 including for National Programs and Sustainability,
4 and ensures sufficient funding to secure all weapons-
5 usable nuclear material and warhead sites as quickly
6 and effectively as possible.

7 **SEC. 3129. AGREEMENTS AND REPORTS ON NUCLEAR**
8 **FORENSICS CAPABILITIES.**

9 (a) INTERNATIONAL AGREEMENTS.—

10 (1) IN GENERAL.—Title XLIII of the Atomic
11 Energy Defense Act (50 U.S.C. 2561 et seq.) is
12 amended by adding at the end the following:

13 **“SEC. 4307. INTERNATIONAL AGREEMENTS ON NUCLEAR**
14 **WEAPONS DATA.**

15 “The Secretary of Energy may, with the concurrence
16 of the Secretary of State and in coordination with the Sec-
17 retary of Defense, the Secretary of Homeland Security,
18 and the Director of National Intelligence, enter into agree-
19 ments with countries or international organizations to con-
20 duct data collection and analysis to determine accurately
21 and in a timely manner the source of any components of,
22 or fissile material used or attempted to be used in, a nu-
23 clear device or weapon.

1 **“SEC. 4308. INTERNATIONAL AGREEMENTS ON INFORMA-**
2 **TION ON RADIOACTIVE MATERIALS.**

3 “The Secretary of Energy may, with the concurrence
4 of the Secretary of State and in coordination with the Sec-
5 retary of Defense, the Secretary of Homeland Security,
6 and the Director of National Intelligence, enter into agree-
7 ments with countries or international organizations—

8 “(1) to acquire for the materials information
9 program of the Department of Energy validated in-
10 formation on the physical characteristics of radio-
11 active material produced, used, or stored at various
12 locations, in order to facilitate the ability to deter-
13 mine accurately and in a timely manner the source
14 of any components of, or fissile material used or at-
15 tempted to be used in, a nuclear device or weapon;
16 and

17 “(2) to obtain access to information described
18 in paragraph (1) in the event of—

19 “(A) a nuclear detonation; or

20 “(B) the interdiction or discovery of a nu-
21 clear device or weapon or nuclear material.”.

22 (2) CLERICAL AMENDMENT.—The table of con-
23 tents at the beginning of such Act is amended by in-
24 serting after the item relating to section 4306A the
25 following:

“Sec. 4307. International agreements on nuclear weapons data.

“Sec. 4308. International agreements on information on radioactive materials.”.

1 (b) REPORT ON AGREEMENTS.—Not later than one
2 year after the date of the enactment of this Act, the Sec-
3 retary of Energy shall, in coordination with the Secretary
4 of State, submit to Congress a report identifying—

5 (1) the countries or international organizations
6 with which the Secretary has sought to make agree-
7 ments pursuant to sections 4307 and 4308 of the
8 Atomic Energy Defense Act, as added by subsection
9 (a);

10 (2) any countries or international organizations
11 with which such agreements have been finalized and
12 the measures included in such agreements; and

13 (3) any major obstacles to completing such
14 agreements with other countries and international
15 organizations.

16 (c) REPORT ON STANDARDS AND CAPABILITIES.—
17 Not later than 180 days after the date of the enactment
18 of this Act, the President shall submit to Congress a re-
19 port—

20 (1) setting forth standards and procedures to
21 be used in determining accurately and in a timely
22 manner any country or group that knowingly or neg-
23 ligently provides to another country or group—

24 (A) a nuclear device or weapon;

1 (B) a major component of a nuclear device
2 or weapon; or

3 (C) fissile material that could be used in a
4 nuclear device or weapon;

5 (2) assessing the capability of the United States
6 to collect and analyze nuclear material or debris in
7 a manner consistent with the standards and proce-
8 dures described in paragraph (1); and

9 (3) including a plan and proposed funding for
10 rectifying any shortfalls in the nuclear forensics ca-
11 pabilities of the United States by September 30,
12 2010.

13 **SEC. 3130. REPORT ON STATUS OF ENVIRONMENTAL MAN-**
14 **AGEMENT INITIATIVES TO ACCELERATE THE**
15 **REDUCTION OF ENVIRONMENTAL RISKS AND**
16 **CHALLENGES POSED BY THE LEGACY OF THE**
17 **COLD WAR.**

18 (a) IN GENERAL.—Not later than September 30,
19 2008, the Secretary of Energy shall submit to the congres-
20 sional defense committees and the Comptroller General of
21 the United States a report on the status of the environ-
22 mental management initiatives undertaken to accelerate
23 the reduction of the environmental risks and challenges
24 that, as a result of the legacy of the Cold War, are faced
25 by the Department of Energy, contractors of the Depart-

1 ment, and applicable Federal and State agencies with reg-
2 ulatory jurisdiction.

3 (b) ELEMENTS.—The report required by subsection
4 (a) shall include the following:

5 (1) A discussion and assessment of the progress
6 made in reducing the environmental risks and chal-
7 lenges described in subsection (a) in each of the fol-
8 lowing areas:

9 (A) Acquisition strategy and contract man-
10 agement.

11 (B) Regulatory agreements.

12 (C) Interim storage and final disposal of
13 high-level waste, spent nuclear fuel, transuranic
14 waste, and low-level waste.

15 (D) Closure and transfer of environmental
16 remediation sites.

17 (E) Achievements in innovation by contrac-
18 tors of the Department with respect to acceler-
19 ated risk reduction and cleanup.

20 (F) Consolidation of special nuclear mate-
21 rials and improvements in safeguards and secu-
22 rity.

23 (2) An assessment of whether legislative
24 changes or clarifications would improve or accelerate
25 environmental management activities.

1 (3) A listing of the major mandatory milestones
2 and commitments by site, by type of agreement, and
3 by year to the extent that they are currently defined,
4 together with a summary of the major mandatory
5 milestones by site that are projected to be missed or
6 are in jeopardy of being missed, with categories to
7 explain the reason for non-compliance.

8 (4) An estimate of the life cycle cost of the cur-
9 rent scope of the environmental management pro-
10 gram as of October 1, 2007, by project baseline
11 summary and summarized by site, including assump-
12 tions impacting cost projections and descriptions of
13 the work to be done at each site.

14 (5) For environmental cleanup liabilities and
15 excess facilities projected to be transferred to the en-
16 vironmental management program, a description of
17 the process for nomination and acceptance of new
18 work scope into the program, a listing of pending
19 nominations, and life cycle cost estimates and sched-
20 ules to address them.

21 (c) REVIEW BY COMPTROLLER GENERAL.—Not later
22 than March 30, 2009, the Comptroller General shall sub-
23 mit to the congressional defense committees a report con-
24 taining a review of the report required by subsection (a).

1 **Subtitle D—Nuclear Terrorism**
2 **Prevention**

3 **SEC. 3131. DEFINITIONS.**

4 In this subtitle:

5 (1) The term “Convention on the Physical Pro-
6 tection of Nuclear Material” means the Convention
7 on the Physical Protection of Nuclear Material,
8 signed at New York and Vienna March 3, 1980.

9 (2) The term “formula quantities of strategic
10 special nuclear material” means uranium–235 (con-
11 tained in uranium enriched to 20 percent or more in
12 the U–235 isotope), uranium–233, or plutonium in
13 any combination in a total quantity of 5,000 grams
14 or more computed by the formula, grams = (grams
15 contained U–235) + 2.5 (grams U–233 + grams
16 plutonium), as set forth in the definitions of “for-
17 mula quantity” and “strategic special nuclear mate-
18 rial” in section 73.2 of title 10, Code of Federal
19 Regulations.

20 (3) The term “Nuclear Non-Proliferation Trea-
21 ty” means the Treaty on the Non-Proliferation of
22 Nuclear Weapons, done at Washington, London, and
23 Moscow July 1, 1968, and entered into force March
24 5, 1970 (21 UST 483).

1 (4) The term “nuclear weapon” means any de-
2 vice utilizing atomic energy, exclusive of the means
3 for transporting or propelling the device (where such
4 means is a separable and divisible part of the de-
5 vice), the principal purpose of which is for use as,
6 or for the development of, a weapon, a weapon pro-
7 totype, or a weapon test device.

8 **SEC. 3132. SENSE OF CONGRESS ON THE PREVENTION OF**
9 **NUCLEAR TERRORISM.**

10 It is the sense of Congress that—

11 (1) the President should make the prevention of
12 a nuclear terrorist attack on the United States a
13 high priority;

14 (2) the President should accelerate programs,
15 requesting additional funding as appropriate, to pre-
16 vent nuclear terrorism, including combating nuclear
17 smuggling, securing and accounting for nuclear
18 weapons, and eliminating, removing, or securing and
19 accounting for formula quantities of strategic special
20 nuclear material wherever such quantities may be;

21 (3) the United States, together with the inter-
22 national community, should take a comprehensive
23 approach to reducing the danger of nuclear ter-
24 rorism, including by making additional efforts to
25 identify and eliminate terrorist groups that aim to

1 acquire nuclear weapons, to ensure that nuclear
2 weapons worldwide are secure and accounted for and
3 that formula quantities of strategic special nuclear
4 material worldwide are eliminated, removed, or se-
5 cure and accounted for to a degree sufficient to de-
6 feat the threat that terrorists and criminals have
7 shown they can pose, and to increase the ability to
8 find and stop terrorist efforts to manufacture nu-
9 clear explosives or to transport nuclear explosives
10 and materials anywhere in the world;

11 (4) within such a comprehensive approach, a
12 high priority must be placed on ensuring that all nu-
13 clear weapons worldwide are secure and accounted
14 for and that all formula quantities of strategic spe-
15 cial nuclear material worldwide are eliminated, re-
16 moved, or secure and accounted for; and

17 (5) the International Atomic Energy Agency
18 should be funded appropriately to fulfill its role in
19 coordinating international efforts to protect nuclear
20 material and to combat nuclear smuggling.

21 **SEC. 3133. MINIMUM SECURITY STANDARD FOR NUCLEAR**
22 **WEAPONS AND FORMULA QUANTITIES OF**
23 **STRATEGIC SPECIAL NUCLEAR MATERIAL.**

24 (a) **POLICY.**—It is the policy of the United States to
25 work with the international community to take all possible

1 steps to ensure that all nuclear weapons around the world
2 are secure and accounted for and that all formula quan-
3 tities of strategic special nuclear material are eliminated,
4 removed, or secure and accounted for to a level sufficient
5 to defeat the threats posed by terrorists and criminals.

6 (b) INTERNATIONAL NUCLEAR SECURITY STAND-
7 ARD.—It is the sense of Congress that, in furtherance of
8 the policy described in subsection (a), and consistent with
9 the requirement for “appropriate effective” physical pro-
10 tection contained in United Nations Security Council Res-
11 olution 1540 (2004), as well as the Nuclear Non-Prolifera-
12 tion Treaty and the Convention on the Physical Protection
13 of Nuclear Material, the President, in consultation with
14 relevant Federal departments and agencies, should seek
15 the broadest possible international agreement on a global
16 standard for nuclear security that—

17 (1) ensures that nuclear weapons and formula
18 quantities of strategic special nuclear material are
19 secure and accounted for to a sufficient level to de-
20 feat the threats posed by terrorists and criminals;

21 (2) takes into account the limitations of equip-
22 ment and human performance; and

23 (3) includes steps to provide confidence that the
24 needed measures have in fact been implemented.

1 (c) INTERNATIONAL EFFORTS.—It is the sense of
2 Congress that, in furtherance of the policy described in
3 subsection (a), the President, in consultation with relevant
4 Federal departments and agencies, should—

5 (1) work with other countries and the Inter-
6 national Atomic Energy Agency to assist as appro-
7 priate, and if necessary work to convince, the gov-
8 ernments of any and all countries in possession of
9 nuclear weapons or formula quantities of strategic
10 special nuclear material to ensure that security is
11 upgraded to meet the standard described in sub-
12 section (b) as rapidly as possible and in a manner
13 that—

14 (A) accounts for the nature of the terrorist
15 and criminal threat in each such country; and

16 (B) ensures that any measures to which
17 the United States and any such country agree
18 are sustained after United States and other
19 international assistance ends;

20 (2) ensure that United States financial and
21 technical assistance is available, as appropriate, to
22 countries for which the provision of such assistance
23 would accelerate the implementation of, or improve
24 the effectiveness of, such security upgrades; and

1 (3) work with the governments of other coun-
2 tries to ensure that effective nuclear security rules,
3 accompanied by effective regulation and enforce-
4 ment, are put in place to govern all nuclear weapons
5 and formula quantities of strategic special nuclear
6 material around the world.

7 **SEC. 3134. ANNUAL REPORT.**

8 (a) IN GENERAL.—Not later than September 1 of
9 each year through 2012, the President, in consultation
10 with relevant Federal departments and agencies, shall sub-
11 mit to Congress a report on the security of nuclear weap-
12 ons and related equipment and formula quantities of stra-
13 tegic special nuclear material outside of the United States.

14 (b) ELEMENTS.—The report required under sub-
15 section (a) shall include the following:

16 (1) A section on the programs for the security
17 and accounting of nuclear weapons and the elimi-
18 nation, removal, and security and accounting of for-
19 mula quantities of strategic special nuclear material,
20 established under section 3132(b) of the Ronald W.
21 Reagan National Defense Authorization Act for Fis-
22 cal Year 2005 (50 U.S.C. 2569(b)), which shall in-
23 clude the following:

24 (A) A survey of the facilities and sites
25 worldwide that contain nuclear weapons or re-

1 lated equipment, or formula quantities of stra-
2 tegic special nuclear material.

3 (B) A list of such facilities and sites deter-
4 mined to be of the highest priority for security
5 and accounting of nuclear weapons and related
6 equipment, or the elimination, removal, or secu-
7 rity and accounting of formula quantities of
8 strategic special nuclear material, taking into
9 account risk of theft from such facilities and
10 sites, and organized by level of priority.

11 (C) A prioritized plan, including measur-
12 able milestones, metrics, estimated timetables,
13 and estimated costs of implementation, on the
14 following:

15 (i) The security and accounting of nu-
16 clear weapons and related equipment and
17 the elimination, removal, or security and
18 accounting of formula quantities of stra-
19 tegic special nuclear material at such fa-
20 cilities and sites worldwide.

21 (ii) Ensuring that security upgrades
22 and accounting reforms implemented at
23 such facilities and sites worldwide, using
24 the financial and technical assistance of

1 the United States, are effectively sustained
2 after such assistance ends.

3 (iii) The role that international agen-
4 cies and the international community have
5 committed to play, together with a plan for
6 securing international contributions.

7 (D) An assessment of the progress made in
8 implementing the plan described in subpara-
9 graph (C), including a description of the efforts
10 of foreign governments to secure and account
11 for nuclear weapons and related equipment and
12 to eliminate, remove, or secure and account for
13 formula quantities of strategic special nuclear
14 material.

15 (2) A section on efforts to establish and imple-
16 ment the international nuclear security standard de-
17 scribed in section 3133(b) and related policies.

18 (c) FORM.—The report may be submitted in classi-
19 fied form but shall include a detailed unclassified sum-
20 mary.

21 **TITLE XXXII—WAR-RELATED NA-**
22 **TIONAL NUCLEAR SECURITY**
23 **ADMINISTRATION AUTHOR-**
24 **IZATIONS**

Sec. 3201. Additional war-related authorization of appropriations for National
Nuclear Security Administration.

1 **SEC. 3201. ADDITIONAL WAR-RELATED AUTHORIZATION OF**
2 **APPROPRIATIONS FOR NATIONAL NUCLEAR**
3 **SECURITY ADMINISTRATION.**

4 (a) IN GENERAL.— Funds are hereby authorized to
5 be appropriated for fiscal year 2008 to the Department
6 of Energy for the National Nuclear Security Administra-
7 tion for defense nuclear nonproliferation in the amount of
8 \$50,000,000, of which \$30,000,000 is for the Inter-
9 national Nuclear Materials Protection and Cooperation
10 program and \$20,000,000 is for the Global Threat Reduc-
11 tion Initiative.

12 (b) TREATMENT AS ADDITIONAL AUTHORIZATION.—
13 The amounts authorized to be appropriated by this section
14 are in addition to amounts otherwise authorized to be ap-
15 propriated by this Act.

16 **TITLE XXXIII—DEFENSE NU-**
17 **CLEAR FACILITIES SAFETY**
18 **BOARD**

Sec. 3301. Authorization.

19 **SEC. 3301. AUTHORIZATION.**

20 There are authorized to be appropriated for fiscal
21 year 2008, \$22,499,000 for the operation of the Defense
22 Nuclear Facilities Safety Board under chapter 21 of the
23 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

1 **TITLE XXXIV—NAVAL**
2 **PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

Sec. 3402. Remedial action at Moab uranium milling site.

3 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) AMOUNT.—There are hereby authorized to be ap-
5 propriated to the Secretary of Energy \$17,301,000 for fis-
6 cal year 2008 for the purpose of carrying out activities
7 under chapter 641 of title 10, United States Code, relating
8 to the naval petroleum reserves.

9 (b) PERIOD OF AVAILABILITY.—Funds appropriated
10 pursuant to the authorization of appropriations in sub-
11 section (a) shall remain available until expended.

12 **SEC. 3402. REMEDIAL ACTION AT MOAB URANIUM MILLING**
13 **SITE.**

14 Section 3405(i) of the Strom Thurmond National De-
15 fense Authorization Act for Fiscal Year 1999 (Public Law
16 105–261; 10 U.S.C. 7420 note) is amended by adding at
17 the end the following new paragraph:

18 “(6)(A) Not later than October 1, 2019, the Sec-
19 retary of Energy shall complete remediation at the Moab
20 site and removal of the tailings to the Crescent Junction
21 site in Utah.

22 “(B) In the event the Secretary of Energy is unable
23 to complete remediation at the Moab Site by October 1,
24 2019, the Secretary shall submit to Congress a plan set-

1 ting forth the projected completion date and the estimated
 2 funding to meet the revised date. The Secretary shall
 3 submit the plan, if required, to Congress not later than
 4 October 2, 2019.”.

5 **TITLE XXXV—MARITIME**
 6 **ADMINISTRATION**

Subtitle A—Maritime Administration Reauthorization

- Sec. 3501. Authorization of appropriations for fiscal year 2008.
 Sec. 3502. Temporary authority to transfer obsolete combatant vessels to Navy
 for disposal.
 Sec. 3503. Vessel disposal program.

Subtitle B—Programs

- Sec. 3511. Commercial vessel chartering authority.
 Sec. 3512. Maritime Administration vessel chartering authority.
 Sec. 3513. Chartering to State and local governmental instrumentalities.
 Sec. 3514. Disposal of obsolete Government vessels.
 Sec. 3515. Vessel transfer authority.
 Sec. 3516. Sea trials for Ready Reserve Force.
 Sec. 3517. Review of applications for loans and guarantees.

Subtitle C—Technical Corrections

- Sec. 3521. Personal injury to or death of seamen.
 Sec. 3522. Amendments to Chapter 537 based on Public Law 109–163.
 Sec. 3523. Additional amendments based on Public Law 109–163.
 Sec. 3524. Amendments based on Public Law 109–171.
 Sec. 3525. Amendments based on Public Law 109–241.
 Sec. 3526. Amendments based on Public Law 109–364.
 Sec. 3527. Miscellaneous amendments.
 Sec. 3528. Application of sunset provision to codified provision.
 Sec. 3529. Additional technical corrections.

7 **Subtitle A—Maritime**
 8 **Administration Reauthorization**

9 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
 10 **CAL YEAR 2008.**

11 Funds are hereby authorized to be appropriated for
 12 fiscal year 2008, to be available without fiscal year limita-
 13 tion if so provided in appropriations Acts, for the use of

1 the Department of Transportation for the Maritime Ad-
2 ministration as follows:

3 (1) For expenses necessary for operations and
4 training activities, \$124,303,000, of which—

5 (A) \$63,958,000 shall remain available
6 until expended for expenses and capital im-
7 provements at the United States Merchant Ma-
8 rine Academy; and

9 (B) \$11,500,000 which shall remain avail-
10 able until expended for maintenance and repair
11 of school ships at the State Maritime Acad-
12 emies.

13 (2) For expenses to maintain and preserve a
14 United States-flag merchant fleet to serve the na-
15 tional security needs of the United States under
16 chapter 531 of title 46, United States Code,
17 \$156,000,000.

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

21 (4) For assistance to small shipyards and mari-
22 time communities under section 54101 of title 46,
23 United States Code, \$25,000,000.

24 (5) For expenses to dispose of obsolete vessels
25 in the National Defense Reserve Fleet, including

1 provision of assistance under section 7 of Public
2 Law 92-402, \$20,000,000.

3 (6) For the cost (as defined in section 502(5)
4 of the Federal Credit Reform Act of 1990 (2 U.S.C.
5 661a(5)) of loan guarantees under the program au-
6 thorized by chapter 537 of title 46, United States
7 Code, \$30,000,000.

8 (7) For administrative expenses related to the
9 implementation of the loan guarantee program
10 under chapter 537 of title 46, United States Code,
11 administrative expenses related to implementation of
12 the reimbursement program under section 3517 of
13 the Maritime Security Act of 2003 (46 U.S.C.
14 53101 note), and administrative expenses related to
15 the implementation of the small shipyards and mari-
16 time communities assistance program under section
17 54101 of title 46, United States Code, \$6,000,000.

18 **SEC. 3502. TEMPORARY AUTHORITY TO TRANSFER OBSO-**
19 **LETE COMBATANT VESSELS TO NAVY FOR**
20 **DISPOSAL.**

21 The Secretary of Transportation shall, subject to the
22 availability of appropriations and consistent with section
23 1535 of title 31, United States Code, popularly known as
24 the Economy Act, transfer to the Secretary of the Navy
25 during fiscal year 2008 for disposal by the Navy, no fewer

1 than 3 combatant vessels in the nonretention fleet of the
2 Maritime Administration that are acceptable to the Sec-
3 retary of the Navy.

4 **SEC. 3503. VESSEL DISPOSAL PROGRAM.**

5 (a) IN GENERAL.—Within 30 days after the date of
6 the enactment of this Act, the Secretary of Transportation
7 shall convene a working group to review and make rec-
8 ommendations on best practices for the storage and dis-
9 posal of obsolete vessels owned or operated by the Federal
10 Government. The Secretary shall invite senior representa-
11 tives from the Maritime Administration, the Coast Guard,
12 the Environmental Protection Agency, the National Oce-
13 anic and Atmospheric Administration, and the United
14 States Navy to participate in the working group. The Sec-
15 retary may request the participation of senior representa-
16 tives of any other Federal department or agency, as appro-
17 priate, and may also request participation from concerned
18 State environmental agencies.

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

22 (1) to be scrapped or recycled;

23 (2) to be used as artificial reefs; or

24 (3) to be used for the Navy's SINKEX pro-
25 gram.

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

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

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

8 (3) within 90 days after the date of enactment
9 of the Act, submit a plan to the Committee on
10 Armed Services and the Committee on Commerce,
11 Science and Transportation of the Senate and the
12 Committee on Armed Services of the House of Rep-
13 resentatives to improve and harmonize practices for
14 storage and disposal of such vessels, including the
15 interim transportation of such vessels.

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

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

23 (2) a description of Federal and State laws and
24 regulations governing the current policies, proce-

1 dures, and practices for the storage, disposal, and
2 interim transportation of such vessels;

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

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

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

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

20 (e) IMPLEMENTATION OF PLAN.—

21 (1) IN GENERAL.—As soon as practicable after
22 the date of enactment of the Act, the head of each
23 Federal department or agency participating in the
24 working group, in consultation with the other Fed-
25 eral departments and agencies participating in the

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

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

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

21 **Subtitle B—Programs**

22 **SEC. 3511. COMMERCIAL VESSEL CHARTERING AUTHORITY.**

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

1 **“§ 57533. Vessel chartering authority**

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

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

“57533. Vessel chartering authority”.

12 **SEC. 3512. MARITIME ADMINISTRATION VESSEL CHAR-**
13 **TERING AUTHORITY.**

14 Section 50303 of title 46, United States Code, is
15 amended by—

- 16 (1) inserting “vessels,” after “piers,”; and
17 (2) by striking “control;” in subsection (a)(1)
18 and inserting “control, except that the prior consent
19 of the Secretary of Defense for such use shall be re-
20 quired with respect to any vessel in the Ready Re-
21 serve Force or in the National Defense Reserve
22 Fleet which is maintained in a retention status for
23 the Department of Defense;”.

1 **SEC. 3513. CHARTERING TO STATE AND LOCAL GOVERN-**
2 **MENTAL INSTRUMENTALITIES.**

3 Section 11(b) of the Merchant Ship Sales Act of 1946
4 (50 U.S.C. App. 1744(b)), is amended—

5 (1) by striking “or” after the semicolon in
6 paragraph (3);

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

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

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

18 **SEC. 3514. DISPOSAL OF OBSOLETE GOVERNMENT VES-**
19 **SELS.**

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

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

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

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

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

9 “(ii) give priority to the disposition of
10 those vessels that pose the most significant
11 danger to the environment or cost the most
12 to maintain;”.

13 **SEC. 3515. VESSEL TRANSFER AUTHORITY.**

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

16 “(d) VESSEL CHARTERS TO OTHER DEPART-
17 MENTS.—On a reimbursable or nonreimbursable basis, as
18 determined by the Secretary of Transportation, the Sec-
19 retary may charter or otherwise make available a vessel
20 under the jurisdiction of the Secretary to any other de-
21 partment, upon the request by the Secretary of the depart-
22 ment that receives the vessel. The prior consent of the Sec-
23 retary of Defense for such use shall be required with re-
24 spect to any vessel in the Ready Reserve Force or in the

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

3 **SEC. 3516. SEA TRIALS FOR READY RESERVE FORCE.**

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

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

9 **SEC. 3517. REVIEW OF APPLICATIONS FOR LOANS AND**
10 **GUARANTEES.**

11 (a) FINDINGS.—The Congress makes the following
12 findings:

13 (1) The maritime loan guarantee program was
14 established by the Congress through the Merchant
15 Marine Act, 1936 to encourage domestic ship-
16 building by making available federally backed loan
17 guarantees for new construction to ship owners and
18 operators.

19 (2) The maritime loan guarantee program has
20 a long and successful history of ship construction
21 with a low historical default rate.

22 (3) The current process for review of applica-
23 tions for maritime loans in the Department of
24 Transportation has effectively discontinued the pro-
25 gram as envisioned by the Congress.

1 (4) The President has requested no funding for
2 the loan guarantee program despite the stated na-
3 tional policy to foster the development and encour-
4 age the maintenance of a merchant marine in sec-
5 tion 50101 of title 46, United States Code.

6 (5) United States commercial shipyards were
7 placed at a competitive disadvantage in the world
8 shipbuilding market by government subsidized for-
9 eign commercial shipyards.

10 (6) The maritime loan guarantee program has
11 the potential to modernize shipyards and the ships
12 of the United States coastwise trade and restore a
13 competitive position in the world shipbuilding mar-
14 ket for United States shipyards.

15 (7) The maritime loan guarantee program is a
16 useful tool to encourage domestic shipbuilding, pre-
17 serving a vital industrial capacity critical to the se-
18 curity of the United States.

19 (b) REQUIREMENTS.—

20 (1) IN GENERAL.—Within 180 days after the
21 date of enactment of this Act, the Administrator of
22 the Maritime Administration shall develop and im-
23 plement a comprehensive plan for the review of ap-
24 plications for loan guarantees under chapter 537 of
25 title 46, United States Code.

1 (2) DEADLINE FOR ACTION ON APPLICATION.—

2 (A) TRADITIONAL APPLICATIONS.—In the
3 comprehensive plan the Administrator will en-
4 sure that within the 90-day period following re-
5 ceipt of all pertinent documentation required
6 for review of a traditional loan application, the
7 application shall be either accepted or rejected.

8 (B) NONTRADITIONAL APPLICATIONS.—In
9 the comprehensive plan the Administrator will
10 ensure that within the 180-day period following
11 receipt of all pertinent documentation required
12 for review of a nontraditional loan application,
13 the application shall be either accepted or re-
14 jected.

15 (c) SUBMISSION TO CONGRESS.—The Administrator
16 shall submit a copy of the comprehensive plan to the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate and the Committee on Armed Services of the
19 House of Representatives within 180 days after the date
20 of enactment of this Act.

21 (d) DEFINITIONS.—In this section:

22 (1) TRADITIONAL APPLICATION.—The term
23 “traditional application” means an application for a
24 loan, guarantee, or commitment to guarantee sub-
25 mitted pursuant to chapter 537 of title 46, United

1 States Code, that involves a market, technology, and
2 financial structure of a type that has proven success-
3 ful in previous applications and does not present an
4 unreasonable risk to the United States, as deter-
5 mined by the Administrator of the Maritime Admin-
6 istration.

7 (2) NONTRADITIONAL APPLICATION.—The term
8 “nontraditional application” means an application
9 for a loan, guarantee, or commitment to guarantee
10 submitted pursuant to chapter 537 of title 46,
11 United States Code, that is not a traditional applica-
12 tion, as determined by the Administrator of the
13 Maritime Administration.

14 **Subtitle C—Technical Corrections**

15 **SEC. 3521. PERSONAL INJURY TO OR DEATH OF SEAMEN.**

16 (a) AMENDMENT.—Section 30104 of title 46, United
17 States Code, is amended—

18 (1) by striking “(a) CAUSE OF ACTION.—”; and

19 (2) by repealing subsection (b).

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

1 **SEC. 3522. AMENDMENTS TO CHAPTER 537 BASED ON PUB-**
2 **LIC LAW 109-163.**

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

5 (1) Section 53701 is amended by—

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

9 (B) inserting after paragraph (1) the fol-
10 lowing:

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

14 (C) striking paragraph (13) (as redesign-
15 ated) and inserting the following:

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

19 (2) Section 53706(c) is amended to read as fol-
20 lows:

21 “(c) PRIORITIES FOR CERTAIN VESSELS.—

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

25 “(A) a vessel that is otherwise eligible for
26 a guarantee and is constructed with assistance

1 under subtitle D of the Maritime Security Act
2 of 2003 (46 U.S.C. 53101 note); and

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

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

9 “(ii) meets a shortfall in sealift capac-
10 ity or capability.

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

16 (3) Section 53707 is amended—

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

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

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

25 (D) in subsection (d)(2), by—

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

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

6 (4) Section 53708 is amended—

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

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

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

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

18 (E) in subsection (d), by—

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

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

1 retary.” and inserting “or financial struc-
2 tures. A third party independent analysis
3 conducted under this subsection shall be
4 performed by a private sector expert in as-
5 sessing such risk factors who is selected by
6 the Secretary or Administrator.”; and

7 (F) in subsection (e), by—

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

10 (ii) striking “financial structures, or
11 other risk factors identified by the Sec-
12 retary” and inserting “or financial struc-
13 tures”.

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

16 (6) Section 53712(b) is amended by striking
17 the last sentence and inserting “If the Secretary or
18 Administrator has waived a requirement under sec-
19 tion 53707(d) of this title, the loan agreement shall
20 include requirements for additional payments, collat-
21 eral, or equity contributions to meet the waived re-
22 quirement upon the occurrence of verifiable condi-
23 tions indicating that the obligor’s financial condition
24 enables the obligor to meet the waived require-
25 ment.”.

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

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

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

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

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

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

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

16 (C) Section 53718.

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

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

24 (F) Section 53733 each place it appears.

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

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

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

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

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

1 **SEC. 3523. ADDITIONAL AMENDMENTS BASED ON PUBLIC**
2 **LAW 109-163.**

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

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

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

11 “(f) FUEL COSTS.—

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

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

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

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

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

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

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

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

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

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

12 “The Secretary of Transportation may provide—

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

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

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

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

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

23 **“CHAPTER 541—MISCELLANEOUS**

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

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

7 (C) The heading of such section, as transferred
8 by subparagraph (B), is amended to read as follows:

9 **“§ 54101. Assistance for small shipyards and maritime**
10 **communities”.**

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

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

“541. Miscellaneous 54101”.

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

22 **SEC. 3524. AMENDMENTS BASED ON PUBLIC LAW 109–171.**

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

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

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

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

18 **SEC. 3525. AMENDMENTS BASED ON PUBLIC LAW 109-241.**

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

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

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

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

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

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

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

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

22 (3) Section 51307 is amended—

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

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

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

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

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

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

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

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

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

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

3 **SEC. 3526. AMENDMENTS BASED ON PUBLIC LAW 109–364.**

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

13 (b) SECTION 51306(e).—

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

17 “(e) ALTERNATIVE SERVICE.—

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

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

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

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

13 (c) SECTION 51306(f).—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 3527. MISCELLANEOUS AMENDMENTS.**

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

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

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

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

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

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

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

18 **SEC. 3528. APPLICATION OF SUNSET PROVISION TO CODI-
19 FIED PROVISION.**

20 For purposes of section 303 of the Jobs and Growth
21 Tax Relief Reconciliation Act of 2003 (Public Law 108–
22 27, 26 U.S.C. 1 note), the amendment made by section
23 301(a)(2)(E) of that Act shall be deemed to have been
24 made to section 53511(f)(2) of title 46, United States
25 Code.

1 **SEC. 3529. ADDITIONAL TECHNICAL CORRECTIONS.**

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

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

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

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

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

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

13 (A) Section 15(10) is amended by striking
14 “46 App. U.S.C.” and inserting “46 U.S.C.
15 App.”.

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

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

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

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

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

7 (c) REPEAL OF DUPLICATIVE OR UNEXECUTABLE
8 AMENDMENTS.—

9 (1) REPEAL.—Sections 9(a), 15(21) and
10 (33)(A) through (D)(i), and 16(c)(2) of Public Law
11 109–304 are repealed.

12 (2) INTENDED EFFECT.—The provisions re-
13 pealed by paragraph (1) shall be treated as if never
14 enacted.

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