

In the Senate of the United States,

October 27, 2005.

Resolved, That the bill from the House of Representatives (H.R. 889) entitled “An Act to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Coast Guard Authoriza-*

3 *tion Act of 2005”.*

1 **SEC. 2. TABLE OF CONTENTS.**

2 *The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

Sec. 103. Web-based risk management data system.

TITLE II—HOMELAND SECURITY, MARINE SAFETY, FISHERIES, AND ENVIRONMENTAL PROTECTION

Sec. 201. Extension of Coast Guard vessel Anchorage and movement authority.

Sec. 202. Enhanced civil penalties for violations of the Maritime Transportation Security Act.

Sec. 203. Icebreakers.

Sec. 204. Cooperative agreements.

Sec. 205. Pilot program for dockside no fault/no cost safety and survivability examinations for uninspected commercial fishing vessels.

Sec. 206. Reports from mortgagees of vessels.

Sec. 207. International training and technical assistance.

Sec. 208. Reference to Trust Territory of the Pacific Islands.

Sec. 209. Bio-diesel feasibility study.

Sec. 210. Certification of vessel nationality in drug smuggling cases.

Sec. 211. Undocumented Maine fish tenders.

Sec. 212. Deepwater oversight.

Sec. 213. Deepwater report.

Sec. 214. LORAN-C.

Sec. 215. Long-range vessel tracking system.

Sec. 216. Marine vessel and cold water safety education.

Sec. 217. Suction anchors.

Sec. 218. Distant water tuna fleet.

Sec. 219. Automatic identification system.

TITLE III—UNITED STATES OCEAN COMMISSION IMPLEMENTATION

Sec. 301. Place of refuge.

Sec. 302. Implementation of international agreements.

Sec. 303. Voluntary measures for reducing pollution from recreational boats.

Sec. 304. Integration of vessel monitoring system data.

Sec. 305. Foreign fishing incursions.

TITLE IV—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT

Sec. 401. Reserve officer distribution.

Sec. 402. Coast Guard band director.

Sec. 403. Reserve recall authority.

Sec. 404. Expansion of equipment used by auxiliary to support Coast Guard missions.

Sec. 405. Authority for one-step turnkey design-build contracting.

Sec. 406. Officer promotions.

Sec. 407. Redesignation of Coast Guard law specialists as judge advocates.

- Sec. 408. Boating safety director.*
Sec. 409. Hangar at Coast Guard air station Barbers Point.
Sec. 410. Promotion of Coast Guard officers.
Sec. 411. Conveyance of decommissioned Coast Guard Cutter MACKINAW.

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

- Sec. 501. Government organization.*
Sec. 502. War and national defense.
Sec. 503. Financial management.
Sec. 504. Public contracts.
Sec. 505. Public printing and documents.
Sec. 506. Shipping.
Sec. 507. Transportation; organization.
Sec. 508. Mortgage insurance.
Sec. 509. Arctic research.
Sec. 510. Conservation.
Sec. 511. Conforming amendment.
Sec. 512. Anchorage grounds.
Sec. 513. Bridges.
Sec. 514. Lighthouses.
Sec. 515. Oil pollution.
Sec. 516. Medical care.
Sec. 517. Conforming amendment to Social Security Act.
Sec. 518. Shipping.
Sec. 519. Nontank vessels.
Sec. 520. Drug interdiction report.
Sec. 521. Acts of terrorism report.

TITLE VI—EFFECTIVE DATES

- Sec. 601. Effective dates.*

TITLE VII—HURRICANE KATRINA

- Sec. 701. Sense of the Senate on Coast Guard response to Hurricane Katrina.*
Sec. 702. Supplemental authorization of appropriations.
Sec. 703. Report on the use of vessels.
Sec. 704. Use of maritime safety and security teams.
Sec. 705. Temporary authority to extend duration of merchant mariner licenses and documents.
Sec. 706. Temporary authority to extend duration of vessel certificates of inspection.
Sec. 707. Preservation of leave lost due to Hurricane Katrina operations.
Sec. 708. Reports on impacts to Coast Guard.
Sec. 709. Reports on impacts on navigable waterways.

1 *TITLE I—AUTHORIZATION*

2 *SEC. 101. AUTHORIZATION OF APPROPRIATIONS.*

- 3 *(a) There are authorized to be appropriated for fiscal***
4 *year 2006 to the Secretary of the department in which the*
5 *Coast Guard is operating the following amounts:*

1 (1) *For the operation and maintenance of the*
2 *Coast Guard \$5,594,900,000, of which \$24,500,000 is*
3 *authorized to be derived from the Oil Spill Liability*
4 *Trust Fund to carry out the purposes of section*
5 *1012(a)(5) of the Oil Pollution Act of 1990 (33*
6 *U.S.C. 2712(a)(5)).*

7 (2) *For the acquisition, construction, renovation,*
8 *and improvement of aids to navigation, shore and off-*
9 *shore facilities, vessels, and aircraft, including equip-*
10 *ment related thereto, \$1,424,852,000, to remain avail-*
11 *able until expended, of which—*

12 (A) *\$20,000,000 shall be derived from the*
13 *Oil Spill Liability Trust Fund to carry out the*
14 *purposes of section 1012(a)(5) of the Oil Pollu-*
15 *tion Act of 1990 (33 U.S.C. 2712(a)(5)); and*

16 (B) *\$1,100,000,000 is authorized for acqui-*
17 *sition and construction of shore and offshore fa-*
18 *cilities, vessels, and aircraft, including equip-*
19 *ment related thereto, and other activities that*
20 *constitute the Integrated Deepwater Systems.*

21 (3) *For the use of the Commandant of the Coast*
22 *Guard for research, development, test, and evaluation*
23 *of technologies, materials, and human factors directly*
24 *relating to improving the performance of the Coast*
25 *Guard’s mission in search and rescue, aids to naviga-*

1 *tion, marine safety, marine environmental protection,*
2 *enforcement of laws and treaties, ice operations,*
3 *oceanographic research, and defense readiness,*
4 *\$24,000,000, to remain available until expended, of*
5 *which \$3,500,000 shall be derived from the Oil Spill*
6 *Liability Trust Fund to carry out the purposes of sec-*
7 *tion 1012(a)(5) of the Oil Pollution Act of 1990 (33*
8 *U.S.C. 2712(a)(5)).*

9 *(4) For retired pay (including the payment of*
10 *obligations otherwise chargeable to lapsed appropria-*
11 *tions for this purpose), payments under the Retired*
12 *Serviceman's Family Protection and Survivor Benefit*
13 *Plans, and payments for medical care of retired per-*
14 *sonnel and their dependents under chapter 55 of title*
15 *10, United States Code, \$1,014,080,000, to remain*
16 *available until expended.*

17 *(5) For alteration or removal of bridges over*
18 *navigable waters of the United States constituting ob-*
19 *structions to navigation, and for personnel and ad-*
20 *ministrative costs associated with the Bridge Alter-*
21 *ation Program, \$17,400,000, of which \$2,500,000, to*
22 *remain available until expended, may be utilized for*
23 *construction of a new Chelsea Street Bridge over the*
24 *Chelsea River in Boston, Massachusetts.*

1 (6) *For environmental compliance and restora-*
2 *tion \$12,000,000, to remain available until expended*
3 *for environmental compliance and restoration func-*
4 *tions under chapter 19 of title 14, United States*
5 *Code.*

6 (7) *For operation and maintenance of the Coast*
7 *Guard reserve program, \$119,000,000.*

8 (b) *There are authorized to be appropriated for fiscal*
9 *year 2007 to the Secretary of the department in which the*
10 *Coast Guard is operating the following amounts:*

11 (1) *For the operation and maintenance of the*
12 *Coast Guard \$6,042,492,000, of which \$24,500,000 is*
13 *authorized to be derived from the Oil Spill Liability*
14 *Trust Fund to carry out the purposes of section*
15 *1012(a)(5) of the Oil Pollution Act of 1990 (33*
16 *U.S.C. 2712(a)(5)).*

17 (2) *For the acquisition, construction, renovation,*
18 *and improvement of aids to navigation, shore and off-*
19 *shore facilities, vessels, and aircraft, including equip-*
20 *ment related thereto, \$1,538,840,160, to remain avail-*
21 *able until expended, of which—*

22 (A) *\$20,000,000 shall be derived from the*
23 *Oil Spill Liability Trust Fund to carry out the*
24 *purposes of section 1012(a)(5) of the Oil Pollu-*
25 *tion Act of 1990 (33 U.S.C. 2712(a)(5)); and*

1 (B) \$1,188,000,000 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 Systems.

6 (3) For the use of the Commandant of the Coast
7 Guard for research, development, test, and evaluation
8 of technologies, materials, and human factors directly
9 relating to improving the performance of the Coast
10 Guard's mission in search and rescue, aids to naviga-
11 tion, marine safety, marine environmental protection,
12 enforcement of laws and treaties, ice operations,
13 oceanographic research, and defense readiness,
14 \$25,920,000, to remain available until expended, of
15 which \$3,500,000 shall be derived from the Oil Spill
16 Liability Trust Fund to carry out the purposes of sec-
17 tion 1012(a)(5) of the Oil Pollution Act of 1990 (33
18 U.S.C. 2712(a)(5)).

19 (4) For retired pay (including the payment of
20 obligations otherwise chargeable to lapsed appropria-
21 tions for this purpose), payments under the Retired
22 Serviceman's Family Protection and Survivor Benefit
23 Plans, and payments for medical care of retired per-
24 sonnel and their dependents under chapter 55 of title

1 10, United States Code, \$1,095,206,400, to remain
2 available until expended.

3 (5) For alteration or removal of bridges over
4 navigable waters of the United States constituting ob-
5 structions to navigation, and for personnel and ad-
6 ministrative costs associated with the Bridge Alter-
7 ation Program, \$18,792,000, of which \$2,500,000, to
8 remain available until expended, may be utilized for
9 construction of a new Chelsea Street Bridge over the
10 Chelsea River in Boston, Massachusetts.

11 (6) For environmental compliance and restora-
12 tion \$12,960,000, to remain available until expended
13 for environmental compliance and restoration func-
14 tions under chapter 19 of title 14, United States
15 Code.

16 (7) For operation and maintenance of the Coast
17 Guard reserve program, \$128,520,000.

18 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
19 **AND TRAINING.**

20 (a) *ACTIVE DUTY STRENGTH.*—The Coast Guard is
21 authorized an end-of-year strength of active duty personnel
22 of 45,500 as of September 30, 2006 and as of September
23 30, 2007.

1 (b) *MILITARY TRAINING STUDENT LOADS.*—*For each*
2 *of fiscal years 2006 and 2007, the Coast Guard is author-*
3 *ized average military 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 **SEC. 103. WEB-BASED RISK MANAGEMENT DATA SYSTEM.**

11 *There are authorized to be appropriated for each of*
12 *fiscal years 2006 and 2007 to the Secretary of the depart-*
13 *ment in which the Coast Guard is operating \$1,000,000 to*
14 *continue deployment of a web-based risk management sys-*
15 *tem to help reduce accidents and fatalities.*

16 **TITLE II—HOMELAND SECURITY,**
17 **MARINE SAFETY, FISHERIES,**
18 **AND ENVIRONMENTAL PRO-**
19 **TECTION**

20 **SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHOR-**
21 **AGE AND MOVEMENT AUTHORITY.**

22 *Section 91 of title 14, United States Code, is amended*
23 *by adding at the end the following:*

24 “(d) *As used in this section, the term ‘navigable waters*
25 *of the United States’ includes all waters of the territorial*

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

3 **SEC. 202. ENHANCED CIVIL PENALTIES FOR VIOLATIONS OF**
 4 **THE MARITIME TRANSPORTATION SECURITY**
 5 **ACT.**

6 *The second section enumerated 70119 of title 46,*
 7 *United States Code, is amended—*

8 *(1) by inserting “(a) IN GENERAL.—” before*
 9 *“Any”; and*

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

11 *“(b) CONTINUING VIOLATIONS.—Each day of a con-*
 12 *tinuing violation shall constitute a separate violation, with*
 13 *a total fine per violation not to exceed—*

14 *“(1) for violations occurring during fiscal year*
 15 *2006, \$50,000;*

16 *“(2) for violations occurring during fiscal year*
 17 *2007, \$75,000; and*

18 *“(3) for violations occurring after fiscal year*
 19 *2007, \$100,000.*

20 *“(c) DETERMINATION OF AMOUNT.—In determining*
 21 *the amount of the penalty, the Secretary shall take into ac-*
 22 *count the nature, circumstances, extent, and gravity of the*
 23 *violation committed and, with respect to the violator, the*
 24 *degree of culpability, history of prior offenses, ability to*
 25 *pay, and such other matters as justice may require.*

1 “(d) *COMPROMISE, MODIFICATION, AND REMITTAL.*—
2 *The Secretary may compromise, modify, or remit, with or*
3 *without conditions, any civil penalty imposed under this*
4 *section.*”.

5 **SEC. 203. ICEBREAKERS.**

6 (a) *IN GENERAL.*—*The Secretary of the department in*
7 *which the Coast Guard is operating shall take all necessary*
8 *measures—*

9 (1) *to ensure that the Coast Guard maintains, at*
10 *a minimum, its current vessel capacity for carrying*
11 *out ice-breaking in the Arctic and Antarctic regions,*
12 *including the necessary funding for operation and*
13 *maintenance of such vessels; and*

14 (2) *for the long-term recapitalization of these as-*
15 *sets.*

16 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
17 *authorized to be appropriated for fiscal year 2006 to the*
18 *Secretary of the department in which the Coast Guard is*
19 *operating \$100,000,000 to carry out this section.*

20 **SEC. 204. COOPERATIVE AGREEMENTS.**

21 *Not later than 180 days after the date of enactment*
22 *of this Act, the Secretary of the department in which the*
23 *Coast Guard is operating shall provide a report to the Sen-*
24 *ate Committee on Commerce, Science, and Transportation*
25 *and the House of Representatives Committee on Transpor-*

1 *tation and Infrastructure on opportunities for and the fea-*
 2 *sibility of co-locating Coast Guard assets and personnel at*
 3 *facilities of other Armed Services branches throughout the*
 4 *United States. The report shall—*

- 5 (1) *identify the locations of possible sites;*
 6 (2) *identify opportunities for cooperative agree-*
 7 *ments that may be established between the Coast*
 8 *Guard and such facilities with respect to maritime se-*
 9 *curity and other Coast Guard missions; and*
 10 (3) *analyze anticipated costs and benefits associ-*
 11 *ated with each site and such agreements.*

12 **SEC. 205. PILOT PROGRAM FOR DOCKSIDE NO FAULT/NO**
 13 **COST SAFETY AND SURVIVABILITY EXAMINA-**
 14 **TIONS FOR UNINSPECTED COMMERCIAL**
 15 **FISHING VESSELS.**

16 (a) *PILOT PROGRAM.—The Secretary shall conduct a*
 17 *pilot program to determine the effectiveness of mandatory*
 18 *dockside crew survivability examinations of uninspected*
 19 *United States commercial fishing vessels in reducing the*
 20 *number of fatalities and amount of property losses in the*
 21 *United States commercial fishing industry.*

22 (b) *DEFINITIONS.—In this section:*

- 23 (1) *DOCKSIDE CREW SURVIVABILITY EXAMINA-*
 24 *TION.—The term “dockside crew survivability exam-*
 25 *ination” means an examination by a Coast Guard*

1 *representative of an uninspected fishing vessel and its*
2 *crew at the dock or pier that includes—*

3 *(A) identification and examination of safety*
4 *and survival equipment required by law for that*
5 *vessel;*

6 *(B) identification and examination of the*
7 *vessel stability standards applicable by law to*
8 *that vessel; and*

9 *(C) identification and observation of—*

10 *(i) proper crew training on the vessel’s*
11 *safety and survival equipment; and*

12 *(ii) the crew’s familiarity with vessel*
13 *stability and emergency procedures designed*
14 *to save life at sea and avoid loss or damage*
15 *to the vessel.*

16 *(2) COAST GUARD REPRESENTATIVE.—The term*
17 *“Coast Guard representative” means a Coast Guard*
18 *member, civilian employee, Coast Guard Auxiliarist,*
19 *or person employed by an organization accepted or*
20 *approved by the Coast Guard to examine commercial*
21 *fishing industry vessels.*

22 *(3) UNINSPECTED FISHING VESSEL.—The term*
23 *“uninspected fishing vessel” means a vessel, not in-*
24 *cluding fish processing vessels or fish tender vessels*
25 *(as defined in section 2101 of title 46, United States*

1 Code), that commercially engages in the catching, tak-
2 ing, or harvesting of fish or an activity that can rea-
3 sonably be expected to result in the catching, taking,
4 or harvesting of fish.

5 (c) *SCOPE OF PILOT PROGRAM.*—The pilot program
6 shall be conducted—

7 (1) in at least 5, but no more than 10, major
8 United States fishing ports where Coast Guard statis-
9 tics reveal a high number of fatalities on uninspected
10 fishing vessels within the 4 fiscal year period begin-
11 ning with fiscal year 2000, but shall not be conducted
12 in Coast Guard districts where a fishing vessel safety
13 program already exists;

14 (2) for a period of 5 calendar years following the
15 date of the enactment of this Act;

16 (3) in consultation with those organizations and
17 persons identified by the Secretary as directly affected
18 by the pilot program;

19 (4) as a non-fee service to those persons identi-
20 fied in paragraph (3) above;

21 (5) without a civil penalty for any discrepancies
22 identified during the dockside crew survivability ex-
23 amination; and

24 (6) to gather data identified by the Secretary as
25 necessary to conclude whether dockside crew surviv-

1 *ability examinations reduce fatalities and property*
2 *losses in the fishing industry.*

3 *(d) REPORT.—Not later than 180 days after end of*
4 *the third year of the pilot program, the Secretary shall sub-*
5 *mit a report to the Senate Committee on Commerce,*
6 *Science, and Transportation and the House of Representa-*
7 *tives Committee on Transportation and Infrastructure on*
8 *the results of the pilot program. The report shall include—*

9 *(1) an assessment of the costs and benefits of the*
10 *pilot program including costs to the industry and*
11 *lives and property saved as a result of the pilot pro-*
12 *gram;*

13 *(2) an assessment of the costs and benefits to the*
14 *United States Government of the pilot program in-*
15 *cluding operational savings such as personnel, main-*
16 *tenance, etc., from reduced search and rescue or other*
17 *operations; and*

18 *(3) any other findings and conclusions of the*
19 *Secretary with respect to the pilot program.*

20 **SEC. 206. REPORTS FROM MORTGAGEES OF VESSELS.**

21 *Section 12120 of title 46, United States Code, is*
22 *amended by striking “owners, masters, and charterers” and*
23 *inserting “owners, masters, charterers, and mortgagees”.*

1 **SEC. 207. INTERNATIONAL TRAINING AND TECHNICAL AS-**
2 **SISTANCE.**

3 (a) *IN GENERAL.*—Section 149 of title 14, United
4 States Code, is amended—

5 (1) by striking the section heading and inserting
6 the following:

7 “§149. **Assistance to foreign governments and mari-**
8 **time authorities**”;

9 (2) by inserting “(a) *DETAIL OF MEMBERS TO*
10 *ASSIST FOREIGN GOVERNMENTS.*—” before “*The*
11 *President*”; and

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

13 “(b) *TECHNICAL ASSISTANCE TO FOREIGN MARITIME*
14 *AUTHORITIES.*—*The Commandant, in coordination with*
15 *the Secretary of State, may, in conjunction with regular*
16 *Coast Guard operations, provide technical assistance, in-*
17 *cluding law enforcement and maritime safety and security*
18 *training, to foreign navies, coast guards, and other mari-*
19 *time authorities.*”.

20 (b) *CLERICAL AMENDMENT.*—*The chapter analysis for*
21 *chapter 7 of title 14, United States Code, is amended by*
22 *striking the item relating to section 149 and inserting the*
23 *following:*

“149. *Assistance to Foreign Governments and Maritime Authorities.*”.

1 **SEC. 208. REFERENCE TO TRUST TERRITORY OF THE PA-**
2 **CIFIC ISLANDS.**

3 *Section 2102(a) of title 46, United States Code, is*
4 *amended—*

5 *(1) by striking “37, 43, 51, and 123” and insert-*
6 *ing “43, 51, 61, and 123”;*

7 *(2) by striking paragraph (2); and*

8 *(3) by redesignating paragraph (3) as para-*
9 *graph (2).*

10 **SEC. 209. BIO-DIESEL FEASIBILITY STUDY.**

11 *(a) STUDY.—The Secretary of the department in which*
12 *the Coast Guard is operating shall conduct a study that*
13 *examines the technical feasibility, costs, and potential cost*
14 *savings of using bio-diesel fuel in new and existing Coast*
15 *Guard vehicles and vessels, and which focuses on the use*
16 *of bio-diesel fuel in ports which have a high-density of vessel*
17 *traffic, including ports for which vessel traffic systems have*
18 *been established.*

19 *(b) REPORT.—Not later than 1 year after the date of*
20 *enactment of this Act, the Secretary of the department in*
21 *which the Coast Guard is operating shall transmit a report*
22 *containing the findings, conclusions, and recommendations*
23 *(if any) from the study to the Senate Committee on Com-*
24 *merce, Science, and Transportation and the House of Rep-*
25 *resentatives Committee on Transportation and Infrastruc-*
26 *ture.*

1 **SEC. 210. CERTIFICATION OF VESSEL NATIONALITY IN**
2 **DRUG SMUGGLING CASES.**

3 *Section 3(c)(2) of the Maritime Drug Law Enforce-*
4 *ment Act (46 U.S.C. App. 1903(c)(2)) is amended by strik-*
5 *ing the last sentence and inserting “The response of a for-*
6 *ign nation to a claim of registry under subparagraph (A)*
7 *or (C) may be made by radio, telephone, or similar oral*
8 *or electronic means, and is conclusively proved by certifi-*
9 *cation of the Secretary of State or the Secretary’s des-*
10 *ignee.”.*

11 **SEC. 211. UNDOCUMENTED MAINE FISH TENDERS.**

12 *Notwithstanding any other provision of law, a vessel*
13 *that is ineligible for documentation under chapter 121 of*
14 *title 46, United States Code, because it measures less than*
15 *5 net tons, may transport fish or shellfish within the coastal*
16 *waters of the State of Maine if—*

17 *(1) the vessel transported fish or shellfish pursu-*
18 *ant to a valid wholesale seafood license, issued under*
19 *the authority of section 6851 of title 12 of the Maine*
20 *Revised Statutes prior to December 31, 2004; and*

21 *(2) the vessel is owned by an individual or enti-*
22 *ty meeting the citizenship requirements necessary to*
23 *document a vessel under section 12106 of title 46,*
24 *United States Code.*

1 **SEC. 212. DEEPWATER OVERSIGHT.**

2 *No later than 90 days after the date of enactment of*
3 *this Act, the Coast Guard, in consultation with Government*
4 *Accountability Office, shall provide a report to the Senate*
5 *Committee on Commerce, Science, and Transportation and*
6 *the House of Representatives Committee on Transportation*
7 *and Infrastructure on—*

8 *(1) the status of the Coast Guard’s implementa-*
9 *tion of Government Accountability Office’s rec-*
10 *ommendations in its report, GAO–04–380, “Coast*
11 *Guard Deepwater Program Needs Increased Attention*
12 *to Management and Contractor Oversight”; and*

13 *(2) the dates by which the Coast Guard plans to*
14 *fully implement such recommendations if any remain*
15 *open as of the date the report is transmitted to the*
16 *Committees.*

17 **SEC. 213. DEEPWATER REPORT.**

18 *(a) IN GENERAL.—The Secretary of Homeland Secu-*
19 *rity shall submit to the Congress, in conjunction with the*
20 *transmittal by the President of the Budget of the United*
21 *States for Fiscal Year 2007, a revised Deepwater baseline*
22 *that includes—*

23 *(1) a justification for the projected number and*
24 *capabilities of each asset (including the ability of*
25 *each asset to meet service performance goals);*

1 (2) *an accelerated acquisition timeline that re-*
2 *fects project completion in 10 years and 15 years*
3 *(included in this timeline shall be the amount of as-*
4 *sets procured during each year of the accelerated pro-*
5 *gram);*

6 (3) *the required funding for each accelerated ac-*
7 *quisition timeline that reflects project completion in*
8 *10 years and 15 years;*

9 (4) *anticipated costs associated with legacy asset*
10 *sustainment for each accelerated acquisition timeline*
11 *that reflects project completion in 10 years and 15*
12 *years;*

13 (5) *anticipated mission deficiencies, if any, asso-*
14 *ciated with the continued degradation of legacy assets*
15 *in combination with the procurement of new assets*
16 *within each accelerated acquisition timeline that re-*
17 *fects project completion in 10 years and 15 years;*

18 (6) *a comparison of the amount of required as-*
19 *sets in the current baseline to the amount of required*
20 *assets according to the Coast Guard's Performance*
21 *Gap Analysis Study; and*

22 (7) *an evaluation of the overall feasibility of*
23 *achieving each accelerated acquisition timeline (in-*
24 *cluding contractor capacity, national shipbuilding ca-*
25 *capacity, asset integration into Coast Guard facilities,*

1 *required personnel, training infrastructure capacity*
2 *on technology associated with new assets).*

3 *(b) INDEPENDENT ANALYSIS OF REVISED DEEP*
4 *WATER PLAN.—Within 180 days after the date of enact-*
5 *ment of this Act, the Commandant of the Coast Guard may*
6 *execute a contract with an independent entity—*

7 *(1) to conduct an analysis of the Coast Guard’s*
8 *revised Deepwater Plan; and*

9 *(2) to assess whether—*

10 *(A) the mix of assets and capabilities se-*
11 *lected as part of that plan will meet the Coast*
12 *Guard’s criteria of—*

13 *(i) performance; and*

14 *(ii) minimizing total ownership costs;*

15 *or*

16 *(B) additional or different assets should be*
17 *considered as part of the plan.*

18 **SEC. 214. LORAN-C.**

19 *There are authorized to be appropriated to the Depart-*
20 *ment of Transportation, in addition to funds authorized for*
21 *the Coast Guard for operation of the LORAN-C system, for*
22 *capital expenses related to LORAN-C navigation infra-*
23 *structure, \$25,000,000 for fiscal year 2006 and \$25,000,000*
24 *for fiscal year 2007. The Secretary of Transportation may*
25 *transfer from the Federal Aviation Administration and*

1 *other agencies of the Department funds appropriated as au-*
2 *thorized under this section in order to reimburse the Coast*
3 *Guard for related expenses.*

4 **SEC. 215. LONG-RANGE VESSEL TRACKING SYSTEM.**

5 *(a) PILOT PROJECT.—The Secretary of the department*
6 *in which the Coast Guard is operating, acting through the*
7 *Commandant of the Coast Guard, shall conduct a pilot pro-*
8 *gram for long range tracking of up to 2,000 vessels using*
9 *satellite systems with an existing nonprofit maritime orga-*
10 *nization that has a demonstrated capability of operating*
11 *a variety of satellite communications systems providing*
12 *data to vessel tracking software and hardware that provides*
13 *long range vessel information to the Coast Guard to aid*
14 *maritime security and response to maritime emergencies.*

15 *(b) AUTHORIZATION OF APPROPRIATIONS.—There are*
16 *authorized to be appropriated to the Secretary of the de-*
17 *partment in which the Coast Guard is operating \$4,000,000*
18 *for each of fiscal years 2006, 2007, and 2008 to carry out*
19 *subsection (a).*

20 **SEC. 216. MARINE VESSEL AND COLD WATER SAFETY EDU-**
21 **CATION.**

22 *The Coast Guard shall continue cooperative agree-*
23 *ments and partnerships with organizations in effect on the*
24 *date of enactment of this Act that provide marine vessel*

1 *safety training and cold water immersion education and*
2 *outreach programs for fishermen and children.*

3 **SEC. 217. SUCTION ANCHORS.**

4 *Section 12105 of title 46, United States Code, is*
5 *amended by adding at the end the following:*

6 *“(c)(1) No vessel without a registry endorsement may*
7 *engage in—*

8 *“(A) the setting or movement of the anchors or*
9 *other mooring equipment of a mobile offshore drilling*
10 *unit that is located over the outer Continental Shelf*
11 *(as defined in section 2(a) of the Outer Continental*
12 *Shelf Lands Act (43 U.S.C. 1331(a))) whether or not*
13 *attached to the outer Continental Shelf; or*

14 *“(B) the movement of merchandise or personnel*
15 *to or from a point in the United States from or to*
16 *a mobile offshore drilling unit located over the outer*
17 *Continental Shelf that is—*

18 *“(i) not attached to the seabed; or*

19 *“(ii) attached to the seabed on the outer*
20 *Continental Shelf but not exploring for oil and*
21 *gas resources from the outer Continental Shelf.*

22 *“(2) Nothing in paragraph (1) authorizes the employ-*
23 *ment in the coastwise trade of a vessel that does not meet*
24 *the requirements of section 12106 of this title.”.*

1 **SEC. 218. DISTANT WATER TUNA FLEET.**

2 (a) *MANNING REQUIREMENTS.*—United States purse
3 seine fishing vessels transiting to or from, or fishing exclu-
4 sively for highly migratory species in, the Treaty area
5 under a fishing license issued pursuant to the 1987 Treaty
6 of Fisheries Between the Governments of Certain Pacific Is-
7 lands States and the Government of the United States of
8 America may utilize non-United States licensed and docu-
9 mented personnel to meet manning requirements for the 48
10 month period beginning on the date of enactment of this
11 Act if, after timely notice of a vacancy, no United States-
12 licensed and documented personnel are readily available.

13 (b) *LIMITATION.*—Subsection (a) applies only to ves-
14 sels operating in and out of American Samoa.

15 (c) *WAIVER.*—The citizenship requirements of sections
16 8103(a) and 12110 of title 46, United States Code, are
17 waived for vessels to which subsection (a) applies during
18 the 48-month period.

19 **SEC. 219. AUTOMATIC IDENTIFICATION SYSTEM.**

20 (a) *PREVENTION OF HARMFUL INTERFERENCE.*—The
21 Secretary of the Department in which the Coast Guard is
22 operating, acting through the Commandant of the Coast
23 Guard, may, within 60 days of the enactment of this Act,
24 transfer \$1,000,000 to the National Telecommunications
25 and Information Administration of the Department of
26 Commerce for the purposes of awarding, within 120 days

1 *after the date of enactment of this Act a competitive grant*
2 *to design, develop, and prototype a device that integrates*
3 *a Class B Automatic Identification System transponder*
4 *(International Electrotechnical Commission standard*
5 *62287) with an FCC-approved wireless maritime data de-*
6 *vice with channel throughput greater than 19.2 kilobits per*
7 *second to enable such wireless maritime data device to pro-*
8 *vide wireless maritime data services, concurrent with the*
9 *operation of such Automatic Identification System trans-*
10 *ponder, on frequency channels adjacent to the frequency*
11 *channels on which the Automatic Identification System*
12 *transponder operates, while minimizing or eliminating the*
13 *harmful interference between such Automatic Identification*
14 *System transponder and such wireless maritime data de-*
15 *vice. The design of such device shall be available for public*
16 *use.*

17 *(b) IMPLEMENTATION OF AIS.—It is the Sense of the*
18 *Senate that the Federal Communications Commission*
19 *should resolve within 60 days after the date of enactment*
20 *of this Act the disposition of its rulemaking on the Auto-*
21 *matic Information System and licensee use of frequency*
22 *bands 157.1875–157.4375 MHz and 161.7875–162.0375*
23 *MHz (RM–10821, WT Docket Number 04–344). The imple-*
24 *mentation of this section shall not delay the implementation*
25 *of an Automatic Identification System as required by the*

1 *Maritime Transportation Security Act of 2002 and inter-*
2 *national convention.*

3 **TITLE III—UNITED STATES**
4 **OCEAN COMMISSION IMPLE-**
5 **MENTATION**

6 **SEC. 301. PLACE OF REFUGE.**

7 (a) *IN GENERAL.*—*Within 12 months after the date*
8 *of enactment of this Act, the United States Coast Guard,*
9 *working with hazardous spill response agencies, marine sal-*
10 *vage companies, State and local law enforcement and ma-*
11 *rine agencies, and other Federal agencies including the Na-*
12 *tional Oceanic and Atmospheric Administration and the*
13 *Environmental Protection Agency, shall, in accordance*
14 *with the recommendations of the United States Commission*
15 *on Ocean Policy in its final report, develop a comprehensive*
16 *and effective process for determining whether and under*
17 *what circumstances damaged vessels may seek a place of*
18 *refuge in the United States suitable to the specific nature*
19 *of distress each vessel is experiencing.*

20 (b) *REPORT.*—*The Commandant of the Coast Guard*
21 *shall transmit a report annually to the Senate Committee*
22 *on Commerce, Science, and Transportation and the House*
23 *of Representatives Committee on Transportation and Infra-*
24 *structure describing the process established and any cases*

1 *in which a vessel was provided with a place of refuge in*
2 *the preceding year.*

3 (c) *PLACE OF REFUGE DEFINED.*—*In this section, the*
4 *term “place of refuge” means a place where a ship in need*
5 *of assistance can take action to enable it to stabilize its con-*
6 *dition and reduce the hazards to navigation and to protect*
7 *human life and the environment.*

8 **SEC. 302. IMPLEMENTATION OF INTERNATIONAL AGREE-**
9 **MENTS.**

10 *The Secretary of the department in which the Coast*
11 *Guard is operating shall, in consultation with appropriate*
12 *Federal agencies, work with the responsible officials and*
13 *agencies of other Nations to accelerate efforts at the Inter-*
14 *national Maritime Organization to enhance flag State over-*
15 *sight and enforcement of security, environmental, and other*
16 *agreements adopted within the International Maritime Or-*
17 *ganization, including implementation of—*

18 (1) *a code outlining flag State responsibilities*
19 *and obligations;*

20 (2) *an audit regime for evaluating flag State*
21 *performance;*

22 (3) *measures to ensure that responsible organiza-*
23 *tions, acting on behalf of flag States, meet established*
24 *performance standards; and*

1 *a report to the Senate Committee on Commerce, Science,*
2 *and Transportation and the House of Representatives Com-*
3 *mittee on Transportation and Infrastructure on steps that*
4 *the Coast Guard will take to significantly improve the*
5 *Coast Guard's detection and interdiction of illegal incur-*
6 *sions into the United States exclusive economic zone by for-*
7 *ign fishing vessels.*

8 **(b) SPECIFIC ISSUES TO BE ADDRESSED.**—*The report*
9 *shall—*

10 **(1)** *focus on areas in the exclusive economic zone*
11 *where the Coast Guard has failed to detect or inter-*
12 *dict such incursions in the 4 fiscal year period begin-*
13 *ning with fiscal year 2000, including the Western/*
14 *Central Pacific; and*

15 **(2)** *include an evaluation of the potential use of*
16 *unmanned aircraft and offshore platforms for detect-*
17 *ing or interdicting such incursions.*

18 **(c) BIENNIAL UPDATES.**—*The Secretary shall provide*
19 *biannual reports updating the Coast Guard's progress in*
20 *detecting or interdicting such incursions to the Senate Com-*
21 *merce, Science, and Transportation and the House of Rep-*
22 *resentatives Committee on Transportation and Infrastruc-*
23 *ture.*

1 **TITLE IV—COAST GUARD PER-**
2 **SONNEL, FINANCIAL, AND**
3 **PROPERTY MANAGEMENT**

4 **SEC. 401. RESERVE OFFICER DISTRIBUTION.**

5 *Section 724 of title 14, United States Code, is*
6 *amended—*

7 *(1) by inserting “Reserve officers on an Active-*
8 *duty list shall not be counted as part of the author-*
9 *ized number of officers in the Reserve.” after “5,000.”*
10 *in subsection (a); and*

11 *(2) by striking so much of subsection (b) as pre-*
12 *cedes paragraph (2) and inserting the following:*

13 *“(b)(1) The Secretary shall, at least once a year, make*
14 *a computation to determine the number of Reserve officers*
15 *in an active status authorized to be serving in each grade.*
16 *The number in each grade shall be computed by applying*
17 *the applicable percentage to the total number of such officers*
18 *serving in an active status on the date the computation is*
19 *made. The number of Reserve officers in an active status*
20 *below the grade of rear admiral (lower half) shall be distrib-*
21 *uted by pay grade so as not to exceed percentages of com-*
22 *missioned officers authorized by section 42(b) of this title.*
23 *When the actual number of Reserve officers in an active*
24 *status in a particular pay grade is less than the maximum*
25 *percentage authorized, the difference may be applied to the*

1 *number in the next lower grade. A Reserve officer may not*
2 *be reduced in rank or grade solely because of a reduction*
3 *in an authorized number as provided for in this subsection,*
4 *or because an excess results directly from the operation of*
5 *law.”.*

6 **SEC. 402. COAST GUARD BAND DIRECTOR.**

7 (a) *BAND DIRECTOR APPOINTMENT AND GRADE.—*

8 *Section 336 of title 14, United States Code, is amended—*

9 (1) *by striking the first sentence of subsection (b)*
10 *and inserting “The Secretary may designate as the*
11 *director any individual determined by the Secretary*
12 *to possess the necessary qualifications.”;*

13 (2) *by striking “a member so designated” in the*
14 *second sentence of subsection (b) and inserting “an*
15 *individual so designated”;*

16 (3) *by striking “of a member” in subsection (c)*
17 *and inserting “of an individual”;*

18 (4) *by striking “of lieutenant (junior grade) or*
19 *lieutenant.” in subsection (c) and inserting “deter-*
20 *mined by the Secretary to be most appropriate to the*
21 *qualifications and experience of the appointed indi-*
22 *vidual.”;*

23 (5) *by striking “A member” in subsection (d)*
24 *and inserting “An individual”; and*

1 (6) by striking “When a member’s designation is
2 revoked,” in subsection (e) and inserting “When an in-
3 dividual’s designation is revoked,”.

4 (b) *CURRENT DIRECTOR.*—The incumbent Coast
5 *Guard Band Director* on the date of enactment of this Act
6 *may be immediately promoted to a commissioned grade, not*
7 *to exceed captain, determined by the Secretary of the de-*
8 *partment in which the Coast Guard is operating to be most*
9 *appropriate to the qualifications and experience of that in-*
10 *dividual.*

11 **SEC. 403. RESERVE RECALL AUTHORITY.**

12 Section 712 of title 14, United States Code, is
13 amended—

14 (1) by striking “during” in subsection (a) and
15 inserting “during, or to aid in prevention of an im-
16 minent,”;

17 (2) by striking “or catastrophe,” in subsection
18 (a) and inserting “catastrophe, act of terrorism (as
19 defined in section 2(15) of the Homeland Security Act
20 of 2002 (6 U.S.C. 101(15))), or transportation secu-
21 rity incident as defined in section 70101 of title 46,
22 United States Code,”;

23 (3) by striking “thirty days in any four month
24 period” in subsection (a) and inserting “60 days in
25 any 4-month period”;

1 (4) by striking “sixty days in any two-year pe-
2 riod” in subsection (a) and inserting “120 days in
3 any 2-year period”; and

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

5 “(e) For purposes of calculating the duration of active
6 duty allowed pursuant to subsection (a), each period of ac-
7 tive duty shall begin on the first day that a member reports
8 to active duty, including for purposes of training.”.

9 **SEC. 404. EXPANSION OF EQUIPMENT USED BY AUXILIARY**
10 **TO SUPPORT COAST GUARD MISSIONS.**

11 (a) *MOTORIZED VEHICLE AS FACILITY.*—Section 826
12 of title 14, United States Code, is amended—

13 (1) by inserting “(a)” before “The”; and

14 (2) adding at the end the following:

15 “(b)(1) The Coast Guard may utilize to carry out its
16 functions and duties as authorized by the Secretary any
17 motorized vehicle placed at its disposition by any member
18 of the auxiliary, by any corporation, partnership, or asso-
19 ciation, or by any State or political subdivision thereof to
20 tow government property.

21 “(2) Any motorized vehicle placed at the disposition
22 of the Coast Guard and utilized to carry out its functions
23 under paragraph (1) shall be considered to be a ‘motorized
24 vehicle utilized under section 826(b)’ as that term is used
25 in section 830.”.

1 (b) *APPROPRIATIONS FOR FACILITIES.*—Section
 2 830(a) of title 14, United States Code, is amended by strik-
 3 ing “or radio station” each place it appears and inserting
 4 “radio station, or motorized vehicle utilized under section
 5 826(b)”.

6 **SEC. 405. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-**
 7 **BUILD CONTRACTING.**

8 (a) *IN GENERAL.*—Chapter 17 of title 14, United
 9 States Code, is amended by adding at the end the following:
 10 **“§ 677. Turn-key selection procedures**

11 “(a) *AUTHORITY TO USE.*—The Secretary may use
 12 one-step turn-key selection procedures for the purpose of en-
 13 tering into contracts for construction projects.

14 “(b) *DEFINITIONS.*—In this section—

15 “(1) *ONE-STEP TURN-KEY SELECTION PROCE-*
 16 *DURES.*—The term ‘one-step turn-key selection proce-

17 *dures’ means procedures used for the selection of a*
 18 *contractor on the basis of price and other evaluation*
 19 *criteria to perform, in accordance with the provisions*
 20 *of a firm fixed-price contract, both the design and*
 21 *construction of a facility using performance specifica-*
 22 *tions supplied by the Secretary.*

23 “(2) *CONSTRUCTION.*—The term ‘construction’
 24 *includes the construction, procurement, development,*
 25 *conversion, or extension, of any facility.*

1 *structure with a proposal and cost analysis for constructing*
2 *an enclosed hangar at Air Station Barbers Point. The pro-*
3 *posal should ensure that the hangar has the capacity to shel-*
4 *ter current aircraft assets and those projected to be located*
5 *at the station over the next 20 years.*

6 **SEC. 410. PROMOTION OF COAST GUARD OFFICERS.**

7 *(a) IN GENERAL.—Section 211(a) of title 14, United*
8 *States Code, is amended to read as follows:*

9 *“(a)(1) The President may appoint permanent com-*
10 *missioned officers in the Regular Coast Guard in grades*
11 *appropriate to their qualification, experience, and length*
12 *of service, as the needs of the Coast Guard may require,*
13 *from among the following categories:*

14 *“(A) Graduates of the Coast Guard Academy.*

15 *“(B) Commissioned warrant officers, warrant of-*
16 *ficers, and enlisted members of the Regular Coast*
17 *Guard.*

18 *“(C) Members of the Coast Guard Reserve who*
19 *have served at least 2 years as such.*

20 *“(D) Licensed officers of the United States mer-*
21 *chant marine who have served 2 or more years aboard*
22 *a vessel of the United States in the capacity of a li-*
23 *censed officer.*

24 *“(2) Original appointments under this section in the*
25 *grades of lieutenant commander and above shall be made*

1 *by the President by and with the advice and consent of the*
 2 *Senate.*

3 “(3) *Original appointments under this section in the*
 4 *grades of ensign through lieutenant shall be made by the*
 5 *President alone.*”.

6 (b) *WARTIME TEMPORARY SERVICE PROMOTION.*—
 7 *Section 275(f) of title 14, United States Code, is amended*
 8 *by striking the second and third sentences and inserting*
 9 *“Original appointments under this section in the grades of*
 10 *lieutenant commander and above shall be made by the*
 11 *President by and with the advice and consent of the Senate.*
 12 *Original appointments under this section in the grades of*
 13 *ensign through lieutenant shall be made by the President*
 14 *alone.*”.

15 **SEC. 411. CONVEYANCE OF DECOMMISSIONED COAST**
 16 **GUARD CUTTER MACKINAW.**

17 (a) *IN GENERAL.*—*Upon the scheduled decommis-*
 18 *sioning of the Coast Guard Cutter MACKINAW, the Com-*
 19 *mandant of the Coast Guard shall convey all right, title,*
 20 *and interest of the United States in and to that vessel to*
 21 *the City and County of Cheboygan, Michigan, without con-*
 22 *sideration, if—*

23 (1) *the recipient agrees—*

24 (A) *to use the vessel for purposes of a mu-*
 25 *seum;*

1 (B) not to use the vessel for commercial
2 transportation purposes;

3 (C) to make the vessel available to the
4 United States Government if needed for use by
5 the Commandant in time of war or a national
6 emergency; and

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

13 (2) the recipient has funds available that will be
14 committed to operate and maintain the vessel con-
15 veyed in good working condition, in the form of cash,
16 liquid assets, or a written loan commitment, and in
17 an amount of at least \$700,000; and

18 (3) the recipient agrees to any other conditions
19 the Commandant considers appropriate.

20 (b) *MAINTENANCE AND DELIVERY OF VESSEL.*—Prior
21 to conveyance of the vessel under this section, the Com-
22 mandant shall, to the extent practical, and subject to other
23 Coast Guard mission requirements, make every effort to
24 maintain the integrity of the vessel and its equipment until
25 the time of delivery. If a conveyance is made under this

1 *section, the Commandant shall deliver the vessel to a suit-*
2 *able mooring in the local area, in its present condition, on*
3 *or about June 10, 2006, and no later than June 30, 2006.*
4 *The conveyance of the vessel under this section shall not*
5 *be considered a distribution in commerce for purposes of*
6 *section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).*

7 *(c) OTHER EXCESS EQUIPMENT.—The Commandant*
8 *may convey to the recipient any excess equipment or parts*
9 *from other decommissioned Coast Guard vessels for use to*
10 *enhance the vessel’s operability and function for purposes*
11 *of a museum.*

12 **TITLE V—TECHNICAL AND** 13 **CONFORMING AMENDMENTS**

14 **SEC. 501. GOVERNMENT ORGANIZATION.**

15 *Title 5, United States Code, is amended—*

16 *(1) by inserting “The Department of Homeland*
17 *Security.” after “The Department of Veterans Af-*
18 *fairs.” in section 101;*

19 *(2) by inserting “the Secretary of Homeland Se-*
20 *curity,” in section 2902(b) after “Secretary of the In-*
21 *terior;”; and*

22 *(3) in sections 5520a(k)(3), 5595(h)(5), 6308(b),*
23 *and 9001(10), by striking “of Transportation” each*
24 *place it appears and inserting “of Homeland Secu-*
25 *rity”.*

1 **SEC. 502. WAR AND NATIONAL DEFENSE.**

2 *The Soldiers' and Sailors' Civil Relief Act of 1940*
3 *(Public Law 76–861, 56 Stat. 1178, 50 U.S.C. App. 501*
4 *et seq.) is amended—*

5 (1) *by striking “Secretary of Transportation”*
6 *each place it appears in section 515 and inserting*
7 *“Secretary of Homeland Security”; and*

8 (2) *by striking “Secretary of Transportation” in*
9 *section 530(d) and inserting “Secretary of Homeland*
10 *Security”.*

11 **SEC. 503. FINANCIAL MANAGEMENT.**

12 *Title 31, United States Code, is amended—*

13 (1) *by striking “of Transportation” in section*
14 *3321(c) and inserting “of Homeland Security.”;*

15 (2) *by striking “of Transportation” in section*
16 *3325(b) and inserting “of Homeland Security”;*

17 (3) *by striking “of Transportation” each place it*
18 *appears in section 3527(b)(1) and inserting “of*
19 *Homeland Security”; and*

20 (4) *by striking “of Transportation” in section*
21 *3711(f) and inserting “of Homeland Security”.*

22 **SEC. 504. PUBLIC CONTRACTS.**

23 *Section 11 of title 41, United States Code, is amended*
24 *by striking “of Transportation” each place it appears and*
25 *inserting “of Homeland Security”.*

1 **SEC. 505. PUBLIC PRINTING AND DOCUMENTS.**

2 *Sections 1308 and 1309 of title 44, United States Code,*
3 *are amended by striking “of Transportation” each place it*
4 *appears and inserting “of Homeland Security”.*

5 **SEC. 506. SHIPPING.**

6 *Title 46, United States Code, is amended—*

7 (1) *by striking “a Coast Guard or” in section*
8 *2109;*

9 (2) *by striking the second sentence of section*
10 *6308(a) and inserting “Any employee of the Depart-*
11 *ment of Transportation, and any member of the Coast*
12 *Guard, investigating a marine casualty pursuant to*
13 *section 6301 of this title, shall not be subject to depo-*
14 *sition or other discovery, or otherwise testify in such*
15 *proceedings relevant to a marine casualty investiga-*
16 *tion, without the permission of the Secretary of*
17 *Transportation for Department of Transportation*
18 *employees or the Secretary of Homeland Security for*
19 *military members or civilian employees of the Coast*
20 *Guard.”; and*

21 (3) *by striking “of Transportation” in section*
22 *13106(c) and inserting “of Homeland Security”.*

23 **SEC. 507. TRANSPORTATION; ORGANIZATION.**

24 *Section 324 of title 49, United States Code, is amended*
25 *by striking subsection (b); and redesignating subsections (c)*
26 *and (d) as subsections (b) and (c), respectively.*

1 **SEC. 508. MORTGAGE INSURANCE.**

2 *Section 222 of the National Housing Act of 1934 (12*
3 *U.S.C. 1715m) is amended by striking “of Transportation”*
4 *each place it appears and inserting “of Homeland Secu-*
5 *rity”.*

6 **SEC. 509. ARCTIC RESEARCH.**

7 *Section 107(b)(2) of the Arctic Research and Policy*
8 *Act of 1984 (15 U.S.C. 4106(b)(2)) is amended—*

9 *(1) by striking “and” after the semicolon in sub-*
10 *paragraph (J);*

11 *(2) by redesignating subparagraph (K) as sub-*
12 *paragraph (L); and*

13 *(3) by inserting after subparagraph (J) the fol-*
14 *lowing new subparagraph:*

15 *“(K) the Department of Homeland Security;*
16 *and”.*

17 **SEC. 510. CONSERVATION.**

18 *(a) Section 1029(e)(2)(B) of the Bisti/De-Na-Zin Wil-*
19 *derness Expansion and Fossil Protection Act of 1996 (16*
20 *U.S.C. 460kkk(e)) is amended by striking “of Transpor-*
21 *tation” and inserting “of Homeland Security”.*

22 *(b) Section 312(a)(2)(C) of the Antarctic Marine Liv-*
23 *ing Resources Convention Act of 1984 (16 U.S.C. 2441(c))*
24 *is amended by striking “of Transportation” and inserting*
25 *“of Homeland Security”.*

1 **SEC. 511. CONFORMING AMENDMENT.**

2 *Section 3122 of the Internal Revenue Code of 1986 is*
3 *amended by striking “Secretary of Transportation” each*
4 *place it appears and inserting “Secretary of the Depart-*
5 *ment in which the Coast Guard is operating”.*

6 **SEC. 512. ANCHORAGE GROUNDS.**

7 *Section 7 of the Rivers and Harbors Act of 1915 (33*
8 *U.S.C. 471) is amended by striking “of Transportation”*
9 *and inserting “of Homeland Security”.*

10 **SEC. 513. BRIDGES.**

11 *Section 4 of the General Bridge Act of 1906 (33 U.S.C.*
12 *491) is amended by striking “of Transportation” and in-*
13 *serting “of Homeland Security”.*

14 **SEC. 514. LIGHTHOUSES.**

15 *(a) Section 1 of Public Law 70–803 (33 U.S.C. 747b)*
16 *is amended by striking “of Transportation” and inserting*
17 *“of Homeland Security”.*

18 *(b) Section 2 of Public Law 65–174 (33 U.S.C. 748)*
19 *is amended by striking “of Transportation” and inserting*
20 *“of Homeland Security”.*

21 *(c) Sections 1 and 2 of Public Law 75–515 (33 U.S.C.*
22 *745a, 748a) are amended by striking “of Transportation”*
23 *each place it appears and inserting “of Homeland Secu-*
24 *rity”.*

1 **SEC. 515. OIL POLLUTION.**

2 *The Oil Pollution Act of 1990 (33 U.S.C. 2701 et. seq.)*
3 *is amended—*

4 *(1) by inserting “Homeland Security,” in sec-*
5 *tion 5001(c)(1)(B) (33 U.S.C. 2731(c)(1)(B)) after*
6 *“the Interior,”;*

7 *(2) by striking “of Transportation.” in section*
8 *5002(m)(4) (33 U.S.C. 2732(m)(4)) and inserting “of*
9 *Homeland Security.”;*

10 *(3) by striking section 7001(a)(3) (33 U.S.C.*
11 *2761(a)(3)) and inserting the following:*

12 *“(3) MEMBERSHIP.—*

13 *“(A) The Interagency Committee shall include*
14 *representatives from the Department of Commerce*
15 *(including the National Oceanic and Atmospheric Ad-*
16 *ministration and the National Institute of Standards*
17 *and Technology), the Department of Energy, the De-*
18 *partment of the Interior (including the Minerals*
19 *Management Service and the United States Fish and*
20 *Wildlife Service), the Department of Transportation*
21 *(including the Maritime Administration and the*
22 *Pipeline and Hazardous Materials Safety Adminis-*
23 *tration), the Department of Defense (including the*
24 *Army Corps of Engineers and the Navy), the Depart-*
25 *ment of Homeland Security (including the United*
26 *States Coast Guard and the United States Fire Ad-*

1 *ministration in the Federal Emergency Management*
2 *Agency), the Environmental Protection Agency, and*
3 *the National Aeronautics and Space Administration,*
4 *as well as such other Federal agencies the President*
5 *may designate.*

6 *“(B) A representative of the Department of*
7 *Transportation shall serve as Chairman.”; and*

8 *(4) by striking “other” in section 7001(c)(6) (33*
9 *U.S.C. 2761(c)(6)) before “such agencies”.*

10 **SEC. 516. MEDICAL CARE.**

11 *Section 1(g)(4)(B) of the Medical Care Recovery Act*
12 *of 1962 (42 U.S.C. 2651(g)(4)(B)) is amended by striking*
13 *“of Transportation,” and inserting “of Homeland Secu-*
14 *rity,”.*

15 **SEC. 517. CONFORMING AMENDMENT TO SOCIAL SECURITY**

16 **ACT.**

17 *Section 201(p)(3) of the Social Security Act (42*
18 *U.S.C. 405(p)(3)) is amended by striking “of Transpor-*
19 *tation” each place it appears and inserting “of Homeland*
20 *Security”.*

21 **SEC. 518. SHIPPING.**

22 *Section 27 of the Merchant Marine Act of 1920 (46*
23 *U.S.C. App. 883) is amended by striking “Satisfactory in-*
24 *spection shall be certified in writing by the Secretary of*
25 *Transportation” and inserting “Satisfactory inspection*

1 *shall be certified in writing by the Secretary of Homeland*
2 *Security.”.*

3 **SEC. 519. NONTANK VESSELS.**

4 *Section 311(a)(26) of the Federal Water Pollution*
5 *Control Act (33 U.S.C. 1321(A)(26)) is amended to read*
6 *as follows:*

7 *“(26) ‘nontank vessel’ means a self-propelled*
8 *vessel—*

9 *“(A) of at least 400 gross tons as measured*
10 *under section 14302 of title 46, United States*
11 *Code, or, for vessels not measured under that sec-*
12 *tion, as measured under section 14502 of that*
13 *title;*

14 *“(B) other than a tank vessel;*

15 *“(C) that carries oil of any kind as fuel for*
16 *main propulsion; and*

17 *“(D) that is a vessel of the United States or*
18 *that operates on the navigable waters of the*
19 *United States including all waters of the terri-*
20 *torial sea of the United States as described in*
21 *Presidential Proclamation No. 5928 of December*
22 *27, 1988.”.*

23 **SEC. 520. DRUG INTERDICTION REPORT.**

24 *(a) IN GENERAL.—Section 89 of title 14, United*
25 *States Code, is amended by adding at the end the following:*

1 “(d) *QUARTERLY REPORTS ON DRUG INTERDIC-*
2 *TION.—Not later than 30 days after the end of each fiscal*
3 *year quarter, the Secretary of Homeland Security shall sub-*
4 *mit to the House of Representatives Committee on Trans-*
5 *portation and Infrastructure and the Senate Committee on*
6 *Commerce, Science, and Transportation a report on all ex-*
7 *penditures related to drug interdiction activities of the*
8 *Coast Guard on an annual basis.”.*

9 (b) *CONFORMING AMENDMENT.—Section 103 of the*
10 *Coast Guard Authorization Act of 1996 (14 U.S.C. 89 note)*
11 *is repealed.*

12 **SEC. 521. ACTS OF TERRORISM REPORT.**

13 *Section 905 of the Omnibus Diplomatic Security and*
14 *Antiterrorism Act of 1986 (46 U.S.C. App. 1802) is*
15 *amended—*

16 (1) *by striking “Not later than February 28,*
17 *1987, and annually thereafter, the Secretary of*
18 *Transportation shall report” and inserting “The Sec-*
19 *retary of Homeland Security shall report annually”;*
20 *and*

21 (2) *by inserting “Beginning with the first report*
22 *submitted under this section after the date of enact-*
23 *ment of the Maritime Transportation Security Act of*
24 *2002, the Secretary shall include a description of ac-*
25 *tivities undertaken under title I of that Act and an*

1 *analysis of the effect of those activities on port secu-*
2 *urity against acts of terrorism.” after “ports.”.*

3 **TITLE VI—EFFECTIVE DATES**

4 **SEC. 601. EFFECTIVE DATES.**

5 (a) *IN GENERAL.*—*Except as provided in subsection*
6 (b), *this Act and the amendments made by this Act shall*
7 *take effect on the date of enactment.*

8 (b) *EXCEPTION.*—*Sections 501 through 518 of this Act*
9 *and the amendments made by those sections shall take effect*
10 *on March 1, 2003.*

11 **TITLE VII—HURRICANE KATRINA**

12 **SEC. 701. SENSE OF SENATE ON COAST GUARD RESPONSE** 13 **TO HURRICANE KATRINA.**

14 (a) *FINDINGS.*—*The Senate makes the following find-*
15 *ings:*

16 (1) *The response of the Coast Guard to Hurri-*
17 *cane Katrina was exemplary.*

18 (2) *The Coast Guard strategically positioned its*
19 *aircraft, vessels, and personnel the day before Hurri-*
20 *cane Katrina made landfall and launched search and*
21 *rescue teams within hours after Hurricane Katrina*
22 *struck.*

23 (3) *The impacts of Hurricane Katrina were un-*
24 *precedented, and the Coast Guard rose to meet the*
25 *challenges presented by such impacts.*

1 (4) *The Coast Guard moved its operations in*
2 *areas threatened by Hurricane Katrina to higher*
3 *ground and mobilized cutters, small boats, and air-*
4 *craft from all around the United States to help in the*
5 *response to Hurricane Katrina.*

6 (5) *The Coast Guard rescued more than 33,000*
7 *people affected by Hurricane Katrina through the air*
8 *and by water, including evacuations of hospitals, and*
9 *has been at the center of efforts to restore commerce*
10 *to areas affected by Hurricane Katrina by clearing*
11 *shipping channels, replacing aids to navigation, and*
12 *securing uprooted oil rigs.*

13 (6) *The Coast Guard has been at the forefront of*
14 *the Federal response to the numerous oil and chemical*
15 *spills in the area affected by Hurricane Katrina.*

16 (7) *As an indication of the effectiveness of the*
17 *Coast Guard in a time of emergency, the Chief of*
18 *Staff of the Coast Guard was placed in charge of co-*
19 *ordinating all response operations relating to Hurri-*
20 *cane Katrina.*

21 (b) *SENSE OF SENATE.—It is the sense of the Senate*
22 *that the Coast Guard should play a major role in the event*
23 *of any future national emergency or disaster caused by a*
24 *natural event in the United States in a coastal or offshore*
25 *area.*

1 **SEC. 702. SUPPLEMENTAL AUTHORIZATION OF APPROPRIA-**
2 **TIONS.**

3 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*In addi-*
4 *tion to amounts provided to the Coast Guard from another*
5 *Federal agency for reimbursement of expenditures for Hur-*
6 *ricane Katrina, there are authorized to be appropriated for*
7 *fiscal year 2005 to the Secretary of the department in which*
8 *the Coast Guard is operating the following amounts for*
9 *non-reimbursed expenditures:*

10 (1) *For the operation and maintenance of the*
11 *Coast Guard in responding to Hurricane Katrina, in-*
12 *cluding, but not limited to, search and rescue efforts,*
13 *clearing channels, and emergency response to oil and*
14 *chemical spills, and for increased costs of operation*
15 *and maintenance of the Coast Guard due to higher*
16 *than expected fuel costs, \$200,000,000.*

17 (2) *For the acquisition, construction, renovation,*
18 *and improvement of aids to navigation, shore and off-*
19 *shore facilities, and vessels and aircraft, including*
20 *equipment related thereto, related to damage caused*
21 *by Hurricane Katrina, \$300,000,000.*

22 (b) *CONSTRUCTION WITH OTHER FUNDING.*—*The*
23 *amounts authorized to be appropriated by subsection (a)*
24 *are in addition to any other amounts authorized to be ap-*
25 *propriated for fiscal year 2005 to the Secretary of the de-*

1 *partment in which the Coast Guard is operating under any*
2 *other provision of law.*

3 (c) *AVAILABILITY.*—*The amounts authorized to be ap-*
4 *propriated by subsection (a) shall remain available until*
5 *expended.*

6 **SEC. 703. REPORT ON THE USE OF VESSELS.**

7 (a) *IN GENERAL.*—*The Inspector General of the De-*
8 *partment of Homeland Security shall review any contract*
9 *valued at \$10,000,000 or more entered into by or on behalf*
10 *of the United States Government with an owner, charterer,*
11 *managing operator, agent or person in charge of a vessel*
12 *in response to Hurricane Katrina to determine whether—*

13 (1) *the contract price, as modified, was appro-*
14 *priate and reasonable, and based on current, accu-*
15 *rate, and complete cost and pricing data;*

16 (2) *information other than certified cost or pric-*
17 *ing data was relied upon;*

18 (3) *applicable procurement laws and regulations*
19 *were followed to the extent practicable throughout the*
20 *award and contract administration process; and*

21 (4) *there were any irregularities or deviations in*
22 *the award and subsequent oversight and administra-*
23 *tion of the contract.*

24 (b) *REPORT.*—*No later than 9 months after the date*
25 *of enactment of this Act, the Inspector General shall trans-*

1 *mit a report of results of the review with findings and rec-*
 2 *ommendations, including possible legislative or regulatory*
 3 *changes, or improvements to the contracting process imme-*
 4 *diately following a disaster, to the Senate Committee on*
 5 *Commerce, Science, and Transportation, and the House of*
 6 *Representatives Committee on Transportation and Infra-*
 7 *structure.*

8 **SEC. 704. USE OF MARITIME SAFETY AND SECURITY TEAMS.**

9 *Section 70106 of title 46, United States Code, is*
 10 *amended by adding at the end the following new subsection:*

11 *“(d) IMPLEMENTATION OF COAST GUARD MISSIONS.—*
 12 *The Secretary may also use maritime safety and security*
 13 *teams to implement any other mission of the Coast Guard.”.*

14 **SEC. 705. TEMPORARY AUTHORITY TO EXTEND DURATION**
 15 **OF MERCHANT MARINER LICENSES AND DOC-**
 16 **UMENTS.**

17 *(a) MERCHANT MARINER LICENSES.—The Secretary*
 18 *of the department in which the Coast Guard is operating*
 19 *may temporarily extend the expiration date of any mer-*
 20 *chant mariner license issued pursuant to chapter 71 of title*
 21 *46, United States Code, when such action is deemed appro-*
 22 *priate and necessary.*

23 *(b) MERCHANT MARINER DOCUMENTS.—The Sec-*
 24 *retary of the department in which the Coast Guard is oper-*
 25 *ating may temporarily extend the expiration date of any*

1 *merchant mariner's document issued pursuant to chapter*
2 *73 of title 46, United States Code, when such action is*
3 *deemed appropriate and necessary.*

4 (c) *SCOPE OF AUTHORITY.*—*Any extension under sub-*
5 *section (a) or (b) may be granted to individual mariners*
6 *or to specifically identified groups of mariners.*

7 (d) *EXPIRATION OF AUTHORITY.*—*The authorities pro-*
8 *vided in this section shall expire on September 30, 2007.*

9 **SEC. 706. TEMPORARY AUTHORITY TO EXTEND DURATION**
10 **OF VESSEL CERTIFICATES OF INSPECTION.**

11 (a) *IN GENERAL.*—*Notwithstanding any other provi-*
12 *sion of law, the Secretary of the department in which the*
13 *Coast Guard is operating may temporarily extend the expi-*
14 *ration date or validity of any Certificate of Inspection or*
15 *Certificate of Compliance issued pursuant to subtitle II of*
16 *title 46, United States Code.*

17 (b) *EXPIRATION OF AUTHORITY.*—*The authority pro-*
18 *vided in this section shall expire on September 30, 2007.*

19 **SEC. 707. PRESERVATION OF LEAVE LOST DUE TO HURRI-**
20 **CANE KATRINA OPERATIONS.**

21 (a) *PRESERVATION OF LEAVE.*—*Notwithstanding sec-*
22 *tion 701(b) of title 10, United States Code, any member*
23 *of the Coast Guard who serves on active duty for a contin-*
24 *uous period of 30 days, who is assigned to duty or otherwise*
25 *detailed in support of units or operations in the Eighth*

1 *Coast Guard District area of responsibility for activities*
2 *to mitigate the consequences of, or assist in the recovery*
3 *from, Hurricane Katrina, during the period beginning on*
4 *August 28, 2005, and ending on January 1, 2006, and who*
5 *would otherwise lose any accumulated leave in excess of 60*
6 *days as a consequence of such assignment, is authorized to*
7 *retain an accumulated total of up to 90 days of leave.*

8 **(b) EXCESS LEAVE.**—*Leave in excess of 60 days accu-*
9 *mulated under subsection (a) shall be lost unless used by*
10 *the member before the commencement of the second fiscal*
11 *year following the fiscal year in which the assignment com-*
12 *mences, in the case of a Reserve members, the year in which*
13 *the period of active service is completed.*

14 **SEC. 708. REPORTS ON IMPACTS TO COAST GUARD.**

15 **(a) REPORTS REQUIRED.**—

16 **(1) INTERIM REPORT.**—*Not later than 90 days*
17 *after the date of the enactment of this Act, the Sec-*
18 *retary of the department in which the Coast Guard*
19 *is operating shall submit to the Committee on Com-*
20 *merce, Science, and Transportation of the Senate and*
21 *the Committee on Transportation and Infrastructure*
22 *of the House of Representatives an interim report on*
23 *the impacts of Hurricane Katrina and the response of*
24 *the Coast Guard to such impacts.*

1 (2) *FINAL REPORT.*—Not later than 180 days
2 after the date of the date of the submittal of the report
3 required by paragraph (1), the Secretary of the de-
4 partment in which the Coast Guard is operating shall
5 submit to the committees of Congress referred to in
6 that paragraph a final report on the impacts of Hur-
7 ricane Katrina and the response of the Coast Guard
8 to such impacts.

9 (b) *ELEMENTS.*—Each report required by subsection
10 (a) shall include the following:

11 (1) A discussion and assessment of the impacts
12 of Hurricane Katrina on the facilities, aircraft, ves-
13 sels, and other assets of the Coast Guard, including
14 an assessment of such impacts on pending or pro-
15 posed replacements or upgrades of facilities, aircraft,
16 vessels, or other assets of the Coast Guard.

17 (2) A discussion and assessment of the impact of
18 Hurricane Katrina on Coast Guard operations and
19 strategic goals.

20 (3) A statement of the number of emergency
21 drills held by the Coast Guard during the five-year
22 period ending on the date of the report with respect
23 to natural disasters and with respect to security inci-
24 dents.

1 (4) *A description and assessment of the lines of*
2 *communication and reporting within the Coast*
3 *Guard, and between the Coast Guard and other de-*
4 *partments and agencies of the Federal Government*
5 *and State and local governments, as well as the inter-*
6 *operability of such communications, during the re-*
7 *sponse to Hurricane Katrina.*

8 (5) *A discussion and assessment of the financial*
9 *impact on Coast Guard operations during fiscal years*
10 *2005 and 2006 of unbudgeted increases in prices of*
11 *fuel.*

12 **SEC. 709. REPORTS ON IMPACTS ON NAVIGABLE WATER-**
13 **WAYS.**

14 *(a) REPORTS REQUIRED.—*

15 (1) *INTERIM REPORT.—Not later than 90 days*
16 *after the date of the enactment of this Act, the Sec-*
17 *retary of the department in which the Coast Guard*
18 *is operating shall, in consultation with the Secretary*
19 *of Commerce, submit to the Committee on Commerce,*
20 *Science, and Transportation of the Senate and the*
21 *Committee on Transportation and Infrastructure of*
22 *the House of Representatives a report on the impacts*
23 *of Hurricane Katrina on navigable waterways and*
24 *the response of the Coast Guard to such impacts.*

1 (2) *FINAL REPORT.*—Not later than 180 days
2 after the date of the submittal of the report required
3 by paragraph (1), the Secretary of the department in
4 which the Coast Guard is operating shall, in con-
5 sultation with the Secretary of Commerce, submit to
6 the committees of Congress referred to in that para-
7 graph a report on the impacts of Hurricane Katrina
8 on navigable waterways with respect to missions
9 within the jurisdiction of the Coast Guard and the re-
10 sponse of the Coast Guard to such impacts.

11 (b) *ELEMENTS.*—Each report required by subsection
12 (a) shall include the following:

13 (1) A discussion and assessment of the impacts,
14 and associated costs, of Hurricane Katrina on—

15 (A) the navigable waterways of the United
16 States;

17 (B) facilities located in or on such water-
18 ways;

19 (C) aids to navigation to maintain the safe-
20 ty of such waterways; and

21 (D) any other equipment located in or on
22 such waterways related to a mission of the Coast
23 Guard.

24 (2) An estimate of the costs to the Coast Guard
25 of restoring the resources described in paragraph (1)

1 *and an assessment of the vulnerability of such re-*
2 *sources to natural disasters in the future.*

3 *(3) A discussion and assessment of the environ-*
4 *mental impacts in areas within the Coast Guard’s ju-*
5 *risdiction of Hurricane Katrina, with a particular*
6 *emphasis on any releases of oil or hazardous chemi-*
7 *cals into the navigable waterways of the United*
8 *States.*

9 *(4) A discussion and assessment of the response*
10 *of the Coast Guard to the impacts described in para-*
11 *graph (3), including an assessment of environmental*
12 *vulnerabilities in natural disasters in the future and*
13 *an estimate of the costs of addressing such*
14 *vulnerabilities.*

15 *(c) NAVIGABLE WATERWAYS OF THE UNITED*
16 *STATES.—In this section, the term “navigable waterways*
17 *of the United States” includes waters of the United States*
18 *as described in Presidential Proclamation No. 5928 of De-*
19 *cember 27, 1988.*

Attest:

Secretary.

109TH CONGRESS
1ST SESSION

H. R. 889

AMENDMENT