

110TH CONGRESS
1ST SESSION

H. R. 2830

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2007

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coast Guard Author-
5 ization Act of 2007”.

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

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

- Sec. 102. Authorized levels of military strength and training.
- Sec. 103. Transfer of bridge administration program authority and functions.

TITLE II—COAST GUARD

- Sec. 201. Appointment of civilian Coast Guard judges.
- Sec. 202. Industrial activities.
- Sec. 203. Reimbursement for medical-related travel expenses.
- Sec. 204. Commissioned officers.
- Sec. 205. Coast Guard participation in the Armed Forces Retirement Home (AFRH) system.
- Sec. 206. Grants to international maritime organizations.
- Sec. 207. Emergency leave retention authority.
- Sec. 208. Enforcement authority.
- Sec. 209. Repeal.
- Sec. 210. Admirals and Vice Admirals.
- Sec. 211. Merchant Mariner Medical Advisory Committee.
- Sec. 212. Reserve commissioned warrant officer to lieutenant program.
- Sec. 213. Enhanced status quo officer promotion system.
- Sec. 214. Laser Training System.
- Sec. 215. Coast Guard vessels and aircraft.
- Sec. 216. Coast Guard District Ombudsmen.

TITLE III—SHIPPING AND NAVIGATION

- Sec. 301. Vessel size limits.
- Sec. 302. Goods and services.
- Sec. 303. Seaward extension of anchorage grounds jurisdiction.
- Sec. 304. Maritime Drug Law Enforcement Act amendment-simple possession.
- Sec. 305. Technical amendments to tonnage measurement law.
- Sec. 306. Seamen's shoreside access.
- Sec. 307. Fishing vessel safety.
- Sec. 308. Mariner records.
- Sec. 309. Deletion of exemption of license requirement for operators of certain towing vessels.
- Sec. 310. Adjustment of liability limits for natural gas deepwater ports.
- Sec. 311. Period of limitations for claims against Oil Spill Liability Trust Fund.
- Sec. 312. Log books.
- Sec. 313. Unsafe operation.
- Sec. 314. Approval of survival craft.
- Sec. 315. Safety management.
- Sec. 316. Protection against discrimination.
- Sec. 317. Dry bulk cargo residue.
- Sec. 318. Clarification of delegation of authority to classification societies.
- Sec. 319. Registry endorsement for LNG vessels.
- Sec. 320. Oaths.
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- Sec. 322. Fingerprinting.
- Sec. 323. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.
- Sec. 324. Merchant mariner documentation.
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- Sec. 327. Merchant mariner document standards.

Sec. 328. Waterside security around liquefied natural gas terminals and liquefied natural gas tankers.

TITLE IV—MISCELLANEOUS PROVISIONS

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Sec. 403. Great Lakes Maritime Research Institute.

Sec. 404. Conveyance.

Sec. 405. Crew wages on passenger vessels.

Sec. 406. Technical corrections.

Sec. 407. Conveyance of decommissioned Coast Guard Cutter STORIS.

Sec. 408. Repeal of requirement of license for employment in the business of salvaging on the coast of Florida.

Sec. 409. Right-of-first-refusal for Coast Guard property on Jupiter Island, Florida.

Sec. 410. Conveyance of Coast Guard HU-25 Falcon Jet aircraft.

Sec. 411. Decommissioned Coast Guard vessels for Haiti.

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TITLE V—BALLAST WATER TREATMENT

Sec. 501. Short title.

Sec. 502. Declaration of goals and purposes.

Sec. 503. Ballast water management.

Sec. 504. Rapid response plan.

Sec. 505. Authorization of appropriations.

1 **TITLE I—AUTHORIZATION**

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

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

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

8 (A) \$24,500,000 is authorized to be de-
9 rived from the Oil Spill Liability Trust Fund to
10 carry out the purposes of section 1012(a)(5) of
11 the Oil Pollution Act of 1990 (33 U.S.C.
12 2712(a)(5));

1 (B) \$631,000,000 shall be available only
2 for paying for search and rescue programs;

3 (C) \$527,000,000 shall be available only
4 for paying for marine safety programs; and

5 (D) \$80,500,000 shall be available only for
6 paying for operating expenses of the Integrated
7 Deepwater System program.

8 (2) For the acquisition, construction, rebuild-
9 ing, and improvement of aids to navigation, shore
10 and offshore facilities, vessels, and aircraft, includ-
11 ing equipment related thereto, \$1,005,768,000, of
12 which—

13 (A) \$20,000,000 shall be derived from the
14 Oil Spill Liability Trust Fund to carry out the
15 purposes of section 1012(a)(5) of the Oil Pollu-
16 tion Act of 1990, to remain available until ex-
17 pended;

18 (B) \$836,866,000 is authorized for the In-
19 tegrated Deepwater System Program; and

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

22 (3) To the Commandant of the Coast Guard for
23 research, development, test, and evaluation of tech-
24 nologies, materials, and human factors directly relat-
25 ing to improving the performance of the Coast

1 Guard's mission in search and rescue, aids to navi-
2 gation, marine safety, marine environmental protec-
3 tion, enforcement of laws and treaties, ice oper-
4 ations, oceanographic research, and defense readi-
5 ness, \$18,583,000, to remain available until ex-
6 pended, of which \$2,000,000 shall be derived from
7 the Oil Spill Liability Trust Fund to carry out the
8 purposes of section 1012(a)(5) of the Oil Pollution
9 Act of 1990.

10 (4) For retired pay (including the payment of
11 obligations otherwise chargeable to lapsed appropria-
12 tions for this purpose), payments under the Retired
13 Serviceman's Family Protection and Survivor Ben-
14 efit Plans, and payments for medical care of retired
15 personnel and their dependents under chapter 55 of
16 title 10, United States Code, \$1,184,720,000, to re-
17 main available until expended.

18 (5) For alteration or removal of bridges over
19 navigable waters of the United States constituting
20 obstructions to navigation, and for personnel and
21 administrative costs associated with the Bridge Al-
22 teration Program, \$16,000,000.

23 (6) For environmental compliance and restora-
24 tion at Coast Guard facilities (other than parts and
25 equipment associated with operation and mainte-

1 nance), \$12,079,000, to remain available until ex-
2 pended.

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

6 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
7 **AND TRAINING.**

8 (a) **ACTIVE DUTY STRENGTH.**—The Coast Guard is
9 authorized an end-of-year strength for active duty per-
10 sonnel of 45,500 for the fiscal year ending on September
11 30, 2008.

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

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

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

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

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

21 **SEC. 103. TRANSFER OF BRIDGE ADMINISTRATION PRO-**
22 **GRAM AUTHORITY AND FUNCTIONS.**

23 (a) **TRANSFER.**—

24 (1) **AUTHORITY AND FUNCTIONS.**—Notwith-
25 standing section 888(b) of the Homeland Security

1 Act of 2002 (6 U.S.C. 468(b)) or any other provi-
2 sion of law, the authorities of the Secretary of
3 Homeland Security to approve the construction, al-
4 teration, or operation of a bridge, drawbridge, or
5 causeway across or over the navigable waters of the
6 United States and to require the alteration, repair,
7 or removal of that bridge, drawbridge, or causeway,
8 pursuant to the Bridge Act of 1906 (34 Stat. 84; 33
9 U.S.C. 491 et seq.), the General Bridge Act of 1946
10 (60 Stat. 847, 33 U.S.C. 525 note), the Truman-
11 Hobbs Act (54 Stat. 497; 33 U.S.C. 511 et seq.),
12 and the International Bridge Act of 1972 (60 Stat.
13 847; 33 U.S.C. 525 et seq.), and the functions re-
14 lated thereto, are hereby transferred to the Sec-
15 retary of Transportation.

16 (2) TRANSFER AND ADMINISTRATION OF BAL-
17 ANCES.—Any unobligated balances of prior appro-
18 priations provided for the alteration of bridges are
19 transferred and shall be available to the Secretary of
20 Transportation to carry out the functions and au-
21 thorities transferred by subsection (a).

1 **TITLE II—COAST GUARD**

2 **SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD**
 3 **JUDGES.**

4 (a) IN GENERAL.—Chapter 7 of title 14, United
 5 States Code, is amended by adding at the end the fol-
 6 lowing:

7 **“§ 153. Appointment of judges**

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

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

“153. Appointment of judges.”.

15 **SEC. 202. INDUSTRIAL ACTIVITIES.**

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

18 (1) by inserting “(a) IN GENERAL.—” before
 19 “‘All orders’”; and

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

21 “(b) ORDERS AND AGREEMENTS FOR INDUSTRIAL
 22 ACTIVITIES.—Under this section, the Coast Guard indus-
 23 trial activities may accept orders and enter into reimburs-

1 able agreements with establishments, agencies, and de-
2 partments of the Department of Defense.”.

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

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

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

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

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

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

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

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

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

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

14 “(b) DISTRIBUTION PERCENTAGES BY GRADE.—

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

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

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

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

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

9 “(c) COMPUTATIONS.—

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

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

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

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

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

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

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

“42. Number and distribution of commissioned officers on active duty pro-
motion list.”.

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

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

6 (1) by striking paragraph (4);

7 (2) in paragraph (5)—

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

10 (B) by striking the period at the end of
11 subparagraph (D) and inserting “; and”; and

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

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

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

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

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

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

24 (B) by striking subsection (c).

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

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

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

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

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

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

11 “(c) GRANTS TO INTERNATIONAL MARITIME ORGA-
12 NIZATIONS.—After consultation with the Secretary of
13 State, the Commandant may make grants to, or enter into
14 cooperative agreements, contracts, or other agreements
15 with, international maritime organizations for the purpose
16 of acquiring information or data about merchant vessel in-
17 spections, security, safety, classification, and port state or
18 flag state law enforcement or oversight.”.

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

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

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

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

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

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

“426. Emergency leave retention authority.”.

10 **SEC. 208. ENFORCEMENT AUTHORITY.**

11 (a) IN GENERAL.—Chapter 5 of title 14, United
12 States Code, is amended by adding at the end the fol-
13 lowing:

14 **“§ 99. Enforcement authority**

15 “Subject to guidelines approved by the Secretary,
16 members of the Coast Guard, in the performance of offi-
17 cial duties, may—

18 “(1) carry a firearm; and

19 “(2) while at a facility (as defined in section
20 70101 of title 46)—

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

23 “(B) seize property as otherwise provided
24 by law.”.

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

8 (c) CLERICAL AMENDMENT.—The analysis for such
9 chapter is amended by adding at the end the following:
“99. Enforcement authority.”.

10 **SEC. 209. REPEAL.**

11 Section 216 of title 14, United States Code, and the
12 item relating to such section in the analysis for chapter
13 11 of such title, are repealed.

14 **SEC. 210. ADMIRALS AND VICE ADMIRALS.**

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

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

20 **“§ 50. Vice admirals**

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

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

4 “(B) shall perform any duties as the Com-
5 mandant may prescribe.

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

8 “(A) The Deputy Commandant for Mission
9 Support.

10 “(B) The Deputy Commandant for National
11 Operations and Policy.

12 “(C) The Commander, Force Readiness Com-
13 mand.

14 “(D) The Commander, Operations Command.

15 “(3) The President may appoint, by and with the ad-
16 vice and consent of the Senate, and reappoint, by and with
17 the advice and consent of the Senate, to each of the posi-
18 tions designated under paragraph (1) an officer of the
19 Coast Guard who is serving on active duty above the grade
20 of captain. The Commandant shall make recommendations
21 for those appointments.

22 “(b)(1) The appointment and the grade of vice admi-
23 ral under this section shall be effective on the date the
24 officer assumes that duty and, except as provided in para-
25 graph (2) of this subsection or in section 51(d) of this

1 title, shall terminate on the date the officer is detached
2 from that duty.

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

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

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

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

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

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

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

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

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

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

13 (e) CLERICAL AMENDMENTS.—

14 (1) The heading for section 47 of that title is
15 amended by striking “**assignment**” and inserting
16 “**appointment**”.

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

19 (A) by striking the item relating to section
20 47 and inserting the following:

“47. Vice Commandant; appointment.”;

21 (B) by striking the item relating to section
22 50 and inserting the following:

“50. Vice admirals.”;

23 and

1 (C) by striking the item relating to section
2 50a.

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

6 **SEC. 211. MERCHANT MARINER MEDICAL ADVISORY COM-**
7 **MITTEE.**

8 (a) IN GENERAL.—Chapter 71 of title 46, United
9 States Code, is amended by adding at the end the fol-
10 lowing new section:

11 **“§ 7115. Merchant Mariner Medical Advisory Com-**
12 **mittee**

13 “(a) ESTABLISHMENT.—

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

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

19 “(A) medical certification determinations
20 for issuance of merchant mariner credentials;

21 “(B) medical standards and guidelines for
22 the physical qualifications of operators of com-
23 mercial vessels;

24 “(C) medical examiner education; and

25 “(D) medical research.

1 “(b) MEMBERSHIP.—

2 “(1) IN GENERAL.—The Committee shall con-
3 sist of twelve members, none of whom is a Federal
4 employee, and shall include—

5 “(A) ten who are health-care professionals
6 with particular expertise, knowledge, or experi-
7 ence regarding the medical examinations of
8 merchant mariners or occupational medicine;
9 and

10 “(B) two who are professional mariners
11 with knowledge and experience in mariner occu-
12 pational requirements.

13 “(2) STATUS OF MEMBERS.—Members of the
14 Committee shall not be considered Federal employ-
15 ees or otherwise in the service or the employment of
16 the Federal Government, except that members shall
17 be considered special Government employees, as de-
18 fined in section 202(a) of title 18, United States
19 Code, and shall be subject to any administrative
20 standards of conduct applicable to the employees of
21 the department in which the Coast Guard is oper-
22 ating.

23 “(c) APPOINTMENTS; TERMS; VACANCIES.—

1 “(1) APPOINTMENTS.—The Secretary shall ap-
2 point the members of the Committee, and each
3 member shall serve at the pleasure of the Secretary.

4 “(2) TERMS.—Each member shall be appointed
5 for a term of three years, except that, of the mem-
6 bers first appointed, three members shall be ap-
7 pointed for a term of two years and three members
8 shall be appointed for a term of one year.

9 “(3) VACANCIES.—Any member appointed to
10 fill the vacancy prior to the expiration of the term
11 for which that member’s predecessor was appointed
12 shall be appointed for the remainder of that term.

13 “(d) CHAIRMAN AND VICE CHAIRMAN.—The Sec-
14 retary shall designate one member of the Committee as
15 the Chairman and one member as the Vice Chairman. The
16 Vice Chairman shall act as Chairman in the absence or
17 incapacity of, or in the event of a vacancy in the office
18 of, the Chairman.

19 “(e) COMPENSATION; REIMBURSEMENT.—Members
20 of the Committee shall serve without compensation, except
21 that, while engaged in the performance of duties away
22 from their homes or regular places of business of the mem-
23 ber, the member of the Committee may be allowed travel
24 expenses, including per diem in lieu of subsistence, as au-
25 thorized by section 5703 of title 5.

1 “(f) STAFF; SERVICES.—The Secretary shall furnish
2 to the Committee the personnel and services as are consid-
3 ered necessary for the conduct of its business.”.

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

8 (c) CLERICAL AMENDMENT.—The analysis for chap-
9 ter 71 of that title is amended by adding at the end the
10 following:

“7115. Merchant Mariner Medical Advisory Committee.”.

11 **SEC. 212. RESERVE COMMISSIONED WARRANT OFFICER TO**
12 **LIEUTENANT PROGRAM.**

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

15 “(a) The president may appoint temporary commis-
16 sioned officers—

17 “(1) in the Regular Coast Guard in a grade,
18 not above lieutenant, appropriate to their qualifica-
19 tions, experience, and length of service, as the needs
20 of the Coast Guard may require, from among the
21 commissioned warrant officers, warrant officers, and
22 enlisted members of the Coast Guard, and from
23 holders of licenses issued under chapter 71 of title
24 46, United States Code; and

1 “(2) in the Coast Guard Reserve in a grade,
2 not above lieutenant, appropriate to their qualifica-
3 tions, experience, and length of service, as the needs
4 of the Coast Guard may require, from among the
5 commissioned warrant officers of the Coast Guard
6 Reserve.”.

7 **SEC. 213. ENHANCED STATUS QUO OFFICER PROMOTION**
8 **SYSTEM.**

9 Chapter 11 of title 14, United States Code, is amend-
10 ed—

11 (1) in section 253(a)—

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

13 and

14 (B) by striking “, and the number of offi-
15 cers the board may recommend for promotion”;

16 (2) in section 258—

17 (A) by designating the existing text as sub-
18 section (a);

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

22 and

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

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

1 “(1) In addition to the information provided
2 pursuant to subsection (a), the Secretary may fur-
3 nish the selection board—

4 “(A) specific direction relating to the needs
5 of the Coast Guard for officers having par-
6 ticular skills, including direction relating to the
7 need for a minimum number of officers with
8 particular skills within a specialty; and

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

12 “(2) Selections made based on the direction and
13 guidance provided under this subsection shall not ex-
14 ceed the maximum percentage of officers who may
15 be selected from below the announced promotion
16 zone at any given selection board convened under
17 section 251 of this title.”;

18 (3) in section 259(a), by inserting after “whom
19 the board” the following: “, giving due consideration
20 to the needs of the Coast Guard for officers with
21 particular skills so noted in specific direction fur-
22 nished to the board by the Secretary under section
23 258 of this title,”; and

24 (4) in section 260(b), by inserting after “quali-
25 fied for promotion” the following: “to meet the

1 needs of the service (as noted in specific direction
2 furnished the board by the Secretary under section
3 258 of this title)’’.

4 **SEC. 214. LASER TRAINING SYSTEM.**

5 (a) IN GENERAL.—Within one year after the date of
6 enactment of this Act, the Secretary of the department
7 in which the Coast Guard shall test an integrated laser
8 engagement system for the training of members of the
9 Coast Guard assigned to small vessels in the use of indi-
10 vidual weapons and machine guns on those vessels. The
11 test shall be conducted on vessels on the Great Lakes
12 using similar laser equipment used by other Federal agen-
13 cies. However, that equipment shall be adapted for use
14 in the marine environment.

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

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

22 (a) AUTHORITY TO FIRE AT OR INTO A VESSEL.—
23 Section 637(c) of title 14, United States Code, is amend-
24 ed—

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

3 (2) in paragraph (2), by striking the period at
4 the end and inserting “; or”; and

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

6 “(3) any other vessel or aircraft owned by a
7 government and used for noncommercial service
8 when—

9 “(A) the vessel or aircraft is under the tac-
10 tical control of the Coast Guard; and

11 “(B) at least one member of the Coast
12 Guard is assigned and conducting a Coast
13 Guard mission on the vessel or aircraft.”.

14 (b) **AUTHORITY TO DISPLAY COAST GUARD ENSIGNS**
15 **AND PENNANTS.**—Section 638(a) of title 14, United
16 States Code, is amended by striking “Coast Guard vessels
17 and aircraft” and inserting “Vessels and aircraft author-
18 ized by the Secretary”.

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

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

23 **“§ 55. District Ombudsmen**

24 “(a) **IN GENERAL.**—The Commandant shall appoint
25 in each Coast Guard District a District Ombudsman to

1 serve as a liaison between ports, terminal operators, ship-
2 owners, and labor representatives and the Coast Guard.

3 “(b) PURPOSE.—The purpose of the District Om-
4 budsman shall be the following:

5 “(1) To support the operations of the Coast
6 Guard in each port in the District for which the Dis-
7 trict Ombudsman is appointed.

8 “(2) To seek to resolve disputes between the
9 Coast Guard and all petitioners regarding require-
10 ments imposed or services provided by the Coast
11 Guard.

12 “(c) FUNCTIONS.—

13 “(1) INVESTIGATIONS.—The District Ombuds-
14 man may investigate complaints brought to the at-
15 tention of the District Ombudsman by a petitioner
16 operating in a port or by Coast Guard personnel.

17 “(2) GUIDELINES FOR DISPUTES.—

18 “(A) IN GENERAL.—The District Ombuds-
19 man shall develop guidelines regarding the
20 types of disputes with respect to which the Dis-
21 trict Ombudsman will provide assistance.

22 “(B) LIMITATION.—The District Ombuds-
23 man shall not provide assistance with respect to
24 a dispute unless it involves the impact of Coast

1 Guard requirements on port business and the
2 flow of commerce.

3 “(C) PRIORITY.—In providing such assist-
4 ance, the District Ombudsman shall give pri-
5 ority to complaints brought by petitioners who
6 believe they will suffer a significant hardship as
7 the result of implementing a Coast Guard re-
8 quirement or being denied a Coast Guard serv-
9 ice.

10 “(3) CONSULTATION.—The District Ombuds-
11 man may consult with any Coast Guard personnel
12 who can aid in the investigation of a complaint.

13 “(4) ACCESS TO INFORMATION.—The District
14 Ombudsman shall have access to any document, in-
15 cluding any record or report, that will aid the Dis-
16 trict Ombudsman in obtaining the information need-
17 ed to conduct an investigation of a complaint.

18 “(5) REPORTS.—At the conclusion of an inves-
19 tigation, the District Ombudsman shall submit a re-
20 port on the findings and recommendations of the
21 District Ombudsman, to the Commander of the Dis-
22 trict in which the petitioner who brought the com-
23 plaint is operating.

1 “(6) DEADLINE.—The District Ombudsman
2 shall seek to resolve each complaint brought in ac-
3 cordance with the guidelines—

4 “(A) in a timely fashion; and

5 “(B) not later than 4 months after the
6 complaint is officially accepted by the District
7 Ombudsman.

8 “(d) APPOINTMENT.—The Commandant shall ap-
9 point as the District Ombudsman a civilian who has expe-
10 rience in port and transportation systems and knowledge
11 of port operations or of maritime commerce (or both).

12 “(e) ANNUAL REPORTS.—The Secretary shall report
13 annually to the Committee on Transportation and Infra-
14 structure of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of the
16 Senate on the matters brought before the District Om-
17 budsmen, including—

18 “(1) the number of matters brought before each
19 District Ombudsman;

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

21 “(3) the eventual resolution of each such mat-
22 ter.”.

23 “(b) CLERICAL AMENDMENT.—The analysis at the be-
24 ginning of that chapter is amended by adding at the end
25 the following new item:

“55. District Ombudsmen.”.

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

3 **SEC. 301. VESSEL SIZE LIMITS.**

4 (a) LENGTH, TONNAGE, AND HORSEPOWER.—Sec-
5 tion 12113(d)(2) of title 46, United States Code, is
6 amended—

7 (1) by inserting “and” after the semicolon at
8 the end of subparagraph (A)(i);

9 (2) by striking “and” at the end of subpara-
10 graph (A)(ii);

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

12 (4) by striking the period at the end of sub-
13 paragraph (B) and inserting “; or”; and

14 (5) by inserting at the end the following:

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

21 (b) CONFORMING AMENDMENTS.—

22 (1) VESSEL REBUILDING AND REPLACE-
23 MENT.—Section 208(g) of the American Fisheries
24 Act (title II of division C of Public Law 105–277;
25 112 Stat. 2681–627) is amended to read as follows:

1 “(g) VESSEL REBUILDING AND REPLACEMENT.—

2 “(1) IN GENERAL.—

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

20 “(B) SAME REQUIREMENTS.—The rebuilt
21 or replacement vessel shall be eligible in the
22 same manner and subject to the same restric-
23 tions and limitations under such subsection as
24 the vessel being rebuilt or replaced.

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

6 “(2) RECOMMENDATIONS OF NORTH PACIFIC
7 COUNCIL.—The North Pacific Council may rec-
8 ommend for approval by the Secretary such con-
9 servation and management measures, including size
10 limits and measures to control fishing capacity, in
11 accordance with the Magnuson-Stevens Act as it
12 considers necessary to ensure that this subsection
13 does not diminish the effectiveness of fishery man-
14 agement plans of the Bering Sea and Aleutian Is-
15 lands Management Area or the Gulf of Alaska.

16 “(3) SPECIAL RULE FOR REPLACEMENT OF
17 CERTAIN VESSELS.—

18 “(A) IN GENERAL.—Notwithstanding the
19 requirements of subsections (b)(2), (c)(1), and
20 (c)(2) of section 12113 of title 46, United
21 States Code, a vessel that is eligible under sub-
22 section (a), (b), (c), (d), or (e) (other than
23 paragraph (21)) and that qualifies to be docu-
24 mented with a fishery endorsement pursuant to
25 section 203(g) or 213(g) may be replaced with

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

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

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

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

24 “(B) COVERED VESSELS.—A covered ves-
25 sel referred to in subparagraph (A) is—

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

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

8 “(5) LIMITATION ON FISHERY ENDORSE-
9 MENTS.—Any vessel that is replaced under this sub-
10 section shall thereafter not be eligible for a fishery
11 endorsement under section 12113 of title 46, United
12 States Code, unless that vessel is also a replacement
13 vessel described in paragraph (1).

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

1 “(7) AUTHORITY OF PACIFIC COUNCIL.—Noth-
2 ing in this section shall be construed to diminish or
3 otherwise affect the authority of the Pacific Council
4 to recommend to the Secretary conservation and
5 management measures to protect fisheries under its
6 jurisdiction (including the Pacific whiting fishery)
7 and participants in such fisheries from adverse im-
8 pacts caused by this Act.”.

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

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

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

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

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

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

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

9 “(7) FISHERY COOPERATIVE EXIT PROVI-
10 SIONS.—

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

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

24 “(ii) shall be assigned, for all pur-
25 poses under this title, in the manner speci-

1 fied by the owner of the vessel being re-
2 moved to any other catcher vessel or
3 among other catcher vessels participating
4 in the fishery cooperative if such vessel or
5 vessels remain in the fishery cooperative
6 for at least one year after the date on
7 which the vessel being removed leaves the
8 directed pollock fishery.

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

22 “(C) LIMITATIONS ON STATUTORY CON-
23 STRUCTION.—Nothing in this paragraph shall
24 be construed—

1 “(i) to make the vessels AJ (United
2 States official number 905625), DONA
3 MARTITA (United States official number
4 651751), NORDIC EXPLORER (United
5 States official number 678234), and
6 PROVIDIAN (United States official num-
7 ber 1062183) ineligible for a fishery en-
8 dorsement or any permit necessary to par-
9 ticipate in any fishery under the authority
10 of the New England Fishery Management
11 Council or the Mid-Atlantic Fishery Man-
12 agement Council established, respectively,
13 under subparagraphs (A) and (B) of sec-
14 tion 302(a)(1) of the Magnuson-Stevens
15 Act; or

16 “(ii) to allow the vessels referred to in
17 clause (i) to participate in any fishery
18 under the authority of the Councils re-
19 ferred to in clause (i) in any manner that
20 is not consistent with the fishery manage-
21 ment plan for the fishery developed by the
22 Councils under section 303 of the Magnu-
23 son-Stevens Act.”.

1 **SEC. 302. GOODS AND SERVICES.**

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

5 (1) by striking “or” at the end of paragraph

6 (2)(C);

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

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

10 “(4) sales taxes on goods and services provided
11 to or by vessels or watercraft (other than vessels or
12 watercraft primarily engaged in foreign com-
13 merce).”.

14 **SEC. 303. SEAWARD EXTENSION OF ANCHORAGE GROUNDS**
15 **JURISDICTION.**

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

18 (1) by inserting before “The” the following:

19 “(a) IN GENERAL.—”.

20 (2) in subsection (a) (as designated by para-
21 graph (1)) by striking “\$100; and the” and insert-
22 ing “up to \$10,000. Each day during which a viola-
23 tion continues shall constitute a separate violation.
24 The”;

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

1 “(b) DEFINITION.—As used in this section ‘navigable
2 waters of the United States’ includes all waters of the ter-
3 ritorial sea of the United States as described in Presi-
4 dential Proclamation No. 5928 of December 27, 1988.”.

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

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

9 “(c) SIMPLE POSSESSION.—

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

20 “(2) DETERMINATION OF AMOUNT.—In deter-
21 mining the amount of the penalty, the Secretary
22 shall consider the nature, circumstances, extent, and
23 gravity of the prohibited acts committed and, with
24 respect to the violator, the degree of culpability, any

1 history of prior offenses, ability to pay, and other
2 matters that justice requires.

3 “(3) TREATMENT OF CIVIL PENALTY ASSESS-
4 MENT.—Assessment of a civil penalty under this
5 subsection shall not be considered a conviction for
6 purposes of State or Federal law but may be consid-
7 ered proof of possession if such a determination is
8 relevant.”.

9 **SEC. 305. TECHNICAL AMENDMENTS TO TONNAGE MEAS-**
10 **UREMENT LAW.**

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

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

15 (2) in subparagraph (A), by striking “arriving”
16 and inserting “that arrives”;

17 (3) in subparagraph (B)—

18 (A) by striking “making” and inserting
19 “that makes”; and

20 (B) by striking “(except a foreign vessel
21 engaged on that voyage)”;

22 (4) in subparagraph (C), by striking “depart-
23 ing” and inserting “that departs”; and

24 (5) in subparagraph (D), by striking “making”
25 and inserting “that makes”.

1 (b) DELEGATION OF AUTHORITY.—Section 14103(c)
2 of that title is amended by striking “intended to be en-
3 gaged on” and inserting “that engages on”.

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

6 (1) by amending subsection (a) to read as fol-
7 lows:

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

12 (2) in subsection (b)—

13 (A) in paragraph (1), by striking the pe-
14 riod at the end and inserting “, unless the gov-
15 ernment of the country to which the vessel be-
16 longs elects to measure the vessel under this
17 chapter.”;

18 (B) in paragraph (3), by inserting “of
19 United States or Canadian registry or nation-
20 ality, or a vessel operated under the authority
21 of the United States or Canada, and that is”
22 after “vessel”;

23 (C) in paragraph (4), by striking “a vessel
24 (except a vessel engaged” and inserting “a ves-
25 sel of United States registry or nationality, or

1 one operated under the authority of the United
2 States (except a vessel that engages”;

3 (D) by striking paragraph (5);

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

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

8 “(5) a barge of United States registry or na-
9 tionality, or a barge operated under the authority of
10 the United States (except a barge that engages on
11 a foreign voyage) unless the owner requests.”;

12 (3) by striking subsection (c);

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

15 (5) in subsection (c), as redesignated, by strik-
16 ing “After July 18, 1994, an existing vessel (except
17 an existing vessel referred to in subsection (b)(5)(A)
18 or (B) of this section)” and inserting “An existing
19 vessel that has not undergone a change that the Sec-
20 retary finds substantially affects the vessel’s gross
21 tonnage (or a vessel to which IMO Resolutions
22 A.494 (XII) of November 19, 1981, A.540 (XIII) of
23 November 17, 1983, or A.541 (XIII) of November
24 17, 1983 apply)”.

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

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

5 (e) TONNAGE CERTIFICATE.—

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

8 (A) in subsection (a), by adding at the end
9 the following: “For a vessel to which the Con-
10 vention does not apply, the Secretary shall pre-
11 scribe a certificate to be issued as evidence of
12 a vessel’s measurement under this chapter.”;

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

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

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

19 (A) by designating the existing text as sub-
20 section (a); and

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

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

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

“14303. Tonnage Certificate.”.

5 (f) OPTIONAL REGULATORY MEASUREMENT.—Sec-
6 tion 14305(a) of that title is amended by striking “docu-
7 mented vessel measured under this chapter,” and inserting
8 “vessel measured under this chapter that is of United
9 States registry or nationality, or a vessel operated under
10 the authority of the United States,”.

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

13 (1) by amending paragraph (1) to read as fol-
14 lows:

15 “(1) A vessel not measured under chapter 143
16 of this title if the application of an international
17 agreement or other law of the United States to the
18 vessel depends on the vessel’s tonnage.”; and

19 (2) in paragraph (2), by striking “a vessel” and
20 inserting “A vessel”.

21 (h) DUAL TONNAGE MEASUREMENT.—Section
22 14513(c) of that title is amended—

23 (1) in paragraph (1)—

24 (A) by striking “vessel’s tonnage mark is
25 below the uppermost part of the load line

1 marks,” and inserting “vessel is assigned two
2 sets of gross and net tonnages under this sec-
3 tion,”; and

4 (B) by inserting “vessel’s tonnage” before
5 “mark”; and

6 (2) in paragraph (2), by striking the period at
7 the end and inserting “as assigned under this sec-
8 tion.”.

9 (i) RECIPROCITY FOR FOREIGN VESSELS.—Sub-
10 chapter II of chapter 145 of that title is amended by add-
11 ing at the end the following:

12 **“§ 14514. Reciprocity for foreign vessels**

13 “For a foreign vessel not measured under chapter
14 143, if the Secretary finds that the laws and regulations
15 of a foreign country related to measurement of vessels are
16 substantially similar to those of this chapter and the regu-
17 lations prescribed under this chapter, the Secretary may
18 accept the measurement and certificate of a vessel of that
19 foreign country as complying with this chapter and the
20 regulations prescribed under this chapter.”.

21 (j) CLERICAL AMENDMENT.—The analysis for sub-
22 chapter II of chapter 145 of such title is amended by add-
23 ing at the end the following:

“14514. Reciprocity for foreign vessels.”.

1 **SEC. 306. SEAMEN'S SHORESIDE ACCESS.**

2 Each facility security plan approved under section
3 70103(c) of title 46, United States Code, shall provide a
4 system for seamen assigned to a vessel at that facility,
5 pilots, and representatives of seamen's welfare and labor
6 organizations to board and depart the vessel through the
7 facility in a timely manner at no cost to the individual.

8 **SEC. 307. FISHING VESSEL SAFETY.**

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

11 (1) in subsection (a), by—

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

14 “(6) other equipment required to minimize the
15 risk of injury to the crew during vessel operations,
16 if the Secretary determines that a risk of serious in-
17 jury exists that can be eliminated or mitigated by
18 that equipment; and”;

19 (B) redesignating paragraph (8) as para-
20 graph (7);

21 (2) in subsection (b)—

22 (A) in paragraph (1) in the matter pre-
23 ceding subparagraph (A), by striking “docu-
24 mented”;

25 (B) in paragraph (1)(A), by striking “the
26 Boundary Line” and inserting “3 nautical miles

1 from the baseline from which the territorial sea
2 of the United States is measured or beyond 3
3 nautical miles from the coastline of the Great
4 Lakes”;

5 (C) in paragraph (2)(B), by striking “life-
6 boats or liferafts” and inserting “a survival
7 craft that ensures that no part of an individual
8 is immersed in water”;

9 (D) in paragraph (2)(D), by inserting
10 “marine” before “radio”;

11 (E) in paragraph (2)(E), by striking
12 “radar reflectors, nautical charts, and anchors”
13 and inserting “nautical charts, and publica-
14 tions”;

15 (F) in paragraph (2)(F), by striking “, in-
16 cluding medicine chests” and inserting “and
17 medical supplies sufficient for the size and area
18 of operation of the vessel;” and

19 (G) by amending subparagraph (G) to read
20 as follows:

21 “(G) ground tackle sufficient for the ves-
22 sel.”;

23 (3) by amending subsection (f) to read as fol-
24 lows:

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

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

7 “(2) shall examine at dockside a vessel de-
8 scribed in subsection (b) at least twice every 5 years,
9 and shall issue a certificate of compliance to a vessel
10 meeting the requirements of this chapter.”; and

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

12 “(g)(1) The individual in charge of a vessel described
13 in subsection (b) must pass a training program approved
14 by the Secretary that meets the requirements in para-
15 graph (2) of this subsection and hold a valid certificate
16 issued under that program.

17 “(2) The training program shall—

18 “(A) be based on professional knowledge and
19 skill obtained through sea service and hands-on
20 training, including training in seamanship, stability,
21 collision prevention, navigation, fire fighting and
22 prevention, damage control, personal survival, emer-
23 gency medical care, and weather;

24 “(B) require an individual to demonstrate abil-
25 ity to communicate in an emergency situation and

1 understand information found in navigation publica-
2 tions;

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

5 “(D) provide for issuance of a certificate to an
6 individual that has successfully completed the pro-
7 gram.

8 “(3) The Secretary shall prescribe regulations imple-
9 menting this subsection. The regulations shall require that
10 individuals who are issued a certificate under paragraph
11 (2)(D) must complete refresher training at least once
12 every 5 years as a condition of maintaining the validity
13 of the certificate.

14 “(4) The Secretary shall establish a publicly acces-
15 sible electronic database listing the names of individuals
16 who have participated in and received a certificate con-
17 firming successful completion of a training program ap-
18 proved by the Secretary under this section.

19 “(h) A vessel to which this chapter applies shall be
20 constructed in a manner that provides a level of safety
21 equivalent to the minimum safety standards the Secretary
22 may establish for recreational vessels under section
23 4302, if—

24 “(1) subsection (b) of this section applies to the
25 vessel;

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

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

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

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

11 “(B) for purchase of safety equipment and
12 training aids for use in those fishing vessel safety
13 training programs.

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

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

19 “(4) There is authorized to be appropriated
20 \$3,000,000 for each of fiscal years 2008 through 2012
21 for grants under this subsection.

22 “(j)(1) The Secretary shall establish a Fishing Safety
23 Research Grant Program to provide funding to individuals
24 in academia, members of non-profit organizations and
25 businesses involved in fishing and maritime matters, and

1 other persons with expertise in fishing safety, to conduct
2 research on methods of improving the safety of the com-
3 mercial fishing industry, including vessel design, emer-
4 gency and survival equipment, enhancement of vessel mon-
5 itoring systems, communications devices, de-icing tech-
6 nology, and severe weather detection.

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

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

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

14 (c) ADVISORY COMMITTEE.—

15 (1) CHANGE OF NAME.—Section 4508 of title
16 46, United States Code, is amended—

17 (A) by striking the section heading and in-
18 serting the following:

19 “§ 4508. **Commercial Fishing Safety Advisory Com-**
20 **mittee**”;

21 and

22 (B) in subsection (a) by striking “Industry
23 Vessel”.

24 (2) CLERICAL AMENDMENT.—The table of sec-
25 tion at the beginning of chapter 45 of title 46,

1 United States Code, is amended by striking the item
2 relating to such section and inserting the following:

“4508. Commercial Fishing Safety Advisory Committee.”.

3 (d) **LOADLINES FOR VESSELS OVER 79 FEET.**—Sec-
4 tion 5102(b)(3) of title 46, United States Code, is amend-
5 ed by inserting after “vessel” the following “, unless the
6 vessel is built or undergoes a major conversion completed
7 after January 1, 2008”.

8 (e) **CLASSING OF VESSELS.**—

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

11 (A) by striking the section heading and in-
12 serting the following:

13 **“§ 4503. Fishing, fish tender, and fish processing ves-
14 sel certification”;**

15 (B) in subsection (a) by striking “fishing
16 processing”; and

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

18 “(c) This section applies to a vessel to which 4502(b)
19 this title applies that—

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

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

22 “(3) undergoes a major conversion completed
23 after that date.

24 “(d) After January 1, 2018, this section applies to
25 a fishing vessel or fish tender vessel that is built before

1 January 1, 2008, and is 25 years of age or older, unless
2 the vessel complies with an alternate safety compliance
3 program prescribed by the Secretary.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tion at the beginning of chapter 45 of title 46,
6 United States Code, is amended by striking the item
7 relating to such section and inserting the following:
“4503. Fishing, fish tender, and fish processing vessel certification.”.

8 **SEC. 308. MARINER RECORDS.**

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

11 (1) by inserting “(a)” before “The”;

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

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

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

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

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

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

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

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

12 **SEC. 310. ADJUSTMENT OF LIABILITY LIMITS FOR NAT-**
13 **URAL GAS DEEPWATER PORTS.**

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

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

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

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

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

2 Section 11301 of title 46, United States Code, is
3 amended—

4 (1) in subsection (a), by striking “or” after the
5 semicolon at the end of paragraph (1), by striking
6 the period at the end of paragraph (2) and inserting
7 “; or”, and by adding at the end the following new
8 paragraph:

9 “(3) subject to inspection under section 3301 of
10 this title.”;

11 (2) in subsection (b) by adding at the end the
12 following new paragraphs:

13 “(13) the time when each seaman and each of-
14 ficer assumed or relieved the watch.

15 “(14) the number of hours in service to the ves-
16 sel of each seaman and each officer.

17 “(15) all entries required by Federal regula-
18 tion.”; and

19 (3) by amending subsection (b)(5) to read as
20 follows:

21 “(5) an account of each accident, illness, or in-
22 jury that occurred during the watch.”.

23 **SEC. 313. UNSAFE OPERATION.**

24 (a) IN GENERAL.—Chapter 21 of title 46, United
25 States Code, is amended by adding at the end the fol-
26 lowing new section:

1 **“§ 2116. Termination for unsafe operation**

2 “An individual authorized to enforce this title—

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

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

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

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of that title is amended by adding at the
24 end the following:

“2116. Termination for unsafe operation.”.

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

2 (a) IN GENERAL.—Chapter 31 of title 46, United
3 States Code, is amended by adding at the end the fol-
4 lowing new section:

5 **“§ 3104. Survival craft**

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

10 “(b) The Secretary may authorize a survival craft
11 that does not provide protection described in subsection
12 (a) to remain in service until not later than January 1,
13 2013, if—

14 “(1) it was approved by the Secretary before
15 January 1, 2008; and

16 “(2) it is in serviceable condition.”.

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

“3104. Survival craft.”.

20 **SEC. 315. SAFETY MANAGEMENT.**

21 (a) VESSELS TO WHICH REQUIREMENTS APPLY.—
22 Section 3202 of title 46, United States Code, is amend-
23 ed—

1 (1) in subsection (a) by striking the heading
2 and inserting “FOREIGN VOYAGES AND FOREIGN
3 VESSELS.—”;

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

6 (3) by inserting after subsection (a) the fol-
7 lowing:

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

10 “(1) a passenger vessel or small passenger ves-
11 sel; and

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

16 (4) in subsection (d), as so redesignated, by
17 striking “subsection (b)” and inserting “subsection
18 (c)”;

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

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

1 “(c) In prescribing regulations for passenger vessels
2 and small passenger vessels, the Secretary shall consider
3 the characteristics, methods of operation, and nature of
4 the service of these vessels.”.

5 **SEC. 316. PROTECTION AGAINST DISCRIMINATION.**

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

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

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

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

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

17 “(D) the seaman notified, or attempted to no-
18 tify, the vessel owner or the Secretary of a work-re-
19 lated personal injury or work-related illness of a sea-
20 man;

21 “(E) the seaman cooperated with a safety in-
22 vestigation by the Secretary or the National Trans-
23 portation Safety Board;

24 “(F) the seaman furnished information to the
25 Secretary, the National Transportation Safety

1 Board, or any other public official as to the facts re-
2 lating to any marine casualty resulting in injury or
3 death to an individual or damage to property occur-
4 ring in connection with vessel transportation; or

5 “(7) the seaman accurately reported hours of
6 duty under this part.”; and

7 (4) by amending subsection (b) to read as fol-
8 lows:

9 “(b) A seaman alleging discharge or discrimination
10 in violation of subsection (a) of this section, or another
11 person at the seaman’s request, may file a complaint with
12 respect to such allegation in the same manner as a com-
13 plaint may be filed under subsection (b) of section 31105
14 of title 49. Such complaint shall be subject to the proce-
15 dures, requirements, and rights described in that section,
16 including with respect to the right to file an objection, the
17 right of a person to file for a petition for review under
18 subsection (c) of that section, and the requirement to
19 bring a civil action under subsection (d) of that section.”.

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

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

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

5 **SEC. 318. CLARIFICATION OF DELEGATION OF AUTHORITY**
6 **TO CLASSIFICATION SOCIETIES.**

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

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

12 (2) in subsection (b)(2)(A), by inserting “or for
13 floating installations,” after “vessels documented in
14 that country”;

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

17 (4) by adding at the end the following new sub-
18 section:

19 “(d) For purposes of this section, the term ‘floating
20 installation’ means any installation, structure, or other de-
21 vice that floats and that either dynamically holds position
22 or is temporarily or permanently attached to the seabed
23 or subsoil under the territorial sea of the United States
24 or the outer Continental Shelf (as that term is defined
25 in section 2 of the Outer Continental Shelf Lands Act (43
26 U.S.C. 1331)), and is used for the purpose of exploring

1 for, developing, producing, or storing the resources from
2 that seabed or subsoil.”.

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

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

6 “(d) A vessel or facility for which a registry endorse-
7 ment is not issued may not engage in regassifying on navi-
8 gable waters unless the vessel or facility transported the
9 gas from a foreign port.”.

10 **SEC. 320. OATHS.**

11 Sections 7105 and 7305 of title 46, United States
12 Code, and the items relating to such sections in the anal-
13 ysis for chapters 71 and 73 of such title, are repealed.

14 **SEC. 321. DURATION OF CREDENTIALS.**

15 (a) **MERCHANT MARINER’S DOCUMENTS.**—Section
16 7302(f) of title 46, United States Code, is amended to
17 read as follows:

18 “(f) **PERIODS OF VALIDITY AND RENEWAL OF MER-**
19 **CHANT MARINERS’ DOCUMENTS.**—

20 “(1) **IN GENERAL.**—Except as provided in sub-
21 section (g), a merchant mariner’s document issued
22 under this chapter is valid for a 5-year period and
23 may be renewed for additional 5-year periods.

24 “(2) **ADVANCE RENEWALS.**—A renewed mer-
25 chant mariner’s document may be issued under this

1 chapter up to 8 months in advance but is not effective
2 until the date that the previously issued merchant
3 mariner's document expires.”.

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

6 **“§ 7106. Duration of licenses**

7 “(a) IN GENERAL.—A license issued under this part
8 is valid for a 5-year period and may be renewed for additional
9 5-year periods; except that the validity of a license
10 issued to a radio officer is conditioned on the continuous
11 possession by the holder of a first-class or second-class radiotelegraph
12 operator license issued by the Federal Communications Commission.

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

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

20 **“§ 7107. Duration of certificates of registry**

21 “(a) IN GENERAL.—A certificate of registry issued
22 under this part is valid for a 5-year period and may be
23 renewed for additional 5-year periods; except that the validity
24 of a certificate issued to a medical doctor or professional
25 nurse is conditioned on the continuous possession

1 by the holder of a license as a medical doctor or registered
2 nurse, respectively, issued by a State.

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

7 **SEC. 322. FINGERPRINTING.**

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

11 **“§ 7507. Fingerprinting**

12 “(a) IN GENERAL.—The Secretary of the Depart-
13 ment in which the Coast Guard is operating may not re-
14 quire an individual to be fingerprinted for the issuance
15 or renewal of a license, a certificate of registry, or a mer-
16 chant mariner’s document under chapter 71 or 73 if the
17 individual was fingerprinted when the individual applied
18 for a transportation security card under section 70105.”.

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

“7507. Fingerprinting.”.

21 **SEC. 323. AUTHORIZATION TO EXTEND THE DURATION OF**
22 **LICENSES, CERTIFICATES OF REGISTRY, AND**
23 **MERCHANT MARINERS’ DOCUMENTS.**

24 (a) MERCHANT MARINER LICENSES AND DOCU-
25 MENTS.—Chapter 75 of title 46, United States Code, as

1 amended by section 5(a) of this Act, is further amended
2 by adding at the end the following:

3 **“§ 7508. Authority to extend the duration of licenses,**
4 **certificates of registry, and merchant**
5 **mariner documents**

6 “(a) LICENSES AND CERTIFICATES OF REGISTRY.—
7 Notwithstanding section 7106 and 7107, the Secretary of
8 the department in which the Coast Guard is operating
9 may extend for one year an expiring license or certificate
10 of registry issued for an individual under chapter 71 if
11 the Secretary determines that extension is required to en-
12 able the Coast Guard to eliminate a backlog in processing
13 applications for those licenses or certificates of registry.

14 “(b) MERCHANT MARINER DOCUMENTS.—Notwith-
15 standing section 7302(g), the Secretary may extend for
16 one year an expiring merchant mariner’s document issued
17 for an individual under chapter 71 if the Secretary deter-
18 mines that extension is required to enable the Coast Guard
19 to eliminate a backlog in processing applications for those
20 documents.

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

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

4 (b) CLERICAL AMENDMENT.—The analysis for such
5 chapter, as amended by section 5(b), is further amended
6 by adding at the end the following:

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

7 **SEC. 324. MERCHANT MARINER DOCUMENTATION.**

8 (a) INTERIM CLEARANCE PROCESS.—Not later than
9 180 days after the date of enactment of this Act, the Sec-
10 retary of the department in which the Coast Guard is op-
11 erating shall develop an interim clearance process for
12 issuance of a merchant mariner document to enable a
13 newly hired seaman to begin working on an offshore sup-
14 ply vessel or towing vessel if the Secretary makes an initial
15 determination that the seaman does not pose a safety and
16 security risk.

17 (b) CONTENTS OF PROCESS.—The process under
18 subsection (a) shall include a check against the consoli-
19 dated and integrated terrorist watch list maintained by the
20 Federal Government, review of the seaman’s criminal
21 record, and review of the results of testing the seaman
22 for use of a dangerous drug (as defined in section 2101
23 of title 46, United States Code) in violation of law or Fed-
24 eral regulation.

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

2 Not later than 180 days after the date of enactment
3 of this Act, the Commandant of the Coast Guard shall
4 submit to the Committee on Transportation and Infra-
5 structure of the House of Representatives and the Com-
6 mittee on Commerce, Science, and Transportation of the
7 Senate a report regarding a plan—

8 (1) to expand the streamlined evaluation proc-
9 ess program that was affiliated with the Houston
10 Regional Examination Center of the Coast Guard to
11 all processing centers of the Coast Guard nation-
12 wide;

13 (2) to include proposals to simplify the applica-
14 tion process for a license as an officer, staff officer,
15 or operator and for a merchant mariner's document
16 to help eliminate errors by merchant mariners when
17 completing the application form (CG-719B), includ-
18 ing instructions attached to the application form and
19 a modified application form for renewals with ques-
20 tions pertaining only to the period of time since the
21 previous application;

22 (3) to provide notice to an applicant of the sta-
23 tus of the pending application, including a process to
24 allow the applicant to check on the status of the ap-
25 plication by electronic means; and

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

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

6 Not later than 180 days after the date of enactment
7 of this Act, the Secretary of Transportation, acting
8 through the Administrator of the Maritime Administra-
9 tion, shall submit to the Committee on Transportation and
10 Infrastructure of the House of Representatives and the
11 Committee on Commerce, Science, and Transportation of
12 the Senate a report concerning methods to address the
13 current and future shortage in the number of merchant
14 mariners, particularly entry-level mariners, including an
15 evaluation of whether an educational loan program pro-
16 viding loans for the cost of on-the-job training would pro-
17 vide an incentive for workers and help alleviate the short-
18 age.

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

20 Not later than 270 days after the date of enactment
21 of this Act, the Secretary of the department in which the
22 Coast Guard is operating shall submit to the Committee
23 on Transportation and Infrastructure of the House of
24 Representatives and the Committee on Commerce,
25 Science, and Transportation of the Senate—

1 (1) a plan to ensure that the process for an ap-
2 plication, by an individual who has, or has applied
3 for, a transportation security card under section
4 70105 of title 46, United States Code, for a mer-
5 chant mariner document can be completed entirely
6 by mail; and

7 (2) a report on the feasibility of, and a timeline
8 to, redesign the merchant mariner document to com-
9 ply with the requirements of such section, including
10 a biometric identifier, and all relevant international
11 conventions, including the International Labour Or-
12 ganization Convention Number 185 concerning the
13 seafarers identity document, and include a review on
14 whether or not such redesign will eliminate the need
15 for separate credentials and background screening
16 and streamline the application process for mariners.

17 **SEC. 328. WATERSIDE SECURITY AROUND LIQUEFIED NAT-**
18 **URAL GAS TERMINALS AND LIQUEFIED NAT-**
19 **URAL GAS TANKERS.**

20 (a) IN GENERAL.—The Commandant of the Coast
21 Guard shall be responsible for providing waterside security
22 services around liquefied natural gas terminals and around
23 tankers transporting liquefied natural gas in security
24 zones established by the Coast Guard.

1 (b) LIMITATION ON RELIANCE ON STATE AND LOCAL
2 GOVERNMENT.—Security arrangements approved as part
3 of the facility security plan approved under section 70103
4 of title 46, United States Code, for an onshore liquefied
5 natural gas terminal may not be based upon the provision
6 of security by a State or local government.

7 (c) ENFORCEMENT OF SECURITY ZONES.—Security
8 zones established by the Coast Guard around tankers
9 transporting liquefied natural gas shall be enforced by the
10 Coast Guard.

11 (d) PROVISION OF ASSETS BY OPERATORS.—

12 (1) IN GENERAL.—As part of their facility se-
13 curity plans, the operators of liquefied natural gas
14 terminals shall provide assets that can be used by
15 the Coast Guard to provide waterside patrols in the
16 areas around liquefied natural gas terminals and
17 around tankers transporting liquefied natural gas in
18 security zones established by the Coast Guard. The
19 Secretary of the department in which the Coast
20 Guard is operating may not approve a facility secu-
21 rity plan under section 70103 of title 46, United
22 States Code, until those assets have been provided to
23 the Secretary.

24 (2) AVAILABILITY TO COAST GUARD.—Those
25 assets shall be available to the Coast Guard for use

1 in the same Coast Guard sector as the sector in
2 which the terminal that provided the assets is lo-
3 cated when use of the asset is not required to pro-
4 vide security around the terminal.

5 **TITLE IV—MISCELLANEOUS**
6 **PROVISIONS**

7 **SEC. 401. CERTIFICATE OF DOCUMENTATION FOR GALLANT**
8 **LADY.**

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

11 (1) in paragraph (1)—

12 (A) by striking “of Transportation” and
13 inserting “of the department in which the Coast
14 Guard is operating”; and

15 (B) by striking subparagraph (A) and in-
16 serting the following:

17 “(A) the vessel GALLANT LADY
18 (Feadship hull number 672, approximately 168
19 feet in length).”;

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

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

1 **SEC. 402. WAIVER.**

2 Notwithstanding section 12112 and chapter 551 of
3 title 46, United States Code, the Secretary of the depart-
4 ment in which the Coast Guard is operating may issue
5 a certificate of documentation with a coastwise endorse-
6 ment for the OCEAN VERITAS (IMO Number
7 7366805).

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

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

11 (1) in subsection (b)(1)—

12 (A) by striking “The Secretary of Trans-
13 portation shall conduct a study that” and in-
14 serting “The Institute shall conduct maritime
15 transportation studies of the Great Lakes re-
16 gion, including studies that”;

17 (B) in subparagraphs (A), (B), (C), (E),
18 (F), (H), (I), and (J) by striking “evaluates”
19 and inserting “evaluate”;

20 (C) in subparagraphs (D) and (G) by
21 striking “analyzes” and inserting “analyze”;

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

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

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

1 “(K) identify ways to improve the integra-
2 tion of the Great Lakes marine transportation
3 system into the national transportation system;

4 “(L) examine the potential of expanded op-
5 erations on the Great Lakes marine transpor-
6 tation system;

7 “(M) identify ways to include intelligent
8 transportation applications into the Great
9 Lakes marine transportation system;

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

13 “(O) establish and maintain a model Great
14 Lakes marine transportation system database;
15 and

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

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

22 “(4) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated to carry out
24 paragraph (1)—

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

- 1 “(B) \$2,200,000 for fiscal year 2008;
2 “(C) \$2,300,000 for fiscal year 2009;
3 “(D) \$2,400,000 for fiscal year 2010; and
4 “(E) \$2,500,000 for fiscal year 2011.”.

5 **SEC. 404. CONVEYANCE.**

6 (a) STATION BRANT POINT BOAT HOUSE.—

7 (1) REQUIREMENT.—The Secretary of the de-
8 partment in which the Coast Guard is operating
9 shall convey to the town of Nantucket, Massachu-
10 setts, all right, title, and interest of the United
11 States in and to the buildings known as the Station
12 Brant Point Boat House located at Coast Guard
13 Station Brant Point, Nantucket, Massachusetts, for
14 use for a public purpose.

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

17 (A) without the payment of consideration;

18 and

19 (B) subject to appropriate terms and con-
20 ditions the Secretary considers necessary.

21 (3) REVERSIONARY INTEREST.—All right, title,
22 and interest in property conveyed under this sub-
23 section shall revert to the United States if any por-
24 tion of the property is used other than for a public
25 purpose.

1 (b) LEASE.—

2 (1) REQUIREMENT.—The Secretary of the de-
3 partment in which the Coast Guard is operating
4 shall enter into a lease with the town of Nantucket
5 that authorizes the town of Nantucket to occupy the
6 land on which the buildings conveyed under sub-
7 section (a) are located, subject to appropriate terms
8 and conditions the Secretary considers necessary.

9 (2) LEASE TERM.—A lease under this sub-
10 section shall not expire before January 31, 2033.

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

15 (A) may terminate the lease without pay-
16 ment of compensation; and

17 (B) shall provide the town of Nantucket
18 not less than 12 months notice of the require-
19 ment to vacate the site and move the buildings
20 conveyed under subsection (a) to another loca-
21 tion.

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

23 (a) FOREIGN AND INTERCOASTAL VOYAGES.—

1 (1) CAP ON PENALTY WAGES.—Section
2 10313(g) of title 46, United States Code, is amend-
3 ed—

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

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

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

14 “(3) A class action suit for wages under this sub-
15 section must be commenced within three years after the
16 later of—

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

19 “(B) the receipt, by a seaman who is a claimant
20 in the suit, of a payment of wages that are the sub-
21 ject of the suit that is made in the ordinary course
22 of employment.”.

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

1 “(f) DEPOSITS IN SEAMAN ACCOUNT.—A seaman
2 employed on a passenger vessel capable of carrying more
3 than 500 passengers may authorize, by written request
4 signed by the seaman, the master, owner, or operator of
5 the vessel, or the employer of the seaman, to make depos-
6 its of wages of the seaman into a checking, savings, invest-
7 ment, or retirement account, or other account to secure
8 a payroll or debit card for the seaman if—

9 “(1) the wages designated by the seaman for
10 such deposit are deposited in a United States or
11 international financial institution designated by the
12 seaman;

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

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

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

24 (b) COASTWISE VOYAGES.—

1 (1) CAP ON PENALTY WAGES.—Section
2 10504(c) of such title is amended—

3 (A) by striking “When” and inserting “(1)
4 Subject to subsection (d), and except as pro-
5 vided in paragraph (2), when”; and

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

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

14 “(3) A class action suit for wages under this sub-
15 section must be commenced within three years after the
16 later of—

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

19 “(B) the receipt, by a seaman who is a claimant
20 in the suit, of a payment of wages that are the sub-
21 ject of the suit that is made in the ordinary course
22 of employment.”.

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

1 “(f) DEPOSITS IN SEAMAN ACCOUNT.—A seaman
2 employed on a passenger vessel capable of carrying more
3 than 500 passengers may authorize, by written request
4 signed by the seaman, the master, owner, or operator of
5 the vessel, or the employer of the seaman, to make depos-
6 its of wages of the seaman into a checking, savings, invest-
7 ment, or retirement account, or other account to secure
8 a payroll or debit card for the seaman if—

9 “(1) the wages designated by the seaman for
10 such deposit are deposited in a United States or
11 international financial institution designated by the
12 seaman;

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

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

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

1 **SEC. 406. TECHNICAL CORRECTIONS.**

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

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

9 (2) in section 603(a)(2) (120 Stat. 554) by
10 striking “33 U.S.C. 2794(a)(2)” and inserting “33
11 U.S.C. 2704(a)(2)”;

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

14 (4) in section 902(c) (120 Stat. 566) by insert-
15 ing “of the United States” after “Revised Statutes”;

16 (5) in section 902(e) (120 Stat. 567) is amend-
17 ed—

18 (A) by inserting “and” after the semicolon
19 at the end of paragraph (1);

20 (B) by striking “and” at the end of para-
21 graph (2)(A); and

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

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

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

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

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

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

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

16 (A) by inserting “the Act of March 23,
17 1906, commonly known as” before “the General
18 Bridge”;

19 (B) by striking “491)” and inserting
20 “494),”; and

21 (C) by inserting “each place it appears”
22 before “and inserting”; and

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

1 (b) TITLE 14.—(1) The analysis for chapter 7 of title
2 14, United States Code, is amended by adding a period
3 at the end of the item relating to section 149.

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

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

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

13 (2) Section 70105(e)(3)(C) of such title is amended
14 by striking “National Intelligence Director” and inserting
15 “Director of National Intelligence”.

16 (d) DEEPWATER PORT ACT OF 1974.—Section
17 5(c)(2) of the Deepwater Port Act of 1974 (33 U.S.C.
18 1504(c)(2)) is amended by aligning the left margin of sub-
19 paragraph (K) with the left margin of subparagraph (L).

20 (e) OIL POLLUTION ACT OF 1990.—(1) Section
21 1004(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C.
22 2704(a)(2)) is amended by striking the first comma fol-
23 lowing “\$800,000”.

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

4 (f) COAST GUARD AUTHORIZATION ACT OF 1996.—
5 The table of sections in section 2 of the Coast Guard Au-
6 thorization Act of 1996 is amended in the item relating
7 to section 103 by striking “reports” and inserting “re-
8 port”.

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

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

18 (1) agrees—

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

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

23 (C) to make the vessel available to the
24 United States Government if needed for use by

1 the Commandant in time of war or a national
2 emergency; and

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

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

14 (3) agrees to any other conditions the Com-
15 mandant considers appropriate.

16 (b) MAINTENANCE AND DELIVERY OF VESSEL.—

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

23 (2) DELIVERY.—If a conveyance is made under
24 this section, the Commandant shall deliver the vessel

1 to a suitable mooring in the local area in its present
2 condition.

3 (3) TREATMENT OF CONVEYANCE.—The con-
4 veyance of the vessel under this section shall not be
5 considered a distribution in commerce for purposes
6 of section 6(e) of Public Law 94–469 (15 U.S.C.
7 2605(e)).

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

15 **SEC. 408. REPEAL OF REQUIREMENT OF LICENSE FOR EM-**
16 **PLOYMENT IN THE BUSINESS OF SALVAGING**
17 **ON THE COAST OF FLORIDA.**

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

20 (1) by striking section 80102; and

21 (2) in the table of sections at the beginning of
22 the chapter by striking the item relating to that sec-
23 tion.

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

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

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

17 (c) **LIMITATION.**—The property referred to in sub-
18 section (a) may not be conveyed under that subsection
19 until the Commandant of the Coast Guard determines that
20 the property is not needed to carry out Coast Guard mis-
21 sions or functions.

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

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

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

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

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

15 **SEC. 410. CONVEYANCE OF COAST GUARD HU-25 FALCON**
16 **JET AIRCRAFT.**

17 (a) AUTHORITY TO CONVEY.—Notwithstanding any
18 other law, the Commandant of the Coast Guard may con-
19 vey to the Elizabeth City State University (in this section
20 referred to as the “University”), a public university lo-
21 cated in the State of North Carolina, without consider-
22 ation all right, title, and interest of the United States in
23 an HU-25 Falcon Jet aircraft under the administrative
24 jurisdiction of the Coast Guard that the Commandant de-
25 termines—

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

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

4 (b) CONDITIONS.—

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

9 (A) to utilize the aircraft for educational
10 purposes or other public purposes as jointly
11 agreed upon by the Commandant and the Uni-
12 versity before conveyance; and

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

16 (2) REVERSIONARY INTEREST.—If the Com-
17 mandant determines that the recipient violated sub-
18 paragraph (A) or (B) of paragraph (1), then—

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

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

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

1 (c) LIMITATION ON FUTURE TRANSFERS.—

2 (1) IN GENERAL.—The Commandant shall in-
3 clude in the instruments for the conveyance a re-
4 quirement that any further conveyance of an interest
5 in the aircraft may not be made without the ap-
6 proval in advance of the Commandant.

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

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

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

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

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

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

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

23 (3) without cost to the United States.

24 (e) ADDITIONAL TERMS AND CONDITIONS.—The
25 Commandant may require such additional terms and con-

1 ditions in connection with the conveyance required by sub-
2 section (a) as the Commandant considers appropriate to
3 protect the interests of the United States.

4 **SEC. 411. DECOMMISSIONED COAST GUARD VESSELS FOR**
5 **HAITI.**

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

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

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

17 (3) to hold the United States Government
18 harmless for any claims arising from exposure to
19 hazardous materials, including asbestos and poly-
20 chlorinated biphenyls, after conveyance of the vessel,
21 except for claims arising from the use by the United
22 States Government under paragraph (2); and

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

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

4 (c) MAINTENANCE AND DELIVERY OF VESSEL.—

5 (1) MAINTENANCE.—Before conveyance of a
6 vessel under this section, the Commandant shall
7 make, to the extent practical and subject to other
8 Coast Guard mission requirements, every effort to
9 maintain the integrity of the vessel and its equip-
10 ment until the time of delivery.

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

15 (3) TREATMENT OF CONVEYANCE.—The con-
16 veyance of a vessel under this section shall not be
17 considered a distribution in commerce for purposes
18 of section 6(e) of Public Law 94–469 (15 U.S.C.
19 2605(e)).

1 **SEC. 412. EXTENSION OF PERIOD OF OPERATION OF VES-**
2 **SEL FOR SETTING, RELOCATION, OR RECOV-**
3 **ERY OF ANCHORS OR OTHER MOORING**
4 **EQUIPMENT.**

5 Section 705(a)(2) of Public Law 109–347 (120 Stat.
6 1945) is amended by striking “two” and inserting
7 “three”.

8 **TITLE V—BALLAST WATER**
9 **TREATMENT**

10 **SEC. 501. SHORT TITLE.**

11 This title may be cited as the “Ballast Water Treat-
12 ment Act of 2007”.

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

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

17 (1) by redesignating subsection (b) as sub-
18 section (c);

19 (2) by inserting after subsection (a) the fol-
20 lowing:

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

1 “(1) it is the national goal that ballast water
2 discharged into the waters of the United States will
3 contain no living (viable) organisms by the year
4 2015;

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

8 “(3) it is the national policy that Federal,
9 State, and local governments and the private sector
10 identify the most effective ways to coordinate pre-
11 vention efforts, and harmonize environmentally
12 sound methods to prevent, detect, monitor, and con-
13 trol nonindigenous aquatic nuisance species, in an
14 expeditious manner.”.

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

17 (A) by striking “prevent” and inserting
18 “eliminate”; and

19 (B) by inserting “treatment” after “ballast
20 water”;

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

22 (A) by inserting “, detection, monitoring,”
23 after “prevention”; and

24 (B) by striking “the zebra mussel and
25 other”;

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

2 (A) by inserting “detect,” after “prevent,”;

3 and

4 (B) by striking “from pathways other than
5 ballast water exchange”;

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

8 (7) in subsection (c)(5) (as so redesignated)—

9 (A) by inserting “prevention,” after “in
10 the”;

11 (B) by inserting a comma after “manage-
12 ment”;

13 (C) by striking “zebra mussels” and in-
14 serting “aquatic nuisance species”.

15 **SEC. 503. BALLAST WATER MANAGEMENT.**

16 (a) IN GENERAL.—Section 1101 of the Nonindige-
17 nous Aquatic Nuisance Prevention and Control Act of
18 1990 (16 U.S.C. 4711) is amended to read as follows:

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

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

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

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

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

2 “(ii) is a foreign vessel that—

3 “(I) is en route to a United States
4 port or place; or

5 “(II) has departed from a United
6 States port or place and is within waters
7 subject to the jurisdiction of the United
8 States.

9 “(2) PERMANENT BALLAST WATER VESSELS.—

10 This section does not apply to a vessel that carries
11 all of its permanent ballast water in sealed tanks
12 that are not subject to discharge.

13 “(3) ARMED FORCES VESSELS.—

14 “(A) EXEMPTION.—Except as provided in
15 subparagraph (B), this section does not apply
16 to a vessel of the Armed Forces.

17 “(B) BALLAST WATER MANAGEMENT PRO-
18 GRAM.—The Secretary and the Secretary of De-
19 fense, after consultation with each other and
20 with the Under Secretary and the heads of
21 other appropriate Federal agencies as deter-
22 mined by the Secretary, shall implement a bal-
23 last water management program, including the
24 issuance of standards for ballast water ex-
25 change and treatment and for sediment man-

1 agement, for vessels of the Armed Forces under
2 their respective jurisdictions designed, con-
3 structed, or adapted to carry ballast water that
4 are—

5 “(i) consistent with the requirements
6 of this section, including the deadlines es-
7 tablished by this section; and

8 “(ii) at least as stringent as the re-
9 quirements issued for such vessels under
10 section 312 of the Federal Water Pollution
11 Control Act (33 U.S.C. 1322).

12 “(4) SPECIAL RULE FOR SMALL RECREATIONAL
13 VESSELS.—In applying this section to recreational
14 vessels less than 50 meters in length that have a
15 maximum ballast water capacity of 8 cubic meters,
16 the Secretary may issue alternative measures for
17 managing ballast water in a manner that is con-
18 sistent with the requirements of this section.

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

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

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

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

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

8 “(ii) saving a life at sea.

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

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

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

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

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

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

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

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

18 “(B) is approved by the Secretary.

19 “(2) APPROVAL CRITERIA.—

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

23 “(i) describes in detail the actions to
24 be taken to implement the ballast water

1 management requirements established
2 under this section;

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

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

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

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

17 “(vi) meets all other requirements
18 prescribed by the Secretary.

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

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

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

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

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

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

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

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

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

4 “(3) RETENTION PERIOD.—The ballast water
5 record book shall be retained—

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

9 “(B) under the control of the vessel’s
10 owner for an additional period of 3 years.

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

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

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

20 “(C) the owner or operator of the vessel
21 transmit such information to the Secretary re-
22 garding the ballast operations of the vessel as
23 the Secretary may require.

24 “(5) ALTERNATIVE MEANS OF RECORD-
25 KEEPING.—The Secretary may provide, by regula-

1 tion, for alternative methods of recordkeeping, in-
2 cluding electronic recordkeeping, to comply with the
3 requirements of this subsection. Any electronic rec-
4 ordkeeping method authorized by the Secretary shall
5 support the inspection and enforcement provisions of
6 this Act and shall comply with applicable standards
7 of the National Institute of Standards and Tech-
8 nology and the Office of Management and Budget
9 governing reliability, integrity, identity authentica-
10 tion, and nonrepudiation of stored electronic data.

11 “(e) BALLAST WATER EXCHANGE REQUIRE-
12 MENTS.—

13 “(1) IN GENERAL.—

14 “(A) REQUIREMENT.—Until a vessel is re-
15 quired to conduct ballast water treatment in ac-
16 cordance with subsection (f), the operator of a
17 vessel to which this section applies may not dis-
18 charge ballast water in waters subject to the ju-
19 risdiction of the United States, except after—

20 “(i) conducting ballast water exchange
21 as required by this subsection, in accord-
22 ance with regulations issued by the Sec-
23 retary;

1 “(ii) using ballast water treatment
2 technology that meets the performance
3 standards of subsection (f); or

4 “(iii) using environmentally sound al-
5 ternative ballast water treatment tech-
6 nology if the Secretary determines that
7 such treatment technology is at least as ef-
8 fective as the ballast water exchange re-
9 quired by clause (i) in preventing and con-
10 trolling the introduction of aquatic nui-
11 sance species.

12 “(B) TECHNOLOGY EFFICACY.—For pur-
13 poses of this paragraph, a ballast water treat-
14 ment technology shall be considered to be at
15 least as effective as the ballast water exchange
16 required by clause (i) in preventing and control-
17 ling the introduction of aquatic nuisance spe-
18 cies if preliminary experiments prior to installa-
19 tion of the technology aboard the vessel dem-
20 onstrate that the technology removed or killed
21 at least 98 percent of organisms larger than 50
22 microns.

23 “(2) GUIDANCE; 5-YEAR USAGE.—

24 “(A) GUIDANCE.—Not later than one year
25 after the date of enactment of the Ballast

1 Water Treatment Act of 2007, the Secretary
2 shall develop and issue guidance on technology
3 that may be used under paragraph (1)(A)(iii).

4 “(B) 5-YEAR USAGE.—The Secretary shall
5 allow a vessel using environmentally-sound al-
6 ternative ballast treatment technology under
7 paragraph (1)(A)(iii) to continue to use that
8 technology for 5 years after the date on which
9 the environmentally-sound alternative ballast
10 water treatment technology was first placed in
11 service on the vessel or the date on which treat-
12 ment requirements under subsection (f) become
13 applicable, whichever is later.

14 “(3) EXCHANGE AREAS.—

15 “(A) VESSELS OUTSIDE THE UNITED
16 STATES EEZ.—The operator of a vessel en route
17 to a United States port or place from a port or
18 place outside the waters subject to the jurisdic-
19 tion of the United States shall conduct ballast
20 water exchange—

21 “(i) before arriving at a United States
22 port or place;

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

1 “(iii) in water at least 200 meters in
2 depth.

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

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

12 “(ii) in water at least 200 meters in
13 depth.

14 “(4) SAFETY OR STABILITY EXCEPTION.—

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

21 “(B) MASTER OF THE VESSEL DETER-
22 MINATION.—Paragraph (3) does not apply to
23 the discharge of ballast water if the master of
24 a vessel determines that compliance with that
25 paragraph would threaten the safety or stability

1 of the vessel, its crew, or its passengers because
2 of adverse weather, equipment failure, or any
3 other relevant condition.

4 “(C) NOTIFICATION REQUIRED.—When-
5 ever the master of a vessel is unable to comply
6 with the requirements of paragraph (3) because
7 of a determination made under subparagraph
8 (B), the master of the vessel shall—

9 “(i) notify the Secretary as soon as
10 practicable thereafter but no later than 24
11 hours after making that determination and
12 shall ensure that the determination, the
13 reasons for the determination, and the no-
14 tice are recorded in the vessel’s ballast
15 water record book; and

16 “(ii) undertake ballast water exchange
17 in accordance with paragraph (6) if safety
18 or stability concerns prevent undertaking
19 ballast water exchange in the alternative
20 area.

21 “(D) REVIEW OF CIRCUMSTANCES.—If the
22 master of a vessel conducts a ballast water dis-
23 charge under the provisions of this paragraph,
24 the Secretary shall review the circumstances to
25 determine whether the discharge met the re-

1 requirements of this paragraph. The review under
2 this clause shall be in addition to any other en-
3 forcement authority of the Secretary.

4 “(5) DISCHARGE UNDER WAIVER.—

5 “(A) SUBSTANTIAL BUSINESS HARDSHIP
6 WAIVER.—If, because of the short length of a
7 voyage, the operator of a vessel is unable to dis-
8 charge ballast water in accordance with the re-
9 quirements of paragraph (3)(B) without sub-
10 substantial business hardship, as determined under
11 regulations issued by the Secretary, the oper-
12 ator may request a waiver from the Secretary
13 and discharge the ballast water in accordance
14 with paragraph (6). A request for a waiver
15 under this subparagraph shall be submitted to
16 the Secretary at such time and in such form
17 and manner as the Secretary may require.

18 “(B) SUBSTANTIAL BUSINESS HARD-
19 SHIP.—For purposes of subparagraph (A), the
20 factors taken into account in determining sub-
21 stantial business hardship shall include wheth-
22 er—

23 “(i) compliance with the requirements
24 of paragraph (3)(B) would require a suffi-
25 ciently great change in routing or sched-

1 uling of service as to compromise the eco-
2 nomic or commercial viability of the trade
3 or business in which the vessel is operated;
4 or

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

9 “(6) PERMISSABLE DISCHARGE.—

10 “(A) IN GENERAL.—The discharge of bal-
11 last water shall be considered to be carried out
12 in accordance with this paragraph if it is—

13 “(i) in an area designated for that
14 purpose by the Secretary, after consulta-
15 tion with the Under Secretary, the heads
16 of other appropriate Federal agencies as
17 determined by the Secretary, and rep-
18 resentatives of any State that may be af-
19 fected by discharge of ballast water in that
20 area; or

21 “(ii) into a reception facility described
22 in subsection (f)(2).

23 “(B) LIMITATION ON VOLUME.—The vol-
24 ume of any ballast water discharged under this

1 paragraph may not exceed the volume necessary
2 to ensure the safe operation of the vessel.

3 “(7) CERTAIN GEOGRAPHICALLY LIMITED
4 ROUTES.—Notwithstanding paragraph (1), the oper-
5 ator of a vessel is not required to comply with the
6 requirements of this subsection—

7 “(A) if the vessel operates exclusively—

8 “(i) within the Great Lakes; or

9 “(ii) between or among the main
10 group of the Hawaiian Islands; or

11 “(B) if the vessel operates exclusively with-
12 in any area with respect to which the Secretary
13 has determined, after consultation with the
14 Under Secretary, the Administrator, and rep-
15 resentatives of States the waters of which would
16 be affected by the discharge of ballast water
17 from the vessel, that the risk of introducing
18 aquatic nuisance species through ballast water
19 discharge in the areas in which the vessel oper-
20 ates is insignificant.

21 “(8) MARINE SANCTUARIES AND OTHER PRO-
22 HIBITED AREAS.—A vessel may not conduct ballast
23 water exchange or discharge ballast water under this
24 subsection—

1 “(A) within a national marine sanctuary
2 designated under of the National Marine Sanc-
3 tuaries Act (16 U.S.C. 1431 et seq.);

4 “(B) in waters that are approved by the
5 Administrator as a nondischarge zone under
6 section 312(n)(7) of the Federal Water Pollu-
7 tion Control Act (33 U.S.C. 1322(n)(7)); or

8 “(C) in any other waters designated by the
9 Secretary, in consultation with the Under Sec-
10 retary and the Administrator.

11 “(9) VESSELS OPERATING IN THE GREAT
12 LAKES.—

13 “(A) VESSELS WITH NO BALLAST ON
14 BOARD.—The Secretary shall issue regulations
15 that are intended to minimize the introduction
16 of nuisance species from vessels to which this
17 section applies that—

18 “(i) have not undertaken ballast water
19 exchange in accordance with this sub-
20 section; and

21 “(ii) enter a port in the Great Lakes
22 without pumpable ballast water.

23 “(B) EFFECTIVE DATE FOR NEW REGULA-
24 TIONS.—The regulations issued by the Sec-
25 retary of Transportation under this section, as

1 such regulations were in effect on the day be-
2 fore the date of enactment of the Ballast Water
3 Treatment Act of 2007, shall remain in effect
4 for, and shall continue to apply to, vessels en-
5 tering or operating in the Great Lakes until the
6 earlier of—

7 “(i) the date on which such vessels
8 are required to conduct ballast water treat-
9 ment in accordance with the requirements
10 of subsection (f); or

11 “(ii) the effective date of final regula-
12 tions issued by the Secretary to implement
13 this section that are at least as stringent
14 as the regulations in effect on the day be-
15 fore such date of enactment, as determined
16 by the Secretary in consultation with the
17 Governors of the Great Lakes region.

18 “(f) BALLAST WATER TREATMENT REQUIRE-
19 MENTS.—

20 “(1) PERFORMANCE STANDARDS.—A vessel to
21 which this section applies shall conduct ballast water
22 treatment in accordance with the requirements of
23 this subsection before discharging ballast water in
24 waters subject to the jurisdiction of the United

1 States so that the ballast water discharged will con-
2 tain—

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

6 “(B) less than 1 living organism per 10
7 milliliters that is less than 50 micrometers in
8 minimum dimension and more than 10 microm-
9 eters in minimum dimension;

10 “(C) concentrations of indicator microbes
11 that are less than—

12 “(i) 1 colony-forming unit of
13 toxicogenic *Vibrio cholera* (serotypes O1
14 and O139) per 100 milliliters or less than
15 1 colony-forming unit of that microbe per
16 gram of wet weight of zoological samples;

17 “(ii) 126 colony-forming units of *esch-*
18 *erichia coli* per 100 milliliters; and

19 “(iii) 33 colony-forming units of intes-
20 tinal enterococci per 100 milliliters; and

21 “(D) concentrations of such additional in-
22 dicator microbes as may be specified in regula-
23 tions issued by the Secretary, after consultation
24 with other appropriate Federal agencies as de-

1 terminated by the Secretary, that are less than
2 the amount specified in those regulations.

3 “(2) RECEPTION FACILITY EXCEPTION.—

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

7 “(i) a land-based facility for the re-
8 ception of ballast water that meets stand-
9 ards issued by the Administrator; or

10 “(ii) a water-based facility for the re-
11 ception of ballast water that meets stand-
12 ards issued by the Secretary.

13 “(B) ISSUANCE OF STANDARDS.—Not
14 later than one year after the date of enactment
15 of the Ballast Water Treatment Act of 2007,
16 the Secretary, in consultation with the heads of
17 other appropriate Federal agencies as deter-
18 mined by the Secretary, shall issue standards
19 for—

20 “(i) the reception of ballast water in
21 land-based and water-based reception fa-
22 cilities; and

23 “(ii) the disposal or treatment of such
24 ballast water in a way that does not impair

1 or damage the environment, human health,
2 property, or resources.

3 “(3) TREATMENT SYSTEM IMPLEMENTATION.—
4 Paragraph (1) applies to a vessel to which this sec-
5 tion applies beginning on the date of the first dry-
6 docking of the vessel after December 31, 2008, but
7 not later than December 31, 2013.

8 “(4) TREATMENT SYSTEM APPROVAL RE-
9 QUIRED.—The operator of a vessel to which this sec-
10 tion applies may not use a ballast water treatment
11 system to comply with the requirements of this sub-
12 section unless the system is approved by the Sec-
13 retary. The Secretary shall issue regulations estab-
14 lishing a process for such approval, after consulta-
15 tion with the heads of other appropriate Federal
16 agencies as determined by the Secretary.

17 “(5) RELIANCE ON CERTAIN REPORTS, DOCU-
18 MENTS, AND RECORDS.—In approving a ballast
19 water treatment system under this subsection, the
20 Secretary may rely on reports, documents, and
21 records of persons that meet such requirements as
22 the Secretary may prescribe.

23 “(6) FEASIBILITY REVIEW.—

24 “(A) IN GENERAL.—Not later than De-
25 cember 31, 2007, the Secretary shall complete

1 a review to determine whether appropriate tech-
2 nologies are available to achieve the standards
3 set forth in paragraph (1). In reviewing the
4 technologies the Secretary, after consultation
5 with the heads of other appropriate Federal
6 agencies as determined by the Secretary, shall
7 consider—

8 “(i) the effectiveness of a technology
9 in achieving the standards;

10 “(ii) feasibility in terms of compat-
11 ibility with ship design and operations;

12 “(iii) safety considerations;

13 “(iv) whether a technology has an ad-
14 verse impact on the environment; and

15 “(v) cost effectiveness.

16 “(B) DELAY IN SCHEDULED APPLICA-
17 TION.—If the Secretary determines, on the
18 basis of the review conducted under subpara-
19 graph (A), that compliance with the standards
20 set forth in paragraph (1) is not feasible for
21 any class of vessels, the Secretary—

22 “(i) may extend the date on which
23 that subparagraph first applies to a vessel
24 of such class for a period of not more than

1 12 months, but not later than December
2 31, 2013; and

3 “(ii) shall recommend action to ensure
4 that compliance with the extended date is
5 achieved.

6 “(C) HIGHER STANDARDS.—If the Sec-
7 retary determines that ballast water treatment
8 technology exists that exceeds the performance
9 standards required under paragraph (1), the
10 Secretary shall revise, for any class of vessels,
11 the performance standards to incorporate the
12 higher performance standards.

13 “(7) DELAY OF APPLICATION FOR VESSEL PAR-
14 TICIPATING IN PROMISING TECHNOLOGY EVALUA-
15 TIONS.—

16 “(A) IN GENERAL.—If a vessel participates
17 in a program using a technology approved by
18 the Secretary to test and evaluate promising
19 ballast water treatment technologies that are
20 likely to result in treatment technologies achiev-
21 ing a standard that is the same as or more
22 stringent than the standard that applies under
23 paragraph (1) before the first date on which
24 paragraph (1) applies to that vessel, the Sec-
25 retary shall allow the vessel to use that tech-

1 nology for a 10-year period and such vessel
2 shall be deemed to be in compliance with the re-
3 quirements of paragraph (1) during that 10-
4 year period.

5 “(B) VESSEL DIVERSITY.—The Sec-
6 retary—

7 “(i) shall seek to ensure that a wide
8 variety of vessel types and voyages are in-
9 cluded in the program; but

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

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

16 “(i) the participation of the vessel in
17 the program is terminated without the con-
18 sent of the Secretary;

19 “(ii) the vessel does not comply with
20 manufacturer’s standards for operating the
21 ballast water treatment technology used on
22 such vessel; or

23 “(iii) the Secretary determines that
24 the approved technology is insufficiently ef-

1 fective or is causing harm to the environ-
2 ment.

3 “(8) REVIEW OF STANDARDS.—

4 “(A) IN GENERAL.—In December 2012
5 and every third year thereafter, the Secretary
6 shall complete review of ballast water treatment
7 standards in effect under this subsection to de-
8 termine, after consultation with the Adminis-
9 trator and the heads of other appropriate Fed-
10 eral agencies determined by the Secretary, if
11 the standards under this subsection should be
12 revised to reduce the amount of organisms or
13 microbes allowed to be discharged, taking into
14 account improvements in the scientific under-
15 standing of biological processes leading to the
16 spread of aquatic nuisance species and improve-
17 ments in ballast water treatment technology.
18 The Secretary shall revise, by regulation, the
19 requirements of this subsection as necessary.

20 “(B) APPLICATION OF ADJUSTED STAND-
21 ARDS.—In the regulations, the Secretary shall
22 provide for the prospective application of the
23 adjusted standards issued under this paragraph
24 to vessels constructed after the date on which
25 the adjusted standards apply and for an orderly

1 phase-in of the adjusted standards to existing
2 vessels.

3 “(9) HIGH-RISK VESSELS.—

4 “(A) VESSEL LIST.—Not later than one
5 year after the date of enactment of the Ballast
6 Water Treatment Act of 2007, the Secretary
7 shall publish and regularly update a list of ves-
8 sels identified by the States that, due to factors
9 such as the origin of their voyages, the fre-
10 quency of their voyages, the volume of ballast
11 water they carry, the biological makeup of the
12 ballast water, and the fact that they frequently
13 discharge ballast water under an exception to
14 subsection (e), pose a high risk of introducing
15 aquatic nuisance species into the waters of
16 those States.

17 “(B) INCENTIVE PROGRAMS.—The Sec-
18 retary shall give priority to vessels on the list
19 for participation in a program described in
20 paragraph (7). Any Federal agency, and any
21 State agency with respect to vessels identified
22 by such State to the Secretary for inclusion on
23 a list under subparagraph (A), may develop and
24 implement technology development programs or
25 other incentives (whether positive or negative)

1 in order to encourage the adoption of ballast
2 water treatment technology by those vessels
3 consistent with the requirements of this section
4 on an expedited basis.

5 “(10) NONAPPLICABILITY OF VESSELS OPER-
6 ATING EXCLUSIVELY IN DETERMINED AREA.—

7 “(A) IN GENERAL.—Except as provided in
8 subparagraph (D), paragraph (1) does not
9 apply to a vessel that operates exclusively with-
10 in an area if the Secretary has determined
11 through a rulemaking proceeding, after con-
12 sultation with the Administrator and the heads
13 of other appropriate Federal agencies as deter-
14 mined by the Secretary, and representatives of
15 States the waters of which could be affected by
16 the discharge of ballast water from the vessel,
17 that the risk of introducing aquatic nuisance
18 species through ballast water discharge from
19 the vessel is insignificant.

20 “(B) CERTAIN VESSELS.—A vessel con-
21 structed before January 1, 2001, that operates
22 exclusively within the Great Lakes shall be pre-
23 sumed not to pose a significant risk of intro-
24 ducing aquatic nuisance species unless the Sec-

1 retary finds otherwise in a rulemaking pro-
2 ceeding under subparagraph (A).

3 “(C) BEST PRACTICES.—The Secretary
4 shall develop, and require a vessel exempted
5 from complying with the requirements of para-
6 graph (1) under this paragraph to follow, best
7 practices to minimize the spreading of aquatic
8 nuisance species in its operation area. The best
9 practices shall be developed in consultation with
10 the Governors of States that may be affected.

11 “(D) STOPPING THE SPREAD OF INFEC-
12 TIOUS DISEASE.—The Secretary, at the request
13 of the Secretary of Agriculture, shall require a
14 vessel to which paragraph (1) does not apply in
15 accordance with subparagraph (A) to have a
16 ballast water treatment system approved by the
17 Secretary under this subsection to stop the
18 spread of infectious diseases to plants and ani-
19 mals as otherwise authorized by law.

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

1 “(g) WARNINGS CONCERNING BALLAST WATER UP-
2 TAKE.—

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

8 “(2) CONTENTS.—The notice shall include—

9 “(A) the coordinates of the area; and

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

12 “(h) SEDIMENT MANAGEMENT.—

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

17 “(A) in accordance with this subsection
18 and the ballast water management plan ap-
19 proved under subsection (c); and

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

22 “(ii) into a reception facility that meets the
23 requirements of paragraph (3).

24 “(2) DESIGN REQUIREMENTS.—

1 “(A) NEW VESSELS.—After December 31,
2 2008, a vessel to which this section applies may
3 not be operated on waters subject to the juris-
4 diction of the United States, unless that vessel
5 is designed and constructed in accordance with
6 regulations issued under subparagraph (C) and
7 in a manner that—

8 “(i) minimizes the uptake and entrap-
9 ment of sediment;

10 “(ii) facilitates removal of sediment;
11 and

12 “(iii) provides for safe access for sedi-
13 ment removal and sampling.

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

21 “(C) REGULATIONS.—The Secretary shall
22 issue regulations establishing design and con-
23 struction standards to achieve the objectives of
24 subparagraph (A) and providing guidance for
25 modifications and practices under subparagraph

1 (B). The Secretary shall incorporate the stand-
2 ards and guidance in the regulations governing
3 the ballast water management plan approved
4 under subsection (c).

5 “(3) SEDIMENT RECEPTION FACILITIES.—

6 “(A) STANDARDS.—The Secretary, in con-
7 sultation with the heads of other appropriate
8 Federal agencies as determined by the Sec-
9 retary, shall issue regulations governing facili-
10 ties for the reception of vessel sediment from
11 spaces designed to carry ballast water that pro-
12 vide for the disposal of such sediment in a way
13 that does not impair or damage the environ-
14 ment, human health, or property or resources of
15 the disposal area.

16 “(B) DESIGNATION.—The Secretary, in
17 consultation with the heads of other appropriate
18 Federal agencies as determined by the Sec-
19 retary shall designate facilities for the reception
20 of vessel sediment that meet the requirements
21 of the regulations issued under subparagraph
22 (A) at ports and terminals where ballast tanks
23 are cleaned or repaired.

24 “(i) EXAMINATIONS AND CERTIFICATIONS.—

25 “(1) INITIAL EXAMINATION.—

1 “(A) IN GENERAL.—The Secretary shall
2 examine vessels to which this section applies to
3 determine whether—

4 “(i) there is a ballast water manage-
5 ment plan for the vessel that is approved
6 by the Secretary and a ballast water record
7 book on the vessel that meets the require-
8 ments of subsection (d);

9 “(ii) the equipment used for ballast
10 water and sediment management in ac-
11 cordance with the requirements of this sec-
12 tion and the regulations issued under this
13 section is installed and functioning prop-
14 erly.

15 “(B) NEW VESSELS.—For vessels con-
16 structed on or after January 1, 2009, the Sec-
17 retary shall conduct the examination required
18 by subparagraph (A) before the vessel is placed
19 in service.

20 “(C) EXISTING VESSELS.—For vessels con-
21 structed before January 1, 2009, the Secretary
22 shall—

23 “(i) conduct the examination required
24 by subparagraph (A) before the date on
25 which subsection (f)(1) applies to the ves-

1 sel according to the schedule in subsection
2 (f)(3); and

3 “(ii) inspect the vessel’s ballast water
4 record book required by subsection (d).

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

10 “(2) SUBSEQUENT EXAMINATIONS.—In addi-
11 tion to the examination required by paragraph (1),
12 the Secretary shall annually examine vessels to
13 which this section applies, to ensure compliance with
14 the requirements of this section and the regulations
15 issued under this section.

16 “(3) INSPECTION AUTHORITY.—

17 “(A) IN GENERAL.—The Secretary may
18 carry out inspections of any vessel to which this
19 section applies at any time, including the taking
20 of ballast water samples, to ensure compliance
21 with this section. The Secretary shall use all
22 appropriate and practical measures of detection
23 and environmental monitoring such vessels and
24 shall establish adequate procedures for report-

1 ing violations of this section and accumulating
2 evidence regarding such violations.

3 “(B) INVESTIGATIONS.—

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

9 “(ii) ISSUANCE OF SUBPOENAS.—In
10 an investigation under this subparagraph,
11 the Secretary may issue subpoenas to re-
12 quire the attendance of any witness and
13 the production of documents and other evi-
14 dence.

15 “(iii) COMPELLING COMPLIANCE WITH
16 SUBPOENAS.—In case of refusal to obey a
17 subpoena issued under this subparagraph,
18 the Secretary may request the Attorney
19 General to invoke the aid of the appro-
20 priate district court of the United States to
21 compel compliance.

22 “(4) STATE PROGRAMS.—

23 “(A) SUBMISSION TO SECRETARY.—At any
24 time after the date of issuance of ballast water
25 treatment regulations issued under this section,

1 the Governor of each State desiring to admin-
2 ister its own inspection and enforcement au-
3 thority for ballast water discharges within its
4 jurisdiction may submit to the Secretary a com-
5 plete description of the program the Governor
6 proposes to establish and administer under
7 State law. In addition, the Governor shall sub-
8 mit a statement from the attorney general that
9 the laws of such State provide adequate author-
10 ity to carry out the described program.

11 “(B) APPROVAL.—The Secretary shall ap-
12 prove a program submitted under subparagraph
13 (A), unless the Secretary determines that ade-
14 quate resources do not exist or, in the case of
15 ballast water testing, that adequate scientific
16 expertise does not exist—

17 “(i) to inspect, monitor, and board
18 any vessel to which this section applies at
19 any time, including the taking and testing
20 of ballast water samples, to ensure the ves-
21 sel’s compliance with this section;

22 “(ii) to ensure that any ballast water
23 discharged within the waters subject to the
24 jurisdiction of the State meet the ballast
25 water requirements of this section and the

1 regulations issued under this section, in-
2 cluding any revisions to such requirements
3 and regulations;

4 “(iii) to establish adequate procedures
5 for reporting violations of this section;

6 “(iv) to investigate and abate viola-
7 tions of this section, including civil and
8 criminal penalties and other ways and
9 means of enforcement; and

10 “(v) to ensure that the Secretary re-
11 ceives notice of each violation of the ballast
12 water treatment requirements issued under
13 this section in an expeditious manner.

14 “(C) SUSPENSION OF FEDERAL AUTHORI-
15 TIES.—Not later than 90 days after the date on
16 which a State submits a program (or revision
17 thereof) under this paragraph, the Secretary
18 shall suspend its authorities under subsections
19 (k) and (l) in such State, unless the Secretary
20 determines that the State program does not
21 meet the requirements of this paragraph. If the
22 Secretary so determines, the Secretary shall no-
23 tify the State of any revisions or modifications
24 necessary to conform to such requirements.

1 “(D) COMPLIANCE.—Any State program
2 approved under this paragraph shall at all
3 times be conducted in accordance with this sec-
4 tion and regulations issued under this section.

5 “(E) WITHDRAWAL OF APPROVAL.—When-
6 ever the Secretary determines, after public
7 hearing, that a State is not administering a
8 program approved under this paragraph in ac-
9 cordance with this section and regulations
10 issued under this section, the Secretary shall
11 notify the State and, if appropriate corrective
12 action is not taken within a reasonable period
13 of time not to exceed 90 days, the Secretary
14 shall withdraw approval of the program. The
15 Secretary shall not withdraw approval of any
16 program unless the Secretary shall first have
17 notified the State, and made public, in writing,
18 the reasons for such withdrawal.

19 “(F) LIMITATION ON STATUTORY CON-
20 STRUCTION.—Nothing in this paragraph shall
21 limit the authority of the Secretary carry out
22 inspections and investigations of any vessels
23 under paragraph (3).

24 “(5) REQUIRED CERTIFICATE.—If, on the basis
25 of an initial examination under paragraph (1), the

1 Secretary finds that a vessel complies with the re-
2 quirements of this section and the regulations issued
3 under this section, the Secretary shall issue a certifi-
4 cate under this paragraph as evidence of such com-
5 pliance. The certificate shall be valid for a period of
6 not more than 5 years, as specified by the Secretary.
7 The certificate or a true copy shall be maintained on
8 board the vessel.

9 “(6) NOTIFICATION OF VIOLATIONS.—If the
10 Secretary finds, on the basis of an examination
11 under paragraph (1) or (2), investigation under
12 paragraph (3), or any other information, that a ves-
13 sel is being operated in violation of any requirement
14 of this section or regulation issued under this sec-
15 tion, the Secretary shall—

16 “(A) notify, in writing—

17 “(i) the master of the vessel; and

18 “(ii) the captain of the port at the
19 vessel’s next port of call;

20 “(B) remove from the vessel the certificate
21 issued under paragraph (5);

22 “(C) take such other action as may be ap-
23 propriate.

24 “(7) COMPLIANCE MONITORING.—

1 “(A) IN GENERAL.—The Secretary shall
2 establish, by regulation, sampling and other
3 procedures to monitor compliance with the re-
4 quirements of this section and the regulations
5 issued under this section.

6 “(B) USE OF MARKERS.—The Secretary
7 may verify compliance with the discharge re-
8 quirements of subsection (f) and the regulations
9 issued under this section with respect to such
10 requirements through identification of markers
11 associated with a treatment technology’s effec-
12 tiveness, such as the presence of indicators as-
13 sociated with a certified treatment technology.

14 “(8) EDUCATION AND TECHNICAL ASSISTANCE
15 PROGRAMS.—The Secretary may carry out education
16 and technical assistance programs and other meas-
17 ures to promote compliance with the requirements of
18 this section and the regulations issued under this
19 section.

20 “(j) DETENTION OF VESSELS.—The Secretary, by
21 notice to the owner, charterer, managing operator, agent,
22 master, or other individual in charge of a vessel, may de-
23 tain that vessel if the Secretary has reasonable cause to
24 believe that—

1 “(1) the vessel is a vessel to which this section
2 applies; and

3 “(2) the vessel does not comply with any re-
4 quirement of this section or regulation issued under
5 this section or is being operated in violation of such
6 a requirement or regulation.

7 “(k) SANCTIONS.—

8 “(1) CIVIL PENALTIES.—Any person who vio-
9 lates this section (including a regulation issued
10 under this section) shall be liable for a civil penalty
11 in an amount not to exceed \$32,500. Each day of
12 a continuing violation constitutes a separate viola-
13 tion. A vessel operated in violation of this section
14 (including a regulation issued under this section) is
15 liable in rem for any civil penalty assessed under
16 this subsection for that violation.

17 “(2) CRIMINAL PENALTIES.—Whoever know-
18 ingly violates this section (including a regulation
19 issued under this section) shall be fined under title
20 18, United States, or imprisoned not more than 12
21 years, or both.

22 “(3) REVOCATION OF CLEARANCE.—Except as
23 provided in subsection (j)(2), upon request of the
24 Secretary, the Secretary of the Treasury shall with-
25 hold or revoke the clearance of a vessel required by

1 section 60105 of title 46, United States Code, if the
2 owner or operator of that vessel is in violation of
3 this section or a regulation issued under this section.

4 “(l) ENFORCEMENT.—

5 “(1) ADMINISTRATIVE ACTIONS.—If the Sec-
6 retary finds, after notice and an opportunity for a
7 hearing, that a person has violated this section or a
8 regulation issued under this section, the Secretary
9 may assess a civil penalty for that violation. In de-
10 termining the amount of the civil penalty, the Sec-
11 retary shall take into account the nature, cir-
12 cumstances, extent, and gravity of the prohibited
13 acts committed and, with respect to the violator, the
14 degree of culpability, any history of prior violations,
15 and such other matters as justice may require.

16 “(2) CIVIL ACTIONS.—At the request of the
17 Secretary, the Attorney General may bring a civil
18 action in an appropriate district court of the United
19 States to enforce this section or any regulation
20 issued under this section. Any court before which
21 such an action is brought may award appropriate re-
22 lief, including temporary or permanent injunctions
23 and civil penalties.

24 “(m) CONSULTATION WITH CANADA, MEXICO, AND
25 OTHER FOREIGN GOVERNMENTS.—In developing the

1 guidelines and regulations to be issued under this section,
2 the Secretary is encouraged to consult with the Govern-
3 ment of Canada, the Government of Mexico and any other
4 government of a foreign country that the Secretary, after
5 consultation with the Task Force, determines to be nec-
6 essary to develop and implement an effective international
7 program for preventing the unintentional introduction and
8 spread of aquatic nuisance species through ballast water.

9 “(n) INTERNATIONAL COOPERATION.—The Sec-
10 retary, in cooperation with the Under Secretary, the Sec-
11 retary of State, the Administrator, the heads of other rel-
12 evant Federal agencies, the International Maritime Orga-
13 nization of the United Nations, and the Commission on
14 Environmental Cooperation established pursuant to the
15 North American Free Trade Agreement, is encouraged to
16 enter into negotiations with the governments of foreign
17 countries to develop and implement an effective inter-
18 national program for preventing the unintentional intro-
19 duction and spread of aquatic invasive species. The Sec-
20 retary is particularly encouraged to seek bilateral or multi-
21 lateral agreements with Canada, Mexico, and other na-
22 tions in the Wider Caribbean Region (as defined in the
23 Convention for the Protection and Development of the Ma-
24 rine Environment of the Wider Caribbean, signed at

1 Cartagena on March 24, 1983 (TIAF 11085), to carry
2 out the objectives of this section.

3 “(o) NONDISCRIMINATION.—The Secretary shall en-
4 sure that foreign vessels do not receive more favorable
5 treatment than vessels of the United States when the Sec-
6 retary performs studies, reviews compliance, determines
7 effectiveness, establishes requirements, or performs any
8 other responsibilities under this Act.

9 “(p) CONSULTATION WITH TASK FORCE.—The Sec-
10 retary shall consult with the Task Force in carrying out
11 this section.

12 “(q) PREEMPTION.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (4) but notwithstanding any other provision of
15 law, the provisions of subsections (e) and (f) super-
16 sede any provision of State or local law that is in-
17 consistent with the requirements of those sub-
18 sections or that conflicts with the requirements of
19 those subsections.

20 “(2) GREATER PENALTIES OR FEES.—For pur-
21 pose of paragraph (1), the imposition by State or
22 local law of greater penalties or fees for acts or
23 omissions that are violations of such law and also
24 violations of this Act or the imposition by a State of
25 incentives under subsection (f)(9)(B) shall not be

1 considered to be inconsistent, or to conflict, with the
2 requirements of subsections (e) and (f).

3 “(3) RECEPTION FACILITIES.—The standards
4 issued by the Secretary or the heads of other appro-
5 priate Federal agencies under subsection (f)(2) do
6 not supersede any more stringent standard under
7 any otherwise applicable Federal, State, or local law.

8 “(r) COAST GUARD REPORT ON OTHER SOURCES OF
9 VESSEL-BOURNE NUISANCE SPECIES.—

10 “(1) IN GENERAL.—

11 “(A) HULL-FOULING AND OTHER VESSEL
12 SOURCES.—Not later than 180 days after the
13 date of enactment of the Ballast Water Treat-
14 ment Act of 2007, the Secretary shall transmit
15 a report to the Committee on Commerce,
16 Science, and Transportation of the Senate and
17 the Committee on Transportation and Infra-
18 structure of the House of Representatives on
19 vessel-related pathways of harmful aquatic or-
20 ganisms and pathogens other than ballast water
21 and sediment, including vessel hulls and equip-
22 ment, and from vessels equipped with ballast
23 tanks that carry no ballast water on board.

24 “(B) BEST PRACTICES.—

1 “(i) IN GENERAL.—As soon as prac-
2 ticable, the Secretary shall develop best
3 practices standards and procedures de-
4 signed to reduce the introduction and
5 spread of invasive species into and within
6 the United States from vessels and estab-
7 lish a timeframe for implementation of
8 those standards and procedures by vessels.
9 Such standards and procedures shall in-
10 clude designation of geographical locations
11 for uptake and discharge of untreated bal-
12 last water, as well as standards and proce-
13 dure for other vessel pathways of aquatic
14 invasive species.

15 “(ii) REPORT.—The Secretary shall
16 transmit a report to the committees re-
17 ferred to in subparagraph (A) describing
18 the standards and procedures developed
19 under this subparagraph and the imple-
20 mentation timeframe, together with such
21 recommendations as the Secretary deter-
22 mines appropriate.

23 “(iii) REGULATIONS.—The Secretary
24 may issue regulations to incorporate and

1 enforce standards and procedures devel-
2 oped under this paragraph.

3 “(2) TRANSITING VESSELS.—Not later than
4 180 days after the date of enactment of the Ballast
5 Water Treatment Act of 2007, the Secretary shall
6 transmit a report to the Committee on Commerce,
7 Science, and Transportation of the Senate and the
8 Committee on Transportation and Infrastructure of
9 the House of Representatives containing—

10 “(A) an assessment of the magnitude and
11 potential adverse impacts of ballast water oper-
12 ations from foreign vessels designed, adapted,
13 or constructed to carry ballast water that are
14 transiting waters subject to the jurisdiction of
15 the United States; and

16 “(B) recommendations, including legisla-
17 tive recommendations if appropriate, of options
18 for addressing ballast water operations of those
19 vessels.

20 “(s) JUDICIAL REVIEW OF REGULATIONS.—

21 “(1) 120-DAY RULE.—An interested person
22 may bring an action for review of a final regulation
23 issued under this section by the Secretary in the
24 United States Court of Appeals for the District of
25 Columbia Circuit. Any such petition shall be filled

1 within 120 days after the date on the which notice
2 for the rulemaking appears in the Federal Register;
3 except that, if the petition is based solely on grounds
4 arising after the 120th day, the petition shall be
5 filed within 120 days after those grounds arise.

6 “(2) REVIEW IN ENFORCEMENT PRO-
7 CEEDINGS.—A regulation for which review could
8 have been obtained under subparagraph (A) is not
9 subject to judicial review in any civil or criminal pro-
10 ceeding for enforcement.”.

11 (b) DEFINITIONS.—Section 1003 of the Nonindige-
12 nous Aquatic Nuisance Prevention and Control Act of
13 1990 (16 U.S.C. 4702) is amended.—

14 (1) by redesignating.—

15 (A) paragraphs (1), (2), and (3) as para-
16 graphs (2), (3), and (4), respectively;

17 (B) paragraphs (4), (5), and (6) as para-
18 graphs (8), (9), and (10), respectively;

19 (C) paragraphs (7), (8), (9), and (10) as
20 paragraphs (12), (13), (14), and (15), respec-
21 tively;

22 (D) paragraphs (11) and (12) as para-
23 graphs (17) and (18), respectively;

24 (E) paragraphs (13), (14), and (15) as
25 paragraphs (20), (21), and (22), respectively;

1 (F) paragraph (16) as paragraph (27); and

2 (G) paragraph (17) as paragraph (23);

3 (2) by moving paragraph (23), as so redesignated,
4 nated, after paragraph (22), as so redesignated;

5 (3) by inserting before paragraph (2), as so redesignated,
6 the following:

7 “(1) ‘Administrator’ means the Administrator
8 of the Environmental Protection Agency;”;

9 (4) by striking paragraph (4), as so redesignated,
10 nated, and inserting the following:

11 “(4) ‘ballast water’ means—

12 “(A) water taken on board a vessel to control trim,
13 list, draught, stability, or stresses of the vessel,
14 including matter suspended in such water; or
15

16 “(B) any water placed into a ballast tank during cleaning,
17 maintenance, or other operations.”;

18
19 (5) by inserting after paragraph (4), as so redesignated and amended,
20 the following:

21 “(5) ‘ballast water capacity’ means the total
22 volumetric capacity of any tanks, spaces, or compartments on a vessel
23 that is used for carrying, loading, or discharging ballast water,
24 including any

1 multi-use tank, space, or compartment designed to
2 allow carriage of ballast water;

3 “(6) ‘ballast water management’ means me-
4 chanical, physical, chemical, and biological processes
5 used, either singularly or in combination, to remove,
6 render harmless, or avoid the uptake or discharge of
7 harmful aquatic organisms and pathogens within
8 ballast water and sediment;

9 “(7) ‘constructed’ means a state of construction
10 of a vessel at which—

11 “(A) the keel is laid;

12 “(B) construction identifiable with the spe-
13 cific vessel begins;

14 “(C) assembly of the vessel has begun
15 comprising at least 50 tons or 1 percent of the
16 estimated mass of all structural material of the
17 vessel, whichever is less; or

18 “(D) the vessel undergoes a major conver-
19 sion;”;

20 (6) by inserting after paragraph (10), as so re-
21 designated, the following:

22 “(11) ‘foreign vessel’ has the meaning such
23 term has under section 110 of title 46, United
24 States Code;”;

1 (7) by inserting after paragraph (15), as so re-
2 designated, the following:

3 “(16) ‘major conversion’ means a conversion of
4 a vessel, that—

5 “(A) changes its ballast water carrying ca-
6 pacity by at least 15 percent;

7 “(B) changes the vessel class;

8 “(C) is projected to prolong the vessel’s life
9 by at least 10 years (as determined by the Sec-
10 retary); or

11 “(D) results in modifications to the vessel’s
12 ballast water system, except—

13 “(i) component replacement-in-kind;

14 or

15 “(ii) conversion of a vessel to meet the
16 requirements of section 1101(e);”;

17 (8) by inserting after paragraph (18), as so re-
18 designated, the following:

19 “(19) ‘sediment’ means matter that has settled
20 out of ballast water within a vessel;”;

21 (9) in paragraph (22), as so redesignated, by
22 striking “and” at the end;

23 (10) by inserting after paragraph (23), as so
24 redesignated and moved, the following:

1 “(24) ‘United States port’ means a port, river,
2 harbor, or offshore terminal under the jurisdiction of
3 the United States, including ports located in Puerto
4 Rico, Guam, and the United States Virgin Islands;

5 “(25) ‘vessel of the Armed Forces’ means—

6 “(A) any vessel owned or operated by the
7 Department of Defense, other than a time or
8 voyage chartered vessel; and

9 “(B) any vessel owned or operated by the
10 Department of Homeland Security that is des-
11 ignated by the Secretary as a vessel equivalent
12 to a vessel described in subparagraph (A);

13 “(26) ‘vessel of the United States’ has the
14 meaning such term has under section 116 of title
15 46, United States Code;”; and

16 (11) in paragraph (27), as so redesignated, by
17 striking the period at the end and inserting “; and”;
18 and

19 (12) by inserting after paragraph (27), as so
20 redesignated and amended, the following:

21 “(28) ‘waters subject to the jurisdiction of the
22 United States’ means navigable waters and the terri-
23 torial sea of the United States, the exclusive eco-
24 nomic zone, and the Great Lakes.”.

1 (c) REPEAL OF SECTION 1103.—Section 1103 of the
2 Nonindigenous Aquatic Nuisance Prevention and Control
3 Act of 1990 (16 U.S.C. 4713) is repealed.

4 (d) INTERIM FINAL RULE.—The Secretary shall
5 issue an interim final rule as a temporary regulation im-
6 plementing the amendments made by this section as soon
7 as practicable after the date of enactment of this section,
8 without regard to the provisions of chapter 5 of title 5,
9 United States Code. All regulations issued under the au-
10 thority of this subsection that are not earlier superseded
11 by final regulations shall expire not later than one year
12 after the date of enactment of this Act.

13 **SEC. 504. RAPID RESPONSE PLAN.**

14 Subtitle C of title I of the Nonindigenous Aquatic
15 Nuisance Prevention and Control Act (16 U.S.C. 4721 et
16 seq.) is amended by adding at the end the following:

17 **“SEC. 1210. RAPID RESPONSE PLAN.**

18 “(a) PREPARATION BY ADMINISTRATOR.—The Presi-
19 dent shall prepare and publish a national rapid response
20 plan for killing, removing, or minimizing the spread of
21 aquatic nuisance species in the waters of the United States
22 in accordance with this section.

23 “(b) CONTENTS.—The national rapid response plan
24 shall provide for efficient, coordinated, and effective action
25 to minimize damage from aquatic nuisance species in the

1 navigable waters of the United States, including killing,
2 containing, and removal of the aquatic nuisance species,
3 and shall include the following:

4 “(1) Assignment of duties and responsibilities
5 among Federal departments and agencies in coordi-
6 nation with State and local agencies and port au-
7 thorities and private entities.

8 “(2) Identification, procurement, maintenance,
9 and storage of equipment and supplies needed to fa-
10 cilitate the killing, containment, and removal of
11 aquatic nuisance species under this section.

12 “(3) Establishment or designation by the Ad-
13 ministrator of Federal aquatic nuisance species re-
14 sponse teams, consisting of—

15 “(A) personnel who shall be trained and
16 prepared by the Administrator and shall be
17 available to provide necessary services to carry
18 out the national rapid response plan;

19 “(B) adequate equipment and material
20 needed to facilitate the killing, containment,
21 and removal of aquatic nuisance species under
22 this section; and

23 “(C) a detailed plans to kill, contain, and
24 remove aquatic nuisance species, including
25 measures to protect fisheries and wildlife.

1 “(4) A system of surveillance and notice de-
2 signed to safeguard against, as well as ensure ear-
3 liest possible notice of, the introduction of aquatic
4 nuisance species and imminent threats of such intro-
5 duction to the appropriate State and Federal agen-
6 cies.

7 “(5) Establishment by the Administrator of a
8 national center to provide coordination and direction
9 for operations in carrying out the plan.

10 “(6) Procedures and techniques to be employed
11 in identifying, containing, killing, and removing
12 aquatic nuisance species in the waters of the United
13 States.

14 “(7) A schedule, prepared by the Administrator
15 in cooperation with the States, identifying—

16 “(A) mitigating devices and substances, if
17 any, that may be used in carrying out the plan;

18 “(B) the waters in which such mitigating
19 devices and substances may be used; and

20 “(C) the quantities of such mitigating de-
21 vice or substance which can be used safely in
22 such waters.

23 “(8) A system whereby the State or States af-
24 fected by an aquatic nuisance species may act where
25 necessary to remove such species.

1 “(9) Establishment by the Administrator of cri-
2 teria and procedures to ensure immediate and effec-
3 tive Federal identification of, and response to, an in-
4 troduction of aquatic nuisance species.

5 “(10) Designation by the Administrator of the
6 Federal official who shall be the Federal on-scene
7 coordinator for measures taken to kill, contain, and
8 remove aquatic nuisance species under this section.

9 “(11) A fish and wildlife response plan for the
10 immediate and effective protection, rescue, and reha-
11 bilitation of, and the minimization of risk of damage
12 to, fish and wildlife resources and their habitat that
13 are harmed or that may be jeopardized by an intro-
14 duction of an aquatic nuisance species.

15 “(c) FEDERAL REMOVAL AUTHORITY.—

16 “(1) REMOVAL REQUIREMENT.—

17 “(A) IN GENERAL.—The President shall
18 ensure, in accordance with the national rapid
19 response plan, effective and immediate killing,
20 containing, and removal of the aquatic nuisance
21 species in the waters of the United States.

22 “(B) DISCRETIONARY AUTHORITY.—In
23 carrying out this paragraph, the Administrator
24 may—

1 “(i) kill, contain, and remove an
2 aquatic nuisance species, at any time; and

3 “(ii) direct or monitor all Federal,
4 State, and private actions to kill, contain,
5 and remove the aquatic nuisance species.

6 “(2) ACTIONS IN ACCORDANCE WITH NATIONAL
7 RAPID RESPONSE PLAN.—Each Federal agency,
8 State, owner or operator, or other person partici-
9 pating in efforts under this subsection shall act in
10 accordance with the national rapid response plan or
11 as directed by the Administrator to carry out the
12 plan.”.

13 **SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

14 Section 1301(a) of the Nonindigenous Aquatic Nui-
15 sance Prevention and Control Act of 1990 (16 U.S.C.
16 4741(a)) is amended—

17 (1) by striking “and” after the semicolon in
18 paragraph (4)(B);

19 (2) by striking the period at the end of para-
20 graph (5)(B) and inserting “; and”; and

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

22 “(6) \$20,000,000 for each of fiscal years 2008
23 through 2012 to the Secretary to carry out section
24 1101.”.

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