

109TH CONGRESS
2^D SESSION

H. R. 5681

AN ACT

To authorize appropriations for the Coast Guard for fiscal year 2007, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Coast Guard Author-
3 ization Act of 2006”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 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.

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. Notification.
- Sec. 210. Repeal.
- Sec. 211. Maritime safety for nuclear power facilities located adjacent to navigable waters.

TITLE III—SHIPPING AND NAVIGATION

- Sec. 301. Vessel size limits.
- Sec. 302. Goods and services.
- Sec. 303. Maritime activities.
- Sec. 304. Seaward extension of anchorage grounds jurisdiction.
- Sec. 305. Maritime Drug Law Enforcement Act amendment-simple possession.
- Sec. 306. Technical amendments to tonnage measurement law.
- Sec. 307. Seamen’s shoreside access.
- Sec. 308. Limitation on maritime liens on fishing permits.
- Sec. 309. Extension of exemption.
- Sec. 310. Documentation of certain fishing vessels.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Secure communications program.
- Sec. 402. Certificate of documentation for GALLANT LADY.
- Sec. 403. Waiver.
- Sec. 404. Data.
- Sec. 405. Great Lakes Maritime Research Institute.
- Sec. 406. Inspection and certification of permanently moored vessels.
- Sec. 407. Competitive contracting for patrol boat replacement.

- Sec. 408. Patrol boat report.
 Sec. 409. Actions to address sexual harassment and violence at Coast Guard Academy.
 Sec. 410. Cruise ship demonstration project.
 Sec. 411. Crew wages on passenger vessels.
 Sec. 412. Technical corrections.

TITLE V—MARPOL ANNEX VI IMPLEMENTATION

- Sec. 501. Short title.
 Sec. 502. References.
 Sec. 503. Definitions.
 Sec. 504. Applicability.
 Sec. 505. Administration and enforcement.
 Sec. 506. Certificates.
 Sec. 507. Reception facilities.
 Sec. 508. Inspections.
 Sec. 509. Amendments to the protocol.
 Sec. 510. Effect on other laws.
 Sec. 511. MARPOL technical corrections.

1 **TITLE I—AUTHORIZATION**

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

3 Funds are authorized to be appropriated for fiscal
 4 year 2007 for necessary expenses of the Coast Guard as
 5 follows:

6 (1) For the operation and maintenance of the
 7 Coast Guard, \$5,680,000,000, of which—

8 (A) \$24,255,000 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));

13 (B) \$629,000,000 shall be available only
 14 for paying for search and rescue programs; and

15 (C) \$502,000,000 shall be available only
 16 for paying for marine safety programs.

1 (2) For the acquisition, construction, rebuild-
2 ing, and improvement of aids to navigation, shore
3 and offshore facilities, vessels, and aircraft, includ-
4 ing equipment related thereto, \$2,095,861,000, of
5 which—

6 (A) \$19,800,000 shall be derived from the
7 Oil Spill Liability Trust Fund to carry out the
8 purposes of section 1012(a)(5) of the Oil Pollu-
9 tion Act of 1990, to remain available until ex-
10 pended;

11 (B) \$1,419,223,000 is authorized for ac-
12 quisition and construction of shore and offshore
13 facilities, vessels, and aircraft, including equip-
14 ment related thereto, and other activities that
15 constitute the Integrated Deepwater System;
16 and

17 (C) \$316,638,000 is authorized for conver-
18 sion and sustainment of legacy vessels and air-
19 craft, including equipment related thereto, and
20 other activities that constitute the Integrated
21 Deepwater Systems.

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, \$24,000,000, 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, \$1,063,323,000, 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, \$17,000,000.

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), \$12,000,000, 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, \$124,000,000.

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, 2007.

12 (b) **MILITARY TRAINING STUDENT LOADS.**—For fis-
13 cal year 2007, 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, 125 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.

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 amend-
17 ed—

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 such 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 serving
24 with other Federal departments or agencies on a re-
25 imburseable basis or excluded under section 324(d) of

1 title 49 shall not be counted against the total num-
2 ber of commissioned officers authorized to serve in
3 each grade.

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

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

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 3 of such title is amended by striking the item relating
23 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—

11 (1) by inserting “(a) IN GENERAL.—” before
12 “The President” ; and

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

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

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

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

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

2 “With regard to a member of the Coast Guard who
3 serves on active duty, a duty assignment in support of a
4 declaration of a major disaster or emergency by the Presi-
5 dent under the Robert T. Stafford Disaster Relief and
6 Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall
7 be treated, for the purpose of section 701(f)(2) of title
8 10, a duty assignment in support of a contingency oper-
9 ation.”.

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

“426. Emergency leave retention authority.”.

13 **SEC. 208. ENFORCEMENT AUTHORITY.**

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

17 **“§ 99. Enforcement authority**

18 “Subject to guidelines approved by the Secretary,
19 members of the Coast Guard, in the performance of offi-
20 cial duties, may—

21 “(1) carry a firearm; and

22 “(2) while at a facility (as defined in section
23 70101 of title 46)—

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

1 “(B) seize property as otherwise provided
2 by law.”.

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

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

12 **SEC. 209. NOTIFICATION.**

13 The Secretary of the department in which the Coast
14 Guard is operating may not transfer the permanent head-
15 quarters of the United States Coast Guard Band until at
16 least 180 days after the date on which a plan for such
17 transfer is submitted to the Committee on Transportation
18 and Infrastructure of the House of Representatives and
19 the Committee on Commerce, Science, and Transportation
20 of the Senate.

21 **SEC. 210. REPEAL.**

22 Section 216 of title 14, United States Code, and the
23 item relating to such section in the analysis for chapter
24 11 of such title, are repealed.

1 **SEC. 211. MARITIME SAFETY FOR NUCLEAR POWER FACILI-**
2 **TIES LOCATED ADJACENT TO NAVIGABLE**
3 **WATERS.**

4 (a) RESPONSIBILITY.—Section 2 of title 14, United
5 States Code, is amended by inserting before “and shall
6 maintain a state of readiness” the following: “shall admin-
7 ister laws and promulgate and enforce regulations to as-
8 sure the maritime safety of nuclear power facilities located
9 adjacent to navigable waters of the United States not spe-
10 cifically delegated by law to some other executive depart-
11 ment;”.

12 (b) COOPERATION WITH NRC.—Chapter 7 of such
13 title is amended by inserting after section 147a the fol-
14 lowing:

15 **“§ 147b. Nuclear regulatory commission**

16 “(a) IN GENERAL.—The Commandant may enter
17 into an agreement with the Chairman of the Nuclear Reg-
18 ulatory Commission to enhance the maritime safety of the
19 navigable waters of the United States that are located ad-
20 jacent to a nuclear power plant. Such agreement shall pro-
21 vide for—

22 “(1) the exchange of certain information with
23 the Chairman relating to the maritime safety of a
24 nuclear power plant located adjacent to the navi-
25 gable waters of the United States;

1 “(2) the assignment of officers of the Coast
2 Guard to serve as liaisons to the Nuclear Regulatory
3 Commission; and

4 “(3) the provisions of equipment and support
5 to, or accept the same from, the Nuclear Regulatory
6 Commission.

7 “(b) PAYMENT OR REIMBURSEMENT.—With regard
8 to any agreement entered into under subsection (a), the
9 Commandant may prescribe conditions, including advance
10 payment or reimbursement, under which such resources
11 may be provided.”.

12 (c) CLERICAL AMENDMENT.—The analysis for chap-
13 ter 7 of such title is amended by adding at the end the
14 following:

 “147b. Nuclear Regulatory Commission.”.

15 **TITLE III—SHIPPING AND**
16 **NAVIGATION**

17 **SEC. 301. VESSEL SIZE LIMITS.**

18 (a) LENGTH, TONNAGE, AND HORSEPOWER.—Sec-
19 tion 12102 (c)(5) of title 46, United States Code, is
20 amended—

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

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

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

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

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

4 “(C) the vessel is either a rebuilt vessel or
5 a replacement vessel under section 208(g) of
6 the American Fisheries Act (title II of division
7 C of Public Law 105–277; 112 Stat. 2681–
8 627) and is eligible for a fishery endorsement
9 under section 12108 of this title.”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) VESSEL REBUILDING AND REPLACE-
12 MENT.—Section 208(g) of the American Fisheries
13 Act (title II of division C of Public Law 105–277;
14 112 Stat. 2681–627) is amended to read as follows:

15 “(g) VESSEL REBUILDING AND REPLACEMENT.—

16 “(1) IN GENERAL.—

17 “(A) REBUILD OR REPLACE.—Notwith-
18 standing any limitation to the contrary on re-
19 placing, rebuilding, or lengthening vessels or
20 transferring permits or licenses to a replace-
21 ment vessel contained in sections 679.2 and
22 679.4 of title 50, Code of Federal Regulations,
23 as in effect on the date of enactment of the
24 Coast Guard Authorization Act of 2006 and ex-
25 cept as provided in paragraph (4), the owner of

1 a vessel eligible under subsection (a), (b), (c),
2 (d), or (e) (other than paragraph (21)), in
3 order to improve vessel safety and operational
4 efficiencies (including fuel efficiency), may re-
5 build or replace that vessel (including fuel effi-
6 ciency) with a vessel documented with a fishery
7 endorsement under section 12108 of title 46,
8 United States Code.

9 “(B) SAME REQUIREMENTS.—The rebuilt
10 or replacement vessel shall be eligible in the
11 same manner and subject to the same restric-
12 tions and limitations under such subsection as
13 the vessel being rebuilt or replaced.

14 “(C) TRANSFER OF PERMITS AND LI-
15 CENSES.—Each fishing permit and license held
16 by the owner of a vessel or vessels to be rebuilt
17 or replaced under subparagraph (A) shall be
18 transferred to the rebuilt or replacement vessel.

19 “(2) RECOMMENDATIONS OF NORTH PACIFIC
20 COUNCIL.—The North Pacific Council may rec-
21 ommend for approval by the Secretary such con-
22 servation and management measures, including size
23 limits and measures to control fishing capacity, in
24 accordance with the Magnuson-Stevens Act as it
25 considers necessary to ensure that this subsection

1 does not diminish the effectiveness of fishery man-
2 agement plans of the Bering Sea and Aleutian Is-
3 lands Management Area or the Gulf of Alaska.

4 “(3) SPECIAL RULE FOR REPLACEMENT OF
5 CERTAIN VESSELS.—

6 “(A) IN GENERAL.—Notwithstanding the
7 requirements of paragraphs (1), (2), and (3) of
8 section 12102(c) of title 46, United States
9 Code, a vessel that is eligible under subsection
10 (a), (b), (c), (d), or (e) (other than paragraph
11 (21)) and that qualifies to be documented with
12 a fishery endorsement pursuant to section
13 203(g) or 213(g) may be replaced with a re-
14 placement vessel under paragraph (1) if the
15 vessel that is replaced is validly documented
16 with a fishery endorsement pursuant to section
17 203(g) or 213(g) before the replacement vessel
18 is documented with a fishery endorsement
19 under section 12108 of title 46, United States
20 Code.

21 “(B) APPLICABILITY.—A replacement ves-
22 sel under subparagraph (A) and its owner and
23 mortgagee are subject to the same limitations
24 under section 203(g) or 213(g) that are appli-

1 cable to the vessel that has been replaced and
2 its owner and mortgagee.

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

5 “(A) IN GENERAL.—A replacement for a
6 covered vessel described in subparagraph (B) is
7 prohibited from harvesting fish in any fishery
8 (except for the Pacific whiting fishery) managed
9 under the authority of any regional fishery
10 management council (other than the North Pa-
11 cific Council) established under section 302(a)
12 of the Magnuson-Stevens Act.

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

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

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

22 “(5) LIMITATION ON FISHERY ENDORSE-
23 MENTS.—Any vessel that is replaced under this sub-
24 section shall thereafter not be eligible for a fishery
25 endorsement under section 12108 of title 46, United

1 States Code, unless that vessel is also a replacement
2 vessel described in paragraph (1).

3 “(6) GULF OF ALASKA LIMITATION.—Notwith-
4 standing paragraph (1), the Secretary shall prohibit
5 from participation in the groundfish fisheries of the
6 Gulf of Alaska any vessel that is rebuilt or replaced
7 under this subsection and that exceeds the maximum
8 length overall specified on the license that authorizes
9 fishing for groundfish pursuant to the license limita-
10 tion program under part 679 of title 50, Code of
11 Federal Regulations, as in effect on the date of en-
12 actment of the Coast Guard Authorization Act of
13 2006.

14 “(7) AUTHORITY OF PACIFIC COUNCIL.—Noth-
15 ing in this section shall be construed to diminish or
16 otherwise affect the authority of the Pacific Council
17 to recommend to the Secretary conservation and
18 management measures to protect fisheries under its
19 jurisdiction (including the Pacific whiting fishery)
20 and participants in such fisheries from adverse im-
21 pacts caused by this Act.”.

22 (2) EXEMPTION OF CERTAIN VESSELS.—Sec-
23 tion 203(g) of the American Fisheries Act (title II
24 of division C of Public Law 105-277; 112 Stat.
25 2681-620) is amended—

1 (A) by inserting “and” after “(United
2 States official number 651041)”;

3 (B) by striking “, NORTHERN TRAV-
4 ELER (United States official number 635986),
5 and NORTHERN VOYAGER (United States
6 official number 637398) (or a replacement ves-
7 sel for the NORTHERN VOYAGER that com-
8 plies with paragraphs (2), (5), and (6) of sec-
9 tion 208(g) of this Act)”;

10 (C) by striking “, in the case of the
11 NORTHERN” and all that follows through
12 “PHOENIX,”.

13 (3) FISHERY COOPERATIVE EXIT PROVI-
14 SIONS.—Section 210(b) of the American Fisheries
15 Act (title II of division C of Public Law 105-277;
16 112 Stat. 2681-629) is amended—

17 (A) by moving the matter beginning with
18 “the Secretary shall” in paragraph (1) 2 ems to
19 the right;

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

21 “(7) FISHERY COOPERATIVE EXIT PROVI-
22 SIONS.—

23 “(A) FISHING ALLOWANCE DETERMINA-
24 TION.—For purposes of determining the aggre-
25 gate percentage of directed fishing allowances

1 under paragraph (1), when a catcher vessel is
2 removed from the directed pollock fishery, the
3 fishery allowance for pollock for the vessel being
4 removed—

5 “(i) shall be based on the catch his-
6 tory determination for the vessel made
7 pursuant to section 679.62 of title 50,
8 Code of Federal Regulations, as in effect
9 on the date of enactment of the Coast
10 Guard Authorization Act 2006; and

11 “(ii) shall be assigned, for all pur-
12 poses under this title, in the manner speci-
13 fied by the owner of the vessel being re-
14 moved to any other catcher vessel or
15 among other catcher vessels participating
16 in the fishery cooperative if such vessel or
17 vessels remain in the fishery cooperative
18 for at least one year after the date on
19 which the vessel being removed leaves the
20 directed pollock fishery.

21 “(B) ELIGIBILITY FOR FISHERY ENDORSE-
22 MENT.—Except as provided in subparagraph
23 (C), a vessel that is removed pursuant to this
24 paragraph shall be permanently ineligible for a
25 fishery endorsement, and any claim (including

1 relating to catch history) associated with such
2 vessel that could qualify any owner of such ves-
3 sel for any permit to participate in any fishery
4 within the exclusive economic zone of the
5 United States shall be extinguished, unless such
6 removed vessel is thereafter designated to re-
7 place a vessel to be removed pursuant to this
8 paragraph.

9 “(C) LIMITATIONS ON STATUTORY CON-
10 STRUCTION.—Nothing in this paragraph shall
11 be construed—

12 “(i) to make the vessels AJ (United
13 States official number 905625), DONA
14 MARTITA (United States official number
15 651751), NORDIC EXPLORER (United
16 States official number 678234), and
17 PROVIDIAN (United States official num-
18 ber 1062183) ineligible for a fishery en-
19 dorsement or any permit necessary to par-
20 ticipate in any fishery under the authority
21 of the New England Fishery Management
22 Council or the Mid-Atlantic Fishery Man-
23 agement Council established, respectively,
24 under subparagraphs (A) and (B) of sec-

1 tion 302(a)(1) of the Magnuson-Stevens
2 Act; or

3 “(ii) to allow the vessels referred to in
4 clause (i) to participate in any fishery
5 under the authority of the Councils re-
6 ferred to in clause (i) in any manner that
7 is not consistent with the fishery manage-
8 ment plan for the fishery developed by the
9 Councils under section 303 of the Magnu-
10 son-Stevens Act.”.

11 (c) VESSEL SAFETY STANDARDS.—

12 (1) LOADLINES.—Section 5102(b)(3) of title
13 46, United States Code, is amended by striking “a
14 fishing vessel.” and inserting “a fishing vessel unless
15 the vessel is—

16 “(A) a rebuilt vessel under section 208(g)
17 of the American Fisheries Act (title II of divi-
18 sion C of Public Law 105–277; 112 Stat.
19 2681–627); or

20 “(B) a replacement vessel under such sec-
21 tion and the replacement vessel did not harvest
22 fish under section 208(a), 208(b), 208(c), or
23 208(e) of that Act before June 1, 2006.”.

24 (2) CLASSING.—Section 4503 of title 46,
25 United States Code, is amended—

1 (A) in subsection (a) by inserting after
2 “A” the following: “fishing or”;

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

4 “(c) APPLICABILITY TO FISHING VESSELS.—This
5 section applies to a fishing vessel to which this chapter
6 applies that is—

7 “(1) a rebuilt vessel under section 208(g) of the
8 American Fisheries Act (title II of division C of
9 Public Law 105–277; 112 Stat. 2681-627); or

10 “(2) a replacement vessel under such section
11 and the replacement vessel did not harvest fish
12 under section 208(a), 208(b), 208(c), or 208(e) of
13 that Act before June 1, 2006.”; and

14 (C) in the heading for such section by
15 striking “**Fish**” and inserting “**Fishing and**
16 **fish**”.

17 (d) CONVERSION TO CATCHER/PROCESSOR
18 SHARES.—

19 (1) IN GENERAL.—

20 (A) AMENDMENT OF PLAN.—Not later
21 than 90 days after the date of enactment of
22 this Act, the Secretary of Commerce shall
23 amend the fishery management plan for Bering
24 Sea/Aleutian Islands King and Tanner Crabs
25 (in this section referred to as the “Plan”) for

1 the Northern Region (as that term is used in
2 the Plan) to authorize entities affiliated
3 through common ownership to elect on an an-
4 nual basis to work together to combine any of
5 their catcher vessel owner quota shares for the
6 Northern Region with any of their processor
7 quota shares and to exchange them for newly
8 created catcher/processor owner quota shares
9 for the Northern Region.

10 (B) EXCHANGE RATE.—The entities re-
11 ferred to in subparagraph (A) shall receive
12 under the amendment one unit of newly created
13 catcher/processor owner quota shares in ex-
14 change for one unit of catcher vessel owner
15 quota shares and 0.9 units of processor quota
16 shares.

17 (C) AREA OF VALIDITY.—Each unit of
18 newly created catcher/processor owner quota
19 shares under this paragraph shall only be valid
20 for the Northern Region.

21 (2) FEES.—

22 (A) LOCAL FEES.—The holder of the
23 newly created catcher/processor owner quota
24 shares under paragraph (1) shall pay a fee of
25 5.0 percent of the ex-vessel value of the crab

1 harvested pursuant to those shares to any local
2 governmental entities in the Northern Region,
3 that would otherwise have received tax revenues
4 from local raw fish taxes had the exchange au-
5 thorized by paragraph (1) not occurred.

6 (B) STATE FEE.—The State of Alaska
7 may collect from the holder of the newly created
8 catcher/processor owner quota shares under
9 paragraph (1) a fee of 1.0 percent of the ex-ves-
10 sel value of the crab harvested pursuant to
11 those shares.

12 (3) LANDING REQUIREMENT.—Crab harvested
13 pursuant to catcher/processor owner quota shares
14 created under this subsection shall be landed in
15 those communities receiving the local governmental
16 entities fee revenue set forth in paragraph (2)(A).

17 (4) PERIODIC COUNCIL REVIEW.—As part of its
18 periodic review of the Plan referred to in paragraph
19 (1), the North Pacific Fishery Management Council
20 may review the effect, if any, of this subsection upon
21 communities in the Northern Region. If the Council
22 determines that this section adversely affects the
23 communities, the Council may recommend to the
24 Secretary of Commerce, and the Secretary may ap-

1 prove, such changes to the Plan as are necessary to
2 mitigate those adverse effects.

3 (5) LIMITATION ON APPLICATIONS.—Paragraph
4 (1) shall apply only with respect to entities that—

5 (A) were initially awarded catcher/proc-
6 essor owner quota shares under the Plan; and

7 (B) either were initially awarded processor
8 quota shares under the Plan or received such
9 shares under section 417(a) of the Coast Guard
10 and Maritime Transportation Act of 2006
11 (Public Law 109–241; 120 Stat. 546).

12 **SEC. 302. GOODS AND SERVICES.**

13 Section 4(b) of the Act of July 5, 1884, commonly
14 known as the Rivers and Harbors Appropriation Act of
15 1884 (33 U.S.C. 5(b)), is amended—

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

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

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

21 “(4) sales taxes on goods and services provided
22 to or by vessels or watercraft (other than vessels or
23 watercraft primarily engaged in foreign com-
24 merce).”.

1 **SEC. 303. MARITIME ACTIVITIES.**

2 Not later than 30 days after the date of enactment
3 of this Act, the Commandant of the Coast Guard shall
4 prepare and submit to the Committee on Transportation
5 and Infrastructure of the House of Representatives and
6 the Committee on Commerce, Science, and Transportation
7 of the Senate a report on the use of funds provided to
8 the Alaska Sealife Center from the Oil Spill Liability
9 Trust Fund.

10 **SEC. 304. SEAWARD EXTENSION OF ANCHORAGE GROUNDS**
11 **JURISDICTION.**

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

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

15 “(a) IN GENERAL.—”.

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

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

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

1 **SEC. 305. MARITIME DRUG LAW ENFORCEMENT ACT**
2 **AMENDMENT-SIMPLE POSSESSION.**

3 The Maritime Drug Law Enforcement Act (46
4 U.S.C. App. 1901-1904) is amended by adding at the end
5 the following:

6 **“SEC. 1905. SIMPLE POSSESSION.**

7 “(a) IN GENERAL.—Any individual at a facility (as
8 defined under section 70101 of title 46, United States
9 Code) or on a vessel subject to the jurisdiction of the
10 United States who is found by the Secretary, after notice
11 and an opportunity for a hearing, to have knowingly or
12 intentionally possessed a controlled substance within the
13 meaning of the Controlled Substances Act (21 U.S.C.
14 812) shall be liable to the United States for a civil penalty
15 of not to exceed \$10,000 for each violation. The Secretary
16 shall notify the individual in writing of the amount of the
17 civil penalty.

18 “(b) DETERMINATION OF AMOUNT.—In determining
19 the amount of the penalty, the Secretary shall consider
20 the nature, circumstances, extent, and gravity of the pro-
21 hibited acts committed and, with respect to the violator,
22 the degree of culpability, any history of prior offenses,
23 ability to pay, and other matters that justice requires.

24 “(c) TREATMENT OF CIVIL PENALTY ASSESS-
25 MENT.—Assessment of a civil penalty under this section
26 shall not be considered a conviction for purposes of State

1 or Federal law but may be considered proof of possession
2 if such a determination is relevant.”.

3 **SEC. 306. TECHNICAL AMENDMENTS TO TONNAGE MEAS-**
4 **UREMENT LAW.**

5 (a) APPLICATION.—Section 14301(b)(3) of title 46,
6 United States Code, is amended by inserting “of United
7 States or Canadian registry” after “vessel”.

8 (b) MEASUREMENT.—Section 14302(b) of such title
9 is amended to read as follows:

10 “(b) MEASUREMENT.—A vessel measured under this
11 chapter may not be required to be measured under any
12 other law.”.

13 (c) RECIPROCITY FOR FOREIGN VESSELS.—Sub-
14 chapter II of chapter 145 of such title is amended by add-
15 ing at the end the following:

16 **“§ 14514. Reciprocity for foreign vessels**

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

1 (d) DUAL TONNAGE MEASUREMENT.—Section
2 14513(c) of such title is amended—

3 (1) in paragraph (1)—

4 (A) by striking “vessel’s tonnage mark is
5 below the uppermost part of the load line
6 marks,” and inserting “vessel is assigned 2 sets
7 of gross and net tonnages under this section,”;
8 and

9 (B) by striking “the mark” and inserting
10 “the vessel’s tonnage mark”; and

11 (2) in paragraph (2) by striking the period at
12 the end and inserting “as assigned under this sec-
13 tion.”.

14 (e) CLERICAL AMENDMENT.—The analysis for sub-
15 chapter II of chapter 145 of such title is amended by add-
16 ing at the end the following:

“14514. Reciprocity for foreign vessels.”.

17 **SEC. 307. SEAMEN’S SHORESIDE ACCESS.**

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

1 **SEC. 308. LIMITATION ON MARITIME LIENS ON FISHING**
2 **PERMITS.**

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

6 **“§ 31310. Limitation on maritime liens on fishing per-**
7 **mits**

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

10 “(1) authorizes use of a vessel to engage in
11 fishing; and

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

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

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

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

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

1 **SEC. 309. EXTENSION OF EXEMPTION.**

2 Section 3503(a) of title 46, United States Code, is
3 amended by striking “2008” and inserting “2018”.

4 **SEC. 310. DOCUMENTATION OF CERTAIN FISHING VESSELS.**

5 Section 12102(c)(5) of title 46, United States Code,
6 as amended by section 301(a) of this Act, is amended by
7 adding at the end the following:

8 “(D) the vessel has been issued a permit pursu-
9 ant to part 648.6(a)(2) of title 50, Code of Federal
10 Regulations, and the owner of the vessel—

11 “(i) demonstrates to the Secretary the rec-
12 ommendation and approval referred to in sub-
13 paragraph (B);

14 “(ii) is required under the endorsement to
15 land all harvested fish and processed fish prod-
16 ucts at a United States port; and

17 “(iii) demonstrates to the Secretary that
18 the vessel is in compliance with—

19 “(I) requirements that otherwise
20 apply under section 403 of the Magnuson-
21 Stevens Fishery Conservation and Manage-
22 ment Act (16 U.S.C. 1881b) that the ves-
23 sel carry one or more Federal observers;
24 and

25 “(II) recordkeeping and reporting re-
26 quirements that otherwise apply under

1 part 648.7 of title 50, Code of Federal
2 Regulations.”.

3 **TITLE IV—MISCELLANEOUS**
4 **PROVISIONS**

5 **SEC. 401. SECURE COMMUNICATIONS PROGRAM.**

6 There is authorized to be appropriated to the Com-
7 mandant of the Coast Guard \$3,000,000 to improve
8 boarding team communications through the use of a cryp-
9 tographic mesh overlay protocol.

10 **SEC. 402. CERTIFICATE OF DOCUMENTATION FOR GALLANT**
11 **LADY.**

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

14 (1) in paragraph (1)—

15 (A) by striking “of Transportation” and
16 inserting “of the department in which the Coast
17 Guard is operating”; and

18 (B) by striking subparagraph (A) and in-
19 serting the following:

20 “(A) the vessel GALLANT LADY
21 (Feadship hull number 672, approximately 168
22 feet in length).”;

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

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

4 **SEC. 403. WAIVER.**

5 Notwithstanding section 27 of the Merchant Marine
6 Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of
7 June 19, 1886 (46 U.S.C. App. 289; 24 Stat. 81), and
8 section 12106 of title 46, United States Code, the Sec-
9 retary of the department in which the Coast Guard is op-
10 erating may issue a certificate of documentation with a
11 coastwise endorsement for the OCEAN VERITAS (IMO
12 Number 7366805).

13 **SEC. 404. DATA.**

14 In each of fiscal years 2007 and 2008, there is au-
15 thorized to be appropriated to the Administrator of the
16 National Oceanic and Atmospheric Administration
17 \$7,000,000 to acquire through the use of unmanned aerial
18 vehicles data to improve the management of natural disas-
19 ters, and the safety of marine and aviation transportation.

20 **SEC. 405. GREAT LAKES MARITIME RESEARCH INSTITUTE.**

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

23 (1) in subsection (b)(1)—

24 (A) by striking “The Secretary of Trans-
25 portation shall conduct a study that” and in-

1 serting “The Institute shall conduct maritime
2 transportation studies of the Great Lakes re-
3 gion, including studies that”;

4 (B) in subparagraphs (A), (B), (C), (E),
5 (F), (H), (I), and (J) by striking “evaluates”
6 and inserting “evaluate”;

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

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

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

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

14 “(K) identify ways to improve the integra-
15 tion of the Great Lakes marine transportation
16 system into the national transportation system;

17 “(L) examine the potential of expanded op-
18 erations on the Great Lakes marine transpor-
19 tation system;

20 “(M) identify ways to include intelligent
21 transportation applications into the Great
22 Lakes marine transportation system;

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

1 “(O) establish and maintain a model Great
2 Lakes marine transportation system database;
3 and

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

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

10 “(4) AUTHORIZATION OF APPROPRIATIONS.—
11 There are authorized to be appropriated to carry out
12 paragraph (1)—

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

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

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

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

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

18 **SEC. 406. INSPECTION AND CERTIFICATION OF PERMA-**
19 **NENTLY MOORED VESSELS.**

20 Any vessel which has a valid certificate of inspection
21 in effect on the date of enactment of this Act and which
22 is subsequently classified by the Coast Guard as a perma-
23 nently moored vessel shall remain eligible for a certificate
24 of inspection for an additional 5 years from the expiration

1 date of the certificate of inspection in effect on the date
2 of the reclassification.

3 **SEC. 407. COMPETITIVE CONTRACTING FOR PATROL BOAT**
4 **REPLACEMENT.**

5 The Coast Guard may only buy or operate a patrol
6 boat replacement (fast response cutter) if the contract to
7 build the cutter is awarded using a competitive contracting
8 procedure among shipyards in the United States and the
9 management of the competitive contracting procedure is
10 done by the Coast Guard or the primary contractor for
11 the Deepwater Program of the Coast Guard.

12 **SEC. 408. PATROL BOAT REPORT.**

13 Not later than 90 days after the date of enactment
14 of this Act the Secretary of the department in which the
15 Coast Guard is operating shall submit to the Committee
16 on Commerce, Science, and Transportation of the Senate
17 and the Committee on Transportation and Infrastructure
18 of the House of Representatives a report how the Coast
19 Guard plans to manage the annual readiness gap of lost
20 time for 110-foot patrol boats from fiscal year 2007
21 through fiscal year 2013. The report shall include—

22 (1) an identification of assets that may be used
23 to alleviate the annual readiness gap of lost time for
24 such patrol boats;

1 (2) a projection of the remaining operational
2 lifespan of the 110-foot patrol boat fleet;

3 (3) a description of how extending through fis-
4 cal year 2013 the transfer agreement between the
5 Coast Guard and the United States Navy for 5 Cy-
6 clone class 179-foot patrol coastal ships would effect
7 the annual readiness gap of lost time for 110-foot
8 patrol boats; and

9 (4) an estimate of the cost to extend the oper-
10 ational lifespan of the 110-foot patrol boat fleet for
11 each of fiscal years 2007 through 2013.

12 **SEC. 409. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND**
13 **VIOLENCE AT COAST GUARD ACADEMY.**

14 (a) POLICY ON SEXUAL HARASSMENT.—

15 (1) IN GENERAL.—Under guidance prescribed
16 by the Secretary of the department in which the
17 Coast Guard is operating, the Commandant of the
18 Coast Guard shall direct the Superintendent of the
19 Coast Guard Academy to prescribe a policy on sex-
20 ual harassment and violence applicable to the per-
21 sonnel of the Coast Guard Academy.

22 (2) SPECIFIED PROGRAMS AND PROCEDURES.—
23 The policy on sexual harassment and violence pre-
24 scribed for the Academy under paragraph (1) shall
25 specify the following:

1 (A) Programs to promote awareness of the
2 incidence of rape, acquaintance rape, and other
3 sexual offenses of a criminal nature that involve
4 academy personnel.

5 (B) Procedures that a cadet should follow
6 in the case of an occurrence of sexual harass-
7 ment or violence, including—

8 (i) a specification of the person or
9 persons to whom the alleged offense should
10 be reported;

11 (ii) a specification of any other person
12 whom the victim should contact; and

13 (iii) procedures on the preservation of
14 evidence potentially necessary for proof of
15 criminal sexual assault.

16 (C) Procedures for disciplinary action in
17 cases of alleged criminal sexual assault involv-
18 ing academy personnel.

19 (D) Any other sanction authorized to be
20 imposed in a substantiated case of harassment
21 or violence involving academy personnel in rape,
22 acquaintance rape, or any other criminal sexual
23 offense, whether forcible or nonforcible.

24 (E) Required training on the policy for all
25 academy personnel, including the specific train-

1 ing required for personnel who process allega-
2 tions of sexual harassment or violence involving
3 academy personnel.

4 (3) FACTORS TO CONSIDER.—In prescribing the
5 policy on sexual harassment and violence for the
6 Academy under paragraph (1), the Superintendent
7 shall take into consideration—

8 (A) the findings, conclusions, and rec-
9 ommendations of the panel established pursuant
10 to title V of the Emergency Wartime Supple-
11 mental Appropriations Act, 2003 (Public Law
12 108-11; 117 Stat. 609) to review sexual mis-
13 conduct allegations at the United States Air
14 Force Academy; and

15 (B) the findings, conclusions, and rec-
16 ommendations of other previous reviews and in-
17 vestigations of sexual harassment and violence
18 conducted with respect to the Coast Guard
19 Academy and one or more of the United States
20 Military Academy, the United States Naval
21 Academy, or the United States Air Force Acad-
22 emy.

23 (4) DEADLINE.—The policy required by para-
24 graph (1) shall be prescribed not later than June 1,
25 2007.

1 (b) ANNUAL ASSESSMENT.—

2 (1) IN GENERAL.—The Secretary shall direct
3 the Superintendent to conduct at the Coast Guard
4 Academy an assessment during the Academy’s pro-
5 gram year to determine the effectiveness of the
6 Academy’s policies, training, and procedures on sex-
7 ual harassment and violence to prevent criminal sex-
8 ual harassment and violence involving academy per-
9 sonnel.

10 (2) SURVEY OF PERSONNEL.—For the assess-
11 ment for each academy program year, the Super-
12 intendent shall conduct a survey of all academy per-
13 sonnel—

14 (A) to measure—

15 (i) the incidence, during that program
16 year, of sexual harassment and violence
17 events, on or off the academy reservation,
18 that have been reported to officials of the
19 Academy; and

20 (ii) the incidence, in that program
21 year, of sexual harassment and violence
22 events, on or off the academy reservation,
23 that have not been reported to officials of
24 the Academy; and

1 (B) to assess the perceptions of academy
2 personnel on—

3 (i) the policies, training, and proce-
4 dures on sexual harassment and violence
5 involving academy personnel;

6 (ii) the enforcement of such policies;

7 (iii) the incidence of sexual harass-
8 ment and violence involving academy per-
9 sonnel in such program year; and

10 (iv) any other issues relating to sexual
11 harassment and violence involving academy
12 personnel.

13 (c) ANNUAL REPORT.—

14 (1) IN GENERAL.—The Commandant shall di-
15 rect the Superintendent to submit to the Secretary
16 a report on sexual harassment and violence involving
17 academy personnel for each academy program year.

18 (2) SPECIFIED MATTERS TO BE COVERED.—

19 The annual report for the Academy under paragraph
20 (1) shall contain, for the academy program year cov-
21 ered by the report, the following matters:

22 (A) The number of sexual assaults, rapes,
23 and other sexual offenses involving academy
24 personnel that have been reported to academy
25 officials during the program year and the num-

1 ber of the reported cases that have been sub-
2 stantiated.

3 (B) The policies, procedures, and processes
4 implemented by the Commandant and the lead-
5 ership of the Academy in response to sexual
6 harassment and violence involving academy per-
7 sonnel during the program year.

8 (C) In the report for the 2008 academy
9 program year, a discussion of the survey con-
10 ducted under subsection (b), together with an
11 analysis of the results of the survey and a dis-
12 cussion of any initiatives undertaken on the
13 basis of such results and analysis.

14 (D) In the report for each of the subse-
15 quent academy program years, the results of
16 the annual survey conducted in such program
17 year under subsection (b).

18 (E) A plan for the actions that are to be
19 taken in the following academy program year
20 regarding prevention of and response to sexual
21 harassment and violence involving academy per-
22 sonnel.

23 (3) TRANSMITTAL TO SECRETARY.—The Com-
24 mandant shall transmit the annual report on an
25 academy under this subsection, together with the

1 Commandant's comments on the report, to the Sec-
2 retary and the Board of Visitors of the Academy.

3 (4) TRANSMITTAL TO CONGRESS.—The Sec-
4 retary shall transmit the annual report on the Acad-
5 emy under this subsection, together with the Sec-
6 retary's comments on the report to, the Committee
7 on Commerce, Science, and Transportation of the
8 Senate and the Committee on Transportation and
9 Infrastructure of the House of Representatives.

10 (5) DEADLINE FOR 2008 REPORT.—The report
11 for the 2008 academy program year shall be sub-
12 mitted to the Commandant not later than June 1,
13 2009.

14 (6) DEFINITION.—In this subsection, the term
15 “academy program year” with respect to a year,
16 means the academy program year that ends in that
17 year.

18 **SEC. 410. CRUISE SHIP DEMONSTRATION PROJECT.**

19 (a) IN GENERAL.—The Commandant of the Coast
20 Guard, in cooperation the regional trade association rep-
21 resenting the major cruise lines that operate in the Alaska
22 cruise trade, shall conduct a demonstration project on the
23 methods and best practices of the use of smokestack
24 scrubbers on cruise ships that operate in that region.

1 (b) AGREEMENT.—The Commandant of the Coast
 2 Guard may enter into an agreement with the regional
 3 trade association referred to in subsection (a), or one or
 4 more of its members, to assist in conducting the dem-
 5 onstration project under subsection (a).

6 (c) REPORT.—Upon completion of the project de-
 7 scribed in subsection (a), the Commandant of the Coast
 8 Guard shall submit a report on the results of the project
 9 to the Committee on Transportation and Infrastructure
 10 of the House of Representatives and the Committee on
 11 Commerce, Science, and Transportation of the Senate.

12 **SEC. 411. CREW WAGES ON PASSENGER VESSELS.**

13 (a) FOREIGN AND INTERCOASTAL VOYAGES.—

14 (1) CAP ON PENALTY WAGES.—Section
 15 10313(g) of title 46, United States Code, is amend-
 16 ed—

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

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

20 “(2) The total amount required to be paid under
 21 paragraph (1) with respect to all claims in a class action
 22 suit by seamen on a passenger vessel capable of carrying
 23 more than 500 passengers for wages under this section
 24 against a vessel master, owner, or operator or the em-

1 ployer of the seamen shall not exceed ten times the unpaid
2 wages that are the subject of the claims.

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

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

8 “(B) the receipt, by a seaman who is a claimant
9 in the suit, of a payment of wages that are the sub-
10 ject of the suit that is made in the ordinary course
11 of employment.”.

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

14 “(f) DEPOSITS IN SEAMAN ACCOUNT.—A seaman
15 employed on a passenger vessel capable of carrying more
16 than 500 passengers may authorize, by written request
17 signed by the seaman, the master, owner, or operator of
18 the vessel, or the employer of the seaman, to make depos-
19 its of wages of the seaman into a checking, savings, invest-
20 ment, or retirement account, or other account to secure
21 a payroll or debit card for the seaman if—

22 “(1) the wages designated by the seaman for
23 such deposit are deposited in a United States or
24 international financial institution designated by the
25 seaman;

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

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

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

12 (b) COASTWISE VOYAGES.—

13 (1) CAP ON PENALTY WAGES.—Section
14 10504(c) of such title is amended—

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

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

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

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

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

6 “(B) the receipt, by a seaman who is a claimant
7 in the suit, of a payment of wages that are the sub-
8 ject of the suit that is made in the ordinary course
9 of employment.”.

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

12 “(f) DEPOSITS IN SEAMAN ACCOUNT.—A seaman
13 employed on a passenger vessel capable of carrying more
14 than 500 passengers may authorize, by written request
15 signed by the seaman, the master, owner, or operator of
16 the vessel, or the employer of the seaman, to make depos-
17 its of wages of the seaman into a checking, savings, invest-
18 ment, or retirement account, or other account to secure
19 a payroll or debit card for the seaman if—

20 “(1) the wages designated by the seaman for
21 such deposit are deposited in a United States or
22 international financial institution designated by the
23 seaman;

24 “(2) such deposits in the financial institution
25 are fully guaranteed under commonly accepted inter-

1 national standards by the government of the country
2 in which the financial institution is licensed;

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

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

10 **SEC. 412. TECHNICAL CORRECTIONS.**

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

15 (1) in section 311(b) (120 Stat. 530) by insert-
16 ing “paragraphs (1) and (2) of” before “section
17 8104(o)”;

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

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

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

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

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

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

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

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

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

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

19 (A) by striking “Bisti/De-Na-Zin” and all
20 that follows through “Protection” and inserting
21 “Omnibus Parks and Public Lands Manage-
22 ment”; and

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

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

3 (A) by inserting “the Act of March 23,
4 1906, commonly known as” before “the General
5 Bridge”;

6 (B) by striking “491)” and inserting
7 “494),”; and

8 (C) by inserting “each place it appears”
9 before “and inserting”; and

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

12 (b) TITLE 14.—(1) The analysis for chapter 7 of title
13 14, United States Code, is amended by adding a period
14 at the end of the item relating to section 149.

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

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

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

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

4 (d) DEEPWATER PORT ACT OF 1974.—Section
5 5(c)(2) of the Deepwater Port Act of 1974 (33 U.S.C.
6 1504(c)(2)) is amended by aligning the left margin of sub-
7 paragraph (K) with the left margin of subparagraph (L).

8 (e) OIL POLLUTION ACT OF 1990.—(1) Section
9 1104(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C.
10 2794(a)(2)) is amended by striking the first comma fol-
11 lowing “\$800,000”.

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

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

20 **TITLE V—MARPOL ANNEX VI** 21 **IMPLEMENTATION**

22 **SEC. 501. SHORT TITLE.**

23 This title may be cited as the “MARPOL Annex VI
24 Implementation Act of 2006”.

1 **SEC. 502. REFERENCES.**

2 Wherever in this title an amendment or repeal is ex-
3 pressed in terms of an amendment to or a repeal of a sec-
4 tion or other provision, the reference shall be considered
5 to be made to a section or other provision of the Act to
6 Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

7 **SEC. 503. DEFINITIONS.**

8 Section 2(a) (33 U.S.C. 1901(a)) is amended—

9 (1) by redesignating the paragraphs (1)
10 through (12) as paragraphs (2) through (13), re-
11 spectively;

12 (2) by inserting before paragraph (2) (as so re-
13 designated) the following:

14 “(1) ‘Administrator’ means the Administrator
15 of the Environmental Protection Agency.”;

16 (3) in paragraph (5) (as so redesignated) by
17 striking “and V” and inserting “V, and VI”; and

18 (4) in paragraph (6) (as so redesignated) by
19 striking “‘discharge’ and ‘garbage’ and ‘harmful
20 substance’ and ‘incident’” and inserting “‘dis-
21 charge’, ‘emission’, ‘garbage’, ‘harmful substance’,
22 and ‘incident’”.

23 **SEC. 504. APPLICABILITY.**

24 Section 3 (33 U.S.C. 1902) is amended—

25 (1) in subsection (a)—

1 (A) by striking “and” at the end of para-
2 graph (3);

3 (B) by striking the period at the end of
4 paragraph (4) and inserting “; and”; and

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

6 “(5) with respect to Annex VI to the Conven-
7 tion, and to the extent consistent with international
8 law, to a ship (other than a ship referred to in para-
9 graph (1)), that—

10 “(A) is in a port, shipyard, offshore ter-
11 minal, or the internal waters of the United
12 States;

13 “(B) is in the territorial sea of the United
14 States as defined in Presidential Proclamation
15 5928 of December 27, 1988;

16 “(C) is in an emission control area des-
17 igned pursuant to section 4; or

18 “(D)(i) is bound for or departing a port,
19 shipyard, offshore terminal, or the internal wa-
20 ters of the United States; and

21 “(ii) is in any other area that the Adminis-
22 trator, in consultation with the Secretary, has
23 designated by regulation and based on the best
24 available scientific data as being an area from
25 which emissions from ships are of concern with

1 respect to protection of public health, welfare,
2 or the environment.”;

3 (2) in subsection (b)(1) by inserting “or (3)”
4 after “paragraph (2)”;

5 (3) in subsection (b) by adding at the end the
6 following:

7 “(3) With respect to Annex VI to the Convention, the
8 head of a Federal department or agency may determine
9 that some or all of the requirements under this Act shall
10 apply to one or more classes of public vessels operated
11 under the authority of such department or agency.”; and

12 (4) in subsection (d)—

13 (A) by inserting “, or the Administrator as
14 authorized by section 4,” after “Secretary”;

15 (B) by inserting “(or an applicable
16 Annex)” after “MARPOL Protocol” the first
17 place it appears; and

18 (C) by inserting “and Annex VI” after
19 “Annex V”.

20 **SEC. 505. ADMINISTRATION AND ENFORCEMENT.**

21 Section 4(b) (33 U.S.C. 1903(b)) is amended—

22 (1) by redesignating paragraph (2) as para-
23 graph (4);

24 (2) by inserting after paragraph (1) the fol-
25 lowing:

1 “(2) In prescribing regulations under this section to
2 carry out the provisions of Annex VI to the Convention,
3 the Secretary shall consult with the Administrator with
4 respect to Regulations 12 and 16 of such Annex and with
5 the Administrator and the Secretary of the Interior with
6 respect to Regulation 19 of such Annex.

7 “(3) In addition to the authority the Secretary has
8 to prescribe regulations under this section to carry out
9 Annex VI to the Convention, the Administrator, in con-
10 sultation with the Secretary, shall prescribe any necessary
11 or desired regulations to carry out Regulations 13, 14, 15,
12 and 18 of such Annex.”; and

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

14 “(5) No standard issued by any person or Federal
15 agency regarding emissions from tank vessels that are
16 subject to Regulation 15 of Annex VI to the Convention
17 shall be effective until six months after the date on which
18 the Secretary submits a notification to the International
19 Maritime Organization that such standard has been estab-
20 lished.”.

21 **SEC. 506. CERTIFICATES.**

22 Section 5 (33 U.S.C. 1904) is amended—

23 (1) in subsection (a)—

24 (A) by striking “The” and inserting “(1)

25 Except as provided in paragraph (2), the”; and

1 (B) by adding at the end the following new
2 paragraph:

3 “(2) The Administrator shall, and no other person
4 may, issue an Engine International Air Pollution Preven-
5 tion Certificate in accordance with Annex VI to the Con-
6 vention and the International Maritime Organization’s
7 Technical Code on Control of Emissions of Nitrogen Ox-
8 ides from Marine Diesel Engines, on behalf of the United
9 States. The issuance of such certificates shall be con-
10 sistent with any applicable requirements under the Clean
11 Air Act (42 U.S.C. 7401 et seq.) and regulations promul-
12 gated thereunder.”;

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

15 “(b) A certificate issued by a country that is a party
16 to the MARPOL Protocol has the same validity as a cer-
17 tificate issued by the Secretary under this Act or by the
18 Administrator under subsection (a)(2).”; and

19 (3) in subsection (e) by inserting “or the public
20 health or welfare” after “marine environment”.

21 **SEC. 507. RECEPTION FACILITIES.**

22 Section 6 (33 U.S.C. 1905) is amended—

23 (1) in subsection (a) by adding at the end the
24 following:

1 “(3) The Secretary, after consulting with appropriate
2 Federal agencies, shall establish regulations to require
3 that ports and terminals provide reception facilities for re-
4 ceiving ozone depleting substances, equipment containing
5 such substances, and exhaust gas cleaning residues or en-
6 sure that such facilities are available. The regulations
7 shall establish criteria for determining the adequacy of re-
8 ception facilities for receiving such substances, equipment,
9 or residues at a port or terminal and such additional
10 measures and requirements as are appropriate to ensure
11 such adequacy.

12 “(4) The Secretary may establish regulations to cer-
13 tify, and may issue certificates to the effect, that a port’s
14 or terminal’s facilities for receiving such substances,
15 equipment, and residues from ships are adequate.”;

16 (2) in subsection (c)(2)(A) by inserting “or
17 (a)(3)” after “subsection (a)(2)”;

18 (3) by striking subsection (e)(2) and inserting
19 the following:

20 “(2) The Secretary may deny the entry of a ship to
21 a port or terminal required by regulations issued under
22 this section to provide adequate reception facilities for gar-
23 bage, ozone depleting substances, equipment containing
24 such substances, and exhaust gas cleaning residues if the

1 port of terminal is not in compliance with such regula-
2 tions.”; and

3 (4) in subsection (f)(1) by striking “MARPOL
4 Protocol or the Antarctic Protocol” and inserting
5 “MARPOL Protocol, the Antarctic Protocol, or this
6 Act”.

7 **SEC. 508. INSPECTIONS.**

8 Section 8(f) (33 U.S.C. 1907(f)) is amended to read
9 as follows:

10 “(f)(1) The Secretary may inspect a ship to which
11 this Act applies as provided under section 3(a)(5), to
12 verify whether the ship is in compliance with Annex VI
13 to the Convention and this Act.

14 “(2) If an inspection under this subsection or any
15 other information indicates that a violation has occurred,
16 the Secretary may undertake enforcement action under
17 this section.”.

18 **SEC. 509. AMENDMENTS TO THE PROTOCOL.**

19 Section 10(b) (33 U.S.C. 1909(b)) is amended by
20 striking “Annex I, II, or V” and by inserting “Annex I,
21 II, V, or VI”.

22 **SEC. 510. EFFECT ON OTHER LAWS.**

23 Section 15 (33 U.S.C. 1911) is amended to read as
24 follows:

1 **“SEC. 15. EFFECT ON OTHER LAWS.**

2 “Authorities, requirements, and remedies of this Act
3 supplement and neither amend nor repeal any other au-
4 thorities, requirements, or remedies conferred by any
5 other provision of law. Nothing in this Act shall limit,
6 deny, amend, modify, or repeal any other authority, re-
7 quirement, or remedy available to the United States or
8 any other person, except as expressly provided in this
9 Act.”.

10 **SEC. 511. MARPOL TECHNICAL CORRECTIONS.**

11 Subsections (a), (b), and (d) of section 9 (33 U.S.C.
12 1908(a), (b), and (d)) are amended by striking the second
13 comma after “MARPOL Protocol” each place it appears.

Passed the House of Representatives September 28,
2006.

Attest:

Clerk.

109TH CONGRESS
2^D SESSION

H. R. 5681

AN ACT

To authorize appropriations for the Coast Guard
for fiscal year 2007, and for other purposes.