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1st Session } { Part 1

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

JULY 28, 2005.—Ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 889]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 889) 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard and Maritime Transportation Act of 2005".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD

Sec. 201. Extension of Coast Guard vessel anchorage and movement authority.
Sec. 202. International training and technical assistance.
Sec. 203. Officer promotion.
Sec. 204. Coast Guard band director.
Sec. 205. Authority for one-step turnkey design-build contracting.
Sec. 206. Reserve recall authority.
Sec. 207. Reserve officer distribution.
Sec. 208. Expansion of use of auxiliary equipment to support coast guard missions.
Sec. 209. Coast Guard history fellowships.

TITLE III—SHIPPING AND NAVIGATION

Sec. 301. Treatment of ferries as passenger vessels.

Sec. 302. Great Lakes pilotage annual ratemaking.
Sec. 303. Certification of vessel nationality in drug smuggling cases.
Sec. 304. LNG Tankers.

TITLE IV—MISCELLANEOUS

Sec. 401. Technical corrections.
Sec. 402. Authorization of junior reserve officers training program pilot program.
Sec. 403. Transfer.
Sec. 404. Long-range vessel tracking system.
Sec. 405. Report.
Sec. 406. Training of cadets at United States Merchant Marine Academy.
Sec. 407. Marine casualty investigations study.
Sec. 408. Conveyance of decommissioned Coast Guard Cutter MACKINAW.
Sec. 409. Deepwater implementation report.
Sec. 410. Helicopters.
Sec. 411. Reports from mortgagees of vessels.
Sec. 412. Newtown Creek, New York City, New York.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2006 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, $5,586,400,000, 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.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,903,821,000, 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), to remain available until expended;

(B) $1,316,300,000 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; and

(C) $284,369,000 is authorized for sustainment of legacy vessels and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) To 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.

(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, $35,900,000.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), $12,000,000, to remain available until expended.

(7) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, $119,000,000.

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

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 45,500 for the years ending on September 30, 2005, and September 30, 2006.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training for fiscal year 2006, 2,500 student years.

(2) For flight training for fiscal year 2006, 125 student years.

(3) For professional training in military and civilian institutions for fiscal year 2006, 350 student years.

(4) For officer acquisition for fiscal year 2006, 1,200 student years.

TITLE II—COAST GUARD

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 new subsection:

"(d) As used in this section '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. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.

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

(1) by amending the section heading to read as follows:

"§ 149. Assistance to foreign governments and maritime authorities";

(2) by inserting before the existing undesignated text the following new subsection designation and heading: "(a) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—"; and

(3) by adding at the end the following new subsection:

"(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 item related to such section in the analysis at the beginning of chapter 7 of title 14, United States Code, is amended to read as follows:

"149. Assistance to foreign governments and maritime authorities.".

SEC. 203. OFFICER PROMOTION.

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

"(f) The Secretary may waive subsection (a) of this section to the extent necessary to allow officers described therein to have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.".

SEC. 204. COAST GUARD BAND DIRECTOR.

(a) BAND DIRECTOR APPOINTMENT AND GRADE.—Section 336 of title 14, United States Code, is amended—

(1) in subsection (b)—

(A) by amending the first sentence to read as follows: "The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications."; and

(B) in the second sentence, by striking "a member so designated" and inserting "an individual so designated";

(2) in subsection (c)—

(A) by striking "of a member" and inserting "of an individual"; and

(B) by striking "of lieutenant (junior grade) or lieutenant" and inserting "determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual";

(3) in subsection (d), by striking "A member" and inserting "An individual"; and

(4) in subsection (e)—

(A) by striking "When a member's designation is revoked," and inserting "When an individual's designation is revoked,"; and

(B) by striking "option:" and inserting "option—".

(b) CURRENT DIRECTOR.—The individual serving as Coast Guard band director on the date of the enactment of this Act may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary to be most appropriate to the qualifications and experience of that individual.

SEC. 205. 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 new section:

"§ 677. Turnkey selection procedures

"(a) AUTHORITY TO USE.—The Secretary may use one-step turnkey selection procedures for the purpose of entering into contracts for construction projects.

"(b) DEFINITIONS.—In this section:

"(1) 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 cri-

teria 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) The term 'construction' includes the construction, procurement, development, conversion, or extension, of any facility.

"(3) The term 'facility' means a building, structure, or other improvement to real property.".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by inserting after the item relating to section 676 the following:

"677. Turnkey selection procedures.".

SEC. 206. RESERVE RECALL AUTHORITY.

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

(1) by inserting ", or to aid in prevention of an imminent," after "during";

(2) by striking "or" before "catastrophe";

(3) by inserting ", 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" after "catastrophe";

(4) by striking "thirty days in any four month period" and inserting "60 days in any 4-month period"; and

(5) by striking "sixty days in any two-year period" and inserting "120 days in any 2-year period".

SEC. 207. RESERVE OFFICER DISTRIBUTION.

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

(1) in subsection (a), by inserting after the first sentence the following: "Reserve officers on an active-duty list shall not be counted as part of the authorized number of officers in the Reserve."; and

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

"(b)(1) The Secretary shall, at least once each 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. 208. EXPANSION OF USE OF AUXILIARY EQUIPMENT TO SUPPORT COAST GUARD MISSIONS.

(a) USE OF MOTORIZED VEHICLES.—Section 826 of title 14, United States Code, is amended—

(1) by designating the existing undesignated text as subsection (a); and

(2) by adding at the end the following new subsection:

"(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 Federal Government property.".

(b) APPROPRIATIONS FOR FACILITIES.—Section 830(a) of title 14, United States Code, is amended by striking "or radio station" and inserting "radio station, or motorized vehicle" each place it appears.

SEC. 209. COAST GUARD HISTORY FELLOWSHIPS.

(a) FELLOWSHIPS AUTHORIZED.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following:

"§ 197. Coast Guard history fellowships

"(a) FELLOWSHIPS.—The Commandant of the Coast Guard shall prescribe regulations under which the Commandant may award fellowships in Coast Guard history to individuals who are eligible under subsection (b).

"(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible under this subsection if the individual is a citizen or national of the United States and—

"(1) is a graduate student in United States history;

"(2) has completed all requirements for a doctoral degree other than preparation of a dissertation; and

"(3) agrees to prepare a dissertation in a subject area of Coast Guard history determined by the Commandant.

"(c) REGULATIONS.—The regulations prescribed under this section shall include—

"(1) the criteria for award of fellowships;

"(2) the procedures for selecting recipients of fellowships;

"(3) the basis for determining the amount of a fellowship; and

"(4) subject to the availability of appropriations, the total amount that may be awarded as fellowships during an academic year.".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

"197. Coast Guard history fellowships.".

TITLE III—SHIPPING AND NAVIGATION

SEC. 301. TREATMENT OF FERRIES AS PASSENGER VESSELS.

(a) FERRY DEFINED.—Section 2101 of title 46, United States Code, is amended by inserting after paragraph (10a) the following:

"(10b) 'ferry' means a vessel that is used on a regular schedule—

"(A) to provide transportation only between places that are not more than 300 miles apart, and

"(B) to transport only—

"(i) passengers, or

"(ii) vehicles, or railroad cars, that are being used, or have been used, in transporting passengers or goods.".

(b) PASSENGER VESSELS THAT ARE FERRIES.—Section 2101(22) of title 46, United States Code, is amended—

(1) by striking "or" after the semicolon at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(3) by adding at the end the following:

"(D) that is a ferry carrying a passenger.".

(c) SMALL PASSENGER VESSELS THAT ARE FERRIES.—Section 2101(35) of title 46, United States Code, is amended—

(1) by striking "or" after the semicolon at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(3) by adding at the end the following:

"(E) that is a ferry carrying more than 6 passengers.".

SEC. 302. GREAT LAKES PILOTAGE ANNUAL RATEMAKING.

Section 9303 of title 46, United States Code, is amended—

(1) in subsection (f) by striking "The" and inserting "Before March 1 of each year, the"; and

(2) by adding at the end the following:

"(g) The Secretary shall ensure that the number of full-time equivalent employees assigned to carry out this section is not less than 4.".

SEC. 303. 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 in the matter following subparagraph (C) by striking "denial of such claim of registry" and inserting "response".

SEC. 304. LNG TANKERS.

(a) PROGRAM.—The Secretary of Transportation shall develop and implement a program to promote the transportation of liquefied natural gas to the United States on United States-flag vessels.

(b) AMENDMENT TO DEEPWATER PORT ACT.—Section 4 of the Deepwater Port Act of 1974 (33 U.S.C. 1503) is amended by adding at the end the following:

"(i) To promote the security of the United States, the Secretary shall give top priority to the processing of a license under this Act for liquefied natural gas facilities that will be supplied with liquefied natural gas by United States flag-vessels.".

(c) REPORT.—Within 6 months after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the implementation of this section.

TITLE IV—MISCELLANEOUS

SEC. 401. TECHNICAL CORRECTIONS.

(a) REQUIREMENTS FOR COOPERATIVE AGREEMENTS FOR VOLUNTARY SERVICES.—Section 93(a)(19) of title 14, United States Code, as amended by section 201 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1031), is amended by redesignating subparagraphs (1) and (2) in order as subparagraphs (A) and (B).

(b) CORRECTION OF AMENDMENT TO CHAPTER ANALYSIS.—Section 212(b) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1037) is amended by inserting "of title 14" after "chapter 17".

(c) RECOMMENDATIONS TO CONGRESS BY COMMANDANT OF THE COAST GUARD.—Section 93(a) of title 14, United States Code, as amended by sections 201 and 217 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1031, 1038), is amended by redesignating paragraph (y) as paragraph (24).

(d) CORRECTION OF REFERENCE TO PORTS AND WATERWAYS SAFETY ACT.—Section 302 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1041) is amended by striking "of 1972".

(e) TECHNICAL CORRECTION OF PENALTY.—Section 4311(b) of title 46, United States Code, as amended by section 406 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1043), is amended by striking "4307(a)of" and inserting "4307(a) of".

(f) DETERMINING ADEQUACY OF POTABLE WATER.—Section 3305(a) of title 46, United States Code, as amended by section 416(b)(3) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1047), is amended by moving paragraph (2) two ems to the left, so that the material preceding subparagraph (A) of such paragraph aligns with the left-hand margin of paragraph (1) of such section.

(g) RENEWAL OF ADVISORY GROUP.—Section 418(a) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1049) is amended by striking "of September 30, 2005" and inserting "on September 30, 2005".

(h) TECHNICAL CORRECTIONS RELATING TO REFERENCES TO NATIONAL DRIVER REGISTER.—

(1) AMENDMENT INSTRUCTION.—Section 609(1) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1058) is amended in the matter preceding subparagraph (A) by striking "7302" and inserting "7302(c)".

(2) OMITTED WORD.—Section 7302(c) of title 46, United States Code, as amended by section 609(1) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1058), is amended—

(A) by inserting "section" before "30305(b)(5)"; and

(B) by inserting "section" before "30304(a)(3)(A)".

(3) EXTRANEOUS U.S.C. REFERENCE.—Section 7703(3) of title 46, United States Code, as amended by section 609(3) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1058), is amended by striking "(23 U.S.C. 401 note)".

(i) VESSEL RESPONSE PLANS FOR NONTANK VESSELS.—

(1) CORRECTION OF VESSEL REFERENCES.—Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), as amended by section 701 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1067), is amended by striking "non-tank" each place it appears and inserting "nontank".

(2) PUNCTUATION ERROR.—Section 701(b)(9) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1068) is amended by inserting close quotation marks after "each tank vessel".

(j) PUNCTUATION ERROR.—Section 5006(c) of the Oil Pollution Act of 1990 (33 U.S.C. 2736(c)), as amended by section 704(1) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1075), is amended by inserting a comma after "October 1, 2012".

(k) CORRECTION TO SUBTITLE DESIGNATION.—

(1) REDESIGNATION.—Title 46, United States Code, is amended by redesignating subtitle VI as subtitle VII.

(2) CLERICAL AMENDMENT.—The table of subtitles at the beginning of title 46, United States Code, is amended by striking the item relating to subtitle VI and inserting the following:

"VII. Miscellaneous. .....70101.".

(l) CORRECTIONS TO CHAPTER 701 OF TITLE 46, UNITED STATES CODE.—Chapter 701 of title 46, United States Code, is amended as follows:

(1) Sections 70118 and 70119, as added by section 801 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1078), are redesignated as sections 70117 and 70118, respectively, and moved to appear immediately after section 70116 of title 46, United States Code.

(2) Sections 70117 and 70118, as added by section 802 of such Act (Public Law 108–293; 118 Stat. 1078), are redesignated as sections 70120 and 70121, respectively, and moved to appear immediately after section 70119 of title 46, United States Code.

(3) In section 70120(a), as redesignated by paragraph (2) of this section, by striking "section 70120" and inserting "section 70119".

(4) In section 70121(a), as redesignated by paragraph (2) of this section, by striking "section 70120" and inserting "section 70119".

(5) In the analysis at the beginning of the chapter, by striking the items relating to sections 70117 through the second 70119 and inserting the following:

"70117. Firearms, arrests, and seizure of property.
"70118. Enforcement by State and local officers.
"70119. Civil penalty.
"70120. In rem liability for civil penalties and certain costs.
"70121. Withholding of clearance.".

(m) AREA MARITIME SECURITY ADVISORY COMMITTEES; MARGIN ALIGNMENT.—Section 70112(b) of title 46, United States Code, as amended by section 806 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1082), is amended by moving paragraph (5) two ems to the left, so that the left-hand margin of paragraph (5) aligns with the left-hand margin of paragraph (4) of such section.

(n) TECHNICAL CORRECTION REGARDING TANK VESSEL ENVIRONMENTAL EQUIVALENCY EVALUATION INDEX.—Section 4115(e)(3) of the Oil Pollution Act of 1990 (46 U.S.C. 3703a note) is amended by striking "hull" the second place it appears.

(o) EFFECTIVE DATE.—This section shall take effect August 9, 2004.

SEC. 402. AUTHORIZATION OF JUNIOR RESERVE OFFICERS TRAINING PROGRAM PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating (in this section referred to as the "Secretary") may carry out a pilot program to establish and maintain a junior reserve officers training program in cooperation with the Camden County High School in Camden County, North Carolina.

(b) PROGRAM REQUIREMENTS.—A pilot program carried out by the Secretary under this section shall provide to students at Camden County High School—

(1) instruction in subject areas relating to operations of the Coast Guard; and

(2) training in skills which are useful and appropriate for a career in the Coast Guard.

(c) PROVISION OF ADDITIONAL SUPPORT.—To carry out a pilot program under this section, the Secretary may provide to Camden County High School—

(1) assistance in course development, instruction, and other support activities;

(2) commissioned, warrant, and petty officers of the Coast Guard to serve as administrators and instructors; and

(3) necessary and appropriate course materials, equipment, and uniforms.

(d) EMPLOYMENT OF RETIRED COAST GUARD PERSONNEL.—

(1) IN GENERAL.—Subject to paragraph (2) of this subsection, the Secretary may authorize the Camden County High School to employ as administrators and instructors for the pilot program retired Coast Guard and Coast Guard Reserve commissioned, warrant, and petty officers who request that employment and who are approved by the Secretary and Camden County High School.

(2) AUTHORIZED PAY.—

(A) IN GENERAL.—Retired members employed under paragraph (1) of this subsection are entitled to receive their retired or retainer pay and an additional amount of not more than the difference between—

(i) the amount the individual would be paid as pay and allowance if they were considered to have been ordered to active duty during that period of employment; and

(ii) the amount of retired pay the individual is entitled to receive during that period.

(B) PAYMENT TO SCHOOL.—The Secretary shall pay to Camden County High School an amount equal to one half of the amount described in subparagraph (A) of this paragraph, from funds appropriated for that purpose.

(C) NOT DUTY OR DUTY TRAINING.—Notwithstanding any other law, while employed under this subsection, an individual is not considered to be on active duty or inactive duty training.

SEC. 403. TRANSFER.

Section 602(b)(2) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1051) is amended by striking "to be conveyed" and all that follows through the period and inserting "to be conveyed to CAS Foundation, Inc. (a nonprofit corporation under the laws of the State of Indiana.".

SEC. 404. LONG-RANGE VESSEL TRACKING SYSTEM.

(a) PILOT PROJECT.—Subject to the availability of appropriations, 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 pursuant to section 70115 of title 46, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating $4,000,000 for fiscal year 2006 to carry out the pilot program authorized under subsection (a).

SEC. 405. REPORT.

(a) IN GENERAL.—The Commandant of the Coast Guard shall review the adequacy of assets described in subsection (b) to carry out the Coast Guard's missions including search and rescue, illegal drug and migrant interdiction, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities in those areas.

(b) AREAS OF REVIEW.—The report under subsection (a) shall provide information and recommendations on the following assets:

(1) Coast Guard aircraft, including helicopters, stationed at Air Station Detroit in the State of Michigan.

(2) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.

(3) Coast Guard vessels and aircraft stationed in the State of Louisiana along the Lower Mississippi River between the Port of New Orleans and the Red River.

SEC. 406. TRAINING OF CADETS AT UNITED STATES MERCHANT MARINE ACADEMY.

Section 1303(f) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295b(f)) is amended—

(1) in paragraph (2) by striking "and" after the semicolon at the end;

(2) in paragraph (3) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) on any other vessel considered necessary or appropriate or in the national interest.".

SEC. 407. MARINE CASUALTY INVESTIGATIONS STUDY.

(a) STUDY.—Within 3 months after the date of enactment of this Act, the Commandant of the Coast Guard shall enter into an agreement with National Institute for Occupational Safety and Health for a study of the Coast Guard marine casualty investigation program to examine the extent to which marine casualty investigations and reports—

(1) result in information and recommendations that prevent similar casualties;

(2) minimize the effect of similar casualties, given that it has occurred; and

(3) maximize lives saved in similar casualties, given that the vessel has become uninhabitable.

(b) INCLUDED ELEMENTS.—To promote the safety of all those who work on or travel by water and to protect the marine environment, the study shall include consideration of—

(1) the adequacy of resources devoted to marine casualty investigations considering caseload, training and experience of marine casualty investigators, and duty assignment practices;

(2) investigation standards and methods, including a comparison of the formal and informal investigation processes;

(3) use of best investigation practices considering transportation investigation practices used by other Federal agencies and foreign governments, including the British MAIB program;

(4) marine casualty data base management and use of casualty data and information as an input to marine casualty prevention programs;

(5) the extent to which marine casualty data and information have been used to improve the survivability and habitability of vessels involved in marine casualties; and

(6) any changes to current statutes that would clarify Coast Guard responsibilities for marine casualty investigations and report.

(c) REPORT TO CONGRESS.—The study, along with its findings and recommendations, shall be provided to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 18 months after entering into a contract with the Institute.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $625,000 to carry out the study required by this section.

SEC. 408. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter MACKINAW, the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to the City and County of Cheboygan, Michigan, without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of a museum;

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

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

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

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

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

(b) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

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

SEC. 409. DEEPWATER IMPLEMENTATION REPORT.

Within 30 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation of the Integrated Deepwater Program that includes—

(1) a complete timeline for the acquisition of each new Deepwater asset and the phase-out of legacy assets for the life of such program;

(2) a projection of the remaining operational lifespan of each legacy asset;

(3) a detailed justification for each modification in each Integrated Deepwater Program asset that fulfills the revised mission needs statement for the program; and

(4) a total cost of the program that aligns with the revised mission needs statement for the program.

SEC. 410. HELICOPTERS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating may in accordance with this section acquire or lease up to four previously used HH–65 helicopters or airframes (or any combination thereof) that were not under the administrative control of the Coast Guard on January 1, 2005.

(b) DETERMINATION AND CERTIFICATION.—The Secretary shall not acquire or lease any previously used HH–65 helicopters or airframes under subsection (a), until the end of the 90-day period beginning on the date the Secretary notifies the Committee on Transportation and Infrastructure of the House of Representatives and the Com-

mittee on Commerce, Science, and Transportation of the Senate that the Secretary has—

(1) determined that acquiring or leasing such previously used helicopters or airframes, and making any modifications to such helicopters or airframes that are needed to ensure those helicopters and airframes meet the design, construction, and equipment standards that apply to H–65 helicopters under the administrative control of the Coast Guard on May 18, 2005, is more cost-effective than acquiring or leasing an equal number of MH–68 helicopters; and

(2) certified that the helicopters and airframes will meet all applicable Coast Guard safety requirements.

SEC. 411. 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. 412. NEWTOWN CREEK, NEW YORK CITY, NEW YORK.

(a) STUDY.—Of the amounts provided under section 1012 of the Oil Pollution Act, the Coast Guard shall conduct a study of public health and safety concerns related to the pollution of Newtown Creek, New York City, New York, caused by seepage of oil into Newtown Creek from 17,000,000 gallons of underground oil spills in Greenpoint, Brooklyn, New York.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Coast Guard shall transmit to Congress a report containing the results of the study.

PURPOSE OF THE LEGISLATION

H.R. 889, the Coast Guard and Maritime Transportation Act of 2005, authorizes approximately $8.7 billion in funding for the Coast Guard in fiscal year 2006 and makes changes to current law regarding the Coast Guard and maritime transportation.

BACKGROUND AND NEED FOR THE LEGISLATION

The United States Coast Guard was established on January 28, 1915, through the consolidation of the Revenue Cutter Service (established in 1790) and the Lifesaving Service (established in 1848). The Coast Guard later assumed the duties of three other agencies: the Lighthouse Service (established in 1789), the Steamboat Inspection Service (established in 1838), and the Bureau of Navigation (established in 1884).

Under section 2 of title 14, United States Code, the Coast Guard has primary responsibility to enforce or assist in the enforcement of all applicable Federal laws on, under, and over the high seas and waters subject to the jurisdiction of the United States; to ensure safety to life and property at sea; to protect the marine environment; to carry out domestic and international icebreaking activities; and to ensure the safety and security of vessels, ports, waterways, and related facilities.

As the fifth armed force of the United States, the Coast Guard also maintain defense readiness to operate as a specialized service in the Navy upon the declaration of war on when the President directs. The Coast Guard is composed of approximately 40,000 active duty military personnel, 8,100 reservists, 6,100 civilian employees, and 37,000 volunteers of the Coast Guard Auxiliary. The Coast Guard has defended the Nation in every war since 1790.

In recent years, the Coast Guard has experienced significant increases in its budget and in the Service's scope of missions to preserve maritime safety and security. Following the events of September 11th, the Coast Guard has been designated as the lead Federal agency with responsibilities for maritime homeland security. The Coast Guard has quickly incorporated these new missions with

the Service's many traditional missions of search and rescue, illegal drug and migrant interdiction, icebreaking operations, oil spill response and prevention, maritime safety, marine environmental protection, and fisheries law enforcement. However, the addition of these new mission demands in combination with the Service's rapidly deteriorating fleet of vessels and aircraft is severely testing the Coast Guard's capabilities to carry out its many important missions.

The Coast Guard has embarked on an ambitious recapitalization program to replace the Service's legacy fleet of vessels, aircraft and support systems. The Integrated Deepwater Systems program (Deepwater) will replace or modernize more than 90 ships and 200 aircraft used in the Coast Guard's deepwater missions, with generally occur more than 50 miles offshore. The Cost Guard submitted a revised Deepwater implementation plan in response to a Congressional mandate in March of this year. The re-baselined plan includes modifications to the original asset mixture and schedule that was developed well before September 11th and the Coast Guard's increased emphasis on homeland security missions.

Under the revised implementation plan, the Deepwater program is scheduled to be completed on a 20–25 year schedule and is projected to cost approximately $19–24 billion (in 2002 dollars). Both of these figures are increases over the original Deepwater timeline, and the uncertainty expressed in the ranges in estimated funding and projected years to completion is of particular concern to the Committee on Transportation and Infrastructure. The Committee has exercised close oversight over the progression of the Deepwater program; however the Committee has been extremely frustrated with recent difficulties to obtain detailed information on the projected delivery dates for assets acquired under the Deepwater plan and on the strategies that the Coast Guard will employ to sustain legacy assets until such deliveries. The Committee requires such information in the future to make authorizations necessary to successfully complete this extremely important recapitalization program.

The Committee will continue to oversee the Coast Guard to ensure that the Service is achieving a balance between its traditional and homeland security missions. Despite the particular attention placed on the Coast Guard's homeland security related missions in recent years, the Service performs a much broader range of missions to protect lives and property at sea. It is imperative that the Service's non-homeland security functions remain priorities for the Coast Guard. The strength of America's commerce relies on waterborne trade, and the Coast Guard protects that trade not only from terrorism, but also from other threats.

The Committee continues to oppose the Administration's request to transfer Research, Development, Training and Evaluation funds from the Coast Guard to the Science and Technology Directorate of the Department of Homeland Security. Under Section 888 of the Homeland Security Act, the Coast Guard is to remain intact with all authorities, functions, and capabilities remaining under the authority of the Service. The Committee will continue to take steps to maintain the integrity of the Coast Guard as an independent entity within the Department.

SUMMARY OF THE LEGISLATION

Section 1. Short title

Section 1 states that the legislation may be referred to as the "Coast Guard and Maritime Transportation Act of 2005".

TITLE 1—AUTHORIZATION

Title 1 authorizes funding levels and end-of-year military strength levels and military training student loads for fiscal year 2006.

Section 101. Authorization of appropriations

Section 101 authorizes approximately $8.7 billion in funding for the necessary expenses of the Coast Guard in fiscal year 2006. Paragraph (1) of this section authorizes a funding level of $5,586,400,000 for the Coast Guard's Operating Expenses Account including an amount of $39 million to establish a second Helicopter Interdiction Tactical Squadron (HITRON) on the west coast. Currently the Coast Guard operates one HITRON squadron out of Jacksonville, Florida. The Coast Guard's HITRON squadron carries out illegal drug interdiction missions in concert with Coast Guard vessels in the Caribbean Sea and in the Eastern Pacific Ocean. HITRON helicopters enhance the capabilities of Coast Guard cutters and associated small boats to pursue and apprehend "go-fast" vessels that attempts to smuggle illicit drugs into the United States. The Coast Guard has estimated that the HITRON squadron has prevented an estimated $8.5 tons, or $6 billion in illegal drugs from entering the United States.

Section 101(2) authorizes $1,903,821,000 for the Coast Guard's Acquisitions, Construction and Improvements Accounting including approximately $1.6 billion for the Integrated Deepwater Systems program (Deepwater). Of the funding authorized for Deepwater in fiscal year 2006, H.R. 889 authorizes an amount of $1,316,300,000 for the acquisition and construction of new vessels, aircraft, facilities, and support systems and an amount of $284,369,000 for the sustainment of the Coast Guard's legacy vessels and aircraft. The Committee recommends that the Coast Guard examine ways to decrease the costs of maintaining and sustaining the Service's legacy assets, particularly the fleet of 110-foot cutters and the HH–65 helicopters. The Committee also recommends that the Coast Guard investigate ways to acquire new assets in an expedited manner to replace the Service's deteriorating legacy assets. Without such expedited acquisition, the cost of maintaining legacy assets will continue to escalate at the expense of modernization efforts.

Section 101(3) authorizes an amount of $24 million for the Coast Guard's program to research and develop technologies, measures, and procedures to enhance the Coast Guard's capabilities to carry out all of the Service's many missions. The Committee strongly believes that this funding should remain under the Coast Guard's direct control and should not be transferred to any other entity within the Department of Homeland Security, as the President has again proposed. The Coast Guard's unique character as a military service with a wide scope of regulatory functions requires that this funding be available to support missions including defense readiness, search and rescue, marine environmental protection providing

aids to navigation and protecting America's maritime homeland security.

Section 101(5) authorizes an amount of $35,900,000 for the Federal share of costs associated with alteration or removal of bridges that have been identified by the Coast Guard as obstructions to navigation. The Committee recommends that $20 million of the total amount be utilized to make changes to the Galveston Causeway Railroad Bridge in Galveston, Texas to improve navigation safety.

Section 101 also authorizes $12 million for environmental compliance and restoration at Coast Guard facilities and $119 million for the Coast Guard Reserve program. Lastly, this section authorizes $1,014,080,000 for retired pay, a mandatory expenditure.

Section 102. Authorized levels of military strength and training

Section 102 authorizes a Coast Guard end-of-year strength of 45,500 active duty military personnel for fiscal year 2006. This level maintains the personnel level that was authorized at the end of fiscal year 2005. The section also authorizes average military training student loads for fiscal year 2006 at the same level as was authorized in fiscal year 2005.

TITLE II—COAST GUARD

Title II amends statutes that authorize activities and functions of the Coast Guard.

Section 201. Extension of Coast Guard vessel anchorage and movement authority

Section 201 amends title 14, United States Code, to redefine the term "navigable waters of the United States" to include territorial waters out to 12 nautical miles from shore. This amendment updates existing law to reflect the expansion of U.S. territorial waters from 3 nautical miles to 12 nautical miles from shore that was made by Presidential Proclamation Number 5928 on December 27, 1988.

Section 202. International training and technical assistance

Section 202 authorizes the Commandant of the Coast Guard to conduct international training and to provide technical assistance to international navies, coast guards and maritime authorities during regular Coast Guard operations without requiring a specific request from a third party U.S. Government agency. The would give the Coast Guard limited authority to assist international maritime authorities as opportunity or necessity arises during the course of regular, on-going Coast Guard operations.

Section 203. Officer promotion

Section 203 authorizes the Secretary of the department in which the Coast Guard is operating to waive time in grade requirements for junior and mid-grade officers to ensure that all officers are considered for promotion earlier than is currently possible under title 14. This section would grant officers of the Coast Guard the same below grade promotion opportunity that is currently authorized for officers of the other military services. This change would allow the

Coast Guard to have more flexibility in promoting the best qualified officers.

Section 204. Coast Guard band director

Section 204 authorizes the Secretary to appoint the United States Coast Guard Band Director at a rank commensurate with the person's experience and training, rather than requiring the Director to be appointed as junior officer. The proposal would also allow the Secretary to appoint a person who is not a member of the Coast Guard as the Band Director rather than being limited to only members of the Coast Guard.

Section 205. Authority for one-step turnkey design-build contracting

Section 205 authorizes the Secretary to award consolidated design-build contracts using a one-step turn-key selection procedure similar to the authority provided to the Department of Defense. One-step turn-key would authorize the selection of a contractor on the basis of price and other evaluation criteria through a single proposal, in accordance with the provisions of a firm fixed-price contract, for both the design and construction of a facility using performance specifications.

Section 206. Reserve recall authority

Section 206 authorizes the Secretary to order Coast Guard Reservists to active duty, for not more than sixty days in any four-month period and not more than one hundred twenty days in any two-year period, to augment Coast Guard active duty forces.

Section 207. Reserve officer distribution

Section 207 amends Section 724 of title 14, United States Code, to link Coast Guard Reserve officer authorization levels to active duty officer authorization levels for junior and mid-grade officers in order to properly distribute the numbers of Reserve officers in those grades. The proposal would also make clear that Reserve officers in an active status are counted only against the Reserve component strength.

Section 208. Expansion of use of auxiliary equipment to support Coast Guard missions

Section 208 authorizes the Coast Guard to cover personal motorized vehicles of members of the Coast Guard Auxiliary, in limited circumstances, under Coast Guard claims procedures when an Auxiliary member is towing, under official Coast Guard orders and in support of Coast Guard missions, trailers that carry government owned boats and other equipment. Currently, an Auxiliary member is only eligible for liability coverage under Coast Guard claims procedures when the member uses his own vehicle to tow his own boat or Auxiliary equipment that has been designated for Coast Guard use.

Section 209. Coast Guard history fellowships

Section 209 requires the Secretary to develop regulations to award Coast Guard History Fellowships to graduate students who agree to prepare their doctoral dissertations on issues related to the history of the Coast Guard.

TITLE III—SHIPPING AND NAVIGATION

Title III amends statutes relating to shipping and navigation in U.S. waters.

Section 301. Treatment of ferries as passenger vessels

Section 301 amends the definition of "passenger vessel" and "small passenger vessel" to include ferries that carry passengers with or without charge.

Section 302. Great Lakes pilotage annual ratemaking

Section 302 requires the Coast Guard to review and adjust pilotage rates as necessary by March 1 of each year, which is in advance of the opening of the Great Lakes shipping season. Annual adjustments lend stability to the shipping system by avoiding the much larger increases that have occurred recently when multiple years lapse between adjustments. The Committee assumes the Coast Guard will make any appropriate adjustments, even small adjustments, each year. The Committee has included the requirement for four full time equivalent positions to ensure that the Coast Guard devotes the appropriate resources to Great Lakes ratemaking.

Section 303. Certification of vessel nationality in drug smuggling cases

Section 303 amends the Maritime Drug Law Enforcement Act to strike the requirement that the United States receive a denial of a vessel's claim of registry from a foreign country before asserting jurisdiction over a vessel. The revised language requires only that the United States receive a response from a foreign government regarding the claim of registry.

Section 304. LNG tankers

Section 304 requires the Secretary of Transportation to develop a program to promote the transportation of liquefied natural gas (LNG) by the maritime transportation sector. The section also amends the Deepwater Port Act to direct the Secretary to prioritize the processing of licenses for LNG facilities that would be supplied by U.S.-flagged LNG vessels.

TITLE IV—MISCELLANEOUS

Section 401. Technical corrections

Section 401 makes numerous technical corrections to laws related to the Coast Guard and the maritime transportation sector.

Section 402. Authorization of junior reserve officers training program pilot program

Section 402 authorizes the Secretary to carry out a pilot program to establish a Coast Guard junior reserve officers training program in Camden County, North Carolina.

Section 403. Transfer

Section 403 authorizes the Secretary to convey a decommissioned Coast Guard cutter to CAS Foundation, Inc., a non-profit corporation in the State of Indiana.

Section 404. Long-range vessel tracking system

Section 404 directs the Secretary to carry out a pilot program to demonstrate long-range vessel tracking systems pursuant to 46 U.S.C. 70115. The section also authorizes an amount of $4 million in fiscal year 2006 to carry out the pilot project.

Section 405. Report

Section 405 requires the Secretary to review and report to Congress on the adequacy of air and surface assets in three locations (Louisiana, Michigan, and Puerto Rico) to carry out the Coast Guard's traditional missions of search and rescue, drug and migrant interdiction, and marine environmental protection in addition to homeland security responsibilities.

Section 406. Training of cadets at United States Merchant Marine Academy

Section 406 authorizes cadets at the Merchant Marine Academy to train aboard foreign-flagged liquid natural gas (LNG) vessels if the Secretary determines that such training is in the interest of the United States. Currently, cadets at the Academy are prohibited from training aboard foreign-flagged vessels; however there are no U.S.-flagged LNG vessels in operation. Future national energy strategies will likely place increased emphasis on the transport of LNG to U.S. ports resulting in a high demand for merchant mariners with previous training and experience aboard LNG vessels. This authority will allow Merchant Marine Academy cadets to gain that training in the interim before U.S.-flagged LNG vessels come into operation.

Section 407. Marine casualty investigations study

Section 407 requires the National Institute for Occupational Safety and Health to study and report to Congress on the extent to which the Coast Guard's marine casualty investigation program is used to provide information and recommendations to prevent future marine casualties. The section authorizes an amount of $625,000 in funding to carry out the study required under this section.

Section 408. Conveyance of decommissioned Coast Guard Cutter MACKINAW

Section 408 directs the Commandant of the Coast Guard to convey the USCGC Mackinaw to the City and County of Cheboygan, Michigan upon the vessel's scheduled decommissioning. The section requires that the cutter be used as a museum and be made available to the Federal Government if needed in time of war or national emergency.

Section 409. Deepwater implementation report

Section 409 requires the Secretary of the department in which the Coast Guard is operating to submit a complete implementation plan for the Deepwater program not later than 30 days after the enactment of the Act. The Coast Guard has submitted a partial implementation plan that provides a detailed spend-out plan for fiscal year 2006 and an asset delivery schedule for fiscal years 2006–2010; however this partial plan does not sufficiently provide the in-

formation necessary for the Committee to adequately oversee the progression of the Deepwater program and authorize future year funding for the program.

The Committee is extremely concerned that legacy assets are deteriorating at a much faster rate than was originally expected when the Deepwater plan was first developed. Coast Guard vessels and aircraft are increasingly unavailable to carry out the Service's missions due to unscheduled maintenance and repairs. The Committee has strongly supported acceleration of the Deepwater program to, in part, provide new assets to replace aging legacy assets that are jeopardizing the success of Coast Guard missions, putting at risk the lives of the men and women of the Coast Guard, and siphoning away funding from the acquisition of new assets.

As a result, the Committee is requiring the Coast Guard to provide information on the costs and numbers of new assets to be acquired under Deepwater and a review of the costs associated with sustaining legacy assets and any plan to maintain these assets until the time that new assets are delivered. The Committee expects that the report required under this section will contain a complete delivery schedule for each asset to be acquired, a projection of the remaining operational lifespan of each legacy asset, a detailed justification for each modification to the original Deepwater plan to meet the Service's revised mission needs statement, and an explanation of the costs that will be required above the estimated costs of the original Deepwater program resulting from such modifications.

Section 410. Helicopters

Section 410 limits the number of HH–65 helicopters that the Coast Guard may acquire to no more than four, and prohibits the Commandant from acquiring such helicopters until 90 days after the submission to Congress of a determination that the cost of acquiring used HH–65 helicopters and the cost to modifying those helicopters or airframes to meet the same design, construction, and equipment standards that apply to the current fleet of HH–65 helicopters is more cost-effective than an acquisition or leasing of a similar number of MH–68 helicopters.

Section 411. Reports from mortgagees of vessels

Section 12120 of Title 46, United States Code, authorizes the Secretary of the Department in which the Coast Guard is operating to require owners, masters and charterers of vessels engaged in the coastwise trade and the fisheries to submit reports to ensure compliance with vessel documentation laws. These reports may be in any reasonable form prescribed by the Secretary. Section 411 authorizes the Secretary to require reports from mortgagees in addition to owners, masters and charterers.

Section 412. Newtown Creek, New York City, New York

Section 412 requires the Coast Guard to carry out a study and report to Congress on the pollution of Newtown Creek in the city of New York, New York caused by oil seepage.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

H.R. 889, the Coast Guard and Maritime Transportation Act of 2005, was introduced by Committee Chairman Don Young, on February 17, 2005 and is cosponsored by Subcommittee Chairman Frank A. LoBiondo, Committee Ranking Democratic Member James L. Oberstar, and Subcommittee Ranking Democratic Member Bob Filner. H.R. 889 was solely referred to the Committee on Transportation and Infrastructure.

The Subcommittee on Coast Guard and Maritime Transportation held an oversight hearing on the Administration's fiscal year 2006 budget for the Coast Guard on March 3, 2005. At this hearing, the Subcommittee also reviewed a committee draft that formed the bulk of H.R. 889, as introduced. The Subcommittee also held a legislative hearing on May 12, 2005 to review a committee print of legislative provisions to amend laws related to the Coast Guard and the maritime transportation sector.

The Subcommittee on Coast Guard and Maritime Transportation approved H.R. 889 by voice vote on April 13, 2005. H.R. 889 was considered during a markup session of the Committee on Transportation and Infrastructure. At this markup, Mr. LoBiondo offered an amendment in the nature of a substitute that increased the authorization of funding for the Coast Guard's Deepwater program and the Alteration of Bridges account. The amendment also included many of the legislative provisions that had been previously considered by the Subcommittee on Coast Guard and Maritime Transportation at the May 12 hearing. The amendment was adopted by voice vote.

Mr. LoBiondo also offered an amendment to the substitute that limits the number of HH–65 helicopters that the Coast Guard may acquire to no more than four, and prohibits the Commandant from acquiring such helicopters until 90 days after the submission to Congress of a determination that an acquisition of used HH–65 helicopters and the cost to modifying those helicopters or airframes to meet the same design, construction, and equipment standards that apply to the current fleet of HH–65 helicopters is more cost-effective than an acquisition or leasing of a similar number of MH–68 helicopters. The amendment was adopted by voice vote.

Mr. Taylor of Mississippi offered an amendment to the LoBiondo amendment that added a section to require mortgagees of documented vessels to submit information to the Coast Guard. Mr. Taylor's amendment was adopted by voice vote.

Mr. Weiner also offered an amendment to the LoBiondo amendment to require the Coast Guard to carry out a study and report to Congress on the pollution of Newtown Creek in the city of New York, New York caused by an oil seepage using funds provided under the Oil Pollution Act. The Weiner amendment to the amendment in the nature of a substitute was also accepted by voice vote.

Mr. LoBiondo substitute, as amended, was adopted unanimously by voice vote, and H.R. 889, as amended, was approved unanimously by voice vote and was ordered favorably reported to the House.

ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. No rollcall votes were ordered during the consideration of H.R. 889.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to authorize funding for personnel and activities of the United States Coast Guard.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 889 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 10, 2005.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 889, the Coast Guard and Maritime Transportation Act of 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 889—Coast Guard and Maritime Transportation Act of 2005

Summary: H.R. 889 would authorize the appropriation of about $7.7 billion for discretionary activities of the U.S. Coast Guard (USCG) for fiscal year 2006. CBO estimates that appropriation of the authorized amounts would result in outlays of $4.8 billion in fiscal year 2006 and $7.5 billion over the 2006–2010 period. (About $200 million would be spent after 2010.) CBO expects that enacting H.R. 889 would increase offsetting receipts collected from Coast Guard inspection and certification fees by less than $500,000 a year. (Such collections are a credit against direct spending.) Enacting this legislation would not affect revenues.

H.R. 889 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the costs to state, local and tribal governments would be insignificant. The bill contains no private-sector mandates as defined in UMRA.

Estimated Cost to the Federal Government: The estimated budgetary effects of H.R. 889 are summarized in the following table. The costs of this legislation fall within budget functions 300 (natural resources and environment) and 400 (transportation). The amount authorized by the bill for USCG retirement is not included in the table because such pay is an entitlement under current law and is not subject to appropriation.

	By fiscal year, in millions of dollars—					
	2005	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION						
USCG Spending Under Current Law:						
Budget Authority/Authorization Level [1]	6,515	29	0	0	0	0
Estimated Outlays	6,104	1,932	765	318	133	56
Proposed Changes:						
Authorization Level	0	7,658	0	0	0	0
Estimated Outlays	0	4,763	1,414	715	403	200
USCG Spending Under H.R. 889:						
Authorization Level	6,515	7,687	0	0	0	0
Estimated Outlays	6,104	6,695	2,179	1,033	536	256

[1] The 2005 level is the amount appropriated for that year. The $29 million shown for 2006 is the amount already authorized to be appropriated from the Oil Spill Liability Trust Fund for Coast Guard operating expenses and research.

Basis of estimate

Spending subject to appropriation

The total authorization level shown in the table for 2006 is the sum of all amounts stated in the bill for USCG discretionary accounts, excluding $29 million to be derived from the Oil Spill Liability Trust Fund (OSLTF). (This amount, which consists of $24.5 million for operating expenses and $3.5 million for research, is already authorized under existing law.) Estimated outlays are based on historical spending patterns for the Coast Guard.

H.R. 889 would authorize the appropriation of about $5.7 billion for USCG operations, including $119 million for reserve training and $12 million for environmental compliance. The bill also would authorize about $2 billion for capital acquisitions and other multiyear projects, including $24 million for research activities and $36 million for bridge alterations. Finally, the bill would authorize $4 million for a pilot program for long-range tracking of vessels using satellites and $625,000 for study on how marine casualty in-

vestigations are carried out. Of the amounts authorized, $48.5 million would be derived from the OSLTF, but $29 million of that amount is already authorized to be appropriated from the trust fund by the Oil Pollution Act of 1990.

The bill would authorize the appropriation of about $1 billion for Coast Guard retirement benefits in 2006, but the amount is excluded from this estimate because such benefits are considered an entitlement under current law and are subject to appropriation. Thus, the authorization has no additional budgetary impact.

Direct spending

H.R. 889 would expand the coverage of USCG regulatory authority to include certain ferries that do not charge passenger fees. Under existing law, these ferries are not regulated by the agency because they are not considered to be commercial vessels. CBO expects that implementing this change would require the Coast Guard to certify and inspect about 25 ferries. Assuming that the agency charges its standard published fees for these services, we estimate that offsetting receipts (net of collection costs) would increase by less than $200,000 a year.

Estimated impact on State, local and tribal governments: Subjecting ferries that do not charge passengers a fee to Coast Guard regulation would constitute an intergovernmental mandate as defined in UMRA. The approximately 25 ferries that State and local entities now operate (without charge) would be subject to inspections by the Coast Guard and various reporting requirements. The Coast Guard also has the authority to charge fees for these inspections, although it is unclear if it would extend those fees to public entities. In any case, CBO estimates that the total costs to State, local, and tribal governments would not be significant and would not exceed the threshold established in UMRA ($62 million in 2005, adjusted annually for inflation).

Provisions in several other sections would effect individual state and local governments. Any costs incurred would be minimal and voluntary.

Estimated impact on the private sector: This bill contains no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal costs: Deborah Reis; impact on State, local, and tribal governments: Sarah Puro; impact on the private sector: Craig Cammarata

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers grants under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act. (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or tribal law. The Committee states that H.R. 889 does not preempt any State, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No Advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 14, UNITED STATES CODE

* * * * * * *

PART I—REGULAR COAST GUARD

* * * * * * *

CHAPTER 5—FUNCTIONS AND POWERS

* * * * * * *

§ 91. Safety of naval vessels

(a) * * *

* * * * * * *

(d) As used in this section "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.

* * * * * * *

§ 93. Commandant; general powers

(a) For the purpose of executing the duties and functions of the Coast Guard the Commandant may:

(1) * * *

* * * * * * *

(19) notwithstanding any other law, enter into cooperative agreements with States, local governments, non-governmental organizations, and individuals, to accept and utilize voluntary services for the maintenance and improvement of natural and historic resources on, or to benefit natural and historic research on, Coast Guard facilities, subject to the requirement that—

[(1)**]** *(A)* the cooperative agreements shall each provide for the parties to contribute funds or services on a matching basis to defray the costs of such programs, projects, and activities under the agreement; and

[(2)**]** *(B)* a person providing voluntary services under this subsection shall not be considered a Federal employee except for purposes of chapter 81 of title 5, United States Code, with respect to compensation for work-related injuries, and chapter 171 of title 28, United States Code, with respect to tort claims;

* * * * * * *

[(y)**]** *(24)* after informing the Secretary, make such recommendations to the Congress relating to the Coast Guard as the Commandant considers appropriate.

* * * * * * *

CHAPTER 7—COOPERATION WITH OTHER AGENCIES

* * * * * * *

Sec.
141. Cooperation with other agencies, States, territories, and political subdivisions.

* * * * * * *

[149. Detail of members to assist foreign governments.**]**
149. Assistance to foreign governments and maritime authorities.

* * * * * * *

[§ 149. Detail of members to assist foreign governments]

§ 149. Assistance to foreign governments and maritime authorities

(a) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—The President may upon application from the foreign governments concerned, and whenever in his discretion the public interests render such a course advisable, detail members of the Coast Guard to assist foreign governments in matters concerning which the Coast Guard may be of assistance. Members so detailed may accept, from the government to which detailed, offices and such compensation and emoluments thereunder appertaining as may be first approved by the Secretary. While so detailed such members shall receive, in addition to the compensation and emoluments allowed them by such governments, the pay and allowances to which they are entitled in the Coast Guard and shall be allowed the same

credit for longevity, retirement, and for all other purposes that they would receive if they were serving with the Coast Guard.

(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.

* * * * * * *

CHAPTER 9—COAST GUARD ACADEMY

Sec.
181. Administration of Academy.

* * * * * * *

197. Coast Guard history fellowships.

* * * * * * *

§ 197. Coast Guard history fellowships

(a) FELLOWSHIPS.—The Commandant of the Coast Guard shall prescribe regulations under which the Commandant may award fellowships in Coast Guard history to individuals who are eligible under subsection (b).

(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible under this subsection if the individual is a citizen or national of the United States and—

(1) is a graduate student in United States history;

(2) has completed all requirements for a doctoral degree other than preparation of a dissertation; and

(3) agrees to prepare a dissertation in a subject area of Coast Guard history determined by the Commandant.

(c) REGULATIONS.—The regulations prescribed under this section shall include—

(1) the criteria for award of fellowships;

(2) the procedures for selecting recipients of fellowships;

(3) the basis for determining the amount of a fellowship; and

(4) subject to the availability of appropriations, the total amount that may be awarded as fellowships during an academic year.

* * * * * * *

CHAPTER 11—PERSONNEL

* * * * * * *

B. Selection for Promotion

* * * * * * *

§ 257. Eligibility of officers for consideration for promotion

(a) * * *

* * * * * * *

(f) The Secretary may waive subsection (a) of this section to the extent necessary to allow officers described therein to have at least

two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.

* * * * * * *

F. Miscellaneous Provisions

* * * * * * *

§ 336. United States Coast Guard Band; composition; director

(a) * * *

(b) [The Secretary shall designate the director from among qualified members of the Coast Guard.] *The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.* Upon the recommendation of the Secretary, [a member so designated] *an individual so designated* may be appointed by the President, by and with the advice and consent of the Senate, to a commissioned grade in the Regular Coast Guard.

(c) The initial appointment to a commissioned grade [of a member] *of an individual* designated as director of the Coast Guard Band shall be in the grade [of lieutenant (junior grade) or lieutenant] *determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual*.

(d) [A member] *An individual* who is designated and commissioned under this section shall not be included on the active duty promotion list. He shall be promoted under section 276 of this title. However, the grade of the director may not be higher than captain.

(e) The Secretary may revoke any designation as director of the Coast Guard Band. [When a member's designation is revoked,] *When an individual's designation is revoked,* his appointment to commissioned grade under this section terminates and he is entitled, at his [option:] *option—*

(1) * * *

* * * * * * *

CHAPTER 17—ADMINISTRATION

* * * * * * *

Sec.
631. Delegation of powers by the Secretary.
* * * * * * *
677. Turnkey selection procedures.

* * * * * * *

§ 677. Turnkey selection procedures

(a) AUTHORITY TO USE.—The Secretary may use one-step turnkey selection procedures for the purpose of entering into contracts for construction projects.

(b) DEFINITIONS.—In this section:

(1) 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 de-

sign and construction of a facility using performance specifications supplied by the Secretary.

(2) The term "construction" includes the construction, procurement, development, conversion, or extension, of any facility.

(3) The term "facility" means a building, structure, or other improvement to real property.

* * * * * * *

PART II—COAST GUARD RESERVE AND AUXILIARY

* * * * * * *

CHAPTER 21—COAST GUARD RESERVE

* * * * * * *

SUBCHAPTER A

GENERAL

* * * * * * *

§ 712. Active duty for emergency augmentation of regular forces

(a) Notwithstanding another law, and for the emergency augmentation of the Regular Coast Guard forces during*, or to aid in prevention of an imminent,* a serious natural or manmade disaster, accident, **[**or**]** 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*, the Secretary may, without the consent of the member affected, order to active duty of not more than **[**thirty days in any four-month period**]** *60 days in any 4-month period* and not more than **[**sixty days in any two-year period**]** *120 days in any 2-year period* an organized training unit of the Coast Guard Ready Reserve, a member thereof, or a member not assigned to a unit organized to serve as a unit.

* * * * * * *

SUBCHAPTER B

COMMISSIONED OFFICERS

* * * * * * *

§ 724. Authorized number of officers

(a) The authorized number of officers in the Reserve in an active status is 5,000. *Reserve officers on an active-duty list shall not be counted as part of the authorized number of officers in the Reserve.* The actual number of Reserve officers in an active status at any time shall not exceed the authorized number unless the Secretary determines that a greater number is necessary for planned mobilization requirements, or unless the excess results directly from the operation of law.

[(b)(1) The authorized number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed in grade in the following percentages, respectively: captain, 1.5; commander, 7.0; lieutenant commander, 22.0; lieutenant, 37.0; and the combined grades of lieutenant (junior grade) and ensign, 32.5. When the actual number of Reserve officers in an active status in a grade is less than the number authorized, the difference may be applied to increase the authorized number in a 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.]

(b)(1) The Secretary shall, at least once each 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.

* * * * * * *

CHAPTER 23—COAST GUARD AUXILIARY

* * * * * * *

§ 826. Use of member's facilities

(a) The Coast Guard may utilize for any purpose incident to carrying out its functions and duties as authorized by the Secretary any motorboat, yacht, aircraft, or radio station placed at its disposition for any of such purposes by any member of the Auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof.

(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 Federal Government property.

* * * * * * *

§ 830. Availability of appropriations

(a) Appropriations of the Coast Guard shall be available for the payment of actual necessary traveling expense and subsistence, or commutation of ration allowance in lieu of subsistence, of members of the Auxiliary assigned to authorized duties and for actual necessary expenses of operation of any motorboat, yacht, aircraft, [or radio station] *radio station, or motorized vehicle* when assigned to

Coast Guard duty, but shall not be available for the payment of compensation for personal services, incident to such operation, other than to personnel of the Coast Guard or the Reserve. The term "actual necessary expenses of operation," as used in this section, shall include payment for fuel, oil, power, water, supplies, provisions, replacement or repair of equipment, repair of any damaged motorboat, yacht, aircraft, [or radio station] *radio station, or motorized vehicle* and for the constructive or actual loss of any motorboat, yacht, aircraft, [or radio station] *radio station, or motorized vehicle* where it is determined, under applicable regulations, that responsibility for the loss or damage necessitating such replacement or repair of equipment, or for the damage or loss, constructive or actual, of such motorboat, yacht, aircraft, [or radio station] *radio station, or motorized vehicle* rests with the Coast Guard.

* * * * * * *

TITLE 46, UNITED STATES CODE

Subtitle		Sec.
I.	GENERAL	101
*	* * * * * * *	
[VI.	MISCELLANEOUS	70101]
VII.	*MISCELLANEOUS*	*70101*
*	* * * * * * *	

Subtitle II—Vessels and Seamen

* * * * * * *

PART A—GENERAL PROVISIONS

CHAPTER 21—GENERAL

* * * * * * *

§ 2101. General definitions

In this subtitle—

(1) * * *

* * * * * * *

(10b) "ferry" means a vessel that is used on a regular schedule—

(A) to provide transportation only between places that are not more than 300 miles apart, and

(B) to transport only—

(i) passengers, or

(ii) vehicles, or railroad cars, that are being used, or have been used, in transporting passengers or goods.

* * * * * * *

(22) "passenger vessel" means a vessel of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title—

(A) * * *

(B) that is chartered and carrying more than 12 passengers; [or]

(C) that is a submersible vessel carrying at least one passenger for hire[.]*; or*

(D) that is a ferry carrying a passenger.

* * * * * * *

(35) "small passenger vessel" means a wing-in-ground craft, regardless of tonnage, carrying at least one passenger for hire, and a vessel of less than 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title—

(A) * * *

* * * * * * *

(C) that is chartered with no crew provided or specified by the owner or the owner's representative and carrying more than 12 passengers; [or]

(D) that is a submersible vessel carrying at least one passenger for hire[.]*; or*

(E) that is a ferry carrying more than 6 passengers.

* * * * * * *

PART B—INSPECTION AND REGULATIONS OF VESSELS

* * * * * * *

CHAPTER 33—INSPECTION GENERALLY

* * * * * * *

§ 3305. Scope and standards of inspection

(a)(1) * * *

(2) In determining the adequacy of the supply of potable water under paragraph (1)(D), the Secretary shall consider—

(A) the size and type of vessel;

(B) the number of passengers or crew on board;

(C) the duration and routing of voyages; and

(D) guidelines for potable water recommended by the Centers for Disease Control and Prevention and the Public Health Service.

* * * * * * *

CHAPTER 43—RECREATIONAL VESSELS

* * * * * * *

§ 4311. Penalties and injunctions

(a) * * *

(b)(1) A person violating section [4307(a)of] *4307(a) of* this title is liable to the United States Government for a civil penalty of not more than $5,000, except that the maximum civil penalty may be not more than $250,000 for a related series of violations.

* * * * * * *

PART E—MERCHANT SEAMEN LICENSES, CERTIFICATES, AND DOCUMENTS

* * * * * * *

CHAPTER 73—MERCHANT MARINERS' DOCUMENTS

* * * * * * *

§ 7302. Issuing merchant mariners' documents and continuous discharge books

(a) * * *

* * * * * * *

(c) The Secretary may not issue a merchant mariner's document under this chapter unless the individual applying for the document makes available to the Secretary, under *section* 30305(b)(5) of title 49, any information contained in the National Driver Register related to an offense described in *section* 30304(a)(3)(A) or (B) of title 49 committed by the individual.

* * * * * * *

CHAPTER 77—SUSPENSION AND REVOCATION

* * * * * * *

§ 7703. Bases for suspension or revocation

A license, certificate of registry, or merchant mariner's document issued by the Secretary may be suspended or revoked if the holder—

(1) * * *

* * * * * * *

(3) within the 3-year period preceding the initiation of the suspension or revocation proceeding is convicted of an offense described in section 30304(a)(3)(A) or (B) of title 49 **[**(23 U.S.C. 401 note)**]**;

* * * * * * *

PART F—MANNING OF VESSELS

* * * * * * *

§ 9303. United States registered pilot service

(a) * * *

* * * * * * *

(f) **[**The**]** *Before March 1 of each year, the* Secretary shall prescribe by regulation rates and charges for pilotage services, giving consideration to the public interest and the costs of providing the services.

(g) The Secretary shall ensure that the number of full-time equivalent employees assigned to carry out this section is not less than 4.

* * * * * * *

PART H—IDENTIFICATION OF VESSELS

CHAPTER 121—DOCUMENTATION OF VESSELS

* * * * * * *

§ 12120. Reports

To ensure compliance with this chapter and laws governing the qualifications of vessels to engage in the coastwise trade and the fisheries, the Secretary of Transportation may require **[**owners, masters, and charterers**]** *owners, masters, charterers, and mortgagees* of documented vessels to submit reports in any reasonable form and manner the Secretary may prescribe.

* * * * * * *

[Subtitle VI—Miscellaneous]

Subtitle VII—Miscellaneous

Chap. Sec.
701. Port Security **70101**

CHAPTER 701—PORT SECURITY

Sec.
70101. Definitions.

* * * * * * *

[70117. In rem liability for civil penalties and certain
[70118. Enforcement by injunction or withholding of clearance.
[70119. Civil penalty.
[70118. Enforcement.
[70119. Enforcement by State and local officers.**]**
70117. Firearms, arrests, and seizure of property.
70118. Enforcement by State and local officers.
70119. Civil penalty.
70120. In rem liability for civil penalties and certain costs.
70121. Withholding of clearance.

* * * * * * *

§ 70112. Maritime Security Advisory Committees

(a) * * *
(b) MEMBERSHIP.—(1) * * *

* * * * * * *

(5) The membership of an Area Maritime Security Advisory Committee shall include representatives of the port industry, terminal operators, port labor organizations, and other users of the port areas.

* * * * * * *

§ **[**70118**]** *70117*. Firearms, arrests, and seizure of property

Subject to guidelines approved by the Secretary, members of the Coast Guard may, in the performance of official duties—
(1) * * *

* * * * * * *

§ [70119] *70118*. Enforcement by State and local officers

(a) * * *

* * * * * * *

§ [70117] *70120*. In rem liability for civil penalties and certain costs

(a) CIVIL PENALTIES.—Any vessel operated in violation of this chapter or any regulations prescribed under this chapter shall be liable in rem for any civil penalty assessed pursuant to [section 70120] *section 70119* for such violation, and may be proceeded against for such liability in the United States district court for any district in which the vessel may be found.

* * * * * * *

§ [70118] *70121*. Withholding of clearance

(a) REFUSAL OR REVOCATION OF CLEARANCE.—If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty under section 70119, or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty under [section 70120] *section 70119*, the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

* * * * * * *

SECTION 3 OF THE MARITIME DRUG LAW ENFORCEMENT ACT

SEC. 3. (a) * * *

* * * * * * *

(c)(1) * * *

(2) For purposes of this section, a "vessel without nationality" includes—

(A) * * *

* * * * * * *

A claim of registry under subparagraph (A) or (C) may be verified or denied by radio, telephone, or similar oral or electronic means. The [denial of such claim of registry] *response* by the claimed flag nation is conclusively proved by certification of the Secretary of State or the Secretary's designee.

* * * * * * *

DEEPWATER PORT ACT OF 1974

LICENSE FOR THE OWNERSHIP, CONSTRUCTION, AND OPERATION OF A DEEPWATER PORT

SEC. 4. (a) * * *

* * * * * * *

(i) To promote the security of the United States, the Secretary shall give top priority to the processing of a license under this Act for liquefied natural gas facilities that will be supplied with liquefied natural gas by United States flag-vessels.

* * * * * * *

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004

* * * * * * *

TITLE II—COAST GUARD MANAGEMENT

* * * * * * *

SEC. 212. LONG-TERM LEASE OF SPECIAL USE REAL PROPERTY.

(a) * * *

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 *of title 14*, United States Code, is amended by striking the item relating to section 672 and inserting the following:

"672. Long-term lease of special purpose facilities.".

* * * * * * *

TITLE III—NAVIGATION

* * * * * * *

SEC. 302. USE OF ELECTRONIC DEVICES; COOPERATIVE AGREEMENTS.

Section 4(a) of the Ports and Waterways Safety Act [of 1972] (33 U.S.C. 1223(a)) is amended by—

(1) * * *

* * * * * * *

TITLE IV—SHIPPING

* * * * * * *

SEC. 418. RENEWAL OF ADVISORY GROUPS.

(a) COMMERCIAL FISHING INDUSTRY VESSEL SAFETY ADVISORY COMMITTEE.—Section 4508(e)(1) of title 46, United States Code, is amended by striking "[of September 30, 2005] *on September 30, 2005*" and inserting "on September 30, 2010".

* * * * * * *

TITLE VI—MISCELLANEOUS

* * * * * * *

SEC. 602. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTERS.

(a) * * *

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) * * *

(2) The Coast Guard Cutter PLANETREE, [to be conveyed to Jewish Life (a nonprofit corporation under the laws of the State of California), located in Sherman Oaks, California.] *to be conveyed to CAS Foundation, Inc. (a nonprofit corporation under the laws of the State of Indiana.*

* * * * * * *

SEC. 609. CORRECTION OF REFERENCES TO NATIONAL DRIVER REGISTER.

Title 46, United States Code, is amended—

(1) in section [7302] *7302(c)*—

(A) * * *

* * * * * * *

TITLE VII—AMENDMENTS RELATING TO OIL POLLUTION ACT OF 1990

SEC. 701. VESSEL RESPONSE PLANS FOR NONTANK VESSELS OVER 400 GROSS TONS.

(a) * * *

(b) AMENDMENTS TO REQUIRE RESPONSE PLANS.—Section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended—

(1) * * *

* * * * * * *

(9) in paragraph (5)(H) by inserting "and nontank vessel" after "each tank vessel";

* * * * * * *

SECTION 311 OF THE FEDERAL WATER POLLUTION CONTROL ACT

OIL AND HAZARDOUS SUBSTANCE LIABILITY

SEC. 311. (a) * * *

* * * * * * *

(j) NATIONAL RESPONSE SYSTEM.—

(1) * * *

* * * * * * *

(5) TANK VESSEL, NONTANK VESSEL, AND FACILITY RESPONSE PLANS.—(A)(i) * * *

(ii) The President shall also issue regulations which require an owner or operator of a [non-tank] *nontank* vessel to prepare and submit to the President a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of oil.

(B) The Secretary of the Department in which the Coast Guard is operating may issue regulations which require an owner or operator of a tank vessel, a [non-tank] *nontank* ves-

sel, or a facility described in subparagraph (C) that transfers noxious liquid substances in bulk to or from a vessel to prepare and submit to the Secretary a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of a noxious liquid substance that is not designated as a hazardous substance or regulated as oil in any other law or regulation. For purposes of this paragraph, the term "noxious liquid substance" has the same meaning when that term is used in the MARPOL Protocol described in section 2(a)(3) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)).

* * * * * * *

(5) TANK VESSEL, NONTANK VESSEL, AND FACILITY RESPONSE PLANS.—(A) * * *

* * * * * * *

(F) A tank vessel, [non-tank] *nontank* vessel, offshore facility, or onshore facility required to prepare a response plan under this subsection may not handle, store, or transport oil unless—

(i) in the case of a tank vessel, [non-tank] *nontank* vessel, offshore facility, or onshore facility for which a response plan is reviewed by the President under subparagraph (E), the plan has been approved by the President; and

* * * * * * *

(G) Notwithstanding subparagraph (E), the President may authorize a tank vessel, [non-tank] *nontank* vessel, offshore facility, or onshore facility to operate without a response plan approved under this paragraph, until not later than 2 years after the date of the submission to the President of a plan for the tank vessel, [non-tank] *nontank* vessel, or facility, if the owner or operator certifies that the owner or operator has ensured by contract or other means approved by the President the availability of private personnel and equipment necessary to respond, to the maximum extent practicable, to a worst case discharge or a substantial threat of such a discharge.

* * * * * * *

OIL POLLUTION ACT OF 1990

* * * * * * *

TITLE IV—PREVENTION AND REMOVAL

Subtitle A—Prevention

* * * * * * *

SEC. 4115. ESTABLISHMENT OF DOUBLE HULL REQUIREMENT FOR TANK VESSELS.

(a) * * *

* * * * * * *

(e) SECRETARIAL STUDIES.—

(1) * * *

* * * * * * *

(3) No later than one year after the date of enactment of the Coast Guard and Maritime Transportation Act of 2004, the Secretary shall, taking into account the recommendations contained in the report by the Marine Board of the National Research Council entitled "Environmental Performance of Tanker Design in Collision and Grounding" and dated 2001, establish and publish an environmental equivalency evaluation index (including the methodology to develop that index) to assess overall outflow performance due to collisions and groundings for double hull tank vessels and alternative **[**hull**]** designs.

* * * * * * *

TITLE V—PRINCE WILLIAM SOUND PROVISIONS

* * * * * * *

SEC. 5006. FUNDING.

(a) * * *

* * * * * * *

(c) USE FOR SECTION 1012.—Beginning October 1, 2012, the funding authorized for the Prince William Sound Oil Spill Recovery Institute and deposited in the Fund shall thereafter be made available for purposes of section 1012 in Alaska.

* * * * * * *

SECTION 1303 OF THE MERCHANT MARINE ACT, 1936

SEC. 1303. (a) * * *

* * * * * * *

(f) The Secretary may provide for the training of cadets at the Academy—

(1) * * *

(2) on other vessels documented under the laws of the United States if the owner of any such vessel cooperates in such use; **[**and**]**

(3) in shipyards or plants and with any industrial or educational organizations**[**.**]***; and*

(4) on any other vessel considered necessary or appropriate or in the national interest.

* * * * * * *

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