To authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes.

Be it enacted by the Senate and House of Representa-tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coast Guard Author-
The table of contents for this Act is as follows:

**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. 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. 210. Certification of vessel nationality in drug smuggling cases.
- Sec. 211. Jones Act waivers.
- 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.

**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 at Barbers Point.

Sec. 410. Promotion of Coast Guard officers.

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.
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.
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Sec. 517. Conforming amendment to Social Security Act.
Sec. 518. Shipping.
Sec. 519. Nontank vessels.
Sec. 520. Drug interdiction report.

TITLE VI—EFFECTIVE DATES

Sec. 601. Effective dates.

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
5 the Coast Guard is operating the following amounts:

6 (1) For the operation and maintenance of the
7 Coast Guard $5,594,900,000, of which $24,500,000
8 is authorized to be derived from the Oil Spill Liabil-
9 ity Trust Fund to carry out the purposes of section
10 1012(a)(5) of the Oil Pollution Act of 1990 (33
11 U.S.C. 2712(a)(5)).
(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,424,852,000, to remain available until expended, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and

(B) $1,100,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) For the use of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard’s mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $24,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out
the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman’s Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $17,400,000, of which $2,500,000, to remain available until expended, may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration $12,000,000, to remain available until expended for environmental compliance and restoration functions under chapter 19 of title 14, United States Code.
(7) For operation and maintenance of the Coast Guard reserve program, $119,000,000.

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

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

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,538,840,160, to remain available until expended, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and

(B) $1,188,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.
(3) For the use of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard’s mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $25,920,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman’s Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,095,206,400, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Al-
teration Program, $18,792,000, of which
$2,500,000, to remain available until expended, may
be utilized for construction of a new Chelsea Street
Bridge over the Chelsea River in Boston, Massachu-
setts.

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

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

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH
AND TRAINING.

(a) Active Duty Strength.—The Coast Guard is
authorized an end-of-year strength of active duty per-
sonnel of 45,500 as of September 30, 2006.

(b) Military Training Student Loads.—For fis-
cal year 2006, the Coast Guard is authorized average mili-
tary training student loads as follows:

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

(2) For flight training, 125 student years.

(3) For professional training in military and ci-
vilian institutions, 350 student years.
(4) For officer acquisition, 1,200 student years.

**SEC. 103. WEB-BASED RISK MANAGEMENT DATA SYSTEM.**

There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating $1,000,000 to continue deployment of a web-based risk management system to help reduce accidents and fatalities.

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

**SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHORAGE AND MOVEMENT AUTHORITY.**

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

“(d) As used in this section, the term ‘navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.”.

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

The second section enumerated 70119 of title 46, United States Code, is amended—
1 (1) by inserting “(a) IN GENERAL.—” before
2 “Any”; and
3 (2) by adding at the end the following:
4 “(b) CONTINUING VIOLATIONS.—Each day of a con-
5 tinuing violation shall constitute a separate violation, with
6 a total fine per violation not to exceed—
7 “(1) for violations occurring during fiscal year
8 2006, $50,000;
9 “(2) for violations occurring during fiscal year
10 2007, $75,000; and
11 “(3) for violations occurring after fiscal year
12 2007, $100,000.
13 “(c) DETERMINATION OF AMOUNT.—In determining
14 the amount of the penalty, the Secretary shall take into
15 account the nature, circumstances, extent, and gravity of
16 the violation committed and, with respect to the violator,
17 the degree of culpability, history of prior offenses, ability
18 to pay, and such other matters as justice may require.
19 “(d) COMPROMISE, MODIFICATION, AND REMIT-
20 TAL.—The Secretary may compromise, modify, or remit,
21 with or without conditions, any civil penalty imposed
22 under this section.”.
SEC. 203. ICEBREAKERS.

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

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

(2) for the long-term recapitalization of these assets.

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

SEC. 204. COOPERATIVE AGREEMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on opportunities for and the feasibility of co-locating Coast Guard assets and personnel at facilities of other Armed Services branches throughout the United States. The report shall—

(1) identify the locations of possible sites;
(2) identify opportunities for cooperative agreements that may be established between the Coast Guard and such facilities with respect to maritime security and other Coast Guard missions; and

(3) analyze anticipated costs and benefits associated with each site and such agreements.

SEC. 205. PILOT PROGRAM FOR DOCKSIDE NO FAULT/NO COST SAFETY AND SURVIVABILITY EXAMINATIONS FOR UNINSPECTED COMMERCIAL FISHING VESSELS.

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

(b) DEFINITIONS.—In this section:

(1) DOCKSIDE CREW SURVIVABILITY EXAMINATION.—The term “dockside crew survivability examination” means an examination by a Coast Guard representative of an uninspected fishing vessel and its crew at the dock or pier that includes—

(A) identification and examination of safety and survival equipment required by law for that vessel;
(B) identification and examination of the vessel stability standards applicable by law to that vessel; and

(C) identification and observation of—

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

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

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

(3) UNINSPECTED FISHING VESSEL.—The term “uninspected fishing vessel” means a vessel, not including fish processing vessels or fish tender vessels (as defined in section 2101 of title 46, United States Code), that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.
(c) Scope of Pilot Program.—The pilot program shall be conducted—

(1) in at least 5, but no more than 10, major United States fishing ports where Coast Guard statistics reveal a high number of fatalities on uninspected fishing vessels within the 4 fiscal year period beginning with fiscal year 2000, but shall not be conducted in Coast Guard districts where a fishing vessel safety program already exists;

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

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

(4) as a non-fee service to those persons identified in paragraph (3) above;

(5) without a civil penalty for any discrepancies identified during the dockside crew survivability examination; and

(6) to gather data identified by the Secretary as necessary to conclude whether dockside crew survivability examinations reduce fatalities and property losses in the fishing industry.

(d) Report.—Not later than 180 days after end of the third year of the pilot program, the Secretary shall
submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the pilot program. The report shall include—

(1) an assessment of the costs and benefits of the pilot program including costs to the industry and lives and property saved as a result of the pilot program;

(2) an assessment of the costs and benefits to the United States Government of the pilot program including operational savings such as personnel, maintenance, etc., from reduced search and rescue or other operations; and

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

SEC. 206. REPORTS FROM MORTGAGEES OF VESSELS.

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

SEC. 207. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.

(a) In General.—Section 149 of title 14, United States Code, is amended—
(1) by striking the section heading and inserting the following:

“§149. Assistance to foreign governments and maritime authorities”;

(2) by inserting “(a) Detail of Members To Assist Foreign Governments.—” before “The President”; and

(3) by adding at the end the following:

“(b) Technical Assistance to Foreign Maritime Authorities.—The Commandant, in coordination with the Secretary of State, may, in conjunction with regular Coast Guard operations, provide technical assistance, including law enforcement and maritime safety and security training, to foreign navies, coast guards, and other maritime authorities.”.

(b) Clerical Amendment.—The chapter analysis for chapter 7 of title 14, United States Code, is amended by striking the item relating to section 149 and inserting the following:

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

SEC. 208. REFERENCE TO TRUST TERRITORY OF THE PACIFIC ISLANDS.

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

(1) by striking “37, 43, 51, and 123” and inserting “43, 51, 61, and 123”;

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(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 209. BIO-DIESEL FEASIBILITY STUDY.

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

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall transmit a report containing the findings, conclusions, and recommendations (if any) from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 210. CERTIFICATION OF VESSEL NATIONALITY IN DRUG SMUGGLING CASES.

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)(2)) is amended by striking the last sentence and inserting “The response of
a foreign nation to a claim of registry under subparagraph (A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is conclusively proved by certification of the Secretary of State or the Secretary’s designee.”.

SEC. 211. JONES ACT WAIVERS.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), a vessel that was not built in the United States may transport fish or shellfish within the coastal waters of the State of Maine if the vessel—

(1) meets the other requirements of section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802) for engaging in the coastwise trade;

(2) is ineligible for documentation under chapter 121 of title 46, United States Code, because it measures less than 5 net tons;

(3) has transported fish or shellfish within the coastal waters of the State of Maine prior to December 31, 2004; and

(4) has not undergone a transfer of ownership after December 31, 2004.
SEC. 212. DEEPWATER OVERSIGHT.

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

(1) the status of the Coast Guard’s implementation of Government Accountability Office’s recommendations in its report, GAO–04–380, “Coast Guard Deepwater Program Needs Increased Attention to Management and Contractor Oversight”; and

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

SEC. 213. DEEPWATER REPORT.

The Secretary of Homeland Security shall submit to the Congress, in conjunction with the transmittal by the President of the Budget of the United States for Fiscal Year 2007, a revised Deepwater baseline that includes—

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

(2) an accelerated acquisition timeline that reflects project completion in 10 years and 15 years
(included in this timeline shall be the amount of assets procured during each year of the accelerated program);

(3) the required funding for each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

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

(5) anticipated mission deficiencies, if any, associated with the continued degradation of legacy assets in combination with the procurement of new assets within each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(6) a comparison of the amount of required assets in the current baseline to the amount of required assets according to the Coast Guard’s Performance Gap Analysis Study; and

(7) an evaluation of the overall feasibility of achieving each accelerated acquisition timeline (including contractor capacity, national shipbuilding capacity, asset integration into Coast Guard facilities, required personnel, training infrastructure capacity on technology associated with new assets).
SEC. 214. LORAN–C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN–C system, for capital expenses related to LORAN–C navigation infrastructure, $25,000,000 for fiscal year 2006 and $25,000,000 for fiscal year 2007. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 215. LONG-RANGE VESSEL TRACKING SYSTEM.

(a) Pilot Project.—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a pilot program for long range tracking of up to 2,000 vessels using satellite systems with an existing non-profit maritime organization that has a demonstrated capability of operating a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long range vessel information to the Coast Guard to aid maritime security and response to maritime emergencies.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating
$4,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out subsection (a).

SEC. 216. MARINE VESSEL AND COLD WATER SAFETY EDUCATION.

The Coast Guard shall continue cooperative agreements and partnerships with organizations in effect on the date of enactment of this Act that provide marine vessel safety training and cold water immersion education and outreach programs for fishermen and children.

SEC. 217. SUCTION ANCHORS.

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

“(c) No vessel without a registry or coastwise endorsement may engage in the movement of anchors or other mooring equipment from one point over or on the United States outer Continental Shelf to another such point in connection with exploring for, developing, or producing resources from the outer Continental Shelf.”.

TITLE III—UNITED STATES OCEAN COMMISSION IMPLEMENTATION

SEC. 301. PLACE OF REFUGE.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the United States Coast Guard, working with hazardous spill response agencies, marine
salvage companies, State and local law enforcement and
marine agencies, and other Federal agencies including the
National Oceanic and Atmospheric Administration and
the Environmental Protection Agency, shall, in accordance
with the recommendations of the United States Commis-
sion on Ocean Policy in its final report, develop a com-
prehensive and effective process for determining whether
and under what circumstances damaged vessels may seek
a place of refuge in the United States suitable to the spe-
cific nature of distress each vessel is experiencing.

(b) REPORT.—The Commandant of the Coast Guard
shall transmit a report annually to the Senate Committee
on Commerce, Science, and Transportation and the House
of Representatives Committee on Transportation and In-
frastructure describing the process established and any
cases in which a vessel was provided with a place of refuge
in the preceding year.

(c) PLACE OF REFUGE DEFINED.—In this section,
the term “place of refuge” means a place where a ship
in need of assistance can take action to enable it to sta-
bilize its condition and reduce the hazards to navigation
and to protect human life and the environment.
SEC. 302. IMPLEMENTATION OF INTERNATIONAL AGREEMENTS.

The Secretary of the department in which the Coast Guard is operating shall, in consultation with appropriate Federal agencies, work with the responsible officials and agencies of other Nations to accelerate efforts at the International Maritime Organization to enhance flag State oversight and enforcement of security, environmental, and other agreements adopted within the International Maritime Organization, including implementation of—

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

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

(3) measures to ensure that responsible organizations, acting on behalf of flag States, meet established performance standards; and

(4) cooperative arrangements to improve enforcement on a bilateral, regional or international basis.

SEC. 303. VOLUNTARY MEASURES FOR REDUCING POLLUTION FROM RECREATIONAL BOATS.

The Secretary of the department in which the Coast Guard is operating shall, in consultation with appropriate Federal, State, and local government agencies, undertake outreach programs for educating the owners and operators
of boats using two-stroke engines about the pollution associated with such engines, and shall support voluntary programs to reduce such pollution and that encourage the early replacement of older two-stroke engines.

SEC. 304. INTEGRATION OF VESSEL MONITORING SYSTEM DATA.

The Secretary of the department in which the Coast Guard is operating shall integrate vessel monitoring system data into its maritime operations databases for the purpose of improving monitoring and enforcement of Federal fisheries laws, and shall work with the Undersecretary of Commerce for Oceans and Atmosphere to ensure effective use of such data for monitoring and enforcement.

SEC. 305. FOREIGN FISHING INCURSIONS.

(a) In General.—No later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on steps that the Coast Guard will take to significantly improve the Coast Guard’s detection and interdiction of illegal incursions into the United States exclusive economic zone by foreign fishing vessels.
(b) **Specific Issues To Be Addressed.**—The report shall—

(1) focus on areas in the exclusive economic zone where the Coast Guard has failed to detect or interdict such incursions in the 4 fiscal year period beginning with fiscal year 2000, including the Western/Central Pacific; and

(2) include an evaluation of the potential use of unmanned aircraft and offshore platforms for detecting or interdicting such incursions.

(e) **Biennial Updates.**—The Secretary shall provide biannual reports updating the Coast Guard’s progress in detecting or interdicting such incursions to the Senate Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

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

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

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

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

(2) by striking so much of subsection (b) as precedes paragraph (2) and inserting the following:

“(b)(1) The Secretary shall, at least once a year, make a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by section 42(b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for in this subsection, or because an excess results directly from the operation of law.”.

SEC. 402. COAST GUARD BAND DIRECTOR.

(a) BAND DIRECTOR APPOINTMENT AND GRADE.—

Section 336 of title 14, United States Code, is amended—
(1) by striking the first sentence of subsection (b) and inserting “The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.”;

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

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

(4) by striking “of lieutenant (junior grade) or lieutenant.” in subsection (c) and inserting “determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual.”;

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

(6) by striking “When a member’s designation is revoked,” in subsection (e) and inserting “When an individual’s designation is revoked,”.

(b) CURRENT DIRECTOR.—The incumbent Coast Guard Band Director on the date of enactment of this Act may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary of the department in which the Coast Guard is operating
to be most appropriate to the qualifications and experience
of that individual.

SEC. 403. RESERVE RECALL AUTHORITY.

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

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

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

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

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

(5) by adding at the end the following:

“(e) For purposes of calculating the duration of ac-
tive duty allowed pursuant to subsection (a), each period
of active duty shall begin on the first day that a member
reports to active duty, including for purposes of training.”.
SEC. 404. EXPANSION OF EQUIPMENT USED BY AUXILIARY TO SUPPORT COAST GUARD MISSIONS.

(a) Motorized Vehicle as Facility.—Section 826 of title 14, United States Code, is amended—

(1) by inserting “(a)” before “Members”; and

(2) adding at the end the following:

“(b) The Coast Guard may utilize to carry out its functions and duties as authorized by the Secretary any motorized vehicle placed at its disposition by any member of the auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof to tow government property.”.

(b) Appropriations for Facilities.—Section 830(a) of title 14, United States Code, is amended by striking “or radio station” each place it appears and inserting “radio station, or motorized vehicle utilized under section 826(b)”.

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

(a) In General.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

“§ 677. Turn-key selection procedures

“(a) Authority To Use.—The Secretary may use one-step turn-key selection procedures for the purpose of entering into contracts for construction projects.
“(b) DEFINITIONS.—In this section—

“(1) ONE-STEP TURN-KEY SELECTION PROCEDURES.—The term ‘one-step turn-key selection procedures’ means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.

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

“(3) FACILITY.—The term ‘facility’ means a building, structure, or other improvement to real property.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 676 the following:

“677. Turn-key selection procedures.”.

SEC. 406. OFFICER PROMOTION.

Section 257 of title 14, United States Code, is amended by adding at the end the following:

“(f) The Secretary of the Department in which the Coast Guard is operating may waive subsection (a) of this section to the extent necessary to allow officers described
therein to have at least 2 opportunities for consideration
for promotion to the next higher grade as officers below
the promotion zone.”.

SEC. 407. REDESIGNATION OF COAST GUARD LAW SPECIALISTS AS JUDGE ADVOCATES.

(a) Section 801 of title 10, United States Code, is
amended—

(1) by striking “The term ‘law specialist’” in
paragraph (11) and inserting “The term ‘judge ad-
vocate’, in the Coast Guard,”;

(2) by striking “advocate; or” in paragraph
(13) and inserting “advocate.”; and

(3) by striking subparagraph (C) of paragraph
(13).

(b) Section 727 of title 14, United States Code, is
amended by striking “law specialist” and inserting “judge
advocate”.

(c) Section 465(a)(2) of the Social Security Act (42
U.S.C. 665(a)(2)) is amended by striking “law specialist”
and inserting “judge advocate”.

SEC. 408. BOATING SAFETY DIRECTOR.

(a) In general.—Subchapter A of chapter 11 of
title 14, United States Code, is amended by adding at the
end the following:
§ 337. Director, Office of Boating Safety

“The initial appointment of the Director of the Boating Safety Office shall be in the grade of Captain.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 336 the following:

“337. Director, Office of Boating Safety.”.

SEC. 409. HANGAR AT COAST GUARD AIR STATION BARBERS POINT.

No later than 180 days after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall provide the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure with a proposal and cost analysis for constructing an enclosed hangar at Air Station Barbers Point. The proposal should ensure that the hangar has the capacity to shelter current aircraft assets and those projected to be located at the station over the next 20 years.

SEC. 410. PROMOTION OF COAST GUARD OFFICERS.

(a) In General.—Section 211(a) of title 14, United States Code, is amended to read as follows:

“(a)(1) The President may appoint permanent commissioned officers in the Regular Coast Guard in grades
appropriate to their qualification, experience, and length
of service, as the needs of the Coast Guard may require,
from among the following categories:

“(A) Graduates of the Coast Guard Academy.

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

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

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

“(2) Original appointments under this section in the
grades of lieutenant commander and above shall be made
by the President by and with the advice and consent of the
Senate.

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

(b) WARTIME TEMPORARY SERVICE PROMOTION.—
Section 275(f) of title 14, United States Code, is amended
by striking the second and third sentences and inserting
“Original appointments under this section in the grades of
lieutenant commander and above shall be made by the
President by and with the advice and consent of the Senate.

Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.”.

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 501. GOVERNMENT ORGANIZATION.

Title 5, United States Code, is amended—

(1) by inserting “The Department of Homeland Security.” after “The Department of Veterans Affairs.” in section 101;

(2) by inserting “the Secretary of Homeland Security,” in section 2902(b) after “Secretary of the Interior,”; and

(3) in sections 5520a(k)(3), 5595(h)(5), 6308(b), and 9001(10), by striking “of Transportation” each place it appears and inserting “of Homeland Security”.

SEC. 502. WAR AND NATIONAL DEFENSE.

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

(1) by striking “Secretary of Transportation” each place it appears in section 515 and inserting “Secretary of Homeland Security”; and
(2) by striking “Secretary of Transportation” in section 530(d) and inserting “Secretary of Homeland Security”.

SEC. 503. FINANCIAL MANAGEMENT.

Title 31, United States Code, is amended—

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

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

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

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

SEC. 504. PUBLIC CONTRACTS.

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

SEC. 505. PUBLIC PRINTING AND DOCUMENTS.

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

SEC. 506. SHIPPING.

Title 46, United States Code, is amended—

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

(2) by striking the second sentence of section 6308(a) and inserting “Any employee of the Department of Transportation, and any member of the Coast Guard, investigating a marine casualty pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary of Transportation for Department of Transportation employees or the Secretary of Homeland Security for military members or civilian employees of the Coast Guard.”; and

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

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

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

**SEC. 508. MORTGAGE INSURANCE.**

Section 222 of the National Housing Act of 1934 (12 U.S.C. 1715m) is amended by striking “of Transpor-
tation” each place it appears and inserting “of Homeland

Security”.

SEC. 509. ARCTIC RESEARCH.

Section 107(b)(2) of the Arctic Research and Policy

(1) by striking “and” after the semicolon in

subparagraph (J);

(2) by redesignating subparagraph (K) as sub-

paragraph (L); and

(3) by inserting after subparagraph (J) the fol-

lowing new subparagraph:

“(K) the Department of Homeland Security;

and”.

SEC. 510. CONSERVATION.

(a) Section 1029(e)(2)(B) of the Bisti/De-Na-Zin
Wilderness Expansion and Fossil Protection Act of 1996
(16 U.S.C. 460kkk(e)) is amended by striking “of Trans-

portation” and inserting “of Homeland Security”.

(b) Section 312(a)(2)(C) of the Antarctic Marine Liv-

ing Resources Convention Act of 1984 (16 U.S.C.

2441(c)) is amended by striking “of Transportation” and

inserting “of Homeland Security”.

SEC. 511. CONFORMING AMENDMENT.

Section 3122 of the Internal Revenue Code of 1986
is amended by striking “Secretary of Transportation”
each place it appears and inserting “Secretary of the Department in which the Coast Guard is operating”.

SEC. 512. ANCHORAGE GROUNDS.

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

SEC. 513. BRIDGES.

Section 4 of the General Bridge Act of 1906 (33 U.S.C. 491) is amended by striking “of Transportation” and inserting “of Homeland Security”.

SEC. 514. Lighthouses.

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

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

(c) Sections 1 and 2 of Public Law 75–515 (33 U.S.C. 745a, 748a) are amended by striking “of Transportation” each place it appears and inserting “of Homeland Security”.

SEC. 515. OIL POLLUTION.

The Oil Pollution Act of 1990 (33 U.S.C. 2701 et. seq.) is amended—
(1) by inserting “Homeland Security,” in section 5001(c)(1)(B) (33 U.S.C. 2731(c)(1)(B)) after “the Interior;”;
(2) by striking “of Transportation.” in section 5002(m)(4) (33 U.S.C. 2732(m)(4)) and inserting “of Homeland Security;”;
(3) by striking section 7001(a)(3) (33 U.S.C. 2761(a)(3)) and inserting the following:
“(3) Membership.—
“(A) The Interagency Committee shall include representatives from the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology), the Department of Energy, the Department of the Interior (including the Minerals Management Service and the United States Fish and Wildlife Service), the Department of Transportation (including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration), the Department of Defense (including the Army Corps of Engineers and the Navy), the Department of Homeland Security (including the United States Coast Guard and the United States Fire Administration in the Federal Emergency Management Agency), the Environmental Protection
Agency, and the National Aeronautics and Space Administration, as well as such other Federal agencies the President may designate.

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

(4) by striking “other” in section 7001(e)(6)

(33 U.S.C. 2761(e)(6)) before “such agencies”.

SEC. 516. MEDICAL CARE.

Section 1(g)(4)(B) of the Medical Care Recovery Act of 1962 (42 U.S.C. 2651(g)(4)(B)) is amended by striking “of Transportation,” and inserting “of Homeland Security, ”.

SEC. 517. CONFORMING AMENDMENT TO SOCIAL SECURITY ACT.

Section 201(p)(3) of the Social Security Act (42 U.S.C. 405(p)(3)) is amended by striking “of Transportation” each place it appears and inserting “of Homeland Security.”.

SEC. 518. SHIPPING.

Section 27 of the Merchant Marine Act of 1920 (46 U.S.C. App. 883) is amended by striking “Satisfactory inspection shall be certified in writing by the Secretary of Transportation” and inserting “Satisfactory inspection shall be certified in writing by the Secretary of Homeland Security.”.
SEC. 519. NONTANK VESSELS.

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

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

“(A) of at least 400 gross tons as measured under section 14302 of title 46, United States Code, or, for vessels not measured under that section, as measured under section 14502 of that title;

“(B) other than a tank vessel;

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

“(D) that is a vessel of the United States or that operates on the navigable waters of the United States including all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.”.

SEC. 520. DRUG INTERDICTION REPORT.

(a) In General.—Section 89 of title 14, United States Code, is amended by adding at the end the following:

“(d) Quarterly Reports on Drug Interdiction.—Not later than 30 days after the end of each fiscal
year quarter, the Secretary of Homeland Security shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report on all expenditures related to drug interdiction activities of the Coast Guard on an annual basis.”.

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

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


(1) by striking “Not later than February 28, 1987, and annually thereafter, the Secretary of Transportation shall report” and inserting “The Secretary of Homeland Security shall report annually”; and

(2) by inserting “Beginning with the first report submitted under this section after the date of enactment of the Maritime Transportation Security Act of 2002, the Secretary shall include a description of activities undertaken under title I of that Act and an analysis of the effect of those activities on
port security against acts of terrorism.” after “ports.”.

**TITLE VI—EFFECTIVE DATES**

**SEC. 601. EFFECTIVE DATES.**

(a) In General.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment.

(b) Exception.—Sections 501 through 518 of this Act and the amendments made by those sections shall take effect on March 1, 2003.
A BILL

To authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes.

JULY 28, 2005
Reported with amendments
June 28, 2005

and for other purposes

A BILL

[Report No. 109–114]

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