110TH CONGRESS 1st Session } HOUSE OF REPRESENTATIVES { REPT. 110–338 Part 2

COAST GUARD AUTHORIZATION ACT OF 2007

OCTOBER 1, 2007.—Ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 2830]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

69–006

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 2007".

SEC. 2. TABLE OF CONTENTS.

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. 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 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. 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.
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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.
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TITLE VI—ALIEN SMUGGLING

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TITLE VII—MISCELLANEOUS HOMELAND SECURITY PROVISIONS

Sec. 701. Maritime homeland security public awareness program.
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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.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

(B) not less than $631,000,000 shall be available for paying for search and rescue programs;

(C) not less than $527,000,000 shall be available for paying for marine safety programs; and

(D) not less than $80,500,000 shall be available only for paying for operating expenses of the Integrated Deepwater System program.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,234,774,000, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, to remain available until expended;

(B) $1,065,872,000 is authorized for the Integrated Deepwater System Program; and

(C) $44,597,000 is authorized for shore facilities and aids to navigation.

(3) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $18,583,000, to remain available until expended, of which $2,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,184,720,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $16,000,000.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), $12,079,000, to remain available until expended.

(7) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, $126,883,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

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

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

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 165 student years.

(3) For professional training in military and civilian institutions, 350 student years.

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

SEC. 103. TRANSFER OF BRIDGE ADMINISTRATION PROGRAM AUTHORITY AND FUNCTIONS.

(a) TRANSFER.—

(1) AUTHORITY AND FUNCTIONS.—Notwithstanding section 888(b) of the Homeland Security Act of 2002 (6 U.S.C. 468(b)) or any other provision of law, the authorities of the Secretary of Homeland Security to approve the construction, alteration, or operation of a bridge, drawbridge, or causeway across or over the navigable waters of the United States and to require the alteration, repair, or removal of that bridge, drawbridge, or causeway, pursuant to the Bridge Act of 1906 (34 Stat. 84; 33 U.S.C. 491 et seq.), the General Bridge Act of 1946 (60 Stat. 847, 33 U.S.C. 525 note), the Truman-Hobbs Act (54 Stat. 497; 33 U.S.C. 511 et seq.), and the International Bridge Act of 1972 (60 Stat. 847; 33 U.S.C. 525 et seq.), and the functions related thereto, are hereby transferred to the Secretary of Transportation.

(2) TRANSFER AND ADMINISTRATION OF BALANCES.—Any unobligated balances of prior appropriations provided for the alteration of bridges are transferred and shall be available to the Secretary of Transportation to carry out the functions and authorities transferred by subsection (a).

TITLE II—COAST GUARD

SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD JUDGES.

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

"§ 153. Appointment of judges

"The Secretary may appoint civilian employees of the Department in which the Coast Guard is operating as appellate military judges, available for assignment to the Coast Guard Court of Criminal Appeals as provided for in section 866(a) of title 10.".

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

"153. Appointment of judges.".

SEC. 202. INDUSTRIAL ACTIVITIES.

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

(1) by inserting "(a) IN GENERAL.—" before "All orders"; and

(2) by adding at the end the following:

"(b) ORDERS AND AGREEMENTS FOR INDUSTRIAL ACTIVITIES.—Under this section, the Coast Guard industrial activities may accept orders and enter into reimbursable agreements with establishments, agencies, and departments of the Department of Defense.".

SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAVEL EXPENSES.

(a) IN GENERAL.—Chapter 13 of title 14, United States Code, 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

"In any case in which a covered beneficiary (as defined in section 1072(5) of title 10) resides on an island that is located in the 48 contiguous States and the District of Columbia and that lacks public access roads to the mainland and is referred by a primary care physician to a specialty care provider (as defined in section 1074i(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age.".

(b) CLERICAL AMENDMENT.—The analysis for such 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.".

SEC. 204. COMMISSIONED OFFICERS.

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

"§ 42. Number and distribution of commissioned officers on active duty promotion list

"(a) MAXIMUM TOTAL NUMBER.—The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 6,700; except that the Commandant may temporarily increase that number by up to 2 percent for no more than 60 days following the date of the commissioning of a Coast Guard Academy class.

"(b) DISTRIBUTION PERCENTAGES BY GRADE.—

"(1) REQUIRED.—The total number of commissioned officers authorized by this section shall be distributed in grade in the following percentages: 0.375 percent for rear admiral; 0.375 percent for rear admiral (lower half); 6.0 percent for captain; 15.0 percent for commander; and 22.0 percent for lieutenant commander.

"(2) DISCRETIONARY.—The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

"(3) AUTHORITY OF SECRETARY TO REDUCE PERCENTAGE.—The Secretary—

"(A) may reduce, as the needs of the Coast Guard require, any of the percentages set forth in paragraph (1); and

"(B) shall apply that total percentage reduction to any other lower grade or combination of lower grades.

"(c) COMPUTATIONS.—

"(1) IN GENERAL.—The Secretary shall compute, at least once each year, the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages established by or under this section to the total number of commissioned officers listed on the current active duty promotion list.

"(2) ROUNDING FRACTIONS.—Subject to subsection (a), in making the computations under paragraph (1), any fraction shall be rounded to the nearest whole number.

"(3) TREATMENT OF OFFICERS SERVING OUTSIDE COAST GUARD.—The number of commissioned officers on the active duty promotion list below the rank of rear admiral (lower half) serving with other Federal departments or agencies on a reimbursable basis or excluded under section 324(d) of title 49 shall not be counted against the total number of commissioned officers authorized to serve in each grade.

"(d) USE OF NUMBERS; TEMPORARY INCREASES.—The numbers resulting from computations under subsection (c) shall be, for all purposes, the authorized number in each grade; except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

"(e) OFFICERS SERVING COAST GUARD ACADEMY AND RESERVE.—The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.".

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

"42. Number and distribution of commissioned officers on active duty promotion list.".

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

(a) IN GENERAL.—Section 1502 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended—

(1) by striking paragraph (4);

(2) in paragraph (5)—

(A) by striking "and" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(C) by inserting at the end the following:

"(E) the Assistant Commandant of the Coast Guard for Human Resources."; and

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

"(E) The Master Chief Petty Officer of the Coast Guard.".

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

(A) in subsection (a) by inserting "or, in the case of the Coast Guard, the Commandant" after "concerned"; and

(B) by striking subsection (c).

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

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

(B) by striking paragraph (4); and

(C) by redesignating paragraph (5) as paragraph (4).

SEC. 206. GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.

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

"(c) GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.—After consultation with the Secretary of State, the Commandant may make grants to, or enter into cooperative agreements, contracts, or other agreements with, international maritime organizations for the purpose of acquiring information or data about merchant vessel inspections, security, safety, classification, and port State or flag State law enforcement or oversight.".

SEC. 207. EMERGENCY LEAVE RETENTION AUTHORITY.

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

"§ 426. Emergency leave retention authority

"With regard to a member of the Coast Guard who serves on active duty, a duty assignment in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall be treated, for the purpose of section 701(f)(2) of title 10, a duty assignment in support of a contingency operation.".

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

"426. Emergency leave retention authority.".

SEC. 208. ENFORCEMENT AUTHORITY.

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

"§ 99. Enforcement authority

"Subject to guidelines approved by the Secretary, members of the Coast Guard, in the performance of official duties, may—

"(1) carry a firearm; and

"(2) while at a facility (as defined in section 70101 of title 46)—

"(A) make an arrest without warrant for any offense against the United States; and

"(B) seize property as otherwise provided by law.".

(b) CONFORMING REPEAL.—The first section added to title 46, United States Code, by the amendment made by subsection (a) of section 801 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1078), and the item relating to such first section enacted by the amendment made by subsection (b) of such section 801, are repealed.

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

"99. Enforcement authority.".

SEC. 209. REPEAL.

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

SEC. 210. ADMIRALS AND VICE ADMIRALS.

(a) VICE COMMANDANT.—Section 47 of title 14, United States Code, is amended by striking "vice admiral" and inserting "admiral".

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

"§ 50. Vice admirals

"(a)(1) The President may designate 4 positions of importance and responsibility that shall be held by officers who—

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

"(B) shall perform any duties as the Commandant may prescribe.

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

"(A) The Deputy Commandant for Mission Support.

"(B) The Deputy Commandant for National Operations and Policy.

"(C) The Commander, Force Readiness Command.

"(D) The Commander, Operations Command.

"(3) The President may appoint, by and with the advice and consent of the Senate, and reappoint, by and with the advice and consent of the Senate, to each of the positions designated under paragraph (1) an officer of the Coast Guard who is serving on active duty above the grade of captain. The Commandant shall make recommendations for those appointments.

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

"(2) An officer who is appointed to a position designated under subsection (a) shall continue to hold the grade of vice admiral—

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

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

"(C) while awaiting retirement, beginning on the date the officer is detached from duty and ending on the day before the officer's retirement, but not for more than 60 days.

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

"(2) An officer serving in a grade above rear admiral who holds the permanent grade of rear admiral (lower half) shall be considered for promotion to the permanent grade of rear admiral as if the officer was serving in the officer's permanent grade.

"(d) Whenever a vacancy occurs in a position designated under subsection (a), the Commandant shall inform the President of the qualifications needed by an officer serving in that position to carry out effectively the duties and responsibilities of that position.".

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

(d) CONFORMING AMENDMENT.—Section 51(d)(2) of that title is amended by striking "Area Commander, or Chief of Staff" and inserting "or Vice Admirals".

(e) CLERICAL AMENDMENTS.—

(1) The heading for section 47 of that title is amended by striking "**assignment**" and inserting "**appointment**".

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

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

"47. Vice Commandant; appointment.";

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

"50. Vice admirals.";

and

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

(f) TECHNICAL CORRECTION.—Section 47 of that title is further amended in the fifth sentence by striking "subsection" and inserting "section".

SEC. 211. MERCHANT MARINER MEDICAL ADVISORY COMMITTEE.

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

"§ 7115. Merchant Mariner Medical Advisory Committee

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a Merchant Mariner Medical Advisory Committee (in this section referred to as the 'Committee').

"(2) FUNCTIONS.—The Committee shall advise the Secretary on matters relating to—

"(A) medical certification determinations for issuance of merchant mariner credentials;

"(B) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

"(C) medical examiner education; and

"(D) medical research.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Committee shall consist of twelve members, none of whom is a Federal employee, and shall include—

"(A) ten who are health-care professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

"(B) two who are professional mariners with knowledge and experience in mariner occupational requirements.

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

"(c) APPOINTMENTS; TERMS; VACANCIES.—

"(1) APPOINTMENTS.—The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary.

"(2) TERMS.—Each member shall be appointed for a term of three years, except that, of the members first appointed, three members shall be appointed for a term of two years and three members shall be appointed for a term of one year.

"(3) VACANCIES.—Any member appointed to fill the vacancy prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of that term.

"(d) CHAIRMAN AND VICE CHAIRMAN.—The Secretary shall designate one member of the Committee as the Chairman and one member as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

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

"(f) STAFF; SERVICES.—The Secretary shall furnish to the Committee the personnel and services as are considered necessary for the conduct of its business.".

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

(c) CLERICAL AMENDMENT.—The analysis for chapter 71 of that title is amended by adding at the end the following:

"7115. Merchant Mariner Medical Advisory Committee.".

SEC. 212. RESERVE COMMISSIONED WARRANT OFFICER TO LIEUTENANT PROGRAM.

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

"(a) The president may appoint temporary commissioned officers—

"(1) in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted members of the Coast Guard, and from holders of licenses issued under chapter 71 of title 46; and

"(2) in the Coast Guard Reserve in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers of the Coast Guard Reserve.".

SEC. 213. ENHANCED STATUS QUO OFFICER PROMOTION SYSTEM.

Chapter 11 of title 14, United States Code, is amended—

(1) in section 253(a)—

(A) by inserting "and" after "considered,"; and

(B) by striking ", and the number of officers the board may recommend for promotion";

(2) in section 258—

(A) by inserting "(a) IN GENERAL.—" before the existing text;

(B) in subsection (a) (as so designated) by striking the colon at the end of the material preceding paragraph (1) and inserting "—"; and

(C) by adding at the end the following:

"(b) PROVISION OF DIRECTION AND GUIDANCE.—

"(1) In addition to the information provided pursuant to subsection (a), the Secretary may furnish the selection board—

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

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

"(2) Selections made based on the direction and guidance provided under this subsection shall not exceed the maximum percentage of officers who may be selected from below the announced promotion zone at any given selection board convened under section 251 of this title.";

(3) in section 259(a), by inserting after "whom the board" the following: ", giving due consideration to the needs of the Coast Guard for officers with particular skills so noted in specific direction furnished to the board by the Secretary under section 258 of this title,"; and

(4) in section 260(b), by inserting after "qualified for promotion" the following: "to meet the needs of the service (as noted in specific direction furnished the board by the Secretary under section 258 of this title)".

SEC. 214. LASER TRAINING SYSTEM.

(a) IN GENERAL.—Within one year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard shall test an integrated laser engagement system for the training of members of the Coast Guard assigned to small vessels in the use of individual weapons and machine guns on those vessels. The test shall be conducted on vessels on the Great Lakes using similar laser equipment used by other Federal agencies. However, that equipment shall be adapted for use in the marine environment.

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

SEC. 215. COAST GUARD VESSELS AND AIRCRAFT.

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

(1) in paragraph (1), by striking "; or" and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(3) any other vessel or aircraft owned by a government and used for noncommercial service when—

"(A) the vessel or aircraft is under the tactical control of the Coast Guard; and

"(B) at least one member of the Coast Guard is assigned and conducting a Coast Guard mission on the vessel or aircraft.".

(b) AUTHORITY TO DISPLAY COAST GUARD ENSIGNS AND PENNANTS.—Section 638(a) of title 14, United States Code, is amended by striking "Coast Guard vessels and aircraft" and inserting "Vessels and aircraft authorized by the Secretary".

SEC. 216. COAST GUARD DISTRICT OMBUDSMEN.

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

"§ 55. District Ombudsmen

"(a) IN GENERAL.—The Commandant may appoint in each Coast Guard District a District Ombudsman to serve as a liaison between representatives of port stakeholders, including the Area Maritime Security Advisory Committees required by section 70112 of title 46 and the Coast Guard.

"(b) PURPOSES.—The purposes of the District Ombudsman shall be the following:

"(1) To support the operations of the Coast Guard in each port in the District for which the District Ombudsman is appointed.

"(2) To improve communications between and among port stakeholders including, but not limited to, port and terminal operators, ship owners, labor representatives, and the Coast Guard.

"(3) To ensure timely resolution of disputes between the Coast Guard and all petitioners regarding requirements imposed or services provided by the Coast Guard.

"(c) FUNCTIONS.—

"(1) INVESTIGATIONS.—The District Ombudsman may investigate complaints brought to the attention of the District Ombudsman by a petitioner operating in a port provided such a complaint is not the subject of an administrative, civil, or criminal investigation or other legal proceeding and provided the District Ombudsman receives no benefit, either direct or indirect, from the outcome of the complaint.

"(2) GUIDELINES FOR DISPUTES.—

"(A) IN GENERAL.—The Commandant of the Coast Guard shall develop guidelines regarding disputes with respect to which the District Ombudsman will provide assistance.

"(B) LIMITATION.—The District Ombudsman shall not provide assistance with respect to a dispute if such a dispute is the subject of an administrative, civil, or criminal investigation or other legal proceeding or if the District Ombudsman receives a benefit, either direct or indirect, from the outcome of the dispute.

"(C) PRIORITY.—In providing such assistance, the District Ombudsman shall give priority to complaints brought by petitioners who will suffer a significant hardship as the result of implementing a Coast Guard requirement or being denied a Coast Guard service.

"(3) CONSULTATION.—The District Ombudsman may consult with any Coast Guard personnel who can aid in the investigation of a complaint provided such persons are reasonably available.

"(4) ACCESS TO INFORMATION.—Unless otherwise prohibited by law or regulation, the District Ombudsman shall have access to any document, including any record or report, that will aid the District Ombudsman in obtaining the information needed to conduct an investigation of a compliant.

"(5) REPORTS.—At the conclusion of an investigation, the District Ombudsman shall submit a report on the findings and recommendations of the District Ombudsman, to the Commander of the District in which the petitioner who brought the complaint is located or operating.

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

"(A) in a timely fashion; and

"(B) to the maximum extent practicable, not later than 4 months after the complaint is officially accepted by the District Ombudsman.

"(d) APPOINTMENT.—The Commandant shall appoint as the District Ombudsman an appropriately cleared civilian who has experience in port and transportation systems and knowledge of port operations or of maritime commerce (or both).

"(e) ANNUAL REPORTS.—The Secretary shall report annually to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the matters brought before the District Ombudsmen, including—

"(1) the number of matters brought before each District Ombudsman;

"(2) a brief summary of each such matter; and

"(3) the eventual resolution of each such matter.".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following new item:

"55. District Ombudsmen.".

TITLE III—SHIPPING AND NAVIGATION

SEC. 301. VESSEL SIZE LIMITS.

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

(1) by inserting "and" after the semicolon at the end of subparagraph (A)(i);

(2) by striking "and" at the end of subparagraph (A)(ii);

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

(4) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(5) by inserting at the end the following:

"(C) the vessel is either a rebuilt vessel or a replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627) and is eligible for a fishery endorsement under this section.".

(b) CONFORMING AMENDMENTS.—

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

"(g) VESSEL REBUILDING AND REPLACEMENT.—

"(1) IN GENERAL.—

"(A) REBUILD OR REPLACE.—Notwithstanding any limitation to the contrary on replacing, rebuilding, or lengthening vessels or transferring permits or licenses to a replacement vessel contained in sections 679.2 and 679.4 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2007 and except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)), in order to improve vessel safety and operational efficiencies (including fuel efficiency), may rebuild or replace that vessel (including fuel efficiency) with a vessel documented with a fishery endorsement under section 12113 of title 46, United States Code.

"(B) SAME REQUIREMENTS.—The rebuilt or replacement vessel shall be eligible in the same manner and subject to the same restrictions and limitations under such subsection as the vessel being rebuilt or replaced.

"(C) TRANSFER OF PERMITS AND LICENSES.—Each fishing permit and license held by the owner of a vessel or vessels to be rebuilt or replaced under subparagraph (A) shall be transferred to the rebuilt or replacement vessel.

"(2) RECOMMENDATIONS OF NORTH PACIFIC COUNCIL.—The North Pacific Council may recommend for approval by the Secretary such conservation and management measures, including size limits and measures to control fishing capacity, in accordance with the Magnuson-Stevens Act as it considers necessary to ensure that this subsection does not diminish the effectiveness of fishery management plans of the Bering Sea and Aleutian Islands Management Area or the Gulf of Alaska.

"(3) SPECIAL RULE FOR REPLACEMENT OF CERTAIN VESSELS.—

"(A) IN GENERAL.—Notwithstanding the requirements of subsections (b)(2), (c)(1), and (c)(2) of section 12113 of title 46, United States Code, a vessel that is eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)) and that qualifies to be documented with a fishery endorsement pursuant to section 203(g) or 213(g) may be replaced with a replacement vessel under paragraph (1) if the vessel that is replaced is validly documented with a fishery endorsement pursuant to section 203(g) or 213(g) before the replacement vessel is documented with a fishery endorsement under section 12113 of title 46, United States Code.

"(B) APPLICABILITY.—A replacement vessel under subparagraph (A) and its owner and mortgagee are subject to the same limitations under section 203(g) or 213(g) that are applicable to the vessel that has been replaced and its owner and mortgagee.

"(4) SPECIAL RULES FOR CERTAIN CATCHER VESSELS.—

"(A) IN GENERAL.—A replacement for a covered vessel described in subparagraph (B) is prohibited from harvesting fish in any fishery (except for the Pacific whiting fishery) managed under the authority of any regional fishery management council (other than the North Pacific Council) established under section 302(a) of the Magnuson-Stevens Act.

"(B) COVERED VESSELS.—A covered vessel referred to in subparagraph (A) is—

"(i) a vessel eligible under subsection (a), (b), or (c) that is replaced under paragraph (1); or

"(ii) a vessel eligible under subsection (a), (b), or (c) that is rebuilt to increase its registered length, gross tonnage, or shaft horsepower.

"(5) LIMITATION ON FISHERY ENDORSEMENTS.—Any vessel that is replaced under this subsection shall thereafter not be eligible for a fishery endorsement under section 12113 of title 46, United States Code, unless that vessel is also a replacement vessel described in paragraph (1).

"(6) GULF OF ALASKA LIMITATION.—Notwithstanding paragraph (1), the Secretary shall prohibit from participation in the groundfish fisheries of the Gulf of Alaska any vessel that is rebuilt or replaced under this subsection and that exceeds the maximum length overall specified on the license that authorizes fishing for groundfish pursuant to the license limitation program under part 679 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2007.

"(7) AUTHORITY OF PACIFIC COUNCIL.—Nothing in this section shall be construed to diminish or otherwise affect the authority of the Pacific Council to recommend to the Secretary conservation and management measures to protect fisheries under its jurisdiction (including the Pacific whiting fishery) and participants in such fisheries from adverse impacts caused by this Act.".

(2) EXEMPTION OF CERTAIN VESSELS.—Section 203(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–620) is amended—

(A) by inserting "and" after "(United States official number 651041)";

(B) by striking ", NORTHERN TRAVELER (United States official number 635986), and NORTHERN VOYAGER (United States official number 637398) (or a replacement vessel for the NORTHERN VOYAGER that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act)"; and

(C) by striking ", in the case of the NORTHERN" and all that follows through "PHOENIX,".

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

(A) by moving the matter beginning with "the Secretary shall" in paragraph (1) 2 ems to the right;

(B) by adding at the end the following:

"(7) FISHERY COOPERATIVE EXIT PROVISIONS.—

"(A) FISHING ALLOWANCE DETERMINATION.—For purposes of determining the aggregate percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—

"(i) shall be based on the catch history determination for the vessel made pursuant to section 679.62 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2007; and

"(ii) shall be assigned, for all purposes under this title, in the manner specified by the owner of the vessel being removed to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery cooperative for at least one year after the date on which the vessel being removed leaves the directed pollock fishery.

"(B) ELIGIBILITY FOR FISHERY ENDORSEMENT.—Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

"(C) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed—

"(i) to make the vessels AJ (United States official number 905625), DONA MARTITA (United States official number 651751), NORDIC EXPLORER (United States official number 678234), and PROVIDIAN (United States official number 1062183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the authority of the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council established, respectively,

under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Act; or

"(ii) to allow the vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner that is not consistent with the fishery management plan for the fishery developed by the Councils under section 303 of the Magnuson-Stevens Act.".

SEC. 302. GOODS AND SERVICES.

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

(1) by striking "or" at the end of paragraph (2)(C);

(2) by striking the period at the end of paragraph (3) and inserting "; or"; and

(3) by adding at the end the following:

"(4) sales taxes on goods and services provided to or by vessels or watercraft (other than vessels or watercraft primarily engaged in foreign commerce).".

SEC. 303. SEAWARD EXTENSION OF ANCHORAGE GROUNDS JURISDICTION.

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

(1) by striking "That the" and inserting the following:

"(a) IN GENERAL.—The".

(2) in subsection (a) (as designated by paragraph (1)) by striking "$100; and the" and inserting "up to $10,000. Each day during which a violation continues shall constitute a separate violation. The";

(3) by adding at the end the following:

"(b) DEFINITION.—As used in this section 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.".

SEC. 304. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENT-SIMPLE POSSESSION.

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

"(c) SIMPLE POSSESSION.—

"(1) IN GENERAL.—Any individual on a vessel subject to the jurisdiction of the United States who is found by the Secretary, after notice and an opportunity for a hearing, to have knowingly or intentionally possessed a controlled substance within the meaning of the Controlled Substances Act (21 U.S.C. 812) shall be liable to the United States for a civil penalty of not to exceed $10,000 for each violation. The Secretary shall notify the individual in writing of the amount of the civil penalty.

"(2) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

"(3) TREATMENT OF CIVIL PENALTY ASSESSMENT.—Assessment of a civil penalty under this subsection shall not be considered a conviction for purposes of State or Federal law but may be considered proof of possession if such a determination is relevant.".

SEC. 305. TECHNICAL AMENDMENTS TO TONNAGE MEASUREMENT LAW.

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

(1) by striking "engaged" the first place it appears and inserting "that engages";

(2) in subparagraph (A), by striking "arriving" and inserting "that arrives";

(3) in subparagraph (B)—

(A) by striking "making" and inserting "that makes"; and

(B) by striking "(except a foreign vessel engaged on that voyage)";

(4) in subparagraph (C), by striking "departing" and inserting "that departs"; and

(5) in subparagraph (D), by striking "making" and inserting "that makes".

(b) DELEGATION OF AUTHORITY.—Section 14103(c) of that title is amended by striking "intended to be engaged on" and inserting "that engages on".

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

(1) by amending subsection (a) to read as follows:

"(a) Except as otherwise provided in this section, this chapter applies to any vessel for which the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage.";

(2) in subsection (b)—

(A) in paragraph (1), by striking the period at the end and inserting ", unless the government of the country to which the vessel belongs elects to measure the vessel under this chapter.";

(B) in paragraph (3), by inserting "of United States or Canadian registry or nationality, or a vessel operated under the authority of the United States or Canada, and that is" after "vessel";

(C) in paragraph (4), by striking "a vessel (except a vessel engaged" and inserting "a vessel of United States registry or nationality, or one operated under the authority of the United States (except a vessel that engages";

(D) by striking paragraph (5);

(E) by redesignating paragraph (6) as paragraph (5); and

(F) by amending paragraph (5), as so redesignated, to read as follows:

"(5) a barge of United States registry or nationality, or a barge operated under the authority of the United States (except a barge that engages on a foreign voyage) unless the owner requests.";

(3) by striking subsection (c);

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

(5) in subsection (c), as redesignated, by striking "After July 18, 1994, an existing vessel (except an existing vessel referred to in subsection (b)(5)(A) or (B) of this section)" and inserting "An existing vessel that has not undergone a change that the Secretary finds substantially affects the vessel's gross tonnage (or a vessel to which IMO Resolutions A.494 (XII) of November 19, 1981, A.540 (XIII) of November 17, 1983, or A.541 (XIII) of November 17, 1983 apply)".

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

"(b) A vessel measured under this chapter may not be required to be measured under another law.".

(e) TONNAGE CERTIFICATE.—

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

(A) in subsection (a), by adding at the end the following: "For a vessel to which the Convention does not apply, the Secretary shall prescribe a certificate to be issued as evidence of a vessel's measurement under this chapter.";

(B) in subsection (b), by inserting "issued under this section" after "certificate"; and

(C) in the section heading by striking "**International**" and "**(1969)**".

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

(A) by designating the existing text as subsection (a); and

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

"(b) The certificate shall be maintained as required by the Secretary.".

(3) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 143 of that title is amended by striking the item relating to section 14303 and inserting the following:

"14303. Tonnage Certificate.".

(f) OPTIONAL REGULATORY MEASUREMENT.—Section 14305(a) of that title is amended by striking "documented vessel measured under this chapter," and inserting "vessel measured under this chapter that is of United States registry or nationality, or a vessel operated under the authority of the United States,".

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

(1) by amending paragraph (1) to read as follows:

"(1) A vessel not measured under chapter 143 of this title if the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage."; and

(2) in paragraph (2), by striking "a vessel" and inserting "A vessel".

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

(1) in paragraph (1)—

(A) by striking "vessel's tonnage mark is below the uppermost part of the load line marks," and inserting "vessel is assigned two sets of gross and net tonnages under this section,"; and

(B) by inserting "vessel's tonnage" before "mark" the second place such term appears; and

(2) in paragraph (2), by striking the period at the end and inserting "as assigned under this section.".

(i) RECIPROCITY FOR FOREIGN VESSELS.—Subchapter II of chapter 145 of that title is amended by adding at the end the following:

"§ 14514. Reciprocity for foreign vessels

"For a foreign vessel not measured under chapter 143, if the Secretary finds that the laws and regulations of a foreign country related to measurement of vessels are

substantially similar to those of this chapter and the regulations prescribed under this chapter, the Secretary may accept the measurement and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter.".

(j) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 145 of such title is amended by adding at the end the following:

"14514. Reciprocity for foreign vessels.".

SEC. 306. ACCESS FOR SEAMEN.

A seaman assigned to a vessel docked at a facility with a security plan approved under section 70103(c) of title 46, United States Code, and pilots and representatives of seamen's welfare and labor organizations, who board and depart from the vessel in compliance with the provisions of the facility security plan shall be provided access through the facility at no cost to the individual.

SEC. 307. FISHING VESSEL SAFETY.

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

(1) in subsection (a), by—

(A) striking paragraphs (6) and (7) and inserting the following:

"(6) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment; and"; and

(B) redesignating paragraph (8) as paragraph (7);

(2) in subsection (b)—

(A) in paragraph (1) in the matter preceding subparagraph (A), by striking "documented";

(B) in paragraph (1)(A), by striking "the Boundary Line" and inserting "3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes";

(C) in paragraph (2)(B), by striking "lifeboats or liferafts" and inserting "a survival craft that ensures that no part of an individual is immersed in water";

(D) in paragraph (2)(D), by inserting "marine" before "radio";

(E) in paragraph (2)(E), by striking "radar reflectors, nautical charts, and anchors" and inserting "nautical charts, and publications";

(F) in paragraph (2)(F), by striking ", including medicine chests" and inserting "and medical supplies sufficient for the size and area of operation of the vessel" and

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

"(G) ground tackle sufficient for the vessel.";

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

"(f) To ensure compliance with the requirements of this chapter, the Secretary—

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

"(2) shall examine at dockside a vessel described in subsection (b) at least twice every 5 years, and shall issue a certificate of compliance to a vessel meeting the requirements of this chapter."; and

(4) by adding at the end the following:

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

"(2) The training program shall—

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

"(B) require an individual to demonstrate ability to communicate in an emergency situation and understand information found in navigation publications;

"(C) recognize and give credit for recent past experience in fishing vessel operation; and

"(D) provide for issuance of a certificate to an individual that has successfully completed the program.

"(3) The Secretary shall prescribe regulations implementing this subsection. The regulations shall require that individuals who are issued a certificate under paragraph (2)(D) must complete refresher training at least once every 5 years as a condition of maintaining the validity of the certificate.

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

"(h) A vessel to which this chapter applies shall be constructed in a manner that provides a level of safety equivalent to the minimum safety standards the Secretary may established for recreational vessels under section 4302, if—

"(1) subsection (b) of this section applies to the vessel;

"(2) the vessel is less than 50 feet overall in length; and

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

"(i)(1) The Secretary shall establish a Fishing Safety Training Grants Program to provide funding to municipalities, port authorities, other appropriate public entities, not-for-profit organizations, and other qualified persons that provide commercial fishing safety training—

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

"(B) for purchase of safety equipment and training aids for use in those fishing vessel safety training programs.

"(2) The Secretary shall award grants under this subsection on a competitive basis.

"(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.

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

"(j)(1) The Secretary shall establish a Fishing Safety Research Grant Program to provide funding to individuals in academia, members of non-profit organizations and businesses involved in fishing and maritime matters, and other persons with expertise in fishing safety, to conduct research on methods of improving the safety of the commercial fishing industry, including vessel design, emergency and survival equipment, enhancement of vessel monitoring systems, communications devices, de-icing technology, and severe weather detection.

"(2) The Secretary shall award grants under this subsection on a competitive basis.

"(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.".

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

(c) ADVISORY COMMITTEE.—

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

(A) by striking the section heading and inserting the following:

"§ 4508. Commercial Fishing Safety Advisory Committee";

and

(B) in subsection (a) by striking "Industry Vessel".

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

"4508. Commercial Fishing Safety Advisory Committee.".

(d) LOADLINES FOR VESSELS OVER 79 FEET.—Section 5102(b)(3) of title 46, United States Code, is amended by inserting after "vessel" the following ", unless the vessel is built or undergoes a major conversion completed after January 1, 2008".

(e) CLASSING OF VESSELS.—

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

(A) by striking the section heading and inserting the following:

"§ 4503. Fishing, fish tender, and fish processing vessel certification";

(B) in subsection (a) by striking "fish processing"; and

(C) by adding at the end the following:

"(c) This section applies to a vessel to which section 4502(b) of this title applies that—

"(1) is at least 50 feet overall in length;

"(2) is built after January 1, 2008; or

"(3) undergoes a major conversion completed after that date.

"(d) After January 1, 2018, this section applies to a fishing vessel or fish tender vessel that is built before January 1, 2008, and is 25 years of age or older, unless the vessel complies with an alternate safety compliance program prescribed by the Secretary.".

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

"4503. Fishing, fish tender, and fish processing vessel certification.".

(f) ALTERNATIVE SAFETY COMPLIANCE PROGRAM.—No later than January 1, 2015, the Secretary of the department in which the Coast Guard is operating shall prescribe an alternative safety compliance program referred to in section 4503(d) of the title 46, United States Code, as amended by this section.

SEC. 308. MARINER RECORDS.

Section 7502 of title 46, United States Code, is amended—

(1) by inserting "(a)" before "The";

(2) by striking "computerized records" and inserting "records, including electronic records,"; and

(3) by adding at the end the following:

"(b) The Secretary may prescribe regulations requiring a vessel owner or managing operator of a commercial vessel, or the employer of a seaman on that vessel, to maintain records of each individual engaged on the vessel on matters of engagement, discharge, and service for not less than 5 years after the date of the completion of the service of that individual on the vessel. The regulations may require that a vessel owner, managing operator, or employer shall make these records available to the individual and the Coast Guard on request.

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

SEC. 309. DELETION OF EXEMPTION OF LICENSE REQUIREMENT FOR OPERATORS OF CERTAIN TOWING VESSELS.

Section 8905 of title 46, United States Code, is amended—

(1) by striking subsection (b); and

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

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

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

"(D) The Secretary may establish, by regulation, a limit of liability of not less than $12,000,000 for a deepwater port used only in connection with transportation of natural gas.".

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

Section 1012(h)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(h)(1)) is amended by striking "6" and inserting "3".

SEC. 312. LOG BOOKS.

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

"§ 11304. Additional logbook and entry requirements

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

"(b) The log book required by subsection (a) shall include the following entries:

"(1) The time when each seaman and each officer assumed or relieved the watch.

"(2) The number of hours in service to the vessels of each seaman and each officer.

"(3) An account of each accident, illness, and injury that occurs during each watch.".

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

"11304. Additional logbook and entry requirements.".

SEC. 313. UNSAFE OPERATION.

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

"§ 2116. Termination for unsafe operation

"An individual authorized to enforce this title—

"(1) may remove a certificate required by this title from a vessel that is operating in a condition that does not comply with the provisions of the certificate;

"(2) may order the individual in charge of a vessel that is operating that does not have on board the certificate required by this title to return the vessel to a mooring and to remain there until the vessel is in compliance with this title; and

"(3) may direct the individual in charge of a vessel to which this title applies to immediately take reasonable steps necessary for the safety of individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended.".

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

"2116. Termination for unsafe operation.".

SEC. 314. APPROVAL OF SURVIVAL CRAFT.

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

"§ 3104. Survival craft

"(a) Except as provided in subsection (b), the Secretary may not approve a survival craft as a safety device for purposes of this part, unless the craft ensures that no part of an individual is immersed in water.

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

"(1) it was approved by the Secretary before January 1, 2008; and

"(2) it is in serviceable condition.".

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

"3104. Survival craft.".

SEC. 315. SAFETY MANAGEMENT.

(a) VESSELS TO WHICH REQUIREMENTS APPLY.—Section 3202 of title 46, United States Code, is amended—

(1) in subsection (a) by striking the heading and inserting "FOREIGN VOYAGES AND FOREIGN VESSELS.—";

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

(3) by inserting after subsection (a) the following:

"(b) OTHER PASSENGER VESSELS.—This chapter applies to a vessel that is—

"(1) a passenger vessel or small passenger vessel; and

"(2) is transporting more passengers than a number prescribed by the Secretary based on the number of individuals on the vessel that could be killed or injured in a marine casualty.";

(4) in subsection (d), as so redesignated, by striking "subsection (b)" and inserting "subsection (c)";

(5) in subsection (d)(4), as so redesignated, by inserting "that is not described in subsection (b) of this section" after "waters".

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

"(c) In prescribing regulations for passenger vessels and small passenger vessels, the Secretary shall consider the characteristics, methods of operation, and nature of the service of these vessels.".

SEC. 316. PROTECTION AGAINST DISCRIMINATION.

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

(1) in subsection (a)(1)(A), by striking "or" after the semicolon;

(2) in subsection (a)(1)(B), by striking the period at the end and inserting a semicolon;

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

"(C) the seaman testified in a proceeding brought to enforce a maritime safety law or regulation prescribed under that law;

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

"(E) the seaman cooperated with a safety investigation by the Secretary or the National Transportation Safety Board;

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

"(G) the seaman accurately reported hours of duty under this part."; and

(4) by amending subsection (b) to read as follows:

"(b) A seaman alleging discharge or discrimination in violation of subsection (a) of this section, or another person at the seaman's request, may file a complaint with respect to such allegation in the same manner as a complaint may be filed under subsection (b) of section 31105 of title 49. Such complaint shall be subject to the procedures, requirements, and rights described in that section, including with respect to the right to file an objection, the right of a person to file for a petition for review under subsection (c) of that section, and the requirement to bring a civil action under subsection (d) of that section.".

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

SEC. 317. DRY BULK CARGO RESIDUE.

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

SEC. 318. CLARIFICATION OF DELEGATION OF AUTHORITY TO CLASSIFICATION SOCIETIES.

Section 3316 of title 46, United States Code, is amended—

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

(2) in subsection (b)(2)(A), by inserting "or for floating installations" after "vessels documented in that country";

(3) in subsection (b)(3)(A), by inserting "or floating installation" after "after the vessel"; and

(4) by adding at the end the following new subsection:

"(d) For purposes of this section, the term 'floating installation' means any installation, structure, or other device that floats and that either dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the territorial sea of the United States or the outer Continental Shelf (as that term is defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)), and is used for the purpose of exploring for, developing, producing, or storing the resources from that seabed or subsoil.".

SEC. 319. REGISTRY ENDORSEMENT FOR LNG VESSELS.

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

"(d) A vessel or facility for which a registry endorsement is not issued may not engage in regassifying on navigable waters unless the vessel or facility transported the gas from a foreign port.".

SEC. 320. OATHS.

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

SEC. 321. DURATION OF CREDENTIALS.

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

"(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS' DOCUMENTS.—

"(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner's document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

"(2) ADVANCE RENEWALS.—A renewed merchant mariner's document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner's document expires.".

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

"§ 7106. Duration of licenses

"(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

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

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

"§ 7107. Duration of certificates of registry

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

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

SEC. 322. FINGERPRINTING.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

"§ 7507. Fingerprinting

"The Secretary of the Department in which the Coast Guard is operating may not require an individual to be fingerprinted for the issuance or renewal of a license, a certificate of registry, or a merchant mariner's document under chapter 71 or 73 if the individual was fingerprinted when the individual applied for a transportation security card under section 70105.".

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

"7507. Fingerprinting.".

SEC. 323. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, as amended by section 322(a) of this Act, is further amended by adding at the end the following:

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

"(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding section 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may extend for one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry.

"(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may extend for one year an expiring merchant mariner's document issued for an individual under chapter 71 if the Secretary determines that extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those documents.

"(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

"(d) EXPIRATION OF AUTHORITY.—The authority for providing an extension under this section shall expire on June 30, 2009.".

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

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

SEC. 324. MERCHANT MARINER DOCUMENTATION.

(a) INTERIM CLEARANCE PROCESS.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall develop an interim clearance process for issuance of a merchant mariner document to enable a newly hired seaman to begin working on an offshore supply vessel or towing vessel if the Secretary makes an initial determination that the seaman does not pose a safety and security risk.

(b) CONTENTS OF PROCESS.—The process under subsection (a) shall include a check against the consolidated and integrated terrorist watch list maintained by the Federal Government, review of the seaman's criminal record, and review of the results of testing the seaman for use of a dangerous drug (as defined in section 2101 of title 46, United States Code) in violation of law or Federal regulation.

SEC. 325. MERCHANT MARINER ASSISTANCE REPORT.

Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding a plan—

(1) to expand the streamlined evaluation process program that was affiliated with the Houston Regional Examination Center of the Coast Guard to all processing centers of the Coast Guard nationwide;

(2) to include proposals to simplify the application process for a license as an officer, staff officer, or operator and for a merchant mariner's document to help eliminate errors by merchant mariners when completing the application form (CG–719B), including instructions attached to the application form and a modified application form for renewals with questions pertaining only to the period of time since the previous application;

(3) to provide notice to an applicant of the status of the pending application, including a process to allow the applicant to check on the status of the application by electronic means; and

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

SEC. 326. MERCHANT MARINER SHORTAGE REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, acting through the Administrator of the Maritime Administration, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning methods to address the current and future shortage in the number of merchant mariners, particularly entry-level mariners, including an evaluation of whether an educational loan program providing loans for the cost of on-the-job training would provide an incentive for workers and help alleviate the shortage.

SEC. 327. MERCHANT MARINER DOCUMENT STANDARDS.

Not later than 270 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) a plan to ensure that the process for an application, by an individual who has, or has applied for, a transportation security card under section 70105 of title 46, United States Code, for a merchant mariner document can be completed entirely by mail; and

(2) a report on the feasibility of, and a timeline to, redesign the merchant mariner document to comply with the requirements of such section, including a biometric identifier, and all relevant international conventions, including the International Labour Organization Convention Number 185 concerning the seafarers identity document, and include a review on whether or not such redesign will eliminate the need for separate credentials and background screening and streamline the application process for mariners.

SEC. 328. WATERSIDE SECURITY AROUND LIQUEFIED NATURAL GAS TERMINALS AND LIQUEFIED NATURAL GAS TANKERS.

(a) IN GENERAL.—The Commandant of the Coast Guard shall be responsible for ensuring appropriate waterside security services, based on the threat, vulnerability, and consequence of a terrorist attack, around liquefied natural gas terminals and around tankers transporting liquefied natural gas in security zones established by the Coast Guard.

(b) LIMITATION ON RELIANCE ON STATE AND LOCAL GOVERNMENT.—Security arrangements approved as part of the facility security plan approved under section 70103 of title 46, United States Code, for an onshore liquefied natural gas terminal may not be based upon the provision of security by a State or local government unless the State or local government has entered into a contract, cooperative agreement, or other arrangement with the terminal operator to provide such services and the Secretary certifies that the waterborne patrols operated by State or local governments have the training, resources, personnel, equipment, and experience necessary to successfully deter and respond to transportation security incidents (as that term is defined in section 70101of title 46, United States Code).

(c) ENFORCEMENT OF SECURITY ZONES.—

(1) IN GENERAL.—Security zones established by the Coast Guard around tankers transporting liquefied natural gas shall be enforced by the Coast Guard.

(2) UTILIZATION OF STATE AND LOCAL RESOURCES.—Subject to any contract, cooperative agreement, or other arrangement established in accordance with subsection (b), the Coast Guard may utilize State or local government resources to assist in enforcing any security zone established by the Coast Guard.

(3) REIMBURSEMENT.— Any Federal, State, or local entity enforcing a security zone established by the Coast Guard for a liquefied natural gas terminal or for a tanker traveling to or from such a terminal, may seek appropriate reimbursement from the terminal.

(d) CERTIFICATION REQUIRED FOR NEW LNG TERMINALS.—The Secretary of the department in which the Coast Guard is operating may not approve a facility security plan under section 70103 of title 46, United States Code, for a liquefied natural gas terminal the construction of which is begun after the date of enactment of this Act unless the Secretary certifies that the Coast Guard sector in which the terminal is located has all of the assets it needs to provide waterside security around the terminal and to provide security around tankers transporting liquefied natural gas in security zones established by the Coast Guard.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. CERTIFICATE OF DOCUMENTATION FOR GALLANT LADY.

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

(1) in paragraph (1)—

(A) by striking "of Transportation" and inserting "of the department in which the Coast Guard is operating"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) the vessel GALLANT LADY (Feadship hull number 672, approximately 168 feet in length).";

(2) by striking paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3); and

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

SEC. 402. WAIVER.

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

SEC. 403. GREAT LAKES MARITIME RESEARCH INSTITUTE.

Section 605 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1052) is amended—

(1) in subsection (b)(1)—

(A) by striking "The Secretary of Transportation shall conduct a study that" and inserting "The Institute shall conduct maritime transportation studies of the Great Lakes region, including studies that";

(B) in subparagraphs (A), (B), (C), (E), (F), (H), (I), and (J) by striking "evaluates" and inserting "evaluate";

(C) in subparagraphs (D) and (G) by striking "analyzes" and inserting "analyze";

(D) by striking "and" at the end of subparagraph (I);

(E) by striking the period at the end of subparagraph (J) and inserting a semicolon;

(F) by adding at the end the following:

"(K) identify ways to improve the integration of the Great Lakes marine transportation system into the national transportation system;

"(L) examine the potential of expanded operations on the Great Lakes marine transportation system;

"(M) identify ways to include intelligent transportation applications into the Great Lakes marine transportation system;

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

"(O) establish and maintain a model Great Lakes marine transportation system database; and

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

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

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1)—

"(A) $2,100,000 for fiscal year 2007;

"(B) $2,200,000 for fiscal year 2008;

"(C) $2,300,000 for fiscal year 2009;

"(D) $2,400,000 for fiscal year 2010; and
"(E) $2,500,000 for fiscal year 2011.".

SEC. 404. CONVEYANCE.

(a) STATION BRANT POINT BOAT HOUSE.—

(1) REQUIREMENT.—The Secretary of the department in which the Coast Guard is operating shall convey to the town of Nantucket, Massachusetts, all right, title, and interest of the United States in and to the buildings known as the Station Brant Point Boat House located at Coast Guard Station Brant Point, Nantucket, Massachusetts, for use for a public purpose.

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

(A) without the payment of consideration; and

(B) subject to appropriate terms and conditions the Secretary considers necessary.

(3) REVERSIONARY INTEREST.—All right, title, and interest in property conveyed under this subsection shall revert to the United States if any portion of the property is used other than for a public purpose.

(b) LEASE.—

(1) REQUIREMENT.—The Secretary of the department in which the Coast Guard is operating shall enter into a lease with the town of Nantucket that authorizes the town of Nantucket to occupy the land on which the buildings conveyed under subsection (a) are located, subject to appropriate terms and conditions the Secretary considers necessary.

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

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

(A) may terminate the lease without payment of compensation; and

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

SEC. 405. CREW WAGES ON PASSENGER VESSELS.

(a) FOREIGN AND INTERCOASTAL VOYAGES.—

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

(A) by striking "When" and inserting "(1) Subject to paragraph (2), when"; and

(B) by adding at the end the following:

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

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

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

"(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.".

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

"(f) DEPOSITS IN SEAMAN ACCOUNT.—A seaman employed on a passenger vessel capable of carrying more than 500 passengers may authorize, by written request signed by the seaman, the master, owner, or operator of the vessel, or the employer of the seaman, to make deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other account to secure a payroll or debit card for the seaman if—

"(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

"(2) such deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed;

"(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no less often than monthly; and

"(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all funds on deposit in the account in which the wages are deposited.".

(b) COASTWISE VOYAGES.—

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

(A) by striking "When" and inserting "(1) Subject to subsection (d), and except as provided in paragraph (2), when"; and

(B) by inserting at the end the following:

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

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

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

"(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.".

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

"(f) DEPOSITS IN SEAMAN ACCOUNT.—A seaman employed on a passenger vessel capable of carrying more than 500 passengers may authorize, by written request signed by the seaman, the master, owner, or operator of the vessel, or the employer of the seaman, to make deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other account to secure a payroll or debit card for the seaman if—

"(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

"(2) such deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed;

"(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no less often than monthly; and

"(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all funds on deposit in the account in which the wages are deposited.".

SEC. 406. TECHNICAL CORRECTIONS.

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

(1) in section 311(b) (120 Stat. 530) by inserting "paragraphs (1) and (2) of" before "section 8104(o)";

(2) in section 603(a)(2) (120 Stat. 554) by striking "33 U.S.C. 2794(a)(2)" and inserting "33 U.S.C. 2704(a)(2)";

(3) in section 901(r)(2) (120 Stat. 566) by striking "the" the second place it appears;

(4) in section 902(c) (120 Stat. 566) by inserting "of the United States" after "Revised Statutes";

(5) in section 902(e) (120 Stat. 567) is amended—

(A) by inserting "and" after the semicolon at the end of paragraph (1);

(B) by striking "and" at the end of paragraph (2)(A); and

(C) by redesignating paragraphs (3) and (4) as subparagraphs (C) and (D) of paragraph (2), respectively, and aligning the left margin of such subparagraphs with the left margin of subparagraph (A) of paragraph (2);

(6) in section 902(e)(2)(C) (as so redesignated) by striking "this section" and inserting "this paragraph";

(7) in section 902(e)(2)(D) (as so redesignated) by striking "this section" and inserting "this paragraph";

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

(A) by striking "Bisti/De-Na-Zin" and all that follows through "Protection" and inserting "Omnibus Parks and Public Lands Management"; and

(B) by inserting a period after "Commandant of the Coast Guard";

(9) in section 902(k) (120 Stat. 568) is amended—

(A) by inserting "the Act of March 23, 1906, commonly known as" before "the General Bridge";

(B) by striking "491)" and inserting "494),"; and

(C) by inserting "each place it appears" before "and inserting"; and

(10) in section 902(o) (120 Stat. 569) by striking the period after "Homeland Security".

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

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

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

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

(2) Section 70105(c)(3)(C) of such title is amended by striking "National Intelligence Director" and inserting "Director of National Intelligence".

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

(e) OIL POLLUTION ACT OF 1990.—(1) Section 1004(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(2)) is amended by striking the first comma following "$800,000".

(2) The table of sections in section 2 of such Act is amended by inserting a period at the end of the item relating to section 7002.

(f) COAST GUARD AUTHORIZATION ACT OF 1996.—The table of sections in section 2 of the Coast Guard Authorization Act of 1996 is amended in the item relating to section 103 by striking "reports" and inserting "report".

SEC. 407. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER STORIS.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter STORIS, the Commandant of the Coast Guard shall convey, without consideration, all right, title, and interest of the United States in and to that vessel to the USCG Cutter STORIS Museum and Maritime Education Center, LLC, located in the State of Alaska if the recipient—

(1) agrees—

(A) to use the vessel for purposes of a museum and historical display;

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

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

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

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

(3) agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—

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

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

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

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of a conveyance under subsection (a) any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the operability and function of the vessel conveyed under subsection (a) for purposes of a museum and historical display.

SEC. 408. REPEAL OF REQUIREMENT OF LICENSE FOR EMPLOYMENT IN THE BUSINESS OF SALVAGING ON THE COAST OF FLORIDA.

Chapter 801 of title 46, United States Code, is amended—

(1) by striking section 80102; and

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

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

(a) RIGHT-OF-FIRST-REFUSAL.—Notwithstanding any other law (other than this section), the Town of Jupiter Island, Florida, shall have the right-of-first-refusal for an exchange of real property within the jurisdiction of the Town comprising Parcel #35–38–42–004–000–02590–6 (Bon Air Beach lots 259 and 260 located at 83 North Beach Road) and Parcel #35–38–42–004–000–02610–2 (Bon Air Beach lots 261 to 267), including any improvements thereon, for other real property of equal or greater value.

(b) IDENTIFICATION OF PROPERTY.—The Commandant of the Coast Guard may identify, describe, and determine the property referred to in subsection (a) that is subject to the right of the Town under that subsection.

(c) LIMITATION.—The property referred to in subsection (a) may not be conveyed under that subsection until the Commandant of the Coast Guard determines that the property is not needed to carry out Coast Guard missions or functions.

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

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

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

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

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

SEC. 410. CONVEYANCE OF COAST GUARD HU–25 FALCON JET AIRCRAFT.

(a) AUTHORITY TO CONVEY.—Notwithstanding any other law, the Commandant of the Coast Guard may convey to the Elizabeth City State University (in this section referred to as the "University"), a public university located in the State of North Carolina, without consideration all right, title, and interest of the United States in an HU–25 Falcon Jet aircraft under the administrative jurisdiction of the Coast Guard that the Commandant determines—

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

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

(b) CONDITIONS.—

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

(A) to utilize the aircraft for educational purposes or other public purposes as jointly agreed upon by the Commandant and the University before conveyance; and

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

(2) REVERSIONARY INTEREST.—If the Commandant determines that the recipient violated subparagraph (A) or (B) of paragraph (1), then—

(A) all right, title, and interest in the aircraft shall revert to the United States;

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

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

(c) LIMITATION ON FUTURE TRANSFERS.—

(1) IN GENERAL.—The Commandant shall include in the instruments for the conveyance a requirement that any further conveyance of an interest in the aircraft may not be made without the approval in advance of the Commandant.

(2) REVERSIONARY INTEREST.—If the Commandant determines that an interest in the aircraft was conveyed without such approval, then—

(A) all right, title, and interest in the aircraft shall revert to the United States;

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

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

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

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

(2) in its condition on the date of conveyance; and
(3) without cost to the United States.

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

SEC. 411. CONVEYANCE OF A COAST GUARD VESSEL.

(a) AUTHORITY TO CONVEY.—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to the Sheriff's Department of Coahoma County, Mississippi (in this section referred to as the "Sheriff's Department"), without consideration all right, title, and interest of the United States in and to a Coast Guard trailerable boat, ranging from 17 feet to 30 feet in size, that the Commandant determines—

(1) is appropriate for use by the Sheriff's Department; and
(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) CONDITION.—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Sheriff's Department under which the Sheriff's Department agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Sheriff's Department before conveyance; and
(2) to take the vessel "as is" and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(c) DELIVERY OF VESSEL.—The Commandant shall deliver the vessel conveyed under the authority provided in subsection (a)—

(1) at the place where the vessel is located on the date of the conveyance;
(2) in its condition on the date of conveyance; and
(3) without cost to the United States.

(d) OTHER EXCESS EQUIPMENT.—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Sheriff's Department for use to enhance the operability of the vessel conveyed under the authority provided in subsection (a).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 412. CONVEYANCE OF A COAST GUARD VESSEL.

(a) AUTHORITY TO CONVEY.—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to the Sheriff's Office of Warren County, Mississippi (in this section referred to as the "Sheriff's Office"), without consideration all right, title, and interest of the United States in and to a Coast Guard trailerable boat, ranging from 17 feet to 30 feet in size, that the Commandant determines—

(1) is appropriate for use by the Sheriff's Office; and
(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) CONDITION.—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Sheriff's Office under which the Sheriff's Office agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Sheriff's Office before conveyance; and
(2) to take the vessel "as is" and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(c) DELIVERY OF VESSEL.—The Commandant shall deliver the vessel conveyed under the authority provided in subsection (a)

(1) at the place where the vessel is located on the date of the conveyance;
(2) in its condition on the date of conveyance; and
(3) without cost to the United States.

(d) OTHER EXCESS EQUIPMENT.—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Sheriff's Of-

fice for use to enhance the operability of the vessel conveyed under the authority provided in subsection (a).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 413. CONVEYANCE OF A COAST GUARD VESSEL.

(a) AUTHORITY TO CONVEY.—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to the Sheriff's Office of Washington County, Mississippi (in this section referred to as the "Sheriff's Office"), without consideration all right, title, and interest of the United States in and to a Coast Guard trailerable boat, ranging from 17 feet to 30 feet in size, that the Commandant determines—

(1) is appropriate for use by the Sheriff's Office; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) CONDITION.—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Sheriff's Office under which the Sheriff's Office agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Sheriff's Office before conveyance; and

(2) to take the vessel "as is" and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(c) DELIVERY OF VESSEL.—The Commandant shall deliver the vessel conveyed under the authority provided in subsection (a)—

(1) at the place where the vessel is located on the date of the conveyance;

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

(3) without cost to the United States.

(d) OTHER EXCESS EQUIPMENT.—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Sheriff's Office for use to enhance the operability of the vessel conveyed under the authority provided in subsection (a).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 414. DECOMMISSIONED COAST GUARD VESSELS FOR HAITI.

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

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

(2) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or national emergency;

(3) to hold the United States Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the United States Government under paragraph (2); and

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

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

(c) MAINTENANCE AND DELIVERY OF VESSEL.—

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

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

(3) TREATMENT OF CONVEYANCE.—The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

SEC. 415. EXTENSION OF PERIOD OF OPERATION OF VESSEL FOR SETTING, RELOCATION, OR RECOVERY OF ANCHORS OR OTHER MOORING EQUIPMENT.

Section 705(a)(2) of Public Law 109–347 (120 Stat. 1945) is amended by striking "2" and inserting "3".

SEC. 416. VESSEL TRAFFIC RISK ASSESSMENTS.

(a) REQUIREMENT.—The Commandant of the Coast Guard, acting through the appropriate Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act, shall prepare a vessel traffic risk assessment—

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

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

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

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

(2) the current and projected use and effectiveness in reducing risk, of—

(A) traffic separation schemes and routing measures;

(B) long-range vessel tracking systems developed under section 70115 of title 46, United States Code;

(C) towing, response, or escort tugs;

(D) vessel traffic services;

(E) emergency towing packages on vessels;

(F) increased spill response equipment including equipment appropriate for severe weather and sea conditions;

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

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

(I) aids to navigation; and

(J) vessel response plans.

(c) RECOMMENDATIONS.—

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

(2) CONSULTATION.—Before making any recommendations under paragraph (1) for a region, the Area Committee shall consult with affected local, State, and Federal government agencies, representatives of the fishing industry, Alaska Natives from the region, the conservation community, and the merchant shipping and oil transportation industries.

(d) PROVISION TO CONGRESS.—The Commandant shall provide a copy of each assessment to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

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

SEC. 417. VESSEL MARYLAND INDEPENDENCE.

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

(1) the vessel, or controlling interest in the person that owns the vessel, is conveyed after the date of enactment of this Act; or

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

SEC. 418. STUDY OF RELOCATION OF COAST GUARD SECTOR BUFFALO FACILITIES.

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

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

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

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

(b) DEFINITIONS.—In this section:

(1) COMMANDANT.—The term "Commandant" means the Commandant of the Coast Guard.

(2) SECTOR BUFFALO.—The term "Sector Buffalo" means Coast Guard Sector Buffalo of the Ninth Coast Guard District.

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

(c) STUDY.—

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

(2) REQUIREMENTS.—The project proposal report shall—

(A) evaluate the most cost-effective method for providing shore facilities to meet the operational requirements of Sector Buffalo;

(B) determine the feasibility of consolidating and relocating shore facilities on a portion of the existing site, while—

(i) meeting the operational requirements of Sector Buffalo; and

(ii) allowing the expansion of operational requirements of Sector Buffalo; and

(C) contain a preliminary plan for the design, engineering, and construction of the proposed project, including—

(i) the estimated cost of the design, engineering, and construction of the proposed project;

(ii) an anticipated timeline of the proposed project; and

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

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

SEC. 419. COAST GUARD ASSETS FOR UNITED STATES VIRGIN ISLANDS.

(a) IN GENERAL.—The Secretary of Homeland Security may station additional Coast Guard assets in the United States Virgin Islands for port security and other associated purposes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 2008 such sums as are necessary to carry out this section.

TITLE V—BALLAST WATER TREATMENT

SEC. 501. SHORT TITLE.

This title may be cited as the "Ballast Water Treatment Act of 2007".

SEC. 502. DECLARATION OF GOALS AND PURPOSES.

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

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following:

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

"(1) it is the national goal that ballast water discharged into the waters of the United States will contain no living (viable) organisms by the year 2015;

"(2) it is the national policy that the introduction of nonindigenous aquatic nuisance species in the waters of the United States be prohibited; and

"(3) it is the national policy that Federal, State, and local governments and the private sector identify the most effective ways to coordinate prevention efforts, and harmonize environmentally sound methods to prevent, detect, monitor, and control nonindigenous aquatic nuisance species, in an expeditious manner.".

(3) in subsection (c)(1) (as redesignated by paragraph (1) of this section)—

(A) by striking "prevent" and inserting "eliminate"; and

(B) by inserting "treatment" after "ballast water";

(4) in subsection (c)(2) (as so redesignated)—
(A) by inserting ", detection, monitoring," after "prevention"; and
(B) by striking "the zebra mussel and other";
(5) in subsection (c)(3) (as so redesignated)—
(A) by inserting "detect," after "prevent,"; and
(B) by striking "from pathways other than ballast water exchange";
(6) in subsection (c)(4) (as so redesignated) by striking ", including the zebra mussel"; and
(7) in subsection (c)(5) (as so redesignated)—
(A) by inserting "prevention," after "in the";
(B) by inserting a comma after "management"; and
(C) by striking "zebra mussels" and inserting "aquatic nuisance species".

SEC. 503. BALLAST WATER MANAGEMENT.

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

"SEC. 1101. BALLAST WATER MANAGEMENT.

"(a) VESSELS TO WHICH THIS SECTION APPLIES.—
"(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), this section applies to a vessel that—
"(A) is designed, constructed, or adapted to carry ballast water; and
"(B)(i) is a vessel of the United States; or
"(ii) is a foreign vessel that—
"(I) is en route to a United States port or place; or
"(II) has departed from a United States port or place and is within waters subject to the jurisdiction of the United States.
"(2) PERMANENT BALLAST WATER VESSELS.—This section does not apply to a vessel that carries all of its permanent ballast water in sealed tanks that are not subject to discharge.
"(3) ARMED FORCES VESSELS.—
"(A) EXEMPTION.—Except as provided in subparagraph (B), this section does not apply to a vessel of the Armed Forces.
"(B) BALLAST WATER MANAGEMENT PROGRAM.—The Secretary and the Secretary of Defense, after consultation with each other and with the Under Secretary and the heads of other appropriate Federal agencies as determined by the Secretary, shall implement a ballast water management program, including the issuance of standards for ballast water exchange and treatment and for sediment management, for vessels of the Armed Forces under their respective jurisdictions designed, constructed, or adapted to carry ballast water that are—
"(i) consistent with the requirements of this section, including the deadlines established by this section; and
"(ii) at least as stringent as the requirements issued for such vessels under section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322).
"(4) SPECIAL RULE FOR SMALL RECREATIONAL VESSELS.—In applying this section to recreational vessels less than 50 meters in length that have a maximum ballast water capacity of 8 cubic meters, the Secretary may issue alternative measures for managing ballast water in a manner that is consistent with the requirements of this section.
"(5) MARAD VESSELS.—Subsection (f) does not apply to any vessel in the National Defense Reserve Fleet that is scheduled to be disposed of through scrapping or sinking.
"(b) UPTAKE AND DISCHARGE OF BALLAST WATER OR SEDIMENT.—
"(1) PROHIBITION.—The operator of a vessel to which this section applies may not conduct the uptake or discharge of ballast water or sediment in waters subject to the jurisdiction of the United States except as provided in this section.
"(2) EXCEPTIONS.—Paragraph (1) does not apply to the uptake or discharge of ballast water or sediment in the following circumstances:
"(A) The uptake or discharge is solely for the purpose of—
"(i) ensuring the safety of the vessel in an emergency situation; or
"(ii) saving a life at sea.
"(B) The uptake or discharge is accidental and the result of damage to the vessel or its equipment and—
"(i) all reasonable precautions to prevent or minimize ballast water and sediment discharge have been taken before and after the damage occurs, the discovery of the damage, and the discharge; and
"(ii) the owner or officer in charge of the vessel did not willfully or recklessly cause the damage.

"(C) The uptake or discharge is solely for the purpose of avoiding or minimizing the discharge from the vessel of pollution that would otherwise violate applicable Federal or State law.

"(D) The uptake or discharge of ballast water and sediment occurs at the same location where the whole of that ballast water and that sediment originated and there is no mixing with ballast water and sediment from another area that has not been managed in accordance with the requirements of this section.

"(c) VESSEL BALLAST WATER MANAGEMENT PLAN.—

"(1) IN GENERAL.—The operator of a vessel to which this section applies shall conduct all ballast water management operations of that vessel in accordance with a ballast water management plan designed to minimize the discharge of aquatic nuisance species that—

"(A) meets the requirements prescribed by the Secretary by regulation; and

"(B) is approved by the Secretary.

"(2) APPROVAL CRITERIA.—

"(A) IN GENERAL.—The Secretary may not approve a ballast water management plan unless the Secretary determines that the plan—

"(i) describes in detail the actions to be taken to implement the ballast water management requirements established under this section;

"(ii) describes in detail the procedures to be used for disposal of sediment at sea and on shore in accordance with the requirements of this section;

"(iii) describes in detail safety procedures for the vessel and crew associated with ballast water management;

"(iv) designates the officer on board the vessel in charge of ensuring that the plan is properly implemented;

"(v) contains the reporting requirements for vessels established under this section and a copy of each form necessary to meet those requirements; and

"(vi) meets all other requirements prescribed by the Secretary.

"(B) FOREIGN VESSELS.—The Secretary may approve a ballast water management plan for a foreign vessel on the basis of a certificate of compliance with the criteria described in subparagraph (A) issued by the vessel's country of registration in accordance with regulations issued by the Secretary.

"(3) COPY OF PLAN ON BOARD VESSEL.—The owner or operator of a vessel to which this section applies shall—

"(A) maintain a copy of the vessel's ballast water management plan on board at all times; and

"(B) keep the plan readily available for examination by the Secretary and the head of the appropriate agency of the State in which the vessel is located at all reasonable times.

"(d) VESSEL BALLAST WATER RECORD BOOK.—

"(1) IN GENERAL.—The owner or operator of a vessel to which this section applies shall maintain, in English on board the vessel, a ballast water record book in which each operation of the vessel involving ballast water or sediment discharge is recorded in accordance with regulations issued by the Secretary.

"(2) AVAILABILITY.—The ballast water record book—

"(A) shall be kept readily available for examination by the Secretary and the head of the appropriate agency of the State in which the vessel is located at all reasonable times; and

"(B) notwithstanding paragraph (1), may be kept on the towing vessel in the case of an unmanned vessel under tow.

"(3) RETENTION PERIOD.—The ballast water record book shall be retained—

"(A) on board the vessel for a period of 3 years after the date on which the last entry in the book is made; and

"(B) under the control of the vessel's owner for an additional period of 3 years.

"(4) REGULATIONS.—In the regulations issued under this section, the Secretary shall require, at a minimum, that—

"(A) each entry in the ballast water record book be signed and dated by the officer in charge of the ballast water operation recorded;

"(B) each completed page in the ballast water record book be signed and dated by the master of the vessel; and

"(C) the owner or operator of the vessel transmit such information to the Secretary regarding the ballast operations of the vessel as the Secretary may require.

"(5) ALTERNATIVE MEANS OF RECORDKEEPING.—The Secretary may provide, by regulation, for alternative methods of recordkeeping, including electronic recordkeeping, to comply with the requirements of this subsection. Any electronic recordkeeping method authorized by the Secretary shall support the inspection and enforcement provisions of this Act and shall comply with applicable standards of the National Institute of Standards and Technology and the Office of Management and Budget governing reliability, integrity, identity authentication, and nonrepudiation of stored electronic data.

"(e) BALLAST WATER EXCHANGE REQUIREMENTS.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—Until a vessel is required to conduct ballast water treatment in accordance with subsection (f), the operator of a vessel to which this section applies may not discharge ballast water in waters subject to the jurisdiction of the United States, except after—

"(i) conducting ballast water exchange as required by this subsection, in accordance with regulations issued by the Secretary;

"(ii) using ballast water treatment technology that meets the performance standards of subsection (f); or

"(iii) using environmentally sound alternative ballast water treatment technology if the Secretary determines that such treatment technology is at least as effective as the ballast water exchange required by clause (i) in preventing and controlling the introduction of aquatic nuisance species.

"(B) TECHNOLOGY EFFICACY.—For purposes of this paragraph, a ballast water treatment technology shall be considered to be at least as effective as the ballast water exchange required by clause (i) in preventing and controlling the introduction of aquatice nuisance species if preliminary experiments prior to installation of the technology aboard the vessel demonstrate that the technology removed or killed at least 98 percent of organisms larger than 50 microns.

"(2) GUIDANCE; 5-YEAR USAGE.—

"(A) GUIDANCE.—Not later than one year after the date of enactment of the Ballast Water Treatment Act of 2007, the Secretary shall develop and issue guidance on technology that may be used under paragraph (1)(A)(iii).

"(B) 5-YEAR USAGE.—The Secretary shall allow a vessel using environmentally-sound alternative ballast treatment technology under paragraph (1)(A)(iii) to continue to use that technology for 5 years after the date on which the environmentally-sound alternative ballast water treatment technology was first placed in service on the vessel or the date on which treatment requirements under subsection (f) become applicable, whichever is later.

"(3) EXCHANGE AREAS.—

"(A) VESSELS OUTSIDE THE UNITED STATES EEZ.—The operator of a vessel en route to a United States port or place from a port or place outside the waters subject to the jurisdiction of the United States shall conduct ballast water exchange—

"(i) before arriving at a United States port or place;

"(ii) at least 200 nautical miles from the nearest point of land; and

"(iii) in water at least 200 meters in depth.

"(B) COASTAL VOYAGES.—The operator of a vessel originating from a port or place within the United States exclusive economic zone, or from a port within 200 nautical miles of the United States in Canada, Mexico, or other ports designated by the Secretary for purposes of this section, shall conduct ballast water exchange—

"(i) at least 50 nautical miles from the nearest point of land; and

"(ii) in water at least 200 meters in depth.

"(4) SAFETY OR STABILITY EXCEPTION.—

"(A) SECRETARIAL DETERMINATION.—Paragraph (3) does not apply to the discharge of ballast water if the Secretary determines that compliance with that paragraph would threaten the safety or stability of the vessel, its crew, or is passengers.

"(B) MASTER OF THE VESSEL DETERMINATION.—Paragraph (3) does not apply to the discharge of ballast water if the master of a vessel determines that compliance with that paragraph would threaten the safety or stability of the vessel, its crew, or its passengers because of adverse weather, equipment failure, or any other relevant condition.

"(C) NOTIFICATION REQUIRED.—Whenever the master of a vessel is unable to comply with the requirements of paragraph (3) because of a determination made under subparagraph (B), the master of the vessel shall—

"(i) notify the Secretary as soon as practicable thereafter but no later than 24 hours after making that determination and shall ensure that the determination, the reasons for the determination, and the notice are recorded in the vessel's ballast water record book; and

"(ii) undertake ballast water exchange in accordance with paragraph (6) if safety or stability concerns prevent undertaking ballast water exchange in the alternative area.

"(D) REVIEW OF CIRCUMSTANCES.—If the master of a vessel conducts a ballast water discharge under the provisions of this paragraph, the Secretary shall review the circumstances to determine whether the discharge met the requirements of this paragraph. The review under this clause shall be in addition to any other enforcement authority of the Secretary.

"(5) DISCHARGE UNDER WAIVER.—

"(A) SUBSTANTIAL BUSINESS HARDSHIP WAIVER.—If, because of the short length of a voyage, the operator of a vessel is unable to discharge ballast water in accordance with the requirements of paragraph (3)(B) without substantial business hardship, as determined under regulations issued by the Secretary, the operator may request a waiver from the Secretary and discharge the ballast water in accordance with paragraph (6). A request for a waiver under this subparagraph shall be submitted to the Secretary at such time and in such form and manner as the Secretary may require.

"(B) SUBSTANTIAL BUSINESS HARDSHIP.—For purposes of subparagraph (A), the factors taken into account in determining substantial business hardship shall include whether—

"(i) compliance with the requirements of paragraph (3)(B) would require a sufficiently great change in routing or scheduling of service as to compromise the economic or commercial viability of the trade or business in which the vessel is operated; or

"(ii) it is reasonable to expect that the trade or business or service provided will be continued only if a waiver is granted under subparagraph (A).

"(6) PERMISSIBLE DISCHARGE.—

"(A) IN GENERAL.—The discharge of ballast water shall be considered to be carried out in accordance with this paragraph if it is—

"(i) in an area designated for that purpose by the Secretary, after consultation with the Under Secretary, the heads of other appropriate Federal agencies as determined by the Secretary, and representatives of any State that may be affected by discharge of ballast water in that area; or

"(ii) into a reception facility described in subsection (f)(2).

"(B) LIMITATION ON VOLUME.—The volume of any ballast water discharged under this paragraph may not exceed the volume necessary to ensure the safe operation of the vessel.

"(7) CERTAIN GEOGRAPHICALLY LIMITED ROUTES.—Notwithstanding paragraph (1), the operator of a vessel is not required to comply with the requirements of this subsection—

"(A) if the vessel operates exclusively—

"(i) within the Great Lakes; or

"(ii) between or among the main group of the Hawaiian Islands; or

"(B) if the vessel operates exclusively within any area with respect to which the Secretary has determined, after consultation with the Under Secretary, the Administrator, and representatives of States the waters of which would be affected by the discharge of ballast water from the vessel, that the risk of introducing aquatic nuisance species through ballast water discharge in the areas in which the vessel operates is insignificant.

"(8) MARINE SANCTUARIES AND OTHER PROHIBITED AREAS.—A vessel may not conduct ballast water exchange or discharge ballast water under this subsection—

"(A) within a national marine sanctuary designated under of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.);

"(B) in waters that are approved by the Administrator as a nondischarge zone under section 312(n)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1322(n)(7)); or

"(C) in any other waters designated by the Secretary, in consultation with the Under Secretary and the Administrator.

"(9) VESSELS WITHOUT PUMPABLE BALLAST WATER.—

"(A) APPLICABILITY OF REQUIREMENTS.—Ballast water exchange requirements under this subsection shall apply to vessels that are equipped with

ballast water tanks and that enter a port of the United States without pumpable ballast water.

"(B) REGULATIONS.—The Secretary shall issue regulations, not later than 180 days after the date of enactment of the Ballast Water Treatment Act of 2007, that are intended to minimize the introduction of nuisance species from vessels that enter the navigable waters without pumpable ballast water, including the requirements that apply under subparagraph (A), and that are at least as stringent as the regulations in effect on the date of enactment such Act.

"(C) APPLICATION OF EXISTING REGULATIONS.—The regulations issued by the Secretary under this section, as such regulations were in effect on the day before the date of enactment of the Ballast Water Treatment Act of 2007, shall continue to apply to vessels without pumpable ballast water entering or operating on the navigable waters until the earlier of—

"(i) the date on which such vessels are required to conduct ballast water treatment, in accordance with the requirements of subsection (f); or

"(ii) the effective date of final regulations required under this paragraph.

"(f) BALLAST WATER TREATMENT REQUIREMENTS.—

"(1) PERFORMANCE STANDARDS.—A vessel to which this section applies shall conduct ballast water treatment in accordance with the requirements of this subsection before discharging ballast water in waters subject to the jurisdiction of the United States so that the ballast water discharged will contain—

"(A) less than 1 living organism per 10 cubic meters that is 50 or more micrometers in minimum dimension;

"(B) less than 1 living organism per 10 milliliters that is less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;

"(C) concentrations of indicator microbes that are less than—

"(i) 1 colony-forming unit of toxicogenic Vibrio cholera (serotypes O1 and O139) per 100 milliliters or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

"(ii) 126 colony-forming units of escherichia coli per 100 milliliters; and

"(iii) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

"(D) concentrations of such additional indicator microbes as may be specified in regulations issued by the Secretary, after consultation with other appropriate Federal agencies as determined by the Secretary, that are less than the amount specified in those regulations.

"(2) RECEPTION FACILITY EXCEPTION.—

"(A) IN GENERAL.—Paragraph (1) does not apply to a vessel that discharges ballast water into—

"(i) a land-based facility for the reception of ballast water that meets standards issued by the Administrator; or

"(ii) a water-based facility for the reception of ballast water that meets standards issued by the Secretary.

"(B) ISSUANCE OF STANDARDS.—Not later than one year after the date of enactment of the Ballast Water Treatment Act of 2007, the Secretary, in consultation with the heads of other appropriate Federal agencies as determined by the Secretary, shall issue standards for—

"(i) the reception of ballast water in land-based and water-based reception facilities; and

"(ii) the disposal or treatment of such ballast water in a way that does not impair or damage the environment, human health, property, or resources.

"(3) TREATMENT SYSTEM IMPLEMENTATION.—Paragraph (1) applies to a vessel to which this section applies beginning on the date of the first dry-docking of the vessel after December 31, 2008, but not later than December 31, 2013.

"(4) TREATMENT SYSTEM APPROVAL REQUIRED.—The operator of a vessel to which this section applies may not use a ballast water treatment system to comply with the requirements of this subsection unless the system is approved by the Secretary. The Secretary shall issue regulations establishing a process for such approval, after consultation with the heads of other appropriate Federal agencies as determined by the Secretary.

"(5) RELIANCE ON CERTAIN REPORTS, DOCUMENTS, AND RECORDS.—In approving a ballast water treatment system under this subsection, the Secretary may rely

on reports, documents, and records of persons that meet such requirements as the Secretary may prescribe.

"(6) FEASIBILITY REVIEW.—

"(A) REQUIREMENT TO REVIEW.—The Secretary shall periodically conduct a review to determine whether appropriate technologies are available to achieve the standards set forth in paragraph (1). In reviewing technologies under this subparagraph, the Secretary, after consultation with the heads of other appropriate Federal agencies as determined by the Secretary, shall consider—

"(i) the effectiveness of a technology in achieving the standards;

"(ii) feasibility in terms of compatibility with ship design and operations;

"(iii) safety considerations;

"(iv) whether a technology has an adverse impact on the environment; and

"(v) cost effectiveness.

"(B) DEADLINES.—The Secretary shall—

"(i) complete an initial review of technologies under subparagraph (A) within 12 months after the date of the enactment of the Ballast Water Treatment Act of 2007; and

"(ii) carry out subsequent reviews of technologies under subparagraph (A) no later than 24 months after the date that the previous review was completed.

"(C) DELAY IN SCHEDULED APPLICATION.—If the Secretary determines, on the basis of the initial review or any subsequent review conducted under this paragraph, that compliance with the standards set forth in paragraph (1) is not feasible for any class of vessels, the Secretary shall—

"(i) delay the date on which such standards apply to that class of vessels for a period of not more than 24 months; and

"(ii) recommend action to ensure such compliance in accordance with the revised implementation schedule for that class of vessels by the date established under clause (i).

"(7) DELAY OF APPLICATION FOR VESSEL PARTICIPATING IN PROMISING TECHNOLOGY EVALUATIONS.—

"(A) IN GENERAL.—If a vessel participates in a program, including the Shipboard Technology Evaluation Program established under section 1104, using a technology approved by the Secretary to test and evaluate promising ballast water treatment technologies that are likely to result in treatment technologies achieving a standard that is the same as or more stringent than the standard that applies under paragraph (1) before the first date on which paragraph (1) applies to that vessel, the Secretary shall allow the vessel to use that technology for a 10-year period and such vessel shall be deemed to be in compliance with the requirements of paragraph (1) during that 10-year period.

"(B) VESSEL DIVERSITY.—The Secretary—

"(i) shall seek to ensure that a wide variety of vessel types and voyages are included in the program; but

"(ii) may not grant a delay under this paragraph to more than 5 percent of the vessels to which this section applies.

"(C) TERMINATION OF GRACE PERIOD.—The Secretary may terminate the 10-year grace period of a vessel under subparagraph (A) if—

"(i) the participation of the vessel in the program is terminated without the consent of the Secretary;

"(ii) the vessel does not comply with manufacturer's standards for operating the ballast water treatment technology used on such vessel; or

"(iii) the Secretary determines that the approved technology is insufficiently effective or is causing harm to the environment.

"(8) REVIEW OF STANDARDS.—

"(A) IN GENERAL.—In December 2012 and every third year thereafter, the Secretary shall complete review of ballast water treatment standards in effect under this subsection to determine, after consultation with the Administrator and the heads of other appropriate Federal agencies determined by the Secretary, if the standards under this subsection should be revised to reduce the amount of organisms or microbes allowed to be discharged, taking into account improvements in the scientific understanding of biological processes leading to the spread of aquatic nuisance species and improvements in ballast water treatment technology. The Secretary shall revise, by regulation, the requirements of this subsection as necessary.

"(B) APPLICATION OF ADJUSTED STANDARDS.—In the regulations, the Secretary shall provide for the prospective application of the adjusted standards issued under this paragraph to vessels constructed after the date on which the adjusted standards apply and for an orderly phase-in of the adjusted standards to existing vessels.

"(9) HIGH-RISK VESSELS.—

"(A) VESSEL LIST.—Not later than one year after the date of enactment of the Ballast Water Treatment Act of 2007, the Secretary shall publish and regularly update a list of vessels identified by the States that, due to factors such as the origin of their voyages, the frequency of their voyages, the volume of ballast water they carry, the biological makeup of the ballast water, and the fact that they frequently discharge ballast water under an exception to subsection (e), pose a high risk of introducing aquatic nuisance species into the waters of those States.

"(B) INCENTIVE PROGRAMS.—The Secretary shall give priority to vessels on the list for participation in a program described in paragraph (7). Any Federal agency, and any State agency with respect to vessels identified by such State to the Secretary for inclusion on a list under subparagraph (A), may develop and implement technology development programs or other incentives (whether positive or negative) in order to encourage the adoption of ballast water treatment technology by those vessels consistent with the requirements of this section on an expedited basis.

"(10) NONAPPLICABILITY OF VESSELS OPERATING EXCLUSIVELY IN DETERMINED AREA.—

"(A) IN GENERAL.—Except as provided in subparagraph (D), paragraph (1) does not apply to a vessel that operates exclusively within an area if the Secretary has determined through a rulemaking proceeding, after consultation with the Administrator and the heads of other appropriate Federal agencies as determined by the Secretary, and representatives of States the waters of which could be affected by the discharge of ballast water from the vessel, that the risk of introducing aquatic nuisance species through ballast water discharge from the vessel is insignificant.

"(B) CERTAIN VESSELS.—A vessel constructed before January 1, 2001, that operates exclusively within the Great Lakes shall be presumed not to pose a significant risk of introducing aquatic nuisance species unless the Secretary finds otherwise in a rulemaking proceeding under subparagraph (A).

"(C) BEST PRACTICES.—The Secretary shall develop, and require a vessel exempted from complying with the requirements of paragraph (1) under this paragraph to follow, best practices to minimize the spreading of aquatic nuisance species in its operation area. The best practices shall be developed in consultation with the Governors of States that may be affected.

"(D) STOPPING THE SPREAD OF INFECTIOUS DISEASE.—The Secretary, at the request of the Secretary of Agriculture, shall require a vessel to which paragraph (1) does not apply in accordance with subparagraph (A) to have a ballast water treatment system approved by the Secretary under this subsection to stop the spread of infectious diseases to plants and animals as otherwise authorized by law.

"(11) LABORATORIES.—The Secretary may use any Federal, non-Federal, or foreign laboratory that meets standards established by the Secretary for the purpose of evaluating and certifying ballast water treatment technologies that meet the requirements of this subsection.

"(12) PROGRAM TO SUPPORT THE PROMULGATION AND IMPLEMENTATION OF STANDARDS.—

"(A) IN GENERAL.—The Secretary, in coordination with the Under Secretary, the Task Force and other appropriate Federal agencies, shall carry out a coordinated program to support the promulgation and implementation of standards under this subsection to prevent the introduction and spread of aquatic invasive species by vessels. The program established under this section shall, at a minimum—

"(i) characterize physical, chemical, and biological harbor conditions relevant to ballast discharge into United States waters to inform the design and implementation of ship vector control technologies and practices;

"(ii) develop testing protocols for determining the effectiveness of vessel vector monitoring and control technologies and practices;

"(iii) demonstrate methods for mitigating the spread of invasive species by coastal voyages, including exploring the effectiveness of alternative exchange zones in the near coastal areas and other methods proposed to reduce transfers of organisms;

"(iv) verify the practical effectiveness of any process for approving a type of alternative ballast water management as meeting standards established under this subsection, to ensure that the process produces repeatable and accurate assessments of treatment effectiveness; and

"(v) evaluate the effectiveness and residual risk and environmental impacts associated with any standard set with respect to the vessel pathways.

"(B) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized by this title, to carry out this paragraph there are authorized to be appropriated $1,500,000 to the Secretary and $1,500,000 to the Under Secretary for each of fiscal years 2008 through 2012.

"(g) WARNINGS CONCERNING BALLAST WATER UPTAKE.—

"(1) IN GENERAL.—The Secretary shall notify vessel owners and operators of any area in waters subject to the jurisdiction of the United States in which vessels may not uptake ballast water due to known conditions.

"(2) CONTENTS.—The notice shall include—

"(A) the coordinates of the area; and

"(B) if possible, the location of alternative areas for the uptake of ballast water.

"(h) SEDIMENT MANAGEMENT.—

"(1) IN GENERAL.—The operator of a vessel to which this section applies may not remove or dispose of sediment from spaces designed to carry ballast water, except—

"(A) in accordance with this subsection and the ballast water management plan approved under subsection (c); and

"(B)(i) more than 200 nautical miles from the nearest point of land; or

"(ii) into a reception facility that meets the requirements of paragraph (3).

"(2) DESIGN REQUIREMENTS.—

"(A) NEW VESSELS.—After December 31, 2008, a vessel to which this section applies may not be operated on waters subject to the jurisdiction of the United States, unless that vessel is designed and constructed in accordance with regulations issued under subparagraph (C) and in a manner that—

"(i) minimizes the uptake and entrapment of sediment;

"(ii) facilitates removal of sediment; and

"(iii) provides for safe access for sediment removal and sampling.

"(B) EXISTING VESSELS.—A vessel to which this section applies that was constructed before January 1, 2009, shall be modified, to the extent practicable, at the first drydocking of the vessel after December 31 2008, but not later than December 31, 2013, to achieve the objectives described in subparagraph (A).

"(C) REGULATIONS.—The Secretary shall issue regulations establishing design and construction standards to achieve the objectives of subparagraph (A) and providing guidance for modifications and practices under subparagraph (B). The Secretary shall incorporate the standards and guidance in the regulations governing the ballast water management plan approved under subsection (c).

"(3) SEDIMENT RECEPTION FACILITIES.—

"(A) STANDARDS.—The Secretary, in consultation with the heads of other appropriate Federal agencies as determined by the Secretary, shall issue regulations governing facilities for the reception of vessel sediment from spaces designed to carry ballast water that provide for the disposal of such sediment in a way that does not impair or damage the environment, human health, or property or resources of the disposal area.

"(B) DESIGNATION.—The Secretary, in consultation with the heads of other appropriate Federal agencies as determined by the Secretary shall designate facilities for the reception of vessel sediment that meet the requirements of the regulations issued under subparagraph (A) at ports and terminals where ballast tanks are cleaned or repaired.

"(i) EXAMINATIONS AND CERTIFICATIONS.—

"(1) INITIAL EXAMINATION.—

"(A) IN GENERAL.—The Secretary shall examine vessels to which this section applies to determine whether—

"(i) there is a ballast water management plan for the vessel that is approved by the Secretary and a ballast water record book on the vessel that meets the requirements of subsection (d);

"(ii) the equipment used for ballast water and sediment management in accordance with the requirements of this section and the regulations issued under this section is installed and functioning properly.

"(B) NEW VESSELS.—For vessels constructed on or after January 1, 2009, the Secretary shall conduct the examination required by subparagraph (A) before the vessel is placed in service.

"(C) EXISTING VESSELS.—For vessels constructed before January 1, 2009, the Secretary shall—

"(i) conduct the examination required by subparagraph (A) before the date on which subsection (f)(1) applies to the vessel according to the schedule in subsection (f)(3); and

"(ii) inspect the vessel's ballast water record book required by subsection (d).

"(D) FOREIGN VESSEL.—In the case of a foreign vessel, the Secretary shall perform the examination required by this paragraph the first time the vessel enters a United States port.

"(2) SUBSEQUENT EXAMINATIONS.—In addition to the examination required by paragraph (1), the Secretary shall annually examine vessels to which this section applies, to ensure compliance with the requirements of this section and the regulations issued under this section.

"(3) INSPECTION AUTHORITY.—

"(A) IN GENERAL.—The Secretary may carry out inspections of any vessel to which this section applies at any time, including the taking of ballast water samples, to ensure compliance with this section. The Secretary shall use all appropriate and practical measures of detection and environmental monitoring such vessels and shall establish adequate procedures for reporting violations of this section and accumulating evidence regarding such violations.

"(B) INVESTIGATIONS.—

"(i) IN GENERAL.—Upon receipt of evidence that a violation of this section or a regulation issued under this section has occurred, the Secretary shall cause the matter to be investigated.

"(ii) ISSUANCE OF SUBPOENAS.—In an investigation under this subparagraph, the Secretary may issue subpoenas to require the attendance of any witness and the production of documents and other evidence.

"(iii) COMPELLING COMPLIANCE WITH SUBPOENAS.—In case of refusal to obey a subpoena issued under this subparagraph, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.

"(4) STATE PROGRAMS.—

"(A) SUBMISSION TO SECRETARY.—At any time after the date of issuance of ballast water treatment regulations issued under this section, the Governor of each State desiring to administer its own inspection and enforcement authority for ballast water discharges within its jurisdiction may submit to the Secretary a complete description of the program the Governor proposes to establish and administer under State law. In addition, the Governor shall submit a statement from the attorney general that the laws of such State provide adequate authority to carry out the described program.

"(B) APPROVAL.—The Secretary shall approve a program submitted under subparagraph (A), unless the Secretary determines that adequate resources do not exist or, in the case of ballast water testing, that adequate scientific expertise does not exist—

"(i) to inspect, monitor, and board any vessel to which this section applies at any time, including the taking and testing of ballast water samples, to ensure the vessel's compliance with this section;

"(ii) to ensure that any ballast water discharged within the waters subject to the jurisdiction of the State meet the ballast water requirements of this section and the regulations issued under this section, including any revisions to such requirements and regulations;

"(iii) to establish adequate procedures for reporting violations of this section;

"(iv) to investigate and abate violations of this section, including civil and criminal penalties and other ways and means of enforcement; and

"(v) to ensure that the Secretary receives notice of each violation of the ballast water treatment requirements issued under this section in an expeditious manner.

"(C) SUSPENSION OF FEDERAL AUTHORITIES.—Not later than 90 days after the date on which a State submits a program (or revision thereof) under this paragraph, the Secretary shall suspend its authorities under subsections (k) and (l) in such State, unless the Secretary determines that the State program does not meet the requirements of this paragraph. If the

Secretary so determines, the Secretary shall notify the State of any revisions or modifications necessary to conform to such requirements.

"(D) COMPLIANCE.—Any State program approved under this paragraph shall at all times be conducted in accordance with this section and regulations issued under this section.

"(E) WITHDRAWAL OF APPROVAL.—Whenever the Secretary determines, after public hearing, that a State is not administering a program approved under this paragraph in accordance with this section and regulations issued under this section, the Secretary shall notify the State and, if appropriate corrective action is not taken within a reasonable period of time not to exceed 90 days, the Secretary shall withdraw approval of the program. The Secretary shall not withdraw approval of any program unless the Secretary shall first have notified the State, and made public, in writing, the reasons for such withdrawal.

"(F) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall limit the authority of the Secretary carry out inspections and investigations of any vessels under paragraph (3).

"(5) REQUIRED CERTIFICATE.—If, on the basis of an initial examination under paragraph (1), the Secretary finds that a vessel complies with the requirements of this section and the regulations issued under this section, the Secretary shall issue a certificate under this paragraph as evidence of such compliance. The certificate shall be valid for a period of not more than 5 years, as specified by the Secretary. The certificate or a true copy shall be maintained on board the vessel.

"(6) NOTIFICATION OF VIOLATIONS.—If the Secretary finds, on the basis of an examination under paragraph (1) or (2), investigation under paragraph (3), or any other information, that a vessel is being operated in violation of any requirement of this section or regulation issued under this section, the Secretary shall—

"(A) notify, in writing—

"(i) the master of the vessel; and

"(ii) the captain of the port at the vessel's next port of call;

"(B) remove from the vessel the certificate issued under paragraph (5);

"(C) take such other action as may be appropriate.

"(7) COMPLIANCE MONITORING.—

"(A) IN GENERAL.—The Secretary shall establish, by regulation, sampling and other procedures to monitor compliance with the requirements of this section and the regulations issued under this section.

"(B) USE OF MARKERS.—The Secretary may verify compliance with the discharge requirements of subsection (f) and the regulations issued under this section with respect to such requirements through identification of markers associated with a treatment technology's effectiveness, such as the presence of indicators associated with a certified treatment technology.

"(8) EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.—The Secretary may carry out education and technical assistance programs and other measures to promote compliance with the requirements of this section and the regulations issued under this section.

"(j) DETENTION OF VESSELS.—The Secretary, by notice to the owner, charterer, managing operator, agent, master, or other individual in charge of a vessel, may detain that vessel if the Secretary has reasonable cause to believe that—

"(1) the vessel is a vessel to which this section applies; and

"(2) the vessel does not comply with any requirement of this section or regulation issued under this section or is being operated in violation of such a requirement or regulation.

"(k) SANCTIONS.—

"(1) CIVIL PENALTIES.—Any person who violates this section (including a regulation issued under this section) shall be liable for a civil penalty in an amount not to exceed $32,500. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of this section (including a regulation issued under this section) is liable in rem for any civil penalty assessed under this subsection for that violation.

"(2) CRIMINAL PENALTIES.—Whoever knowingly violates this section (including a regulation issued under this section) shall be fined under title 18, United States, or imprisoned not more than 12 years, or both.

"(3) REVOCATION OF CLEARANCE.—Except as provided in subsection (j)(2), upon request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance of a vessel required by section 60105 of title 46, United States Code, if the owner or operator of that vessel is in violation of this section or a regulation issued under this section.

"(l) ENFORCEMENT.—

"(1) ADMINISTRATIVE ACTIONS.—If the Secretary finds, after notice and an opportunity for a hearing, that a person has violated this section or a regulation issued under this section, the Secretary may assess a civil penalty for that violation. In determining the amount of the civil penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require.

"(2) CIVIL ACTIONS.—At the request of the Secretary, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this section or any regulation issued under this section. Any court before which such an action is brought may award appropriate relief, including temporary or permanent injunctions and civil penalties.

"(m) CONSULTATION WITH CANADA, MEXICO, AND OTHER FOREIGN GOVERNMENTS.—In developing the guidelines and regulations to be issued under this section, the Secretary is encouraged to consult with the Government of Canada, the Government of Mexico and any other government of a foreign country that the Secretary, after consultation with the Task Force, determines to be necessary to develop and implement an effective international program for preventing the unintentional introduction and spread of aquatic nuisance species through ballast water.

"(n) INTERNATIONAL COOPERATION.—The Secretary, in cooperation with the Under Secretary, the Secretary of State, the Administrator, the heads of other relevant Federal agencies, the International Maritime Organization of the United Nations, and the Commission on Environmental Cooperation established pursuant to the North American Free Trade Agreement, is encouraged to enter into negotiations with the governments of foreign countries to develop and implement an effective international program for preventing the unintentional introduction and spread of aquatic invasive species. The Secretary is particularly encouraged to seek bilateral or multilateral agreements with Canada, Mexico, and other nations in the Wider Caribbean Region (as defined in the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean, signed at Cartagena on March 24, 1983 (TIAF 11085)), to carry out the objectives of this section.

"(o) NONDISCRIMINATION.—The Secretary shall ensure that foreign vessels do not receive more favorable treatment than vessels of the United States when the Secretary performs studies, reviews compliance, determines effectiveness, establishes requirements, or performs any other responsibilities under this Act.

"(p) CONSULTATION WITH TASK FORCE.—The Secretary shall consult with the Task Force in carrying out this section.

"(q) PREEMPTION.—

"(1) IN GENERAL.—Except as provided in subsection (i)(4) but notwithstanding any other provision of law, the provisions of subsections (e) and (f) supersede any provision of State or local law that is inconsistent with the requirements of those subsections or that conflicts with the requirements of those subsections.

"(2) GREATER PENALTIES OR FEES.—For purpose of paragraph (1), the imposition by State or local law of greater penalties or fees for acts or omissions that are violations of such law and also violations of this Act or the imposition by a State of incentives under subsection (f)(9)(B) shall not be considered to be inconsistent, or to conflict, with the requirements of subsections (e) and (f).

"(3) RECEPTION FACILITIES.—The standards issued by the Secretary or the heads of other appropriate Federal agencies under subsection (f)(2) do not supersede any more stringent standard under any otherwise applicable Federal, State, or local law.

"(r) COAST GUARD REPORT ON OTHER SOURCES OF VESSEL-BOURNE NUISANCE SPECIES.—

"(1) IN GENERAL.—

"(A) HULL-FOULING AND OTHER VESSEL SOURCES.—Not later than 180 days after the date of enactment of the Ballast Water Treatment Act of 2007, the Secretary shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on vessel-related pathways of harmful aquatic organisms and pathogens other than ballast water and sediment, including vessel hulls and equipment, and from vessels equipped with ballast tanks that carry no ballast water on board.

"(B) BEST PRACTICES.—

"(i) IN GENERAL.—As soon as practicable, the Secretary shall develop best practices standards and procedures designed to reduce the introduction and spread of invasive species into and within the United States from vessels and establish a timeframe for implementation of those standards and procedures by vessels. Such standards and proce-

dures shall include designation of geographical locations for uptake and discharge of untreated ballast water, as well as standards and procedure for other vessel pathways of aquatic invasive species.

"(ii) REPORT.—The Secretary shall transmit a report to the committees referred to in subparagraph (A) describing the standards and procedures developed under this subparagraph and the implementation timeframe, together with such recommendations as the Secretary determines appropriate.

"(iii) REGULATIONS.—The Secretary may issue regulations to incorporate and enforce standards and procedures developed under this paragraph.

"(2) TRANSITING VESSELS.—Not later than 180 days after the date of enactment of the Ballast Water Treatment Act of 2007, the Secretary shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives containing—

"(A) an assessment of the magnitude and potential adverse impacts of ballast water operations from foreign vessels designed, adapted, or constructed to carry ballast water that are transiting waters subject to the jurisdiction of the United States; and

"(B) recommendations, including legislative recommendations if appropriate, of options for addressing ballast water operations of those vessels.".

(b) DEFINITIONS.—Section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702) is amended—

(1) by redesignating—

(A) paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(B) paragraphs (4), (5), and (6) as paragraphs (8), (9), and (10), respectively;

(C) paragraphs (7), (8), (9), and (10) as paragraphs (12), (13), (14), and (15), respectively;

(D) paragraphs (11) and (12) as paragraphs (17) and (18), respectively;

(E) paragraphs (13), (14), and (15) as paragraphs (20), (21), and (22), respectively;

(F) paragraph (16) as paragraph (27); and

(G) paragraph (17) as paragraph (23);

(2) by moving paragraph (23), as so redesignated, after paragraph (22), as so redesignated;

(3) by inserting before paragraph (2), as so redesignated, the following:

"(1) 'Administrator' means the Administrator of the Environmental Protection Agency;";

(4) by striking paragraph (4), as so redesignated, and inserting the following:

"(4) 'ballast water' means—

"(A) water taken on board a vessel to control trim, list, draught, stability, or stresses of the vessel, including matter suspended in such water; or

"(B) any water placed into a ballast tank during cleaning, maintenance, or other operations;";

(5) by inserting after paragraph (4), as so redesignated and amended, the following:

"(5) 'ballast water capacity' means the total volumetric capacity of any tanks, spaces, or compartments on a vessel that is used for carrying, loading, or discharging ballast water, including any multi-use tank, space, or compartment designed to allow carriage of ballast water;

"(6) 'ballast water management' means mechanical, physical, chemical, and biological processes used, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of harmful aquatic organisms and pathogens within ballast water and sediment;

"(7) 'constructed' means a state of construction of a vessel at which—

"(A) the keel is laid;

"(B) construction identifiable with the specific vessel begins;

"(C) assembly of the vessel has begun comprising at least 50 tons or 1 percent of the estimated mass of all structural material of the vessel, whichever is less; or

"(D) the vessel undergoes a major conversion;";

(6) by inserting after paragraph (10), as so redesignated, the following:

"(11) 'foreign vessel' has the meaning such term has under section 110 of title 46, United States Code;";

(7) by inserting after paragraph (15), as so redesignated, the following:

"(16) 'major conversion' means a conversion of a vessel, that—

"(A) changes its ballast water carrying capacity by at least 15 percent;

"(B) changes the vessel class;

"(C) is projected to prolong the vessel's life by at least 10 years (as determined by the Secretary); or

"(D) results in modifications to the vessel's ballast water system, except—

"(i) component replacement-in-kind; or

"(ii) conversion of a vessel to meet the requirements of section 1101(e);";

(8) by inserting after paragraph (18), as so redesignated, the following:

"(19) 'sediment' means matter that has settled out of ballast water within a vessel;";

(9) in paragraph (12), as so redesignated, by striking the period at the end and inserting a semicolon;

(10) by inserting after paragraph (23), as so redesignated and moved, the following:

"(24) 'United States port' means a port, river, harbor, or offshore terminal under the jurisdiction of the United States, including ports located in Puerto Rico, Guam, and the United States Virgin Islands;

"(25) 'vessel of the Armed Forces' means—

"(A) any vessel owned or operated by the Department of Defense, other than a time or voyage chartered vessel; and

"(B) any vessel owned or operated by the Department of Homeland Security that is designated by the Secretary as a vessel equivalent to a vessel described in subparagraph (A);

"(26) 'vessel of the United States' has the meaning such term has under section 116 of title 46, United States Code;";

(11) in paragraph (23), as so redesignated, by striking the period at the end and inserting ";"; and

(12) by inserting after paragraph (27), as so redesignated and amended, the following:

"(28) 'waters subject to the jurisdiction of the United States' means navigable waters and the territorial sea of the United States, the exclusive economic zone, and the Great Lakes.".

(c) REPEAL OF SECTION 1103.—Section 1103 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4713) is repealed.

(d) INTERIM FINAL RULE.—The Secretary shall issue an interim final rule as a temporary regulation implementing the amendments made by this section as soon as practicable after the date of enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code. All regulations issued under the authority of this subsection that are not earlier superseded by final regulations shall expire not later than one year after the date of enactment of this Act.

SEC. 504. NATIONAL BALLAST WATER MANAGEMENT INFORMATION.

Section 1102 (16 U.S.C. 4712) is amended—

(1) by adding at the end the following:

"(g) BALLAST WATER SURVEYS.—

"(1) IN GENERAL.—The Secretary shall conduct the following ballast water surveys:

"(A) A survey of the number of living organisms in untreated ballast water of a representative number of vessels, as determined by the Secretary.

"(B) A survey of the number of living organisms in the ballast water of a representative number of vessels, as determined by the Secretary, that has been exchanged on the high seas.

"(C) Surveys of the number of living organisms in the ballast water of vessels that are participating in a program to test and evaluate promising ballast water treatment, as approved by the Secretary.

"(2) REPORTS.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

"(A) a report on the results of the surveys under subparagraphs (A) and (B) of paragraph (1) by not later than 18 months after the date of the enactment of the Ballast Water Treatment Act of 2007; and

"(B) a report on the results of the surveys required under subparagraph (C) of paragraph (1) upon completion of each demonstration concerned.";

(2) in subsection (b)(1)(B)(ii), by striking "guidelines issued and";

(3) in subsection (b)(2)(B)(ii), by striking "voluntary guidelines issued, and regulations promulgated," and inserting "regulations promulgated";

(4) in subsection (c)(1), by striking "section 1101(b)" and inserting "section 1101(a)"; and

(5) in subsection (f)(1)(B), by striking "guidelines issued pursuant to section 1101(c)" and inserting "regulations issued pursuant to section 1101".

SEC. 505. BALLAST WATER MANAGEMENT EVALUATION AND DEMONSTRATION PROGRAM.

Section 1104 (16 U.S.C. 4714) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 1104. BALLAST WATER TREATMENT TECHNOLOGY EVALUATION AND DEMONSTRATION PROGRAMS.";

(2) by striking subsection (a);

(3) by redesignating subsection (b) as subsection (a);

(4) by redesignating subsection (c) as subsection (d);

(5) in subsection (a), as so redesignated—

(A) by striking so much as precedes paragraph (2) and inserting the following:

"(a) SHIPBOARD TECHNOLOGY EVALUATION PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a Shipboard Technology Evaluation Program to evaluate alternative ballast water management methods aboard vessels to prevent aquatic nuisance species from being introduced into and spread through discharges of ballast water in waters of the United States."; and

(B) in paragraph (2) by striking "of the technologies and practices used in the demonstration program" and inserting "of alternative ballast water management methods used in the program";

(6) in subsection (a)(3), as so redesignated, by striking "technologies and practices" and all that follows through "shall—" and inserting "ballast water treatment technologies on vessels under this subsection, the Secretary shall—";

(7) in subsection (a)(3)(A), as so redesignated, by striking clause (i) and by redesignating clauses (ii) and (iii) in order as clauses (i) and (ii);

(8) by amending subsection (a)(3)(A)(i), as so redesignated, to read as follows:

"(i) have ballast water systems conducive to testing aboard the vessel; and";

(9) by amending subsection (a)(3)(C), as so redesignated, to read as follows:

"(C) seek to use a variety of vessel types.";

(10) by amending subsection (a)(4), as so redesignated, to read as follows:

"(4) SELECTION OF ALTERNATIVE BALLAST WATER MANAGEMENT METHODS.—In order for a ballast water treatment technology to be eligible to be installed on vessels for evaluation under this section, such technology must be, at a minimum—

"(A) determined by the Secretary to have the demonstrated potential to reduce the number of organisms greater than or equal to 50 microns in minimum dimension in discharged ballast water to fewer than 10 living organisms per cubic meter of water;

"(B) cost-effective;

"(C) environmentally sound;

"(D) operationally practical;

"(E) able to be retrofitted on existing vessels or incorporated in new vessel design (or both);

"(F) safe for a vessel and crew; and

"(G) accessible to monitoring.";

(11) in subsection (a), as so redesignated, by adding at the end the following:

"(6) AUTHORITY OF SECRETARY TO REVIEW AND REVISE CRITERIA.—The Secretary may review and revise the criteria described in paragraph (4)(A) to require ballast water treatment technologies to meet a more stringent ballast water discharge standard, including standards promulgated under section 1101(f), before being eligible for installation aboard vessels under the program.";

(12) by inserting after subsection (a), as so redesignated, the following:

"(b) SHIPBOARD TECHNOLOGY DEMONSTRATION PROGRAM.—

"(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 prevent aquatic nuisance species from being introduced into and spread through ballast water in waters of the United States.

"(2) LOCATION.—The installation and construction of ballast water treatment technologies used in the demonstration program under this subsection shall be performed in the United States.

"(3) VESSEL ELIGIBILITY.—Vessels eligible to participate in the demonstration program under this subsection shall consist only of vessels that have been ac-

cepted into and are actively participating in the Shipboard Technology Evaluation Program under subsection (a).

"(4) GRANTS.—

"(A) IN GENERAL.—The Under Secretary shall establish a grant program to provide funding for acquiring, installing, and operating ballast water treatment technologies aboard vessels participating in the program under this subsection.

"(B) MATCHING REQUIREMENTS.—The amount of Federal funds used for any demonstration project under this subsection—

"(i) shall not exceed $1,000,000; and

"(ii) shall not exceed 50 percent of the total cost of such project.

"(c) ALTERNATIVE SHIP PATHWAY PROGRAM.—

"(1) IN GENERAL.—The Under Secretary, with the concurrence of and in cooperation with the Secretary, shall conduct a program to demonstrate and verify technologies and practices to monitor and control the introduction of aquatic invasive species by ship pathways other than the release of ballast water.

"(2) SELECTION OF METHODS.—The Under Secretary may not select technologies and practices for demonstration or verification under paragraph (1) unless such technologies and practices, in the determination of the Under Secretary, in consultation with the Secretary, meet the criteria outlined in subparagraphs (B) through (G) of subsection (a)(4).

"(3) LOCATION.—The installation and construction of technologies and practices for demonstration and verification under this subsection shall be performed in the United States."; and

(13) in subsection (d), as so redesignated, by striking "Secretary of the Interior" each place it appears and inserting "Secretary, in consultation with the Under Secretary,".

SEC. 506. RAPID RESPONSE PLAN.

Subtitle C of title I of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721 et seq.) is amended by adding at the end the following:

"SEC. 1210. RAPID RESPONSE PLAN.

"(a) PREPARATION BY PRESIDENT.—The President shall prepare and publish a national rapid response plan for killing, removing, or minimizing the spread of aquatic nuisance species in the waters of the United States in accordance with this section.

"(b) CONTENTS.—The national rapid response plan shall provide for efficient, coordinated, and effective action to minimize damage from aquatic nuisance species in the navigable waters of the United States, including killing, containing, and removal of the aquatic nuisance species, and shall include the following:

"(1) Assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies and port authorities and private entities.

"(2) Identification, procurement, maintenance, and storage of equipment and supplies needed to facilitate the killing, containment, and removal of aquatic nuisance species under this section.

"(3) Establishment or designation by the President of Federal aquatic nuisance species response teams, consisting of—

"(A) personnel who shall be trained and prepared by the President and shall be available to provide necessary services to carry out the national rapid response plan;

"(B) adequate equipment and material needed to facilitate the killing, containment, and removal of aquatic nuisance species under this section; and

"(C) a detailed plans to kill, contain, and remove aquatic nuisance species, including measures to protect fisheries and wildlife.

"(4) A system of surveillance and notice designed to safeguard against, as well as ensure earliest possible notice of, the introduction of aquatic nuisance species and imminent threats of such introduction to the appropriate State and Federal agencies.

"(5) Establishment by the President of a national center to provide coordination and direction for operations in carrying out the plan.

"(6) Procedures and techniques to be employed in identifying, containing, killing, and removing aquatic nuisance species in the waters of the United States.

"(7) A schedule, prepared by the President in cooperation with the States, identifying—

"(A) mitigating devices and substances, if any, that may be used in carrying out the plan;

"(B) the waters in which such mitigating devices and substances may be used; and

"(C) the quantities of such mitigating device or substance which can be used safely in such waters.

"(8) A system whereby the State or States affected by an aquatic nuisance species may act where necessary to remove such species.

"(9) Establishment by the President of criteria and procedures to ensure immediate and effective Federal identification of, and response to, an introduction of aquatic nuisance species.

"(10) Designation by the President of the Federal official who shall be the Federal on-scene coordinator for measures taken to kill, contain, and remove aquatic nuisance species under this section.

"(11) A fish and wildlife response plan for the immediate and effective protection, rescue, and rehabilitation of, and the minimization of risk of damage to, fish and wildlife resources and their habitat that are harmed or that may be jeopardized by an introduction of an aquatic nuisance species.

"(c) FEDERAL REMOVAL AUTHORITY.—

"(1) REMOVAL REQUIREMENT.—

"(A) IN GENERAL.—The President shall ensure, in accordance with the national rapid response plan, effective and immediate killing, containing, and removal of the aquatic nuisance species in the waters of the United States.

"(B) DISCRETIONARY AUTHORITY.—In carrying out this paragraph, the President may—

"(i) kill, contain, and remove an aquatic nuisance species, at any time; and

"(ii) direct or monitor all Federal, State, and private actions to kill, contain, and remove the aquatic nuisance species.

"(2) ACTIONS IN ACCORDANCE WITH NATIONAL RAPID RESPONSE PLAN.—Each Federal agency, State, owner or operator, or other person participating in efforts under this subsection shall act in accordance with the national rapid response plan or as directed by the President to carry out the plan.".

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

Section 1301(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(a)) is amended—

(1) by striking "and" after the semicolon in paragraph (4)(B);

(2) by striking the period at the end of paragraph (5)(B) and inserting a semicolon; and

(3) by adding at the end the following:

"(6) $20,000,000 for each of fiscal years 2008 through 2012 to the Secretary to carry out section 1101;

"(7) $500,000 to the Secretary for each of fiscal years 2008 through 2013 to carry out section 1102(f);

"(8) $6,000,000 to the Under Secretary for each of fiscal years 2008 through 2013 to carry out paragraph (4) of section 1104(b); and

"(9) $1,500,000 to the Under Secretary for each of fiscal years 2008 through 2013 to carry out section 1104(c).".

TITLE VI—ALIEN SMUGGLING

SEC. 601. SHORT TITLE.

This title may be cited as the "Maritime Law Enforcement Improvement Act of 2007".

SEC. 602. MARITIME LAW ENFORCEMENT.

(a) IN GENERAL.—Subtitle VII of title 46, United States Code, is amended by adding at the end the following:

"CHAPTER 707—MARITIME LAW 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.

"§ 70701. Offense

"It shall be unlawful for any person on board a covered vessel to transport or facilitate the transportation, harboring, or concealment of an alien on board such vessel knowing or having reason to believe that the alien is attempting to unlawfully enter the United States.

"§ 70702. Attempt or conspiracy

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

"§ 70703. Affirmative defenses

"It is an affirmative defense to a prosecution under this section, which the defendant must prove by a preponderance of the evidence, that—

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

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

"(2) the defendant, as soon as reasonably practicable, informed the Coast Guard of the presence of the alien on the vessel and the circumstances of the rescue; and

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

"§ 70704. Penalties

"Any person who commits a violation of this chapter shall be imprisoned for not less than 3 nor more than 20 years or fined not more than $100,000, or both; except that—

"(1) in any case in which the violation causes serious bodily injury to any person, regardless of where the injury occurs, the person shall be imprisoned for not less than 7 nor more than 30 years or fined not more than $500,000, or both; and

"(2) in any case in which the violation causes or results in the death of any person regardless of where the death occurs, the person shall be imprisoned for not less than 10 years nor more than life or fined not more than $1,000,000, or both.

"§ 70705. Criminal forfeiture

"The court, at the time of sentencing a person convicted of an offense under this chapter, shall order forfeited to the United States any vessel used in the offense in the same manner and to the same extent as if it were a vessel used in an offense under section 274 of the Immigration and Nationality Act (8 U.S.C. 1324).

"§ 70706. Civil forfeiture

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

"§ 70707. Extension beyond territorial jurisdiction

"Sections 70701 and 70702 apply even though the act is committed outside the territorial jurisdiction of the United States.

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

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

"§ 70709. Federal activities

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

"§ 70710. Definitions

"In this chapter, the following definitions apply:

"(1) ALIEN.—The term 'alien' has the meaning given that term in section 70105(f).

"(2) COVERED VESSEL.—The term 'covered vessel' means a vessel of the United States, or a vessel subject to the jurisdiction of the United States, that is less

than 300 gross tons (or an alternate tonnage prescribed by the Secretary under section 14104 of this title) as measured under section 14502 of this title.

"(3) SERIOUS BODILY INJURY.—The term 'serious bodily injury' has the meaning given that term in section 1365 of title 18, United States Code.

"(4) UNITED STATES.—The term 'United States' has the meaning given that term is section 114.

"(5) VESSEL OF THE UNITED STATES.—The term 'vessel of the United States' has the meaning given that term in section 70502.

"(6) VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term 'vessel subject to the jurisdiction of the United States' has the meaning given that term in section 70502.".

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

"707. Maritime Law Enforcement ..... 70701".

TITLE VII—MISCELLANEOUS HOMELAND SECURITY PROVISIONS

SEC. 701. MARITIME HOMELAND SECURITY PUBLIC AWARENESS PROGRAM.

The Secretary of Homeland Security shall establish a program to help prevent acts of terrorism and other activity that jeopardizes maritime homeland security, by seeking the cooperation of the commercial and recreational boating industries and the public to improve awareness of activity in the maritime domain and report suspicious and unusual activity.

SEC. 702. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL.

(a) ASSESSMENT OF TWIC PROGRAM IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 120 days after implementing the Transportation Worker Identification Credential program (in this section referred to as "TWIC") at the ten ports designated top priority by the Secretary of Homeland Security, as required by section 70105(i)(2)(A) of title 46, United States Code, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Represetatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate and to the Comptroller General of the United States a report containing an assessment of the progress of the program's implementation. The report shall include—

(A) the number of workers enrolled in the program to date and the extent to which key metrics and contract requirements have been met; and

(B) an overview of the challenges encountered during implementation of the enrollment process, and plans for how these challenges will be addressed as the program is implemented at additional ports.

(2) GAO ASSESSMENT.—The Comptroller General shall review the report and submit to the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Represetatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the report's findings and recommendations.

(b) ASSESSMENT OF TWIC PILOT.—

(1) IN GENERAL.—Not later than 120 days after completing the pilot program under section 70105(k)(1) of title 46, United States Code, to test TWIC access control technologies at port facilities and vessels nationwide, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Represetatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate and to the Comptroller General a report containing an assessment of the results of the pilot. The report shall include—

(A) the findings of the pilot program with respect to key technical and operational aspects of implementing TWIC technologies in the maritime sector;

(B) a comprehensive listing of the extent to which established metrics were achieved during the pilot program; and

(C) an analysis of the viability of those technologies for use in the marine environment, including any challenges to implementing those technologies and strategies for mitigating identified challenges.

(2) GAO ASSESSMENT.—The Comptroller General shall review the report and submit to the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Represetatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the report's findings and recommendations.

SEC. 703. STUDY TO IDENTIFY REDUNDANT BACKGROUND RECORDS CHECKS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study comparing those background records checks required under section 70105 of title 46, United States Code, and those conducted by States for similar homeland security purposes.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Represetatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate on the results of the study, including—

(1) an identification of redundancies and inefficiencies in connection with such checks referred to in subsection (a); and

(2) recommendations for eliminating such redundancies and inefficiencies.

SEC. 704. REVIEW OF INTERACENCY OPERATIONAL CENTERS.

(a) IN GENERAL.—Within 180 days of enactment of this Act, the Department of Homeland Security Inspector General shall provide a report to the Committee on Homeland Security of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Commerce, Science, and Transportation of the Senate concerning the establishment of Interagency Operational Centers for Port Security required by section 108 of the SAFE Port Act (Public Law 109–347).

(b) REPORT.—The report shall include—

(1) an examination of the Department's efforts to establish the Interagency Operational Centers;

(2) a timeline for construction;

(3) a detailed breakdown, by center, as to the incorporation of those representatives required by section 70107A(b)(3) of title 46, United States Code;

(4) an analysis of the hurdles faced by the Department in developing these centers;

(5) information on the number of security clearances attained by State, local, and tribal officials participating in the program; and

(6) an examination of the relationship between the Interagency Operational Centers and State, local and regional fusion centers participating in the Department of Homeland Security's State, Local, and Regional Fusion Center Initiative under section 511 of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53), with a particular emphasis on—

(A) how the centers collaborate and coordinate their efforts; and

(B) the resources allocated by the Coast Guard to both initiatives.

SEC. 705. MARITIME SECURITY RESPONSE TEAMS.

(a) IN GENERAL.—Section 70106 of title 46, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) MARITIME SECURITY RESPONSE TEAMS.—

"(1) IN GENERAL.—In addition to the maritime safety and security teams, the Secretary shall establish no less than two maritime security response teams to act as the Coast Guard's rapidly deployable counterterrorism and law enforcement response units that can apply advanced interdiction skills in response to threats of maritime terrorism.

"(2) MINIMIZATION OF RESPONSE TIME.—The maritime security response teams shall be stationed in such a way to minimize, to the extent practicable, the response time to any reported maritime terrorist threat.

"(d) COORDINATION WITH OTHER AGENCIES.—To the maximum extent feasible, each maritime safety and security team and maritime security response team shall coordinate its activities with other Federal, State, and local law enforcement and emergency response agencies.".

SEC. 706. COAST GUARD DETECTION CANINE TEAM PROGRAM EXPANSION.

(a) DEFINITIONS.—For purposes of this section:

(1) CANINE DETECTION TEAM.—The term "detection canine team" means a canine and a canine handler that are trained to detect narcotics or explosives, or other threats as defined by the Secretary.

(2) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(b) DETECTION CANINE TEAMS.—

(1) INCREASED CAPACITY.—Not later than 240 days after the date of enactment of this Act, the Secretary shall—

(A) begin to increase the number of detection canine teams certified by the Coast Guard for the purposes of maritime-related security by no fewer than 10 canine teams annually through fiscal year 2012; and

(B) encourage owners and operators of port facilities, passenger cruise liners, oceangoing cargo vessels, and other vessels identified by the Secretary to strengthen security through the use of highly trained detection canine teams.

(2) CANINE PROCUREMENT.—The Secretary, acting through the Commandant of the Coast Guard, shall—

(A) procure detection canine teams as efficiently as possible, including, to the greatest extent possible, through increased domestic breeding, while meeting the performance needs and criteria established by the Commandant;

(B) support expansion and upgrading of existing canine training facilities operated by the department in which the Coast Guard is operating; and

(C) as appropriate, partner with other Federal, State, or local agencies, nonprofit organizations, universities, or the private sector to increase the breeding and training capacity for Coast Guard canine detection teams.

(c) DEPLOYMENT.—The Secretary shall prioritize deployment of the additional canine teams to ports based on risk, consistent with the Security and Accountability For Every Port Act of 2006 (Public Law 109–347).

(d) AUTHORIZATION.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section for fiscal years 2008 through 2012.

SEC. 707. COAST GUARD PORT ASSISTANCE PROGRAM.

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

"(f) COAST GUARD ASSISTANCE PROGRAM.—

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

"(A) to assist in bringing the port or facility into compliance with applicable International Ship and Port Facility Code standards;

"(B) to assist the port or facility in meeting standards established under section 70109A of this chapter; and

"(C) to assist the port or facility in exceeding the standards described in subparagraphs (A) and (B).

"(2) CONDITIONS.—The Secretary—

"(A) shall provide such assistance based upon an assessment of the risks to the security of the United States and the inability of the owner or operator of the port or facility otherwise to bring the port or facility into compliance with those standards and to maintain compliance with them;

"(B) may not provide such assistance unless the port or facility has been subjected to a comprehensive port security assessment by the Coast Guard or a third party entity certified by the Secretary under section 70110A(b) to validate foreign port or facility compliance with International Ship and Port Facility Code standards; and

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

SEC. 708. HOMELAND SECURITY IMPACT REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.

(a) REQUIREMENT OF APPROVAL.—No Federal agency shall license, approve, or otherwise authorize the construction, expansion, or operation of an offshore or waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships unless the Secretary of Homeland Security has approved such construction, expansion, or operation under this section.

(b) HOMELAND SECURITY IMPACT REVIEW.—Upon receipt of notice of an application for a license, approval, or other authorization described in subsection (a), the Secretary of Homeland Security shall conduct a comprehensive homeland security impact review of the proposed construction, expansion, or operation, including proposed shipping routes to or from the facility.

(c) FACTORS TO BE CONSIDERED.—In conducting the review under subsection (b), the Secretary of Homeland Security shall consider—

(1) the potential for muliple, simultaneous, coordinated attacks on facilities;

(2) the potential for assistance in an attack from several persons employed at the facility;

(3) the potential for suicide attacks;

(4) water-based and air-based threats;

(5) the potential use of explosive devices of considerable size and other modern weaponry;

(6) the potential for attacks by persons with a sophisticated knowledge of facility operations;

(7) the threat of fires and large explosions; and

(8) special threats and vulnerabilities affecting facilities located in or within 2 miles of a densely populated urban area.

(d) APPROVAL.—Upon completion of a review under subsection (b), if the Secretary of Homeland Security determines that the proposed construction, expansion, or operation of the facility does not pose a substantial risk to life and property, the Secretary in coordination with appropriate Federal agencies with regulatory responsibility over liquefied natural gas facilities shall approve the proposed construction, expansion, or operation. Except as provided in subsection (a), approval under this subsection shall not affect any other requirement under law to obtain a license, approval, or other authorization for the construction, expansion, or operation of an offshore or waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships.

(e) RESULTS OF REVIEW.—The Secretary of Homeland Security shall provide the results of a review conducted under subsection (b)—

(1) to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) to each Federal agency responsible for licensing, approval, or other authorization for the construction, expansion, or operation; and

(3) to the extent consistent with the protection of homeland security, to affected State and local officials and the public.

SEC. 709. MARITIME BIOMETRIC IDENTIFICATION.

(a) IN GENERAL.—The Secretary of Homeland Security, through the Commandant of the Coast Guard, may conduct, in the maritime environment, a pilot program for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security and for other purposes.

(b) REQUIREMENTS.—The Secretary shall ensure that the pilot program is coordinated with other biometric identification programs within the Department of Homeland Security and shall evaluate the costs and feasibility of expanding the capability to all Coast Guard cutters, stations and deployable maritime teams, and other appropriate Department of Homeland Security maritime vessels and units.

(c) DEFINITION.—For purposes of this section, the term "biometric identification" means use of fingerprint and digital photography images.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as appropriate to carry out this section.

SEC. 710. REVIEW OF POTENTIAL THREATS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report analyzing the threat, vulnerability, and consequence of a terrorist attack on gasoline and chemical cargo shipments in port activity areas in the United States.

SEC. 711. PORT SECURITY PILOT.

The Secretary of Homeland Security shall establish a pilot program to test and deploy preventive radiological/nuclear detection equipment on Coast Guard vessels and other locations in select port regions to enhance border security and for other purposes. The pilot program shall leverage existing Federal grant funding to support this program and the procurement of additional equipment.

SEC. 712. ADVANCE NOTICE OF PORT ARRIVAL OF SIGNIFICANT OR FATAL INCIDENTS INVOLVING U.S. PERSONS.

(a) REQUIREMENT.—The Secretary of Homeland Security shall require the owner or operator of a cruise ship that embarks or disembarks passengers in a United States port to notify the Secretary of any covered security incident that occurs on the cruise ship in the course of the voyage (or voyage segment) in which a U.S. person is involved, in conjunction with any advance notice of arrival to a United States port required by part 160 of title 33, Code of Federal Regulations.

(b) DEFINITIONS.—For the purposes of this section:

(1) COVERED SECURITY INCIDENT.—The term "covered security incident" means any act or omission that results in death, serious bodily injury, sexual

assault, or a missing person, or poses a significant threat to the cruise ship, any cruise ship passenger, any port facility, or any person in or near the port.

(2) CRUISE SHIP.—The term "cruise ship" means a vessel on an international voyage that embarks or disembarks passengers at a port of United States jurisdiction to which subpart C of part 160 of title 33, Code of Federal Regulations, applies and that provides overnight accommodations.

(3) U.S. PERSON.—The term "U.S. person" means a citizen of the United States and an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(20)).

(4) UNITED STATES.—The term "United States" means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(c) SAVINGS CLAUSE.—Nothing in this section shall be interpreted to discourage immediate notification to the Secretary of a covered security incident, nor shall this section prohibit earlier notifications of covered security incidents otherwise required by law or regulation.

SEC. 713. SAFETY AND SECURITY ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70110(e)(1) of title 46, United States Code, is amended by striking the second sentence and inserting the following: "The Secretary shall establish a strategic plan to utilize those assistance programs to assist ports and facilities that are found by the Secretary under subsection (a) not to maintain effective antiterrorism measures in the implementation of port security antiterrorism measures.".

(b) CONFORMING AMENDMENTS.—

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

(A) by inserting "**OR FACILITIES**" after "**PORTS**" in the section heading;

(B) by inserting "or facility" after "port" each place it appears; and

(C) by striking "PORTS" in the heading for subsection (e) and inserting "PORTS, FACILITIES,".

(2) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following:

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

SEC. 714. SEASONAL WORKERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the effects that the Transportation Worker Identification Card (in this section referred to as "TWIC") required by section 70105 of title 46, United States Code, has on companies that employ seasonal employees.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study, including—

(1) costs associated in requiring seasonal employees to obtain TWIC cards on companies

(2) whether the Coast Guard and Transportation Security Administration are processing TWIC applications quickly enough for seasonal workers to obtain TWIC certification;

(3) whether TWIC compliance costs or other factors have led to a reduction in service;

(4) the impact of TWIC on the recruiting and hiring of seasonal and other temporary employees; and

(5) an assessment of possible alternatives to TWIC certification that may be used for seasonal employees including any security vulnerabilities created by those alternatives.

SEC. 715. COMPARATIVE RISK ASSESSMENT OF VESSEL-BASED AND FACILITY-BASED LIQUEFIED NATURAL GAS REGASIFICATION PROCESSES.

(a) IN GENERAL.—Within 90 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall enter into an arrangement for the performance of an independent study to conduct a comparative risk assessment examining the relative safety and security risk associated with vessel-based and facility-based liquefied natural gas regasification processes conducted within 3 miles from land versus such processes conducted more than 3 miles from land.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commandant shall provide a report on the findings and conclusions of the study required by this section to the Committees on Homeland Security, Transportation

and Infrastructure, and Energy and Commerce of the House of Representatives, and the Committees on Homeland Security and Governmental Affairs and Commerce, Science, and Transportation of the Senate.

SEC. 716. SAVINGS CLAUSE.

Nothing in this Act shall be construed to diminish or affect the authority of the Secretary of Homeland Security or the Commandant of the Coast Guard pursuant to the Maritime Transportation Security Act of 2002 (Public Law 107–295), the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.), the SAFE Port Act (Public Law 109–347), the Homeland Security Act of 2002, or the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53).

TITLE VIII—COAST GUARD INTEGRATED DEEPWATER PROGRAM

SEC. 801. SHORT TITLE.

This title may be cited as the "Integrated Deepwater Program Reform Act".

SEC. 802. IMPLEMENTATION OF COAST GUARD INTEGRATED DEEPWATER ACQUISITION PROGRAM.

(a) USE OF PRIVATE SECTOR ENTITY AS A LEAD SYSTEMS INTEGRATOR.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary may not use a private sector entity as a lead systems integrator for procurements under, or in support of, the Deepwater Program beginning on the earlier of October 1, 2011, or the date on which the Secretary certifies in writing to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the Coast Guard has available and can retain sufficient contracting personnel and expertise within the Coast Guard, through an arrangement with other Federal agencies, or through contracts or other arrangements with private sector entities, to perform the functions and responsibilities of the lead system integrator in an efficient and cost-effective manner.

(2) COMPLETION OF EXISTING DELIVERY ORDERS AND TASK ORDERS.—The Secretary may use a private sector entity as a lead systems integrator to complete any delivery order or task order under the Deepwater Program that was issued to the lead systems integrator on or before the date of enactment of this Act.

(3) ASSISTANCE OF OTHER FEDERAL AGENCIES.—In any case in which the Secretary is the systems integrator under the Deepwater Program, the Secretary may obtain any type of assistance the Secretary considers appropriate, with any systems integration functions, from any Federal agency with experience in systems integration involving maritime vessels and aircraft.

(4) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—In any case in which the Secretary is the systems integrator under the Deepwater Program, the Secretary may, subject to the availability of appropriations, obtain by grant, contract, or cooperative agreement any type of assistance the Secretary considers appropriate, with any systems integration functions, from any private sector entity with experience in systems integration involving maritime vessels and aircraft.

(b) COMPETITION.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall use full and open competition for each class of asset acquisitions under the Deepwater Program for which an outside contractor is used, if the asset is procured directly by the Coast Guard or by the Integrated Coast Guard System acting under a contract with the Coast Guard.

(2) EXCEPTION.—The Secretary may use a procurement method that is less than full and open competition to procure an asset under the Deepwater Program, if—

(A) the Secretary determines that such method is in the best interests of the Federal Government; and

(B) by not later than 30 days before the date of the award of a contract for the procurement, the Secretary submits to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report explaining why such procurement is in the best interests of the Federal Government.

(3) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to a contract, subcontract, or task order that was issued before the date of enactment of this

Act, if there is no change in the quantity of assets or the specific type of assets procured.

(c) REQUIRED CONTRACT TERMS.—The Secretary shall include in each contract, subcontract, and task order issued under the Deepwater Program after the date of the enactment of this Act the following provisions, as applicable:

(1) TECHNICAL REVIEWS.—A requirement that the Secretary shall conduct a technical review of all proposed designs, design changes, and engineering changes, and a requirement that the contractor must specifically address all engineering concerns identified in the technical reviews, before any funds may be obligated.

(2) RESPONSIBILITY FOR TECHNICAL REQUIREMENTS.—A requirement that the Secretary shall maintain the authority to establish, approve, and maintain technical requirements.

(3) COST ESTIMATE OF MAJOR CHANGES.—A requirement that an independent cost estimate must be prepared and approved by the Secretary before the execution of any change order costing more than 5 percent of the unit cost approved in the Deepwater Program baseline in effect as of May 2007.

(4) PERFORMANCE MEASUREMENT.—A requirement that any measurement of contractor and subcontractor performance must be based on the status of all work performed, including the extent to which the work performed met all cost, schedule, and mission performance requirements outlined in the Deepwater Program contract.

(5) EARLY OPERATIONAL ASSESSMENT.—For the acquisition of any cutter class for which an Early Operational Assessment has not been developed—

(A) a requirement that the Secretary of the Department in which the Coast Guard is operating shall cause an Early Operational Assessment to be conducted by the Department of the Navy after the development of the preliminary design of the cutter and before the conduct of the critical design review of the cutter; and

(B) a requirement that the Coast Guard shall develop a plan to address the findings presented in the Early Operational Assessment.

(6) TRANSIENT ELECTROMAGNETIC PULSE EMANATION.—For the acquisition or upgrade of air, surface, or shore assets for which compliance with transient electromagnetic pulse emanation (TEMPEST) is a requirement, a provision specifying that the standard for determining such compliance shall be the air, surface, or shore asset standard then used by the Department of the Navy.

(7) OFFSHORE PATROL CUTTER UNDERWAY REQUIREMENT.—For any contract issued to acquire an Offshore Patrol Cutter, provisions specifying the service life, fatigue life, days underway in general Atlantic and North Pacific Sea conditions, maximum range, and maximum speed the cutter shall be built to achieve.

(8) INSPECTOR GENERAL ACCESS.—A requirement that the Department of Homeland Security's Office of the Inspector General shall have access to all records maintained by all contractors working on the Deepwater Program, and shall have the right to privately interview any contractor personnel.

(d) LIFE CYCLE COST ESTIMATE.—

(1) IN GENERAL.—The Secretary shall develop an authoritative life cycle cost estimate for the Deepwater Program.

(2) CONTENTS.—The life cycle cost estimate shall include asset acquisition and logistics support decisions and planned operational tempo and locations as of the date of enactment of this Act.

(3) SUBMITTAL.—The Secretary shall—

(A) submit the life cycle cost estimate to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 4 months after the date of enactment of this Act; and

(B) submit updates of the life cycle cost estimate to such Committees annually.

(e) CONTRACT OFFICERS.—The Secretary shall assign a separate contract officer for each class of cutter and aircraft acquired or rehabilitated under the Deepwater Program, including the National Security Cutter, the Offshore Patrol Cutter, the Fast Response Cutter A, the Fast Response Cutter B, maritime patrol aircraft, the aircraft HC–130J, the helicopter HH–65, the helicopter HH–60, and the vertical unmanned aerial vehicle.

(f) TECHNOLOGY RISK REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report identifying the technology risks and level of maturity for major technologies used on each class of asset acquisitions under the Deepwater

Program, including the Fast Response Cutter A (FRC–A), the Fast Response Cutter B (FRC–B), the Offshore Patrol Cutter (OPC), and the Vertical Unmanned Aerial Vehicle (VUAV), not later than 90 days before the date of award of a contract for such an acquisition.

(g) SUBMISSION OF ASSESSMENT RESULTS AND PLANS TO CONGRESS.—The Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) the results of each Early Operational Assessment conducted pursuant to subsection (c)(5)(A) and the plan approved by the Commandant pursuant to subsection (c)(5)(B) for addressing the findings of such assessment, within 30 days after the Commandant approves the plan; and

(2) a report describing how the recommendations of each Early Operational Assessment conducted pursuant to subsection (c)(5)(A) on the first in class of a new cutter class have been addressed in the design on which construction is to begin, within 30 days before initiation of construction.

SEC. 803. CHIEF ACQUISITION OFFICER.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following:

"§ 56. Chief Acquisition Officer

"(a) ESTABLISHMENT OF AGENCY CHIEF ACQUISITION OFFICER.—The Commandant shall appoint or designate a career reserved employee as Chief Acquisition Officer for the Coast Guard, who shall—

"(1) have acquisition management as that official's primary duty; and

"(2) report directly to the Commandant to advise and assist the Commandant to ensure that the mission of the Coast Guard is achieved through the management of the Coast Guard's acquisition activities.

"(b) AUTHORITY AND FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.—The functions of the Chief Acquisition Officer shall include—

"(1) monitoring the performance of acquisition activities and acquisition programs of the Coast Guard, evaluating the performance of those programs on the basis of applicable performance measurements, and advising the Commandant regarding the appropriate business strategy to achieve the mission of the Coast Guard;

"(2) increasing the use of full and open competition in the acquisition of property and services by the Coast Guard by establishing policies, procedures, and practices that ensure that the Coast Guard receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government's requirements (including performance and delivery schedules) at the lowest cost or best value considering the nature of the property or service procured;

"(3) ensuring the use of detailed performance specifications in instances in which performance-based contracting is used;

"(4) making acquisition decisions consistent with all applicable laws and establishing clear lines of authority, accountability, and responsibility for acquisition decisionmaking within the Coast Guard;

"(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

"(6) developing and maintaining an acquisition career management program in the Coast Guard to ensure that there is an adequate professional workforce; and

"(7) as part of the strategic planning and performance evaluation process required under section 306 of title 5 and sections 1105(a)(28), 1115, 1116, and 9703 of title 31—

"(A) assessing the requirements established for Coast Guard personnel regarding knowledge and skill in acquisition resources management and the adequacy of such requirements for facilitating the achievement of the performance goals established for acquisition management;

"(B) in order to rectify any deficiency in meeting such requirements, developing strategies and specific plans for hiring, training, and professional development; and

"(C) reporting to the Commandant on the progress made in improving acquisition management capability.".

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

"56. Chief Acquisition Officer.".

(c) SPECIAL RATE SUPPLEMENTS.—

(1) REQUIREMENT TO ESTABLISH.—Not later than 1 year after the date of enactment of this Act and in accordance with part 9701.333 of title 5, Code of Federal Regulations, the Commandant of the Coast Guard shall establish special rate supplements that provide higher pay levels for employees necessary to carry out the amendment made by this section.

(2) SUBJECT TO APPROPRIATIONS.—The requirement under paragraph (1) is subject to the availability of appropriations.

SEC. 804. TESTING AND CERTIFICATION.

(a) IN GENERAL.—The Secretary shall—

(1) cause each cutter, other than a National Security Cutter, acquired by the Coast Guard and delivered after the date of enactment of this Act to be classed by the American Bureau of Shipping, before acceptance of delivery;

(2) cause the design and construction of each National Security Cutter, other than National Security Cutter 1 and 2, to be certified by an independent third party with expertise in vessel design and construction certification to be able to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions for a period of at least 30 years;

(3) cause all electronics on all aircraft, surface, and shore assets that require TEMPEST certification and that are delivered after the date of enactment of this Act to be tested and certified in accordance with TEMPEST standards and communications security (COMSEC) standards by an independent third party that is authorized by the Federal Government to perform such testing and certification; and

(4) cause all aircraft and aircraft engines acquired by the Coast Guard and delivered after the date of enactment of this Act to be certified for airworthiness by an independent third party with expertise in aircraft and aircraft engine certification, before acceptance of delivery.

(b) FIRST IN CLASS OF A MAJOR ASSET ACQUISITION.—The Secretary shall cause the first in class of a major asset acquisition of a cutter or an aircraft to be subjected to an assessment of operational capability conducted by the Secretary of the Navy.

(c) FINAL ARBITER.—The Secretary shall be the final arbiter of all technical disputes regarding designs and acquisitions of vessels and aircraft for the Coast Guard.

SEC. 805. NATIONAL SECURITY CUTTERS.

(a) NATIONAL SECURITY CUTTERS 1 AND 2.—

(1) REPORT ON OPTIONS UNDER CONSIDERATION.—The Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(A) within 120 days after the date of enactment of this Act, a report describing in detail the cost increases that have been experienced on National Security Cutters 1 and 2 since the date of the issuance of the task orders for construction of those cutters and explaining the causes of these cost increases; and

(B) within 180 days after the date of enactment of this Act, a report on the options that the Coast Guard is considering to strengthen the hulls of National Security Cutter 1 and National Security Cutter 2, including—

(i) the costs of each of the options under consideration;

(ii) a schedule for when the hull strengthening repairs are anticipated to be performed; and

(iii) the impact that the weight likely to be added to each the cutter by each option will have on the cutter's ability to meet both the original performance requirements included in the Deepwater Program contract and the performance requirements created by contract Amendment Modification 00042 dated February 7, 2007.

(2) DESIGN ASSESSMENT.—Not later than 30 days before the Coast Guard signs any contract, delivery order, or task order to strengthen the hull of either of National Security Cutter 1 or 2 to resolve the structural design and performance issues identified in the Department of Homeland Security Inspector General's report OIG–07–23 dated January 2007, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate all results of an assessment of the proposed hull strengthening design conducted by the Naval Surface Warfare

Center, Carderock Division, including a description in detail of the extent to which the hull strengthening measures to be implemented on those cutters will enable the cutters to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions for a period of at least 30 years.

(b) NATIONAL SECURITY CUTTERS 3 THROUGH 8.—Not later than 30 days before the Coast Guard signs any contract, delivery order, or task order authorizing construction of National Security Cutters 3 through 8, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate all results of an assessment of the proposed designs to resolve the structural design, safety, and performance issues identified by the Department of Homeland Security Office of Inspector General report OIG–07–23 for the hulls of those cutters conducted by the Naval Surface Warfare Center, Carderock Division, including a description in detail of the extent to which such designs will enable the cutters to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions.

SEC. 806. MISCELLANEOUS REPORTS.

(a) IN GENERAL.—The Secretary shall submit the following reports to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate:

(1) Within 4 months after the date of enactment of this Act, a justification for why 8 National Security Cutters are required to meet the operational needs of the Coast Guard, including—

(A) how many days per year each National Security Cutter will be underway at sea;

(B) where each National Security Cutter will be home ported;

(C) the amount of funding that will be required to establish home port operations for each National Security Cutter;

(D) the extent to which 8 National Security Cutters deployed without vertical unmanned aerial vehicles (VUAV) will meet or exceed the mission capability (including surveillance capacity) of the 12 Hamilton-class high endurance cutters that the National Security Cutters will replace;

(E) the business case in support of constructing National Security Cutters 3 through 8, including a cost-benefit analysis; and

(F) an analysis of how many Offshore Patrol Cutters would be required to provide the patrol coverage provided by a National Security Cutter.

(2) Within 4 months after the date of enactment of this Act, a report on—

(A) the impact that deployment of a National Security Cutter and other cutter assets without the vertical unmanned aerial vehicle (VUAV) will have on the amount of patrol coverage that will be able to be provided during missions conducted by the National Security Cutter and all other cutters planned to be equipped with a VUAV;

(B) how the coverage gap will be made up;

(C) an update on the current status of the development of the VUAV; and

(D) the timeline detailing the major milestones to be achieved during development of the VUAV and identifying the delivery date for the first and last VUAV.

(3) Within 30 days after the elevation to flag-level for resolution of any design or other dispute regarding the Deepwater Program contract or an item to be procured under that contract, including a detailed description of the issue and the rationale underlying the decision taken by the flag officer to resolve the issue.

(4) Within 4 months after the date of enactment of this Act, a report detailing the total number of change orders that have been created by the Coast Guard under the Deepwater Program before the date of enactment of this Act, the total cost of these change orders, and their impact on the Deepwater Program schedule.

(5) Within 180 days after the date of enactment of this Act, a report detailing the technology risks and level of maturity for major technologies used on maritime patrol aircraft, the HC–130J, and the National Security Cutter.

(6) Not less than 60 days before signing a contract to acquire any vessel or aircraft, a report comparing the cost of purchasing that vessel or aircraft directly from the manufacturer or shipyard with the cost of procuring it through the Integrated Coast Guard System.

(7) Within 30 days after the Program Executive Officer of the Deepwater Program becomes aware of a likely cost overrun exceeding 5 percent of the overall asset acquisition contract cost or schedule delay exceeding 5 percent of the esti-

mated asset construction period under the Deepwater Program, a report by the Commandant containing a description of the cost overrun or delay, an explanation of the overrun or delay, a description of Coast Guard's response, and a description of significant delays in the procurement schedule likely to be caused by the overrun or delay.

(8) Within 90 days after the date of enactment of this Act, articulation of a doctrine and description of an anticipated implementation of a plan for management of acquisitions programs, financial management (including earned value management and cost estimating), engineering and logistics management, and contract management, that includes—

(A) a description of how the Coast Guard will cultivate among uniformed personnel expertise in acquisitions management and financial management;

(B) a description of the processes that will be followed to draft and ensure technical review of procurement packages, including statements of work, for any class of assets acquired by the Coast Guard;

(C) a description of how the Coast Guard will conduct an independent cost estimating process, including independently developing cost estimates for major change orders; and

(D) a description of how Coast Guard will strengthen the management of change orders.

(9) Within 4 months after the date of enactment of this Act, a report on the development of a new acquisitions office within the Coast Guard describing the specific staffing structure for that directorate, including—

(A) identification of all managerial positions proposed as part of the office, the functions that each managerial position will fill, and the number of employees each manager will supervise; and

(B) a formal organizational chart and identification of when managerial positions are to be filled.

(10) Ninety days prior to the issuance of a Request for Proposals for construction of an Offshore Patrol Cutter, a report detailing the service life, fatigue life, maximum range, maximum speed, and number of days underway under general Atlantic and North Pacific Sea conditions the cutter shall be built to achieve.

(11) The Secretary shall report annually on the percentage of the total amount of funds expended on procurements under the Deepwater Program that has been paid to each of small businesses and minority-owned businesses.

(12) Within 120 days after the date of enactment of this Act, a report on any Coast Guard mission performance gap due to the removal of Deepwater Program assets from service. The report shall include the following:

(A) A description of the mission performance gap detailing the geographic regions and Coast Guard capabilities affected.

(B) An analysis of factors affecting the mission performance gap that are unrelated to the Deepwater Program, including deployment of Coast Guard assets overseas and continuous vessel shortages.

(C) A description of measures being taken in the near term to fill the mission performance gap, including what those measures are and when they will be implemented.

(D) A description of measures being taken in the long term to fill the mission performance gap, including what those measures are and when they will be implemented.

(E) A description of the potential alternatives to fill the mission performance gap, including any acquisition or lease considered and the reasons they were not pursued.

(b) REPORT REQUIRED ON ACCEPTANCE OF DELIVERY OF INCOMPLETE ASSET.—

(1) IN GENERAL.—If the Secretary accepts delivery of an asset after the date of enactment of this Act for which a contractually required certification cannot be achieved within 30 days after the date of delivery or with any system that is not fully functional for the mission for which it was intended, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the United States Senate within 30 days after accepting delivery of the asset a report explaining why acceptance of the asset in such a condition is in the best interests of the United States Government.

(2) CONTENTS.—The report shall—

(A) specify the systems that are not able to achieve contractually required certifications within 30 days after the date of delivery and the systems that are not fully functional at the time of delivery for the missions for which they were intended;

(B) identify milestones for the completion of required certifications and to make all systems fully functional; and

(C) identify when the milestones will be completed, who will complete them, and the cost to complete them.

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.

(a) FINDINGS.—Congress finds that the Coast Guard's use of the technical, contractual, and program management oversight expertise of the Department of the Navy in ship and aircraft production complements and augments the Coast Guard's organic expertise as it procures assets for the Deepwater Program.

(b) INTER-SERVICE TECHNICAL ASSISTANCE.—The Secretary may enter into a memorandum of understanding or a memorandum of agreement with the Secretary of the Navy to provide for the use of the Navy Systems Commands to assist the Coast Guard with the oversight of Coast Guard major acquisition programs. Such memorandum of understanding or memorandum of agreement shall, at a minimum provide for—

(1) the exchange of technical assistance and support that the Coast Guard Chief Engineer and the Coast Guard Chief Information Officer, as Coast Guard Technical Authorities, may identify;

(2) the use, as appropriate, of Navy technical expertise; and

(3) the temporary assignment or exchange of personnel between the Coast Guard and the Navy Systems Commands to facilitate the development of organic capabilities in the Coast Guard.

(c) TECHNICAL AUTHORITIES.—The Coast Guard Chief Engineer, Chief Information Officer, and Chief Acquisition Officer shall adopt, to the extent practicable, procedures that are similar to those used by the Navy Senior Acquisition Official to ensure the Coast Guard Technical Authorities, or designated Technical Warrant Holders, approve all technical requirements.

(d) COORDINATION.—The Secretary, acting through the Commandant of the Coast Guard, may coordinate with the Secretary of the Navy, acting through the Chief of Naval Operations, to develop processes by which the assistance will be requested from the Navy Systems Commands and provided to the Coast Guard.

(e) REPORT.—Not later than 120 days after the date of enactment of this Act and every twelve months thereafter, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the activities undertaken pursuant to such memorandum of understanding or memorandum of agreement.

SEC. 808. DEFINITIONS.

In this title:

(1) DEEPWATER PROGRAM.—The term "Deepwater Program" means the Integrated Deepwater Systems Program described by the Coast Guard in its report to Congress entitled "Revised Deepwater Implementation Plan 2005", dated March 25, 2005. The Deepwater Program primarily involves the procurement of cutter and aviation assets that operate more than 50 miles offshore.

(2) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

PURPOSE AND SUMMARY

The purpose of H.R. 2830 is to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The United States Coast Guard was established on January 28, 1915, through the consolidation of the Revenue Cutter Service (established in 1790) and the Lifesaving Service (established in 1848). The Coast Guard later assumed the duties of three other agencies: the Lighthouse Service (established in 1789), the Steamboat Inspection Service (established in 1838), and the Bureau of Navigation (established in 1884).

Under section 2 of title 14, United States Code, the Coast Guard has primary responsibility to enforce or assist in the enforcement of all applicable Federal laws on, under, and over the high seas and waters subject to the jurisdiction of the United States; to ensure the safety of life and property at sea; to protect the marine environment; to carry out domestic and international icebreaking activities; and to ensure the safety and security of vessels, ports, waterways, and related facilities.

As the fifth armed force of the United States, the Coast Guard also maintains defense readiness to operate as a specialized service in the Navy upon the declaration of war or when the President directs. The Coast Guard is composed of approximately 40,000 active duty military personnel, 8,100 reservists, 6,700 civilian employees, and 36,000 volunteers of the Coast Guard Auxiliary. The Coast Guard has defended the nation in every war since 1790.

In recent years, the Coast Guard has experienced significant increases in its budget and in the service's scope of missions to preserve maritime safety and security. Following the events of September 11, 2001, the Coast Guard was designated as the lead Federal agency with responsibilities for maritime homeland security. The Coast Guard has quickly incorporated these new missions with the Service's many traditional missions of search and rescue, illegal drug and migrant interdiction, icebreaking operations, oil spill response and prevention, maritime safety, marine environmental protection, and fisheries law enforcement. However, the addition of these new mission demands, in combination with the service's rapidly deteriorating fleet of vessels and aircraft, is severely testing the Coast Guard's capabilities to carry out its many important missions.

The Coast Guard has embarked on an ambitious recapitalization program to replace the Service's legacy fleet of vessels, aircraft and support systems. The Integrated Deepwater Systems (Deepwater) program will replace or modernize more than 90 ships and 200 aircraft used in the Coast Guard's deepwater missions, which generally occur more than 50 miles offshore.

The Deepwater program is scheduled to be completed on a 25-year schedule and is projected to cost approximately $24 billion (in 2002 dollars). This figure and timeline represent estimates that result from post September 11, 2001 program reassessments and increases over the original Deepwater program timeline and budget.

The Deepwater Program has suffered from a lack of managerial oversight for several years. This lack of oversight has cost the American taxpayer millions of dollars and hours wasted. The Committee on Homeland Security is encouraged by the Commandant's recent changes to the program and recommends pursuing an aggressive Congressional outreach program to allow for a consistent dialogue that might reinforce confidence in the Coast Guard's ability to manage such a major acquisition program. As part of its continued oversight of the Coast Guard, the Committee on Homeland Security will continue to ensure that the necessary steps are taken to improve the program.

The Committee on Homeland Security is also committed to ensuring a successful roll-out of the Transportation Worker Identification Credential (TWIC). TWIC was originally mandated by the Maritime Transportation Security Act of 2002. It has been almost

five years since that bill was passed into law and the Department has still not implemented the card. The Department of Homeland Security continues to miss deadlines and milestones with this program, leading to growing concerns within the Committee about the Department's ability to successfully roll-out this card in a timely manner that does not unnecessarily impact the more than 750,000 transportation workers that are expected to attain the card. To address these concerns, the Department of Homeland Security is required to submit timely reports, which will be assessed by the Government Accountability Office, to ensure that the program runs smoothly.

Finally, the Committee on Homeland Security has concerns about the security of liquefied natural gas (LNG) tankers and facilities. It is projected the LNG imports to the United States will grow exponentially over the next few years. This increase plus the knowledge that terrorists have targeted ships in the past—USS *Cole* in 2000 and the French oil tanker *Limburg* in 2002—led to the Committee to include several provisions focusing on LNG vessel and facility security.

HEARINGS

The Committee on Homeland Security did not hold any hearings on H.R. 2830 in the 110th Congress. The Committee held oversight hearings concerning the Coast Guard, detailed below.

On February 7, 2007, the Committee on Homeland Security held a hearing entitled "An Overview of Issues and Challenges Facing the Department of Homeland Security." The Committee received testimony from the Honorable David Walker, Comptroller General of the United States and the Honorable Richard Skinner, Inspector General, Department of Homeland Security.

On February 9, 2007, the Full Committee held a hearing entitled "An Examination of the President's FY 2008 Budget Request for the Department of Homeland Security." The Committee received testimony from Hon. Michael Chertoff, Secretary, Department of Homeland Security.

On February 13, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "Border Security: Infrastructure, Technology, and the Human Element." The Subcommittee received testimony from Chief David Aguilar, U.S. Border Patrol, and Rear Admiral David Pekoske, U.S. Coast Guard.

On April 26, 2007, the Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "The SAFE Port Act: A Six Month Review." The Subcommittee received testimony from Admiral Craig E. Bone, Assistant Commandant for Prevention, United States Coast Guard, Department of Homeland Security; Mr. Jayson Ahern, Assistant Commissioner, Office of Field Operations, Customs and Border Protection, Department of Homeland Security; Ms. Maurine S. Fanguy, Program Director, Transportation Worker Identification Credential (TWIC) Program, Transportation Security Administration, Department of Homeland Security; Mr. Stephen L. Caldwell, Director, Homeland Security and Justice Issues, Government Accountability Office; Mr. George P. Cummings, Director of Homeland Security, Port of Los Angeles; Mr. Richard A. Wainio, Port Director and Chief Executive Officer,

Tampa Port Authority; Mr. Leal Sundet, Coast Committeeman, Longshore Division of the International Longshore and Warehouse Union; and Mr. Manny Aschemeyer, Executive Director, Marine Exchange of Southern California.

On May 17, 2007, the Subcommittee on Border, Maritime and Global Counterterrorism and the Subcommittee on Management, Investigations, and Oversight held a joint hearing entitled "Deepwater: Charting a Course for Safer Waters." The Subcommittees received testimony from Rear Admiral Gary T. Blore, Program Executive Officer, Integrated Deepwater System, United States Coast Guard, Department of Homeland Security; Mr. Richard L. Skinner, Inspector General, Department of Homeland Security; Captain Steven T. Baynes, Chief, Atlantic Area Response Enforcement Branch, United States Coast Guard, Department of Homeland Security; Mr. Fred Moosally, President, Lockheed Martin Maritime Systems and Sensors; and Mr. James E. Anton, Sector Vice President and General Manager, U.S. Coast Guard Programs, Northrop Grumman.

COMMITTEE CONSIDERATION

H.R. 2830 was introduced by Mr. Oberstar, Mr. Cummings, and Mr. Latourette on June 22, 2007, and referred to the Committee on Transportation and Infrastructure.

The Committee on Transportation and Infrastructure reported H.R. 2830 to the House on September 20, 2007, as H. Rpt. 110–338, Part I. The measure was then referred sequentially to the House 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.

On September 25, 2007, the Full Committee met in open markup session and ordered H.R. 2830 favorably reported to the House of Representatives, amended, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto.

H.R. 2830, to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes; was ordered favorably reported to the House, amended, by voice vote.

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by Mr. Thompson (#1), was AGREED TO by voice vote.

An Amendment offered by Mr. McCaul (#1A), to Amendment in the Nature of a Substitute offered by Mr. Thompson; to add at the end of titled VII, three sections respectfully entitled: "Extension of Authority of Secretary of Homeland Security to Carry out Certain Research and Development Projects"; "Availability of Testing Facilities and Equipment"; and "Sec. 316. Availability of Testing Facilities and Equipment"; was WITHDRAWN by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 2830, the Coast Guard Authorization Act of 2007, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 28, 2007.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2830, the Coast Guard Authorization Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director).

Enclosure.

H.R. 2830—Coast Guard Authorization Act of 2007

Summary: H.R. 2830 would authorize the appropriation of $7.5 billion through fiscal year 2012, primarily for activities of the U.S. Coast Guard (USCG) for 2008. Assuming the appropriation of the authorized amounts, CBO estimates that implementing the bill would result in discretionary outlays of about $5 billion in fiscal year 2008 and $7.4 billion over the 2008–2012 period. (About $100 million would be spent after 2012, including $9 million specifically authorized to be appropriated for 2013.)

In addition, the bill addresses the contracting practices used by the Coast Guard for the Integrated Deepwater Program (IDP). Assuming appropriation of the necessary amounts, CBO estimates that the USCG would spend $5 million over the next two years to implement title VIII. That increase in spending would probably be more than offset by savings in future years—which could be hundreds of millions of dollars—but CBO cannot estimate the likely size of that savings or clearly identify what proportion of any long-term savings would be attributable to this legislation and what

share would result from changes that the Coast Guard would implement under current law.

Several provisions of H.R. 2830 could result in small changes in offsetting receipts (a credit against direct spending), primarily from fees on commercial vessels, CBO estimates that any net change in direct spending under the bill would be minimal. We estimate that enacting this legislation would increase revenues from civil penalties by $8 million in 2008, by $31 million over the 2008–2012 period, and by $56 million over the 2008–2017 period.

H.R. 2830 contains intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) because it would preempt some state laws and impose new requirements that affect certain public and private vessels and others in the maritime industry. The aggregate costs to public and private entities of complying with those mandates are uncertain and would depend, in part, on future regulations. CBO estimates, however, that those costs would not exceed the annual threshold established in UMRA for intergovernmental mandates ($66 million in 2007, adjusted annually for inflation) due to the small number of public entities involved. Because the costs to comply with some of the mandates would be substantial for private-sector entities, CBO estimates that the aggregate cost to those entities would exceed the annual threshold established by UMRA for private-sector mandates ($131 million in 2007, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary effects of H.R. 2830 are summarized in Table 1. The costs of this legislation fall within budget functions 300 (natural resources and environment) and 400 (transportation).

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted early in fiscal year 2008 and that the authorized amounts will be appropriated for each year.

Spending subject to appropriation

USCG Authorizations for Fiscal Year 2008. The proposed authorization levels shown in Table 1 are those specified by the bill for discretionary accounts, excluding $26 million to be derived from the Oil Spill Liability Trust Fund (OSLTF). That amount, which consists of $24 million for operating expenses and $2 million for research, is already authorized under existing law. Estimated outlays are based on historical spending patterns for the Coast Guard.

For 2008, title I of the bill would authorize the appropriation of about $6.1 billion for USCG operations, including $127 million for reserve training and $12 million for environmental compliance. That title also would authorize the appropriation of about $1.2 billion for capital acquisitions and other multiyear projects, including $19 million for research activities and $16 million for bridge alterations. Of the amounts authorized by title I, $46 million would be derived from the OSLTF, including $26 million that is already authorized under existing law.

The bill also would authorize the appropriation of about $1.2 billion for Coast Guard retirement benefits in 2008, but that amount is excluded from this estimate because such benefits are considered an entitlement under current law and are not subject to appropriation. Thus, the authorization has no additional budgetary impact.

TABLE 1.—ESTIMATED BUDGETARY IMPACT OF H.R. 2830

	By fiscal year, in millions of dollars—					
	2007	2008	2009	2010	2011	2012
SPENDING SUBJECT TO APPROPRIATION						
USCG Spending Under Current Law:						
Budget Authority/Authorization Level [1]	7,164	26	0	0	0	0
Estimated Outlays	6,533	1,706	902	424	199	102
Proposed Changes:						
USCG Authorization for 2008:						
Authorization Level	0	7,349	0	0	0	0
Estimated Outlays	0	4,998	1,274	534	308	99
Ballast Water Treatment:						
Authorization Level	0	31	31	31	31	31
Estimated Outlays	0	23	29	30	31	31
Other USCG Programs:						
Authorization Level	0	7	7	5	6	3
Estimated Outlays	0	7	7	5	6	3
Integrated Deepwater Program:						
Estimated Authorization Level	0	5	0	0	0	0
Estimated Outlays	0	3	2	0	0	0
Total Changes:						
Estimated Authorization Level	0	7,392	38	36	37	34
Estimated Outlays	0	5,031	1,312	569	345	133
Total Spending Under H.R. 2830:						
Estimated Authorization Level	7,164	7,418	38	36	37	34
Estimated Outlays	6,533	6,737	2,214	993	544	235
CHANGES IN REVENUES [2]						
Estimated Revenues	0	8	7	6	5	5

[1] The 2007 level is the amount appropriated for that year for USCG discretionary programs. The $26 million shown for 2008 is the amount authorized to be appropriated from the Oil Spill Liability Trust Fund for Coast Guard operating expenses and research.
[2] CBO estimates that revenue collections would sum to $56 million over the 2008–2017 period (see Table 2).

Ballast Water Treatment. Title V would require the Coast Guard to establish new standards and procedures for controlling the spread of aquatic invasive species through discharges of ballast water (water that is carried in tanks by some ships to maintain stability). For this purpose, title V would authorize appropriations of $31 million a year. Of this amount, $22 million would be allocated for USCG activities and $9 million would be provided to the National Oceanic and Atmospheric Administration for related projects.

Other Coast Guard Programs. Other titles of the bill would authorize the appropriation of $3 million for each of fiscal years 2008 through 2012 for grants to local governments, nonprofit organizations, and others for training programs on fishing vessel safety, between $2 million and $3 million a year through 2011 to the Great Lakes Maritime Research Institute for maritime studies, and $2 million for each of fiscal years 2008 and 2009 for assessments of vessel traffic risk in Alaska.

The bill also would authorize whatever amounts are necessary for additional port security assets in the Virgin Islands, for a pilot project on biometric identification methods, and for expanded use of canine teams to detect narcotics and explosives. Based on information provided by the Coast Guard, CBO estimates that carrying out the activities authorized by these provisions would have no significant effect on the agency's operating budget.

Integrated Deepwater Program Reform. CBO estimates that complying with the requirements of title VIII would increase the Coast Guard's cost to administer IDP by $5 million over the next

two years, assuming appropriation of the necessary amounts. We expect that the USCG would spend most of this amount to create a new position of chief acquisition officer, to hire and compensate new contract officers for each class of cutter and aircraft acquired under IDP, and to perform a comprehensive cost estimate for the initiative. We estimate that the cost of implementing other administrative requirements, such as testing and certifying vessels to meet U.S. Navy standards, would not add significantly to the costs of the Deepwater initiative.

The budgetary impact of other provisions of the title is uncertain—as is the cost of the Deepwater initiative under existing law. According to the Inspector General of the Department of Homeland Security (DHS), the Coast Guard's most recent cost estimate for the program—$24 billion—is likely to be too low because it does not take into account costs of hundreds of millions of dollars resulting from delays, design failures, and other problems. Title VIII would seek to address those problems by requiring greater agency supervision and more reliance on competitive bidding. CBO expects that those reforms would result in savings, but we cannot estimate the magnitude of such savings or predict the extent to which some savings would be realized by implementing similar reforms under current law.

Pending Acquisitions. CBO expects that implementing the bill would not directly affect pending acquisitions of certain classes of assets, such as the national security cutter and the maritime patrol aircraft, two assets that the USCG has already begun acquiring from its chosen contractor. The bill would exempt those and other specified projects from its requirements on management and competitive bidding if certain conditions are met. The administrative burden of meeting those conditions could cause delays in acquiring some fleet replacements and thus result in additional operating and maintenance costs over the next few years for existing assets. Similar delays, however, may occur under current law; the Coast Guard has already begun revising the design of those assets to address known problems.

Future Acquisitions. Title VIII would require that future phases of IDP be subject to open competition and other reforms. The resulting savings from such reforms could be significant—perhaps hundreds of millions of dollars—but cannot be estimated with any precision. Moreover, many of the contracting changes may occur even in the absence of legislation. For example, the Coast Guard recently announced that it intends to begin managing the program itself rather than relying on a private systems integrator. The agency has also begun implementing some of the other reforms suggested by DHS, such as more reliance on competition and independent analysis.

Any costs or savings that result from implementing the bill would depend on corresponding changes in annual appropriation acts. Annual funding for acquisitions under the program has varied widely—from $320 million in fiscal year 2002 to more than $1.1 billion to date for 2007. The President's budget request for 2008 includes nearly $840 million for the program.

Changes in direct spending

Section 323 would authorize the Coast Guard to extend for one year certain expiring maritime licenses, certificates of registry, and merchant mariner documents. The authority to provide such extensions would apply through June 2009. Because the extensions would delay the collection of USCG fees charged for such documents, enacting this provision could reduce offsetting receipts (an offset against direct spending) over the next year or two. Some of those receipts may be spent without further appropriation, however, to cover collection expenses. CBO estimates that the net effect in direct spending from enacting the bill would be less than $500,000 a year in 2008 and 2009.

Several provisions of H.R. 2830 would direct the USCG to donate real and personal property to various parties such as local governments or nonprofit organizations. Because some of the affected vessels, aircraft, and real estate could have been sold as surplus property under existing law, donating such assets could result in forgone offsetting receipts. Based on information provided by the Coast Guard, however, CBO estimates that such losses would be less than $500,000 a year.

Revenues

H.R. 2830 would establish new penalties and raise other existing penalties, resulting in estimated new revenue collections of $31 million over the 2008–2012 period and $56 million over the 2008–2017 period (see Table 2).

Section 304 would impose a new civil penalty on individuals on vessels with a controlled substance, section 308 would impose a civil penalty on vessel owners or operators who do not keep mariner records for at least five years, and section 503 would raise civil penalties for ballast water management violations. CBO estimates that those provisions would increase revenues by less than $500,000 a year.

Additionally, title VI would impose new civil penalties for smuggling people into the United States on vessels, with the penalties varying based on the physical condition of the individuals being smuggled. The Coast Guard expects that it would collect new penalties under the bill from fewer than 100 smugglers a year, at a rate of about $100,000 per violation. Based on other information obtained from the Coast Guard regarding the number of individuals who are injured or die while being smuggled and on CBO assumptions regarding the effectiveness of federal penalties on smuggling activities, we estimate that enacting title VI would increase revenues by $8 million in 2008. We expect the number of violations to fall after 2008. Total estimated revenue collections would be $31 million over the 2008–2012 period and $56 million over the 2008–2017 period.

TABLE 2.—ESTIMATED REVENUE IMPACT FROM ENACTING H.R. 2830

	By fiscal year, in millions of dollars—											
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2008–2012	2008–2017
	CHANGES IN REVENUES											
Penalties for Alien Smuggling: Estimated Revenues	8	7	6	5	5	5	5	5	5	5	31	56

Intergovernmental and private-sector impact: H.R. 2830 would impose intergovernmental and private-sector mandates, as defined in UMRA, on owners and operators of certain vessels and others in the maritime industry. Those mandates include, but are not limited to:

- Safety requirements for certain vessels;
- Standards for treating ballast water for certain vessels; and
- Security, employee protection, and other requirements on businesses and employees in the maritime industry.

The aggregate costs of the mandates in the bill are uncertain because many of them would depend on regulations to be developed under the bill. However, CBO estimates that those costs would not exceed the annual threshold established in UMRA for intergovernmental mandates ($66 million in 2007, adjusted annually for inflation) due to the small number of public entities involved. Because the costs to comply with some of the mandates would be substantial for private-sector entities, CBO estimates that the aggregate cost to those entities would exceed the annual threshold established by UMRA for private-sector mandates ($131 million in 2007, adjusted annually for inflation).

Mandates that apply to both public and private entities

Safety Equipment and Management Requirements. H.R. 2830 would require owners and operators of commercial and public vessels to carry approved survival craft that ensure that no part of an individual is immersed in water. All survival craft would have to meet this standard by January 1, 2013. The costs to comply with this mandate would depend on how the Coast Guard would implement the new standard. However, because most public vessels do not use survival craft that immerse individuals in water, CBO estimates that additional costs to public entities would be minimal. Because of the large number of private vessels that would be affected (each of which carry anywhere from one to hundreds of survival craft), CBO estimates that compliance costs for the private sector could be substantial relative to UMRA's threshold.

The bill also would require certain domestic passenger vessels to implement safety management procedures as determined by the Secretary of Homeland Security. According to the Coast Guard and industry sources, the costs to public and private entities could vary widely depending on the coverage and scope of those procedures. However, only a small number of public entities would be affected by those requirements. CBO cannot estimate the total cost of this mandate to private entities because it would depend on future regulations.

Treatment of Ballast Water. Current regulations require U.S. and foreign vessels with ballast tanks that operate in the waters of the United States and that are bound for ports or places in the United States to report on and conduct activities relating to the exchange of ballast water. The bill would place additional requirements on those vessels by requiring new systems for treating ballast water. In addition, new vessels built after 2008 would have to meet specific design and construction requirements for water treatment systems to be eligible to operate in U.S. waters.

According to several industry experts and the Coast Guard, water treatment systems currently available would cost between $300,000 and $1 million to install per ballast system. Some vessels that would need these systems may have as many as 20 ballast tanks, and each tank would have to be fitted with a treatment system. While vessels owned by state and local governments that do not meet exemption standards would be required to comply, CBO estimates that the costs to those entities would be small because we expect that few publicly owned vessels would be affected. CBO estimates that the cost for the private sector to comply with this mandate would exceed the threshold for private-sector mandates in at least one year over the 2008–2012 period.

Other Mandates on the Maritime Industry. The bill also would impose new requirements on public entities, businesses, and employees in the maritime industry. For example, the bill would impose new security requirements on liquified natural gas facilities; require owners and operators of public and commercial vessels, including cruise ships, to comply with new recording requirements; require ports to include in their security plans provisions that allow crew members, pilots, and representatives of crew members to leave and reboard ships without paying escort fees; allow the Secretary of Transportation to subpoena information in the course of an investigation related to the ballast water requirements; and provide certain whistleblower protections for maritime employees. CBO estimates that the additional costs to comply with those mandates would be small because compliance likely would involve only a small adjustment in current procedures, or because public entities would be unlikely to engage in the prohibited activities. The cost of some of the mandates, however, would depend on regulatory action taken under the bill and cannot be estimated at this time.

Mandates that apply to public entities only

The bill also would preempt state and local laws that would be inconsistent or conflict with the new federal requirements. CBO estimates that the additional costs to comply with that mandate would be small because compliance likely would involve only a small adjustment in current procedures.

Mandates that apply to private entities only

Safety Requirements for Fishing Industry Vessels. H.R. 2830 would impose new safety requirements on owners and operators of commercial fishing vessels. The bill also would require the individuals in charge of commercial fishing vessels operating beyond three nautical miles of the U.S. coast to keep a record of equipment maintenance and to pass a safety training program and

a refresher training once every five years. The cost of recordkeeping would be minimal. The new safety training program, however, would have to include training in collision prevention, personal survival, and emergency medical care. According to industry sources, the cost of similar training programs currently available is between $100 and $500 per person. Such sources also indicate that thousands of U.S. commercial fishing captains nationwide and others would have to comply with the training requirement. The bill also would establish a grant program to provide training on commercial fishing safety.

The bill would establish safety equipment standards for certain commercial fishing industry vessels operating beyond three nautical miles of the coast. In addition, beginning in 2008, the bill would require that such vessels that are less than 50 feet in length be constructed in a manner that provides a level of safety equivalent to the minimum safety standards established by the Coast Guard that apply to recreational vessels. The cost to comply with those mandates would depend on the standards to be set by the Coast Guard.

Other impacts

Other provisions of the bill would benefit state and local governments. In particular, the bill would likely increase sales tax receipts in Idaho and Alaska by clarifying that certain providers of recreation vessels are subject to sales taxes on rentals. The bill also would benefit state and local governments and public universities by conveying certain boathouses, ships, aircraft, and land rights to those governments and entities, and by authorizing certain grant programs.

Previous CBO estimates: On August 29, 2007, CBO transmitted a cost estimate for H.R. 2830 as ordered reported by the House Committee on Transportation and Infrastructure on June 28, 2007. The two versions of the legislation are very similar. The estimated costs of the bill as approved by the Committee on Homeland Security are higher because it would authorize $229 million more (in 2008) for USCG acquisitions.

On July 17, 2007, CBO transmitted a cost estimate for H.R. 2722, the Integrated Deepwater Program Reform Act, as ordered reported by the House Committee on Transportation and Infrastructure on June 28, 2007. On May 10, 2007, we transmitted a cost estimate for S. 924, the Integrated Deepwater Program Reform Act, as ordered reported by the Senate Committee on Commerce, Science, and Transportation on April 25, 2007. S. 924, H.R. 2722, and title VIII of H.R. 2830 address similar issues and would have similar budgetary effects if enacted. CBO estimates that H.R. 2830, like H.R. 2722, would have lower up-front costs than S. 924 because it would not require the Coast Guard to contract with a third party to perform a major analysis of IDP.

Both versions of H.R. 2830 contain the same intergovernmental mandates and essentially the same private-sector mandates. The version ordered reported by the Homeland Security Committee contains some additional private-sector mandates (on commercial vessels and certain facilities), but CBO estimates that the costs of the additional requirements to the private sector would be minimal.

Estimate prepared by: Federal Spending: Deborah Reis; Federal Revenues: Barbara Edwards; Impact on State, Local, and Tribal Governments: Elizabeth Cove; Impact on the Private Sector: Jacob Kuipers.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis; G. Thomas Woodward, Assistant Director for Tax Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 2830 contains the following general performance goals, and objectives, including outcome related goals and objectives authorized.

To authorize funding for personnel, administration, and activities of the United States Coast Guard and make changes to maritime security law, maritime transportation law, and the Coast Guard Deepwater Program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains the following congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of the rule XXI.

Section	Earmark	Member
101	New London, Connecticut pier—$6.7 million	Mr. Courtney.
401	Gallant Lady	Ms. Corrine Brown of Florida.
402	Ocean Veritas	Mr. Don Young.
404	Brant Point	Mr. Delahunt.
407	Storis	Mr. Don Young.
409	Town of Jupiter Island, Florida	Mr. Mahoney of Florida.
410	HU–25 Falcon Jets	Mr. Cummings.
411	Conveyance Coahoma County, Mississippi	Mr. Thompson of Mississippi.
412	Conveyance Warren County, Mississippi	Mr. Thompson of Mississippi.
413	Conveyance Washington County, Mississippi	Mr. Thompson of Mississippi.
417	Maryland Independence	Mr. Ruppersberger.
419	Assets for U.S. Virgin Islands	Mrs. Christensen of the Virgin Islands.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 1, which grants Congress the power to provide for the common Defense of the United States.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 states that the legislation may be referred to as the "Coast Guard Authorization Act of 2007".

Title I—Authorization

Title I authorizes funding levels and end-of-year military strength levels and military training student loads for fiscal year 2008.

Section 101. Authorization of appropriations

Section 101 authorizes $7,374,061,000 in discretionary spending, a modest 5.3 percent above the President's budget request of $7,000,121,000. As reported by the Committee on Transportation and Infrastructure, this section would authorize $7,145,055,000 in discretionary spending, an increase of 2.1 percent above the President's budget request. The Committee of Homeland Security (Committee) notes that the difference is an increase of $229,006,000 for the Integrated Deepwater System Program, which the Committee funded at the Fiscal Year 2007 appropriated level. The Committee also added the requisite oversight for such an improvement by attaching the text of H.R. 2722, the "Integrated Deepwater Program Reform Act," as a new Title VIII.

This section also modifies the funding floors for search and rescue and marine safety missions. The Committee agrees that the Coast Guard must maintain its multi-mission nature and effectively balance its homeland and non-homeland security missions. However, the Committee is concerned that establishing a funding floor for any mission, homeland and non-homeland included, would remove a measure of flexibility that the Coast Guard needs to carry out its duties. The Coast Guard must have the flexibility to surge resources, as necessary to meet any mission, whether it be shutting down all port activity in response to a terror attack, or rescuing people following a massive natural disaster.

Section 102. Authorized levels of military strength and training

Section 102 authorizes a Coast Guard end-of-year strength of 45,500 active duty military personnel for fiscal year 2008. This level maintains the personnel level that was authorized at the end of fiscal year 2006. The section also authorizes average military training student loads for fiscal year 2008 at the same level as was authorized in fiscal year 2006.

Section 103. Transfer of bridge administration program and functions

Section 103 authorizes the transfer of the bridge administration from the Department of Homeland Security (Coast Guard) to the

Department of Transportation. Prior to 1967, these operations were performed by the Army Corps of Engineers and were transferred to the Department of Transportation when it was created to provide better coordination between the marine industry that uses the waterways and the railroads and highway departments who generally own the bridges.

Title II—Coast Guard

Title II amends Title 14, the title of the United States Code that authorizes activities and functions of the Coast Guard.

Section 201. Appointment of civilian Coast Guard judges

Section 201 amends chapter 7 of title 14, United States Code, to authorize the Coast Guard to appoint civilian judges to the Coast Guard Appellate Court, which hears appeals from courts-martial, as vacancies occur. Civilian judges were previously permitted to be appointed to this court by the Secretary of Transportation, and this provision provides the Secretary of Homeland Security with the same statutory authority.

Section 202. Industrial activities

Section 202 authorizes Coast Guard industrial activities facilities, such as the Coast Guard Yard in Baltimore, Maryland, and the Aircraft Repair and Supply Center in Elizabeth City, North Carolina, to enter into reimbursable agreements to perform work for agencies in the Department of Defense.

Section 203. Reimbursement for certain medical-related travel expenses

Section 203 authorizes reimbursement of travel-related expenses to Coast Guard personnel who are stationed on an island in the 48 contiguous States when a family member is referred to a specialty care provider off-island that is less than 100 miles from the primary care provider. Currently, there is only authorization for the reimbursement when the specialty care provider is more than 100 miles. Their families do not have the option of driving off-island and, as a result, often have to pay expensive flight costs. Personnel stationed outside the continental United States already have authority for this reimbursement.

Section 204. Commissioned officers

Section 204 will make permanent the temporary increase in the Coast Guard's allowable number of officers from 6,200 to 6,700 that was authorized for 2004–2006. This increase was previously granted as a result of the Service's increased homeland security role following September 11.

Section 205. Coast Guard participation in the Armed Forces Retirement Home system

Section 205 authorizes Coast Guard veterans to have the same access to the Armed Forces Retirement Home system as retirees from the other military services.

Section 206. Grants to international maritime organizations

Section 206 amends Section 149 of title 14, United States Code, to authorize the Coast Guard to provide funds to international maritime authorities and organizations that collect and maintain international databases. In exchange, the Coast Guard would have access to information on foreign vessels and ports regarding their global safety and security compliance history. This additional information would allow the Coast Guard to make more accurate threat assessments.

Section 207. Emergency leave retention authority

Section 207 provides that any Coast Guard personnel who work in support of a declaration of a major disaster or emergency by the President shall retain up to a total of 90 days of accrued leave. Currently, personnel can only retain up to 60 days of accrued leave if not used by the end of the fiscal year.

Section 208. Enforcement authority

Section 208 makes a technical correction to transfer language from title 46, United States Code, to title 14, United States Code, regarding the Coast Guard's law enforcement authorities at onshore facilities. The provision also removes a limitation that had only permitted Coast Guard personnel to make arrests if a crime actually occurs in their presence.

Section 209. Repeal

Section 209 repeals section 216 of title 14, United States Code, which pertains to the ranking of warrant officers. This provision is obsolete.

Section 210. Admirals and Vice Admirals

Section 210 implements the Administration's proposed reorganization of the Coast Guard by eliminating the two Area Commands that are established by law and the Coast Guard Chief of Staff. These three Vice Admirals are replaced by a Deputy Commandant for Mission Support; a Deputy Commandant for National Operations and Policy; a Commander, Force Readiness Command; and a Commander, Operations Command. This section also promotes the Vice Commandant to a full Admiral.

Section 211. Merchant Marine Medical Advisory Committee

Section 211 authorizes the Secretary to appoint a Merchant Marine Medical Advisory Committee to advise the Secretary regarding medical issues relating to the medical certification of merchant mariners, including physical qualifications for operators of commercial vessels. Ten members of the 12 member committee shall be medical professionals with expertise regarding the medical examination of merchant mariners or occupational medicine, and two shall be professional mariners with experience in mariner occupational requirements.

Section 212. Reserve commissioned warrant officer to lieutenant program

Section 212 authorizes the President to promote a commissioned Coast Guard warrant officer in regular and reserve service to the

grade of lieutenant on a temporary basis in accordance with the needs of the service.

Section 213. Enhanced status quo officer promotion system

Section 213 provides the Coast Guard the authority to retain and promote officers that have specialized skills in order to meet the needs of the Coast Guard. The current Coast Guard promotion system provides the Coast Guard with generalists and does not readily allow for officer specialties. The 2002–2003 Officer Corps Management System studies found that there is an increasing need in the officer corps for specialists. The Committee recommends that the Coast Guard use this authority to significantly increase the number of specialists in the Coast Guard.

Section 214. Laser training system

Section 214 requires the Coast Guard to test an integrated laser system for training Coast Guard personnel on the use of automatic weapons and M–16 rifles on small Coast Guard vessels on the Great Lakes. The Secretary is also required to submit a report to Congress on the costs and benefits of using a laser training system for Coast Guard personnel on the Great Lakes and nationally.

Section 215. Coast Guard vessels and aircraft

Section 215 expands section 637 of title 14, United States Code, to provide that personnel in command of a Coast Guard operation that use disabling fire to stop a vessel or aircraft are also to be indemnified if the vessel is under the tactical control of the Coast Guard and Coast Guard personnel are on the vessel or aircraft conducting the Coast Guard mission.

Section 216. Coast Guard District Ombudsmen

Section 216 encourages the Coast Guard to develop a District Ombudsman program to help improve communications between and among port stakeholders and the Coast Guard, to assist in the timely resolution of disputes between the Coast Guard and those that are regulated by or assisted by the Coast Guard. This section directs the Ombudsman to endeavor to work closely with the Coast Guard, while providing stakeholders with a forum for submitting their grievances. This section allows the Commandant to set nation-wide guidelines so that there is parity between Districts as to the authorities, processes, and procedures of the various District Ombudsmen. This provision prohibits the Ombudsman from conducting any investigation that parallels an on-going administrative, civil, or criminal legal proceeding. It also prohibits the District Ombudsman from partaking in a complaint if the resolution of that complaint would provide a direct or indirect benefit to the Ombudsman.

Title III—Shipping and Navigation

Title III amends statutes relating to shipping and navigation in U.S. waters.

Section 301. Vessel size limits

Section 301 allows fishing vessels in the rationalized Bering Sea/Aleutian Islands pollock fishery to be documented with a fishery

endorsement if the vessel is a rebuilt or a replacement vessel of a vessel that is authorized to hold a Federal fishery permit under the American Fisheries Act, notwithstanding current limits on length, tonnage, and horsepower. This section does not alter the fishery quotas established through the Federal fisheries management process.

Section 302. Goods and services

Section 302 clarifies that non-Federal sales taxes on goods and services may be levied upon or collected from vessels when the vessel is operating on any navigable water subject to the authority of the United States.

Section 303. Seaward extension of anchorage grounds jurisdiction

Section 303 extends the Coast Guard's authority to establish anchorage grounds for vessels from three nautical miles to 12 nautical miles and also increases the civil penalty fines imposed for a violation of rules concerning the anchorage grounds from $100 to up to $10,000, with each day of a continuing violation constituting a separate violation. The amount of the penalty was last adjusted in 1915.

Section 304. Maritime Drug Law Enforcement Act Amendment—simple possession

Section 304 establishes a civil penalty offense for simple possession of a controlled substance on a vessel subject to the jurisdiction of the United States or at a facility defined under section 70101 of title 46, United States Code. The civil penalty shall be up to $10,000 for each violation.

Section 305. Technical amendments to tonnage measurement law

Section 305 makes technical amendments to laws regarding the tonnage measurement of vessels.

Section 306. Seamen's shoreside access

Section 306 authorizes seaman, pilots, ministers, and labor organizations who board and depart a vessel in compliance with the provisions of the facility security plan to do so at no cost. The Committee is concerned about a growing problem where such individuals are being charged hundreds of dollars for an escort through a facility when boarding or departing vessels.

Section 307. Fishing vessel safety

Section 307 establishes safety equipment standards for all commercial fishing, fish tender, and fish processing fishing vessels operating beyond three nautical miles of the coast, and clarifies the equipment requirements for these vessels. In addition, Section 307 establishes design and construction standards for all new vessels. New fishing and fish tender vessels, and fishing or fish tender vessels that undergo a "major conversion" as defined in 46 U.S.C. 2101(14a), operating beyond three nautical miles of the coast and over 50 feet in length, will need to be "classed" by the American Bureau of Shipping or an equivalent classification society. "Classification" provides evidence that a vessel is mechanically and structurally fit for the intended service. New fishing and fish tender ves-

sels, operating beyond three nautical miles of the coast, less than 50 feet in length, are required under this section to meet standards required of recreational vessels under section 4302 of title 46, United States Code, that provide an equivalent level of safety. New fishing vessels over 79 feet in length would be required to have a "load line." Section 307 also authorizes the Secretary to examine vessels that operate beyond three nautical miles of the coast to ensure compliance with safety regulations.

Existing fishing vessels more than 25 years of age are not required to meet any classification requirement until January 1, 2018. After that date, 25 year old fishing vessels will be required to meet an alternate compliance program established by the Secretary of Homeland Security. The Secretary is required to prescribe the alternate compliance program standards by January 1, 2015.

The section also authorizes and requires a training program for the operators of fishing vessels that operate beyond three miles of the coast. The program is to be based on professional knowledge, hands-on training, and will give credit for recent past experience. Those who successfully complete the program will receive a certificate, and will need to complete refresher training at least once every five years to keep the certificate current. Individuals who hold a mariner license and can demonstrate equivalent training, while encouraged to obtain the training described, should not be required to do so.

The requirements developed by the Coast Guard for the approval of the structured, shore side training course must include specific elements listed in this section, and a suitable rigorous test covering each of these enumerated elements should be administered. The student must pass an examination for each of the items addressed as well as a final test and skill demonstration at the course end covering the elements of each of the areas specified. Upon successful completion of the Coast Guard approved training program, the training provider will issue a certificate of completion in the format prescribed in the Coast Guard course approval regulations or associated guidance documents. The training program developed by the Coast Guard should include an oversight and audit program to assure that the courses delivered by the approved training providers meet the stated approval requirements.

While Section 307 does not address fishermen's physical condition nor drug and alcohol testing, it is critical to a safe working environment, and the Committee believes that responsible vessel operators should make it part of their normal business practice. The protocols for such a program are well established and successful in the other commercial maritime shipping communities. Similarly, workplace injury and operational accidents from slips, falls and man overboard accidents need to be addressed in an operator's safety program.

Section 307 also establishes two grants programs. This section authorizes the Secretary to establish Fishing Vessel Safety Grants, to fund training of operators and crew of commercial fishing vessels. It is the intent of the Committee that these grants be available to programs and individuals who provide training for both operators and crewmembers of commercial fishing vessels. The grants are to be awarded on a competitive basis to organizations or individuals that are approved by the Secretary and that provide hands-

on, skills-based training. This section further authorizes the Secretary to establish Fishing Safety Research Grants, to provide funding for research on methods to improve the safety of commercial fishing, specifically including investigation of enhanced vessel monitoring systems. Additional funding for this program is added to the Coast Guard's R&D authorization in Section 101(3) of this Act.

Section 308. Mariner records

Section 308 authorizes the Secretary to require vessel owners or managing operators of commercial vessels to maintain employment records of seamen for a period of not less than five years after the completion of employment, and to make the records available to the individual or the Coast Guard on request.

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

Section 309 deletes an exemption for licensing of operators of vessels engaged in the offshore mineral and oil industry where the vessel has offshore mineral and oil industry sites or equipment as its ultimate destination or place of departure. The exemption created by Section 8905(b) of title 46, United States Code, exempting operators of certain vessels from U.S. Coast Guard licensing requirements, is no longer a viable exception to the rule and creates a potential serious threat to navigational safety.

Section 310. Adjustment of liability limits for natural gas deepwater ports

Section 310 authorizes the Secretary to establish a minimum limit of liability for liquefied natural gas ("LNG") deepwater ports of $12 million.

Section 311. Period limitations for claims against Oil Spill Liability Trust Fund

Section 311 reduces the period that claims can be filed against the Oil Spill Liability Trust Fund from six years to three years.

Section 312. Log books

Section 312 requires log books on all manned inspected vessels, not just those on foreign or coastwise voyages, and adds new circumstances when information must be added to the log book.

Section 313. Unsafe operation

Section 313 adds a new section to 46 U.S.C. Chapter 21 applying "termination for unsafe operation" to all vessels subject to the title. Currently, there are similar provisions for "recreational vessels" and "uninspected commercial fishing industry vessels." This new provision would permit those authorized to enforce the title to remove and terminate a voyage when the vessel is not in compliance with an issued certificate or is being operated in an unsafe condition that creates an especially hazardous condition.

Section 314. Approval of survival craft

Section 314 prohibits the Secretary from approving as a "survival craft" a device that does not support the individuals it is certified

to carry when those individuals are out of the water. For instance, a six-person device must be able to support six persons out of the water, while a 25-person device must be able to support 25 persons out of the water.

This section does not stipulate the vessels that must carry survival craft. The section also does not require that all survival craft be inflatable, since designs may be developed in the future for rigid survival craft that are capable of supporting individuals out of the water.

The importance of providing survival craft that will support individuals out of the water is particularly important for infants, the elderly, and the disabled. The FAA currently requires that aircraft operating over-water be equipped with life rafts that provide out-of-the-water protection.

This section allows the use of existing approved survival craft that do not provide out-of-the-water protection for up to five years provided the equipment is in good and serviceable condition.

Section 315. Safety management

Section 315 authorizes the Secretary to require "Safety Management Systems" on passenger vessels and small passenger vessels based on the number of passengers that could be killed or injured in a marine casualty. A "Safety Management System" requires vessel owners to document operational policy, chain of authority, and operational and emergency procedures that specify responsibilities of the owner or operator, managers, and masters; and outlining procedures for management review, internal audits, and correction of problems. This section does not require the Coast Guard to apply the International Safety Management System to these vessels. Instead, the Coast Guard is required to consider the characteristics, methods of operation, and nature of the service of these vessels when prescribing the safety management regulations.

Section 316. Protection against discrimination

Section 316 allows maritime workers who lose their jobs or are discriminated against because they report safety violations to the Coast Guard to use the same Department of Labor complaint process that is currently available to commercial drivers, railroad workers, and aviation workers. The section also clarifies the whistleblower protections provided in the Coast Guard Authorization Act of 2002. This section expands these protections to cover a broader scope of work related issues, such as cooperating with a safety investigation of the National Transportation Safety Board.

Section 317. Dry bulk cargo residue

Section 317 extends from 2008 to 2009 the time the Coast Guard has to promulgate regulations for the disposal of dry bulk cargo residue in the Great Lakes.

Section 318. Clarification of delegation of authority to classification societies

Section 318 clarifies and extends the existing authority to delegate inspection to a recognized classification society to off-shore structures or "floating installations". Currently the Secretary may

delegate inspection of vessels, but not structures, to a classification society.

Section 319. Registry endorsement for LNG vessels

Section 319 requires that a vessel or facility engaged in regasification of liquefied natural gas (LNG) on the navigable waters of the United States to have a registry endorsement unless it is transporting LNG from a foreign port.

The Coast Guard is directed to provide the Committee an update on their current efforts to regulate the safety and security standards for offshore regasification facilities.

Section 320. Oaths

Section 320 repeals Sections 7105 and 7305 of title 46, United States Code, which require the applicant to appear in person to take an oath.

Section 321. Duration of credentials

Section 321 permits the holder of a merchant mariner document or license to renew the document in advance of the expiration of an existing document, but delays the effective date until the previous document expires.

Section 322. Fingerprinting

Section 322 eliminates duplicate fingerprinting for merchant mariners who have already been fingerprinted in connection with obtaining a Transportation Worker Identification Card.

Section. 323. Authorization to extend the duration of licenses, certificates of registry, and Merchant Mariner's Documents

Section 323 permits the Secretary to extend for up to one year a License or Certificate of Registry or a Merchant Mariner's Document, if the Secretary determines that such extension would eliminate a backlog in processing applications.

Section 324. Merchant mariner documentation

Section 324 requires the Secretary of Homeland Security to develop an interim clearance procedure that will allow the issuance of a merchant mariner document to a new-hire or an off-shore supply or towing vessel provided the Secretary makes a preliminary determination that the individual does not pose a safety and security risk.

Section 325. Merchant mariner assistance report

Section 325 requires the Coast Guard to report to the appropriate committees of the House and Senate—not later than 180 days after enactment of this Act—on plans to (1) expand the streamlined evaluation that was implemented at Houston Regional Exam Center; (2) simplify the application process of seamen and merchant mariner documents; (3) provide notice to an applicant of the status of a pending application; and (4) ensure that information collected from applicants is retained in a secure electronic format.

Section 326. Merchant mariner shortage report

Section 326 requires the Secretary of Transportation, through the Administrator of the Maritime Administration, to report to the appropriate committees of the House and Senate—not later than 180 days after enactment of this Act—on methods to address current and future shortages of merchant mariners, particularly entry-level mariners, and evaluate whether a loan program for on-the-job training would alleviate the shortage.

Section 327. Merchant mariner document standards

Section 327 requires the Secretary of Homeland Security to report—not later than 270 days after enactment—to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding a plan for processing Transportation Worker Identification Cards by mail; the feasibility of redesigning merchant mariner documents to comply with section 70105 of title 46 United States Code, including a biometric identifier, and all relevant international conventions, including International Labor Organization Convention 185 concerning seafarer identity; and whether such a consolidated document would eliminate the need for separate credentials, background screening, and application processes that are associated with multiple documents.

Section 328. Waterside security around liquefied natural gas terminals and liquefied natural gas tankers

Section 328 makes the Commandant of the Coast Guard responsible for providing appropriate, risk-based security services around Liquefied Natural Gas (LNG) terminals and around tankers transporting LNG in security zones established by the Coast Guard.

The Committee on Homeland Security insists that the Coast Guard base its risk assessments on the threat of terrorist attack, vulnerability to terrorist attack, and consequence to the port, region, and Nation of a terrorist attack. It has come to the Committee's attention that the Coast Guard has modified its risk assessments at times due to limited resources. The Committee believes that this is unacceptable. The Coast Guard must use its considerable judgment in identifying risks associated with LNG transits and base its force protection model on those risks. The Committee requests that the Coast Guard inform the Committee, as well as the Committee on Transportation and Infrastructure of the House of Representatives if its current resources are unable to meet the security requirements of current and planned LNG facilities.

Subsections (b) and (c) expressly authorize the use of State and local resources for the purpose of enforcing Federal security zones, provided those State and local agencies engage in cooperative agreements or Memoranda of Agreement prior to their participating in waterborne patrols. Subsection (c) clarifies that Federal, State, and local law enforcement entities providing security services for LNG vessels or facilities are entitled to seek reimbursement for services rendered. The Committee believes that facilities should, to the greatest extent practicable, reimburse Federal, State, and local law enforcement for such services.

Subsection (d) prohibits the Secretary of Homeland Security from approving a facility security plan for an LNG terminal under section 70103 of title 46, United States Code, unless the Secretary certifies that the Coast Guard sector in which the LNG terminal is located has the necessary resources to meet its risk-based security requirements, as outlined in the appropriate Waterway Suitability Assessment. This provision also clarifies that such certification requirement shall not prevent available Coast Guard units from securing cargo in a port or waterway that poses an even higher risk to security.

Title IV—Miscellaneous Provisions

Section 401. Certificate of documentation for GALLANT LADY

Section 401 authorizes the Secretary of the department in which the Coast Guard is operating to issue a certificate of documentation with a limited coastwise endorsement for the limited purpose of allowing a vessel, the GALLANT LADY, to host charity events in which the vessel's owner receives no compensation.

Section 402. Waiver

Section 402 authorizes the Secretary of the department in which the Coast Guard is operating to issue a certificate of documentation with a coastwise endorsement for the vessel OCEAN VERITAS because it had been transferred to a foreign registry.

Section 403. Great Lakes Maritime Research Institute

Section 403 requires the National Maritime Enhancement Institute for the Great Lakes region to conduct maritime transportation studies. It also authorizes appropriations through 2010 to carry out the studies.

Section 404. Conveyance

Section 404 authorizes the Secretary to convey the Coast Guard Boathouse at Station Brant Point, Nantucket, Massachusetts, to the Town of Nantucket, and permits the town to lease the land on which the Boathouse resides for a period of up to 25 years.

Section 405. Crew wages on passenger vessels

Section 405 places a cap on the liability for cruise ships for violation of the double wage penalty law. Current law provides that if a shipowner does not pay a seaman what the seaman is owed under his employment contract without sufficient cause, the shipowner must pay the seaman two days wages for each day he does not pay the seaman the contractual amount. This amendment places a cap on class action cases brought for non-payment of the contractual wages. The cap provided is ten times the unpaid wages that are subject to the claim. A three-year statute of limitations is also established for the filing of class action law suits filed under the Act.

This section also authorizes seaman's wages to be paid electronically into a financial institution designated by the seaman, if the deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed.

Section 406. Technical corrections

Section 406 makes technical corrections to the Coast Guard and Maritime Transportation Act of 2006 (P.L. 109–241).

Section 407. Conveyance of decommissioned Coast Guard Cutter STORIS

Section 407 conveys the decommissioned Coast Guard Cutter STORIS to the Storis Museum and Maritime Education Center in Alaska. This cutter operated in Alaska for decades and this provision allows it to remain in Alaska and be used as museum and historical display, using the same procedures adopted in past conveyances.

Section 408. Repeal of requirements of licenses for employment in the business of salvaging on the coast of Florida

Section 408 repeals an obsolete provision of law dating from approximately 1848 that requires companies engaged in salvage operations in the State of Florida to be approved by the District Court. No salvage company has been approved since approximately 1921 because no one realized the provision existed until the recent codification of title 46 of the United States Code.

Section 409. Right-of-first-refusal for Coast Guard property on Jupiter Island, Florida

Section 409 grants the Town of Jupiter Island, Florida a right-of-first-refusal for an exchange of property with the Coast Guard. Property transferred shall be used solely for conservation of habitat and protection against damage from wind, tidal, and wave energy.

Section 410. Conveyance of Coast Guard HU–25 Falcon Jet aircraft

Section 410 conveys an excess HU–25 Falcon Jet aircraft currently used by the Coast Guard to the Elizabeth City State University in North Carolina for educational purposes, using the same procedures adopted in past conveyances.

Section 411. Conveyance of a Coast Guard vessel

Section 411 authorizes the Commandant to convey an excess vessel to the Sheriff's Department of Coahama County, Mississippi for homeland security purposes.

Section 412. Conveyance of a Coast Guard vessel

Section 411 authorizes the Commandant to convey an excess vessel to the Sheriff's Department of Warren County, Mississippi for homeland security purposes.

Section 413. Conveyance of a Coast Guard vessel

Section 411 authorizes the Commandant to convey an excess vessel to the Sheriff's Department of Washington County, Mississippi for homeland security purposes.

Section 414. Decommissioned Coast Guard vessels for Haiti

Section 411 allows the government of Haiti a right-of-first-refusal for up to 10 Coast Guard 41-foot patrol boats when they are decommissioned, provided they are used by the Coast Guard of Haiti and

available to the United States in time of war or national emergency.

Section 415. Extension of period for operation of vessel for setting, relocation, or recovery of anchors or other mooring equipment

Current law requires vessels that are engaged in the setting, relocation, or recovery of anchors or other mooring equipment to have a registry endorsement under chapter 121 of title 46, United States Code. This section extends the grandfather for operators from this requirement from two years to three years.

Section 416. Vessel traffic risk assessments

Section 413 requires the Commandant of the Coast Guard to prepare vessel traffic risk assessments for Cook Inlet, Alaska, and the Aleutian Islands, Alaska. The Committee is concerned that the increased traffic in these two areas may require additional safety measures to protect against marine casualties. This assessment will help provide information regarding the risk of marine casualties in these areas.

Section 417. Vessel MARYLAND INDEPENDENCE

Section 414 provides a waiver from the U.S. build requirement of the coastwise trade laws for the vessel MARYLAND INDEPENDENCE. However that coastwise waiver is terminated if the vessel, or controlling interest in the person that owns the vessel, is sold or if any repairs or alterations are made to the vessel outside of the United States.

Section 418. Study of relocation of Coast Guard Sector Buffalo facilities

Section 415 requires the Commandant of the Coast Guard to conduct a project proposal report on the feasibility of consolidating and relocating the Coast Guard facilities at Coast Guard Sector Buffalo and to prepare preliminary plans for the design engineering, and construction for the consolidation of these facilities.

Section 419. Coast Guard assets for the United States Virgin Islands

Section 419 authorizes the Secretary of Homeland Security to station additional Coast Guard assets in the United States Virgin Islands for port security and other associated purposes. The Committee believes that the positioning of additional Coast Guard resources in the United States Virgin Islands will enhance the border and port security of the United States.

Title V—Ballast Water Treatment

Section 501. Short title

Section 501 states that the title may be referred to as the "Ballast Water Treatment Act of 2007".

Section 502. Declaration of goals and purposes

Section 502 establishes the objective of the Act which is to eliminate the threat and impact of nonindigenous aquatic nuisance species in the waters of the U.S. It also states that it is a national goal

that ballast water discharged into the waters of the U.S. will contain no living organisms by the year 2015.

Section 503. Ballast water management

Section 503 codifies current Coast Guard regulations and requires all vessels carrying ballast water to conduct ballast exchange operations more than 200 miles offshore before the vessels enter the United States.

Section 503 also establishes a requirement that after a vessel's first drydocking, beginning January 1, 2009, the vessel must have a ballast water treatment system that meets performance requirements provided for in the Act. All ships must have these systems installed by January 1, 2014. The standards require less than one living organism per 100 cubic meters of water for organisms 50 or more microns in size; less than one living organism per 100 milliliters of water for organisms between 10 and 50 microns in size; and specific performance requirements for microbes of various types.

Not later than one year after the date of enactment of this Act, the Coast Guard is to determine whether technology is available to meet this standard. If available technology can provide even cleaner ballast water, the Secretary can adjust the standard to reflect the improved performance of the technology. If technology is not available to meet the standard according to the initial review, the Secretary may delay the effective date of the requirements by up to two years. If the Secretary determines that technologies are not available after subsequent reviews, the Secretary may delay the imposition of standards for additional two-year periods.

After 2012, the Secretary is required to review the standard every three years and adjust the standards to account for improvements in ballast water treatment technology if necessary.

This section allows the Secretary to exempt vessels operating exclusively in closed aquatic systems (i.e., the Great Lakes) from having treatment systems because these vessels do not introduce new species into their environment. However, at the request of the Animal and Plant Health Inspection Service ("APHIS"), the Secretary shall require the installation of ballast water treatment systems designed to prevent the spread of infectious diseases to plants and animals as otherwise authorized by law.

This section also requires vessel operators to dispose of ballast tank sediments in accordance with their ballast water management plan approved by the Secretary and provides the Secretary the authority to require vessels that sail with "no ballast on board" in their ballast tanks to rinse those tanks before they enter the waters of the United States. This will help get rid of invasive species that may be in the sediment in the bottom of ballast tanks before the ships enter the United States.

To provide for standardization of ballast water treatment systems on vessels that engage in interstate and foreign commerce of the United States, this section also preempts State standards regarding ballast water management (including ballast water exchange and ballast water treatment). The Committee is concerned that varying State treatment standards could pose a significant impediment to commerce. However, this section allows a State to inspect and enforce the standards provided for in this Act or pre-

scribed by the Secretary if the State has the resources and scientific expertise to conduct those inspections and enforcement. However, the Committee does not intend to prevent the Coast Guard, in addition to the States, from enforcing the requirements made under this Act.

Section 504. National ballast water management information

Section 504 requires the Secretary to conduct a ballast water survey of the number of living organisms in untreated ballast water, a survey of the number of living organisms in the ballast water of ships that has been exchanged on the high seas, and a survey of the number of living organisms in the ballast water of vessels that are participating in a program to test and evaluate promising ballast water treatment technologies. The Secretary is required to submit a report to Congress on the results of these surveys.

Section 505. Ballast water management evaluation and demonstration program

Section 505 formally codifies the establishment of the Shipboard Technology Evaluation Program ("STEP") to evaluate alternative ballast water management methods on vessels to prevent the introduction of aquatic nuisance species in the waters of the United States. This section establishes minimum criteria for the technology that is eligible to participate in this program and allows the Secretary to change those criteria based on the discharge standards that are prescribed under section 1101(f). This section also requires the Undersecretary to conduct a program to demonstrate and verify technologies and practices to monitor and control the introduction of aquatic invasive species by ship pathways other than the release of ballast water.

Section 506. Rapid response plan

Section 506 requires the President to establish and publish a national rapid response plan for killing, removing, or minimizing the spread of aquatic nuisance species in the waters of the United States. The plan must include the assignment of duties between the various Federal, State, and local agencies involved in the response; the identification, procurement, and storage of equipment and supplies needed to facilitate those eradication efforts; a monitoring system to detect early introduction of invasive species; and the establishment of a national center to provide coordination and direction for these operations. This section is modeled after the successful National Response Plan system that was developed under the Oil Pollution Act of 1990.

Section 507. Authorization of appropriations

Section 507 authorizes $20 million for each of fiscal years 2008 through 2012 to carry out the Act. This section also provides an additional $500,000 for each of the fiscal years 2008 through 2013 to carry out section 1102(f) of the bill; $6 million for each of the fiscal years 2008 through 2013 to carry out section 1104(b) of the bill; and $1.5 million for each of the fiscal years 2008 through 2013 to carry out section 1104(c) of the bill.

Title VI—Alien Smuggling

Section. 601. Short title

Section 601 provides that the short title of this title is the "Maritime Law Enforcement Improvement Act of 2007".

Section 602. Maritime law enforcement

Section 602 adds a new chapter 707 to title 46, United States Code. This new chapter makes it unlawful to transport or facilitate the transportation of an alien, defined as any person who is not a citizen or national of the United States, on board a vessel covered by this title if that person has reason to believe that the alien is attempting to enter the United States unlawfully.

This section provides an affirmative defense against this felony. An individual cannot be charged under this section if that individual proves that the alien was on board after being rescued at sea or the entry into the United States was a necessary response to an imminent threat of death or serious bodily injury to the alien. However, to use that defense, the person had to have informed the Coast Guard of the presence of the alien on the vessel and the circumstances of the rescue as soon as practicable and the defendant then complied with all orders given to him by the Coast Guard.

A person violating this section may be imprisoned for between three and 20 years or fined not more than $100,000, or both. Any vessel used in the commission of this crime may be forfeited to the United States Government.

Title VII—Miscellaneous Homeland Security Provisions

Section 701. Maritime Homeland Security Public Awareness Program

Section 701 authorizes the Secretary of Homeland Security to continue the Coast Guard's "America's Waterway Watch" program, a public education and outreach program designed to encourage the reporting of suspicious activities.

Section 702. Transportation Worker Identification Credential

Section 702 requires the Secretary of Homeland Security to submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate on the Department's progress in implementing the Transportation Worker Identification Card (TWIC) at the top ten priority ports. This provision requires an additional report to the four Committees after the TWIC reader pilot is completed. This section specifies that the Comptroller General of the United States is responsible for assessing the findings of the reports.

The Committee has significant concerns regarding the Department's plan to implement the TWIC program. The Committee anticipates that 750,000 transportation workers will be required to attain this card and is concerned that many of these workers will be unable to attain this credential and maintain their employment due to Departmental bureaucracy and mistakes.

Section 703. Study to Identify Redundant Background Records Checks

Section 703 requires the Comptroller General of the United States to conduct a study on background records checks conducted by States which are similar to the Federal Transportation Worker Identification Credential (TWIC) records checks to identify redundancies and inefficiencies. The purpose of this study is to highlight the redundancy and inefficiency between the TWIC and State-issued cards.

Section 704. Review of Interagency Operational Centers

Section 704 requires the Inspector General of the Department of Homeland Security to provide a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the Department's implementation of the Joint Operational Centers required by the SAFE Port Act (Public Law 109–347). The Committee strongly believes that the establishment and implementation of a network of Joint Operational Centers will enhance information-sharing between the Coast Guard and State and local law enforcement through the establishment of Joint Operational Centers is a major Committee Homeland Security priority.

Section 705. Maritime Security Response Teams

Section 705 authorizes two Maritime Security Response Teams (MSRT), the Coast Guard's elite counterterrorism teams trained to neutralize hostile shipboard forces. The Committee notes that the Coast Guard established a MSRT in 2006 for the East Coast, and the Coast Guard insists the MSRT can meet its mission requirement for nationwide coverage. The Committee disagrees with the Coast Guard's assessment. The Committee strongly encourages the Coast Guard to deploy the second MSRT to the West Coast of the United States.

Section 706. Coast Guard Detection Canine Team Program Expansion

Section 706 directs the Secretary of Homeland Security to increase the number of detection canine teams and authorizes the Secretary to procure more highly trained detection canine teams for use by the Coast Guard. The Committee notes that the Coast Guard currently has only 18 detection teams to provide nationwide coverage for 361 ports. A single detection canine team can be used for explosives or narcotics, but not both. Thus, the Committee believes that an increase in detection canine teams will improve the Coast Guard's explosives and narcotics detection capabilities. The Committee also strongly believes that decisions with regard to deployment of new detection teams should be based on risk.

Section 707. Coast Guard Port Assistance Program

Section 707 authorizes the Coast Guard to lend, lease, and donate surplus Coast Guard equipment and provide technical training to foreign ports or facilities to bring such ports into compliance with International Ship and Port Facility Code Standards and to enhance port security. The Committee believes that such assistance

has the potential of greatly enhancing port security throughout the world.

Section 708. Homeland Security Impact Review of Liquefied Natural Gas Facilities

Section 708 requires the Secretary of Homeland Security to conduct a comprehensive homeland security impact review of proposed LNG facilities before any license or approval is provided to a facility. This provision requires the Secretary to consider, among other things, the potential for multiple, simultaneous, and extraordinary attacks on facilities, the potential for suicide attacks, and the potential for attacks by persons with a sophisticated knowledge of facility operations. The Committee believes that only after completion of the review and a finding that the facility does not pose a substantial risk to life and property can the Secretary coordinate with the appropriate Federal agencies to approve proposed construction, expansion, or operation.

Section 709. Maritime Biometric Identification

Section 709 authorizes the Coast Guard to conduct a pilot program to collect the biometric information of persons interdicted at sea under suspicion of terrorism, human smuggling, or drug smuggling and in order to improve maritime border security. It also directs the Coast Guard to develop the equipment needs for this pilot program and to evaluate the costs and feasibility of expanding the program to all deployable Coast Guard assets. This provision encourages the Coast Guard to utilize biometric technology to identify repeat offenders of border and immigration laws, fugitives from justice, and to coordinate access to Department of Defense and Department of State databases to identify would-be terrorists trying to infiltrate the maritime borders of the United States.

Section 710. Review of Potential Threats

Section 710 requires the Secretary of Homeland Security to submit a report to the Committee on Homeland Security of the House of Representatives on the threat, vulnerability, and consequence of a terrorist attack on gasoline and chemical cargo shipments. The Committee views the completion of this report as vital for the development of homeland security policies.

Section 711. Port Security Pilot

Section 711 authorizes an existing pilot program currently being implemented in Seattle and San Diego to test and deploy preventive radiological and nuclear detection equipment on Coast Guard vessels and other appropriate locations. It also directs the pilot to leverage existing Federal grant funds to support the program.

Section 712. Advance Notice of Port Arrival of Significant or Fatal Incidents Involving U.S. Persons

Section 712 requires the Secretary of Homeland Security to ensure that cruise ships calling upon the United States inform U.S. authorities during the Advance Notice of Arrival process of any incident that results in death, serious bodily injury, sexual assault, or a missing person, or any incident that poses a significant threat to the cruise ship, any cruise ship passenger, any port facility, or

any person in or near the port. This section also clarifies that nothing should discourage more immediate notification of U.S. authorities in cases of any covered security incident involving a U.S. person. The Committee strongly believes that the Department of Homeland Security, given its existing relationship with vessel and cruise ship operators, is well positioned to receive such reports.

Section 713. Safety and security assistance for foreign ports

Section 713 requires the Secretary of Homeland Security to establish a strategic plan to utilize assistance programs to assist ports and facilities that are found by the Secretary not to maintain effective anti-terrorism measures.

Section 714. Seasonal workers

Section 714 requires the Comptroller General of the United States to study the effects of the Transportation Worker Identification Credential (TWIC) on companies that employ seasonal workers. It also directs the Comptroller General to examine the costs associated with requiring seasonal workers to obtain TWIC cards, whether the Department of Homeland Security is processing such applications in a timely enough manner, whether compliance costs have led to a reduction in service, and an assessment of possible alternatives to the TWIC for seasonal workers, including the potential security vulnerabilities created by those alternatives.

Section 715. Comparative risk assessment of vessel-based and facility-based liquefied natural gas regasification processes

Section 715 requires the Coast Guard to commission an independent study on the dangers associated with requiring all regasification processes to be conducted onshore in populated areas versus processes conducted offshore at distances greater than 3 miles from shore.

Section 716. Savings clause

Section 717 reserves to the Secretary of Homeland Security and the Commandant of the Coast Guard any authorities previously provided in the Maritime Transportation Security Act of 2002 (Public Law 107–295), the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.), the SAFE Port Act (109–347), the Homeland Security Act of 2002 (Public Law 107–296), or the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53).

Title VIII—Coast Guard Integrated Deepwater Program

Section 801. Short title

Section 801 cites this title as the "Integrated Deepwater Program Reform Act."

Section 802. Implementation of Coast Guard Integrated Deepwater Acquisition Program

Section 802 prohibits the use of a private firm as a lead systems integrator for procurements under, or in support of, the Deepwater Program on the earlier of October 1, 2011, or the date on which the Secretary certifies in writing to the Committees that the Coast

Guard has available and can retain sufficient contracting personnel and expertise within the Coast Guard to perform the functions and responsibilities of the lead system integrator. The Coast Guard can continue to use a private sector lead systems integrator to complete any delivery order or task order issued on or before the date of enactment of this Act.

This section also requires the Secretary to use full and open competition for each class of asset acquisitions under the Deepwater Program, except when the Secretary determines that it is in the best interests of the Federal Government to use a different procurement method and he reports to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate as to why such procurement is in the best interests of the Federal Government.

In addition, this section sets forth a number of specific requirements to be included in any future contracts, delivery orders, or task orders issued under Deepwater, including requirements subjecting designs to certain technical reviews and mandating the development of independent cost estimates. This section requires the Coast Guard to maintain the authority to establish, approve, and maintain technical requirements and requires that any measurement of contractor and subcontractor performance be based on the status of all work performed;

Specifies that Department of the Navy TEMPEST standards are to be cited in contracts for the acquisition of all assets that require TEMPEST certifications;

Requires that an Early Operational Assessment be performed for any new asset class after the development of the primary design and before the conduct of the critical design review of the cutter;

Requires any contract issued for an Offshore Patrol Cutter to clearly specify the service life, fatigue life, days underway under general Atlantic and North Pacific Sea conditions, maximum range, and maximum speed the cutter shall be built to achieve; and

Requires that all contracts include provisions guaranteeing that the OIG has the right to privately interview all contractor personnel working on Deepwater and providing the OIG with access to all records maintained by contractors working on Deepwater.

Finally, section 802 requires the Coast Guard to develop and update annually a life-cycle cost estimate that includes asset acquisition and logistics support decisions and to assign separate contract officers for each class of cutter and aircraft acquired or rehabilitated under the Deepwater Program.

Section 803. Chief Acquisition Officer

Section 803 amends chapter 3 of title 14, United States Code, to require the appointment of a civilian, career reserved employee as Chief Acquisition Officer, reporting directly to the Commandant of the Coast Guard. The section also specifies a number of authorities specifically reserved to the Chief Acquisition Officer and functions to be performed by that position.

The Committee believes that the appointment of a civilian with extensive professional experience in acquisitions management to head the Deepwater acquisitions effort will Deepwater Program.

Section 804. Testing and certification

This section 804 establishes new standards for the testing and certification of assets procured under the Deepwater Program. The section requires all cutters, other than the NSCs, to be classed by the American Bureau of Shipping (ABS) before acceptance of delivery. It requires the design and construction of NSCs 3 through 8 to be certified by an independent third party, such as the ABS or Navy, to be able to be underway for at least 185 days per year for 30 years. Similarly, the section requires that all aircraft be certified by an independent third party and requires all electronics that require TEMPEST certification to be certified in accordance with TEMPEST standards by an independent third party.

Section 805. National security cutters

Section 805 requires the Secretary to submit specific reports to the Committees on Transportation and Infrastructure and Homeland Security of the House and the Committee on Commerce, Science, and Transportation of the Senate. Specifically, the section requires the Coast Guard to submit to the Committees a report detailing cost increases experienced during the acquisition of the NSCs and a report on options under consideration by the Coast Guard to strengthen the hulls of NSCs 1 and 2. This section also requires that, not later than 30 days before the Coast Guard signs any contract, delivery order, or task order to strengthen the hull of either NSC 1 or 2, the Coast Guard shall submit to the Committees all results of an assessment of the proposed hull strengthening design conducted by the Naval Surface Warfare Center (Carderock Division), including a description of the extent to which such measures will enable NSCs 1 and 2 to meet a 185-underway-day requirement for at least 30 years. Similarly, the section requires that, not later than 30 days before the Coast Guard signs any contract, delivery order, or task order authorizing construction of NSC 3 through 8, the Coast Guard shall submit to the Committees all results of an assessment of the proposed designs to resolve the structural design, safety, and performance issues identified by the OIG, including a description of the extent to which such designs will enable NSCs 3 through 8 to meet a 185-underway-day requirement.

Section 806. Miscellaneous reports

Section 806 requires the submission of a number of reports to the Committees on Transportation and Infrastructure and Homeland Security of the House and the Committee on Commerce, Science, and Transportation of the Senate on the Deepwater Program:

A justification for why eight NSCs is the appropriate number of NSCs to meet the Coast Guard's operational needs;

A report on the impact that deployment of the NSCs without vertical unmanned aerial vehicles will have on the amount of patrol coverage that will be able to be provided during missions conducted by NSCs;

A report on the total number and cost of change orders created under the Deepwater contract and their impact on the Deepwater Program schedule;

A report comparing the costs of purchasing assets through ICGS or directly from the manufacturer or shipyard;

A report on specific cost overruns and schedule delays encountered under Deepwater;

A report on how the Coast Guard will develop acquisitions management and financial management expertise among its personnel; and,

An annual report on the percentage of total funding expended on Deepwater Program procurements that has been awarded to small businesses and minority-owned businesses.

Section 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

Section 807 authorizes the Secretary to enter into a memorandum of understanding or a memorandum of agreement with the Secretary of the Navy to provide for the use of the Navy Systems Command to assist the Coast Guard with the oversight of Coast Guard major acquisition programs. Such memorandum shall provide for the exchange of technical assistance and support, the use of Navy technical expertise, and the temporary assignment or exchange of personnel between the Coast Guard and the Navy Systems Commands to facilitate the development of organic capabilities in the Coast Guard. The section requires the Coast Guard Chief Engineer, Chief Information Officer, and Chief Acquisition Officer to adopt, to the extent practicable, procedures that are similar to those used by the Navy Senior Acquisition Official to ensure the Coast Guard Technical Authorities approve all technical requirements. The section requires the Coast Guard to report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate annually on the activities undertaken pursuant to such memorandum.

Section 808. Definitions

Section 808 defines the term "Deepwater Program" as the Integrated Deepwater Systems Program described by the Coast Guard in its March 25, 2005 report to Congress entitled "Revised Deepwater Implementation Plan 2005." The Deepwater Program primarily involves the procurement of cutter and aviation assets that operate more than 50 miles offshore.

The section defines the term "Secretary" as the Secretary of the department in which the Coast Guard is operating.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omit-

ted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 14, UNITED STATES CODE

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PART I—REGULAR COAST GUARD

* * * * * * *

CHAPTER 3—COMPOSITION AND ORGANIZATION

Sec.
41. Grades and ratings.
* * * * * * *
[42. Number and distribution of commissioned officers.]
42. Number and distribution of commissioned officers on active duty promotion list.
* * * * * * *
[47. Vice Commandant; assignment.]
47. Vice Commandant; appointment.
* * * * * * *
[50. Area Commanders.
[50a. Chief of Staff.]
50. Vice admirals.
* * * * * * *
55. District Ombudsmen.
56. Chief Acquisition Officer.
* * * * * * *

[§ 42. Number and distribution of commissioned officers

[(a) The total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard shall not exceed 6,700 in each fiscal year 2004, 2005, and 2006.

[(b) The commissioned officers on the active duty promotion list shall be distributed in grade in the following percentages, respectively: rear admiral 0.375; rear admiral (lower half) 0.375; captain 6.0; commander 15.0; lieutenant commander 22.0. The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign. The Secretary may, as the needs of the Coast Guard require, reduce the percentage applicable to any grade above lieutenant commander, and in order to compensate for such reduction increase correspondingly the percentage applicable to any lower grade.

[(c) The Secretary shall, at least once each year, make a computation to determine the number of officers on the active duty promotion list authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made. In making computations under this section the nearest whole number shall be regarded as the authorized number in any case where there is a fraction in the final result.

[(d) The numbers resulting from such computations shall be for all purposes the authorized number in each grade, except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of of-

ficers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

[(e) Officers who are not included on the active duty promotion list, officers serving as extra numbers in grade under sections 432 and 433 of this title, and officers serving with other departments or agencies on a reimbursable basis or excluded under the provisions of section 324(d) of title 49, shall not be counted in determining authorized strengths under subsection (c) and shall not count against those strengths. The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.]

§ 42. Number and distribution of commissioned officers on active duty promotion list

(a) MAXIMUM TOTAL NUMBER.—The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 6,700; except that the Commandant may temporarily increase that number by up to 2 percent for no more than 60 days following the date of the commissioning of a Coast Guard Academy class.

(b) DISTRIBUTION PERCENTAGES BY GRADE.—

(1) REQUIRED.—The total number of commissioned officers authorized by this section shall be distributed in grade in the following percentages: 0.375 percent for rear admiral; 0.375 percent for rear admiral (lower half); 6.0 percent for captain; 15.0 percent for commander; and 22.0 percent for lieutenant commander.

(2) DISCRETIONARY.—The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

(3) AUTHORITY OF SECRETARY TO REDUCE PERCENTAGE.—The Secretary—

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

(B) shall apply that total percentage reduction to any other lower grade or combination of lower grades.

(c) COMPUTATIONS.—

(1) IN GENERAL.—The Secretary shall compute, at least once each year, the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages established by or under this section to the total number of commissioned officers listed on the current active duty promotion list.

(2) ROUNDING FRACTIONS.—Subject to subsection (a), in making the computations under paragraph (1), any fraction shall be rounded to the nearest whole number.

(3) TREATMENT OF OFFICERS SERVING OUTSIDE COAST GUARD.—The number of commissioned officers on the active duty promotion list below the rank of rear admiral (lower half) serving with other Federal departments or agencies on a reim-

bursable basis or excluded under section 324(d) of title 49 shall not be counted against the total number of commissioned officers authorized to serve in each grade.

(d) USE OF NUMBERS; TEMPORARY INCREASES.—The numbers resulting from computations under subsection (c) shall be, for all purposes, the authorized number in each grade; except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

(e) OFFICERS SERVING COAST GUARD ACADEMY AND RESERVE.—The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.

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§ 47. Vice Commandant; [assignment] *appointment*

The President may appoint, by and with the advice and consent of the Senate, one Vice Commandant who shall rank next after the Commandant, shall perform such duties as the Commandant may prescribe and shall act as Commandant during the absence or disability of the Commandant or in the event that there is a vacancy in the office of Commandant. The Vice Commandant shall be selected from the officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendation for such appointment. The Vice Commandant shall, while so serving, have the grade of [vice admiral] *admiral* with pay and allowances of that grade. The appointment and grade of a Vice Commandant shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in [subsection] *section* 51(d) of this title.

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[§ 50. Area commanders

[(a) The President may appoint, by and with the advice and consent of the Senate, a Commander, Atlantic Area, and a Commander, Pacific Area, each of whom shall be an intermediate commander between the Commandant and the district commanders in his respective area and shall perform such duties as the Commandant may prescribe. The area commanders shall be appointed from officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendations for such appointments.

[(b) An area commander shall, while so serving, have the grade of vice admiral with pay and allowances of that grade. The appointment and grade of an area commander shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in subsection 51(d) of this title.

[§ 50a. Chief of Staff

[(a) The President may appoint, by and with the advice and consent of the Senate, a Chief of Staff of the Coast Guard who shall rank next after the area commanders and who shall perform duties as prescribed by the Commandant. The Chief of Staff shall be appointed from the officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendations for the appointment.

[(b) The Chief of Staff shall have the grade of vice admiral with the pay and allowances of that grade. The appointment and grade of the Chief of Staff shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in section 51(d) of this title.]

§ 50. Vice admirals

(a)(1) The President may designate 4 positions of importance and responsibility that shall be held by officers who—

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

(B) shall perform any duties as the Commandant may prescribe.

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

(A) The Deputy Commandant for Mission Support.

(B) The Deputy Commandant for National Operations and Policy.

(C) The Commander, Force Readiness Command.

(D) The Commander, Operations Command.

(3) The President may appoint, by and with the advice and consent of the Senate, and reappoint, by and with the advice and consent of the Senate, to each of the positions designated under paragraph (1) an officer of the Coast Guard who is serving on active duty above the grade of captain. The Commandant shall make recommendations for those appointments.

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

(2) An officer who is appointed to a position designated under subsection (a) shall continue to hold the grade of vice admiral—

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

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

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

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

(2) An officer serving in a grade above rear admiral who holds the permanent grade of rear admiral (lower half) shall be considered for promotion to the permanent grade of rear admiral as if the officer was serving in the officer's permanent grade.

(d) Whenever a vacancy occurs in a position designated under subsection (a), the Commandant shall inform the President of the qualifications needed by an officer serving in that position to carry out effectively the duties and responsibilities of that position.

§ 51. Retirement

(a) * * *

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(d) An officer serving in the grade of admiral or vice admiral shall continue to hold that grade—

(1) * * *

(2) while awaiting retirement, beginning on the day that officer is relieved from the position of Commandant, Vice Commandant, [Area Commander, or Chief of Staff] *or Vice Admirals* and ending on the day before the officer's retirement, but not for more than 60 days.

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§ 55. District Ombudsmen

(a) IN GENERAL.—The Commandant may appoint in each Coast Guard District a District Ombudsman to serve as a liaison between representatives of port stakeholders, including the Area Maritime Security Advisory Committees required by section 70112 of title 46 and the Coast Guard.

(b) PURPOSES.—The purposes of the District Ombudsman shall be the following:

(1) To support the operations of the Coast Guard in each port in the District for which the District Ombudsman is appointed.

(2) To improve communications between and among port stakeholders including, but not limited to, port and terminal operators, ship owners, labor representatives, and the Coast Guard.

(3) To ensure timely resolution of disputes between the Coast Guard and all petitioners regarding requirements imposed or services provided by the Coast Guard.

(c) FUNCTIONS.—

(1) INVESTIGATIONS.—The District Ombudsman may investigate complaints brought to the attention of the District Ombudsman by a petitioner operating in a port provided such a complaint is not the subject of an administrative, civil, or criminal investigation or other legal proceeding and provided the District Ombudsman receives no benefit, either direct or indirect, from the outcome of the complaint.

(2) GUIDELINES FOR DISPUTES.—

(A) IN GENERAL.—The Commandant of the Coast Guard shall develop guidelines regarding disputes with respect to which the District Ombudsman will provide assistance.

(B) LIMITATION.—The District Ombudsman shall not provide assistance with respect to a dispute if such a dispute is the subject of an administrative, civil, or criminal inves-

tigation or other legal proceeding or if the District Ombudsman receives a benefit, either direct or indirect, from the outcome of the dispute.

(C) PRIORITY.—In providing such assistance, the District Ombudsman shall give priority to complaints brought by petitioners who will suffer a significant hardship as the result of implementing a Coast Guard requirement or being denied a Coast Guard service.

(3) CONSULTATION.—The District Ombudsman may consult with any Coast Guard personnel who can aid in the investigation of a complaint provided such persons are reasonably available.

(4) ACCESS TO INFORMATION.—Unless otherwise prohibited by law or regulation, the District Ombudsman shall have access to any document, including any record or report, that will aid the District Ombudsman in obtaining the information needed to conduct an investigation of a compliant.

(5) REPORTS.—At the conclusion of an investigation, the District Ombudsman shall submit a report on the findings and recommendations of the District Ombudsman, to the Commander of the District in which the petitioner who brought the complaint is located or operating.

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

(A) in a timely fashion; and

(B) to the maximum extent practicable, not later than 4 months after the complaint is officially accepted by the District Ombudsman.

(d) APPOINTMENT.—The Commandant shall appoint as the District Ombudsman an appropriately cleared civilian who has experience in port and transportation systems and knowledge of port operations or of maritime commerce (or both).

(e) ANNUAL REPORTS.—The Secretary shall report annually to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the matters brought before the District Ombudsmen, including—

(1) the number of matters brought before each District Ombudsman;

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

(3) the eventual resolution of each such matter.

§ 56. Chief Acquisition Officer

(a) ESTABLISHMENT OF AGENCY CHIEF ACQUISITION OFFICER.—The Commandant shall appoint or designate a career reserved employee as Chief Acquisition Officer for the Coast Guard, who shall—

(1) have acquisition management as that official's primary duty; and

(2) report directly to the Commandant to advise and assist the Commandant to ensure that the mission of the Coast Guard is achieved through the management of the Coast Guard's acquisition activities.

(b) AUTHORITY AND FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.—The functions of the Chief Acquisition Officer shall include—

(1) monitoring the performance of acquisition activities and acquisition programs of the Coast Guard, evaluating the performance of those programs on the basis of applicable performance measurements, and advising the Commandant regarding the appropriate business strategy to achieve the mission of the Coast Guard;

(2) increasing the use of full and open competition in the acquisition of property and services by the Coast Guard by establishing policies, procedures, and practices that ensure that the Coast Guard receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government's requirements (including performance and delivery schedules) at the lowest cost or best value considering the nature of the property or service procured;

(3) ensuring the use of detailed performance specifications in instances in which performance-based contracting is used;

(4) making acquisition decisions consistent with all applicable laws and establishing clear lines of authority, accountability, and responsibility for acquisition decisionmaking within the Coast Guard;

(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

(6) developing and maintaining an acquisition career management program in the Coast Guard to ensure that there is an adequate professional workforce; and

(7) as part of the strategic planning and performance evaluation process required under section 306 of title 5 and sections 1105(a)(28), 1115, 1116, and 9703 of title 31—

(A) assessing the requirements established for Coast Guard personnel regarding knowledge and skill in acquisition resources management and the adequacy of such requirements for facilitating the achievement of the performance goals established for acquisition management;

(B) in order to rectify any deficiency in meeting such requirements, developing strategies and specific plans for hiring, training, and professional development; and

(C) reporting to the Commandant on the progress made in improving acquisition management capability.

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CHAPTER 5—FUNCTIONS AND POWERS

Sec.
81. Aids to navigation authorized.

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99. Enforcement authority.

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§ 99. Enforcement authority

Subject to guidelines approved by the Secretary, members of the Coast Guard, in the performance of official duties, may—

(1) carry a firearm; and

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

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

(B) seize property as otherwise provided by law.

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CHAPTER 7—COOPERATION WITH OTHER AGENCIES

Sec.
141. Cooperation with other agencies, States, territories, and political subdivisions.

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149. Assistance to foreign governments and maritime authorities.

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153. Appointment of judges.

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§ 149. Assistance to foreign governments and maritime authorities

(a) * * *

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(c) GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.—After consultation with the Secretary of State, the Commandant may make grants to, or enter into cooperative agreements, contracts, or other agreements with, international maritime organizations for the purpose of acquiring information or data about merchant vessel inspections, security, safety, classification, and port State or flag State law enforcement or oversight.

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§ 151. Contracts with Government-owned establishments for work and material

(a) IN GENERAL.—All orders or contracts for work or material, under authorization of law, placed with Government-owned establishments by the Coast Guard, shall be considered as obligations in the same manner as provided for similar orders or contracts placed with private contractors, and appropriations for such work or material shall remain available for payment therefor as in the case of orders or contracts placed with private contractors.

(b) ORDERS AND AGREEMENTS FOR INDUSTRIAL ACTIVITIES.—Under this section, the Coast Guard industrial activities may accept orders and enter into reimbursable agreements with establishments, agencies, and departments of the Department of Defense.

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§ 153. Appointment of judges

The Secretary may appoint civilian employees of the Department in which the Coast Guard is operating as appellate military judges, available for assignment to the Coast Guard Court of Criminal Appeals as provided for in section 866(a) of title 10.

CHAPTER 9—COAST GUARD ACADEMY

Sec.

181. Administration of Academy.

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198. Coast Guard history fellowships.

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CHAPTER 11—PERSONNEL

OFFICERS

A. APPOINTMENTS

Sec.
211. Original appointment of permanent commissioned officers.

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[216. Director of Boating Safety Office]

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GENERAL PROVISIONS

421. Retirement.

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426. Emergency leave retention authority.

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§ 214. Appointment of temporary officers

[(a) The President may appoint temporary commissioned officers in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted members of the Coast Guard, and from licensed officers of the United States merchant marine.]

(a) The president may appoint temporary commissioned officers—

(1) in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted members of the Coast Guard, and from holders of licenses issued under chapter 71 of title 46; and

(2) in the Coast Guard Reserve in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers of the Coast Guard Reserve.

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[§ 216. Director of Boating Safety Office

[The initial appointment of the Director of the Boating Safety Office shall be in the grade of Captain.]

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§ 253. Selection boards; notice of convening; communication with board

(a) Before a board is convened under section 251 of this title, notice of the convening date, the promotion zone to be considered, *and* the officers eligible for consideration[, and the number of offi-

cers the board may recommend for promotion] shall be given to the service at large.

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§ 258. Selection boards; information to be furnished boards

(a) IN GENERAL.—The Secretary shall furnish the appropriate selection board convened under section 251 of this title with[:]—

(1) the number of officers that the board may recommend for promotion to the next higher grade; and

(2) the names and records of all officers who are eligible for consideration for promotion to the grade to which the board will recommend officers for promotion.

(b) PROVISION OF DIRECTION AND GUIDANCE.—

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

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

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

(2) Selections made based on the direction and guidance provided under this subsection shall not exceed the maximum percentage of officers who may be selected from below the announced promotion zone at any given selection board convened under section 251 of this title.

§ 259. Officers to be recommended for promotion

(a) A selection board convened to recommend officers for promotion shall recommend those eligible officers whom the board, *giving due consideration to the needs of the Coast Guard for officers with particular skills so noted in specific direction furnished to the board by the Secretary under section 258 of this title,* considers best qualified of the officers under consideration for promotion. No officer may be recommended for promotion unless he receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

* * * * * * *

§ 260. Selection boards; reports

(a) * * *

(b) A board convened under section 251 of this title shall certify that, in the opinion of at least a majority of the members if the board has five members, or in the opinion of at least two-thirds of the members if the board has more than five members, the officers recommended for promotion are the best qualified for promotion *to meet the needs of the service (as noted in specific direction furnished the board by the Secretary under section 258 of this title)* of those officers whose names have been furnished to the board.

* * * * * * *

§ 426. Emergency leave retention authority

With regard to a member of the Coast Guard who serves on active duty, a duty assignment in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall be treated, for the purpose of section 701(f)(2) of title 10, a duty assignment in support of a contingency operation.

* * * * * * *

CHAPTER 13—PAY, ALLOWANCES, AWARDS, AND OTHER RIGHTS AND BENEFITS

* * * * * * *

Sec.
461. Remission of indebtedness of enlisted members upon discharge.

* * * * * * *

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

* * * * * * *

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

In any case in which a covered beneficiary (as defined in section 1072(5) of title 10) resides on an island that is located in the 48 contiguous States and the District of Columbia and that lacks public access roads to the mainland and is referred by a primary care physician to a specialty care provider (as defined in section 1074i(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age.

* * * * * * *

CHAPTER 17—ADMINISTRATION

Sec.
631. Delegation of powers by the Secretary.

* * * * * * *

677. Turnkey selection procedures.

* * * * * * *

§ 637. Stopping vessels; indemnity for firing at or into vessel

(a) * * *

* * * * * * *

(c) A vessel or aircraft is an authorized vessel or authorized aircraft for purposes of this section if—

(1) it is a Coast Guard vessel or aircraft**[**; or**]***;*

(2) it is a surface naval vessel or military aircraft on which one or more members of the Coast Guard are assigned pursuant to section 379 of title 10**[**.**]***; or*

(3) any other vessel or aircraft owned by a government and used for noncommercial service when—

(A) the vessel or aircraft is under the tactical control of the Coast Guard; and

(B) at least one member of the Coast Guard is assigned and conducting a Coast Guard mission on the vessel or aircraft.

§ 638. Coast Guard ensigns and pennants

(a) **[**Coast Guard vessels and aircraft**]** *Vessels and aircraft authorized by the Secretary* shall be distinguished from other vessels and aircraft by an ensign, pennant, or other identifying insignia of such design as prescribed by the Secretary. Such ensign, pennant, or other identifying insignia shall be displayed in accordance with regulations prescribed by the Secretary.

* * * * * * *

ARMED FORCES RETIREMENT HOME ACT OF 1991

TITLE XV—ARMED FORCES RETIREMENT HOME

* * * * * * *

SEC. 1502. DEFINITIONS.

For purposes of this title:

(1) * * *

* * * * * * *

[(4) The term "Armed Forces" does not include the Coast Guard when it is not operating as a service in the Navy.**]**

(5) The term "chief personnel officers" means—

(A) * * *

* * * * * * *

(C) the Deputy Chief of Staff for Personnel of the Air Force; **[**and**]**

(D) the Deputy Commandant of the Marine Corps for Manpower and Reserve Affairs**[**.**]***; and*

(E) the Assistant Commandant of the Coast Guard for Human Resources.

(6) The term "senior noncommissioned officers" means the following:

(A) * * *

* * * * * * *

(E) The Master Chief Petty Officer of the Coast Guard.

* * * * * * *

TITLE 10, UNITED STATES CODE

* * * * * * *

Subtitle A—General Military Law

* * * * * * *

PART IV—SERVICE, SUPPLY, AND PROCUREMENT

* * * * * * *

CHAPTER 165—ACCOUNTABILITY AND RESPONSIBILITY

* * * * * * *

§ 2772. Share of fines and forfeitures to benefit Armed Forces Retirement Home

(a) DEPOSIT REQUIRED.—The Secretary of the military department concerned *or, in the case of the Coast Guard, the Commandant* shall deposit in the Armed Forces Retirement Home Trust Fund a percentage (determined under subsection (b)) of the following amounts:

(1) * * *

* * * * * * *

[(c) APPLICATION TO COAST GUARD.—In this section, the term "armed forces" does not include the Coast Guard when it is not operating as a service in the Navy.**]**

* * * * * * *

TITLE 37, UNITED STATES CODE

* * * * * * *

CHAPTER 19—ADMINISTRATION

* * * * * * *

§ 1007. Deductions from pay

(a) * * *

* * * * * * *

(i)(1) * * *

* * * * * * *

(3) The Secretary of Defense *or, in the case of the Coast Guard, the Commandant*, after consultation with the Armed Forces Retirement Home Board, shall determine from time to time the amount to be deducted under paragraph (1) from the pay of enlisted members, warrant officers, and limited duty officers on the basis of the financial needs of the Armed Forces Retirement Home. The amount to be deducted may be fixed at different amounts on the basis of grade or length of service, or both.

[(4) In this subsection, the term "armed forces" does not include the Coast Guard when it is not operating as a service in the Navy.**]**

[(5)] *(4)* This subsection does not apply to an enlisted member, warrant officer, or limited duty officer of a reserve component.

* * * * * * *

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004

* * * * * * *

TITLE VI—MISCELLANEOUS

* * * * * * *

SEC. 605. GREAT LAKES NATIONAL MARITIME ENHANCEMENT INSTITUTE.

(a) * * *

(b) STUDY AND REPORT.—

(1) IN GENERAL.—[The Secretary of Transportation shall conduct a study that] *The Institute shall conduct maritime transportation studies of the Great Lakes region, including studies that—*

(A) [evaluates] *evaluate* short sea shipping market opportunities on the Great Lakes, including the expanded use of freight ferries, improved mobility, and regional supply chain efficiency;

(B) [evaluates] *evaluate* markets for foreign trade between ports on the Great Lakes and draft-limited ports in Europe and Africa;

(C) [evaluates] *evaluate* the environmental benefits of waterborne transportation in the Great Lakes region;

(D) [analyzes] *analyze* the effect on Great Lakes shipping of the tax imposed by section 4461(a) of the Internal Revenue Code of 1986;

(E) [evaluates] *evaluate* the state of shipbuilding and ship repair bases on the Great Lakes;

(F) [evaluates] *evaluate* opportunities for passenger vessel services on the Great Lakes;

(G) [analyzes] *analyze* the origin-to-destination flow of freight cargo in the Great Lakes region that may be transported on vessels to relieve congestion in other modes of transportation;

(H) [evaluates] *evaluate* the economic viability of establishing transshipment facilities for oceangoing cargoes on the Great Lakes;

(I) [evaluates] *evaluate* the adequacy of the infrastructure in Great Lakes ports to meet the needs of marine commerce; [and]

(J) [evaluates] *evaluate* new vessel designs for domestic and international shipping on the Great Lakes[.]*;*

(K) identify ways to improve the integration of the Great Lakes marine transportation system into the national transportation system;

(L) examine the potential of expanded operations on the Great Lakes marine transportation system;

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

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

(O) establish and maintain a model Great Lakes marine transportation system database; and

(P) identify market opportunities for, and impediments to, the use of United States-flag vessels in trade with Canada on the Great Lakes.

* * * * * * *

[(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $1,500,000 for each of fiscal years 2005 and 2006 to carry out paragraph (1).]

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

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

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

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

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

(E) $2,500,000 for fiscal year 2011.

* * * * * * *

SEC. 623. INTERIM AUTHORITY FOR DRY BULK CARGO RESIDUE DISPOSAL.

(a) EXTENSION OF INTERIM AUTHORITY.—The Secretary of the Department in which the Coast Guard is operating shall continue to implement and enforce United States Coast Guard 1997 Enforcement Policy for Cargo Residues on the Great Lakes (hereinafter in this section referred to as the "Policy") or revisions thereto, in accordance with that policy, for the purpose of regulating incidental discharges from vessels of residues of dry bulk cargo into the waters of the Great Lakes under the jurisdiction of the United States, until the earlier of—

(1) * * *

(2) September 30, [2008] *2009*.

* * * * * * *

TITLE 46, UNITED STATES CODE

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Subtitle II—Vessels and Seamen

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PART A—GENERAL PROVISIONS

CHAPTER 21—GENERAL

Sec.
2101. General definitions.

* * * * * * *

2116. Termination for unsafe operation.

* * * * * * *

§ 2114. Protection of seamen against discrimination

(a)(1) A person may not discharge or in any manner discriminate against a seaman because—

(A) the seaman in good faith has reported or is about to report to the Coast Guard or other appropriate Federal agency or department that the seaman believes that a violation of a maritime safety law or regulation prescribed under that law or regulation has occurred; **[**or**]**

(B) the seaman has refused to perform duties ordered by the seaman's employer because the seaman has a reasonable apprehension or expectation that performing such duties would result in serious injury to the seaman, other seamen, or the public**[**.**]***;*

(C) the seaman testified in a proceeding brought to enforce a maritime safety law or regulation prescribed under that law;

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

(E) the seaman cooperated with a safety investigation by the Secretary or the National Transportation Safety Board;

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

(G) the seaman accurately reported hours of duty under this part.

* * * * * * *

[(b) A seaman discharged or otherwise discriminated against in violation of this section may bring an action in an appropriate district court of the United States. In that action, the court may order any appropriate relief, including—

[(1) restraining violations of this section;

[(2) reinstatement to the seaman's former position with back pay;

[(3) an award of costs and reasonable attorney's fees to a prevailing plaintiff not exceeding $1,000; and

[(4) an award of costs and reasonable attorney's fees to a prevailing employer not exceeding $1,000 if the court finds that a complaint filed under this section is frivolous or has been brought in bad faith.**]**

(b) A seaman alleging discharge or discrimination in violation of subsection (a) of this section, or another person at the seaman's request, may file a complaint with respect to such allegation in the same manner as a complaint may be filed under subsection (b) of section 31105 of title 49. Such complaint shall be subject to the procedures, requirements, and rights described in that section, including with respect to the right to file an objection, the right of a person to file for a petition for review under subsection (c) of that section, and the requirement to bring a civil action under subsection (d) of that section.

* * * * * * *

§ 2116. Termination for unsafe operation

An individual authorized to enforce this title—

(1) may remove a certificate required by this title from a vessel that is operating in a condition that does not comply with the provisions of the certificate;

(2) may order the individual in charge of a vessel that is operating that does not have on board the certificate required by this title to return the vessel to a mooring and to remain there until the vessel is in compliance with this title; and

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

PART B—INSPECTION AND REGULATIONS OF VESSELS

CHAPTER 31—GENERAL

Sec.
3101. Authority to suspend inspection.

* * * * * * *

3104. Survival craft.

* * * * * * *

§ 3104. Survival craft

(a) Except as provided in subsection (b), the Secretary may not approve a survival craft as a safety device for purposes of this part, unless the craft ensures that no part of an individual is immersed in water.

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

(1) it was approved by the Secretary before January 1, 2008; and

(2) it is in serviceable condition.

CHAPTER 32—MANAGEMENT OF VESSELS

* * * * * * *

§ 3202. Application

(a) [MANDATORY APPLICATION.—] *FOREIGN VOYAGES AND FOREIGN VESSELS.*—This chapter applies to a vessel that—

(1) * * *

* * * * * * *

(b) OTHER PASSENGER VESSELS.—This chapter applies to a vessel that is—

(1) a passenger vessel or small passenger vessel; and

(2) is transporting more passengers than a number prescribed by the Secretary based on the number of individuals on the vessel that could be killed or injured in a marine casualty.

[(b)] *(c)* VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

[(c)] *(d)* EXCEPTION.—Except as provided in [subsection (b)] *subsection (c)* of this section, this chapter does not apply to—

(1) * * *

* * * * * * *

(4) a vessel operating on the Great Lakes or its tributary and connecting waters *that is not described in subsection (b) of this section*; or

(5) a public vessel.

§ 3203. Safety management system

(a) * * *

* * * * * * *

(c) In prescribing regulations for passenger vessels and small passenger vessels, the Secretary shall consider the characteristics, methods of operation, and nature of the service of these vessels.

* * * * * * *

CHAPTER 33—INSPECTION GENERALLY

* * * * * * *

§ 3316. Classification societies

(a) * * *

(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title *or for a floating installation*, the authority to—

(A) * * *

* * * * * * *

(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country *or for floating installations*; and

* * * * * * *

(3) When an inspection or examination has been delegated under this subsection, the Secretary's delegate—

(A) shall maintain in the United States complete files of all information derived from or necessarily connected with the inspection or examination for at least 2 years after the vessel *or floating installation* ceases to be certified; and

* * * * * * *

(d) For purposes of this section, the term "floating installation" means any installation, structure, or other device that floats and that either dynamically holds position or is temporarily or perma-

nently attached to the seabed or subsoil under the territorial sea of the United States or the outer Continental Shelf (as that term is defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)), and is used for the purpose of exploring for, developing, producing, or storing the resources from that seabed or subsoil.

* * * * * * *

CHAPTER 45—UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS

Sec.
4501. Application.

* * * * * * *

[4503. Fish processing vessel certification.]
4503. Fishing, fish tender, and fish processing vessel certification.

* * * * * * *

[4508. Commercial Fishing Industry Vessel Safety Advisory Committee.]
4508. Commercial Fishing Safety Advisory Committee.

* * * * * * *

§ 4502. Safety standards

(a) The Secretary shall prescribe regulations which require that each vessel to which this chapter applies shall be equipped with—

(1) * * *

* * * * * * *

[(6) a buoyant apparatus, if the vessel is of a type required by regulations prescribed by the Secretary to be equipped with that apparatus;

[(7) alerting and locating equipment, including emergency position indicating radio beacons, on vessels that operate beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured, and which are owned in the United States or beyond 3 nautical miles from the coastline of the Great Lakes; and]

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

[(8)] *(7)* a placard as required by regulations prescribed under section 10603(b) of this title.

(b)(1) In addition to the requirements of subsection (a) of this section, the Secretary shall prescribe regulations requiring the installation, maintenance, and use of the equipment in paragraph (2) of this subsection for [documented] vessels to which this chapter applies that—

(A) operate beyond [the Boundary Line] *3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes*;

* * * * * * *

(2) The equipment to be required is as follows:

(A) * * *

(B) [lifeboats or liferafts] *a survival craft that ensures that no part of an individual is immersed in water* sufficient to accommodate all individuals on board;

* * * * * * *

(D) *marine* radio communications equipment sufficient to effectively communicate with land-based search and rescue facilities;

(E) navigation equipment, including compasses, [radar reflectors, nautical charts, and anchors] *nautical charts, and publications*;

(F) first aid equipment[, including medicine chests] *and medical supplies sufficient for the size and area of operation of the vessel*; and

[(G) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment.]

(G) ground tackle sufficient for the vessel.

* * * * * * *

[(f) To ensure compliance with the requirements of this chapter, at least once every 2 years the Secretary shall examine—

[(1) a fish processing vessel; and

[(2) a fish tender vessel engaged in the Aleutian trade.]

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

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

(2) shall examine at dockside a vessel described in subsection (b) at least twice every 5 years, and shall issue a certificate of compliance to a vessel meeting the requirements of this chapter.

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

(2) The training program shall—

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

(B) require an individual to demonstrate ability to communicate in an emergency situation and understand information found in navigation publications;

(C) recognize and give credit for recent past experience in fishing vessel operation; and

(D) provide for issuance of a certificate to an individual that has successfully completed the program.

(3) The Secretary shall prescribe regulations implementing this subsection. The regulations shall require that individuals who are issued a certificate under paragraph (2)(D) must complete refresher training at least once every 5 years as a condition of maintaining the validity of the certificate.

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

(h) A vessel to which this chapter applies shall be constructed in a manner that provides a level of safety equivalent to the minimum safety standards the Secretary may established for recreational vessels under section 4302, if—

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

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

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

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

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

(B) for purchase of safety equipment and training aids for use in those fishing vessel safety training programs.

(2) The Secretary shall award grants under this subsection on a competitive basis.

(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.

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

(j)(1) The Secretary shall establish a Fishing Safety Research Grant Program to provide funding to individuals in academia, members of non-profit organizations and businesses involved in fishing and maritime matters, and other persons with expertise in fishing safety, to conduct research on methods of improving the safety of the commercial fishing industry, including vessel design, emergency and survival equipment, enhancement of vessel monitoring systems, communications devices, de-icing technology, and severe weather detection.

(2) The Secretary shall award grants under this subsection on a competitive basis.

(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.

[§ 4503. Fish processing vessel certification]

§ 4503. Fishing, fish tender, and fish processing vessel certification

(a) A [fish processing] vessel to which this section applies may not be operated unless the vessel—

(1) * * *

* * * * * * *

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

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

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

(3) undergoes a major conversion completed after that date.

(d) After January 1, 2018, this section applies to a fishing vessel or fish tender vessel that is built before January 1, 2008, and is 25

years of age or older, unless the vessel complies with an alternate safety compliance program prescribed by the Secretary.

* * * * * * *

§ 4506. Exemptions

(a) * * *

[(b) A vessel to which this chapter applies is exempt from section 4502(b)(2)(B) of this title if it—

[(1) is less than 36 feet in length; and

[(2) is operating—

[(A) in internal waters of the United States; or

[(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.]

* * * * * * *

[§ 4508. Commercial Fishing Industry Vessel Advisory Safety Committee]

§ 4508. Commercial Fishing Safety Advisory Committee

(a) The Secretary shall establish a Commercial Fishing [Industry Vessel] Safety Advisory Committee. The Committee—

(1) * * *

* * * * * * *

PART C—LOAD LINES OF VESSELS

CHAPTER 51—LOAD LINES

* * * * * * *

§ 5102. Application

(a) * * *

(b) This chapter does not apply to the following:

(1) * * *

* * * * * * *

(3) a fishing vessel*, unless the vessel is built or undergoes a major conversion completed after January 1, 2008.*

* * * * * * *

PART E—MERCHANT SEAMEN LICENSES, CERTIFICATES, AND DOCUMENTS

CHAPTER 71—LICENSES AND CERTIFICATES OF REGISTRY

Sec.

7101. Issuing and classifying licenses and certificates of registry.

* * * * * * *

[7105. Oaths.]

* * * * * * *

7115. Merchant Mariner Medical Advisory Committee.

* * * * * * *

[§ 7105. Oaths

[An applicant for a license or certificate of registry shall take, before the issuance of the license or certificate, an oath before a designated official, without concealment or reservation, that the applicant will perform faithfully and honestly, according to the best skill and judgment of the applicant, all the duties required by law.

[§ 7106. Duration of licenses

[A license issued under this part is valid for 5 years and may be renewed for additional 5-year periods. However, the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

[§ 7107. Duration of certificates of registry

[A certificate of registry issued under this part is valid for 5 years and may be renewed for additional 5-year periods. However, the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.]

§ 7106. Duration of licenses

(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

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

§ 7107. Duration of certificates of registry

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

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

* * * * * * *

§ 7115. Merchant Mariner Medical Advisory Committee

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a Merchant Mariner Medical Advisory Committee (in this section referred to as the "Committee").

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

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

(B) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

(C) medical examiner education; and

(D) medical research.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall consist of twelve members, none of whom is a Federal employee, and shall include—

(A) ten who are health-care professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

(B) two who are professional mariners with knowledge and experience in mariner occupational requirements.

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

(c) APPOINTMENTS; TERMS; VACANCIES.—

(1) APPOINTMENTS.—The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary.

(2) TERMS.—Each member shall be appointed for a term of three years, except that, of the members first appointed, three members shall be appointed for a term of two years and three members shall be appointed for a term of one year.

(3) VACANCIES.—Any member appointed to fill the vacancy prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of that term.

(d) CHAIRMAN AND VICE CHAIRMAN.—The Secretary shall designate one member of the Committee as the Chairman and one member as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

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

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

CHAPTER 73—MERCHANT MARINERS' DOCUMENTS

Sec.
7301. General.

* * * * * * *

[7305. Oaths for holders of merchant mariners' documents.]

* * * * * * *

§ 7302. Issuing merchant mariners' documents and continuous discharge books

(a) * * *

* * * * * * *

[(f) Except as provided in subsection (g), a merchant mariner's document issued under this chapter is valid for 5 years and may be renewed for additional 5-year periods.]

(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS' DOCUMENTS.—

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

(2) ADVANCE RENEWALS.—A renewed merchant mariner's document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner's document expires.

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[§ 7305. Oaths for holders of merchant mariners' documents

[An applicant for a merchant mariner's document shall take, before issuance of the document, an oath that the applicant will perform faithfully and honestly all the duties required by law, and will carry out the lawful orders of superior officers.]

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CHAPTER 75—GENERAL PROCEDURES FOR LICENSING, CERTIFICATION, AND DOCUMENTATION

Sec.
7501. Duplicates.

* * * * * * *

7507. Fingerprinting.
7508. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.

* * * * * * *

§ 7502. Records

(a) The Secretary shall maintain [computerized records] *records, including electronic records,* on the issuances, denials, suspensions, and revocations of licenses, certificates of registry, merchant mariners' documents, and endorsements on those licenses, certificates, and documents.

(b) The Secretary may prescribe regulations requiring a vessel owner or managing operator of a commercial vessel, or the employer of a seaman on that vessel, to maintain records of each individual engaged on the vessel on matters of engagement, discharge, and service for not less than 5 years after the date of the completion of the service of that individual on the vessel. The regulations may require that a vessel owner, managing operator, or employer shall

make these records available to the individual and the Coast Guard on request.

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

* * * * * * *

§ 7507. Fingerprinting

The Secretary of the Department in which the Coast Guard is operating may not require an individual to be fingerprinted for the issuance or renewal of a license, a certificate of registry, or a merchant mariner's document under chapter 71 or 73 if the individual was fingerprinted when the individual applied for a transportation security card under section 70105.

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

(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding section 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may extend for one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry.

(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may extend for one year an expiring merchant mariner's document issued for an individual under chapter 71 if the Secretary determines that extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those documents.

(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

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

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PART F—MANNING OF VESSELS

CHAPTER 81—GENERAL

Sec.
8101. Complement of inspected vessels.

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8106. Riding gangs.

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CHAPTER 89—SMALL VESSEL MANNING

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§ 8905. Exemptions

(a) * * *

[(b) Section 8904 of this title does not apply to a vessel of less than 200 gross tons as measured under section 14502 of this title,

or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title engaged in the offshore mineral and oil industry if the vessel has offshore mineral and oil industry sites or equipment as its ultimate destination or place of departure.]

[(c)] *(b)* Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities.

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CHAPTER 103—FOREIGN AND INTERCOASTAL VOYAGES

* * * * * * *

§ 10313. Wages

(a) * * *

* * * * * * *

(g) [When] *(1) Subject to paragraph (2), when* payment is not made as provided under subsection (f) of this section without sufficient cause, the master or owner shall pay to the seaman 2 days' wages for each day payment is delayed.

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

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

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

(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.

* * * * * * *

§ 10315. Allotments

(a) * * *

* * * * * * *

(f) DEPOSITS IN SEAMAN ACCOUNT.—A seaman employed on a passenger vessel capable of carrying more than 500 passengers may authorize, by written request signed by the seaman, the master, owner, or operator of the vessel, or the employer of the seaman, to make deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other account to secure a payroll or debit card for the seaman if—

(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

(2) such deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed;

(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no less often than monthly; and

(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all funds on deposit in the account in which the wages are deposited.

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CHAPTER 105—COASTWISE VOYAGES

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§ 10504. Wages

(a) * * *

* * * * * * *

(c) [When] *(1) Subject to subsection (d), and except as provided in paragraph (2), when* payment is not made as provided under subsection (b) of this section without sufficient cause, the master or owner shall pay to the seaman 2 days' wages for each day payment is delayed.

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

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

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

(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.

* * * * * * *

(f) DEPOSITS IN SEAMAN ACCOUNT.—A seaman employed on a passenger vessel capable of carrying more than 500 passengers may authorize, by written request signed by the seaman, the master, owner, or operator of the vessel, or the employer of the seaman, to make deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other account to secure a payroll or debit card for the seaman if—

(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

(2) such deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed;

(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no less often than monthly; and

(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all

funds on deposit in the account in which the wages are deposited.

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CHAPTER 113—OFFICIAL LOGBOOKS

Sec.
11301. Logbook and entry requirements.

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11304. Additional logbook and entry requirements.

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§ 11304. Additional logbook and entry requirements

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

(b) The log book required by subsection (a) shall include the following entries:

(1) The time when each seaman and each officer assumed or relieved the watch.

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

(3) An account of each accident, illness, and injury that occurs during each watch.

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PART H—IDENTIFICATION OF VESSELS

CHAPTER 121—DOCUMENTATION OF VESSELS

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SUBCHAPTER II—ENDORSEMENTS AND SPECIAL DOCUMENTATION

§ 12111. Registry endorsement

(a) * * *

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(d) A vessel or facility for which a registry endorsement is not issued may not engage in regassifying on navigable waters unless the vessel or facility transported the gas from a foreign port.

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§ 12113. Fishery endorsement

(a) * * *

* * * * * * *

(d) REQUIREMENTS BASED ON LENGTH, TONNAGE, OR HORSEPOWER.—

(1) * * *

(2) REQUIREMENTS.—A vessel subject to this subsection is not eligible for a fishery endorsement unless—

(A)(i) a certificate of documentation was issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997; *and*

(ii) the vessel is not placed under foreign registry after October 21, 1998; [and]

[(iii) if the fishery endorsement is invalidated after October 21, 1998, application is made for a new fishery endorsement within 15 business days of the invalidation; or]

(B) the owner of the vessel demonstrates to the Secretary that the regional fishery management council of jurisdiction established under section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)) has recommended after October 21, 1998, and the Secretary of Commerce has approved, conservation and management measures in accordance with the American Fisheries Act (Public Law 105–277, div. C, title II) (16 U.S.C. 1851 note) to allow the vessel to be used in fisheries under the council's authority[.]*; or*

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

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PART J—MEASUREMENT OF VESSELS

CHAPTER 141—GENERAL

* * * * * * *

§ 14101. Definitions

In this part—

(1) * * *

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(4) "vessel [engaged] *that engages* on a foreign voyage" means a vessel—

(A) [arriving] *that arrives* at a place under the jurisdiction of the United States from a place in a foreign country;

(B) [making] *that makes* a voyage between places outside the United States [(except a foreign vessel engaged on that voyage)];

(C) [departing] *that departs* from a place under the jurisdiction of the United States for a place in a foreign country; or

(D) [making] *that makes* a voyage between a place within a territory or possession of the United States and another place under the jurisdiction of the United States not within that territory or possession.

* * * * * * *

§ 14103. Delegation of authority

(a) * * *

* * * * * * *

(c) For a vessel [intended to be engaged on] *that engages on* a foreign voyage, the Secretary may delegate to another country that is a party to the Convention the authority to measure the vessel and issue an International Tonnage Certificate (1969) under chapter 143 of this title.

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CHAPTER 143—CONVENTION MEASUREMENT

Sec.
14301. Application.

* * * * * * *

[14303. International Tonnage Certificate (1969).]
14303. Tonnage Certificate.

* * * * * * *

§ 14301. Application

[(a) Except as otherwise provided in this section, this chapter applies to the following:

[(1) a documented vessel.

[(2) a vessel that is to be documented under chapter 121 of this title.

[(3) a vessel engaged on a foreign voyage.]

(a) Except as otherwise provided in this section, this chapter applies to any vessel for which the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage.

(b) This chapter does not apply to the following:

(1) a vessel of war[.], *unless the government of the country to which the vessel belongs elects to measure the vessel under this chapter.*

* * * * * * *

(3) a vessel *of United States or Canadian registry or nationality, or a vessel operated under the authority of the United States or Canada, and that is* operating only on the Great Lakes, unless the owner requests.

(4) [a vessel (except a vessel engaged] *a vessel of United States registry or nationality, or one operated under the authority of the United States (except a vessel that engages* on a foreign voyage) the keel of which was laid or that was at a similar stage of construction before January 1, 1986, unless—

(A) * * *

* * * * * * *

[(5) before July 19, 1994, an existing vessel unless—

[(A) the owner requests; or

[(B) the vessel undergoes a change that the Secretary finds substantially affects the vessel's gross tonnage.]

[(6) a barge (except a barge engaged on a foreign voyage) unless the owner requests.]

(5) a barge of United States registry or nationality, or a barge operated under the authority of the United States (except a barge that engages on a foreign voyage) unless the owner requests.

[(c) A vessel made subject to this chapter at the request of the owner may be remeasured only as provided by this chapter.]

[(d) After July 18, 1994, an existing vessel (except an existing vessel referred to in subsection (b)(5)(A) or (B) of this section)] *(c) An existing vessel that has not undergone a change that the Secretary finds substantially affects the vessel's gross tonnage (or a vessel to which IMO Resolutions A.494 (XII) of November 19, 1981, A.540 (XIII) of November 17, 1983, or A.541 (XIII) of November 17, 1983 apply)* may retain its tonnages existing on July 18, 1994, for the application of relevant requirements under international agreements (except the Convention) and other laws of the United States. However, if the vessel undergoes a change substantially affecting its tonnage after July 18, 1994, the vessel shall be remeasured under this chapter.

[(e)] *(d)* This chapter does not affect an international agreement to which the United States Government is a party that is not in conflict with the Convention or the application of IMO Resolutions A.494 (XII) of November 19, 1981, A.540 (XIII) of November 17, 1983, and A.541 (XIII) of November 17, 1983.

§ 14302. Measurement

(a) * * *

[(b) Except as provided in section 1602(a) of the Panama Canal Act of 1979 (22 U.S.C. 3792(a)), a vessel measured under this chapter may not be required to be measured under another law.]

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

* * * * * * *

§ 14303. [International] Tonnage Certificate [(1969)]

(a) After measuring a vessel under this chapter, the Secretary shall issue, on request of the owner, an International Tonnage Certificate (1969) and deliver it to the owner or master of the vessel. *For a vessel to which the Convention does not apply, the Secretary shall prescribe a certificate to be issued as evidence of a vessel's measurement under this chapter.*

(b) The certificate *issued under this section* shall be maintained as required by the Secretary.

* * * * * * *

§ 14305. Optional regulatory measurement

(a) On request of the owner of a [documented vessel measured under this chapter,] *vessel measured under this chapter that is of United States registry or nationality, or a vessel operated under the authority of the United States,* the Secretary also shall measure the vessel under chapter 145 of this title. The tonnages determined under that chapter shall be used in applying—

(1) * * *

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CHAPTER 145—REGULATORY MEASUREMENT

SUBCHAPTER I—GENERAL

Sec.
14501. Application.

* * * * * * *

SUBCHAPTER II—FORMAL SYSTEMS

14511. Application.

* * * * * * *

14514. Reciprocity for foreign vessels.

* * * * * * *

SUBCHAPTER I—GENERAL

§ 14501. Application

This chapter applies to the following:

[(1) a vessel not measured under chapter 143 of this title if—

[(A) the vessel is to be documented under chapter 121 of this title; or

[(B) the application of a law of the United States to the vessel depends on the vessel's tonnage.]

(1) A vessel not measured under chapter 143 of this title if the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage.

(2) [a vessel] *A vessel* measured under chapter 143 of this title if the owner requests that the vessel also be measured under this chapter as provided in section 14305 of this title.

* * * * * * *

§ 14503. Certificate of measurement

(a) The Secretary shall prescribe the certificate to be issued as evidence of a vessel's measurement under this chapter.

(b) The certificate shall be maintained as required by the Secretary.

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SUBCHAPTER II—FORMAL SYSTEMS

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§ 14513. Dual tonnage measurement

(a) * * *

* * * * * * *

(c)(1) If a [vessel's tonnage mark is below the uppermost part of the load line marks,] *vessel is assigned two sets of gross and net tonnages under this section,* each certificate stating the vessel's tonnages shall state the gross and net tonnages when the *vessel's tonnage* mark is submerged and when it is not submerged.

(2) Except as provided in paragraph (1) of this subsection, a certificate stating a vessel's tonnages may state only one set of gross and net tonnages[.] *as assigned under this section.*

§ 14514. Reciprocity for foreign vessels

For a foreign vessel not measured under chapter 143, if the Secretary finds that the laws and regulations of a foreign country related to measurement of vessels are substantially similar to those of this chapter and the regulations prescribed under this chapter, the Secretary may accept the measurement and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter.

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Subtitle VII—Security and Drug Enforcement

Chapter		Sec.
701.	**Port Security**	**70101**
	* * * * * * *	
707.	***Maritime Law Enforcement***	***70701***

CHAPTER 701—PORT SECURITY

Sec.
70101. Definitions.

* * * * * * *

[70110. Actions and assistance for foreign ports and United States territories.]
70110. Actions and assistance for foreign ports or facilities and United States territories.

* * * * * * *

[70117. Firearms, arrests, and seizure of property.]

* * * * * * *

§ 70105. Transportation security cards

(a) * * *

* * * * * * *

(c) DETERMINATION OF TERRORISM SECURITY RISK.—

(1) * * *

* * * * * * *

(3) DENIAL OF WAIVER REVIEW.—

(A) * * *

* * * * * * *

(C) CLASSIFIED EVIDENCE.—The Secretary, in consultation with the [National Intelligence Director] *Director of National Intelligence*, shall issue regulations to establish procedures by which the Secretary, as part of a review conducted under this paragraph, may provide to the individual adversely affected by the determination an unclassified summary of classified evidence upon which the denial of a waiver by the Secretary was based.

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§ 70106. Maritime safety and security teams

(a) * * *

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[(c) COORDINATION WITH OTHER AGENCIES.—To the maximum extent feasible, each maritime safety and security team shall co-

ordinate its activities with other Federal, State, and local law enforcement and emergency response agencies.]

(c) MARITIME SECURITY RESPONSE TEAMS.—

(1) IN GENERAL.—In addition to the maritime safety and security teams, the Secretary shall establish no less than two maritime security response teams to act as the Coast Guard's rapidly deployable counterterrorism and law enforcement response units that can apply advanced interdiction skills in response to threats of maritime terrorism.

(2) MINIMIZATION OF RESPONSE TIME.—The maritime security response teams shall be stationed in such a way to minimize, to the extent practicable, the response time to any reported maritime terrorist threat.

(d) COORDINATION WITH OTHER AGENCIES.—To the maximum extent feasible, each maritime safety and security team and maritime security response team shall coordinate its activities with other Federal, State, and local law enforcement and emergency response agencies.

* * * * * * *

§ 70110. Actions and assistance for foreign ports *or facilities* and United States territories

(a) IN GENERAL.—If the Secretary finds that a foreign port *or facility* does not maintain effective antiterrorism measures, the Secretary—

(1) may prescribe conditions of entry into the United States for any vessel arriving from that port *or facility*, or any vessel carrying cargo or passengers originating from or transshipped through that port *or facility*;

(2) may deny entry into the United States to any vessel that does not meet such conditions; and

(3) shall provide public notice for passengers of the ineffective antiterrorism measures.

(b) EFFECTIVE DATE FOR SANCTIONS.—Any action taken by the Secretary under subsection (a) for a particular port *or facility* shall take effect—

(1) 90 days after the government of the foreign country with jurisdiction over or control of that port *or facility* is notified under section 70109 unless the Secretary finds that the government has brought the antiterrorism measures at the port *or facility* up to the security level the Secretary used in making an assessment under section 70108 before the end of that 90-day period; or

(2) immediately upon the finding of the Secretary under subsection (a) if the Secretary finds, after consulting with the Secretary of State, that a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from the port *or facility*.

(c) STATE DEPARTMENT TO BE NOTIFIED.—The Secretary immediately shall notify the Secretary of State of a finding that a port *or facility* does not maintain effective antiterrorism measures.

(d) ACTION CANCELED.—An action required under this section is no longer required if the Secretary decides that effective antiterrorism measures are maintained at the port *or facility*.

(e) ASSISTANCE FOR FOREIGN [PORTS] *PORTS, FACILITIES,* AND UNITED STATES TERRITORIES.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, and the Secretary of Energy, shall identify assistance programs that could facilitate implementation of port *or facility* security antiterrorism measures in foreign countries and territories of the United States. [The Secretary shall establish a program to utilize the programs that are capable of implementing port security antiterrorism measures at ports in foreign countries and territories of the United States that the Secretary finds to lack effective antiterrorism measures.] *The Secretary shall establish a strategic plan to utilize those assistance programs to assist ports and facilities that are found by the Secretary under subsection (a) not to maintain effective antiterrorism measures in the implementation of port security antiterrorism measures.*

(2) CARIBBEAN BASIN.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port *or facility* security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

(A) * * *

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(f) COAST GUARD ASSISTANCE PROGRAM.—

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

(A) to assist in bringing the port or facility into compliance with applicable International Ship and Port Facility Code standards;

(B) to assist the port or facility in meeting standards established under section 70109A of this chapter; and

(C) to assist the port or facility in exceeding the standards described in subparagraphs (A) and (B).

(2) CONDITIONS.—The Secretary—

(A) shall provide such assistance based upon an assessment of the risks to the security of the United States and the inability of the owner or operator of the port or facility otherwise to bring the port or facility into compliance with those standards and to maintain compliance with them;

(B) may not provide such assistance unless the port or facility has been subjected to a comprehensive port security assessment by the Coast Guard or a third party entity certified by the Secretary under section 70110A(b) to validate foreign port or facility compliance with International Ship and Port Facility Code standards; and

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

* * * * * * *

[§ 70117. Firearms, arrests, and seizure of property

[Subject to guidelines approved by the Secretary, members of the Coast Guard may, in the performance of official duties—

[(1) carry a firearm; and

[(2) while at a facility—

[(A) make an arrest without warrant for any offense against the United States committed in their presence; and

[(B) seize property as otherwise provided by law.]

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CHAPTER 705—MARITIME DRUG LAW ENFORCEMENT

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§ 70506. Penalties

(a) * * *

* * * * * * *

(c) SIMPLE POSSESSION.—

(1) IN GENERAL.—Any individual on a vessel subject to the jurisdiction of the United States who is found by the Secretary, after notice and an opportunity for a hearing, to have knowingly or intentionally possessed a controlled substance within the meaning of the Controlled Substances Act (21 U.S.C. 812) shall be liable to the United States for a civil penalty of not to exceed $10,000 for each violation. The Secretary shall notify the individual in writing of the amount of the civil penalty.

(2) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

(3) TREATMENT OF CIVIL PENALTY ASSESSMENT.—Assessment of a civil penalty under this subsection shall not be considered a conviction for purposes of State or Federal law but may be considered proof of possession if such a determination is relevant.

* * * * * * *

CHAPTER 707—MARITIME LAW 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.

§ 70701. Offense

It shall be unlawful for any person on board a covered vessel to transport or facilitate the transportation, harboring, or concealment of an alien on board such vessel knowing or having reason to believe that the alien is attempting to unlawfully enter the United States.

§ 70702. Attempt or conspiracy

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

§ 70703. Affirmative defenses

It is an affirmative defense to a prosecution under this section, which the defendant must prove by a preponderance of the evidence, that—

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

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

(2) the defendant, as soon as reasonably practicable, informed the Coast Guard of the presence of the alien on the vessel and the circumstances of the rescue; and

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

§ 70704. Penalties

Any person who commits a violation of this chapter shall be imprisoned for not less than 3 nor more than 20 years or fined not more than $100,000, or both; except that—

(1) in any case in which the violation causes serious bodily injury to any person, regardless of where the injury occurs, the person shall be imprisoned for not less than 7 nor more than 30 years or fined not more than $500,000, or both; and

(2) in any case in which the violation causes or results in the death of any person regardless of where the death occurs, the person shall be imprisoned for not less than 10 years nor more than life or fined not more than $1,000,000, or both.

§ 70705. Criminal forfeiture

The court, at the time of sentencing a person convicted of an offense under this chapter, shall order forfeited to the United States any vessel used in the offense in the same manner and to the same extent as if it were a vessel used in an offense under section 274 of the Immigration and Nationality Act (8 U.S.C. 1324).

§ 70706. Civil forfeiture

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

§ 70707. Extension beyond territorial jurisdiction

Sections 70701 and 70702 apply even though the act is committed outside the territorial jurisdiction of the United States.

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

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

§ 70709. Federal activities

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

§ 70710. Definitions

In this chapter, the following definitions apply:

(1) ALIEN.—The term "alien" has the meaning given that term in section 70105(f).

(2) COVERED VESSEL.—The term "covered vessel" means a vessel of the United States, or a vessel subject to the jurisdiction of the United States, that is less than 300 gross tons (or an alternate tonnage prescribed by the Secretary under section 14104 of this title) as measured under section 14502 of this title.

(3) SERIOUS BODILY INJURY.—The term "serious bodily injury" has the meaning given that term in section 1365 of title 18, United States Code.

(4) UNITED STATES.—The term "United States" has the meaning given that term is section 114.

(5) VESSEL OF THE UNITED STATES.—The term "vessel of the United States" has the meaning given that term in section 70502.

(6) VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term "vessel subject to the jurisdiction of the United States" has the meaning given that term in section 70502.

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Subtitle VIII—Miscellaneous

* * * * * * *

CHAPTER 801—WRECKS AND SALVAGE

Sec.
80101. Vessel stranded on foreign coast.
[80102. License to salvage on Florida coast.]

* * * * * * *

[§ 80102. License to salvage on Florida coast

[(a) LICENSING REQUIREMENTS.—To be regularly employed in the business of salvaging on the coast of Florida, a vessel and its master each must have a license issued by a judge of the district court of the United States for a judicial district of Florida.

[(b) JUDICIAL FINDINGS.—Before issuing a license under this section, the judge must be satisfied, when the license is for—

[(1) a vessel, that the vessel is seaworthy and properly equipped for the business of saving property shipwrecked and in distress; or

[(2) a master, that the master is trustworthy and innocent of any fraud or misconduct related to property shipwrecked or saved on the coast.]

* * * * * * *

AMERICAN FISHERIES ACT

TITLE II—FISHERIES

Subtitle I—Fishery Endorsements

* * * * * * *

SEC. 203. ENFORCEMENT OF STANDARD.

(a) * * *

* * * * * * *

(g) CERTAIN VESSELS.—The vessels EXCELLENCE (United States official number 967502), GOLDEN ALASKA (United States official number 651041) *and*, OCEAN PHOENIX (United States official number 296779)[, NORTHERN TRAVELER (United States official number 635986), and NORTHERN VOYAGER (United States official number 637398) (or a replacement vessel for the NORTHERN VOYAGER that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act)] shall be exempt from section 12102(c), as amended by this Act, until such time after October 1, 2001 as more than 50 percent of the interest owned and controlled in the vessel changes, provided that the vessel maintains eligibility for a fishery endorsement under the federal law that was in effect the day before the date of the enactment of this Act, and unless[, in the case of the NORTHERN TRAVELER or the NORTHERN VOYAGER (or such replacement), the vessel is used in any fishery under the authority of a regional fishery management council other than the New England Fishery Management Council or Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1) (A) and (B)), or in the case of the EXCELLENCE, GOLDEN ALASKA, or OCEAN PHOENIX,] the vessel is used to harvest any fish.

* * * * * * *

Subtitle II—Bering Sea Pollock Fishery

* * * * * * *

SEC. 208. ELIGIBLE VESSELS AND PROCESSORS.

(a) * * *

* * * * * * *

[(g) REPLACEMENT VESSELS.—In the event of the actual total loss or constructive total loss of a vessel eligible under subsections (a), (b), (c), (d), or (e), the owner of such vessel may replace such vessel with a vessel which shall be eligible in the same manner under that subsection as the eligible vessel, provided that—

[(1) such loss was caused by an act of God, an act of war, a collision, an act or omission of a party other than the owner or agent of the vessel, or any other event not caused by the willful misconduct of the owner or agent;

[(2) the replacement vessel was built in the United States and if ever rebuilt, was rebuilt in the United States;

[(3) the fishery endorsement for the replacement vessel is issued within 36 months of the end of the last year in which the eligible vessel harvested or processed pollock in the directed pollock fishery;

[(4) if the eligible vessel is greater than 165 feet in registered length, of more than 750 gross registered tons (as measured under chapter 145 of title 46) or 1,900 gross registered tons as measured under chapter 143 of that title), or has engines capable of producing more than 3,000 shaft horsepower, the replacement vessel is of the same or lesser registered length, gross registered tons, and shaft horsepower;

[(5) if the eligible vessel is less than 165 feet in registered length, of fewer than 750 gross registered tons, and has engines incapable of producing less than 3,000 shaft horsepower, the replacement vessel is less than each of such thresholds and does not exceed by more than 10 percent the registered length, gross registered tons or shaft horsepower of the eligible vessel; and

[(6) the replacement vessel otherwise qualifies under federal law for a fishery endorsement, including under section 12102(c) of title 46, United States Code, as amended by this Act.]

(g) VESSEL REBUILDING AND REPLACEMENT.—

(1) IN GENERAL.—

(A) REBUILD OR REPLACE.—Notwithstanding any limitation to the contrary on replacing, rebuilding, or lengthening vessels or transferring permits or licenses to a replacement vessel contained in sections 679.2 and 679.4 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2007 and except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)), in order to improve vessel safety and operational efficiencies (including fuel efficiency), may rebuild or replace that vessel (including fuel efficiency) with a vessel documented with a fishery endorsement under section 12113 of title 46, United States Code.

(B) SAME REQUIREMENTS.—The rebuilt or replacement vessel shall be eligible in the same manner and subject to the same restrictions and limitations under such subsection as the vessel being rebuilt or replaced.

(C) TRANSFER OF PERMITS AND LICENSES.—Each fishing permit and license held by the owner of a vessel or vessels to be rebuilt or replaced under subparagraph (A) shall be transferred to the rebuilt or replacement vessel.

(2) RECOMMENDATIONS OF NORTH PACIFIC COUNCIL.—The North Pacific Council may recommend for approval by the Secretary such conservation and management measures, including size limits and measures to control fishing capacity, in accordance with the Magnuson-Stevens Act as it considers necessary to ensure that this subsection does not diminish the effectiveness of fishery management plans of the Bering Sea and Aleutian Islands Management Area or the Gulf of Alaska.

(3) SPECIAL RULE FOR REPLACEMENT OF CERTAIN VESSELS.—

(A) IN GENERAL.—Notwithstanding the requirements of subsections (b)(2), (c)(1), and (c)(2) of section 12113 of title 46, United States Code, a vessel that is eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)) and that qualifies to be documented with a fishery endorsement pursuant to section 203(g) or 213(g) may be replaced with a replacement vessel under paragraph (1) if the vessel that is replaced is validly documented with a fishery endorsement pursuant to section 203(g) or 213(g) before the replacement vessel is documented with a fishery endorsement under section 12113 of title 46, United States Code.

(B) APPLICABILITY.—A replacement vessel under subparagraph (A) and its owner and mortgagee are subject to the same limitations under section 203(g) or 213(g) that are applicable to the vessel that has been replaced and its owner and mortgagee.

(4) SPECIAL RULES FOR CERTAIN CATCHER VESSELS.—

(A) IN GENERAL.—A replacement for a covered vessel described in subparagraph (B) is prohibited from harvesting fish in any fishery (except for the Pacific whiting fishery) managed under the authority of any regional fishery management council (other than the North Pacific Council) established under section 302(a) of the Magnuson-Stevens Act.

(B) COVERED VESSELS.—A covered vessel referred to in subparagraph (A) is—

(i) a vessel eligible under subsection (a), (b), or (c) that is replaced under paragraph (1); or

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

(5) LIMITATION ON FISHERY ENDORSEMENTS.—Any vessel that is replaced under this subsection shall thereafter not be eligible for a fishery endorsement under section 12113 of title 46, United States Code, unless that vessel is also a replacement vessel described in paragraph (1).

(6) GULF OF ALASKA LIMITATION.—Notwithstanding paragraph (1), the Secretary shall prohibit from participation in the groundfish fisheries of the Gulf of Alaska any vessel that is rebuilt or replaced under this subsection and that exceeds the maximum length overall specified on the license that authorizes fishing for groundfish pursuant to the license limitation pro-

gram under part 679 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2007.

(7) AUTHORITY OF PACIFIC COUNCIL.—Nothing in this section shall be construed to diminish or otherwise affect the authority of the Pacific Council to recommend to the Secretary conservation and management measures to protect fisheries under its jurisdiction (including the Pacific whiting fishery) and participants in such fisheries from adverse impacts caused by this Act.

* * * * * * *

SEC. 210. FISHERY COOPERATIVE LIMITATIONS.

(a) * * *

(b) CATCHER VESSELS ONSHORE.—

(1) CATCHER VESSEL COOPERATIVES.—Effective January 1, 2000, upon the filing of a contract implementing a fishery cooperative under subsection (a) which—

(A) * * *

* * * * * * *

the Secretary shall allow only such catcher vessels (and catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) to harvest the aggregate percentage of the directed fishing allowance under section 206(b)(1) in the year in which the fishery cooperative will be in effect that is equivalent to the aggregate total amount of pollock harvested by such catcher vessels (and by such catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) in the directed pollock fishery for processing by the inshore component during 1995, 1996, and 1997 relative to the aggregate total amount of pollock harvested in the directed pollock fishery for processing by the inshore component during such years and shall prevent such catcher vessels (and catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) from harvesting in aggregate in excess of such percentage of such directed fishing allowance.

* * * * * * *

(7) FISHERY COOPERATIVE EXIT PROVISIONS.—

(A) FISHING ALLOWANCE DETERMINATION.—For purposes of determining the aggregate percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—

(i) shall be based on the catch history determination for the vessel made pursuant to section 679.62 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2007; and

(ii) shall be assigned, for all purposes under this title, in the manner specified by the owner of the vessel being removed to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery cooperative for at least one year after the date on which

the vessel being removed leaves the directed pollock fishery.

(B) ELIGIBILITY FOR FISHERY ENDORSEMENT.—Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

(C) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed—

(i) to make the vessels AJ (United States official number 905625), DONA MARTITA (United States official number 651751), NORDIC EXPLORER (United States official number 678234), and PROVIDIAN (United States official number 1062183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the authority of the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Act; or

(ii) to allow the vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner that is not consistent with the fishery management plan for the fishery developed by the Councils under section 303 of the Magnuson-Stevens Act.

* * * * * * *

SECTION 4 OF THE ACT OF JULY 5, 1884

(Commonly known as the Rivers and Harbors Appropriation Act of 1884)

SEC. 4. (a) * * *

(b) No taxes, tolls, operating charges, fees, or any other impositions whatever shall be levied upon or collected from any vessel or other water craft, or from its passengers or crew, by any non-Federal interest, if the vessel or water craft is operating on any navigable waters subject to the authority of the United States, or under the right to freedom of navigation on those waters, except for—

(1) * * *

(2) reasonable fees charged on a fair and equitable basis that—

(A) * * *

* * * * * * *

(C) do not impose more than a small burden on interstate or foreign commerce; [or]

(3) property taxes on vessels or watercraft, other than vessels or watercraft that are primarily engaged in foreign com-

merce if those taxes are permissible under the United States Constitution[.]*; or*

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

SECTION 7 OF THE RIVERS AND HARBORS APPROPRIATIONS ACT OF 1915

SEC. 7. [That the] *(a) IN GENERAL.—The* Secretary of Homeland Security is hereby authorized, empowered, and directed to define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the United States whenever it is manifest to the said Secretary that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds shall have been recommended by the Chief of Engineers, and to adopt suitable rules and regulations in relation thereto; and such rules and regulations shall be enforced by the Revenue-Cutter Service under the direction of the Secretary of the Treasury: *Provided,* That at ports or places where there is no revenue cutter available such rules and regulations may be enforced by the Chief of Engineers under the direction of the Secretary of Homeland Security. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of [$100; and the] *up to $10,000. Each day during which a violation continues shall constitute a separate violation. The* said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be and in the name of the officer designated by the Secretary of Homeland Security.

(b) DEFINITION.—As used in this section "navigable waters of the United States" includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

OIL POLLUTION ACT OF 1990

* * * * * * *

SEC. 2. TABLE OF CONTENTS.

The contents of this Act are as follows:

* * * * * * *

TITLE VII—OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM

Sec. 7001. Oil pollution research and development program.
Sec. 7002. Submerged oil program.

* * * * * * *

TITLE I—OIL POLLUTION LIABILITY AND COMPENSATION

* * * * * * *

SEC. 1004. LIMITS ON LIABILITY.

(a) GENERAL RULE.—Except as otherwise provided in this section, the total of the liability of a responsible party under section 1002 and any removal costs incurred by, or on behalf of, the responsible party, with respect to each incident shall not exceed—

(1) * * *

(2) for any other vessel, $950 per gross ton or $800,000**[**,**]**, whichever is greater;

* * * * * * *

(d) ADJUSTING LIMITS OF LIABILITY.—

(1) * * *

(2) DEEPWATER PORTS AND ASSOCIATED VESSELS.—

(A) * * *

* * * * * * *

(D) The Secretary may establish, by regulation, a limit of liability of not less than $12,000,000 for a deepwater port used only in connection with transportation of natural gas.

* * * * * * *

SEC. 1012. USES OF THE FUND.

(a) * * *

* * * * * * *

(h) PERIOD OF LIMITATIONS FOR CLAIMS.—

(1) REMOVAL COSTS.—No claim may be presented under this title for recovery of removal costs for an incident unless the claim is presented within **[**6**]** *3* years after the date of completion of all removal actions for that incident.

* * * * * * *

COAST GUARD AUTHORIZATION ACT OF 1996

* * * * * * *

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

* * * * * * *

Sec. 103. Quarterly **[**reports**]** *report* on drug interdiction.

* * * * * * *

TITLE XI—MISCELLANEOUS

* * * * * * *

SEC. 1120. DOCUMENTATION OF CERTAIN VESSELS.

(a) * * *

* * * * * * *

(c) CERTIFICATES OF DOCUMENTATION FOR GALLANT LADY.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and

subject to paragraph (2), the Secretary [of Transportation] *of the department in which the Coast Guard is operating* may issue a certificate of documentation with an appropriate endorsement for employment in coastwise trade for each of the following vessels:

[(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length).]

(A) the vessel GALLANT LADY (Feadship hull number 672, approximately 168 feet in length).

* * * * * * *

[(3) CONDITION.—The Secretary may not issue a certificate of documentation for a vessel under paragraph (1) unless, not later than 90 days after the date of enactment of this Act, the owner of the vessel referred to in paragraph (1)(B) submits to the Secretary a letter expressing the intent of the owner to, before April 1, 1998, enter into a contract for the construction in the United States of a passenger vessel of at least 130 feet in length.

[(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1) shall take effect—

[(A) for the vessel referred to in paragraph (1)(A), on the date of the issuance of the certificate; and

[(B) for the vessel referred to in paragraph (1)(B), on the date of delivery of the vessel to the owner.]

[(5)] *(3)* TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under paragraph (1) shall expire[—

[(A) on the date of the sale of the vessel by the owner;

[(B) on April 1, 1998, if the owner of the vessel referred to in paragraph (1)(B) has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under paragraph (3); or

[(C) on such date as a contract referred to in paragraph (2) is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner of the vessel referred to in paragraph (1)(B).] *on the date of the sale of the vessel by the owner.*

* * * * * * *

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006

* * * * * * *

TITLE III—SHIPPING AND NAVIGATION

* * * * * * *

SEC. 311. INTERNATIONAL TONNAGE MEASUREMENT OF VESSELS ENGAGED IN THE ALEUTIAN TRADE.

(a) * * *

(b) OTHER INSPECTION EXEMPTION AND WATCH REQUIREMENT.—Paragraphs (3)(B) and (4) of section 3302(c) of title 46, United States Code, and *paragraphs (1) and (2) of* section 8104(o) of that

title are each amended by striking "or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" and inserting "or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title".

* * * * * * *

TITLE VI—DELAWARE RIVER PROTECTION AND MISCELLANEOUS OIL PROVISIONS

* * * * * * *

SEC. 603. LIMITS ON LIABILITY.

(a) ADJUSTMENT OF LIABILITY LIMITS.—

(1) * * *

(2) OTHER VESSELS.—Section 1004(a)(2) of such Act (**[**33 U.S.C. 2794(a)(2)**]** *33 U.S.C. 2704(a)(2)*) is amended—

(A) * * *

* * * * * * *

TITLE IX—TECHNICAL CORRECTIONS

SEC. 901. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) * * *

* * * * * * *

(r) CORRECTIONS TO DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—

(1) * * *

(2) SECTION 14.—Section 14(a)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777m(a)(1)) is amended by striking "For each of **[**the**]** fiscal years 2006 through 2009, not more than" and inserting "Not more than".

SEC. 902. CORRECTION OF REFERENCES TO SECRETARY OF TRANSPORTATION AND DEPARTMENT OF TRANSPORTATION; RELATED MATTERS.

(a) * * *

* * * * * * *

(c) PUBLIC CONTRACTS.—Section 3732 of the Revised Statutes *of the United States* (41 U.S.C. 11) is amended by striking "of Transportation" each place it appears and inserting "of Homeland Security".

* * * * * * *

(e) SHIPPING.—Title 46, United State Code, is amended—

(1) in section 2109 by striking "a Coast Guard or"; *and*

(2) in section 6308—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; **[**and**]**

* * * * * * *

[(3)] *(C)* in subsection (c), as redesignated by this [section] *paragraph*, by striking "subsection (a)" and inserting "subsections (a) and (b)"; and

[(4)] *(D)* in subsection (d), as redesignated by this [section] *paragraph*, by striking "subsections (a) and (b)" and inserting "subsections (a), (b), and (c)".

* * * * * * *

(h) CONSERVATION.—

(1) SECTION 1029.—Section 1029(e)(2)(B) of the [Bisti/De-Na-Zin Wilderness Expansion and Fossil Protection] *Omnibus Parks and Public Lands Management* Act of 1996 (16 U.S.C. 460kkk(e)(2)(B)) is amended by striking "Secretary of Transportation, to represent the United States Coast Guard." and inserting "Commandant of the Coast Guard.".

* * * * * * *

(k) BRIDGES.—Section 4 of *the Act of March 23, 1906, commonly known as* the General Bridge Act of 1906 (33 U.S.C. [491)] *494),* is amended by striking "of Transportation" *each place it appears* and inserting "of Homeland Security".

* * * * * * *

(o) MERCHANT MARINE ACT, 1920.—Section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) is amended in the matter following the ninth proviso (pertaining to transportation of a foreign-flag incineration vessel) by striking "Satisfactory inspection shall be certified in writing by the Secretary of Transportation" and inserting "Satisfactory inspection shall be certified, in writing, by the Secretary of Homeland Security[.]".

* * * * * * *

DEEPWATER PORT ACT OF 1974

* * * * * * *

PROCEDURE

SEC. 5. (a) * * *

* * * * * * *

(c)(1) * * *

(2) Each application shall include such financial, technical, and other information as the Secretary deems necessary or appropriate. Such information shall include, but need not be limited to—

(A) * * *

* * * * * * *

(K) the nation of registry for, and the nationality or citizenship of officers and crew serving on board, vessels transporting natural gas that are reasonably anticipated to be servicing the deepwater port;

* * * * * * *

ACT OF OCTOBER 13, 2006

(Public Law 109–347)

AN ACT To improve maritime and cargo security through enhanced layered defenses, and for other purposes.

* * * * * * *

TITLE VII—OTHER MATTERS

* * * * * * *

SEC. 705. PHASEOUT OF VESSELS SUPPORTING OIL AND GAS DEVELOPMENT.

(a) IN GENERAL.—Notwithstanding section 12105(c) of title 46, United States Code, a foreign-flag vessel may be chartered by, or on behalf of, a lessee to be employed for the setting, relocation, or recovery of anchors or other mooring equipment of a mobile offshore drilling unit that is located over the Outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)) for operations in support of exploration, or flow-testing and stimulation of wells, for offshore mineral or energy resources in the Beaufort Sea or the Chukchi Sea adjacent to Alaska—

(1) * * *

(2) for an additional **[**2**]** *3*-year period beginning January 1, 2010, if the Secretary of Transportation determines —

(A) * * *

* * * * * * *

NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT OF 1990

TITLE I—AQUATIC NUISANCE PREVENTION AND CONTROL

Subtitle A—General Provisions

* * * * * * *

SEC. 1002. FINDINGS AND PURPOSES.

(a) * * *

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

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

(2) it is the national policy that the introduction of nonindigenous aquatic nuisance species in the waters of the United States be prohibited; and

(3) it is the national policy that Federal, State, and local governments and the private sector identify the most effective ways to coordinate prevention efforts, and harmonize environmentally sound methods to prevent, detect, monitor, and control nonindigenous aquatic nuisance species, in an expeditious manner.

[(b)] *(c)* PURPOSES.—The purposes of this Act are—

(1) to [prevent] *eliminate* unintentional introduction and dispersal of nonindigenous species into waters of the United States through ballast water *treatment* management and other requirements;

(2) to coordinate federally conducted, funded or authorized research, prevention*, detection, monitoring,* control, information dissemination and other activities regarding [the zebra mussel and other] aquatic nuisance species;

(3) to develop and carry out environmentally sound control methods to prevent, *detect,* monitor and control unintentional introductions of nonindigenous species [from pathways other than ballast water exchange];

(4) to understand and minimize economic and ecological impacts of nonindigenous aquatic nuisance species that become established[, including the zebra mussel]; and

(5) to establish a program of research and technology development and assistance to States in the *prevention,* management*,* and removal of [zebra mussels] *aquatic nuisance species*.

SEC. 1003. DEFINITIONS.

As used in this Act, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

[(1)] *(2)* "aquatic nuisance species" means a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural or recreational activities dependent on such waters;

[(2)] *(3)* "Assistant Secretary" means the Assistant Secretary of the Army (Civil Works);

[(3) "ballast water" means any water and associated sediments used to manipulate the trim and stability of a vessel;]

(4) "ballast water" means—

(A) water taken on board a vessel to control trim, list, draught, stability, or stresses of the vessel, including matter suspended in such water; or

(B) any water placed into a ballast tank during cleaning, maintenance, or other operations;

(5) "ballast water capacity" means the total volumetric capacity of any tanks, spaces, or compartments on a vessel that is used for carrying, loading, or discharging ballast water, including any multi-use tank, space, or compartment designed to allow carriage of ballast water;

(6) "ballast water management" means mechanical, physical, chemical, and biological processes used, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of harmful aquatic organisms and pathogens within ballast water and sediment;

(7) "constructed" means a state of construction of a vessel at which—

(A) the keel is laid;

(B) construction identifiable with the specific vessel begins;

(C) assembly of the vessel has begun comprising at least 50 tons or 1 percent of the estimated mass of all structural material of the vessel, whichever is less; or

(D) the vessel undergoes a major conversion;

[(4)**]** *(8)* "Director" means the Director of the United States Fish and Wildlife Service;

[(5)**]** *(9)* "exclusive economic zone" means the Exclusive Economic Zone of the United States established by Proclamation Number 5030, dated March 10, 1983, and the equivalent zone of Canada;

[(6)**]** *(10)* "environmentally sound" methods, efforts, actions or programs means methods, efforts, actions or programs to prevent introductions or control infestations of aquatic nuisance species that minimize adverse impacts to the structure and function of an ecosystem and adverse effects on non-target organisms and ecosystems and emphasize integrated pest management techniques and nonchemical measures;

(11) "foreign vessel" has the meaning such term has under section 110 of title 46, United States Code;

[(7)**]** *(12)* "Great Lakes" means Lake Ontario, Lake Erie, Lake Huron (including Lake St. Clair), Lake Michigan, Lake Superior, and the connecting channels (Saint Mary's River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canandian Border), and includes all other bodies of water within the drainage basin of such lakes and connecting channels**[**.**]***;*

[(8)**]** *(13)* "Great Lakes region" means the 8 States that border on the Great Lakes;

[(9)**]** *(14)* "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

[(10)**]** *(15)* "interstate organization" means an entity—

(A) * * *

* * * * * * *

(16) "major conversion" means a conversion of a vessel, that—

(A) changes its ballast water carrying capacity by at least 15 percent;

(B) changes the vessel class;

(C) is projected to prolong the vessel's life by at least 10 years (as determined by the Secretary); or

(D) results in modifications to the vessel's ballast water system, except—

(i) component replacement-in-kind; or

(ii) conversion of a vessel to meet the requirements of section 1101(e);

[(11)] *(17)* "nonindigenous species" means any species or other viable biological material that enters an ecosystem beyond its historic range, including any such organism transferred from one country into another;

[(12)] *(18)* "Secretary" means the Secretary of the department in which the Coast Guard is operating;

(19) "sediment" means matter that has settled out of ballast water within a vessel;

[(13)] *(20)* "Task Force" means the Aquatic Nuisance Species Task Force established under section 1201 of this Act;

[(14)] *(21)* "territorial sea" means the belt of the sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988;

[(15)] *(22)* "Under Secretary" means the Under Secretary of Commerce for Oceans and Atmosphere;

[(17)] *(23)* "unintentional introduction" means an introduction of nonindigenous species that occurs as the result of activities other than the purposeful or intentional introduction of the species involved, such as the transport of nonindigenous species in ballast or in water used to transport fish, mollusks or crustaceans for aquaculture or other purposes[.]*;*

(24) "United States port" means a port, river, harbor, or offshore terminal under the jurisdiction of the United States, including ports located in Puerto Rico, Guam, and the United States Virgin Islands;

(25) "vessel of the Armed Forces" means—

(A) any vessel owned or operated by the Department of Defense, other than a time or voyage chartered vessel; and

(B) any vessel owned or operated by the Department of Homeland Security that is designated by the Secretary as a vessel equivalent to a vessel described in subparagraph (A);

(26) "vessel of the United States" has the meaning such term has under section 116 of title 46, United States Code;

[(16)] *(27)* "waters of the United States" means the navigable waters and the territorial sea of the United States; and

(28) "waters subject to the jurisdiction of the United States" means navigable waters and the territorial sea of the United States, the exclusive economic zone, and the Great Lakes.

Subtitle B—Prevention of Unintentional Introductions of Nonindigenous Aquatic Species

[SEC. 1101. AQUATIC NUISANCE SPECIES IN WATERS OF THE UNITED STATES.

[(a) GREAT LAKES GUIDELINES.—

[(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall issue voluntary guidelines to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the exchange of ballast water of vessels prior to entering those waters.

[(2) CONTENT OF GUIDELINES.—The guidelines issued under this subsection shall—

[(A) ensure to the maximum extent practicable that ballast water containing aquatic nuisance species is not discharged into the Great Lakes;

[(B) protect the safety of—

[(i) each vessel; and

[(ii) the crew and passengers of each vessel;

[(C) take into consideration different vessel operating conditions; and

[(D) be based on the best scientific information available.

[(b) REGULATIONS.—

[(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Task Force, shall issue regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the ballast water of vessels.

[(2) CONTENT OF REGULATIONS.—The regulations issued under this subsection shall—

[(A) apply to all vessels equipped with ballast water tanks that enter a United States port on the Great Lakes after operating on the waters beyond the exclusive economic zone;

[(B) require a vessel to—

[(i) carry out exchange of ballast water on the waters beyond the exclusive economic zone prior to entry into any port within the Great Lakes;

[(ii) carry out an exchange of ballast water in other waters where the exchange does not pose a threat of infestation or spread of aquatic nuisance species in the Great Lakes and other waters of the United States, as recommended by the Task Force under section 1102(a)(1); or

[(iii) use environmentally sound alternative ballast water management methods if the Secretary determines that such alternative methods are as effective as ballast water exchange in preventing and controlling infestations of aquatic nuisance species;

[(C) not affect or supersede any requirements or prohibitions pertaining to the discharge of ballast water into waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

[(D) provide for sampling procedures to monitor compliance with the requirements of the regulations;

[(E) prohibit the operation of a vessel in the Great Lakes if the master of the vessel has not certified to the Secretary or the Secretary's designee by not later than the departure of that vessel from the first lock in the St. Lawrence Seaway that the vessel has complied with the requirements of the regulations;

[(F) protect the safety of—

[(i) each vessel; and

[(ii) the crew and passengers of each vessel;

[(G) take into consideration different operating conditions; and

[(H) be based on the best scientific information available.

[(3) ADDITIONAL REGULATIONS.—In addition to promulgating regulations under paragraph (1), the Secretary, in consultation with the Task Force, shall, not later than November 4, 1994, issue regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through ballast water carried on vessels that enter a United States port on the Hudson River north of the George Washington Bridge.

[(4) EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.—The Secretary may carry out education and technical assistance programs and other measures to promote compliance with the regulations issued under this subsection.

[(c) VOLUNTARY NATIONAL GUIDELINES.—

[(1) IN GENERAL.—Not later than 1 year after the date of enactment of the National Invasive Species Act of 1996, and after providing notice and an opportunity for public comment, the Secretary shall issue voluntary guidelines to prevent the introduction and spread of nonindigenous species in waters of the United States by ballast water operations and other operations of vessels equipped with ballast water tanks.

[(2) CONTENT OF GUIDELINES.—The voluntary guidelines issued under this subsection shall—

[(A) ensure to the maximum extent practicable that aquatic nuisance species are not discharged into waters of the United States from vessels;

[(B) apply to all vessels equipped with ballast water tanks that operate in waters of the United States;

[(C) protect the safety of—

[(i) each vessel; and

[(ii) the crew and passengers of each vessel;

[(D) direct a vessel that is carrying ballast water into waters of the United States after operating beyond the exclusive economic zone to—

[(i) carry out the exchange of ballast water of the vessel in waters beyond the exclusive economic zone;

[(ii) exchange the ballast water of the vessel in other waters where the exchange does not pose a threat of infestation or spread of nonindigenous species in waters of the United States, as recommended by the Task Force under section 1102(a)(1); or

[(iii) use environmentally sound alternative ballast water management methods, including modification of the vessel ballast water tanks and intake systems, if the Secretary determines that such alternative methods are at least as effective as ballast water exchange in preventing and controlling infestations of aquatic nuisance species;

[(E) direct vessels to carry out management practices that the Secretary determines to be necessary to reduce the probability of unintentional nonindigenous species transfer resulting from—

[(i) ship operations other than ballast water discharge; and

[(ii) ballasting practices of vessels that enter waters of the United States with no ballast water on board;

[(F) provide for the keeping of records that shall be submitted to the Secretary, as prescribed by the guidelines, and that shall be maintained on board each vessel and made available for inspection, upon request of the Secretary and in a manner consistent with subsection (i), in order to enable the Secretary to determine compliance with the guidelines, including—

[(i) with respect to each ballast water exchange referred to in clause (ii), reporting on the precise location and thoroughness of the exchange; and

[(ii) any other information that the Secretary considers necessary to assess the rate of effective compliance with the guidelines;

[(G) provide for sampling procedures to monitor compliance with the guidelines;

[(H) take into consideration—

[(i) vessel types;

[(ii) variations in the characteristics of point of origin and receiving water bodies;

[(iii) variations in the ecological conditions of waters and coastal areas of the United States; and

[(iv) different operating conditions;

[(I) be based on the best scientific information available;

[(J) not affect or supersede any requirements or prohibitions pertaining to the discharge of ballast water into waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

[(K) provide an exemption from ballast water exchange requirements to passenger vessels with operating ballast water systems that are equipped with treatment systems designed to kill aquatic organisms in ballast water, unless the Secretary determines that such treatment systems are less effective than ballast water exchange at reducing the risk of transfers of invasive species in the ballast water of passenger vessels; and

[(L) not apply to crude oil tankers engaged in the coastwise trade.

[(3) EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.—Not later than 1 year after the date of enactment of the National Invasive Species Act of 1996, the Secretary shall carry out education and technical assistance programs and other measures to encourage compliance with the guidelines issued under this subsection.

[(d) REPORT TO CONGRESS.—Not sooner than 24 months after the date of issuance of guidelines pursuant to subsection (c) and not later than 30 months after such date, and after consultation with interested and affected persons, the Secretary shall prepare and submit to Congress a report containing the information required pursuant to paragraphs (1) and (2) of subsection (e).

[(e) PERIODIC REVIEW AND REVISION.—

[(1) IN GENERAL.—Not later than 3 years after the date of issuance of guidelines pursuant to subsection (c), and not less frequently than every 3 years thereafter, the Secretary shall, in accordance with criteria developed by the Task Force under paragraph (3)—

[(A) assess the compliance by vessels with the voluntary guidelines issued under subsection (c) and the regulations promulgated under this Act;

[(B) establish the rate of compliance that is based on the assessment under subparagraph (A);

[(C) assess the effectiveness of the voluntary guidelines and regulations referred to in subparagraph (A) in reducing the introduction and spread of aquatic nuisance species by vessels; and

[(D) as necessary, on the basis of the best scientific information available—

[(i) revise the guidelines and regulations referred to in subparagraph (A);

[(ii) promulgate additional regulations pursuant to subsection (f)(1); or

[(iii) carry out each of clauses (i) and (ii).

[(2) SPECIAL REVIEW AND REVISION.—Not later than 90 days after the Task Force makes a request to the Secretary for a special review and revision for coastal and inland waterways designated by the Task Force, the Secretary shall—

[(A) conduct a special review of guidelines and regulations applicable to those waterways in accordance with the review procedures under paragraph (1); and

[(B) as necessary, in the same manner as provided under paragraph (1)(D)—

[(i) revise those guidelines;

[(ii) promulgate additional regulations pursuant to subsection (f)(1); or

[(iii) carry out each of clauses (i) and (ii).

[(3) CRITERIA FOR EFFECTIVENESS.—Not later than 18 months after the date of enactment of the National Invasive Species Act of 1996, the Task Force shall submit to the Secretary criteria for determining the adequacy and effectiveness of the voluntary guidelines issued under subsection (c).

[(f) AUTHORITY OF SECRETARY.—

[(1) GENERAL REGULATIONS.—If, on the basis of a periodic review conducted under subsection (e)(1) or a special review conducted under subsection (e)(2), the Secretary determines that—

[(A) the rate of effective compliance (as determined by the Secretary) with the guidelines issued pursuant to subsection (c) is inadequate; or

[(B) the reporting by vessels pursuant to those guidelines is not adequate for the Secretary to assess the compliance with those guidelines and provide a rate of compliance of vessels, including the assessment of the rate of compliance of vessels under subsection (e)(2),

the Secretary shall promptly promulgate regulations that meet the requirements of paragraph (2).

[(2) REQUIREMENTS FOR REGULATIONS.—The regulations promulgated by the Secretary under paragraph (1)—

[(A) shall—

[(i) not be promulgated sooner than 180 days following the issuance of the report to Congress submitted pursuant to subsection (d);

[(ii) make mandatory the requirements included in the voluntary guidelines issued under subsection (c); and

[(iii) provide for the enforcement of the regulations; and

[(B) may be regional in scope.

[(3) INTERNATIONAL REGULATIONS.—The Secretary shall revise regulations promulgated under this subsection to the extent required to make such regulations consistent with the treatment of a particular matter in any international agreement, agreed to by the United States, governing management of the transfer of nonindigenous aquatic species by vessel.

[(g) SANCTIONS.—

[(1) CIVIL PENALTIES.—Any person who violates a regulation promulgated under subsection (b) or (f) shall be liable for a civil penalty in an amount not to exceed $25,000. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of the regulations is liable in rem for any civil penalty assessed under this subsection for that violation.

[(2) CRIMINAL PENALTIES.—Any person who knowingly violates the regulations promulgated under subsection (b) or (f) is guilty of a class C felony.

[(3) REVOCATION OF CLEARANCE.—Upon request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance of a vessel required by section 4197 of the Revised Statutes (46 U.S.C. App. 91), if the owner or operator of that vessel is in violation of the regulations issued under subsection (b) or (f).

[(4) EXCEPTION TO SANCTIONS.—This subsection does not apply to a failure to exchange ballast water if—

[(A) the master of a vessel, acting in good faith, decides that the exchange of ballast water will threaten the safety or stability of the vessel, its crew, or its passengers; and

[(B) the recordkeeping and reporting requirements of the Act are complied with.

[(h) COORDINATION WITH OTHER AGENCIES.—In carrying out the programs under this section, the Secretary is encouraged to use, to the maximum extent practicable, the expertise, facilities, members, or personnel of established agencies and organizations that have routine contact with vessels, including the Animal and Plant Health Inspection Service of the Department of Agriculture, the National Cargo Bureau, port administrations, and ship pilots' associations.

[(i) CONSULTATION WITH CANADA, MEXICO, AND OTHER FOREIGN GOVERNMENTS.—In developing the guidelines issued and regulations promulgated under this section, the Secretary is encouraged to consult with the Government of Canada, the Government of Mexico, and any other government of a foreign country that the Secretary, in consultation with the Task Force, determines to be necessary to develop and implement an effective international pro-

gram for preventing the unintentional introduction and spread of nonindigenous species.

[(j) INTERNATIONAL COOPERATION.—The Secretary, in cooperation with the International Maritime Organization of the United Nations and the Commission on Environmental Cooperation established pursuant to the North American Free Trade Agreement, is encouraged to enter into negotiations with the governments of foreign countries to develop and implement an effective international program for preventing the unintentional introduction and spread of nonindigenous species.

[(k) SAFETY EXEMPTION.—

[(1) MASTER DISCRETION.—The master of a vessel is not required to conduct a ballast water exchange if the master decides that the exchange would threaten the safety or stability of the vessel, its crew, or its passengers because of adverse weather, vessel architectural design, equipment failure, or any other extraordinary conditions.

[(2) OTHER REQUIREMENTS.—(A) IN GENERAL.—Except as provided in subparagraph (B), a vessel that does not exchange ballast water on the high seas under paragraph (1) shall not be restricted from discharging ballast water in any harbor.

[(B) GREAT LAKES.—Subparagraph (A) shall not apply in a case in which a vessel is subject to the regulations issued by the Secretary under subsection (b).

[(3) CRUDE OIL TANKER BALLAST FACILITY STUDY.—(A) Within 60 days of the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, affected shoreside ballast water facility operators, affected crude oil tanker operators, and interested parties, shall initiate a study of the effectiveness of existing shoreside ballast water facilities used by crude oil tankers in the coastwise trade off Alaska in preventing the introduction of nonindigenous aquatic species into the waters off Alaska, as well as the cost and feasibility of modifying such facilities to improve such effectiveness.

[(B) The study required under subparagraph (A) shall be submitted to the Congress by no later than October 1, 1997.

[(l) NON-DISCRIMINATION.—The Secretary shall ensure that vessels registered outside of the United States do not receive more favorable treatment than vessels registered in the United States when the Secretary performs studies, reviews compliance, determines effectiveness, establishes requirements, or performs any other responsibilities under this Act.]

SEC. 1101. BALLAST WATER MANAGEMENT.

(a) VESSELS TO WHICH THIS SECTION APPLIES.—

(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), this section applies to a vessel that—

(A) is designed, constructed, or adapted to carry ballast water; and

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

(ii) is a foreign vessel that—

(I) is en route to a United States port or place; or

(II) has departed from a United States port or place and is within waters subject to the jurisdiction of the United States.

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

(3) ARMED FORCES VESSELS.—

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

(B) BALLAST WATER MANAGEMENT PROGRAM.—The Secretary and the Secretary of Defense, after consultation with each other and with the Under Secretary and the heads of other appropriate Federal agencies as determined by the Secretary, shall implement a ballast water management program, including the issuance of standards for ballast water exchange and treatment and for sediment management, for vessels of the Armed Forces under their respective jurisdictions designed, constructed, or adapted to carry ballast water that are—

(i) consistent with the requirements of this section, including the deadlines established by this section; and

(ii) at least as stringent as the requirements issued for such vessels under section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322).

(4) SPECIAL RULE FOR SMALL RECREATIONAL VESSELS.—In applying this section to recreational vessels less than 50 meters in length that have a maximum ballast water capacity of 8 cubic meters, the Secretary may issue alternative measures for managing ballast water in a manner that is consistent with the requirements of this section.

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

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

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

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

(A) The uptake or discharge is solely for the purpose of—

(i) ensuring the safety of the vessel in an emergency situation; or

(ii) saving a life at sea.

(B) The uptake or discharge is accidental and the result of damage to the vessel or its equipment and—

(i) all reasonable precautions to prevent or minimize ballast water and sediment discharge have been taken before and after the damage occurs, the discovery of the damage, and the discharge; and

(ii) the owner or officer in charge of the vessel did not willfully or recklessly cause the damage.

(C) The uptake or discharge is solely for the purpose of avoiding or minimizing the discharge from the vessel of pollution that would otherwise violate applicable Federal or State law.

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

(c) VESSEL BALLAST WATER MANAGEMENT PLAN.—

(1) IN GENERAL.—The operator of a vessel to which this section applies shall conduct all ballast water management operations of that vessel in accordance with a ballast water management plan designed to minimize the discharge of aquatic nuisance species that—

(A) meets the requirements prescribed by the Secretary by regulation; and

(B) is approved by the Secretary.

(2) APPROVAL CRITERIA.—

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

(i) describes in detail the actions to be taken to implement the ballast water management requirements established under this section;

(ii) describes in detail the procedures to be used for disposal of sediment at sea and on shore in accordance with the requirements of this section;

(iii) describes in detail safety procedures for the vessel and crew associated with ballast water management;

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

(v) contains the reporting requirements for vessels established under this section and a copy of each form necessary to meet those requirements; and

(vi) meets all other requirements prescribed by the Secretary.

(B) FOREIGN VESSELS.—The Secretary may approve a ballast water management plan for a foreign vessel on the basis of a certificate of compliance with the criteria described in subparagraph (A) issued by the vessel's country of registration in accordance with regulations issued by the Secretary.

(3) COPY OF PLAN ON BOARD VESSEL.—The owner or operator of a vessel to which this section applies shall—

(A) maintain a copy of the vessel's ballast water management plan on board at all times; and

(B) keep the plan readily available for examination by the Secretary and the head of the appropriate agency of the State in which the vessel is located at all reasonable times.

(d) VESSEL BALLAST WATER RECORD BOOK.—

(1) IN GENERAL.—The owner or operator of a vessel to which this section applies shall maintain, in English on board the vessel, a ballast water record book in which each operation of the vessel involving ballast water or sediment discharge is recorded in accordance with regulations issued by the Secretary.

(2) AVAILABILITY.—The ballast water record book—

(A) shall be kept readily available for examination by the Secretary and the head of the appropriate agency of the State in which the vessel is located at all reasonable times; and

(B) notwithstanding paragraph (1), may be kept on the towing vessel in the case of an unmanned vessel under tow.

(3) RETENTION PERIOD.—The ballast water record book shall be retained—

(A) on board the vessel for a period of 3 years after the date on which the last entry in the book is made; and

(B) under the control of the vessel's owner for an additional period of 3 years.

(4) REGULATIONS.—In the regulations issued under this section, the Secretary shall require, at a minimum, that—

(A) each entry in the ballast water record book be signed and dated by the officer in charge of the ballast water operation recorded;

(B) each completed page in the ballast water record book be signed and dated by the master of the vessel; and

(C) the owner or operator of the vessel transmit such information to the Secretary regarding the ballast operations of the vessel as the Secretary may require.

(5) ALTERNATIVE MEANS OF RECORDKEEPING.—The Secretary may provide, by regulation, for alternative methods of recordkeeping, including electronic recordkeeping, to comply with the requirements of this subsection. Any electronic recordkeeping method authorized by the Secretary shall support the inspection and enforcement provisions of this Act and shall comply with applicable standards of the National Institute of Standards and Technology and the Office of Management and Budget governing reliability, integrity, identity authentication, and nonrepudiation of stored electronic data.

(e) BALLAST WATER EXCHANGE REQUIREMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Until a vessel is required to conduct ballast water treatment in accordance with subsection (f), the operator of a vessel to which this section applies may not discharge ballast water in waters subject to the jurisdiction of the United States, except after—

(i) conducting ballast water exchange as required by this subsection, in accordance with regulations issued by the Secretary;

(ii) using ballast water treatment technology that meets the performance standards of subsection (f); or

(iii) using environmentally sound alternative ballast water treatment technology if the Secretary determines that such treatment technology is at least as effective as the ballast water exchange required by clause (i) in

preventing and controlling the introduction of aquatic nuisance species.

(B) TECHNOLOGY EFFICACY.—For purposes of this paragraph, a ballast water treatment technology shall be considered to be at least as effective as the ballast water exchange required by clause (i) in preventing and controlling the introduction of aquatice nuisance species if preliminary experiments prior to installation of the technology aboard the vessel demonstrate that the technology removed or killed at least 98 percent of organisms larger than 50 microns.

(2) GUIDANCE; 5-YEAR USAGE.—

(A) GUIDANCE.—Not later than one year after the date of enactment of the Ballast Water Treatment Act of 2007, the Secretary shall develop and issue guidance on technology that may be used under paragraph (1)(A)(iii).

(B) 5-YEAR USAGE.—The Secretary shall allow a vessel using environmentally-sound alternative ballast treatment technology under paragraph (1)(A)(iii) to continue to use that technology for 5 years after the date on which the environmentally-sound alternative ballast water treatment technology was first placed in service on the vessel or the date on which treatment requirements under subsection (f) become applicable, whichever is later.

(3) EXCHANGE AREAS.—

(A) VESSELS OUTSIDE THE UNITED STATES EEZ.—The operator of a vessel en route to a United States port or place from a port or place outside the waters subject to the jurisdiction of the United States shall conduct ballast water exchange—

(i) before arriving at a United States port or place;

(ii) at least 200 nautical miles from the nearest point of land; and

(iii) in water at least 200 meters in depth.

(B) COASTAL VOYAGES.—The operator of a vessel originating from a port or place within the United States exclusive economic zone, or from a port within 200 nautical miles of the United States in Canada, Mexico, or other ports designated by the Secretary for purposes of this section, shall conduct ballast water exchange—

(i) at least 50 nautical miles from the nearest point of land; and

(ii) in water at least 200 meters in depth.

(4) SAFETY OR STABILITY EXCEPTION.—

(A) SECRETARIAL DETERMINATION.—Paragraph (3) does not apply to the discharge of ballast water if the Secretary determines that compliance with that paragraph would threaten the safety or stability of the vessel, its crew, or is passengers.

(B) MASTER OF THE VESSEL DETERMINATION.—Paragraph (3) does not apply to the discharge of ballast water if the master of a vessel determines that compliance with that paragraph would threaten the safety or stability of the vessel, its crew, or its passengers because of adverse weather, equipment failure, or any other relevant condition.

(C) NOTIFICATION REQUIRED.—Whenever the master of a vessel is unable to comply with the requirements of paragraph (3) because of a determination made under subparagraph (B), the master of the vessel shall—

(i) notify the Secretary as soon as practicable thereafter but no later than 24 hours after making that determination and shall ensure that the determination, the reasons for the determination, and the notice are recorded in the vessel's ballast water record book; and

(ii) undertake ballast water exchange in accordance with paragraph (6) if safety or stability concerns prevent undertaking ballast water exchange in the alternative area.

(D) REVIEW OF CIRCUMSTANCES.—If the master of a vessel conducts a ballast water discharge under the provisions of this paragraph, the Secretary shall review the circumstances to determine whether the discharge met the requirements of this paragraph. The review under this clause shall be in addition to any other enforcement authority of the Secretary.

(5) DISCHARGE UNDER WAIVER.—

(A) SUBSTANTIAL BUSINESS HARDSHIP WAIVER.—If, because of the short length of a voyage, the operator of a vessel is unable to discharge ballast water in accordance with the requirements of paragraph (3)(B) without substantial business hardship, as determined under regulations issued by the Secretary, the operator may request a waiver from the Secretary and discharge the ballast water in accordance with paragraph (6). A request for a waiver under this subparagraph shall be submitted to the Secretary at such time and in such form and manner as the Secretary may require.

(B) SUBSTANTIAL BUSINESS HARDSHIP.—For purposes of subparagraph (A), the factors taken into account in determining substantial business hardship shall include whether—

(i) compliance with the requirements of paragraph (3)(B) would require a sufficiently great change in routing or scheduling of service as to compromise the economic or commercial viability of the trade or business in which the vessel is operated; or

(ii) it is reasonable to expect that the trade or business or service provided will be continued only if a waiver is granted under subparagraph (A).

(6) PERMISSIBLE DISCHARGE.—

(A) IN GENERAL.—The discharge of ballast water shall be considered to be carried out in accordance with this paragraph if it is—

(i) in an area designated for that purpose by the Secretary, after consultation with the Under Secretary, the heads of other appropriate Federal agencies as determined by the Secretary, and representatives of any State that may be affected by discharge of ballast water in that area; or

(ii) into a reception facility described in subsection (f)(2).

(B) LIMITATION ON VOLUME.—The volume of any ballast water discharged under this paragraph may not exceed the volume necessary to ensure the safe operation of the vessel.

(7) CERTAIN GEOGRAPHICALLY LIMITED ROUTES.—Notwithstanding paragraph (1), the operator of a vessel is not required to comply with the requirements of this subsection—

(A) if the vessel operates exclusively—

(i) within the Great Lakes; or

(ii) between or among the main group of the Hawaiian Islands; or

(B) if the vessel operates exclusively within any area with respect to which the Secretary has determined, after consultation with the Under Secretary, the Administrator, and representatives of States the waters of which would be affected by the discharge of ballast water from the vessel, that the risk of introducing aquatic nuisance species through ballast water discharge in the areas in which the vessel operates is insignificant.

(8) MARINE SANCTUARIES AND OTHER PROHIBITED AREAS.—A vessel may not conduct ballast water exchange or discharge ballast water under this subsection—

(A) within a national marine sanctuary designated under of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.);

(B) in waters that are approved by the Administrator as a nondischarge zone under section 312(n)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1322(n)(7)); or

(C) in any other waters designated by the Secretary, in consultation with the Under Secretary and the Administrator.

(9) VESSELS WITHOUT PUMPABLE BALLAST WATER.—

(A) APPLICABILITY OF REQUIREMENTS.—Ballast water exchange requirements under this subsection shall apply to vessels that are equipped with ballast water tanks and that enter a port of the United States without pumpable ballast water.

(B) REGULATIONS.—The Secretary shall issue regulations, not later than 180 days after the date of enactment of the Ballast Water Treatment Act of 2007, that are intended to minimize the introduction of nuisance species from vessels that enter the navigable waters without pumpable ballast water, including the requirements that apply under subparagraph (A), and that are at least as stringent as the regulations in effect on the date of enactment such Act.

(C) APPLICATION OF EXISTING REGULATIONS.—The regulations issued by the Secretary under this section, as such regulations were in effect on the day before the date of enactment of the Ballast Water Treatment Act of 2007, shall continue to apply to vessels without pumpable ballast water entering or operating on the navigable waters until the earlier of—

(i) the date on which such vessels are required to conduct ballast water treatment, in accordance with the requirements of subsection (f); or

(ii) the effective date of final regulations required under this paragraph.

(f) BALLAST WATER TREATMENT REQUIREMENTS.—

(1) PERFORMANCE STANDARDS.—A vessel to which this section applies shall conduct ballast water treatment in accordance with the requirements of this subsection before discharging ballast water in waters subject to the jurisdiction of the United States so that the ballast water discharged will contain—

(A) less than 1 living organism per 10 cubic meters that is 50 or more micrometers in minimum dimension;

(B) less than 1 living organism per 10 milliliters that is less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;

(C) concentrations of indicator microbes that are less than—

(i) 1 colony-forming unit of toxicogenic Vibrio cholera (serotypes O1 and O139) per 100 milliliters or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

(ii) 126 colony-forming units of escherichia coli per 100 milliliters; and

(iii) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

(D) concentrations of such additional indicator microbes as may be specified in regulations issued by the Secretary, after consultation with other appropriate Federal agencies as determined by the Secretary, that are less than the amount specified in those regulations.

(2) RECEPTION FACILITY EXCEPTION.—

(A) IN GENERAL.—Paragraph (1) does not apply to a vessel that discharges ballast water into—

(i) a land-based facility for the reception of ballast water that meets standards issued by the Administrator; or

(ii) a water-based facility for the reception of ballast water that meets standards issued by the Secretary.

(B) ISSUANCE OF STANDARDS.—Not later than one year after the date of enactment of the Ballast Water Treatment Act of 2007, the Secretary, in consultation with the heads of other appropriate Federal agencies as determined by the Secretary, shall issue standards for—

(i) the reception of ballast water in land-based and water-based reception facilities; and

(ii) the disposal or treatment of such ballast water in a way that does not impair or damage the environment, human health, property, or resources.

(3) TREATMENT SYSTEM IMPLEMENTATION.—Paragraph (1) applies to a vessel to which this section applies beginning on the date of the first dry-docking of the vessel after December 31, 2008, but not later than December 31, 2013.

(4) TREATMENT SYSTEM APPROVAL REQUIRED.—The operator of a vessel to which this section applies may not use a ballast

water treatment system to comply with the requirements of this subsection unless the system is approved by the Secretary. The Secretary shall issue regulations establishing a process for such approval, after consultation with the heads of other appropriate Federal agencies as determined by the Secretary.

(5) RELIANCE ON CERTAIN REPORTS, DOCUMENTS, AND RECORDS.—In approving a ballast water treatment system under this subsection, the Secretary may rely on reports, documents, and records of persons that meet such requirements as the Secretary may prescribe.

(6) FEASIBILITY REVIEW.—

(A) REQUIREMENT TO REVIEW.—The Secretary shall periodically conduct a review to determine whether appropriate technologies are available to achieve the standards set forth in paragraph (1). In reviewing technologies under this subparagraph, the Secretary, after consultation with the heads of other appropriate Federal agencies as determined by the Secretary, shall consider—

(i) the effectiveness of a technology in achieving the standards;

(ii) feasibility in terms of compatibility with ship design and operations;

(iii) safety considerations;

(iv) whether a technology has an adverse impact on the environment; and

(v) cost effectiveness.

(B) DEADLINES.—The Secretary shall—

(i) complete an initial review of technologies under subparagraph (A) within 12 months after the date of the enactment of the Ballast Water Treatment Act of 2007; and

(ii) carry out subsequent reviews of technologies under subparagraph (A) no later than 24 months after the date that the previous review was completed.

(C) DELAY IN SCHEDULED APPLICATION.—If the Secretary determines, on the basis of the initial review or any subsequent review conducted under this paragraph, that compliance with the standards set forth in paragraph (1) is not feasible for any class of vessels, the Secretary shall—

(i) delay the date on which such standards apply to that class of vessels for a period of not more than 24 months; and

(ii) recommend action to ensure such compliance in accordance with the revised implementation schedule for that class of vessels by the date established under clause (i).

(7) DELAY OF APPLICATION FOR VESSEL PARTICIPATING IN PROMISING TECHNOLOGY EVALUATIONS.—

(A) IN GENERAL.—If a vessel participates in a program, including the Shipboard Technology Evaluation Program established under section 1104, using a technology approved by the Secretary to test and evaluate promising ballast water treatment technologies that are likely to result in treatment technologies achieving a standard that is the same as or more stringent than the standard that applies

under paragraph (1) before the first date on which paragraph (1) applies to that vessel, the Secretary shall allow the vessel to use that technology for a 10-year period and such vessel shall be deemed to be in compliance with the requirements of paragraph (1) during that 10-year period.

(B) VESSEL DIVERSITY.—The Secretary—

(i) shall seek to ensure that a wide variety of vessel types and voyages are included in the program; but

(ii) may not grant a delay under this paragraph to more than 5 percent of the vessels to which this section applies.

(C) TERMINATION OF GRACE PERIOD.—The Secretary may terminate the 10-year grace period of a vessel under subparagraph (A) if—

(i) the participation of the vessel in the program is terminated without the consent of the Secretary;

(ii) the vessel does not comply with manufacturer's standards for operating the ballast water treatment technology used on such vessel; or

(iii) the Secretary determines that the approved technology is insufficiently effective or is causing harm to the environment.

(8) REVIEW OF STANDARDS.—

(A) IN GENERAL.—In December 2012 and every third year thereafter, the Secretary shall complete review of ballast water treatment standards in effect under this subsection to determine, after consultation with the Administrator and the heads of other appropriate Federal agencies determined by the Secretary, if the standards under this subsection should be revised to reduce the amount of organisms or microbes allowed to be discharged, taking into account improvements in the scientific understanding of biological processes leading to the spread of aquatic nuisance species and improvements in ballast water treatment technology. The Secretary shall revise, by regulation, the requirements of this subsection as necessary.

(B) APPLICATION OF ADJUSTED STANDARDS.—In the regulations, the Secretary shall provide for the prospective application of the adjusted standards issued under this paragraph to vessels constructed after the date on which the adjusted standards apply and for an orderly phase-in of the adjusted standards to existing vessels.

(9) HIGH-RISK VESSELS.—

(A) VESSEL LIST.—Not later than one year after the date of enactment of the Ballast Water Treatment Act of 2007, the Secretary shall publish and regularly update a list of vessels identified by the States that, due to factors such as the origin of their voyages, the frequency of their voyages, the volume of ballast water they carry, the biological makeup of the ballast water, and the fact that they frequently discharge ballast water under an exception to subsection (e), pose a high risk of introducing aquatic nuisance species into the waters of those States.

(B) INCENTIVE PROGRAMS.—The Secretary shall give priority to vessels on the list for participation in a program de-

scribed in paragraph (7). Any Federal agency, and any State agency with respect to vessels identified by such State to the Secretary for inclusion on a list under subparagraph (A), may develop and implement technology development programs or other incentives (whether positive or negative) in order to encourage the adoption of ballast water treatment technology by those vessels consistent with the requirements of this section on an expedited basis.

(10) NONAPPLICABILITY OF VESSELS OPERATING EXCLUSIVELY IN DETERMINED AREA.—

(A) IN GENERAL.—Except as provided in subparagraph (D), paragraph (1) does not apply to a vessel that operates exclusively within an area if the Secretary has determined through a rulemaking proceeding, after consultation with the Administrator and the heads of other appropriate Federal agencies as determined by the Secretary, and representatives of States the waters of which could be affected by the discharge of ballast water from the vessel, that the risk of introducing aquatic nuisance species through ballast water discharge from the vessel is insignificant.

(B) CERTAIN VESSELS.—A vessel constructed before January 1, 2001, that operates exclusively within the Great Lakes shall be presumed not to pose a significant risk of introducing aquatic nuisance species unless the Secretary finds otherwise in a rulemaking proceeding under subparagraph (A).

(C) BEST PRACTICES.—The Secretary shall develop, and require a vessel exempted from complying with the requirements of paragraph (1) under this paragraph to follow, best practices to minimize the spreading of aquatic nuisance species in its operation area. The best practices shall be developed in consultation with the Governors of States that may be affected.

(D) STOPPING THE SPREAD OF INFECTIOUS DISEASE.—The Secretary, at the request of the Secretary of Agriculture, shall require a vessel to which paragraph (1) does not apply in accordance with subparagraph (A) to have a ballast water treatment system approved by the Secretary under this subsection to stop the spread of infectious diseases to plants and animals as otherwise authorized by law.

(11) LABORATORIES.—The Secretary may use any Federal, non-Federal, or foreign laboratory that meets standards established by the Secretary for the purpose of evaluating and certifying ballast water treatment technologies that meet the requirements of this subsection.

(12) PROGRAM TO SUPPORT THE PROMULGATION AND IMPLEMENTATION OF STANDARDS.—

(A) IN GENERAL.—The Secretary, in coordination with the Under Secretary, the Task Force and other appropriate Federal agencies, shall carry out a coordinated program to support the promulgation and implementation of standards under this subsection to prevent the introduction and spread of aquatic invasive species by vessels. The program established under this section shall, at a minimum—

(i) characterize physical, chemical, and biological harbor conditions relevant to ballast discharge into United States waters to inform the design and implementation of ship vector control technologies and practices;

(ii) develop testing protocols for determining the effectiveness of vessel vector monitoring and control technologies and practices;

(iii) demonstrate methods for mitigating the spread of invasive species by coastal voyages, including exploring the effectiveness of alternative exchange zones in the near coastal areas and other methods proposed to reduce transfers of organisms;

(iv) verify the practical effectiveness of any process for approving a type of alternative ballast water management as meeting standards established under this subsection, to ensure that the process produces repeatable and accurate assessments of treatment effectiveness; and

(v) evaluate the effectiveness and residual risk and environmental impacts associated with any standard set with respect to the vessel pathways.

(B) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized by this title, to carry out this paragraph there are authorized to be appropriated $1,500,000 to the Secretary and $1,500,000 to the Under Secretary for each of fiscal years 2008 through 2012.

(g) WARNINGS CONCERNING BALLAST WATER UPTAKE.—

(1) IN GENERAL.—The Secretary shall notify vessel owners and operators of any area in waters subject to the jurisdiction of the United States in which vessels may not uptake ballast water due to known conditions.

(2) CONTENTS.—The notice shall include—

(A) the coordinates of the area; and

(B) if possible, the location of alternative areas for the uptake of ballast water.

(h) SEDIMENT MANAGEMENT.—

(1) IN GENERAL.—The operator of a vessel to which this section applies may not remove or dispose of sediment from spaces designed to carry ballast water, except—

(A) in accordance with this subsection and the ballast water management plan approved under subsection (c); and

(B)(i) more than 200 nautical miles from the nearest point of land; or

(ii) into a reception facility that meets the requirements of paragraph (3).

(2) DESIGN REQUIREMENTS.—

(A) NEW VESSELS.—After December 31, 2008, a vessel to which this section applies may not be operated on waters subject to the jurisdiction of the United States, unless that vessel is designed and constructed in accordance with regulations issued under subparagraph (C) and in a manner that—

(i) minimizes the uptake and entrapment of sediment;

(ii) facilitates removal of sediment; and

(iii) provides for safe access for sediment removal and sampling.

(B) EXISTING VESSELS.—A vessel to which this section applies that was constructed before January 1, 2009, shall be modified, to the extent practicable, at the first drydocking of the vessel after December 31 2008, but not later than December 31, 2013, to achieve the objectives described in subparagraph (A).

(C) REGULATIONS.—The Secretary shall issue regulations establishing design and construction standards to achieve the objectives of subparagraph (A) and providing guidance for modifications and practices under subparagraph (B). The Secretary shall incorporate the standards and guidance in the regulations governing the ballast water management plan approved under subsection (c).

(3) SEDIMENT RECEPTION FACILITIES.—

(A) STANDARDS.—The Secretary, in consultation with the heads of other appropriate Federal agencies as determined by the Secretary, shall issue regulations governing facilities for the reception of vessel sediment from spaces designed to carry ballast water that provide for the disposal of such sediment in a way that does not impair or damage the environment, human health, or property or resources of the disposal area.

(B) DESIGNATION.—The Secretary, in consultation with the heads of other appropriate Federal agencies as determined by the Secretary shall designate facilities for the reception of vessel sediment that meet the requirements of the regulations issued under subparagraph (A) at ports and terminals where ballast tanks are cleaned or repaired.

(i) EXAMINATIONS AND CERTIFICATIONS.—

(1) INITIAL EXAMINATION.—

(A) IN GENERAL.—The Secretary shall examine vessels to which this section applies to determine whether—

(i) there is a ballast water management plan for the vessel that is approved by the Secretary and a ballast water record book on the vessel that meets the requirements of subsection (d);

(ii) the equipment used for ballast water and sediment management in accordance with the requirements of this section and the regulations issued under this section is installed and functioning properly.

(B) NEW VESSELS.—For vessels constructed on or after January 1, 2009, the Secretary shall conduct the examination required by subparagraph (A) before the vessel is placed in service.

(C) EXISTING VESSELS.—For vessels constructed before January 1, 2009, the Secretary shall—

(i) conduct the examination required by subparagraph (A) before the date on which subsection (f)(1) applies to the vessel according to the schedule in subsection (f)(3); and

(ii) inspect the vessel's ballast water record book required by subsection (d).

(D) FOREIGN VESSEL.—In the case of a foreign vessel, the Secretary shall perform the examination required by this paragraph the first time the vessel enters a United States port.

(2) SUBSEQUENT EXAMINATIONS.—In addition to the examination required by paragraph (1), the Secretary shall annually examine vessels to which this section applies, to ensure compliance with the requirements of this section and the regulations issued under this section.

(3) INSPECTION AUTHORITY.—

(A) IN GENERAL.—The Secretary may carry out inspections of any vessel to which this section applies at any time, including the taking of ballast water samples, to ensure compliance with this section. The Secretary shall use all appropriate and practical measures of detection and environmental monitoring such vessels and shall establish adequate procedures for reporting violations of this section and accumulating evidence regarding such violations.

(B) INVESTIGATIONS.—

(i) IN GENERAL.—Upon receipt of evidence that a violation of this section or a regulation issued under this section has occurred, the Secretary shall cause the matter to be investigated.

(ii) ISSUANCE OF SUBPOENAS.—In an investigation under this subparagraph, the Secretary may issue subpoenas to require the attendance of any witness and the production of documents and other evidence.

(iii) COMPELLING COMPLIANCE WITH SUBPOENAS.—In case of refusal to obey a subpoena issued under this subparagraph, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.

(4) STATE PROGRAMS.—

(A) SUBMISSION TO SECRETARY.—At any time after the date of issuance of ballast water treatment regulations issued under this section, the Governor of each State desiring to administer its own inspection and enforcement authority for ballast water discharges within its jurisdiction may submit to the Secretary a complete description of the program the Governor proposes to establish and administer under State law. In addition, the Governor shall submit a statement from the attorney general that the laws of such State provide adequate authority to carry out the described program.

(B) APPROVAL.—The Secretary shall approve a program submitted under subparagraph (A), unless the Secretary determines that adequate resources do not exist or, in the case of ballast water testing, that adequate scientific expertise does not exist—

(i) to inspect, monitor, and board any vessel to which this section applies at any time, including the taking and testing of ballast water samples, to ensure the vessel's compliance with this section;

(ii) to ensure that any ballast water discharged within the waters subject to the jurisdiction of the State

meet the ballast water requirements of this section and the regulations issued under this section, including any revisions to such requirements and regulations;

(iii) to establish adequate procedures for reporting violations of this section;

(iv) to investigate and abate violations of this section, including civil and criminal penalties and other ways and means of enforcement; and

(v) to ensure that the Secretary receives notice of each violation of the ballast water treatment requirements issued under this section in an expeditious manner.

(C) SUSPENSION OF FEDERAL AUTHORITIES.—Not later than 90 days after the date on which a State submits a program (or revision thereof) under this paragraph, the Secretary shall suspend its authorities under subsections (k) and (l) in such State, unless the Secretary determines that the State program does not meet the requirements of this paragraph. If the Secretary so determines, the Secretary shall notify the State of any revisions or modifications necessary to conform to such requirements.

(D) COMPLIANCE.—Any State program approved under this paragraph shall at all times be conducted in accordance with this section and regulations issued under this section.

(E) WITHDRAWAL OF APPROVAL.—Whenever the Secretary determines, after public hearing, that a State is not administering a program approved under this paragraph in accordance with this section and regulations issued under this section, the Secretary shall notify the State and, if appropriate corrective action is not taken within a reasonable period of time not to exceed 90 days, the Secretary shall withdraw approval of the program. The Secretary shall not withdraw approval of any program unless the Secretary shall first have notified the State, and made public, in writing, the reasons for such withdrawal.

(F) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall limit the authority of the Secretary carry out inspections and investigations of any vessels under paragraph (3).

(5) REQUIRED CERTIFICATE.—If, on the basis of an initial examination under paragraph (1), the Secretary finds that a vessel complies with the requirements of this section and the regulations issued under this section, the Secretary shall issue a certificate under this paragraph as evidence of such compliance. The certificate shall be valid for a period of not more than 5 years, as specified by the Secretary. The certificate or a true copy shall be maintained on board the vessel.

(6) NOTIFICATION OF VIOLATIONS.—If the Secretary finds, on the basis of an examination under paragraph (1) or (2), investigation under paragraph (3), or any other information, that a vessel is being operated in violation of any requirement of this section or regulation issued under this section, the Secretary shall—

(A) notify, in writing—

(i) the master of the vessel; and

(ii) the captain of the port at the vessel's next port of call;

(B) remove from the vessel the certificate issued under paragraph (5);

(C) take such other action as may be appropriate.

(7) COMPLIANCE MONITORING.—

(A) IN GENERAL.—The Secretary shall establish, by regulation, sampling and other procedures to monitor compliance with the requirements of this section and the regulations issued under this section.

(B) USE OF MARKERS.—The Secretary may verify compliance with the discharge requirements of subsection (f) and the regulations issued under this section with respect to such requirements through identification of markers associated with a treatment technology's effectiveness, such as the presence of indicators associated with a certified treatment technology.

(8) EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.—The Secretary may carry out education and technical assistance programs and other measures to promote compliance with the requirements of this section and the regulations issued under this section.

(j) DETENTION OF VESSELS.—The Secretary, by notice to the owner, charterer, managing operator, agent, master, or other individual in charge of a vessel, may detain that vessel if the Secretary has reasonable cause to believe that—

(1) the vessel is a vessel to which this section applies; and

(2) the vessel does not comply with any requirement of this section or regulation issued under this section or is being operated in violation of such a requirement or regulation.

(k) SANCTIONS.—

(1) CIVIL PENALTIES.—Any person who violates this section (including a regulation issued under this section) shall be liable for a civil penalty in an amount not to exceed $32,500. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of this section (including a regulation issued under this section) is liable in rem for any civil penalty assessed under this subsection for that violation.

(2) CRIMINAL PENALTIES.—Whoever knowingly violates this section (including a regulation issued under this section) shall be fined under title 18, United States, or imprisoned not more than 12 years, or both.

(3) REVOCATION OF CLEARANCE.—Except as provided in subsection (j)(2), upon request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance of a vessel required by section 60105 of title 46, United States Code, if the owner or operator of that vessel is in violation of this section or a regulation issued under this section.

(l) ENFORCEMENT.—

(1) ADMINISTRATIVE ACTIONS.—If the Secretary finds, after notice and an opportunity for a hearing, that a person has violated this section or a regulation issued under this section, the Secretary may assess a civil penalty for that violation. In determining the amount of the civil penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of

the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require.

(2) CIVIL ACTIONS.—At the request of the Secretary, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this section or any regulation issued under this section. Any court before which such an action is brought may award appropriate relief, including temporary or permanent injunctions and civil penalties.

(m) CONSULTATION WITH CANADA, MEXICO, AND OTHER FOREIGN GOVERNMENTS.—In developing the guidelines and regulations to be issued under this section, the Secretary is encouraged to consult with the Government of Canada, the Government of Mexico and any other government of a foreign country that the Secretary, after consultation with the Task Force, determines to be necessary to develop and implement an effective international program for preventing the unintentional introduction and spread of aquatic nuisance species through ballast water.

(n) INTERNATIONAL COOPERATION.—The Secretary, in cooperation with the Under Secretary, the Secretary of State, the Administrator, the heads of other relevant Federal agencies, the International Maritime Organization of the United Nations, and the Commission on Environmental Cooperation established pursuant to the North American Free Trade Agreement, is encouraged to enter into negotiations with the governments of foreign countries to develop and implement an effective international program for preventing the unintentional introduction and spread of aquatic invasive species. The Secretary is particularly encouraged to seek bilateral or multilateral agreements with Canada, Mexico, and other nations in the Wider Caribbean Region (as defined in the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean, signed at Cartagena on March 24, 1983 (TIAF 11085)), to carry out the objectives of this section.

(o) NONDISCRIMINATION.—The Secretary shall ensure that foreign vessels do not receive more favorable treatment than vessels of the United States when the Secretary performs studies, reviews compliance, determines effectiveness, establishes requirements, or performs any other responsibilities under this Act.

(p) CONSULTATION WITH TASK FORCE.—The Secretary shall consult with the Task Force in carrying out this section.

(q) PREEMPTION.—

(1) IN GENERAL.—Except as provided in subsection (i)(4) but notwithstanding any other provision of law, the provisions of subsections (e) and (f) supersede any provision of State or local law that is inconsistent with the requirements of those subsections or that conflicts with the requirements of those subsections.

(2) GREATER PENALTIES OR FEES.—For purpose of paragraph (1), the imposition by State or local law of greater penalties or fees for acts or omissions that are violations of such law and also violations of this Act or the imposition by a State of incentives under subsection (f)(9)(B) shall not be considered to be inconsistent, or to conflict, with the requirements of subsections (e) and (f).

(3) RECEPTION FACILITIES.—The standards issued by the Secretary or the heads of other appropriate Federal agencies under subsection (f)(2) do not supersede any more stringent standard under any otherwise applicable Federal, State, or local law.

(r) COAST GUARD REPORT ON OTHER SOURCES OF VESSEL-BOURNE NUISANCE SPECIES.—

(1) IN GENERAL.—

(A) HULL-FOULING AND OTHER VESSEL SOURCES.—Not later than 180 days after the date of enactment of the Ballast Water Treatment Act of 2007, the Secretary shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on vessel-related pathways of harmful aquatic organisms and pathogens other than ballast water and sediment, including vessel hulls and equipment, and from vessels equipped with ballast tanks that carry no ballast water on board.

(B) BEST PRACTICES.—

(i) IN GENERAL.—As soon as practicable, the Secretary shall develop best practices standards and procedures designed to reduce the introduction and spread of invasive species into and within the United States from vessels and establish a timeframe for implementation of those standards and procedures by vessels. Such standards and procedures shall include designation of geographical locations for uptake and discharge of untreated ballast water, as well as standards and procedure for other vessel pathways of aquatic invasive species.

(ii) REPORT.—The Secretary shall transmit a report to the committees referred to in subparagraph (A) describing the standards and procedures developed under this subparagraph and the implementation timeframe, together with such recommendations as the Secretary determines appropriate.

(iii) REGULATIONS.—The Secretary may issue regulations to incorporate and enforce standards and procedures developed under this paragraph.

(2) TRANSITING VESSELS.—Not later than 180 days after the date of enactment of the Ballast Water Treatment Act of 2007, the Secretary shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives containing—

(A) an assessment of the magnitude and potential adverse impacts of ballast water operations from foreign vessels designed, adapted, or constructed to carry ballast water that are transiting waters subject to the jurisdiction of the United States; and

(B) recommendations, including legislative recommendations if appropriate, of options for addressing ballast water operations of those vessels.

SEC. 1102. NATIONAL BALLAST WATER MANAGEMENT INFORMATION.

(a) * * *

(b) ECOLOGICAL AND BALLAST WATER DISCHARGE SURVEYS.—

(1) ECOLOGICAL SURVEYS.—

(A) * * *

(B) REQUIREMENTS FOR SURVEYS.—In conducting the surveys under this paragraph, the Task Force shall, with respect to each such survey—

(i) * * *

(ii) provide an estimate of the effectiveness of ballast water management and other vessel management [guidelines issued and] regulations promulgated under this subtitle in abating invasions of aquatic nuisance species in the waters that are the subject of the survey.

(2) BALLAST WATER DISCHARGE SURVEYS.—

(A) * * *

(B) REQUIREMENTS FOR SURVEYS.—In conducting the surveys under this paragraph, the Secretary shall—

(i) * * *

(ii) assess the effectiveness of [voluntary guidelines issued, and regulations promulgated,] *regulations promulgated* under this subtitle in altering ballast water discharge practices to reduce the probability of accidental introductions of aquatic nuisance species.

* * * * * * *

(c) REPORTS.—

(1) BALLAST EXCHANGE.—Not later than 18 months after the date of enactment of this Act and prior to the effective date of the regulations issued under [section 1101(b)] *section 1101(a)*, the Task Force shall submit a report to the Congress that presents the results of the study required under subsection (a)(1) and makes recommendations with respect to such regulations.

* * * * * * *

(f) NATIONAL BALLAST INFORMATION CLEARINGHOUSE.—

(1) IN GENERAL.—The Secretary shall develop and maintain, in consultation and cooperation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), a clearinghouse of national data concerning—

(A) * * *

(B) compliance with the [guidelines issued pursuant to section 1101(c)] *regulations issued pursuant to section 1101*; and

* * * * * * *

(g) BALLAST WATER SURVEYS.—

(1) IN GENERAL.—The Secretary shall conduct the following ballast water surveys:

(A) A survey of the number of living organisms in untreated ballast water of a representative number of vessels, as determined by the Secretary.

(B) A survey of the number of living organisms in the ballast water of a representative number of vessels, as determined by the Secretary, that has been exchanged on the high seas.

(C) Surveys of the number of living organisms in the ballast water of vessels that are participating in a program to test and evaluate promising ballast water treatment, as approved by the Secretary.

(2) REPORTS.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(A) a report on the results of the surveys under subparagraphs (A) and (B) of paragraph (1) by not later than 18 months after the date of the enactment of the Ballast Water Treatment Act of 2007; and

(B) a report on the results of the surveys required under subparagraph (C) of paragraph (1) upon completion of each demonstration concerned.

[SEC. 1103. ARMED SERVICES BALLAST WATER PROGRAMS.

[(a) DEPARTMENT OF DEFENSE VESSELS.—Subject to operational conditions, the Secretary of Defense, in consultation with the Secretary, the Task Force, and the International Maritime Organization, shall implement a ballast water management program for seagoing vessels of the Department of Defense to minimize the risk of introduction of nonindigenous species from releases of ballast water.

[(b) COAST GUARD VESSELS.—Subject to operational conditions, the Secretary, in consultation with the Task Force and the International Maritime Organization, shall implement a ballast water management program for seagoing vessels of the Coast Guard to minimize the risk of introduction of nonindigenous species from releases of ballast water.

[SEC. 1104. BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.

[(a) TECHNOLOGIES AND PRACTICES DEFINED.—For purposes of this section, the term "technologies and practices" means those technologies and practices that—

[(1) may be retrofitted—

[(A) on existing vessels or incorporated in new vessel designs; and

[(B) on existing land-based ballast water treatment facilities;

[(2) may be designed into new water treatment facilities;

[(3) are operationally practical;

[(4) are safe for a vessel and crew;

[(5) are environmentally sound;

[(6) are cost-effective;

[(7) a vessel operator is capable of monitoring; and

[(8) are effective against a broad range of aquatic nuisance species.

[(b) DEMONSTRATION PROGRAM.—

[(1) IN GENERAL.—During the 18-month period beginning on the date that funds are made available by appropriations pursuant to section 1301(e), the Secretary of the Interior and the Secretary of Commerce, with the concurrence of and in cooperation with the Secretary, shall conduct a ballast water management demonstration program to demonstrate tech-

nologies and practices to prevent aquatic nonindigenous species from being introduced into and spread through ballast water in the Great Lakes and other waters of the United States.]

SEC. 1104. BALLAST WATER TREATMENT TECHNOLOGY EVALUATION AND DEMONSTRATION PROGRAMS.

(a) SHIPBOARD TECHNOLOGY EVALUATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a Shipboard Technology Evaluation Program to evaluate alternative ballast water management methods aboard vessels to prevent aquatic nuisance species from being introduced into and spread through discharges of ballast water in waters of the United States.

(2) LOCATION.—The installation and construction [of the technologies and practices used in the demonstration program] *of alternative ballast water management methods used in the program* conducted under this subsection shall be performed in the United States.

(3) VESSEL SELECTION.—In demonstrating [technologies and practices on vessels under this subsection, the Secretary of the Interior and the Secretary of Commerce, shall—] *ballast water treatment technologies on vessels under this subsection, the Secretary shall—*

(A) use only vessels that—

[(i) are approved by the Secretary;

[(ii) have ballast water systems conducive to testing aboard-vessel or land-based technologies and practices applicable to a significant number of merchant vessels; and]

(i) have ballast water systems conducive to testing aboard the vessel; and

[(iii)] *(ii)* are—

(I) * * *

* * * * * * *

[(C) seek to use a variety of vessel types, including vessels that—

[(i) call on ports in the United States and on the Great Lakes; and

[(ii) are operated along major coasts of the United States and inland waterways, including the San Francisco Bay and Chesapeake Bay.]

(C) seek to use a variety of vessel types.

* * * * * * *

[(4) SELECTION OF TECHNOLOGIES AND PRACTICES.—In selecting technologies and practices for demonstration under this subsection, the Secretary of the Interior and the Secretary of Commerce shall give priority consideration to technologies and practices identified as promising by the National Research Council Marine Board of the National Academy of Sciences in its report on ships' ballast water operations issued in July 1996.]

(4) SELECTION OF ALTERNATIVE BALLAST WATER MANAGEMENT METHODS.—In order for a ballast water treatment technology to be eligible to be installed on vessels for evaluation under this section, such technology must be, at a minimum—

(A) determined by the Secretary to have the demonstrated potential to reduce the number of organisms greater than or equal to 50 microns in minimum dimension in discharged ballast water to fewer than 10 living organisms per cubic meter of water;

(B) cost-effective;

(C) environmentally sound;

(D) operationally practical;

(E) able to be retrofitted on existing vessels or incorporated in new vessel design (or both);

(F) safe for a vessel and crew; and

(G) accessible to monitoring.

* * * * * * *

(6) AUTHORITY OF SECRETARY TO REVIEW AND REVISE CRITERIA.—The Secretary may review and revise the criteria described in paragraph (4)(A) to require ballast water treatment technologies to meet a more stringent ballast water discharge standard, including standards promulgated under section 1101(f), before being eligible for installation aboard vessels under the program.

(b) SHIPBOARD TECHNOLOGY DEMONSTRATION PROGRAM.—

(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 prevent aquatic nuisance species from being introduced into and spread through ballast water in waters of the United States.

(2) LOCATION.—The installation and construction of ballast water treatment technologies used in the demonstration program under this subsection shall be performed in the United States.

(3) VESSEL ELIGIBILITY.—Vessels eligible to participate in the demonstration program under this subsection shall consist only of vessels that have been accepted into and are actively participating in the Shipboard Technology Evaluation Program under subsection (a).

(4) GRANTS.—

(A) IN GENERAL.—The Under Secretary shall establish a grant program to provide funding for acquiring, installing, and operating ballast water treatment technologies aboard vessels participating in the program under this subsection.

(B) MATCHING REQUIREMENTS.—The amount of Federal funds used for any demonstration project under this subsection—

(i) shall not exceed $1,000,000; and

(ii) shall not exceed 50 percent of the total cost of such project.

(c) ALTERNATIVE SHIP PATHWAY PROGRAM.—

(1) IN GENERAL.—The Under Secretary, with the concurrence of and in cooperation with the Secretary, shall conduct a program to demonstrate and verify technologies and practices to monitor and control the introduction of aquatic invasive species by ship pathways other than the release of ballast water.

(2) SELECTION OF METHODS.—The Under Secretary may not select technologies and practices for demonstration or

verification under paragraph (1) unless such technologies and practices, in the determination of the Under Secretary, in consultation with the Secretary, meet the criteria outlined in subparagraphs (B) through (G) of subsection (a)(4).

(3) LOCATION.—The installation and construction of technologies and practices for demonstration and verification under this subsection shall be performed in the United States.

[(c)] *(d)* AUTHORITIES; CONSULTATION AND COOPERATION WITH INTERNATIONAL MARITIME ORGANIZATION AND TASK FORCE.—

(1) AUTHORITIES.—In conducting the demonstration program under subsection (b), the [Secretary of the Interior] *Secretary, in consultation with the Under Secretary,* may—

(A) * * *

* * * * * * *

(2) CONSULTATION AND COOPERATION.—The [Secretary of the Interior] *Secretary, in consultation with the Under Secretary,* shall consult and cooperate with the International Maritime Organization and the Task Force in carrying out this section.

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Subtitle C—Prevention and Control of Aquatic Nuisance Species Dispersal

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SEC. 1210. RAPID RESPONSE PLAN.

(a) PREPARATION BY PRESIDENT.—The President shall prepare and publish a national rapid response plan for killing, removing, or minimizing the spread of aquatic nuisance species in the waters of the United States in accordance with this section.

(b) CONTENTS.—The national rapid response plan shall provide for efficient, coordinated, and effective action to minimize damage from aquatic nuisance species in the navigable waters of the United States, including killing, containing, and removal of the aquatic nuisance species, and shall include the following:

(1) Assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies and port authorities and private entities.

(2) Identification, procurement, maintenance, and storage of equipment and supplies needed to facilitate the killing, containment, and removal of aquatic nuisance species under this section.

(3) Establishment or designation by the President of Federal aquatic nuisance species response teams, consisting of—

(A) personnel who shall be trained and prepared by the President and shall be available to provide necessary services to carry out the national rapid response plan;

(B) adequate equipment and material needed to facilitate the killing, containment, and removal of aquatic nuisance species under this section; and

(C) a detailed plans to kill, contain, and remove aquatic nuisance species, including measures to protect fisheries and wildlife.

(4) A system of surveillance and notice designed to safeguard against, as well as ensure earliest possible notice of, the introduction of aquatic nuisance species and imminent threats of such introduction to the appropriate State and Federal agencies.

(5) Establishment by the President of a national center to provide coordination and direction for operations in carrying out the plan.

(6) Procedures and techniques to be employed in identifying, containing, killing, and removing aquatic nuisance species in the waters of the United States.

(7) A schedule, prepared by the President in cooperation with the States, identifying—

(A) mitigating devices and substances, if any, that may be used in carrying out the plan;

(B) the waters in which such mitigating devices and substances may be used; and

(C) the quantities of such mitigating device or substance which can be used safely in such waters.

(8) A system whereby the State or States affected by an aquatic nuisance species may act where necessary to remove such species.

(9) Establishment by the President of criteria and procedures to ensure immediate and effective Federal identification of, and response to, an introduction of aquatic nuisance species.

(10) Designation by the President of the Federal official who shall be the Federal on-scene coordinator for measures taken to kill, contain, and remove aquatic nuisance species under this section.

(11) A fish and wildlife response plan for the immediate and effective protection, rescue, and rehabilitation of, and the minimization of risk of damage to, fish and wildlife resources and their habitat that are harmed or that may be jeopardized by an introduction of an aquatic nuisance species.

(c) FEDERAL REMOVAL AUTHORITY.—

(1) REMOVAL REQUIREMENT.—

(A) IN GENERAL.—The President shall ensure, in accordance with the national rapid response plan, effective and immediate killing, containing, and removal of the aquatic nuisance species in the waters of the United States.

(B) DISCRETIONARY AUTHORITY.—In carrying out this paragraph, the President may—

(i) kill, contain, and remove an aquatic nuisance species, at any time; and

(ii) direct or monitor all Federal, State, and private actions to kill, contain, and remove the aquatic nuisance species.

(2) ACTIONS IN ACCORDANCE WITH NATIONAL RAPID RESPONSE PLAN.—Each Federal agency, State, owner or operator, or other person participating in efforts under this subsection shall act in accordance with the national rapid response plan or as directed by the President to carry out the plan.

Subtitle D—Authorizations of Appropriation

SEC. 1301. AUTHORIZATIONS.

(a) PREVENTION OF UNINTENTIONAL INTRODUCTIONS.—There are authorized to be appropriated to develop and implement the provisions of subtitle B—

(1) * * *

* * * * * * *

(4) for each of fiscal years 1997 through 2002, to carry out paragraphs (1) and (2) of section 1102(b)—

(A) * * *

(B) $1,000,000 to the Secretary; **[**and**]**

(5) for each of fiscal years 1997 through 2002—

(A) * * *

(B) $500,000 to the Secretary to carry out section 1102(f)**[**.**]***;*

(6) $20,000,000 for each of fiscal years 2008 through 2012 to the Secretary to carry out section 1101;

(7) $500,000 to the Secretary for each of fiscal years 2008 through 2013 to carry out section 1102(f);

(8) $6,000,000 to the Under Secretary for each of fiscal years 2008 through 2013 to carry out paragraph (4) of section 1104(b); and

(9) $1,500,000 to the Under Secretary for each of fiscal years 2008 through 2013 to carry out section 1104(c).

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ADDITIONAL VIEWS

The Republican Members of the House Homeland Security Committee are pleased that the Committee on Homeland Security met to participate on H.R. 2830, to authorize the important homeland security mission of the Coast Guard. As the Committee of primary jurisdiction over the Department of Homeland Security, of which the Coast Guard is a sizeable component accounting for over 20% of the Department's employees, receiving only a secondary referral is an example of the inefficient and disjointed Congressional jurisdiction that exists with respect to the Department of Homeland Security. The Coast Guard plays a critical role in providing security to the Nation's critical ports, coasts and waterways and is a central part of the Department's homeland security mission. Given the prominent position held by the Coast Guard with respect to the mission of the Department, it is unfortunate that the Committee on Homeland Security has only a limited role in authorizing U.S. Coast Guard activities. Despite this limited role, Republican Members of the Committee added many crucial provisions to strengthen the overall bill.

REPUBLICAN IMPROVEMENTS

Republican Members provided clear authorities and direction regarding the security of the Nation's critical ports and waterways including the security of liquefied natural gas tankers and regasifying facilities, insisting on smart, risk-based approaches that have come to define this Committee. We support crucial legal authorities to enable the Coast Guard to effectively prosecute those suspected of smuggling illegal migrants on to our shores. Under Title VI of the bill, migrant smugglers will face real consequences for engaging in the often deadly crime of trafficking humans. Language identical to Title VI of H.R. 2830 was included in H.R. 1684 the DHS FY08 Authorization Bill, by Committee Republicans only to be stripped on the House floor.

Representative Tom Davis included an important provision which restores the Coast Guard's Deepwater program to the FY2007 appropriated level of $1.066 billion and requires much needed accountability by incorporating programmatic restructuring and reporting requirements to ensure proper Congressional oversight. The Committee has heard multiple accounts of Coast Guard ships failing, at times literally falling apart. The men and women of the Coast Guard are being asked to do more than ever in a post-9/11 environment and they deserve the right resources to enable their success. This provision is of great importance considering the number of aging and decrepit assets upon which the Coast Guard currently depends. This year the Coast Guard finally decommissioned the Coast Guard Cutter STORIS, a few months shy of her

66th birthday. Among the 41 modern day navies and coast guards in the world, the U.S. Coast Guard is the 39th oldest.

Representative Christopher Shays included an important amendment directing the Secretary of Homeland Security to require the operators of cruise ships to report security incidents which involve U.S. persons. Each year violent crimes and sexual assaults go unreported aboard these ships. This provision ensures that prior to a cruise ship's arrival in port, the proper authorities are notified and can be in place to board the ship at sea or upon its arrival.

Representative Dave Reichert's additions included a provision which authorizes the Coast Guard's America's Waterway Watch program to provide education and outreach to the private sector and private citizens encouraging them to watch for and report suspicious or unusual activities. A proactive citizenry is a critical tool in the War on Terror. Mr. Reichert also included a provision authorizing a pilot program for the Coast Guard to develop a radiological/nuclear detection capabilities in port environments. Expanding our Nation's ability to identify a radiological or nuclear threat is critical to a layered security system. With 95% of the Nation's imports arriving at our ports annually, the necessity for additional nuclear and radiological monitoring is obvious. Finally, Mr. Reichert authored a provision which authorizes the Coast Guard to create at least two maritime security response teams which act as the elite tactical counter-terrorism units for the Coast Guard. The Coast Guard currently has only one such unit based on the East Coast responsible for Nation-wide coverage. Such an approach is shortsighted given the inherent urgency with the operational deployment of these teams. We encourage the Coast Guard to immediately resource, train, and deploy this new unit.

Representative Mike Rogers (AL) included a provision authorizing additional use of highly trained canine teams that can be used by the Coast Guard to further their homeland security missions of port security. The Coast Guard currently has only 18 canine detection teams which can detect drugs or explosives (but not both). These 18 canine teams are insufficient to provide adequate coverage for 361 ports. Both drug dealers and terrorists are adapting their techniques to counter our detection capabilities. Expanding the number of canine detection teams improves the Coast Guard's ability to identify otherwise concealed threats to the homeland.

Representative Gus M. Bilirakis included a provision authorizing the Coast Guard to conduct a pilot program to collect the biometric information of persons interdicted at sea under suspicion of terrorism, human smuggling, or drug smuggling and will improve maritime border security. The Coast Guard is directed to develop the equipment needs for this pilot program and to evaluate the costs and feasibility of expanding the program to all deployable Coast Guard assets. The Coast Guard is encouraged to utilize this technology to identify repeat offenders of immigration laws, fugitives from justice, and to coordinate access to Department of Defense and Department of State databases to identify would-be terrorists trying to infiltrate our maritime borders.

PETER T. KING.
CHRISTOPHER SHAYS.

MARK SOUDER.
TOM DAVIS.
DANIEL LUNGREN.
DAVID REICHERT.
MICHAEL T. MCCAUL.
GINNY BROWN-WAITE.
GUS M. BILIRAKIS.
DAVID DAVIS.
PAUL C. BROUN.

ADDITIONAL VIEWS OF CONGRESSMAN LAMAR SMITH

Along with the other Republican Members of the House Homeland Security Committee, I am pleased that the Committee on Homeland Security met to mark up H.R. 2830, to authorize the important homeland security mission of the Coast Guard. I support many of the provisions in this bill, especially the added authority in Title VI to combat alien smuggling. I would note, however, that the Committee on the Judiciary has jurisdiction over the provisions in Title VI that add new prohibitions and penalties for alien smuggling. The Judiciary Committee has sought a sequential referral on H.R. 2830, and I fully support granting Judiciary the opportunity to consider the provisions over which it has jurisdiction.

LAMAR SMITH.

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