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Coast Guard Authorization Act for Fiscal Year 2008

Congress: 110 (2007–2009, Ended)

Chamber: Senate

Policy Area: Transportation and Public Works

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Sponsor

Name: Sen. Cantwell, Maria [D-WA]

Party: Democratic • State: WA • Chamber: Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Inouye, Daniel K. [D-HI]	D · HI		Jul 26, 2007
Sen. Lautenberg, Frank R. [D-NJ]	D · NJ		Jul 26, 2007
Sen. Lott, Trent [R-MS]	R · MS		Jul 26, 2007
Sen. Snowe, Olympia J. [R-ME]	R · ME		Jul 26, 2007
Sen. Stevens, Ted [R-AK]	R · AK		Jul 26, 2007

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Feb 5, 2008

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

Bill	Relationship	Last Action
110 HR 2830	Related bill	Apr 28, 2008: Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 721.

Coast Guard Authorization Act for Fiscal Year 2008 - (Sec. 101) **Title I: Authorizations** - Authorizes appropriations for FY2008 for the Coast Guard for: (1) operations and maintenance; (2) acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft; (3) retired pay, payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents; (4) environmental compliance and restoration; (5) research, development, testing, and evaluation programs; (6) operation and maintenance of the Coast Guard reserve program; and (7) construction of a new Chelsea Street Bridge in Chelsea, Massachusetts.

(Sec. 102) Authorizes FY2008 levels of Coast Guard active duty military personnel and average military training student loads.

(Sec. 103) Authorizes appropriations for FY2008-FY2009 to the Coast Guard to continue deployment of a World Wide Web-based risk management system to help reduce accidents and fatalities.

Title II: Organization - (Sec. 201) Gives the Coast Guard's Vice Commandant the rank of admiral while serving as Vice Commandant. (Currently, the Vice Commandant is given the rank of vice admiral.)

Replaces provisions authorizing the appointment of a Commander for each of the Atlantic and Pacific Areas with provisions authorizing the appointment of four officers, with the rank of vice admiral while so serving, to positions of importance and responsibility.

Repeals provisions authorizing the appointment of a Coast Guard Chief of Staff.

(Sec. 202) Establishes the Merchant Mariner Medical Advisory Committee.

(Sec. 203) Authorizes the Commandant of the Coast Guard to make grants to, or enter into cooperative agreements, contracts, or other agreements with, international maritime organizations to acquire information or data about merchant vessel inspections, security, safety and environmental requirements, classification, and port state or flag state law enforcement or oversight.

(Sec. 204) Authorizes the Commandant, provided the Secretary of State approves, to transfer or expend funds from any appropriation available to the Coast Guard for various activities relating to interaction with foreign governments.

Title III: Personnel - (Sec. 301) Revises various provisions relating to leave retention, legal assistance for Coast Guard reservists, reimbursement for certain medical-related travel expenses, the number and distribution of commissioned officers on the active duty promotion list, the appointment of temporary commissioned officers, and officer promotion.

(Sec. 307) Amends the Homeland Security Act of 2002 to authorize the appointment of civilian employees of the Department of Homeland Security (DHS) as appellate military judges, available for assignment to the Coast Guard Court of Criminal Appeals.

(Sec. 308) Amends the Armed Forces Retirement Home Act of 1991 to include the Coast Guard in the Armed Forces retirement home system.

Title IV: Administration - (Sec. 401) Authorizes the Coast Guard industrial activities to accept orders for work and material and enter into reimbursable agreements with establishments, agencies, and departments of the Department of

Defense and the DHS.

(Sec. 402) Includes in the definition of "Coast Guard vessels and aircraft," for purposes of provisions relating to stopping and firing at or into vessels, any vessel or aircraft under the tactical control of the Coast Guard on which one or more members of the Coast Guard are assigned and conducting Coast Guard missions.

(Sec. 403) Authorizes the Coast Guard Yard, the Aviation Repair and Supply Center, or other similar Coast Guard industrial establishments, for purposes of entering into joint public-private partnerships or other cooperative arrangements for the performance of work to provide supplies or services for government use, to enter into agreements or other arrangements with public or private entities, foreign or domestic.

(Sec. 404) Revises Coast Guard housing authorities to authorize entering into public-private partnerships for the construction of Coast Guard recreational facilities.

Title V: Shipping and Navigation - (Sec. 501) Amends provisions relating to commercial instruments and maritime liens to replace references to the Secretary of Transportation with references to the Secretary of Homeland Security.

Revises provisions relating to the Secretary of Commerce or Transportation as a mortgagee.

Removes provisions imposing a civil fine on a mortgagee who, on final discharge of indebtedness, fails to provide a discharge certificate.

(Sec. 503) Directs the Secretary of Transportation to maintain the LORAN-C navigation system until authorized by statute, explicitly referencing specified provisions, to cease operating the system.

(Sec. 504) Requires the National Weather Service (NWS) to deploy a weather buoy adjacent to the main ship channel of Nantucket Sound.

(Sec. 505) Prevents a maritime lien from attaching to a federal or state permit that authorizes use of a vessel to engage in fishing.

(Sec. 506) Requires a report to specified congressional committees on Coast Guard rebuild determinations.

Title VI: Maritime Law Enforcement - (Sec. 601) Makes it unlawful to transport or facilitate the transportation, harboring, or concealment of an alien on board a vessel, having reason to believe that the alien is attempting to unlawfully enter the United States, or to attempt or conspire to do so. Provides for: (1) fines and imprisonment; (2) criminal and civil vessel forfeiture; and (3) extraterritorial jurisdiction.

Title VII: Oil Pollution Prevention - (Sec. 701) Requires a report to specified congressional committees on the status of all Coast Guard rulemakings required (but not yet issued) under the Oil Pollution Act of 1990 for automatic identification systems and inspection requirements for towing vessels. Sets a deadline for issuance of the final rules.

(Sec. 702) Directs the Secretary of the department in which the Coast Guard is operating, in issuing regulations for towing vessels, to: (1) give priority to completing regulations for towing operations involving tank vessels; and (2) consider the possible application of standards that apply to self-propelled tank vessels and any modifications that may be necessary for application to towing vessels.

Requires an annual report to specified congressional committees on the extent to which tank vessels in Buzzards Bay, Massachusetts, are using routes recommended by the Coast Guard.

(Sec. 703) Requires issuance of regulations to reduce the risks of oil spills in operations involving the transfer of oil from or to a tank vessel. Allows state laws that are at least as stringent as the regulations.

(Sec. 704) Requires a report to specified congressional committees regarding: (1) the types of human errors that account for over 50% of all vessel oil spills in the past 10 years; (2) the most frequent types of near-miss oil spill incidents in the past 10 years; and (3) the extent to which there are data gaps.

(Sec. 705) Requires revision of the area to be avoided off the coast of the state of Washington so that restrictions apply to all vessels required to prepare a response plan under specified provisions of the Federal Water Pollution Control Act (other than fishing or research vessels while engaged in fishing or research within the area to be avoided).

Requires the conducting of a Safe Seas oil spill drill in the Olympic Coast National Marine Sanctuary in FY2008. Authorizes appropriations.

(Sec. 706) Directs the Under Secretary of Commerce for Oceans and Atmosphere to establish an oil spill prevention and education program for small vessels.

Authorizes the Under Secretary to make grants to sea grant colleges and institutes designated under specified provisions of the National Sea Grant College Program Act and to state agencies, tribal governments, and other appropriate entities to carry out: (1) regional assessments; (2) clean marina programs; (3) cooperative oil spill prevention education programs; and (4) outreach and education regarding the threat of derelict vessels sinking and discharging oil and other hazardous substances. Authorizes appropriations.

(Sec. 707) Provides for a variety of measures to improve consultation, inclusion, cooperation, and coordination with the governments of federally recognized Indian tribes regarding oil spills. Authorizes appropriations.

(Sec. 708) Requires a report to specified congressional committees on the availability, feasibility, and potential cost of technology to detect the loss of oil carried as cargo or as fuel on tank and non-tank vessels greater than 400 gross tons.

(Sec. 709) Amends the Oil Pollution Act of 1990 to allow a limited amount of money from the Oil Spill Liability Trust Fund to be available for response and damage assessment capabilities of the National Oceanic and Atmospheric Administration (NOAA).

(Sec. 710) Directs the Secretary to ensure that the Coast Guard pursues stronger enforcement in the International Maritime Organization of agreements related to oil discharges.

(Sec. 711) Establishes a grant program for the development of cost-effective technologies for detecting discharges of oil from vessels as well as methods and technologies for improving detection and recovery of submerged and sinking oils. Requires a report to specified congressional committees. Authorizes appropriations.

(Sec. 712) Modifies the definition, in a specified Coast Guard regulation, of "higher volume port area" with regard to areas in or near the Strait of Juan De Fuca and Puget Sound, Washington. Requires the Coast Guard, within five years after enactment of this Act, to complete its review of any changes to emergency response plans resulting from that definition change.

(Sec. 713) Amends the Federal Water Pollution Control Act to require the stationing of a year-round response tug of a specified minimum pulling capacity in the entry to the Strait of Juan de Fuca at Neah Bay capable of providing rapid assistance and towing capability to disabled vessels during severe weather conditions.

Requires a contract with the National Academy of Sciences to conduct a study of regional response tug and salvage needs for Washington's Olympic coast. Authorizes appropriations.

(Sec. 714) Directs the Secretary of State to negotiate with the government of Canada to ensure that tugboat escorts are required for all tank ships with a capacity over 40,000 deadweight tons in the Strait of Juan de Fuca, Strait of Georgia, and Haro Strait.

(Sec. 715) Amends the Oil Pollution Act of 1990 to require the responsible party for any tank vessel over 100 gross tons (except a non-self-propelled vessel that does not carry oil as cargo) using any place subject to U.S. jurisdiction to establish and maintain evidence of financial responsibility sufficient to meet their maximum amount of liability they could be subjected to.

(Sec. 716) Requires a vessel traffic risk assessment for Cook Inlet, Alaska, and the Aleutian Islands, Alaska. Authorizes appropriations.

(Sec. 717) Directs the Secretary of the Treasury to increase the amount invested in income producing securities under specified provisions of the Oil Pollution Act of 1990 by a specified amount.

(Sec. 718) Amends the Oil Pollution Act of 1990 to revise the definition of "responsible party" to include (after December 31, 2010) the owner of oil being transported in a single-hulled tank vessel if the owner of the oil knew, or should have known, that the vessel had a poor safety or operational record.

Title VIII: Maritime Hazardous Cargo Security - (Sec. 801) Directs the Secretary to establish a committee within the International Maritime Organization that includes representatives of United States trading partners that supply tank, bulk, or break-bulk vessel shipments of especially hazardous cargo to the United States. Requires an annual report to specified congressional committees.

(Sec. 802) Requires development and implementation of: (1) a voluntary program under which foreign ports and facilities can certify their compliance with applicable International Ship and Port Facility Code standards; and (2) a program under which independent, third-party entities are certified to validate a foreign port's or facility's compliance under such voluntary program. Requires an annual report to specified congressional committees.

(Sec. 803) Directs the Secretary to establish a strategic plan to use assistance programs to assist ports and facilities in the implementation of port security antiterrorism measures in foreign countries and U.S. territories. (Current law directs the Secretary to establish a program to use the programs that are capable of implementing such measures at ports in such locations.)

(Sec. 804) Authorizes the Secretary to lend, lease, donate, or otherwise provide equipment, and provide technical training and support, to the owner or operator of a foreign port or facility to meet or exceed applicable International Ship and Port Facility Code standards and standards under provisions enacted by this Act.

(Sec. 805) Directs the Commandant to identify facilities sited or constructed on or adjacent to U.S. navigable waters that receive, handle, load, or unload especially hazardous cargos that pose a risk greater than an acceptable risk threshold. Authorizes the Secretary to establish a security cost-share plan to assist the Coast Guard in providing security for the transportation of especially hazardous cargo to such facilities.

(Sec. 806) Requires Area Maritime Transportation Security plans to establish regional response and recovery protocols regarding transportation security incidents.

(Sec. 807) Requires that government personnel responsible for the safety and security of vessels in port carrying especially hazardous cargo successfully complete training in the DHS's incident command system protocols.

(Sec. 808) Directs the Secretary to ensure that interoperable communications technology capable of reestablishing communications when existing infrastructure is damaged or destroyed in an emergency or a major disaster is deployed at all interagency operational centers established under the SAFE Port Act.

(Sec. 809) Defines "especially hazardous cargo," for purposes of this title, as any substance identified by the Secretary as especially hazardous cargo transported by tank, bulk, or break-bulk vessel.

Title IX: Miscellaneous Provisions - (Sec. 901) Requires a report to specified congressional committees on Coast Guard activities regarding the protection of marine mammals and sea turtles under U.S. statutes and international agreements.

(Sec. 902) Authorizes the conveyance to Douglas County, Oregon, of the Umpqua Lighthouse property for use as a park.

(Sec. 903) Requires transfer of administrative jurisdiction over lands in Coos County, Oregon (including Cape Arago Light Station on Chief's Island), in the areas commonly known as Gregory Point and Chief's Island to the Secretary of the Interior to hold in trust for the benefit of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. Allows the Coast Guard to retain easements for access to aids to navigation so long as required by the Coast Guard.

(Sec. 904) Authorizes appropriations to NOAA to acquire, through the use of unmanned aerial vehicles, data to improve the management of natural disasters, the safety of marine and aviation transportation, and fisheries enforcement.

(Sec. 905) Amends the Coast Guard and Maritime Transportation Act of 2006 to require an annual report by the Delaware River and Bay Oil Spill Advisory Committee. Extends the authorization of appropriations for the Committee and sets a date certain for its termination.

(Sec. 906) Authorizes the construction or leasing of hangar, berthing, and messing facilities in the Aleutian Island-Bering Sea operating area.

(Sec. 907) Authorizes the construction of an enclosed hangar at Air Station Barbers Point, Hawaii.

(Sec. 908) Requires, on the decommissioning of the Coast Guard Cutter STORIS, conveyance of the vessel to the USCG Cutter STORIS Museum and Maritime Education Center, LLC, in Alaska.

(Sec. 909) Authorizes transfer to Presque Isle Township, Michigan, possession of the Historic Fresnel Lens from the Presque Isle Light Station Lighthouse, Michigan, for the purpose of operating the lens and lighthouse as a private aid to navigation.

(Sec. 910) Repeals provisions terminating the authority to enter into transmissions under provisions relating to Coast Guard housing.

Repeals provisions requiring that the initial appointment of the Director of the Boating Safety Office be in the grade of Captain.

(Sec. 911) Requires an annual report to specified congressional committees on the volume of foreign flag ships entering waters subject to U.S. jurisdiction.

(Sec. 912) Modifies the definition of "fish processing vessel" to provide special provisions applicable to certain salmon fishing vessels operating in Alaskan waters.

(Sec. 913) Grants the Town of Jupiter Island, Florida, notwithstanding any other law, the right of first refusal to select and take, without consideration, title to certain real property in the town's jurisdiction.

(Sec. 914) Directs the Secretary of Transportation to convene a working group of senior representatives from the Maritime Administration, Coast Guard, Environmental Protection Agency (EPA), National Oceanic and Atmospheric Administration (NOAA), and Navy to make recommendations on environmental practices for the storage and disposal of obsolete vessels owned or operated by the federal government.

(Sec. 915) Authorizes the Secretary of the department in which the Coast Guard is operating to construct a full multi-mission Coast Guard Response Station in Valdez, Alaska.

(Sec. 916) Authorizes the Secretary to: (1) to require a bond or surety as an alternative to withholding or revoking clearance to facilitate an investigation or adjudication of any matter related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard; (2) pay necessary support of any seafarer who enters, remains, or has been paroled into the United States and is involved in such an investigation or adjudication and any seafarer abandoned in the United States; and (3) reimburse a ship owner who has provided necessary support of a seafarer who has been paroled into the United States to facilitate such an investigation or adjudication.

Establishes the "Support of Seafarers Fund" in the Treasury, consisting of appropriated amounts and, in certain circumstances, amounts recovered from a ship owner who failed to provide seafarer support and against whom a criminal penalty is imposed, or who abandons a seafarer. Provides for proceedings in rem. Authorizes appropriations.

(Sec. 917) Directs the Secretary to acquire or construct two polar icebreakers in addition to the Coast Guard's existing polar icebreaker fleet. Authorizes appropriations.

(Sec. 918) Amends the Fur Seal Act of 1966 to extend the authorization of appropriations for grants to certain city governments, village corporations, or tribal councils of St. George, Alaska, or St. Paul, Alaska.

(Sec. 919) Requires the Commandant to report to specified congressional committees on: (1) the most cost-effective method for providing shore facilities to meet the operational requirements of the area commonly referred to as Coast Guard Sector Buffalo of the Ninth Coast Guard District, New York; and (2) the feasibility of consolidating and relocating shore facilities on a portion of the existing site.

(Sec. 920) Requires the conveyance of the Point No Point Lighthouse to Kitsap County, Washington.

(Sec. 921) Requires each facility security plan approved under specified provisions to provide a system for seamen assigned to a vessel at that facility, pilots, and representatives of seamen's welfare and labor organizations to board and depart the vessel through the facility in a timely manner at no cost to the individual.

(Sec. 922) Requires that any class action suit for seaman's wages and provisions on a vessel with more than 500 passengers be commenced within three years of the end of the last voyage for which wages are claimed.

Allows a seaman on such a vessel to authorize deposit of the seaman's wages into a checking, savings, investment, retirement, or other account to secure a payroll or debit card for the seaman.

(Sec. 923) Requires the Inspector General of the DHS to report to specified congressional committees on the circumstances surrounding the accidental death of Coast Guard crew members on a training dive while serving aboard the Coast Guard icebreaker HEALY.

Title X: Vessel Conveyance - Vessel Conveyance Act - (Sec. 1002) Requires that the conveyance of a U.S. government vessel for use for an educational, cultural, historical, charitable, recreational, or other public purpose be made subject to any conditions as the Secretary considers necessary. Requires inclusion of a reversionary provision.

(Sec. 1003) Requires the Secretary of Transportation to convene a working group with representatives from the Maritime Administration, Coast Guard, and Navy to review and to make recommendations on a common set of conditions for the conveyance of U.S. vessels to defined eligible entities.

(Sec. 1004) Imposes a civil penalty on any entity found to have failed to comply with the terms and conditions under which a vessel was conveyed to it.

Actions Timeline

- **Feb 5, 2008:** Committee on Commerce, Science, and Transportation. Reported by Senator Inouye with amendments. With written report No. 110-261.
- **Feb 5, 2008:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 568.
- **Jul 26, 2007:** Introduced in Senate
- **Jul 26, 2007:** Sponsor introductory remarks on measure. (CR S10159)
- **Jul 26, 2007:** Read twice and referred to the Committee on Commerce, Science, and Transportation. (text of measure as introduced: CR S10159-10172)