acquired, a projection of the remaining operational lifespan of each legacy asset, a detailed justification for each modification to the original Deepwater plan to meet the Service’s requirements to acquire no more than four and prohibit the Commandant from acquiring such helicopters until 90 days after the submission to Congress of a determination that the acquisition using HH-65 helicopters and the cost to modifying those helicopters or airframes to meet the same design, construction, and equipment standards that apply to the current fleet of HH-65 helicopters is more cost-effective than an acquisition or leasing of a similar number of MH-68 helicopters. The Senate amendment does not contain a comparable provision.

The Conference substitute adopts a provision that requires the Coast Guard to study and report to Congress an analysis of the potential impacts, including costs and benefits, of a requirement that the Coast Guard only acquire major helicopter components built in the United States. The conferees understand that some foreign helicopter manufacturers use U.S. manufacturing plants to build certain components, and that some components of those helicopters are only manufactured outside the United States.

Section 410. Newton Creek, New York City, New York

Section 412 of the House bill requires the Coast Guard to carry out a study to report to Congress an analysis of the pollution of Newtown Creek in the city of New York, New York caused by oil seepage. The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with a modification to require the Environmental Protection Agency to carry out the study rather than the Coast Guard.

Section 411. Report on technology

Section 414 of the House bill requires the Commandant of the Coast Guard to submit to Congress a report on technology to provide an opportunity to assess potential threats before they reach United States ports, including technologies already tested or in testing at joint operating centers, as well as the costs associated with implementing such technology at all United States ports.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provision that is substantively similar to the House-passed provision.

Section 412. Assessment and planning

Section 417 of the House bill authorizes an amount of $400,000 to be appropriated to the Coast Guard to carry out an assessment and planning for the impact of an Arctic Sea Route on the indigenous people of Alaska.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment to authorize the funding to the Maritime Administration to carry out the assessment and planning rather than the Coast Guard.

Section 413. Homeport

Section 418 of the House bill requires, subject to the availability of appropriations, the Commandant of the Coast Guard to homeport the Coast Guard cutter HEALY in Anchorage, Alaska.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts a provision that requires the Coast Guard to conduct a study to assess the current homeport for the Coast Guard cutter HEALY and to assess whether that site or alternative homeporting arrangements would enhance the Coast Guard’s capabilities to meet the requirements of the Interim Report of the National Academy of Sciences (Polar Icebreaker Roles and U.S. Future Needs: A Preliminary Assessment), namely that the United States should facilitate the applicable year-round icebreaking capability in the Arctic. The provision further requires the Coast Guard to report the findings of the study to Congress not later than one year after the enactment of this Act.

Section 414. Opinions regarding whether certain facilities create obstructions to navigation

Section 419 of the House bill requires the Coast Guard to provide an opinion in writing to states that whether a proposed wind energy facility would create an obstruction to navigation in any case in which a person requests the Secretary of Transportation to take action to permit a wind energy facility under the authority of section 10 of the Act of March 3, 1899 (33 U.S.C. 405).

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts a provision that prohibits the construction of an offshore wind energy facility in Nantucket Sound unless approved by the Commandant of the Coast Guard.

Section 415. Port Richmond

Section 424 of the House bill would prohibit the Commandant of the Coast Guard from approving a security plan under section 70109(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

The Senate bill does not contain a comparable provision.

The Conference substitute adopts the House provision.

Section 416. Eligibility to participate in Western Alaska Community Development Quota Program

Section 426 of the House bill clarifies that the Secretary of Commerce is not required to establish a new system to reallocate up to 10 percent of the Federal Community Development Quota Program to the Western Alaska Community Development Group unless the Secretary determines that the new system will enhance the Coast Guard’s capabilities to meet the recommendations of the Interim Report of the National Academy of Sciences (Polar Icebreaker Roles and U.S. Future Needs: A Preliminary Assessment). The Conference substitute provides that the Western Alaska Community Development Group does not constitute a major Federal action under Federal law.

The Senate bill does not contain a comparable provision.

The Conference substitute adopts the provision that the Secretary of Commerce is not required to establish a new system to reallocate up to 10 percent of the Federal Community Development Quota Program to the Western Alaska Community Development Group unless the Secretary determines that the new system will enhance the Coast Guard’s capabilities to meet the recommendations of the Interim Report of the National Academy of Sciences (Polar Icebreaker Roles and U.S. Future Needs: A Preliminary Assessment). The Conference substitute provides that the Western Alaska Community Development Group does not constitute a major Federal action under Federal law.

The Conference substitute establishes the Western Alaska Community Development Quota program. It is the intent of Congress that all activities of the CDQ groups continue to be considered tax-exempt (as has been the practice since the CDQ program’s inception in 1980) so that the six CDQ groups can more readily address the pressing economic needs of the region.

The Conference substitute requires that the CDQ program continue to receive the same annual percentage allocations of each fishery as it does now under existing Federal law. It also requires that the percentage of a particular fishery allocated to the CDQ program shall be a directed fishing allocation if treated as such under existing Federal law, unless the Secretary determines that the allocation to the CDQ program of certain Bering Sea and Aleutian Islands groundfish species (including Pacific cod, mackerel, and flatfish species) be permanently increased to 10 percent (up from 7.5 percent) and treated as directed fishing allocations as soon as any quota-type programs are established in any years prior to 2009 in which such directed fishing allocations are adopted in the fishery.

The Conference substitute requires that the directed fishing allocation must be made to the CDQ program in any new fishery that is opened in the Bering Sea and Aleutian Islands.

The Conference substitute codifies existing practice with respect to processing and any other rights related to CDQ allocations. It specifies that the allocations to the CDQ program are only the rights to process and sell the fish that each of the CDQ groups include the harvesting rights, the rights to process the fish, and any other rights or privileges related to the fish that are associated with the allocations as of March 1, 2006. This is not intended to give the CDQ program or the CDQ groups processing privileges that they do not already have. The CDQ groups are also permitted to change the inshore/offshore split contained in the American Fisheries Act.

The Conference substitute requires that the harvest of the CDQ allocations be regulated in a manner no more restrictive or costly than for other participants in the applicable sector of the fishery. This section applies to fisheries with individual quotas or fishing cooperatives.

The Conference substitute eliminates the requirement that each of the CDQ groups must select a representative to serve on the CDQ panel.

The Conference substitute establishes the requirements that each of the six CDQ groups must fulfill to maintain eligibility in the CDQ program. Each group must be governed by a board of directors, at least 75 percent of the members of which are resident fishermen from the CDQ group’s member villages, and have at least one director from each of its member villages. Each CDQ group must select a representative to serve on the CDQ panel.

The Conference substitute allows each CDQ group to choose to participate in non-fishery investments: (I) on non-fishery projects in its member villages; (II) on pooled or joint investments with other CDQ groups in their region; and (III) for the purpose of matching Federal or State grants for projects or programs in its member villages. Any remaining
investments must be in fishery related projects or for purposes consistent with the current practices of the CDQ groups. It also requires each CDQ group to submit an annual report to the Secretaries of Commerce and the State of Alaska which summarizes its investments for the previous year.

The Conference substitute requires CDQ groups to comply with any excessive share limitations in the BSAI fisheries only to the extent of their proportional ownership in any entity. This provision is intended to address the inherent conflict between excessive share limitations in the fisheries and the CDQ program’s goal to expand the economic base of the adjacent communities through investment in the fisheries.

The excessive share limitations imposed by the Magnuson-Stevens Act, the crab quota program, and other federal requirements of the American Fisheries Act, the Magnuson-Stevens Act, and the Northern Pacific Council’s Community Development Plan. Each CDQ group would weight these criteria to reflect the needs of its member villages.

The Conference substitute requires each CDQ group to comply with State of Alaska law for the purpose of ensuring that the group’s decisions on planning and administration are consistent with the needs of its member villages. The Conference substitute requires CDQ groups to comply with State of Alaska banking and securities law to prevent fraud. This requirement removes the State of Alaska from the role of approving or disapproving decisions of the CDQ groups, but creates anew, narrower role, to assist the member villages in ensuring against any fraud by the CDQ groups.

The Conference substitute removes CDQ groups from compliance with any State approval of financial transactions, community development plans, and community development plan amendments, however the provision requires each CDQ group to comply with the decennial review conducted by the State of Alaska.

The Conference substitute establishes a community development plan for each CDQ group, and the CDQ Panel would consist of a member from each of the six CDQ groups. The Conference substitute requires CDQ groups to comply with any excessive share limitations in the BSAI fisheries only to the extent of their proportional ownership in any entity. This provision is intended to address the inherent conflict between excessive share limitations in the fisheries and the CDQ program’s goal to expand the economic base of the adjacent communities through investment in the fisheries.

The excessive share limitations imposed by the Magnuson-Stevens Act, the crab quota program, and other federal requirements of the American Fisheries Act, the Magnuson-Stevens Act, and the Northern Pacific Council’s Community Development Plan. Each CDQ group would weight these criteria to reflect the needs of its member villages.

The Conference substitute requires the State of Alaska to use the criteria as weight by each CDQ group to determine the performance of each CDQ group under the decennial review. The State of Alaska is required to make each performance determination on the record and after an opportunity for a hearing. If the State applies the CDQ group’s weightings and determines that a CDQ group has maintained or improved its overall performance, the allocations to the CDQ group are automatically extended for the next 10-year period. If, on the other hand, the State determines that a CDQ group has failed to maintain or improve its performance under section 415, then at least 90 percent of the CDQ group’s allocation of each species under is automatically extended, and the State may determine an appropriate reduction of up to 10 percent of each species for all or part of the next 10-year period. If State law prevents the State from making this determination then the Secretary may make the appropriate reduction. Any reductions imposed by the State of Alaska or the Secretary under shall be reallocated for the period of the reduction among the non-penalized groups in proportion to each non-penalized group’s allocation of the applicable species.

The Conference substitute eliminates the requirement that the Secretary either the review or approval by the Secretary of community development plans or amendments to community development plans. The Conference substitute does not require any CDQ group to comply with any State of Alaska to approve community development plans and amendments. Nothing in the Conference substitute shall be construed in a way that causes any interruption to the CDQ program or to the opportunity of CDQ groups to harvest their allocations.

The Conference substitute requires existing CDQ loan authority to set the upper limit for the total of the CDQ loans provided by the total allowable catch for that fishery is more than 2 percent higher than the total allowable catch for that fishery during calendar year 2005. The Conference substitute further provides that the Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands implementing regulations shall remain in effect. The Conference substitute allocates any allowable catch of all crab processing quota shares for each fishery referred to equals 90 percent of the total allowable catch. The Conference substitute does not contain a comparable provision.

The Conference substitute adopts a provision that directs the Secretary of Commerce to provide the Bering Sea and Aleutian Islands Council with a distribution of all crab processing quota shares for each fishery referred to equals 90 percent of the total allowable catch. The Conference substitute does not contain a comparable provision.

Section 418. Maine fish tender vessels

The House bill does not contain a comparable provision.

Section 211 of the Senate amendment would establish a waiver that would allow vessels not built in the United States to transport fish and shellfish between places in the State of Maine if that vessel has transported fish or shellfish within the coastal waters of the State of Maine prior to December 31, 2004.

The Conference substitute adopts a provision that authorizes foreign-built vessels that are less than 5 net tons to transport fish or shellfish between places in the State of Maine, but the vessel must be equipped with a voyage data recorder and to establish standards, methods