

## Union Calendar No. 354

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5681

[Report No. 109-614]

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

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### IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2006

Mr. YOUNG of Alaska (for himself and Mr. LOBIONDO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

JULY 28, 2006

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on June 26, 2006]

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## A BILL

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 Authoriza-*  
 3 *tion 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. Repeal of termination date on Coast Guard housing authorities.*

*Sec. 206. Coast Guard participation in the Armed Forces Retirement Home (AFRH) system.*

*Sec. 207. Grants to international maritime organizations.*

*Sec. 208. Emergency leave retention authority.*

*Sec. 209. Enforcement authority.*

*Sec. 210. Notification.*

*Sec. 211. Repeal.*

*Sec. 212. 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.*

## 1           **TITLE I—AUTHORIZATION**

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

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

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

7                           (A) *\$24,255,000 is authorized to be derived*  
8 *from the Oil Spill Liability Trust Fund to carry*  
9 *out the purposes of section 1012(a)(5) of the Oil*  
10 *Pollution Act of 1990 (33 U.S.C. 2712(a)(5));*

11                           (B) *\$629,000,000 shall be available only for*  
12 *paying for search and rescue programs; and*

13                           (C) *\$502,000,000 shall be available only for*  
14 *paying for marine safety programs.*

15                   (2) *For the acquisition, construction, rebuilding,*  
16 *and improvement of aids to navigation, shore and off-*  
17 *shore facilities, vessels, and aircraft, including equip-*  
18 *ment related thereto, \$2,095,861,000, of which—*

19                           (A) *\$19,800,000 shall be derived from the*  
20 *Oil Spill Liability Trust Fund to carry out the*  
21 *purposes of section 1012(a)(5) of the Oil Pollu-*  
22 *tion Act of 1990, to remain available until ex-*  
23 *pended;*

1           (B) \$1,419,223,000 is authorized for acqui-  
2           sition and construction of shore and offshore fa-  
3           cilities, vessels, and aircraft, including equip-  
4           ment related thereto, and other activities that  
5           constitute the Integrated Deepwater System; and

6           (C) \$316,638,000 is authorized for conver-  
7           sion and sustainment of legacy vessels and air-  
8           craft, including equipment related thereto, and  
9           other activities that constitute the Integrated  
10          Deepwater Systems.

11          (3) To the Commandant of the Coast Guard for  
12          research, development, test, and evaluation of tech-  
13          nologies, materials, and human factors directly relat-  
14          ing to improving the performance of the Coast  
15          Guard's mission in search and rescue, aids to naviga-  
16          tion, marine safety, marine environmental protection,  
17          enforcement of laws and treaties, ice operations,  
18          oceanographic research, and defense readiness,  
19          \$24,000,000, to remain available until expended, of  
20          which \$2,000,000 shall be derived from the Oil Spill  
21          Liability Trust Fund to carry out the purposes of sec-  
22          tion 1012(a)(5) of the Oil Pollution Act of 1990.

23          (4) For retired pay (including the payment of  
24          obligations otherwise chargeable to lapsed appropri-  
25          ations for this purpose), payments under the Retired



1           (b) *MILITARY TRAINING STUDENT LOADS.*—For fiscal  
2 year 2007, the Coast Guard is authorized average military  
3 training student loads as follows:

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

6           (2) For flight training, 125 student years.

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

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

## 10           **TITLE II—COAST GUARD**

### 11   **SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD**

#### 12                           **JUDGES.**

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

#### 15   **“§ 153. Appointment of judges**

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

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

“153. Appointment of judges.”.

### 23   **SEC. 202. INDUSTRIAL ACTIVITIES.**

24           Section 151 of title 14, United States Code is amend-  
25 ed—

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

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

4           “(b) *ORDERS AND AGREEMENTS FOR INDUSTRIAL AC-*  
5 *TIVITIES.*—*Under this section, the Coast Guard industrial*  
6 *activities may accept orders and enter into reimbursable*  
7 *agreements with establishments, agencies, and departments*  
8 *of the Department of Defense.*”.

9   **SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAV-**  
10                                   **EL EXPENSES.**

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

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

16           *“In any case in which a covered beneficiary (as de-*  
17 *finied in section 1072(5) of title 10) resides on an island*  
18 *that is located in the 48 contiguous States and the District*  
19 *of Columbia and that lacks public access roads to the main-*  
20 *land and is referred by a primary care physician to a spe-*  
21 *cialty care provider (as defined in section 1074i(b) of title*  
22 *10) on the mainland who provides services less than 100*  
23 *miles from the location where the beneficiary resides, the*  
24 *Secretary shall reimburse the reasonable travel expenses of*  
25 *the covered beneficiary and, when accompaniment by an*

1 *adult is necessary, for a parent or guardian of the covered*  
 2 *beneficiary or another member of the covered beneficiary's*  
 3 *family who is at least 21 years of age."*

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

*"518. Reimbursement for medical-related travel expenses for certain persons resid-*  
*ing on islands in the continental United States."*

6 **SEC. 204. COMMISSIONED OFFICERS.**

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

9 **"§ 42. Number and distribution of commissioned offi-**  
 10 **cers on active duty promotion list**

11 *"(a) MAXIMUM TOTAL NUMBER.—The total number of*  
 12 *Coast Guard commissioned officers on the active duty pro-*  
 13 *motion list, excluding warrant officers, shall not exceed*  
 14 *6,700; except that the Commandant may temporarily in-*  
 15 *crease such number by up to 2 percent for no more than*  
 16 *60 days following the date of the commissioning of a Coast*  
 17 *Guard Academy class.*

18 *"(b) DISTRIBUTION PERCENTAGES BY GRADE.—*

19 *"(1) REQUIRED.—The total number of commis-*  
 20 *sioned officers authorized by this section shall be dis-*  
 21 *tributed in grade in the following percentages: 0.375*  
 22 *percent for rear admiral; 0.375 percent for rear admi-*  
 23 *ral (lower half); 6.0 percent for captain; 15.0 percent*

1       *for commander; and 22.0 percent for lieutenant com-*  
2       *mander.*

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

6               “(3) *AUTHORITY OF SECRETARY TO REDUCE*  
7       *PERCENTAGE.*—*The Secretary—*

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

11                      “(B) *shall apply that total percentage re-*  
12       *duction to any other lower grade or combination*  
13       *of lower grades.*

14               “(c) *COMPUTATIONS.*—

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

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

1           “(3) *TREATMENT OF OFFICERS SERVING OUT-*  
2           *SIDE COAST GUARD.*—*The number of commissioned*  
3           *officers on the active duty promotion list serving with*  
4           *other Federal departments or agencies on a reimburs-*  
5           *able basis or excluded under section 324(d) of title 49*  
6           *shall not be counted against the total number of com-*  
7           *missioned officers authorized to serve in each grade.*

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

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

1           (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*  
 2 *3 of such title is amended by striking the item relating to*  
 3 *section 42 and inserting the following:*

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

4 **SEC. 205. REPEAL OF TERMINATION DATE ON COAST**  
 5 **GUARD HOUSING AUTHORITIES.**

6           *Section 689 of title 14, United States Code, and the*  
 7 *item relating to such section in the analysis for chapter 18*  
 8 *of such title, are repealed.*

9 **SEC. 206. COAST GUARD PARTICIPATION IN THE ARMED**  
 10 **FORCES RETIREMENT HOME (AFRH) SYSTEM.**

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

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

15                   (2) *in paragraph (5)—*

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

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

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

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

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

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

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

5                   (A) *in subsection (a) by inserting “or, in the*  
6 *case of the Coast Guard, the Commandant” after*  
7 *“concerned” ; and*

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

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

11                   (A) *in paragraph (3) by inserting “or, in the*  
12 *case of the Coast Guard, the Commandant” after*  
13 *“Secretary of Defense”;*

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

15                   (C) *by redesignating paragraph (5) as para-*  
16 *graph (4).*

17 **SEC. 207. GRANTS TO INTERNATIONAL MARITIME ORGANI-**  
18 **ZATIONS.**

19           *Section 149 of title 14, United States Code, is amend-*  
20 *ed—*

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

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

24           “(b) *GRANTS TO INTERNATIONAL MARITIME ORGANI-*  
25 *ZATIONS.*—*After consultation with the Secretary of State,*

1 *the Commandant may make grants to, or enter into cooper-*  
 2 *ative agreements, contracts, or other agreements with, inter-*  
 3 *national maritime organizations for the purpose of acquir-*  
 4 *ing information or data about merchant vessel inspections,*  
 5 *security, safety, classification, and port state or flag state*  
 6 *law enforcement or oversight.”.*

7 **SEC. 208. EMERGENCY LEAVE RETENTION AUTHORITY.**

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

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

12 “With regard to a member of the Coast Guard who  
 13 serves on active duty, a duty assignment in support of a  
 14 declaration of a major disaster or emergency by the Presi-  
 15 dent under the Robert T. Stafford Disaster Relief and  
 16 Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) shall  
 17 be treated, for the purpose of section 701(f)(2) of title 10,  
 18 a duty assignment in support of a contingency operation.”.

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

“426. *Emergency leave retention authority.*”.

22 **SEC. 209. ENFORCEMENT AUTHORITY.**

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

1 **“§ 99. Enforcement authority**

2       *“Subject to guidelines approved by the Secretary,*  
3 *members of the Coast Guard, in the performance of official*  
4 *duties, may—*

5               *“(1) carry a firearm; and*

6               *“(2) while at a facility (as defined in section*  
7 *70101 of title 46)—*

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

10                      *“(B) seize property as otherwise provided*  
11 *by law.”.*

12       **(b) CONFORMING REPEAL.**—*The first section added to*  
13 *title 46, United States Code, by the amendment made by*  
14 *subsection (a) of section 801 of the Coast Guard and Mari-*  
15 *time Transportation Act of 2004 (118 Stat. 1078), and the*  
16 *item relating to such first section enacted by the amendment*  
17 *made by subsection (b) of such section 801, are repealed.*

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

*“99. Enforcement authority.”.*

20 **SEC. 210. NOTIFICATION.**

21       *The Secretary of the department in which the Coast*  
22 *Guard is operating may not transfer the permanent head-*  
23 *quarters of the United States Coast Guard Band until at*  
24 *least 180 days after the date on which a plan for such trans-*  
25 *fer is submitted to the Committee on Transportation and*

1 *Infrastructure of the House of Representatives and the Com-*  
2 *mittee on Commerce, Science, and Transportation of the*  
3 *Senate.*

4 **SEC. 211. REPEAL.**

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

8 **SEC. 212. MARITIME SAFETY FOR NUCLEAR POWER FACILI-**  
9 **TIES LOCATED ADJACENT TO NAVIGABLE WA-**  
10 **TERS.**

11 *(a) RESPONSIBILITY.—Section 2 of title 14, United*  
12 *States Code, is amended by inserting before “and shall*  
13 *maintain a state of readiness” the following: “shall admin-*  
14 *ister laws and promulgate and enforce regulations to assure*  
15 *the maritime safety of nuclear power facilities located adja-*  
16 *cent to navigable waters of the United States not specifi-*  
17 *cally delegated by law to some other executive department;”.*

18 *(b) COOPERATION WITH NRC.—Chapter 7 of such title*  
19 *is amended by inserting after section 147a the following:*  
20 **“§ 147b. Nuclear regulatory commission**

21 *“(a) IN GENERAL.—The Commandant may enter into*  
22 *an agreement with the Chairman of the Nuclear Regulatory*  
23 *Commission to enhance the maritime safety of the navigable*  
24 *waters of the United States that are located adjacent to a*  
25 *nuclear power plant. Such agreement shall provide for—*

1           “(1) the exchange of certain information with the  
2           Chairman relating to the maritime safety of a nu-  
3           clear power plant located adjacent to the navigable  
4           waters of the United States;

5           “(2) the assignment of officers of the Coast  
6           Guard to serve as liaisons to the Nuclear Regulatory  
7           Commission; and

8           “(3) the provisions of equipment and support to,  
9           or accept the same from, the Nuclear Regulatory Com-  
10          mission.

11          “(b) *PAYMENT OR REIMBURSEMENT.*—With regard to  
12          any agreement entered into under subsection (a), the Com-  
13          mandant may prescribe conditions, including advance pay-  
14          ment or reimbursement, under which such resources may  
15          be provided.”.

16          (c) *CLERICAL AMENDMENT.*—The analysis for chapter  
17          7 of such title is amended by adding at the end the fol-  
18          lowing:

          “147b. Nuclear Regulatory Commission.”.

19                   **TITLE III—SHIPPING AND**  
20                   **NAVIGATION**

21          **SEC. 301. VESSEL SIZE LIMITS.**

22          (a) *LENGTH, TONNAGE, AND HORSEPOWER.*—Section  
23          12102(c)(5) of title 46, United States Code, is amended—

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

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

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

4           (4) by striking the period at the end of subpara-  
5 graph (B) and inserting a semicolon; and

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

7           “(C) the vessel is either a rebuilt vessel or a re-  
8 placement vessel under section 208(g) of the American  
9 Fisheries Act (title II of division C of Public Law  
10 105–277; 112 Stat. 2681–625) and is eligible for a  
11 fishery endorsement under section 12108 of this title;  
12 or”.

13       (b) CONFORMING AMENDMENTS.—

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

18       “(g) VESSEL REBUILDING AND REPLACEMENT.—

19           “(1) IN GENERAL.—Except as provided in para-  
20 graph (4), the owner of a vessel eligible under sub-  
21 section (a), (b), (c), (d), or (e) may rebuild or replace  
22 that vessel. The rebuilt or replacement vessel shall be  
23 eligible in the same manner under such subsection as  
24 the eligible vessel, documented with a fishery endorse-  
25 ment under section 12108 of title 46, United States

1 *Code, and not be subject to any limitations on length-*  
2 *ening vessels contained in section 679.4(k) of title 50,*  
3 *Code of Federal Regulations, as in effect on the date*  
4 *of enactment of the Coast Guard Authorization Act of*  
5 *2006.*

6 “(2) *RECOMMENDATIONS OF NORTH PACIFIC*  
7 *COUNCIL.—The North Pacific Council may rec-*  
8 *ommend for approval by the Secretary such conserva-*  
9 *tion and management measures in accordance with*  
10 *the Magnuson-Stevens Act as it considers necessary to*  
11 *ensure that this subsection does not diminish the effec-*  
12 *tiveness of fishery management plans of the Bering*  
13 *Sea and Aleutian Islands Management Area or the*  
14 *Gulf of Alaska.*

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

17 “(A) *IN GENERAL.—Notwithstanding the re-*  
18 *quirements of paragraphs (1), (2), and (3) of sec-*  
19 *tion 12102(c) of title 46, United States Code, a*  
20 *vessel that is eligible under subsection (a), (b),*  
21 *(c), (d), or (e) and that qualifies to be docu-*  
22 *mented with a fishery endorsement pursuant to*  
23 *section 203(g) or 213(g) may be replaced with a*  
24 *replacement vessel under paragraph (1) if the*  
25 *vessel that is replaced is validly documented with*

1           *a fishery endorsement pursuant to section 203(g)*  
2           *or 213(g) before the replacement vessel is docu-*  
3           *mented with a fishery endorsement under section*  
4           *12108 of title 46, United States Code.*

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

11           “(4) *SPECIAL RULES FOR CERTAIN CATCHER*  
12           *VESSELS.*—

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

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

23                   “(i) *a vessel eligible under subsection*  
24                   *(a), (b), or (c) that is replaced under para-*  
25                   *graph (1); or*

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

5                   “(5) *LIMITATION ON FISHERY ENDORSEMENTS.*—  
6                   *Any vessel that is replaced under this subsection shall*  
7                   *thereafter not be eligible for a fishery endorsement*  
8                   *under section 12108 of title 46, United States Code,*  
9                   *unless that vessel is also a replacement vessel de-*  
10                   *scribed in paragraph (1).”.*

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

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

17                   (B) *by striking “, NORTHERN TRAV-*  
18                   *ELER (United States official number 635986),*  
19                   *and NORTHERN VOYAGER (United States of-*  
20                   *ficial number 637398) (or a replacement vessel*  
21                   *for the NORTHERN VOYAGER that complies*  
22                   *with paragraphs (2), (5), and (6) of section*  
23                   *208(g) of this Act)”;* *and*

1           (C) by striking “, in the case of the  
2           NORTHERN” and all that follows through  
3           “PHOENIX,”.

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

8           (A) by moving the matter beginning with  
9           “the Secretary shall” in paragraph (1) 2 ems to  
10          the right;

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

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

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

20                         “(i) shall be based on the average total  
21                         pollock harvest for the vessel being removed  
22                         for calendar years 1995, 1996, and 1997  
23                         and determined under the regulations in ef-  
24                         fect on the date of removal of the vessel; and

1           “(i) shall be assigned, for all purposes  
2           under this title, in the manner specified by  
3           the owner of the vessel being retired to any  
4           other catcher vessel or among other catcher  
5           vessels participating in the fishery coopera-  
6           tive if such vessel or vessels remain in the  
7           fishery cooperative for at least one year  
8           after the date on which the vessel being re-  
9           moved leaves the directed pollock fishery.

10          “(B) ELIGIBILITY.—

11                 “(i) FOR FISHERY ENDORSEMENT.—  
12                 Except as provided in clause (ii), a vessel  
13                 that is removed pursuant to this paragraph  
14                 shall be permanently ineligible for a fishery  
15                 endorsement, and any claim (including re-  
16                 lating to catch history) associated with such  
17                 vessel that could qualify any owner of such  
18                 vessel for any permit to participate in any  
19                 fishery within the exclusive economic zone of  
20                 the United States shall be extinguished, un-  
21                 less such removed vessel is thereafter des-  
22                 ignated to replace a vessel to be removed  
23                 pursuant to this paragraph.

24                 “(ii) LIMITATION ON STATUTORY CON-  
25                 STRUCTION.—Nothing in this paragraph

1           *shall be construed to make a vessel removed*  
2           *from the directed pollock fishery not eligible*  
3           *for a fishery endorsement or any permit*  
4           *necessary to continue to participate in such*  
5           *fishery if that vessel has participated, as de-*  
6           *termined by the Secretary, during either*  
7           *2002, 2003, or 2004 in a Federal fishery*  
8           *not under the authority of the North Pacific*  
9           *Council.”.*

10       (c) *VESSEL SAFETY STANDARDS.—*

11           (1) *LOADLINES.—Section 5102(b)(3) of title 46,*  
12       *United States Code, is amended to read as follows:*

13           “(3) a fishing vessel unless the vessel is—

14                   “(A) a rebuilt vessel under section 208(g) of  
15       *the American Fisheries Act (title II of division*  
16       *C of Public Law 105–277; 112 Stat. 2681–627);*  
17       *or*

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

22           (2) *CLASSING.—Section 4503 of title 46, United*  
23       *States Code, is amended—*

24                   (A) *in subsection (a) by inserting after “A”*  
25       *the following: “fishing or”;*

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

2 “(c) *APPLICABILITY TO FISHING VESSELS.*—This sec-  
3 tion applies to a fishing vessel to which this chapter applies  
4 that is—

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

8 “(2) a replacement vessel under such section and  
9 the replacement vessel did not harvest fish under sec-  
10 tion 208(a), 208(b), 208(c), or 208(e) of that Act be-  
11 fore June 1, 2006.”; and

12 (C) in the heading for such section by strik-  
13 ing “**Fish**” and inserting “**Fishing and**  
14 **fish**”.

15 **SEC. 302. GOODS AND SERVICES.**

16 Section 4(b) of the Act of July 5, 1884, commonly  
17 known as the Rivers and Harbors Appropriation Act of  
18 1884 (33 U.S.C. 5(b)), is amended—

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

20 (2)(C);

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

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

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

4 **SEC. 303. MARITIME ACTIVITIES.**

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

12 **SEC. 304. SEAWARD EXTENSION OF ANCHORAGE GROUNDS**

13                                   **JURISDICTION.**

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

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

17                   “(a) *IN GENERAL.*—”.

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

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

23                   “(b) *DEFINITION.*—As used in this section ‘navigable  
24 waters of the United States’ includes all waters of the terri-

1 *torial sea of the United States as described in Presidential*  
2 *Proclamation No. 5928 of December 27, 1988.”*

3 **SEC. 305. MARITIME DRUG LAW ENFORCEMENT ACT AMEND-**  
4 **MENT-SIMPLE POSSESSION.**

5 *The Maritime Drug Law Enforcement Act (46 U.S.C.*  
6 *App. 1901–1904) is amended by adding at the end the fol-*  
7 *lowing:*

8 **“SEC. 1905. SIMPLE POSSESSION.**

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

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

1       “(c) *TREATMENT OF CIVIL PENALTY ASSESSMENT.*—  
2 *Assessment of a civil penalty under this section shall not*  
3 *be considered a conviction for purposes of State or Federal*  
4 *law but may be considered proof of possession if such a de-*  
5 *termination is relevant.”.*

6 **SEC. 306. TECHNICAL AMENDMENTS TO TONNAGE MEAS-**  
7 **UREMENT LAW.**

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

11       (b) *MEASUREMENT.*—Section 14302(b) of such title is  
12 *amended to read as follows:*

13       “(b) *MEASUREMENT.*—A vessel measured under this  
14 *chapter may not be required to be measured under any*  
15 *other law.”.*

16       (c) *RECIPROCITY FOR FOREIGN VESSELS.*—Sub-  
17 *chapter II of chapter 145 of such title is amended by adding*  
18 *at the end the following:*

19 **“§ 14514. Reciprocity for foreign vessels**

20       *“For a foreign vessel not measured under chapter 143,*  
21 *if the Secretary finds that the laws and regulations of a*  
22 *foreign country related to measurement of vessels are sub-*  
23 *stantially similar to those of this chapter and the regula-*  
24 *tions prescribed under this chapter, the Secretary may ac-*  
25 *cept the measurement and certificate of a vessel of that for-*

1 *eign country as complying with this chapter and the regula-*  
2 *tions prescribed under this chapter.”.*

3 (d) *DUAL TONNAGE MEASUREMENT.*—*Section*  
4 *14513(c) of such title is amended—*

5 (1) *in paragraph (1)—*

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

11 (B) *by striking “the mark” and inserting*  
12 *“the vessel’s tonnage mark”;* *and*

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

16 (e) *CLERICAL AMENDMENT.*—*The analysis for sub-*  
17 *chapter II of chapter 145 of such title is amended by adding*  
18 *at the end the following:*

*“14514. Reciprocity for foreign vessels.”.*

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

20 *Each facility security plan approved under section*  
21 *70103(c) of title 46, United States Code, shall provide a*  
22 *system for seamen assigned to a vessel at that facility and*  
23 *representatives of seamen’s welfare and labor organizations*  
24 *to board and depart the vessel through the facility in a*  
25 *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 title  
 4 46, United States Code, is amended by adding at the end  
 5 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 fish-  
 11 ing; and

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

13 “(b) *LIMITATION ON ENFORCEMENT.*—No civil action  
 14 may be brought to enforce a maritime lien on a permit de-  
 15 scribed 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 sanction  
 20 any Federal fishery permit issued by the Secretary of Com-  
 21 merce or to bring a civil action to enforce such modifica-  
 22 tion, suspension, revocation, or sanction.”.

23 (b) *CLERICAL AMENDMENT.*—The analysis for such  
 24 chapter is amended by inserting after the item relating to  
 25 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, as*  
6 *amended by section 301(a) of this Act, is amended by add-*  
7 *ing 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 the*  
18 *vessel is in compliance with—*

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

24 *“(II) recordkeeping and reporting re-*  
25 *quirements that otherwise apply under part*

1                   648.7 of title 50, Code of Federal Regula-  
2                   tions.”.

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 board-*  
8   *ing 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(c) of the Coast Guard Authorization Act*  
13 *of 1996 (110 Stat. 3977) is amended—*

14                   (1) *in paragraph (1)—*

15                   (A) *by striking “of Transportation” and in-*  
16                   *serting “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 (Feadship*  
21                   *hull number 672, approximately 168 feet in*  
22                   *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 the  
3           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 June  
7 19, 1886 (46 U.S.C. App. 289; 24 Stat. 81), and section  
8 12106 of title 46, United States Code, the Secretary of the  
9 department in which the Coast Guard is operating may  
10 issue a certificate of documentation with a coastwise en-  
11 dorsement for the OCEAN VERITAS (IMO Number  
12 7366805).

13 **SEC. 404. DATA.**

14           In each of fiscal years 2007 and 2008, there is author-  
15 ized to be appropriated to the Administrator of the National  
16 Oceanic and Atmospheric Administration \$7,000,000 to ac-  
17 quire through the use of unmanned aerial vehicles data to  
18 improve the management of natural disasters, and the safe-  
19 ty 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 Transpor-  
25                   tation shall conduct a study that” and inserting

1           *“The Institute shall conduct maritime transpor-*  
2           *tation studies of the Great Lakes region, includ-*  
3           *ing 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 strik-*  
8           *ing “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 sub-*  
12          *paragraph (J) and inserting a semicolon; and*

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 Lakes*  
22          *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           (a) *REPORT.*—*Not later than 30 days after the date*  
21           *of enactment of this Act, the Commandant of the Coast*  
22           *Guard shall prepare and submit to the Committee on*  
23           *Transportation and Infrastructure of the House of Rep-*  
24           *resentatives and the Committee on Commerce, Science, and*  
25           *Transportation of the Senate a report on the number and*

1 *location of vessels that would be identified as permanently*  
2 *moored vessels under the Coast Guard’s notice of proposed*  
3 *policy entitled “Coast Guard Inspection and Certification*  
4 *of Permanently Moored Vessels”, dated June 21, 2004, and*  
5 *printed in the Federal Register and the potential economic*  
6 *impacts of prohibiting the issuance of certificates of inspec-*  
7 *tion for vessels under the proposed policy.*

8       **(b) SENSE OF CONGRESS.**—*It is the sense of Congress*  
9 *that the Coast Guard should develop and implement in a*  
10 *timely manner a policy regarding the inspection of perma-*  
11 *nently moored vessels that would not prohibit any vessel*  
12 *that is operating under a valid certificate of inspection on*  
13 *June 1, 2006, from being issued a certificate of inspection*  
14 *if such vessel maintains compliance with all applicable*  
15 *Coast Guard regulations.*

16 **SEC. 407. COMPETITIVE CONTRACTING FOR PATROL BOAT**  
17 **REPLACEMENT.**

18       *The Coast Guard may only buy or operate a patrol*  
19 *boat replacement (fast response cutter) if the contract to*  
20 *build the cutter is awarded using a competitive contracting*  
21 *procedure among shipyards in the United States and the*  
22 *management of the competitive contracting procedure is*  
23 *done by the Coast Guard or the primary contractor for the*  
24 *Deepwater Program of the Coast Guard.*

1 **SEC. 408. PATROL BOAT REPORT.**

2 *Not later than 90 days after the date of enactment of*  
3 *this Act the Secretary of the department in which the Coast*  
4 *Guard is operating shall submit to the Committee on Com-*  
5 *merce, Science, and Transportation of the Senate and the*  
6 *Committee on Transportation and Infrastructure of the*  
7 *House of Representatives a report how the Coast Guard*  
8 *plans to manage the annual readiness gap of lost time for*  
9 *110-foot patrol boats from fiscal year 2007 through fiscal*  
10 *year 2013. The report shall include—*

11 *(1) an identification of assets that may be used*  
12 *to alleviate the annual readiness gap of lost time for*  
13 *such patrol boats;*

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

16 *(3) a description of how extending through fiscal*  
17 *year 2013 the transfer agreement between the Coast*  
18 *Guard and the United States Navy for 5 Cyclone*  
19 *class 179-foot patrol coastal ships would effect the an-*  
20 *annual readiness gap of lost time for 110-foot patrol*  
21 *boats; and*

22 *(4) an estimate of the cost to extend the oper-*  
23 *ational lifespan of the 110-foot patrol boat fleet for*  
24 *each of fiscal years 2007 through 2013.*

1 **SEC. 409. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND**  
2 **VIOLENCE AT COAST GUARD ACADEMY.**

3 *(a) POLICY ON SEXUAL HARASSMENT.—*

4 *(1) IN GENERAL.—Under guidance prescribed by*  
5 *the Secretary of the department in which the Coast*  
6 *Guard is operating, the Commandant of the Coast*  
7 *Guard shall direct the Superintendent of the Coast*  
8 *Guard Academy to prescribe a policy on sexual har-*  
9 *assment and violence applicable to the personnel of*  
10 *the Coast Guard Academy.*

11 *(2) SPECIFIED PROGRAMS AND PROCEDURES.—*  
12 *The policy on sexual harassment and violence pre-*  
13 *scribed for the Academy under paragraph (1) shall*  
14 *specify the following:*

15 *(A) Programs to promote awareness of the*  
16 *incidence of rape, acquaintance rape, and other*  
17 *sexual offenses of a criminal nature that involve*  
18 *academy personnel.*

19 *(B) Procedures that a cadet should follow in*  
20 *the case of an occurrence of sexual harassment or*  
21 *violence, including—*

22 *(i) a specification of the person or per-*  
23 *sons to whom the alleged offense should be*  
24 *reported;*

25 *(ii) a specification of any other person*  
26 *whom the victim should contact; and*

1                   (iii) procedures on the preservation of  
2                   evidence potentially necessary for proof of  
3                   criminal sexual assault.

4                   (C) Procedures for disciplinary action in  
5                   cases of alleged criminal sexual assault involving  
6                   academy personnel.

7                   (D) Any other sanction authorized to be im-  
8                   posed in a substantiated case of harassment or  
9                   violence involving academy personnel in rape,  
10                  acquaintance rape, or any other criminal sexual  
11                  offense, whether forcible or nonforcible.

12                  (E) Required training on the policy for all  
13                  academy personnel, including the specific train-  
14                  ing required for personnel who process allega-  
15                  tions of sexual harassment or violence involving  
16                  academy personnel.

17                  (3) *FACTORS TO CONSIDER.*—In prescribing the  
18                  policy on sexual harassment and violence for the  
19                  Academy under paragraph (1), the Superintendent  
20                  shall take into consideration—

21                  (A) the findings, conclusions, and rec-  
22                  ommendations of the panel established pursuant  
23                  to title V of the Emergency Wartime Supple-  
24                  mental Appropriations Act, 2003 (Public Law  
25                  108–11; 117 Stat. 609) to review sexual mis-

1           *conduct allegations at the United States Air*  
2           *Force Academy; and*

3                   *(B) the findings, conclusions, and rec-*  
4                   *ommendations of other previous reviews and in-*  
5                   *vestigations of sexual harassment and violence*  
6                   *conducted with respect to the Coast Guard Acad-*  
7                   *emy and one or more of the United States Mili-*  
8                   *tary Academy, the United States Naval Acad-*  
9                   *emy, or the United States Air Force Academy.*

10           *(4) DEADLINE.—The policy required by para-*  
11           *graph (1) shall be prescribed not later than June 1,*  
12           *2007.*

13           *(b) ANNUAL ASSESSMENT.—*

14                   *(1) IN GENERAL.—The Secretary shall direct the*  
15                   *Superintendent to conduct at the Coast Guard Acad-*  
16                   *emy an assessment during the Academy’s program*  
17                   *year to determine the effectiveness of the Academy’s*  
18                   *policies, training, and procedures on sexual harass-*  
19                   *ment and violence to prevent criminal sexual harass-*  
20                   *ment and violence involving academy personnel.*

21                   *(2) SURVEY OF PERSONNEL.—For the assessment*  
22                   *for each academy program year, the Superintendent*  
23                   *shall conduct a survey of all academy personnel—*

24                           *(A) to measure—*

1           (i) the incidence, during that program  
2           year, of sexual harassment and violence  
3           events, on or off the academy reservation,  
4           that have been reported to officials of the  
5           Academy; and

6           (ii) the incidence, in that program  
7           year, of sexual harassment and violence  
8           events, on or off the academy reservation,  
9           that have not been reported to officials of  
10          the Academy; and

11          (B) to assess the perceptions of academy  
12          personnel on—

13               (i) the policies, training, and proce-  
14               dures on sexual harassment and violence in-  
15               volving academy personnel;

16               (ii) the enforcement of such policies;

17               (iii) the incidence of sexual harassment  
18               and violence involving academy personnel  
19               in such program year; and

20               (iv) any other issues relating to sexual  
21               harassment and violence involving academy  
22               personnel.

23          (c) ANNUAL REPORT.—

24               (1) IN GENERAL.—The Commandant shall direct  
25          the Superintendent to submit to the Secretary a re-

1 *port on sexual harassment and violence involving*  
2 *academy personnel for each academy program year.*

3 (2) *SPECIFIED MATTERS TO BE COVERED.—The*  
4 *annual report for the Academy under paragraph (1)*  
5 *shall contain, for the academy program year covered*  
6 *by the report, the following matters:*

7 (A) *The number of sexual assaults, rapes,*  
8 *and other sexual offenses involving academy per-*  
9 *sonnel that have been reported to academy offi-*  
10 *cial during the program year and the number*  
11 *of the reported cases that have been substan-*  
12 *tiated.*

13 (B) *The policies, procedures, and processes*  
14 *implemented by the Commandant and the lead-*  
15 *ership of the Academy in response to sexual har-*  
16 *assment and violence involving academy per-*  
17 *sonnel during the program year.*

18 (C) *In the report for the 2008 academy pro-*  
19 *gram year, a discussion of the survey conducted*  
20 *under subsection (b), together with an analysis of*  
21 *the results of the survey and a discussion of any*  
22 *initiatives undertaken on the basis of such re-*  
23 *sults and analysis.*

24 (D) *In the report for each of the subsequent*  
25 *academy program years, the results of the an-*

1           *nual survey conducted in such program year*  
2           *under subsection (b).*

3           *(E) A plan for the actions that are to be*  
4           *taken in the following academy program year re-*  
5           *garding prevention of and response to sexual*  
6           *harassment and violence involving academy per-*  
7           *sonnel.*

8           *(3) TRANSMITTAL TO SECRETARY.—The Com-*  
9           *mandant shall transmit the annual report on an*  
10          *academy under this subsection, together with the*  
11          *Commandant’s comments on the report, to the Sec-*  
12          *retary and the Board of Visitors of the Academy.*

13          *(4) TRANSMITTAL TO CONGRESS.—The Secretary*  
14          *shall transmit the annual report on the Academy*  
15          *under this subsection, together with the Secretary’s*  
16          *comments on the report to, the Committee on Com-*  
17          *merce, Science, and Transportation of the Senate and*  
18          *the Committee on Transportation and Infrastructure*  
19          *of the House of Representatives.*

20          *(5) DEADLINE FOR 2008 REPORT.—The report for*  
21          *the 2008 academy program year shall be submitted to*  
22          *the Commandant not later than June 1, 2009.*

23          *(6) DEFINITION.—In this subsection, the term*  
24          *“academy program year” with respect to a year,*

1        *means the academy program year that ends in that*  
2        *year.*

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

4        (a) *IN GENERAL.*—*The Commandant of the Coast*  
5        *Guard, in cooperation the regional trade association rep-*  
6        *resenting the major cruise lines that operate in the Alaska*  
7        *cruise trade, shall conduct a demonstration project on the*  
8        *methods and best practices of the use of smokestack scrub-*  
9        *bers on cruise ships that operate in that region.*

10       (b) *AGREEMENT.*—*The Commandant of the Coast*  
11       *Guard may enter into an agreement with the regional trade*  
12       *association referred to in subsection (a), or one or more of*  
13       *its members, to assist in conducting the demonstration*  
14       *project under subsection (a).*

15       (c) *REPORT.*—*Upon completion of the project described*  
16       *in subsection (a), the Commandant of the Coast Guard shall*  
17       *submit a report on the results of the project to the Com-*  
18       *mittee on Transportation and Infrastructure of the House*  
19       *of Representatives and the Committee on Commerce,*  
20       *Science, and Transportation of the Senate.*

Union Calendar No. 354

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 5681**

[Report No. 109-614]

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## **A BILL**

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

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JULY 28, 2006

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed