

COAST GUARD AND MARITIME TRANSPORTATION ACT OF  
2006

APRIL 6, 2006.—Ordered to be printed

Mr. YOUNG of Alaska, from the committee of conference,  
submitted the following

CONFERENCE REPORT

[To accompany H.R. 889]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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 met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Coast Guard and Maritime Transportation Act of 2006”.*

**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.*

*Sec. 103. Supplemental authorization of appropriations.*

*Sec. 104. Web-based risk management data system.*

**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.*
- Sec. 210. *Icebreakers.*
- Sec. 211. *Operation as a service in the Navy.*
- Sec. 212. *Limitation on moving assets to St. Elizabeth's Hospital.*
- Sec. 213. *Cooperative agreements.*
- Sec. 214. *Biodiesel feasibility study.*
- Sec. 215. *Boating safety director.*
- Sec. 216. *Hangar at Coast Guard Air Station Barbers Point.*
- Sec. 217. *Promotion of Coast Guard officers.*
- Sec. 218. *Redesignation of Coast Guard law specialists as judge advocates.*

#### 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.*
- Sec. 305. *Use of maritime safety and security teams.*
- Sec. 306. *Enhanced civil penalties for violations of provisions enacted by the Coast Guard and Maritime Transportation Act of 2004.*
- Sec. 307. *Training of cadets at United States Merchant Marine Academy.*
- Sec. 308. *Reports from mortgagees of vessels.*
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- Sec. 310. *Setting, relocating, and recovering anchors.*
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#### TITLE IV—MISCELLANEOUS

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- Sec. 407. *Conveyance of decommissioned Coast Guard Cutter MACKINAW.*
- Sec. 408. *Deepwater reports.*
- Sec. 409. *Helicopters.*
- Sec. 410. *Newtown Creek, New York City, New York.*
- Sec. 411. *Report on technology.*
- Sec. 412. *Assessment and planning.*
- Sec. 413. *Homeport.*
- Sec. 414. *Opinions regarding whether certain facilities create obstructions to navigation.*
- Sec. 415. *Port Richmond.*
- Sec. 416. *Western Alaska community development quota program.*
- Sec. 417. *Quota share allocation.*
- Sec. 418. *Maine fish tender vessels.*
- Sec. 419. *Automatic identification system.*
- Sec. 420. *Voyage data recorder study and report.*
- Sec. 421. *Distant water tuna fleet.*

#### TITLE V—LIGHTHOUSES

- Sec. 501. *Transfer.*
- Sec. 502. *Misty Fiords National Monument and Wilderness.*
- Sec. 503. *Miscellaneous Light Stations.*
- Sec. 504. *Inclusion of lighthouse in St. Marks National Wildlife Refuge, Florida.*

#### TITLE VI—DELAWARE RIVER PROTECTION AND MISCELLANEOUS OIL PROVISIONS

- Sec. 601. *Short title.*
- Sec. 602. *Requirement to notify Coast Guard of release of objects into the navigable waters of the United States.*
- Sec. 603. *Limits on liability.*

- Sec. 604. Requirement to update Philadelphia Area Contingency Plan.  
 Sec. 605. Submerged oil removal.  
 Sec. 606. Assessment of oil spill costs.  
 Sec. 607. Delaware River and Bay Oil Spill Advisory Committee.  
 Sec. 608. Nontank vessels.

**TITLE VII—HURRICANE RESPONSE**

- Sec. 701. Homeowners assistance for Coast Guard personnel affected by Hurricanes Katrina or Rita.  
 Sec. 702. Temporary authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.  
 Sec. 703. Temporary authorization to extend the duration of vessel certificates of inspection.  
 Sec. 704. Preservation of leave lost due to Hurricane Katrina operations.  
 Sec. 705. Reports on impact to Coast Guard.  
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**TITLE VIII—OCEAN COMMISSION RECOMMENDATIONS**

- Sec. 801. Implementation of international agreements.  
 Sec. 802. Voluntary measures for reducing pollution from recreational boats.  
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 Sec. 804. Foreign fishing incursions.

**TITLE IX—TECHNICAL CORRECTIONS**

- Sec. 901. Miscellaneous technical corrections.  
 Sec. 902. Correction of references to Secretary of Transportation and Department of Transportation; related matters.

**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, \$5,633,900,000, of which \$24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).*

*(2) For the acquisition, construction, 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, \$38,400,000.

(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 fiscal year ending on September 30, 2006.

(b) **MILITARY TRAINING STUDENT LOADS.**—For fiscal year 2006, the Coast Guard is authorized average military training student loads as follows:

- (1) For recruit and special training, 2,500 student years.
- (2) For flight training, 125 student years.
- (3) For professional training in military and civilian institutions, 350 student years.
- (4) For officer acquisition, 1,200 student years.

**SEC. 103. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts provided to the Coast Guard from another Federal agency for reimbursement of expenditures for Hurricane Katrina, there are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating the following amounts for non-reimbursed expenditures:

(1) For the operation and maintenance of the Coast Guard in responding to Hurricane Katrina, including search and rescue efforts, clearing channels, and emergency response to oil and chemical spills, and for increased costs of operation and maintenance of the Coast Guard due to higher than expected fuel costs, \$300,000,000.

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, and vessels and aircraft, including equipment related thereto, related to damage caused by Hurricane Katrina, \$200,000,000.

(b) **CONSTRUCTION WITH OTHER FUNDING.**—The amounts authorized to be appropriated by subsection (a) are in addition to any

other amounts authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating under any other provision of law.

(c) *AVAILABILITY.*—The amounts made available under subsection (a) shall remain available until expended.

**SEC. 104. WEB-BASED RISK MANAGEMENT DATA SYSTEM.**

There is authorized to be appropriated for each of fiscal years 2006 and 2007 to the Secretary of the department in which the Coast Guard is operating \$1,000,000 to continue deployment of a World Wide Web-based risk management system to help reduce accidents and fatalities.

**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 undesignated text the following:

“(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 provide, in conjunction with regular Coast Guard operations, 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 relating to such section in the analysis at the beginning of chapter 7 of such title 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) 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 striking the first sentence and inserting the following: “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 enactment of this Act may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary of the department in which the Coast Guard is operating to be most appropriate to the qualifications and experience of that individual.

**SEC. 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, the following definitions apply:

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

“(2) 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 of title 14, United States Code, is amended—

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

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

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

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

(5) by adding at the end the following:

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

**SEC. 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 all that precedes paragraph (2) and inserting the following:

“(b)(1) The Secretary shall make, at least once each year, 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 inserting before the undesignated text the following:

“(a) **MOTOR BOATS, YACHTS, AIRCRAFT, AND RADIO STATIONS.**—”; and

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

“(b) **MOTOR VEHICLES.**—The Coast Guard may utilize to carry out its functions and duties as authorized by the Secretary any motor vehicle (as defined in section 154 of title 23, United States Code) 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 such title is amended by striking “or radio station” each place it appears and inserting “radio station, or motorized vehicle utilized under section 826(b)”.

**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:

**“§ 198. Coast Guard history fellowships**

“(a) *FELLOWSHIPS.*—The Commandant of the Coast Guard may 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) *LIMITATIONS.*—The Commandant may award up to 2 fellowships annually. The Commandant may not award any fellowship under this section that exceeds \$25,000 in any year.

“(d) *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:

“198. Coast Guard history fellowships.”.

**SEC. 210. ICEBREAKERS.**

(a) *OPERATION AND MAINTENANCE PLAN.*—Not later than 90 days after the date of 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 plan—

(1) for operation and maintenance after fiscal year 2006 of the Coast Guard polar icebreakers *POLAR STAR*, *POLAR SEA*, and *HEALY*, that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and

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

(b) *NECESSARY MEASURES.*—The Secretary shall take all necessary measures to ensure that the Coast Guard maintains, at a minimum, its current vessel capacity for carrying out ice breaking in the Arctic and Antarctic, Great Lakes, and New England regions, including the necessary funding for operation and maintenance of such vessels, until it has implemented the long-term recapitalization



of the Coast Guard polar icebreakers POLAR STAR, POLAR SEA, and HEALY in accordance with the plan submitted under subsection (a).

(c) REIMBURSEMENT.—Nothing in this section shall preclude the Secretary from seeking reimbursement for operation and maintenance costs of such polar icebreakers from other Federal agencies and entities, including foreign countries, that benefit from the use of the icebreakers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating \$100,000,000 to carry out this section with respect to the polar icebreakers referred to in subsection (a).

**SEC. 211. OPERATION AS A SERVICE IN THE NAVY.**

Section 3 of title 14, United States Code, is amended by inserting “if Congress so directs in the declaration” after “Upon the declaration of war”.

**SEC. 212. LIMITATION ON MOVING ASSETS TO ST. ELIZABETH’S HOSPITAL.**

The Commandant of the Coast Guard may not move any Coast Guard personnel, property, or other assets to the West Campus of St. Elizabeth’s Hospital until the Administrator of General Services submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a plan—

(1) to provide road access to the site from Interstate Route 295;

(2) for the design of facilities for at least one Federal agency other than the Coast Guard that would house no fewer than 2,000 employees at such location;

(3) to provide transportation of employees and visitors to and from sites in the District of Columbia metropolitan area that are located within close proximity to St. Elizabeth’s Hospital;

(4) for the construction, facade, and layout of the proposed structures, including security considerations, parking facilities, medical facilities, dining facilities, and physical exercise facilities on the West Campus;

(5) that analyzes the costs of building restrictions, planning considerations, and permitting requirements of constructing new facilities on or near historic landmarks and historic buildings (especially those known to possess medical waste, lead paint, and asbestos);

(6) that analyzes the feasibility of relocating Coast Guard Headquarters—

(A) to the Department of Transportation Headquarters located at L’Enfant Plaza;

(B) to the Waterfront Mall Complex in Southwest District of Columbia; and

(C) to 3 alternative sites requiring either new construction or leasing of current facilities (other than those referred to in subparagraphs (A) and (B)) within the District

of Columbia metropolitan area that accommodate the Coast Guard's minimum square footage requirements; and  
 (7) that analyzes how a potential move to the West Campus of St. Elizabeth's Hospital would impact—

(A) the Coast Guard's ability to access and cooperatively work with the Department of Homeland Security and the other Federal agencies of the Department; and

(B) plans under consideration for relocating all or parts of the headquarters of the Department of Homeland Security and other offices of the Department.

**SEC. 213. COOPERATIVE AGREEMENTS.**

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on opportunities for cost savings and operational efficiencies that can be achieved through and the feasibility of colocating Coast Guard assets and personnel at facilities of other armed forces throughout the United States. The report shall—

(1) identify opportunities for cooperative agreements with respect to siting of assets or operations that may be established between the Coast Guard and any of the other armed forces; and

(2) analyze anticipated costs and benefits, and operational impacts associated with each site and such agreements.

**SEC. 214. BIODIESEL FEASIBILITY STUDY.**

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

(b) *REPORT.*—Not later than one year after the date of enactment of this Act, the Secretary shall submit a report containing the findings, conclusions, and recommendations (if any) from the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 215. BOATING SAFETY DIRECTOR.**

(a) *IN GENERAL.*—Subchapter A of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

**“§216. Director of Boating Safety Office**

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

(b) *CLERICAL AMENDMENT.*—The analysis for such chapter is amended by inserting after the item relating to section 215 the following:

“216. Director of Boating Safety Office.”.

**SEC. 216. HANGAR AT COAST GUARD AIR STATION BARBERS POINT.**

*Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a proposal and cost analysis for constructing an enclosed hangar at Air Station Barbers Point, Hawaii. The proposal should ensure that the hangar has the capacity to shelter current aircraft assets and those projected to be located at the station over the next 20 years.*

**SEC. 217. PROMOTION OF COAST GUARD OFFICERS.**

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

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

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

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

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

*“(D) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer.*

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

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

*(b) WARTIME TEMPORARY SERVICE PROMOTION.—Section 275(f) of such title is amended by striking the second and third sentences and inserting “Original appointments under this section in the grades of lieutenant commander and above shall be made by the President by and with the advice and consent of the Senate. Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.”.*

**SEC. 218. REDESIGNATION OF COAST GUARD LAW SPECIALISTS AS JUDGE ADVOCATES.**

*(a) DEFINITIONS IN TITLE 10.—Section 801 of title 10, United States Code, is amended—*

*(1) by striking paragraph (11); and*

*(2) in paragraph (13) by striking subparagraph (C) and inserting the following:*

*“(C) a commissioned officer of the Coast Guard designated for special duty (law).”.*

*(b) CONFORMING AMENDMENTS.—*

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

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

**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” 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” 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 inserting at the end the following: “The Secretary shall establish new pilotage rates by March 1 of each year. The Secretary shall establish base pilotage rates by a full ratemaking at least once every 5 years and shall conduct annual reviews of such base pilotage rates, and make adjustments to such base rates, in each intervening year.”; and

(2) by adding at the end the following:

“(g) The Secretary shall ensure that a sufficient number of individuals are assigned to carrying out subsection (f).”.

**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 by striking the last two sentences and inserting the following: “The response of a foreign nation to a claim of registry under subparagraph (A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is conclusively proved by certification of the Secretary of State or the Secretary’s designee.”.

**SEC. 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) **PUBLIC NOTICE OF LNG VESSEL’S REGISTRY AND CREW.**—

(1) **PLAN SUBMITTED WITH APPLICATION FOR DEEPWATER PORT LICENSE.**—Section 5(c)(2) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)) is amended—

(A) by redesignating subparagraphs (K) and (L) as subparagraphs (L) and (M), respectively; and

(B) by inserting after subparagraph (J) the following:

“(K) the nation of registry for, and the nationality or citizenship of officers and crew serving on board, vessels transporting natural gas that are reasonably anticipated to be servicing the deepwater port;”

(2) **INFORMATION TO BE PROVIDED.**—When the Coast Guard is operating as a contributing agency in the Federal Energy Regulatory Commission’s shoreside licensing process for a liquefied natural gas or liquefied petroleum gas terminal located on shore or within State seaward boundaries, the Coast Guard shall provide to the Commission the information described in section 5(c)(2)(K) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)(K)) with respect to vessels reasonably anticipated to be servicing that port.

(d) **REPORT.**—Not later than 6 months after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report on the implementation of this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 305. USE OF MARITIME SAFETY AND SECURITY TEAMS.**

Section 70106(b)(8) of title 46, United States Code, is amended by striking “other security missions” and inserting “any other missions of the Coast Guard”.

**SEC. 306. ENHANCED CIVIL PENALTIES FOR VIOLATIONS OF PROVISIONS ENACTED BY THE COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004.**

(a) **CONTINUING VIOLATIONS.**—The section enumerated 70119 of title 46, United States Code, as redesignated and transferred by section 802(a)(1) of the Coast Guard and Maritime Transportation Security Act of 2004 (118 Stat. 1078), relating to civil penalty, is amended—

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

(2) by striking “violation.” and inserting “day during which the violation continues.”; and

(3) by adding at the end the following:

“(b) **CONTINUING VIOLATIONS.**—The maximum amount of a civil penalty for a violation under this section shall not exceed \$50,000.”.

(b) **APPLICATION OF CIVIL PENALTY PROCEDURES.**—Section 2107 of title 46, United States Code, is amended by striking “this subtitle” each place it appears and inserting “this subtitle or subtitle VII”.

**SEC. 307. 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) by striking “and” at the end of paragraph (2);
- (2) by striking the period at the end of paragraph (3) and inserting “; and”; and
- (3) by adding at the end the following:
  - “(4) on any other vessel considered by the Secretary to be necessary or appropriate or in the national interest.”.

**SEC. 308. 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. 309. DETERMINATION OF THE SECRETARY.**

Section 70105(c) of title 46, United States Code, is amended—

- (1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and
- (2) by inserting after paragraph (2) the following:

“(3) DENIAL OF WAIVER REVIEW.—

“(A) IN GENERAL.—The Secretary shall establish a review process before an administrative law judge for individuals denied a waiver under paragraph (2).

“(B) SCOPE OF REVIEW.—In conducting a review under the process established pursuant to subparagraph (A), the administrative law judge shall be governed by the standards of section 706 of title 5. The substantial evidence standard in section 706(2)(E) of title 5 shall apply whether or not there has been an agency hearing. The judge shall review all facts on the record of the agency.

“(C) CLASSIFIED EVIDENCE.—The Secretary, in consultation with the National Intelligence Director, shall issue regulations to establish procedures by which the Secretary, as part of a review conducted under this paragraph, may provide to the individual adversely affected by the determination an unclassified summary of classified evidence upon which the denial of a waiver by the Secretary was based.

“(D) REVIEW OF CLASSIFIED EVIDENCE BY ADMINISTRATIVE LAW JUDGE.—

“(i) REVIEW.—As part of a review conducted under this section, if the decision of the Secretary was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)), such information may be submitted by the Secretary to the reviewing administrative law judge, pursuant to appropriate security procedures, and shall be reviewed by the administrative law judge *ex parte* and *in camera*.

“(ii) SECURITY CLEARANCES.—Pursuant to existing procedures and requirements, the Secretary, in coordination (as necessary) with the heads of other affected departments or agencies, shall ensure that administrative law judges reviewing negative waiver decisions of

the Secretary under this paragraph possess security clearances appropriate for such review.

“(iii) UNCLASSIFIED SUMMARIES OF CLASSIFIED EVIDENCE.—As part of a review conducted under this paragraph and upon the request of the individual adversely affected by the decision of the Secretary not to grant a waiver, the Secretary shall provide to the individual and reviewing administrative law judge, consistent with the procedures established under clause (i), an unclassified summary of any classified information upon which the decision of the Secretary was based.

“(E) NEW EVIDENCE.—The Secretary shall establish a process under which an individual may submit a new request for a waiver, notwithstanding confirmation by the administrative law judge of the Secretary’s initial denial of the waiver, if the request is supported by substantial evidence that was not available to the Secretary at the time the initial waiver request was denied.”.

**SEC. 310. SETTING, RELOCATING, AND RECOVERING ANCHORS.**

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

“(c)(1) Only a vessel for which a certificate of documentation with a registry endorsement is issued may engage in—

“(A) the setting, relocation, or recovery of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))); or

“(B) the transportation of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed.

“(2) Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12106 of this title.”.

**SEC. 311. INTERNATIONAL TONNAGE MEASUREMENT OF VESSELS ENGAGED IN THE ALEUTIAN TRADE.**

(a) GENERAL INSPECTION EXEMPTION.—Section 3302(c)(2) of title 46, United States Code, is amended to read as follows:

“(2) Except as provided in paragraphs (3) and (4) of this subsection, the following fish tender vessels are exempt from section 3301(1), (6), (7), (11), and (12) of this title:

“(A) A vessel of not more than 500 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.

“(B) A vessel engaged in the Aleutian trade that is not more than 2,500 gross tons as measured under section 14302 of this title.”.

(b) OTHER INSPECTION EXEMPTION AND WATCH REQUIREMENT.—Paragraphs (3)(B) and (4) of section 3302(c) of title 46, United States Code, and section 8104(o) of that title are each amended by striking “or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section

14104 of this title” and inserting “or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title”.

**SEC. 312. RIDING GANGS.**

(a) *IN GENERAL.*—Chapter 81 of title 46, United States Code, is amended by adding at the end the following:

**“§ 8106. Riding gangs**

“(a) *IN GENERAL.*—The owner or managing operator of a freight vessel of the United States on voyages covered by the International Convention for Safety of Life at Sea, 1974 (32 UST 47m) shall—

“(1) ensure that—

“(A) subject to subsection (d), each riding gang member on the vessel—

“(i) is a United States citizen or an alien lawfully admitted to the United States for permanent residence; or

“(ii) possesses a United States nonimmigrant visa for individuals desiring to enter the United States temporarily for business, employment-related and personal identifying information, and any other documentation required by the Secretary;

“(B) all required documentation for such member is kept on the vessel and available for inspection by the Secretary; and

“(C) each riding gang member is identified on the vessel’s crew list;

“(2) ensure that—

“(A) the owner or managing operator attests in a certificate that the background of each riding gang member has been examined and found to be free of any credible information indicating a material risk to the security of the vessel, the vessel’s cargo, the ports the vessel visits, or other individuals onboard the vessel;

“(B) the background check consisted of a search of all information reasonably available to the owner or managing operator in the riding gang member’s country of citizenship and any other country in which the riding gang member works, receives employment referrals, or resides;

“(C) the certificate required under subparagraph (A) is kept on the vessel and available for inspection by the Secretary; and

“(D) the information derived from any such background check is made available to the Secretary upon request;

“(3) ensure that each riding gang member, while on board the vessel, is subject to the same random chemical testing and reporting regimes as crew members;

“(4) ensure that each such riding gang member receives basic safety familiarization and basic safety training approved by the Coast Guard as satisfying the requirements for such training under the International Convention of Training, Certification, and Watchkeeping for Seafarers, 1978;

“(5) prevent from boarding the vessel, or cause the removal from the vessel at the first available port, and disqualify from



future service on board any other vessel owned or operated by that owner or operator, any riding gang member—

“(A) who has been convicted in any jurisdiction of an offense described in paragraph (2) or (3) of section 7703;

“(B) whose license, certificate of registry, or merchant mariner’s document has been suspended or revoked under section 7704; or

“(C) who otherwise constitutes a threat to the safety of the vessel;

“(6) ensure and certify to the Secretary that the sum of—

“(A) the number of riding gang members on board a freight vessel, and

“(B) the number of individuals in addition to crew permitted under section 3304, does not exceed 12;

“(7) ensure that every riding gang member is employed on board the vessel under conditions that meet or exceed the minimum international standards of all applicable international labor conventions to which the United States is a party, including all of the merchant seamen protection and relief provided under United States law; and

“(8) ensure that each riding gang member—

“(A) is supervised by an individual who holds a license issued under chapter 71; and

“(B) only performs work in conjunction with individuals who hold merchant mariners documents issued under chapter 73 and who are part of the vessel’s crew.

“(b) **PERMITTED WORK.**—Subject to subsection (f), a riding gang member on board a vessel to which subsection (a) applies who is neither a United States citizen nor an alien lawfully admitted to the United States for permanent residence may not perform any work on board the vessel other than—

“(1) work in preparation of a vessel entering a shipyard located outside of the United States;

“(2) completion of the residual repairs after departing a shipyard located outside of the United States; or

“(3) technical in-voyage repairs, in excess of any repairs that can be performed by the vessel’s crew, in order to advance the vessel’s useful life without having to actually enter a shipyard.

“(c) **WORKDAY LIMIT.**—

“(1) **IN GENERAL.**—The maximum number of days in any calendar year that the owner or operator of a vessel to which subsection (a) applies may employ on board riding gang members who are neither United States citizens nor aliens lawfully admitted to the United States for permanent residence for work on board that vessel is 60 days. If the vessel is at sea on the 60th day, each riding gang member shall be discharged from the vessel at the next port of call reached by the vessel after the date on which the 60-workday limit is reached.

“(2) **CALCULATION.**—For the purpose of calculating the 60-workday limit under this subsection, each day worked by a riding gang member who is neither a United States citizen nor an alien lawfully admitted to the United States for permanent residence shall be counted against the limitation.

*“(d) EXCEPTIONS FOR WARRANTY WORK.—*

*“(1) IN GENERAL.—Subsections (b), (c), (e), and (f) do not apply to a riding gang member employed exclusively to perform, and who performs only, work that is—*

*“(A) customarily performed by original equipment manufacturers’ technical representatives;*

*“(B) required by a manufacturer’s warranty on specific machinery and equipment; or*

*“(C) required by a contractual guarantee or warranty on actual repairs performed in a shipyard located outside of the United States.*

*“(2) CITIZENSHIP REQUIREMENT.—Subsection (a)(1)(A) applies only to a riding gang member described in paragraph (1) who is on the vessel when it calls at a United States port.*

*“(e) RECORDKEEPING.—In addition to the requirements of subsection (a), the owner or managing operator of a vessel to which subsection (a) applies shall ensure that all information necessary to ensure compliance with this section, as determined by the Secretary, is entered into the vessel’s official logbook required by chapter 113.*

*“(f) FAILURE TO EMPLOY QUALIFIED AVAILABLE U.S. CITIZENS OR RESIDENTS.—*

*“(1) IN GENERAL.—The owner or operator of a vessel to which subsection (a) applies may not employ a riding gang member who is neither a United States citizen nor an alien lawfully admitted to the United States for permanent residence to perform work described in subsection (b) unless the owner or operator determines, in accordance with procedures established by the Secretary to carry out section 8103(b)(3)(C), that there is not a sufficient number of United States citizens or individuals lawfully admitted to the United States for permanent residence who are qualified and available for the work for which the riding gang member is to be employed.*

*“(2) CIVIL PENALTY.—A violation of paragraph (1) is punishable by a civil penalty of not more than \$10,000 for each day during which the violation continues.*

*“(3) CONTINUING VIOLATIONS.—The maximum amount of a civil penalty for a violation under this subsection shall not exceed—*

*“(A) \$50,000 if the violation occurs in fiscal year 2006;*

*“(B) \$75,000 if the violation occurs in fiscal year 2007;*

*and*

*“(C) \$100,000 if the violation occurs after fiscal year 2007.*

*“(4) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, the history of prior offenses, the ability to pay, and such other matters as justice may require.*

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

*(b) RIDING GANG MEMBER DEFINED.—Section 2101 of such title is amended by inserting after paragraph (26) the following:*

*“(26a) ‘riding gang member’ means an individual who—*

“(A) has not been issued a merchant mariner document under chapter 73;

“(B) does not perform—

“(i) watchstanding, automated engine room duty watch, or personnel safety functions; or

“(ii) cargo handling functions, including any activity relating to the loading or unloading of cargo, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when the vessel is made fast or let go;

“(C) does not serve as part of the crew complement required under section 8101;

“(D) is not a member of the steward’s department; and

“(E) is not a citizen or temporary or permanent resident of a country designated by the United States as a sponsor of terrorism or any other country that the Secretary, in consultation with the Secretary of State and the heads of other appropriate United States agencies, determines to be a security threat to the United States.”.

(c) **CONFORMING AMENDMENTS.**—

(1) **CITIZENSHIP REQUIREMENT.**—Section 8103 of such title is amended by adding at the end the following:

“(j) **RIDING GANG MEMBER.**—This section does not apply to an individual who is a riding gang member.”.

(2) **APPLICATION OF CHAPTER 103.**—Section 10301(b) of such title is amended by striking “voyage.” and inserting “voyage or to riding gang members.”.

(d) **CLERICAL AMENDMENT.**—The analysis for chapter 81 of such title is amended by adding at the end the following:

“8106. Riding gangs.”.

#### **TITLE IV—MISCELLANEOUS**

##### **SEC. 401. AUTHORIZATION OF JUNIOR RESERVE OFFICERS TRAINING PROGRAM PILOT PROGRAM.**

(a) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating 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.**—The 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 the pilot program under this section, the Secretary may provide to Camden County High School—

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

(2) 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 not on active duty 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 the individual was considered to have been ordered to active duty during the 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), from funds appropriated for such 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. 402. TRANSFER.**

Section 602 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1050) is amended—

(1) in subsection (b)(2) 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).”; and

(2) in subsection (c)(1)(A) by inserting “or, in the case of the vessel described in subsection (b)(2) only, for humanitarian purposes” before the semicolon at the end.

**SEC. 403. LORAN-C.**

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

**SEC. 404. LONG-RANGE VESSEL TRACKING SYSTEM.**

(a) *PILOT PROJECT.*—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a 3-year pilot program for long-range tracking of up to 2,000 vessels using satellite systems with a nonprofit maritime organization that has a demonstrated capability of operating a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long-

range vessel information to the Coast Guard to aid maritime security and response to maritime emergencies.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to the Secretary \$4,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out subsection (a).

**SEC. 405. MARINE VESSEL AND COLD WATER SAFETY EDUCATION.**

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

**SEC. 406. REPORTS.**

(a) *ADEQUACY OF ASSETS.*—

(1) *REVIEW.*—The Commandant of the Coast Guard shall review the adequacy of assets and facilities described in subsection (b) to carry out the Coast Guard’s missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement.

(2) *REPORT.*—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes the findings of the review and any recommendations to enhance mission capabilities in those areas referred to in paragraph (1).

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

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

(2) 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.

(3) Coast Guard vessels and aircraft stationed in Coast Guard Sector Delaware Bay.

(4) Physical infrastructure at Boat Station Cape May in the State of New Jersey.

(c) *ADEQUACY OF ACTIVE-DUTY STRENGTH.*—

(1) *REVIEW.*—The Commandant of the Coast Guard shall review the adequacy of the strength of active-duty personnel authorized under section 102(a) of this Act to carry out the Coast Guard’s missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways, and coastal security, marine environmental protection, and fisheries law enforcement.

(2) *REPORT.*—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes the findings of the review.

**SEC. 407. 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 without consideration all right, title, and interest of the United States in and to that vessel to the Icebreaker Mackinaw Maritime Museum, Inc., located in the State of Michigan 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.*—

(1) *MAINTENANCE.*—Before conveyance of the vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) *DELIVERY.*—If a conveyance is made under this section, the Commandant shall deliver the vessel to a suitable mooring in the local area, in its present condition, no sooner than June 15, 2006, and not later than 30 days after the date on which the vessel is decommissioned.

(3) *TREATMENT OF CONVEYANCE.*—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. 408. DEEPWATER REPORTS.**

(a) *ANNUAL DEEPWATER IMPLEMENTATION REPORT.*—Not later than 30 days after the date of enactment of this Act and in conjunction with the transmittal by the President of the budget of the United States for each fiscal year thereafter, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of the Inte-

grated Deepwater Systems Program, as revised in 2005 (in this section referred to as the “Deepwater program”), that includes—

- (1) a justification for how the projected number and capabilities of each Deepwater program asset meets the revised mission needs statement delivered as part of the Deepwater program and the performance goals of the Coast Guard;
- (2) a projection of the remaining operational lifespan of each legacy asset;
- (3) an identification of any changes to the Deepwater program, including—
  - (A) any changes to the timeline for the acquisition of each new asset and the phase out of legacy assets for the life of the Deepwater program; and
  - (B) any changes to the costs for that fiscal year or future fiscal years or the total costs of the Deepwater program, including the costs of new and legacy assets;
- (4) a justification for how any change to the Deepwater program fulfills the mission needs statement for the Deepwater program and performance goals of the Coast Guard;
- (5) an identification of how funds in that fiscal year’s budget request will be allocated, including information on the purchase of specific assets;
- (6) a detailed explanation of how the costs of the legacy assets are being accounted for within the Deepwater program;
- (7) a description of how the Coast Guard is planning for the integration of Deepwater program assets into the Coast Guard, including needs related to shore-based infrastructure and human resources; and
- (8) a description of the competitive process conducted in all contracts and subcontracts exceeding \$2,500,000 awarded under the Deepwater program.

(b) **DEEPWATER ACCELERATION REPORT.**—Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the acceleration of the current Deepwater program acquisition timeline that reflects completion of the Deepwater program in each of 10 years and 15 years and includes—

- (1) a detailed explanation of the number and type of each asset that would be procured for each fiscal year under each accelerated acquisition timeline;
- (2) the required funding for such completion under each accelerated acquisition timeline;
- (3) anticipated costs associated with legacy asset sustainment for the Deepwater program under each accelerated acquisition timeline;
- (4) anticipated mission deficiencies, if any, associated with the continued degradation of legacy assets in combination with the procurement of new assets under each accelerated acquisition timeline; and
- (5) an evaluation of the overall feasibility of achieving each accelerated acquisition timeline, including—
  - (A) contractor capacity;
  - (B) national shipbuilding capacity;

- (C) asset integration into Coast Guard facilities;
- (D) required personnel; and
- (E) training infrastructure capacity on technology associated with new assets.

(c) **OVERSIGHT REPORT.**—Not later than 90 days after the date of enactment of this Act, the Commandant of the Coast Guard, in consultation with the Government Accountability Office, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the Coast Guard's implementation of the Government Accountability Office's recommendations in its report, GAO-04-380, entitled "Coast Guard Deepwater Program Needs Increased Attention to Management and Contractor Oversight", including the dates by which the Coast Guard plans to complete implementation of such recommendations if any of such recommendations remain open as of the date the report is transmitted to the Committees.

(d) **INDEPENDENT ANALYSIS OF REVISED DEEPWATER PLAN.**—The Secretary may periodically, either through an internal review process or a contract with an outside entity, conduct an analysis of all or part of the Deepwater program and assess whether—

- (1) the choice of assets and capabilities selected as part of that program meets the Coast Guard's goals for performance and minimizing total ownership costs; or
- (2) additional or different assets should be considered as part of that program.

**SEC. 409. HELICOPTERS.**

(a) **STUDY.**—The Secretary of the department in which the Coast Guard is operating shall conduct a study that analyses the potential impact on Coast Guard acquisitions of requiring that the Coast Guard acquire only helicopters, or any major component of a helicopter, that are constructed in the United States.

(b) **STUDY ELEMENTS.**—The study shall include—

- (1) identification of additional costs or added benefits that would result from the additional restrictions described in subsection (a) on acquisitions from nondomestic sources, including major components or subsystems;
- (2) industrial impact on the United States of such additional restrictions on acquisitions from nondomestic sources;
- (3) the contractual impact of such additional restrictions on the Integrated Deepwater Systems Program and its platform elements, including delivery interruptions in the program and the subsequent mission impact of these delays; and
- (4) identification of reasonable executive authorities to waive such additional restrictions that the Secretary considers essential in order to ensure continued mission performance of the United States Coast Guard.

(c) **REPORT.**—Not later than one year after the date of enactment of this Act, the Secretary shall submit a report on the results of the study and any recommendations of the Secretary regarding such results to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.



**SEC. 410. NEWTOWN CREEK, NEW YORK CITY, NEW YORK.**

(a) *STUDY.*—Of the amounts provided under section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712), the Administrator of the Environmental Protection Agency 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 one year after the date of enactment of this Act, the Administrator shall submit a report containing the results of the study to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 411. REPORT ON TECHNOLOGY.**

Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes an assessment of—

(1) the availability and effectiveness of software information technology systems for port security and the data evaluated, including data that has the ability to identify shippers, inbound vessels, and their cargo for potential threats to national security before it reaches United States ports, specifically the software already tested or being tested at Joint Harbor Operations Centers; and

(2) the costs associated with implementing such technology at all Sector Command Centers, Joint Harbor Operations Centers, and strategic defense and energy dependent ports.

**SEC. 412. ASSESSMENT AND PLANNING.**

There is authorized to be appropriated to the Maritime Administration \$400,000 to carry out an assessment of, and planning for, the impact of an Arctic Sea Route on the indigenous people of Alaska.

**SEC. 413. HOMEPORT.**

(a) *STUDY.*—The Commandant of the Coast Guard shall conduct a study to assess the current homeport arrangement of the Coast Guard polar icebreaker HEALY to determine whether an alternative arrangement would enhance the Coast Guard's capabilities to carry out the recommendation to maintain dedicated, year-round icebreaker capability for the Arctic that was included in the report prepared by the National Academy of Sciences and entitled: "Polar Icebreaker Roles and U.S. Future Needs: A Preliminary Assessment (ISBN: 0-309-10069-0)".

(b) *REPORT.*—Not later than one year after the date of enactment of this Act, the Commandant shall report the findings of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 414. OPINIONS REGARDING WHETHER CERTAIN FACILITIES CREATE OBSTRUCTIONS TO NAVIGATION.**

Section 14 of the Ports and Waterways Safety Act (33 U.S.C. 1232a) is amended—

(1) by redesignating subsection (d) as subsection (e); and  
 (2) by inserting after subsection (c) the following:

“(d) WIND ENERGY FACILITY.—

“(1) IN GENERAL.—An offshore wind energy facility may not be constructed in the area commonly known as ‘Nantucket Sound’ unless the construction of such facility is approved by the Commandant of the Coast Guard.

“(2) INFORMATION.—A person proposing to build an offshore wind energy facility in the area commonly known as ‘Nantucket Sound’ shall provide to the Commandant of the Coast Guard and the Governor of any adjacent coastal State a plan for the siting and construction of the facility, including the location, size, and design of each wind turbine that will be a part of the facility, any cable connecting the facility to onshore sites, any other offshore components, and such other information as the Commandant may require.

“(3) LIMITATION ON APPROVAL.—The Commandant may not approve the construction of a facility described in paragraph (1) if—

“(A) within 90 days of the date of receipt of the plan for the facility under paragraph (2), the Governor of an adjacent coastal State makes a written determination that the Governor opposes the proposed location for the facility and submits the determination to the Commandant; or

“(B) the Commandant determines that the facility creates a hazard to navigation.

“(4) ADJACENT COASTAL STATE DEFINED.—In this section, the term ‘adjacent coastal State’, as used with respect to a proposed wind energy facility, is any coastal State which—

“(A) would be directly connected by a cable to the facility; or

“(B) is located within 15 miles of the proposed location of the facility.”.

**SEC. 415. PORT RICHMOND.**

The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may not approve a security plan under section 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania, until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

**SEC. 416. WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.**

(a) RESTATEMENT OF EXISTING PROGRAM INCORPORATING CERTAIN PROVISIONS OF REGULATIONS.—Section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)) is amended by striking paragraph (1) and inserting the following:

“(1) WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.—

“(A) IN GENERAL.—There is established the western Alaska community development quota program in order—

“(i) to provide eligible western Alaska villages with the opportunity to participate and invest in fisheries in

*the Bering Sea and Aleutian Islands Management Area;*

*“(ii) to support economic development in western Alaska;*

*“(iii) to alleviate poverty and provide economic and social benefits for residents of western Alaska; and*

*“(iv) to achieve sustainable and diversified local economies in western Alaska.*

*“(B) PROGRAM ALLOCATION.—*

*“(i) IN GENERAL.—Except as provided in clause (ii), the annual percentage of the total allowable catch, guideline harvest level, or other annual catch limit allocated to the program in each directed fishery of the Bering Sea and Aleutian Islands shall be the percentage approved by the Secretary, or established by Federal law, as of March 1, 2006, for the program. The percentage for each fishery shall be either a directed fishing allowance or include both directed fishing and nontarget needs based on existing practice with respect to the program as of March 1, 2006, for each fishery.*

*“(ii) EXCEPTIONS.—Notwithstanding clause (i)—*

*“(I) the allocation under the program for each directed fishery of the Bering Sea and Aleutian Islands (other than a fishery for halibut, sablefish, pollock, and crab) shall be a directed fishing allocation of 10 percent upon the establishment of a quota program, fishing cooperative, sector allocation, or other rationalization program in any sector of the fishery; and*

*“(II) the allocation under the program in any directed fishery of the Bering Sea and Aleutian Islands (other than a fishery for halibut, sablefish, pollock, and crab) established after the date of enactment of this subclause shall be a directed fishing allocation of 10 percent.*

*“(iii) PROCESSING AND OTHER RIGHTS.—Allocations to the program include all processing rights and any other rights and privileges associated with such allocations as of March 1, 2006.*

*“(iv) REGULATION OF HARVEST.—The harvest of allocations under the program for fisheries with individual quotas or fishing cooperatives shall be regulated by the Secretary in a manner no more restrictive than for other participants in the applicable sector, including with respect to the harvest of nontarget species.*

*“(C) ALLOCATIONS TO ENTITIES.—Each entity eligible to participate in the program shall be authorized under the program to harvest annually the same percentage of each species allocated to the program under subparagraph (B) that it was authorized by the Secretary to harvest of such species annually as of March 1, 2006, except to the extent that its allocation is adjusted under subparagraph (H). Such allocation shall include all processing rights and any other rights and privileges associated with such allocations as of March 1, 2006.*

*“(D) ELIGIBLE VILLAGES.—The following villages shall be eligible to participate in the program through the following entities:*

*“(i) The villages of Akutan, Atka, False Pass, Nelson Lagoon, Nikolski, and Saint George through the Aleutian Pribilof Island Community Development Association.*

*“(ii) The villages of Aleknagik, Clark’s Point, Dillingham, Egegik, Ekuk, Ekwok, King Salmon/Savonoski, Levelock, Manokotak, Naknek, Pilot Point, Port Heiden, Portage Creek, South Naknek, Togiak, Twin Hills, and Ugashik through the Bristol Bay Economic Development Corporation.*

*“(iii) The village of Saint Paul through the Central Bering Sea Fishermen’s Association.*

*“(iv) The villages of Chefnak, Chevak, Eek, Goodnews Bay, Hooper Bay, Kipnuk, Kongiganak, Kwigillingok, Mekoryuk, Napakiak, Napaskiak, Newtok, Nightmute, Oscarville, Platinum, Quinhagak, Scammon Bay, Toksook Bay, Tuntutuliak, and Tununak through the Coastal Villages Region Fund.*

*“(v) The villages of Brevig Mission, Diomedea, Elim, Gambell, Golovin, Koyuk, Nome, Saint Michael, Savoonga, Shaktoolik, Stebbins, Teller, Unalakleet, Wales, and White Mountain through the Norton Sound Economic Development Corporation.*

*“(vi) The villages of Alakanuk, Emmonak, Grayling, Kotlik, Mountain Village, and Nunam Iqua through the Yukon Delta Fisheries Development Association.*

*“(E) ELIGIBILITY REQUIREMENTS FOR PARTICIPATING ENTITIES.—To be eligible to participate in the program, an entity referred to in subparagraph (D) shall meet the following requirements:*

*“(i) BOARD OF DIRECTORS.—The entity shall be governed by a board of directors. At least 75 percent of the members of the board shall be resident fishermen from the entity’s member villages. The board shall include at least one director selected by each such member village.*

*“(ii) PANEL REPRESENTATIVE.—The entity shall elect a representative to serve on the panel established by subparagraph (G).*

*“(iii) OTHER INVESTMENTS.—The entity may make up to 20 percent of its annual investments in any combination of the following:*

*“(I) For projects that are not fishery-related and that are located in its region.*

*“(II) On a pooled or joint investment basis with one or more other entities participating in the program for projects that are not fishery-related and that are located in one or more of their regions.*

*“(III) For matching Federal or State grants for projects or programs in its member villages without regard to any limitation on the Federal or*

*State share, or restriction on the source of any non-Federal or non-State matching funds, of any grant program under any other provision of law.*

*“(iv) FISHERY-RELATED INVESTMENTS.—The entity shall make the remainder percent of its annual investments in fisheries-related projects or for other purposes consistent with the practices of the entity prior to March 1, 2006.*

*“(v) ANNUAL STATEMENT OF COMPLIANCE.—Each year the entity, following approval by its board of directors and signed by its chief executive officer, shall submit a written statement to the Secretary and the State of Alaska that summarizes the purposes for which it made investments under clauses (iii) and (iv) during the preceding year.*

*“(vi) OTHER PANEL REQUIREMENTS.—The entity shall comply with any other requirements established by the panel under subparagraph (G).*

*“(F) ENTITY STATUS, LIMITATIONS, AND REGULATION.—*

*The entity—*

*“(i) shall be subject to any excessive share ownership, harvesting, or processing limitations in the fisheries of the Bering Sea and Aleutian Islands Management Area only to the extent of the entity’s proportional ownership, excluding any program allocations, and notwithstanding any other provision of law;*

*“(ii) shall comply with State of Alaska law requiring annual reports to the entity’s member villages summarizing financial operations for the previous calendar year, including general and administrative costs and compensation levels of the top 5 highest paid personnel;*

*“(iii) shall comply with State of Alaska laws to prevent fraud that are administered by the Alaska Division of Banking and Securities, except that the entity and the State shall keep confidential from public disclosure any information if the disclosure would be harmful to the entity or its investments; and*

*“(iv) is exempt from compliance with any State law requiring approval of financial transactions, community development plans, or amendments thereto, except as required by subparagraph (H).*

*“(G) ADMINISTRATIVE PANEL.—*

*“(i) ESTABLISHMENT.—There is established a community development quota program panel.*

*“(ii) MEMBERSHIP.—The panel shall consist of 6 members. Each entity participating in the program shall select one member of the panel.*

*“(iii) FUNCTIONS.—The panel shall—*

*“(I) administer those aspects of the program not otherwise addressed in this paragraph, either through private contractual arrangement or through recommendations to the North Pacific Council, the Secretary, or the State of Alaska, as the case may be; and*

*“(II) coordinate and facilitate activities of the entities under the program.*

*“(iv) UNANIMITY REQUIRED.—The panel may act only by unanimous vote of all 6 members of the panel and may not act if there is a vacancy in the membership of the panel.*

*“(H) DECENNIAL REVIEW AND ADJUSTMENT OF ENTITY ALLOCATIONS.—*

*“(i) IN GENERAL.—During calendar year 2012 and every 10 years thereafter, the State of Alaska shall evaluate the performance of each entity participating in the program based on the criteria described in clause (ii).*

*“(ii) CRITERIA.—The panel shall establish a system to be applied under this subparagraph that allows each entity participating in the program to assign relative values to the following criteria to reflect the particular needs of its villages:*

*“(I) Changes during the preceding 10-year period in population, poverty level, and economic development in the entity’s member villages.*

*“(II) The overall financial performance of the entity, including fishery and nonfishery investments by the entity.*

*“(III) Employment, scholarships, and training supported by the entity.*

*“(IV) Achieving of the goals of the entity’s community development plan.*

*“(iii) ADJUSTMENT OF ALLOCATIONS.—After the evaluation required by clause (i), the State of Alaska shall make a determination, on the record and after an opportunity for a hearing, with respect to the performance of each entity participating in the program for the criteria described in clause (ii). If the State determines that the entity has maintained or improved its overall performance with respect to the criteria, the allocation to such entity under the program shall be extended by the State for the next 10-year period. If the State determines that the entity has not maintained or improved its overall performance with respect to the criteria—*

*“(I) at least 90 percent of the entity’s allocation for each species under subparagraph (C) shall be extended by the State for the next 10-year period; and*

*“(II) the State may determine, or the Secretary may determine (if State law prevents the State from making the determination), and implement an appropriate reduction of up to 10 percent of the entity’s allocation for each species under subparagraph (C) for all or part of such 10-year period.*

*“(iv) REALLOCATION OF REDUCED AMOUNT.—If the State or the Secretary reduces an entity’s allocation under clause (iii), the reduction shall be reallocated among other entities participating in the program whose allocations are not reduced during the same pe-*

riod in proportion to each such entity's allocation of the applicable species under subparagraph (C).

“(I) SECRETARIAL APPROVAL NOT REQUIRED.—Notwithstanding any other provision of law or regulation thereunder, the approval by the Secretary of a community development plan, or an amendment thereof, under the program is not required.

“(J) COMMUNITY DEVELOPMENT PLAN DEFINED.—In this paragraph, the term ‘community development plan’ means a plan, prepared by an entity referred to in subparagraph (D), for the program that describes how the entity intends—

“(i) to harvest its share of fishery resources allocated to the program, or

“(ii) to use its share of fishery resources allocated to the program, and any revenue derived from such use, to assist its member villages with projects to advance economic development,

but does not include a plan that allocates fishery resources to the program.”.

(b) NO INTERRUPTION OF EXISTING ALLOCATIONS.—The amendment made by subsection (a) shall not be construed or implemented in a way that causes any interruption in the allocations of fishery resources to the western Alaska community development quota program or in the opportunity of an entity participating in that program to harvest its share of such allocations.

(c) LOAN SUBSIDIES.—The last proviso under the heading “NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH, AND FACILITIES” in the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2311–2312) is amended—

(1) by striking “for the cost of loans” and inserting “to subsidize gross obligations for the principal amount of direct loans, not to exceed a total of \$200,000,000,”; and

(2) by striking “use” and inserting “the purchase of all or part of ownership interests in fishing or processing vessels, shoreside fish processing facilities, permits, quota, and cooperative rights”.

**SEC. 417. QUOTA SHARE ALLOCATION.**

(a) IN GENERAL.—The Secretary of Commerce shall modify the Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands being implemented under section 313(j) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1862(j)) to require that Blue Dutch, LLC, receives processor quota shares units equal to 0.75 percent of the total number of processor quota share units for each of the following fisheries: the Bristol Bay red king crab fishery and the Bering Sea *C. opilio* crab fishery.

(b) APPLICABILITY.—The modification made under subsection (a) shall apply with respect to each fishery referred to in subsection (a) whenever the total allowable catch for that fishery is more than 2 percent higher than the most recent total allowable catch in effect for that fishery prior to September 15, 2005.

(c) SAVINGS PROVISION.—Nothing in this section affects the authority of the North Pacific Fishery Management Council to submit, and the Secretary of Commerce to implement, changes to or repeal

of conservation and management measures under section 313(j)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1862(j)(3)).

(d) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Commerce shall issue regulations to implement this section.

**SEC. 418. MAINE FISH TENDER VESSELS.**

The prohibition under section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) against transportation of fish or shellfish between places in the State of Maine by a vessel constructed in Canada shall not apply to a vessel of less than 5 net tons if—

(1) the vessel was engaged in the transportation of fish or shellfish between places in the State of Maine before January 1, 2005;

(2) before January 1, 2005, the owner of the vessel transported fish or shellfish pursuant to a valid wholesale seafood license issued under section 6851 of title 12 of the Maine Revised Statutes;

(3) the vessel is owned by a person that meets the citizenship requirements of section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802); and

(4) not later than 180 days after the date of enactment of this Act, the owner of the vessel submits to the Secretary of the department in which the Coast Guard is operating an affidavit certifying that the vessel and owner meet the requirements of this section.

**SEC. 419. AUTOMATIC IDENTIFICATION SYSTEM.**

(a) PREVENTION OF HARMFUL INTERFERENCE.—Not later than 60 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may transfer \$1,000,000 to the National Telecommunications and Information Administration of the Department of Commerce for the purposes of awarding, not later than 120 days after such date of enactment, a competitive grant to design and develop a prototype device that integrates a Class B Automatic Identification System transponder (International Electrotechnical Commission standard 62287) with a wireless maritime data device approved by the Federal Communications Commission with channel throughput greater than 19.2 kilobits per second to enable such wireless maritime data device to provide wireless maritime data services, concurrent with the operation of the transponder, on frequency channels adjacent to the frequency channels on which the transponder operates, while minimizing or eliminating the harmful interference between the transponder and such wireless maritime data device. The design of the device developed under this subsection shall be available for public use.

(b) IMPLEMENTATION OF AIS.—It is the sense of the Senate, not later than 60 days after the date of enactment of this Act, that the Federal Communications Commission should resolve the disposition of its rulemaking on the Automatic Information System and licensee use of frequency bands 157.1875–157.4375 MHz and 161.7875–162.0375 MHz (RM–10821, WT Docket Number 04–344). The implementation of this section shall not delay the implementation of an



*Automatic Identification System as required by section 70114 of title 46, United States Code, and international convention.*

**SEC. 420. VOYAGE DATA RECORDER STUDY AND REPORT.**

(a) *STUDY.*—*The Secretary of the department in which the Coast Guard is operating shall study—*

(1) *the carriage of a voyage data recorder by a passenger vessel described in section 2101(22)(D) of title 46, United States Code, carrying more than 399 passengers; and*

(2) *standards for voyage data recorders, methods for approval of models of voyage data recorders, and procedures for annual performance testing of voyage data recorders.*

(b) *CONSULTATION.*—*In conducting the study, the Secretary shall consult, at a minimum, with manufacturers of voyage data recorders and operators of potentially affected passenger vessels.*

(c) *REPORT.*—*Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the study's findings, including a proposal for legislation if such a proposal is considered appropriate by the Secretary.*

**SEC. 421. DISTANT WATER TUNA FLEET.**

(a) *MANNING REQUIREMENTS.*—*Notwithstanding section 8103(a) of title 46, United States Code, United States purse seine fishing vessels fishing exclusively for highly migratory species in the treaty area under a fishing license issued pursuant to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America, or transiting to or from the treaty area exclusively for such purpose, may engage foreign citizens to meet the manning requirement (except for the master) in the 48-month period beginning on the date of enactment of this Act if, after timely notice of a vacancy to meet the manning requirement, no United States citizen personnel are readily available to fill such vacancy.*

(b) *LICENSING RESTRICTIONS.*—

(1) *IN GENERAL.*—*Subsection (a)(1) only applies to a foreign citizen that holds a valid license or certificate issued—*

(A) *in accordance with the standards established by the 1995 amendments to the Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 95); and*

(B) *by an authority that the Secretary of the department in which the Coast Guard is operating recognizes as imposing competency and training standards equivalent to or exceeding those required for a United States license issued under chapter 71 of title 46, United States Code.*

(2) *TREATMENT OF EQUIVALENT LICENSE.*—*An equivalent license or certificate as recognized by the Secretary under paragraph (1) shall be considered as meeting the requirements of section 8304 of title 46, United States Code, but only while a person holding the license or certificate is in the service of a vessel to which this section applies.*

(c) *LIMITATION.*—*Subsection (a) applies only to vessels operating in and out of American Samoa.*

(d) *EXPIRATION.*—This section expires 48 months after the date of enactment of this Act.

(e) *REPORTS.*—On March 1, 2007, and annually thereafter until the date of expiration of this section, the Coast Guard and the National Marine Fisheries Service shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Resources of the House of Representatives, providing the following information on the United States purse seine fleet referred to in subsection (a):

(1) The number and identity of vessels in the fleet using foreign citizens to meet manning requirements pursuant to this section and any marine casualties involving such vessel.

(2) The number of vessels in the fishery under United States flag as of January 1 of the year in which the report is submitted, the percentage ownership or control of such vessels by non-United States citizens, and the nationality of such ownership or control.

(3) Description of any transfers or sales of United States flag vessels in the previous calendar year, and the disposition of such vessel, including whether the vessel was scrapped or sold, and, if sold, the nationality of the new owner and location of any fishery to which the vessel will be transferred.

(4) Landings of tuna by vessels under flag in the 2 previous calendar years, including an assessment of landing trends, and a description of landing percentages and totals—

(A) delivered to American Samoa and any other port in a State or territory of the United States; and

(B) delivered to ports outside of a State or territory of the United States, including the identity of the port.

(5) An evaluation of capacity and trends in the purse seine fleet fishing in the area covered by the South Pacific Regional Fisheries Treaty, and any transfer of capacity from such fleet or area to other fisheries, including those governed under the Western and Central Pacific Fisheries Convention and the Inter-American Tropical Tuna Convention.

## **TITLE V—LIGHTHOUSES**

### **SEC. 501. TRANSFER.**

(a) *JURISDICTIONAL TRANSFERS.*—Administrative jurisdiction over the National Forest System lands in the State of Alaska described in subsection (b) and improvements situated on such lands is transferred without consideration from the Secretary of Agriculture to the Secretary of the department in which the Coast Guard is operating.

(b) *AREAS REFERRED TO.*—The areas of lands referred to in subsection (a) are the following:

(1) *GUARD ISLAND LIGHT STATION.*—The area described in the Guard Island Lighthouse reserve dated January 4, 1901, comprising approximately 8.0 acres of National Forest uplands.

(2) *ELDRED ROCK LIGHT STATION.*—The area described in the December 30, 1975, listing of the Eldred Rock Light Station on the National Register of Historic Places, comprising approximately 2.4 acres.

(3) *MARY ISLAND LIGHT STATION.*—The area described as the remaining National Forest System uplands in the Mary Island Lighthouse Reserve dated January 4, 1901, as amended by Public Land Order 6964, dated April 5, 1993, comprising approximately 1.07 acres.

(4) *CAPE HINCHINBROOK LIGHT STATION.*—The area described in the survey dated November 1, 1957, prepared for the Coast Guard for the Cape Hinchinbrook Light Station comprising approximately 57.4 acres.

(c) *MAPS.*—The Commandant of the Coast Guard, in consultation with the Secretary of Agriculture, shall prepare and maintain maps of the lands transferred by subsection (a), and such maps shall be on file and available for public inspection in the Coast Guard District 17 office in Juneau, Alaska.

(d) *EFFECT OF TRANSFER.*—The lands transferred to the Secretary of the department in which the Coast Guard is operating by subsection (a)—

(1) shall be administered by the Commandant of the Coast Guard;

(2) shall be considered to be transferred from, and no longer part of, the National Forest System; and

(3) shall be considered not suitable for return to the public domain for disposition under the general public land laws.

(e) *TRANSFER OF LAND.*—

(1) *REQUIREMENT.*—Subject to paragraph (2), the Administrator of General Services, upon request by the Secretary of Agriculture, shall transfer without consideration to the Secretary of Agriculture any land identified in subsection (b), together with the improvements thereon, for administration under the laws pertaining to the National Forest System if—

(A) the Secretary of the Interior cannot identify and select an eligible entity for such land and improvements in accordance with section 308(b)(2) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)(2)) not later than 3 years after the date the Secretary of the department in which the Coast Guard is operating determines that the land is excess property, as that term is defined in section 102(3) of title 40, United States Code; or

(B) the land reverts to the United States pursuant to section 308(c)(3) of the National Historic Preservation Act (16 U.S.C. 470w-7(c)(3)).

(2) *RESERVATIONS FOR AIDS TO NAVIGATION.*—Any action taken under this subsection by the Administrator of General Services shall be subject to any rights that may be reserved by the Commandant of the Coast Guard for the operation and maintenance of Federal aids to navigation.

(f) *NOTIFICATION; DISPOSAL OF LANDS BY THE ADMINISTRATOR.*—The Administrator of General Services shall promptly notify the Secretary of Agriculture upon the occurrence of any of the events described in subparagraphs (A) and (B) of subsection (e)(1). If the Secretary of Agriculture does not request a transfer as provided for in subsection (e) not later than 90 days after the date of receiving such notification from the Administrator, the Administrator may dispose of the property in accordance with section 309

of the National Historic Preservation Act (16 U.S.C. 470w-8) or other applicable surplus real property disposal authority.

(g) **PRIORITY.**—In selecting an eligible entity to which to convey under section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)) land referred to in subsection (b), the Secretary of the Interior shall give priority to an eligible entity (as defined in section 308(e) of that Act) that is the local government of the community in which the land is located.

**SEC. 502. MISTY FIORDS NATIONAL MONUMENT AND WILDERNESS.**

(a) **REQUIREMENT TO TRANSFER.**—Notwithstanding section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)), if the Secretary of the department in which the Coast Guard is operating determines that the Tree Point Light Station is no longer needed for the purposes of the Coast Guard, the Secretary shall transfer without consideration to the Secretary of Agriculture all administrative jurisdiction over the Tree Point Light Station.

(b) **EFFECTUATION OF TRANSFER.**—The transfer pursuant to this section shall be effectuated by a letter from the Secretary of the department in which the Coast Guard is operating to the Secretary of Agriculture and, except as provided in subsection (g), without any further requirements for administrative or environmental analyses or examination. The transfer shall not be considered a conveyance to an eligible entity pursuant to section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)).

(c) **RESERVATION FOR AIDS TO NAVIGATION.**—As part of the transfer pursuant to this section, the Commandant of the Coast Guard may reserve rights to operate and maintain Federal aids to navigation at the site of the light station.

(d) **EASEMENTS AND SPECIAL USE AUTHORIZATIONS.**—Notwithstanding any other provision of law, including the Wilderness Act (16 U.S.C. 1131 et seq.) and section 703 of the Alaska National Interests Lands Conservation Act (16 U.S.C. 1132 note; 94 Stat. 2418), with respect to the light station transferred pursuant to this section, the Secretary of Agriculture—

(1) may identify an entity to be granted an easement or other special use authorization and, in identifying the entity, may consult with the Secretary of the Interior concerning the application of policies for eligible entities developed pursuant to subsection 308(b)(1) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)(1)); and

(2) may grant an easement or other special use authorization to the entity, for no consideration, to approximately 31 acres as described in the map entitled “Tree Point Light Station”, dated September 24, 2004, on terms and conditions that provide for—

(A) maintenance and preservation of the structures and improvements;

(B) the protection of wilderness and national monument resources;

(C) public safety; and

(D) such other terms and conditions considered appropriate by the Secretary of Agriculture.

(e) **ACTIONS FOLLOWING TERMINATION OR REVOCATION.**—The Secretary of Agriculture may take such actions as are authorized

under section 110(b) of the National Historic Preservation Act (16 U.S.C. 470h-2(b)) with respect to Tree Point Light Station if—

(1) no entity is identified under subsection (d) within 3 years after the date on which administrative jurisdiction is transferred to the Secretary of Agriculture pursuant to this section; or

(2) any easement or other special use authorization granted under subsection (d) is terminated or revoked.

(f) **REVOCATION OF WITHDRAWALS AND RESERVATIONS.**—Effective on the date of transfer of administrative jurisdiction pursuant to this section, the following public land withdrawals or reservations for light station and lighthouse purposes on lands in Alaska are revoked as to the lands transferred:

(1) The unnumbered Executive Order dated January 4, 1901, as it affects the Tree Point Light Station site only.

(2) Executive Order No. 4410 dated April 1, 1926, as it affects the Tree Point Light Station site only.

(g) **REMEDIATION RESPONSIBILITIES NOT AFFECTED.**—Nothing in this section shall affect any responsibilities of the Commandant of the Coast Guard for the remediation of hazardous substances and petroleum contamination at the Tree Point Light Station consistent with existing law and regulations. The Commandant and the Secretary shall execute an agreement to provide for the remediation of the land and structures at the Tree Point Light Station.

**SEC. 503. MISCELLANEOUS LIGHT STATIONS.**

(a) **CAPE ST. ELIAS LIGHT STATION.**—For purposes of section 416(a)(2) of the Coast Guard Authorization Act of 1998 (112 Stat. 3435), the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled “Cape St. Elias Light Station”, dated September 14, 2004. The Secretary of the department in which the Coast Guard is operating shall keep such map on file and available for public inspection.

(b) **POINT WILSON LIGHTHOUSE.**—Section 325(c)(3) of the Coast Guard Authorization Act of 1993 (107 Stat. 2432) is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

“(C) all housing units and related structures associated with the lighthouse; and”.

**SEC. 504. INCLUSION OF LIGHTHOUSE IN ST. MARKS NATIONAL WILDLIFE REFUGE, FLORIDA.**

(a) **REVOCATION OF EXECUTIVE ORDER DATED NOVEMBER 12, 1838.**—Any reservation of public land described in subsection (b) for lighthouse purposes by the Executive Order dated November 12, 1838, as amended by Public Land Order 5655, dated January 9, 1979, is revoked.

(b) **DESCRIPTION OF LAND.**—The public land referred to in subsection (a) consists of approximately 8.0 acres within the external boundaries of St. Marks National Wildlife Refuge in Wakulla County, Florida, that is east of the Tallahassee Meridian, Florida, in Township 5 South, Range 1 East, Section 1 (fractional) and con-

taining all that remaining portion of the unsurveyed fractional section, more particularly described as follows: A parcel of land, including submerged areas, beginning at a point which marks the center of the light structure, thence due North (magnetic) a distance of 350 feet to the point of beginning a strip of land 500 feet in width, the axial centerline of which runs from the point of beginning due South (magnetic) a distance of 700 feet, more or less, to the shoreline of Apalachee Bay, comprising 8.0 acres, more or less, as shown on the plat dated January 2, 1902, by Office of L. H. Engineers, 7th and 8th District, Mobile, Alabama.

(c) **TRANSFER OF ADMINISTRATIVE JURISDICTION.**—

(1) **IN GENERAL.**—Subject to subsection (f) and paragraph (2), administrative jurisdiction over the public land described in subsection (b), and over all improvements located thereon, is transferred without reimbursement from the department in which the Coast Guard is operating to the Secretary of the Interior.

(2) **RESPONSE AND RESTORATION.**—The transfer under paragraph (1) may not be made to the Secretary of the Interior until the Coast Guard has completed any response and restoration action necessary under subsection (d)(1).

(d) **RESPONSIBILITY FOR ENVIRONMENTAL RESPONSE ACTIONS.**—The Coast Guard shall have sole responsibility in the Federal Government to fund and conduct any response or restoration action required under any applicable Federal or State law or implementing regulation to address—

(1) a release or threatened release on or originating from public land described in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative that is located on such land on the date of enactment of this Act; or

(2) any other release or threatened release on or originating from public land described in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative, that results from any Coast Guard activity occurring after the date of enactment of this Act.

(e) **INCLUSION IN REFUGE.**—

(1) **INCLUSION.**—The public land described in subsection (b) shall be part of St. Marks National Wildlife Refuge.

(2) **ADMINISTRATION.**—Subject to this subsection, the Secretary of the Interior shall administer the public land described in subsection (b)—

(A) through the Director of the United States Fish and Wildlife Service; and

(B) in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and such other laws as apply to Federal real property under the sole jurisdiction of the United States Fish and Wildlife Service.

(f) **MAINTENANCE OF NAVIGATION FUNCTIONS.**—The transfer by subsection (c), and the administration of the public land described in subsection (b), shall be subject to such conditions and restrictions as the Secretary of the department in which the Coast Guard is operating considers necessary to ensure that—

(1) the Federal aids to navigation located at St. Marks National Wildlife Refuge continue to be operated and maintained by the Coast Guard for as long as they are needed for navigational purposes;

(2) the Coast Guard may remove, replace, or install any Federal aid to navigation at the St. Marks National Wildlife Refuge as may be necessary for navigational purposes;

(3) the United States Fish and Wildlife Service will not interfere or allow interference in any manner with any Federal aid to navigation, and will not hinder activities required for the operation and maintenance of any Federal aid to navigation, without express written approval by the Secretary of the department in which the Coast Guard is operating; and

(4) the Coast Guard may enter, at any time, the St. Marks National Wildlife Refuge, without notice, for purposes of operating, maintaining, and inspecting any Federal aid to navigation and ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

#### **TITLE VI—DELAWARE RIVER PROTECTION AND MISCELLANEOUS OIL PROVISIONS**

##### **SEC. 601. SHORT TITLE.**

This title may be cited as the “Delaware River Protection Act of 2006”.

##### **SEC. 602. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.**

The Ports and Waterways Safety Act (33 U.S.C. 1221 *et seq.*) is amended by adding at the end the following:

##### **“SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.**

“(a) **REQUIREMENT.**—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

“(b) **RESTRICTION ON USE OF NOTIFICATION.**—Any notification provided by an individual in accordance with subsection (a) may not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.”.

##### **SEC. 603. LIMITS ON LIABILITY.**

(a) **ADJUSTMENT OF LIABILITY LIMITS.**—

(1) **TANK VESSELS.**—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended by striking subparagraphs (A) and (B) and inserting the following:

“(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only, \$3,000 per gross ton;

“(B) with respect to a vessel other than a vessel referred to in subparagraph (A), \$1,900 per gross ton; or

“(C)(i) with respect to a vessel greater than 3,000 gross tons that is—

“(I) a vessel described in subparagraph (A), \$22,000,000; or

“(II) a vessel described in subparagraph (B), \$16,000,000; or

“(ii) with respect to a vessel of 3,000 gross tons or less that is—

“(I) a vessel described in subparagraph (A), \$6,000,000; or

“(II) a vessel described in subparagraph (B), \$4,000,000;”.

(2) *OTHER VESSELS.*—Section 1004(a)(2) of such Act (33 U.S.C. 2794(a)(2)) is amended—

(A) by striking “\$600 per gross ton” and inserting “\$950 per gross ton”; and

(B) by striking “\$500,000” and inserting “\$800,000”.

(3) *LIMITATION ON APPLICATION.*—In the case of an incident occurring before the 90th day following the date of enactment of this Act, section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall apply as in effect immediately before the effective date of this subsection.

(b) *ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.*—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to read as follows:

“(4) *ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.*—The President, by regulations issued not later than 3 years after the date of enactment of the Delaware River Protection Act of 2006 and not less than every 3 years thereafter, shall adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index.”

(c) *REPORT.*—

(1) *INITIAL REPORT.*—Not later than 45 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report on liability limits described in paragraph (2) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) *CONTENTS.*—The report shall include, at a minimum, the following:

(A) An analysis of the extent to which oil discharges from vessels and nonvessel sources have or are likely to result in removal costs and damages (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) for which no defense to liability exists under section 1003 of such Act and that exceed the liability limits established in section 1004 of such Act, as amended by this section.

(B) An analysis of the impacts that claims against the Oil Spill Liability Trust Fund for amounts exceeding such liability limits will have on the Fund.

(C) Based on analyses under this paragraph and taking into account other factors impacting the Fund, recommendations on whether the liability limits need to be adjusted in order to prevent the principal of the Fund from



*declining to levels that are likely to be insufficient to cover expected claims.*

(3) *ANNUAL UPDATES.*—*The Secretary shall provide an update of the report to the Committees referred to in paragraph (1) on an annual basis.*

**SEC. 604. REQUIREMENT TO UPDATE PHILADELPHIA AREA CONTINGENCY PLAN.**

*Not later than one year after the date of enactment of this Act and not less than annually thereafter, the Philadelphia Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) shall review and revise the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal and State surveys.*

**SEC. 605. SUBMERGED OIL REMOVAL.**

(a) *AMENDMENTS.*—*Title VII of the Oil Pollution Act of 1990 is amended—*

*(1) in section 7001(c)(4)(B) (33 U.S.C. 2761(c)(4)(B)) by striking “RIVERA,” and inserting “RIVERA and the T/V ATHOS I,”; and*

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

**“SEC. 7002. SUBMERGED OIL PROGRAM.**

**“(a) PROGRAM.—**

**“(1) ESTABLISHMENT.—***The Under Secretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant of the Coast Guard, shall establish a program to detect, monitor, and evaluate the environmental effects of submerged oil in the Delaware River and Bay region. The program shall include the following elements:*

*“(A) The development of methods to remove, disperse, or otherwise diminish the persistence of submerged oil.*

*“(B) The development of improved models and capacities for predicting the environmental fate, transport, and effects of submerged oil.*

*“(C) The development of techniques to detect and monitor submerged oil.*

**“(2) REPORT.—***Not later than 3 years after the date of enactment of the Delaware River Protection Act of 2006, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the activities carried out under this subsection and activities proposed to be carried out under this subsection.*

**“(b) DEMONSTRATION PROJECT.—**

**“(1) REMOVAL OF SUBMERGED OIL.—***The Commandant of the Coast Guard, in conjunction with the Under Secretary of Commerce for Oceans and Atmosphere, shall conduct a demonstration project for the purpose of developing and demonstrating technologies and management practices to remove submerged oil from the Delaware River and other navigable waters.*

“(2) *FUNDING.*—There is authorized to be appropriated to the Commandant of the Coast Guard \$2,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.”.

(b) *CLERICAL AMENDMENT.*—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 7001 the following:

“Sec. 7002. Submerged oil program.”.

**SEC. 606. ASSESSMENT OF OIL SPILL COSTS.**

(a) *ASSESSMENT.*—The Comptroller General shall conduct an assessment of the cost of response activities and claims related to oil spills from vessels that have occurred since January 1, 1990, for which the total costs and claims paid was at least \$1,000,000 per spill.

(b) *REPORT.*—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the assessment conducted under subsection (a). The report shall summarize the following:

(1) The costs and claims described in subsection (a) for each year covered by the report.

(2) The source, if known, of each spill described in subsection (a) for each such year.

**SEC. 607. DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.**

(a) *ESTABLISHMENT.*—There is established the Delaware River and Bay Oil Spill Advisory Committee (in this section referred to as the “Committee”).

(b) *MEMBERSHIP.*—

(1) *IN GENERAL.*—The Committee shall consist of 27 members who are appointed by the Commandant of the Coast Guard and who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the Delaware River and Delaware Bay, as follows:

(A) Three members who are employed by port authorities that oversee operations on the Delaware River or have been selected to represent these port authorities, of whom—

(i) one member shall be an employee or representative of the Port of Wilmington;

(ii) one member shall be an employee or representative of the South Jersey Port Corporation; and

(iii) one member shall be an employee or representative of the Philadelphia Regional Port Authority.

(B) Two members who represent organizations that operate tugs or barges that utilize the port facilities on the Delaware River and Delaware Bay.

(C) Two members who represent shipping companies that transport cargo by vessel from ports on the Delaware River and Delaware Bay, of whom at least one may not be a representative of a shipping company that transports oil or petroleum products.

(D) Two members who represent operators of oil refineries adjacent to the Delaware River and Delaware Bay.

(E) *Two members who represent State-licensed pilots who work on the Delaware River and Delaware Bay.*

(F) *One member who represents labor organizations whose members load and unload cargo at ports on the Delaware River and Delaware Bay.*

(G) *One member who represents local commercial fishing interests or an aquaculture organization the members of which organization depend on fisheries and resources in the waters of Delaware River or Delaware Bay.*

(H) *Three members who represent environmental organizations active with respect to the Delaware River and Delaware Bay, including a watershed advocacy group and a wildlife conservation advocacy group.*

(I) *One member who represents an organization affiliated with recreational fishing interests in the vicinity of Delaware River and Delaware Bay.*

(J) *Two members who are scientists or researchers associated with an academic institution and who have professional credentials in fields of research relevant to oil spill safety, oil spill response, or wildlife and ecological recovery.*

(K) *Two members who are municipal or county officials from Delaware.*

(L) *Two members who are municipal or county officials from New Jersey.*

(M) *Two members who are municipal or county officials from Pennsylvania.*

(N) *One member who represents an oil spill response organization located on the lower Delaware River and Delaware Bay.*

(O) *One member who represents the general public.*

(2) *EX OFFICIO MEMBERS.—The Committee may also consist of an appropriate number (as determined by the Commandant of the Coast Guard) of nonvoting members who represent Federal agencies and agencies of the States of New Jersey, Pennsylvania, and Delaware with an interest in oil spill prevention in the Delaware River and Delaware Bay.*

(c) *RESPONSIBILITIES.—*

(1) *IN GENERAL.—The Committee shall provide advice and recommendations on measures to improve the prevention of and response to future oil spills in the Delaware River and Delaware Bay to the Commandant, the Governors of the States of New Jersey, Pennsylvania, and Delaware, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.*

(2) *REPORT.—Not later than 18 months after the date that the Commandant completes appointment of the members of the Committee, the Committee shall provide a report to the entities referred to in paragraph (1) with the recommendations of the Committee, including a ranking of priorities, for measures to improve prevention and response to oil spills described in paragraph (1).*

(d) *MEETINGS.—The Committee—*

(1) shall hold its first meeting not later than 60 days after the date on which the Commandant completes the appointment of members of the Committee; and

(2) shall meet thereafter at the call of the Chairman.

(e) **APPOINTMENT OF MEMBERS.**—The Commandant shall appoint the members of the Committee after soliciting nominations by notice published in the Federal Register.

(f) **CHAIRMAN AND VICE CHAIRMAN.**—The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence of or incapacity of the Chairman or in the event of vacancy in the office of the Chairman.

(g) **PAY AND EXPENSES.**—

(1) **PROHIBITION ON PAY.**—Members of the Committee who are not officers or employees of the United States shall serve without pay. Members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee.

(2) **EXPENSES.**—While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(h) **FUNDING.**—There is authorized to be appropriated \$1,000,000 for each of fiscal years 2006 through 2007 to carry out this section.

(i) **TERMINATION.**—The Committee shall terminate 18 months after the date on which the Commandant completes the appointment of members of the Committee.

**SEC. 608. NONTANK VESSELS.**

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

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

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

“(B) is not a tank vessel;

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

“(D) operates on the navigable waters of the United States, as defined in section 2101(17a) of that title.”.

**TITLE VII—HURRICANE RESPONSE**

**SEC. 701. HOMEOWNERS ASSISTANCE FOR COAST GUARD PERSONNEL AFFECTED BY HURRICANES KATRINA OR RITA.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may reimburse a person who is eligible for reimbursement under this section, for losses of qualified property owned by such person that result from damage caused by Hurricane Katrina or Hurricane Rita.

(b) *ELIGIBLE PERSONS.*—A person is eligible for reimbursement under this section if the person is a civilian employee of the Federal Government or member of the uniformed services who—

(1) was assigned to, or employed at or in connection with, a Coast Guard facility located in the State of Louisiana, Mississippi, Alabama, or Texas on or before August 28, 2005;

(2) incident to such assignment or employment, owned and occupied property that is qualified property under subsection (e); and

(3) as a result of the effects of Hurricane Katrina or Hurricane Rita, incurred damage to such qualified property such that—

(A) the qualified property is unsalable (as determined by the Secretary); and

(B) the proceeds, if any, of insurance for such damage are less than an amount equal to the greater of—

(i) the fair market value of the qualified property on August 28, 2005 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the qualified property on that date.

(c) *REIMBURSEMENT AMOUNT.*—The amount of the reimbursement that an eligible person may be paid under this section with respect to a qualified property shall be determined as follows:

(1) In the case of qualified property that is a dwelling (including a condominium unit but excluding a manufactured home), the amount shall be—

(A) the amount equal to the greater of—

(i) 85 percent of the fair market value of the dwelling on August 28, 2005 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the dwelling on that date; minus

(B) the proceeds, if any, of insurance referred to in subsection (b)(3)(B).

(2) In the case of qualified property that is a manufactured home, the amount shall be—

(A) if the owner also owns the real property underlying such home, the amount determined under paragraph (1); or

(B) if the owner leases such underlying property—

(i) the amount determined under paragraph (1); plus

(ii) the amount of rent payable under the lease of such property for the period beginning on August 28, 2005, and ending on the date of the reimbursement under this section.

(d) *TRANSFER AND DISPOSAL OF PROPERTY.*—

(1) *IN GENERAL.*—A person receiving reimbursement under this section shall transfer to the Administrator of General Services all right, title, and interest of the owner in and to the qualified property for which the owner receives such reimbursement. The Administrator shall hold, manage, and dispose of such right, title, and interest in the same manner that the Secretary of Defense holds, manages, and disposes of real property

under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

(2) **TREATMENT OF PROCEEDS.**—Any amounts received by the United States as proceeds of management or disposal of property by the Administrator of General Services under this subsection shall be deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities.

(e) **QUALIFIED PROPERTY.**—Property is qualified property for the purposes of this section if as of August 28, 2005, the property was a one- or two-family dwelling, manufactured home, or condominium unit in the State of Louisiana, Mississippi, Alabama, or Texas that was owned and occupied, as a principal residence, by a person who is eligible for reimbursement under this section.

(f) **SUBJECT TO APPROPRIATIONS.**—The authority to pay reimbursement under this section is subject to the availability of appropriations.

**SEC. 702. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.**

(a) **LICENSES AND CERTIFICATES OF REGISTRY.**—Notwithstanding section 7106 and 7107 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a license or certificate of registry issued for an individual under chapter 71 of that title for up to one year if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina;

(2) the individual is a resident of Alabama, Mississippi, or Louisiana; or

(3) the records of an individual were damaged or lost as a result of Hurricane Katrina.

(b) **MERCHANT MARINERS' DOCUMENTS.**—Notwithstanding section 7302(g) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a merchant mariners' document issued for an individual under chapter 73 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina;

(2) the individual is a resident of Alabama, Mississippi, or Louisiana; or

(3) the records of an individual were damaged or lost as a result of Hurricane Katrina.

(c) **MANNER OF EXTENSION.**—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

(d) **EXPIRATION OF AUTHORITY.**—The authorities provided under this section expire on April 1, 2007.

**SEC. 703. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF VESSEL CERTIFICATES OF INSPECTION.**

(a) **AUTHORITY TO EXTEND.**—Notwithstanding section 3307 and 3711(b) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend

*the duration or the validity of a certificate of inspection or a certificate of compliance issued under chapter 33 or 37, respectively, of that title for up to 6 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.*

*(b) EXPIRATION OF AUTHORITY.—The authority provided under this section expires on April 1, 2007.*

**SEC. 704. PRESERVATION OF LEAVE LOST DUE TO HURRICANE KATRINA OPERATIONS.**

*(a) PRESERVATION OF LEAVE.—Notwithstanding section 701(b) of title 10, United States Code, any member of the Coast Guard who served on active duty for a continuous period of 30 days, who was assigned to duty or otherwise detailed in support of units or operations in the Eighth Coast Guard District area of responsibility for activities to mitigate the consequences of, or assist in the recovery from, Hurricane Katrina during the period beginning on August 28, 2005, and ending on January 1, 2006, and who would have otherwise lost any accumulated leave in excess of 60 days as a consequence of such assignment, is authorized to retain an accumulated total of up to 120 days of leave.*

*(b) EXCESS LEAVE.—Leave in excess of 60 days accumulated under subsection (a) shall be lost unless used by the member before the commencement of the second fiscal year following the fiscal year in which the assignment commences, or in the case of a Reserve member, the year in which the period of active service is completed.*

**SEC. 705. REPORTS ON IMPACT TO COAST GUARD.**

*(a) REPORTS REQUIRED.—*

*(1) INTERIM REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an interim report on the impact of Hurricane Katrina and the response of the Coast Guard to such impact.*

*(2) FINAL REPORT.—Not later than 180 days after the date of the submittal of the report under paragraph (1), the Secretary shall submit to the committees referred to in paragraph (1) a final report on the impact of Hurricane Katrina and the response of the Coast Guard to such impact.*

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

*(1) A discussion and assessment of the impact of Hurricane Katrina on the facilities, aircraft, vessels, and other assets of the Coast Guard, including an assessment of such impact on pending or proposed replacements or upgrades of facilities, aircraft, vessels, or other assets of the Coast Guard.*

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

*(3) A statement of the number of emergency drills held by the Coast Guard during the 5-year period ending on the date of the report with respect to natural disasters and with respect to security incidents.*

*(4) A description and assessment of—*

(A) the lines of communication and reporting, during the response to Hurricane Katrina, within the Coast Guard and between the Coast Guard and other departments and agencies of the Federal Government and State and local governments; and

(B) the interoperability of such communications during the response to Hurricane Katrina.

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

**SEC. 706. REPORTS ON IMPACTS ON NAVIGABLE WATERWAYS.**

(a) **REPORTS REQUIRED.**—

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

(2) **FINAL REPORT.**—Not later than 180 days after the date of the submittal of the report required by paragraph (1), the Secretary, in consultation with the Secretary of Commerce, shall submit to the committees referred to in paragraph (1) a report on the impacts of Hurricane Katrina on navigable waterways with respect to missions within the jurisdiction of the Coast Guard and the response of the Coast Guard to such impacts.

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

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

(A) the navigable waterways of the United States;

(B) facilities located in or on such waterways;

(C) aids to navigation to maintain the safety of such waterways; and

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

(2) An estimate of the costs to the Coast Guard of restoring the resources described in paragraph (1) and an assessment of the vulnerability of such resources to natural disasters in the future.

(3) A discussion and assessment of the environmental impacts in areas within the Coast Guard's jurisdiction of Hurricane Katrina, with a particular emphasis on any releases of oil or hazardous chemicals into the navigable waterways of the United States.

(4) A discussion and assessment of the response of the Coast Guard to the impacts described in paragraph (3), including an assessment of environmental vulnerabilities in natural disasters in the future and an estimate of the costs of addressing such vulnerabilities.

(c) **NAVIGABLE WATERWAYS OF THE UNITED STATES.**—In this section, the term “navigable waterways of the United States” in-



cludes waters of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

### **TITLE VIII—OCEAN COMMISSION RECOMMENDATIONS**

#### **SEC. 801. IMPLEMENTATION OF INTERNATIONAL AGREEMENTS.**

*In consultation with appropriate Federal agencies, the Secretary of the department in which the Coast Guard is operating shall work with the responsible officials and agencies of other nations to accelerate efforts at the International Maritime Organization to enhance oversight and enforcement of security, environmental, and other agreements adopted within the International Maritime Organization by flag States on whom such agreements are binding, including implementation of—*

- (1) a code outlining flag State responsibilities and obligations;*
- (2) an audit regime for evaluating flag State performance;*
- (3) measures to ensure that responsible organizations, acting on behalf of flag States, meet established performance standards; and*
- (4) cooperative arrangements to improve enforcement on a bilateral, regional, or international basis.*

#### **SEC. 802. VOLUNTARY MEASURES FOR REDUCING POLLUTION FROM RECREATIONAL BOATS.**

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

#### **SEC. 803. INTEGRATION OF VESSEL MONITORING SYSTEM DATA.**

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

#### **SEC. 804. FOREIGN FISHING INCURSIONS.**

*(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on steps that the Coast Guard will take to significantly improve the Coast Guard's detection and interdiction of illegal incursions into the United States exclusive economic zone by foreign fishing vessels.*

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

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

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

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

## **TITLE IX—TECHNICAL CORRECTIONS**

### **SEC. 901. MISCELLANEOUS TECHNICAL CORRECTIONS.**

(a) **REQUIREMENTS FOR COOPERATIVE AGREEMENTS FOR VOLUNTARY SERVICES.**—Section 93(a)(19) of title 14, United States Code, is amended by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively.

(b) **CORRECTION OF AMENDMENT TO CHAPTER ANALYSIS.**—Effective August 9, 2004, section 212(b) of the Coast Guard and Maritime Transportation Act of 2004 (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, is amended by redesignating paragraph (y) as paragraph (24).

(d) **CORRECTION OF REFERENCE TO PORTS AND WATERWAYS SAFETY ACT.**—Effective August 9, 2004, section 302 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1041) is amended by striking “of 1972”.

(e) **TECHNICAL CORRECTION OF PENALTY.**—Section 4311(b) of title 46, United States Code, 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, 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.**—Effective August 9, 2004, section 418(a) of the Coast Guard and Maritime Transportation Act of 2004 (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.**—Effective August 9, 2004, section 609(I) of the Coast Guard and Maritime Transportation Act of 2004 (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, 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, 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) is

amended by striking “non-tank” each place it appears and inserting “nontank”.

(2) PUNCTUATION ERROR.—Effective August 9, 2004, section 701(b)(9) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1068) is amended by inserting closing 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)) 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 (118 Stat. 1078), relating to firearms, arrests, and seizure of property and to enforcement by State and local officers, 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 (118 Stat. 1078), relating to in rem liability for civil penalties and to certain costs and withholding of clearance, 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, 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) *CORRECTIONS TO SECTION 6101 OF TITLE 46, UNITED STATES CODE.*—Section 6101 of title 46, United States Code, is amended—

- (1) by redesignating subsection (h) as subsection (i); and
- (2) by redesignating the second subsection (g) as subsection (h).

(p) *DRUG INTERDICTION REPORT.*—

(1) *IN GENERAL.*—Section 103 of the Coast Guard Authorization Act of 1996 (14 U.S.C. 89 note; 110 Stat. 3905) is amended to read as follows:

**“SEC. 103. ANNUAL REPORT ON DRUG INTERDICTION.**

“Not later than 30 days after the end of each fiscal year, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on all expenditures related to drug interdiction activities of the Coast Guard on an annual basis.”

(2) *CLERICAL AMENDMENT.*—The table of contents in section 2 of such Act is amended by striking the item relating to section 103 and inserting the following:

“Sec. 103. Annual reports on drug interdiction.”

(q) *ACTS OF TERRORISM REPORT.*—Section 905 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (46 U.S.C. App. 1802; 100 Stat. 890) is amended by striking “Not later than February 28, 1987, and annually thereafter, the Secretary of Transportation shall report” and inserting “The Secretary of the department in which the Coast Guard is operating shall report annually”.

(r) *CORRECTIONS TO DINGELL-JOHNSON SPORT FISH RESTORATION ACT.*—

(1) *SECTION 4.*—Section 4(c) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended by striking “, for each of fiscal years 2006 through 2009.”

(2) *SECTION 14.*—Section 14(a)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777m(a)(1)) is amended by striking “For each of the fiscal years 2006 through 2009, not more than” and inserting “Not more than”.

**SEC. 902. CORRECTION OF REFERENCES TO SECRETARY OF TRANSPORTATION AND DEPARTMENT OF TRANSPORTATION; RELATED MATTERS.**

(a) *GOVERNMENT ORGANIZATION.*—Title 5, United States Code, is amended—

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

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

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

(b) *FINANCIAL MANAGEMENT.*—Title 31, United States Code, is amended—

(1) in section 3321(c)(3) by striking “of Transportation” and inserting “of Homeland Security.”;

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

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

(4) in section 3711(f)(2) by striking “of Transportation” and inserting “of Homeland Security”.

(c) PUBLIC CONTRACTS.—Section 3732 of the Revised Statutes (41 U.S.C. 11) is amended by striking “of Transportation” each place it appears and inserting “of Homeland Security”.

(d) PUBLIC PRINTING AND DOCUMENTS.—Sections 1308 and 1309 of title 44, United States Code, are amended by striking “Secretary of the Department of Transportation” each place it appears and inserting “Secretary of the department in which the Coast Guard is operating”.

(e) SHIPPING.—Title 46, United State Code, is amended—

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

(2) in section 6308—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by striking subsection (a) and inserting the following:

“(a) Notwithstanding any other provision of law, no part of a report of a marine casualty investigation conducted under section 6301 of this title, including findings of fact, opinions, recommendations, deliberations, or conclusions, shall be admissible as evidence or subject to discovery in any civil or administrative proceedings, other than an administrative proceeding initiated by the United States.

“(b) Any member or employee of the Coast Guard investigating a marine casualty pursuant to section 6301 of this title shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary. The Secretary shall not withhold permission for such employee or member to testify, either orally or upon written questions, on solely factual matters at a time and place and in a manner acceptable to the Secretary if the information is not available elsewhere or is not obtainable by other means.”;

(3) in subsection (c), as redesignated by this section, by striking “subsection (a)” and inserting “subsections (a) and (b)”; and

(4) in subsection (d), as redesignated by this section, by striking “subsections (a) and (b)” and inserting “subsections (a), (b), and (c)”.

(f) MORTGAGE INSURANCE.—Section 222 of the National Housing Act of 1934 (12 U.S.C. 1715m) is amended by striking “of Transportation” each place it appears and inserting “of Homeland Security”.

(g) ARCTIC RESEARCH.—Section 107(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4106(b)(2)) is amended—

(1) by redesignating subparagraphs (I) through (K) as subparagraphs (J) through (L), respectively; and

(2) by inserting after subparagraph (H) the following:

“(I) the Department of Homeland Security;”.

(h) CONSERVATION.—

(1) SECTION 1029.—Section 1029(e)(2)(B) of the Bisti/De-Na-Zin Wilderness Expansion and Fossil Protection Act of 1996 (16 U.S.C. 460kkk(e)(2)(B)) is amended by striking “Secretary of Transportation, to represent the United States Coast Guard.” and inserting “Commandant of the Coast Guard”.

(2) SECTION 312.—Section 312(c) of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2441(c)) is amended by striking “of Transportation” and inserting “of Homeland Security”.

(i) INTERNAL REVENUE CODE OF 1986.—Section 3122 of the Internal Revenue Code of 1986 (26 U.S.C. 3122) is amended by striking “Secretary of Transportation” each place it appears and inserting “Secretary of the Department in which the Coast Guard is operating”.

(j) ANCHORAGE GROUNDS.—Section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) is amended by striking “of Transportation” in each place it appears and inserting “of Homeland Security”.

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

(l) OIL POLLUTION.—The Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) is amended—

(1) in section 5001(c)(1)(B) (33 U.S.C. 2731(c)(1)(B)) by striking “Commerce, the Interior, and Transportation,” and inserting “Commerce and the Interior and the Commandant of the Coast Guard,”;

(2) in section 5002(m)(4) (33 U.S.C. 2732(m)(4)) by striking “of Transportation.” and inserting “of the department in which the Coast Guard is operating.”;

(3) in section 7001(a) (33 U.S.C. 2761(a)) by striking paragraph (3) and all that follows through the end of the subsection and inserting the following:

“(3) MEMBERSHIP.—The Interagency Committee shall include representatives from the Coast Guard, the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology), the Department of Energy, the Department of the Interior (including the Minerals Management Service and the United States Fish and Wildlife Service), the Department of Transportation (including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration), the Department of Defense (including the Army Corps of Engineers and the Navy), the Department of Homeland Security (including the United States Fire Administration in the Federal Emergency Management Agency), the Environmental Protection Agency, the National Aeronautics and Space Administration, and such other Federal agencies the President may designate.

“(4) CHAIRMAN.—A representative of the Coast Guard shall serve as Chairman.”; and

(4) in section 7001(c)(6) (33 U.S.C. 2761(c)(6)) by striking “other such agencies in the Department of Transportation as the Secretary of Transportation may designate,” and inserting “such agencies as the President may designate,”.

(m) *MEDICAL CARE*.—Section 1(g)(4)(B) of Public Law 87-693 (42 U.S.C. 2651(g)(4)(B)) is amended by striking “of Transportation,” and inserting “of Homeland Security.”

(n) *SOCIAL SECURITY ACT*.—Section 205(p)(3) of the Social Security Act (42 U.S.C. 405(p)(3)) is amended by striking “of Transportation” each place it appears and inserting “of Homeland Security”.

(o) *MERCHANT MARINE ACT, 1920*.—Section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) is amended in the matter following the ninth proviso (pertaining to transportation of a foreign-flag incineration vessel) by striking “Satisfactory inspection shall be certified in writing by the Secretary of Transportation” and inserting “Satisfactory inspection shall be certified, in writing, by the Secretary of Homeland Security.”

And the Senate agree to the same.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

DON YOUNG,  
FRANK A. LOBIONDO,  
HOWARD COBLE,  
PETER HOEKSTRA,  
PETE SIMMONS,  
MARIO DIAZ-BALART,  
CHARLES W. BOUSTANY, Jr.,  
JAMES L. OBERSTAR,  
BOB FILNER,  
GENE TAYLOR,  
BRIAN HIGGINS,  
ALLYSON Y. SCHWARTZ,

From the Committee on Energy and Commerce, for consideration of sec. 408 of the House bill, and modifications committed to conference:

JOE BARTON,  
PAUL GILLMOR,  
JOHN D. DINGELL,

From the Committee on Homeland Security, for consideration of secs. 101, 404, 413, and 424 of the House bill, and secs. 202, 207, 215, and 302 of the Senate amendment, and modifications committed to conference:

BENNIE G. THOMPSON,

From the Committee on Resources, for consideration of secs. 426, 427, and title V of the House bill, and modifications committed to conference:

RICHARD POMBO,  
WALTER B. JONES,

*Managers on the Part of the House.*

TED STEVENS,  
OLYMPIA SNOWE,  
(except section 414),  
TRENT LOTT,  
GORDON SMITH,  
DANIEL INOUYE,  
MARIA CANTWELL,

(except section 414),  
FRANK R. LAUTENBERG,  
(except section 414),  
*Managers on the Part of the Senate.*



## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

As of April 6, 2006 (4:00)

### *Section 1. Short title*

Section 1 of the House bill states that the Act may be referred to as the “Coast Guard and Maritime Transportation Act of 2005.”

Section 1 of the Senate amendment states the Act may be cited as the “Coast Guard Authorization Act of 2005.”

The Conference substitute states that the Act may be referred to as the “Coast Guard and Maritime Transportation Act of 2006”.

## TITLE I—AUTHORIZATION

### *Section 101. Authorization of appropriations*

Section 101 of the House bill authorizes funds for the Coast Guard in FY 2006. It authorizes approximately \$8.7 billion in funding for the necessary expenses of the Coast Guard in FY 2006. Paragraph (1) of that 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.

Section 101(2) of the House bill 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 FY 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.

Section 101(3) of the House bill authorizes an amount of \$24,000,000 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.

Section 101(5) of the House bill 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.

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

Section 101 of the Senate amendment is similar to the House provision except that the Senate provision authorizes funds for FY 2006 and 2007 and contains different authorization levels than those that are included in the House bill. Section 101 authorizes \$5.594 billion for operating expenses for FY 2006 and \$6.042 billion for FY 2007. The Senate amendment also authorizes \$1.424 billion for Acquisition, Construction and Improvements for FY 2006 and \$1.538 billion for FY 2007. As a reflection of its support of the Coast Guard recapitalizing its fleet of cutters and aircraft, the reported bill would authorize \$1.1 billion for Deepwater in FY 2006, \$134 million above the President’s request. Deepwater is authorized at \$1.188 billion for FY 2007.

The Conference substitute authorizes funds for the Coast Guard in FY 2006 as follows:

Operation and Maintenance .....	\$5,633,900,000
Acquisition, Construction and Improvement .....	1,903,821,000
Research, Development, Test and Evaluation .....	24,000,000
Retired Pay .....	1,014,080,000
Bridge Alteration .....	37,400,000
Environmental Compliance and Restoration .....	12,000,000
Coast Guard Reserve Training .....	119,000,000
 Total .....	 8,744,201,000

Of the amount authorized for OE, the conferees direct the Coast Guard to dedicate \$39 million for the creation of an additional Coast Guard Helicopter Interdiction Tactical Squadron (HITRON).

Currently, the only Coast Guard HITRON squadron is based in 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 attempt 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.

The authorization for the Coast Guard’s Acquisitions, Construction and Improvement account includes \$1.6 billion for Deepwater which includes an amount of \$1,316,300,000 for the acquisi-

tion 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 Conferees remain concerned that these assets are deteriorating at a faster pace than originally projected and require a dedicated funding stream. The conferees recommend that the Coast Guard examine ways to decrease the costs of maintaining and sustaining the Services' legacy assets, particularly the fleet of 110-foot cutters, and HH-65 helicopters. The rapid deterioration of these assets is draining funding and resources from the acquisition of replacement assets and lengthening the time before new assets will be employed by Coast Guardsmen in our waters and in our skies. The authorized funding level would also accelerate the purchase of new Deepwater assets, making assets with enhanced capabilities available more quickly to carry out the Service's many important traditional and homeland security missions.

The authorization for the Acquisitions, Construction and Improvement account AC&I account includes \$101 million for the upgrading of the Rescue 21 program. The conferees are very concerned that the funding for this critically important program has significantly decreased over the past year, and would like to see funding restored to at least this level for FY 2006.

The conferees note that the Coast Guard and the State of Hawaii have been working jointly pursuant to a Memorandum of Understanding to develop an emergency communications system for state and federal officials, known as the Rainbow (Anuenue) Digital Microwave Project, on a matched-funding basis. Rescue 21 in Hawaii will utilize the infrastructure provided by this project. Now that the State has its money in place, the conferees expect the Coast Guard to move forward with its obligations under the Memorandum of Understanding to complete the project.

The authorization for the Acquisitions, Construction and Improvement account also includes \$8.7 million to be used for the construction of an Aquatic Training Facility for the Aviation Survival Technician "A" School located at Coast Guard Air Station Elizabeth City, NC, \$10 million to complete the Vessel Traffic System upgrade for Puget Sound, and \$3 million to complete the construction of the Sector Operations Building for Group Seattle.

With respect to the authorization of Research, Development, Test and Evaluation funding, the conferees strongly believe 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.

With respect to the funding for bridge alterations, the conferees recommend 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 and \$2.5 million be

utilized to continue work on the Chelsea Bridge in Boston, Massachusetts.

The conferees recommend that the Coast Guard re-evaluate the categorization of both the Leeville Bridge and the Kerner Ferry Bridge in Louisiana. The Leeville Bridge provides the only access to Port Fouchon and Grand Isle, and has been struck 11 times in the past year while the Kerner Ferry Bridge has experienced several vertical clearance problems. These bridges are currently categorized as non-hazards to navigation, therefore making them ineligible for funds under the Truman-Hobbs Act.

The conferees are aware of the efforts of the Institute of Marine and Coastal Sciences at Rutgers University to develop a High Frequency Radar network for U.S. coastal waters. This technology was used in local search and rescue demonstration projects funded by the Coast Guard Research and Development Center in 2004. The conferees urge the Coast Guard to work with Rutgers to establish a regional pilot project in the Mid-Atlantic. The goal of the project should be to make CODAR an operational search and rescue tool.

The conferees are aware that the Coast Guard Cutter ACACIA is scheduled to be decommissioned in 2006. The conferees urge the Coast Guard to replace the ACACIA with a vessel that has icebreaking capabilities in order to maintain commercial shipping in the Great Lakes and particularly northern Lake Michigan. The need to ensure the availability of a ship that can assist in icebreaking is particularly important because the Canadian government has decommissioned one of its buoy tenders, which will increase the demands on U.S. icebreakers. Therefore, the Coast Guard should ensure that an icebreaking tug shall continue to be home ported on northern Lake Michigan and shall provide the necessary funding for operations and maintenance of such vessel.

The conferees recommend that the United States Coast Guard Captains of the Port be made aware that vessels that use certain valves manufactured by TankTech have been banned in Denmark and Italy because of safety concerns with those valves. That ban has been upheld by the European Union Commission based on tests at EU-approved laboratories. The American Bureau of Shipping is also recommending that these valves be removed from all vessels that they class. Additionally, the conferees recommend that the United States Coast Guard work more closely with its European Union maritime counterparts with regards to testing and test evaluation of those valves to ensure uniformity of test results.

#### *Section 102. Authorized levels of military strength and training*

Section 102 of the House bill authorizes a Coast Guard end-of-year strength of 45,500 active duty military personnel for FY 2006. This level maintains the personnel level that was authorized at the end of FY 2005. The section also authorizes average military training student loads for FY 2006 at the same level as was authorized in FY 2005. At the end of FY 2005, 39,717 active duty personnel were serving in the Coast Guard. The section also authorizes average military training student loads for FY 2006 as follows:

	Training	Student years
Recruit/Special .....		2,500
Flight .....		125
Professional .....		350
Officer Acquisition .....		1,200

Section 102 of the Senate amendment is substantively similar to the House bill, except that it authorizes these personnel levels for FYs 2006 and 2007.

The Conference substitute adopts the House provision.

*Section 103. Authorization of funding related to Katrina*

Section 103 of the House bill authorizes \$60,000,000 (above the amount authorized for the Coast Guard in Section 101) in FY 2005 for the Coast Guard's emergency hurricane expenses, emergency repairs, deployment of personnel, to support costs of evacuation, and other costs resulting from the immediate relief efforts related to Hurricane Katrina.

Section 702 of the Senate amendment similarly authorizes funding above the amount authorized in Section 101 in FY 2005. The Section specifically authorizes \$200,000,000 for the operation and maintenance of the Coast Guard in responding to Hurricane Katrina, including for search and rescue efforts, clearing channels, emergency response to oil and chemical spills, and increased costs due to higher than expected fuel costs. Also, \$300,000,000 is authorized for the acquisition, construction, renovation, and improvements of aids to navigation, shore and offshore facilities, and vessels and aircraft related to damage caused by Hurricane Katrina.

The Conference substitute adopts the Senate provision with an amendment that includes a supplemental authorization of \$300,000,000 for the Coast Guard's Operating Expenses account and \$200,000,000 for the Acquisitions, Construction and Improvements account for non-reimbursed expenditures associated with the Coast Guard's response to Hurricane Katrina and stipulates that amounts appropriated under this authorization are to remain available until expended.

*Section 104. Web-based data management*

The House bill does not contain a similar provision.

Section 104 of the Senate amendment provides an authorization of \$1,000,000 for the Coast Guard to continue their development of a web-based risk management system that links occupational health and safety databases to reduce accidents and fatalities.

The Conference substitute adopts the Senate provision.

## TITLE II—COAST GUARD

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

Section 201 of the House bill amends section 91 of title 14, United States Code, (relating to the Coast Guard's authority to establish security areas to ensure the safety and security of naval

vessels) 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 201 of the Senate amendment is substantively similar to the House bill.

The Conference substitute adopts the House provision.

*Section 202. International training and technical assistance*

Section 202 of the House bill 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.

Section 207 of the Senate amendment is substantively similar to the House bill.

The Conference substitute adopts the House provision.

*Section 203. Officer promotion*

Section 203 of the House bill 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, United States Code. 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 406 of the Senate amendment is substantively similar to the House bill.

The Conference substitute adopts the House provision.

*Section 204. Coast Guard Band Director*

Section 204 of the House bill 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 402 of the Senate amendment is identical to the House bill, except for minor technical changes.

The Conference substitute adopts the House provision.

*Sec. 205. Authority for one-step turnkey design-build contracting*

Section 205 of the House bill authorizes the Secretary to award consolidated design-build contracts using a one-step turnkey selection procedure similar to the authority provided to the Department of Defense. One-step turnkey contracting authority would allow the selection of a contractor on the basis of price and other evaluation

criteria through a single proposal for both the design and construction of a facility.

Section 405 of the Senate amendment is identical to the House bill, except for minor technical changes.

The Conference substitute adopts the House provision.

*Section 206. Reserve recall authority*

Section 206 of the House bill 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 403 of the Senate Amendment is substantively similar to the House provision; however it also expands the ability to use recalls for a threat of a terrorist attack. The provision also requires that, for purposes of calculating the duration of active duty, a period of active duty shall begin on the first day that a member reports to active duty, including for training.

The Conference substitute adopts the Senate provision with a technical amendment.

*Section 207. Reserve Officer distribution*

Section 207 of the House bill 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 401 of the Senate amendment is identical to the House provision, except for a minor technical change.

The Conference substitute adopts the House provision.

*Section 208. Expansion of use of auxiliary equipment to support*

COAST GUARD MISSIONS

Section 208 of the House bill 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 404 of the Senate amendment is substantively similar to the House provision.

The Conference substitute adopts the House provision with a clarifying amendment.

*Section 209. Coast Guard History Fellowships*

Section 209 of the House bill authorizes 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.

The Senate amendment did not contain a similar provision.

The Conference substitute adopts the House provision with an amendment that limits the total amount of any fellowship to \$25,000 per year and the number of fellowships awarded in each year to no more than two.

*Section 210. Icebreakers*

Sec. 210 of the House bill requires the Secretary to submit, not later than 90 days after the date of the enactment of the Act, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for operation and maintenance of Coast Guard icebreakers in the waters of Antarctica after FY 2006 that does not rely on the transfer of funds to the Coast Guard by any other Federal agency. The plan must be implemented after FY 2006, subject to the availability of appropriations.

Sec. 210 of the Senate amendment requires the Coast Guard to take all necessary measures to maintain, at a minimum, its current vessel capacity for carrying out icebreaking in the Arctic and Antarctic regions and for the long-term recapitalization of such vessels. It authorizes \$100,000,000 for the Department in which the Coast Guard is operating to carry out this section.

The Conference substitute adopts a provision that requires the Coast Guard to submit to Congress not later than 90 days after enactment a plan to operate and maintain the POLAR STAR, POLAR SEA, and HEALY fleet after FY 2006 and for the long-term recapitalization of the Coast Guard's polar icebreaking fleet. The provision further directs the Coast Guard to take all measures necessary to maintain current operational capabilities to carry out icebreaking operations in the Arctic, the Antarctic, the Great Lakes and the Northeast. Lastly, the provision includes an authorization of \$100,000,000 for FY 2006 to carry out these obligations with respect to the Coast Guard's polar icebreakers.

The conferees are extremely concerned by the Administration's continued proposals to divert funds to operate Coast Guard icebreakers from the Coast Guard's budget to that of another Federal agency. Such a transfer of funds from the Coast Guard's control could force the service to operate and maintain these vessels in the future without any reliable source of funding. The conferees strongly agree with the recommendations of the National Academy of Sciences' interim report that the United States retains icebreaking capabilities to assert significant geo-political, security, economic, and scientific interests in the Arctic and Antarctic.

*Section 211. Operation as a service in the Navy*

Section 211 of the House bill removes the automatic trigger in current law whereby the Coast Guard will operate as a service in the United States Navy upon the declaration of war. It retains the provision in current law whereby the Coast Guard will operate as a service in the Navy when the President directs.

The Senate amendment does not contain a comparable provision.



The Conference substitute adopts language that clarifies that the Coast Guard shall operate as a service in the Navy only upon positive action by Congress or the President.

*Section 212. Limitation on transfer to St. Elizabeth's Hospital*

Section 215 of the House bill provides that the Coast Guard may not move any of its personnel, property, or other assets to the West Campus of St. Elizabeths Hospital until the Administrator of General Services submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate plans to provide road access to the site from Interstate 295 and for the design of facilities for at least one federal agency other than the Coast Guard that would house no less than 2,000 employees at such location.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment that adds several items to the scope of the plans that are required to be submitted to Congress.

*Section 213. Cooperative arrangements*

The House bill does not contain a comparable provision.

Section 204 of the Senate amendment would require the Coast Guard to submit a report on opportunities for and the feasibility of co-locating Coast Guard assets and personnel at facilities of other Armed Services branches as well as entering into cooperative agreements for carrying out Coast Guard missions.

The Conference substitute adopts the Senate provision with a technical modification. The conferees direct the Coast Guard to examine Naval Station Everett and Naval Station Pascagoula for such potential arrangements.

*Section 214. Biodiesel feasibility report*

The House bill does not contain a comparable provision.

Section 209 of the Senate amendment would require the Coast Guard to submit a report on the feasibility of using bio-diesel fuel in both new and existing vehicles and vessels.

The Conference substitute adopts the Senate provision. The conferees expect the Coast Guard to identify and consider analyses on the use of biodiesel fuel conducted by other agencies as part of its study.

*Section 215. Boating Safety Director*

The House bill does not contain a comparable provision.

Section 408 of the Senate amendment would ensure that the individual who is assigned as the Director of the Coast Guard's Office of Boating Safety office will be a uniformed officer in the rank of Captain.

The Conference substitute adopts the Senate provision.

*Section 216. Hangar at Coast Guard Air Station Barbers Point*

The House bill does not contain a comparable provision.

Section 409 of the Senate amendment would require the Coast Guard to submit a report that includes a proposal and cost analysis for constructing an enclosed hangar at Coast Guard Air Station Barbers Point. The current station is not enclosed and is not large enough to house a single C-130. Due to the resulting exposure, aircraft are experiencing corrosion.

The Conference substitute adopts the Senate provision.

*Section 217. Promotion of Coast Guard Officers*

The House bill does not contain a comparable provision.

Section 410 of the Senate amendment modifies the requirement for advice and consent of the Senate for officer appointments to the rank of Lieutenant (O-3) and below in both peacetime and wartime.

The Conference substitute adopts the Senate provision.

*Section 218. Redesignation of Coast Guard Law Specialists as Judge Advocates*

The House bill does not contain a comparable provision.

Section 407 of the Senate amendment would redesignate Coast Guard “law specialists” as “judge advocates.” The Coast Guard is currently the only military service that does not use the title “judge advocate” for its military attorneys.

The Conference substitute adopts the Senate provision.

### TITLE III—SHIPPING AND NAVIGATION

*Section 301. Treatment of ferries as passenger vessels*

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

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision.

*Section 302. Great Lakes pilotage annual ratemaking*

Section 302 of the House bill 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 Senate amendment does not contain a comparable provision.

The Conference substitute includes a provision that requires the Secretary of the department in which the Coast Guard is operating to adjust Great Lakes pilotage rates annually based on an annual review of base pilotage rates that are required to be established not less than every 5 years following a full rulemaking process. It is not, however, the intent of the conferees that the adjustment of annual rates be subject to a full rulemaking process.

*Section 303. Certification of vessel nationality in drug smuggling cases*

Section 303 of the House bill 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. Therefore, this amendment would allow the U.S. to prove that a flag State, which the defendant alleged has jurisdiction, does not have such jurisdiction if the flag State, in response to a U.S. inquiry, responds that it can neither confirm nor deny a suspect vessel's nationality.

Section 210 of the Senate amendment contains a substantively similar provision with a technical change that clarifies that the response of a foreign nation may be made by radio, telephone, or similar oral or electronic means and is conclusively proved by certification of the Secretary of State or the Secretary's designee.

The Conference substitute adopts the Senate provision with a technical amendment.

*Section 304. LNG tankers*

Section 304 of the House bill requires the Secretary of Transportation to develop a program to promote the transportation of liquefied natural gas (LNG) by the maritime transportation sector. The provision 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.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision with an amendment that amends the Deepwater Port Act to require an applicant for a deepwater port license to include, as part of the application, information regarding the vessels that are reasonably expected to service the port upon construction. The provision also requires the Coast Guard to provide the same information to the Federal Energy Regulatory Commission as part of the Coast Guard's contribution to the Environmental Impact Statement for landside liquefied natural gas and liquefied petroleum facilities.

*Section 305. Use of maritime safety and security teams*

The House bill does not include a comparable provision.

Section 704 of the Senate amendment provides that the Secretary may use maritime safety and security teams to implement any mission of the Coast Guard.

The Conference substitute adopts the Senate provision with a technical amendment.

*Section 306. Enhanced civil penalties for violations of the Maritime Transportation Security Act*

The House bill does not include a comparable provision.

Section 704 of the Senate amendment would amend section 70119 of title 46, United States Code, to permit the Secretary to assess substantial separate and continuing civil penalties to compel owners and operators of vessels and facilities to comply with

MTSA. The total fines per violation would not exceed \$50,000 during FY2006, \$75,000 during FY2007, and \$100,000 after FY2007.

The Conference substitute adopts a provision that makes each day during which a violation of Chapter 701 of title 46, United States Code, a separate violation and caps a civil penalty for a violation at no more than \$50,000. Additionally the conferees agree that the Secretary shall have the prerogative to take into account the nature, circumstances, and extent of the violation in assessing the penalty.

This section will add a dimension of enforcement flexibility for the Secretary to assess a civil penalty for each day an owner/operator remains non-compliant beyond the first day on which the violation was cited. Currently, the only alternative means of enforcement is for the Secretary to order cessation of vessel or facility operation until the owner or operator corrects the outstanding violation. This provision will expand the enforcement options available to the Secretary under MTSA, consistent with other statutes that provide for a separate violation for each day a violation remains outstanding.

*Section 307. Training of cadets at United States Merchant Marine Academy*

Section 406 of the House bill authorizes cadets at the Merchant Marine Academy to train aboard foreign-flagged liquefied natural gas (LNG) vessels if the Secretary determines that such training is in the interest of the United States.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision.

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 308. Reports from mortgagees of vessels*

Section 411 of the House bill authorizes the Secretary to require reports from mortgagees in addition to those required of owners, masters and charterers. 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 206 of the Senate amendment is identical.

The Conference substitute adopts the House provision.

*Section 309. Determination of the Secretary*

Section 413 of the House bill would prevent the Secretary from considering any felony conviction that occurred more than 7 years

prior to the date of the Secretary's determination when evaluating whether an individual poses a terrorism risk for the United States for the purpose of obtaining a transportation security card. This provision also specifies that an appeal of a denial of an application for a transportation security card must include an opportunity for a hearing before an administrative law judge.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provision that requires the Secretary of the department in which the Coast Guard is operating to establish a review process before administration law judges to consider an appeal of a denial of an application for a transportation security card.

Nothing in this section provides authority for the Secretary or the Administrative Law Judge to make a separate determination as to whether an individual may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act. Those determinations are to be governed by the Immigration and Nationality Act and not section 70105 of title 46, United States Code.

*Section 310. Setting, relocating, and recovery of anchors*

Section 415 of the House bill prohibits the use of a vessel that has not been documented under U.S. law with a registry endorsement to set or move anchors or other mooring equipment of a mobile offshore drilling unit located above or on the outer Continental Shelf.

Section 217 of the Senate amendment contains a similar provision that additionally prohibits the movement of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed or attached to the seabed but not actively exploring for oil and gas resources.

The Conference substitute adopts a provision that prohibits the use of a vessel that does not hold a registry endorsement to set or move anchors or other mooring equipment of a mobile offshore drilling unit located over the outer Continental Shelf or to transport merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed. The purpose of subsection (c)(1)(A) is to require that only an American registered vessel can engage in any activity performed in connection with the mooring or unmooring of a mobile offshore drilling unit located over the U.S. outer Continental Shelf.

*Section 311. International tonnage measurement of vessels engaged in the Aleutian Trade*

Section 416 of the House bill would amend Chapter 33 of title 46, United States Code, to apply the current exemption from Coast Guard inspection for certain fish tender vessels that are 500 gross tons or less, as measured under the regulatory tonnage system, and engaged in the Aleutian trade to such vessels that are 2,500 gross tons or less, as measured under the International Tonnage Convention.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision.

Under current law, fish tender vessels that are not more than 500 gross tons, as measured under regulatory tonnage, or an alternate tonnage to be prescribed by the Secretary and engaged in the Aleutian trade are exempt from Coast Guard inspection requirements. However, the Coast Guard has never completed the rule-making process to establish an equivalent alternate tonnage under the international measurement system. As a result, the Aleutian trade fleet has experienced confusion and complications as vessel owners seek to proceed with fleet modernization plans that call for the replacement of current vessels with new vessels that have been measured under the International Tonnage Convention. This provision will alleviate the delay in implementing regulations establishing alternate tonnages as part of the transition from traditional regulatory tonnage to the international measures system.

The conferees recommend that the Coast Guard and the Secretary take swift action to complete the regulatory process to adopt alternate tonnage systems for all vessel classes in the U.S. fleet.

#### *Section 312. Riding gangs*

Section 425 of the House bill would authorize foreign citizens who are not considered seamen and who do not carry out watchstanding functions aboard a vessel to carry out certain repair work on U.S.-flag vessels while underway. The provision also requires that any such foreign personnel must possess a valid transportation security card that is required for maritime workers under section 70105 of title 46, United States Code.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provision that would authorize the use of foreign citizens who are not considered seamen and who do not carry out watchstanding functions aboard a vessel to carry out certain repair work on U.S.-flag vessels while underway when U.S. citizens or residents are unavailable to complete the work and for not more than 60 days in each calendar year.

The conferees intend to allow for the employment of certain individuals on freight vessels on international voyages for extended periods qualifying as "riding gang members" without placing these vessels at a competitive disadvantage against similar foreign flag vessels. Under this section, riding gang members may only perform repairs consistent with the provisions of the section, as deemed necessary by the Master, acting on behalf of the vessel operator. This language in no way prevents or limits a vessel's Master from obtaining necessary personnel to perform unforeseen emergency repairs when such circumstances arise. Under the section, the Master, acting on behalf of the vessel operator, may utilize riding gang personnel, in addition to the 60 days allowed under this section, under certain situations when a riding gang member is necessary to perform warranty work.

This section requires each riding gang member to undergo a criminal background check and requires the vessel owner or operator to certify that these checks have been completed. New section

8106(a)(1)(A) of title 46 U.S. Code requires that such individuals possess a valid United States nonimmigrant visa for persons desiring to enter the United States temporarily if they are not a U.S. citizen or alien lawfully admitted for permanent residence.

The section also provides for chemical testing, as well as compliance with shipboard familiarization training in accordance with the International Convention of Training, Certification, and Watchkeeping for Seafarers, 1978, as amended. The Coast Guard is expressly authorized to order the removal of an individual found with probable cause to have committed certain criminal offenses or otherwise constitutes a threat to the safety of U.S. flag freight vessels.

The conferees do not intend to alter collective bargaining agreements that freight vessel owners or operators may have with U.S. maritime labor unions or their documented mariners through this section; nor is it intended in any way to derogate from the traditional maritime jurisdiction of any maritime labor unions. Owners and operators will be required to ensure that an agreement be entered into with each riding gang member that meets or exceeds the minimum international standards of all applicable ILO conventions to which the United States is a party, and shall, at a minimum, include all of the merchant seamen protection and relief provisions contained in the United States Code, including but not limited to those that are set forth in Chapter 103 of Title 46 of the United States Code.

Under this section, violations are punishable by a civil penalty of not more than \$10,000 a day, and each day of a continuing violation constitutes a separate violation. The legislation further establishes maximum penalties for continuing violations. Moreover, in determining the amount of the penalty, the Secretary is authorized to take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history or prior offenses, ability to pay, and such other matters as justice may require.

#### TITLE IV—MISCELLANEOUS

##### *Section 401. Authorization of Junior Reserve Officers Training Program Pilot Program*

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

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision with an amendment to clarify that active duty officers and members of the Coast Guard, including reservists on active duty, may not be stationed as administrators or instructors as part of the pilot program.

##### *Section 402. Transfer*

Section 403 of the House bill authorizes the Secretary to convey the decommissioned Coast Guard cutter PLANTREE to the CAS Foundation, Inc., a nonprofit corporation in the State of Indiana.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts the House provision with an amendment that permits the vessel to be used for humanitarian purposes.

*Section 403. LORAN-C*

The House bill does not include a comparable provision.

Section 214 of the Senate amendment would authorize the Department of Transportation to transfer \$25,000,000 in FY 2006 and in FY 2007 from the Federal Aviation Administration to the Coast Guard for recapitalization of the LORAN-C radio navigation system.

The Conference substitute adopts the Senate provision.

*Section 404. Long-range vessel tracking system*

Section 404 of the House bill 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 FY 2006 to carry out the pilot project.

Section 215 of the Senate amendment includes a similar provision with an additional requirement that the project be conducted with the assistance of an existing non-profit maritime organization that has a demonstrated capability of operating satellite communications systems able to transmit this type of data. In addition, it authorizes funding for each of FYs 2006, 2007, and 2008.

The Conference substitute adopts the Senate provision with an amendment to make the program subject to the availability of appropriations.

*Section 405. Marine vessel and cold water safety education*

The House bill does not include a comparable provision.

Section 216 of the Senate amendment requires the Coast Guard to continue existing agreements with organizations that provide marine vessel safety training and cold water immersion education to fishermen and children.

The Conference substitute adopts the Senate provision.

*Section 406. Reports*

Section 405 of the House bill requires the Secretary to review and report to Congress on the adequacy of Coast Guard air and surface assets at several Coast Guard stations and sectors to carry out the Service's traditional missions of search and rescue, drug and migrant interdiction, and marine environmental protection in addition to homeland security responsibilities.

The Senate amendment does not include a comparable provision.

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

*Section 407. Conveyance of the Decommissioned Coast Guard Cutter MACKINAW*

Section 408 of the House bill 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 408 of the Senate amendment contains a similar provision but requires the Commandant to deliver the vessel to the City between June 10, 2006 and June 30, 2006.

The Conference substitute adopts the Senate provision with a slight modification to the delivery schedule to allow for a change in the date of decommissioning and an adjustment to convey the vessel directly to a non-profit museum.

*Section 408. Deepwater reports*

Section 409 of the House bill 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 plan was required to include a complete timeline for the acquisition of each new Deepwater asset and the phase-out of legacy assets for the life of the program, a projection of the remaining operational lifespan of each legacy asset, a detailed justification for each modification in each Integrated Deepwater Program asset that fulfills the revised mission needs statement for the program, and a total cost of the program that aligns with the revised mission needs statement for the program.

Sections 212 and 213 of the Senate amendment are substantively similar provisions. Section 212 of the Senate amendment would require the Coast Guard to submit a report on the status of their compliance with the GAO's recommendations in report GAO-04-380, "Coast Guard Deepwater Program Needs Increased Attention to Management and Contractor Oversight." Section 213 would require the Coast Guard to provide an acquisition timeline and associated costs for each asset that reflects project completion in 10 years and 15 years. It also would require the Coast Guard to contract with an independent entity to analyze the plan and assess whether the mix of assets and capabilities selected as part of that plan will meet the Coast Guard's criteria of performance, minimizing total ownership costs, and whether additional or different assets should be considered as part of the plan.

The Conference substitute adopts a provision that requires the Coast Guard to submit reports that include components from both the House- and Senate-passed provisions.

The conferees remain 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 conferees again support 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.

The conferees expect that the reports 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 409. Helicopters*

Section 410 of the House bill would limit the number of HH-65 helicopters that the Coast Guard may acquire to no more than four and prohibit the Commandant from acquiring such helicopters until 90 days after the submission to Congress of a determination that the 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.

The Senate amendment does not include a comparable provision.

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

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

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

The Senate amendment does not contain a comparable provision.

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

*Section 411. Report on technology*

Section 414 of the House bill requires the Commandant of the Coast Guard to submit a report that includes an assessment of the availability and effectiveness of technologies that evaluate and identify inbound vessels and their cargo for potential threats before they reach United States ports, including technologies already tested or in testing at joint operating centers, as well as the costs associated with implementing such technology at all United States ports.

The Senate amendment does not include a comparable provision.

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

*Section 412. Assessment and planning*

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

The Senate amendment does not contain a comparable provision.

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

*Section 413. Homeport*

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

The Senate amendment does not contain a comparable provision.

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

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

Section 419 of the House bill requires the Coast Guard to provide an opinion in writing that states whether a proposed wind energy facility would create an obstruction to navigation in any case in which a person requests the Secretary of the Army to take action to permit a wind energy facility under the authority of section 10 of the Act of March 3, 1899 (33 U.S.C. 403).

The Senate bill does not contain a comparable provision.

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

*Section 415. Port Richmond*

Section 424 of the House bill would prohibit the Commandant of the Coast Guard from approving a security plan under section 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

The Senate bill does not contain a comparable provision.

The Conference substitute adopts the House provision.

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

Section 426 of the House bill clarifies that the approval by the Secretary of Commerce of a community development plan for a Western Alaska Community Development Group does not constitute a major Federal action under Federal law.

The Senate bill does not contain a comparable provision.

The Conference substitute establishes the Western Alaska Community Development Quota program and lists the purposes of the program. It is the intent of Congress that all activities of the CDQ groups continue to be considered tax-exempt (as has been the practice since the program's inception in 1992) so that the six CDQ groups can more readily address the pressing economic needs of the region.

The Conference substitute requires that the CDQ program continue to receive the same annual percentage allocations of each fishery as it does now under existing Federal statute and regulation. It also requires that the percentage of a particular fishery allocated to the CDQ program shall be a directed fishing allowance if treated as such under existing practice and law (such as in the Bering Sea and Aleutian Islands pollock fishery), or in the alternative to include both directed fishing and non-target fishing allocation needs in fisheries where that is the current practice and law for the CDQ allocation. It is not the intent of the conferees to either change the current allocations to the CDQ program or create "squid box" problems where minor species such a squid inhibit any directed fishing under the CDQ program.

The Conference substitute provides that the allocation to the CDQ program of certain Bering Sea and Aleutian Islands groundfish species (including Pacific cod, mackerel, and flatfish species) be permanently increased to 10 percent (up from 7.5 percent) and treated as directed fishing allocations as soon as any quota-type programs are established in any sector of the applicable fishery or sector allocations are adopted in the fishery.

The Conference substitute requires that a directed fishing allocation of 10 percent be made to the CDQ program in any new fishery that is opened in the Bering Sea and Aleutian Islands.

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

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

The Conference substitute allocates to each CDQ group the same percentage of each species that it was authorized to harvest

annually by the Secretary as of March 1, 2006. It codifies the existing allocations among the groups dating back to 2003 as well as allocations for new crab CDQ allocations which were approved by the National Marine Fisheries Service in 2005. This includes all species for which the CDQ groups receive an allocation. Additionally, the provision establishes a new system to reallocate up to 10 percent of a CDQ group's allocation if the group fails to meet goals and criteria weighted by the group itself and based on the needs of its region.

By eliminating short term changes in fishery allocations, the conferees intend for the CDQ groups to be able to more readily address the economic needs of western Alaska.

The Conference substitute clarifies existing law by naming the 65 communities and six entities eligible to participate in the CDQ program.

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

The Conference substitute allows each CDQ group to make up to 20 percent of its annual investments: (I) on non-fishery projects in its member villages; (II) on pooled or joint investments with other CDQ groups in their regions; or (III) for the purpose of matching Federal or State grants for projects or programs in its member villages. Any remaining investments must be in fishery related projects or for purposes consistent with the current practices of the CDQ groups. It also requires each CDQ group to submit an annual written statement to the Secretary of Commerce and the State of Alaska which summarizes its investments for the previous year.

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

The excessive share limitations imposed by the North Pacific Council, Secretary, and Congress are mainly intended to prevent for-profit entities and individuals from acquiring excessive shares of fishing privileges in the fisheries. The excessive share concept stems from National Standard Four of the Magnuson-Stevens Act. It pre-dates the CDQ program and fails to take into account the unique characteristics of the CDQ program.

The Conference substitute would therefore exempt CDQ groups from the "attribution" requirements of the American Fisheries Act, the crab quota program, and other federal regulations. Under the "attribution" rules, an entity is attributed with the entirety of another entity's harvesting or processing capacity even if the original entity only owns as little as 10 percent of the other entity. Under the substitute, if a CDQ group owns 25 percent of another entity,

only 25 percent of the other entity's harvesting or processing capacity would be counted against the CDQ group in determining compliance with any excessive share limitation. Similarly, if a CDQ group owns 77 percent of another entity, only 77 percent of the other entity's capacity would be counted against the CDQ group. The provision is intended to allow the CDQ groups to continue to expand in the BSAI fisheries off their shores, while not completely exempting CDQ groups from excessive share limitations.

The Conference substitute requires each CDQ group to comply with State of Alaska law for the purpose of ensuring that the group provides an annual report to its member villages describing its financial operations, including its general and administrative costs and compensation levels. This provision ensures that the State of Alaska's role is to ensure adequate "transparency" to the member villages, particularly with respect to administrative costs.

The Conference substitute requires CDQ groups to additionally comply with State of Alaska banking and securities law to prevent fraud. This requirement removes the State of Alaska from the investment planning and decisions of the CDQ groups, but creates anew, narrower role, to assist the member villages in ensuring against any fraud by the CDQ group. The provision also Clause (iii) requires that the CDQ group and State of Alaska keep confidential from public disclosure any information the disclosure of which would be harmful to the entity or its investments.

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

The Conference substitute establishes a community development quota program panel. The CDQ Panel will consist of a member from each of the six CDQ groups. The CDQ Panel removes the need for governmental oversight of the CDQ program and encourages the CDQ groups to work together. Decisions by the CDQ Panel require the unanimous vote of all six Panel members. The Panel may not act if there is a vacancy.

The Conference substitute requires a decennial review of the CDQ program by the State of Alaska. The first review will be in 2012. The CDQ Panel establishes a system to be used by the State of Alaska for purposes of the decennial review that allows each CDQ group to assign relative values to certain criteria in order to match the relative weights of the criteria to the specific needs identified by the CDQ group for its villages. The criteria are: (I) changes in the population, poverty level, and economic development in the CDQ group's member villages; (II) the overall financial performance of the CDQ group, including its fishery and non-fishery investments; (III) the employment, scholarships, and training supported by the CDQ group; (IV) the achievement of the goals of the entities Community Development Plan. Each CDQ group would weight these criteria to reflect the needs of its member villages.

The Conference substitute requires the State of Alaska to use the criteria as weighted by each CDQ group to determine the performance of each CDQ group under the decennial review. The State of Alaska is required to make each performance determination on

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

The Conference substitute eliminates the requirement that CDQ groups seek either the review or approval by the Secretary of community development plans or amendments to community development plans. The Conference agreement does not require the State of Alaska to approve community development plans and amendments.

Nothing in the Conference substitute should be construed or implemented in a way that causes any interruption to the CDQ program or to the opportunity of CDQ groups to harvest their allocations.

Subsection (b) would amend existing CDQ loan authority to set the upper limit for the total of the CDQ loans provided by the recent bill language, and paragraph (2) would clarify that CDQ loans under the 1998 CDQ program may be used for the purchase of vessels, processors, permits, quota, and cooperative rights.

#### *Section 417. Quota share allocation*

Section 427 of the House bill provides that a portion of the total crab processing quota shares equal to 1.5 percent of the total allowable catch for the Bristol Bay red king crab fishery and the Bering Sea C. Opilio crab fishery be made available to the vessel Blue Dutch, LLC in years when the total allowable catch for that fishery is more than 2 percent higher than the total allowable catch for that fishery during calendar year 2005. The provision further provides that the Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands implementing regulations shall thereafter be adjusted so that the total of all crab processing quota shares for each fishery referred to equals 90 percent of the total allowable catch.

The Senate bill does not contain a comparable provision.

The Conference substitute adopts a provision that directs the Secretary of Commerce to modify the Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands to provide 0.75 percent of the processor quota share units for the Bristol Bay red king crab fishery and the Bering Sea C. Opilio crab fishery to the vessel Blue Dutch, LLC in years when the total allowable catch for that fishery is more than 2 percent higher than

the most recent total allowable catch for that fishery prior to September 15, 2005.

*Section 418. Maine fish tender vessels*

The House bill does not contain a comparable provision.

Section 211 of the Senate amendment would establish a waiver that would allow vessels not built in the United States to transport fish and shellfish within the coastal waters of the State of Maine if that vessel is ineligible for documentation under chapter 121 of title 46, United States Code because it measures less than 5 net tons and has transported fish or shellfish within the coastal waters of the State of Maine prior to December 31, 2004.

The Conference substitute adopts a provision that authorizes foreign-built vessels that are less than 5 net tons to transport fish or shellfish between places in the State of Maine if that vessel transported fish or shellfish between places in Maine prior to January 1, 2005; the owner of such vessel owns a valid wholesale seafood license to conduct such transportation that was issued under the Revised Maine Statutes prior to January 1, 2005; the vessel is owned by a person or persons that meet U.S. citizenship requirements under section 2 of the Shipping Act, 1996; and the owner of the vessel submits within 180 days of enactment of this Act an affidavit to the Secretary in which the Coast Guard is operating that certifies that the owner and vessel meet the requirements of this section.

*Section 419. Automatic identification system*

The House bill does not contain a comparable provision.

Section 219 of the Senate amendment authorizes the Secretary to transfer \$1,000,000 to the Department of Commerce for the purposes of awarding a competitive grant to design, develop, and prototype a device that integrates a Class B Automatic Identification System (AIS) transponder with an FCC-approved wireless maritime data device. The Senate-passed amendment also expresses the Sense of the Senate that the Federal Communications Commission should quickly resolve the disposition of its rulemaking on the AIS and licensee use of AIS frequency bands.

The Conference substitute adopts the Senate provision.

*Section 420. Voyage data recorder study and report*

Section 429 of the House bill would require the Secretary to prescribe regulations to require ferries that carry more than 399 passengers be equipped with a voyage data recorder and to establish standards, methods for approval of models, and procedures for annual performance testing.

The Senate amendment does not include a comparable provision.

The Conference substitute adopts a provision that requires the Coast Guard to conduct a study that examines the costs and benefits of carriage of a voice data recorder aboard ferries that carry 400 or more passengers. The Coast Guard is required to submit the findings of the study to Congress not more than 1 year after enactment and to include a recommendation for proposed legislative language if it is deemed appropriate and necessary.



*Section 421. Distant water tuna fleet*

The House bill does not contain a comparable provision.

Section 218 of the Senate amendment would permit U.S.-flag purse seine fishing vessels that operate out of American Samoa and that fish exclusively for highly migratory species under a fishing license issued pursuant to the 1987 Treaty of Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America to utilize non-United States licensed and documented personnel to meet manning requirements for a 48-month period beginning on the date of enactment of this Act if, after timely notice of a vacancy, no United States-licensed and documented personnel are readily available.

The Conference substitute adopts a provision that would permit such U.S.-flag vessels to utilize foreign citizens that hold a valid license issued in accordance with the standards established by the 1995 amendments to the Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 95) and under competency and training standards that are equivalent or exceed such standards, in the determination of the Secretary, that are required for U.S. licensed personnel. The provision maintains the requirement that the vessel's master be a U.S. citizen licensed by the Coast Guard and provides that this exemption applies only when no U.S. licensed and documented personnel are available. The substitute maintains the sunset and geographical restrictions that were included in the Senate amendment.

## TITLE V—LIGHTHOUSES

*Section 501. Transfer*

Section 501 of the House bill transfers administrative jurisdiction from the Secretary of Agriculture to the Secretary of the department in which the Coast Guard is operating over several National Forest System lands in the State of Alaska upon which are located certain Coast Guard facilities, and over improvements situated on the lands, without requiring consideration and directs the Secretary of Interior to select an eligible entity under the National Historic Lighthouse Preservation Act to take custody of the structures and surrounding lands once the Coast Guard has determined that the land is excess property.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision.

*Section 502. Misty Fjords National Monument and Wilderness*

Section 502 of the House bill permits the Secretary of the department in which the Coast Guard is operating to transfer to the Secretary of Agriculture all administrative jurisdiction over the Tree Point Light Station, without consideration, if the Secretary determines that the Tree Point Light Station is no longer needed for the purposes of the Coast Guard. The Commandant of the Coast Guard, however, may reserve rights to operate and maintain Federal aids to navigation at the site.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision.

*Section 503. Miscellaneous light stations*

Section 503 of the House bill specifies that, for purposes of section 416(a)(2) of Public Law 105–383, the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled ‘Cape St. Elias Light Station,’ dated September 14, 2004. That law authorized the Commandant of the Coast Guard, or the Administrator of the General Services Administration, as appropriate, to convey all right, title, and interest of the United States to Cape St. Elias Light Station to the Cape St. Elias Light Keepers Association; however, it did not clearly describe the property to be conveyed. This provision provides a description of this property.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment that amends Section 325(c)(3) of the Coast Guard Authorization Act of 1993 (Public Law 103–206; 107 Stat. 2432) to include several housing units and related structures with the property that was transferred in association with Point Wilson Lighthouse in the State of Washington under that Act.

*Section 504. Inclusion of lighthouse in St. Marks National Wildlife Refuge, Florida*

Section 504 of the House bill revokes the reservation of public land described in subsection (b) for lighthouse purposes by the Executive Order dated November 12, 1838, as amended by Public Land Order 5655, dated January 9, 1979, consisting of approximately 8.0 acres within the external boundaries of St. Marks National Wildlife Refuge in Wakulla County, Florida. Administrative jurisdiction over this land, and over all improvements, structures, and fixtures located thereon, is transferred from the department in which the Coast Guard is operating to the Secretary of the Interior, without reimbursement. However, any Federal aids to navigation located at the Refuge will continue to be operated and maintained by the Coast Guard for as long as they are needed for navigational purposes, and the Coast Guard may remove, replace, or install any Federal aid to navigation at the Refuge as may be necessary.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment that prohibits the transfer of the property until the Coast Guard has completed all response and restoration activities at the site.

TITLE VI—DELAWARE RIVER PROTECTION AND  
MISCELLANEOUS OIL PROVISIONS.

*Section 601. Short title*

Section 601 of the House bill states that the legislation may be referred to as the “Delaware River Protection Act of 2005”.

The Senate amendment does not contain a comparable provision.

The Conference substitute states that this title may be referred to as the “Delaware River Protection Act of 2006”.

*Section 602. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States*

Section 602 of the House bill establishes a requirement to notify the Coast Guard of a release of an object from a vessel or facility that creates an obstruction to navigation. Individuals who fail to “promptly” notify the Coast Guard of a loss of such an object will be subject to existing civil and criminal penalties under the Ports and Waterways Safety Act.

Under Subchapter C of title 33, Code of Federal Regulations, owners of sunken or submerged vessels that could obstruct navigation in U.S. waters must mark and report the existence of the obstruction. However, there is no current statutory or regulatory requirement that an owner of an object, other than a vessel, notify the Coast Guard after the release of such an object into the navigable waterways of the United States. This provision will address that discrepancy and will improve the Coast Guard’s capabilities to maintain safe and efficient navigation on U.S. waterways.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision.

*Section 603. Limits on liability*

Section 603 of the House bill amends the Oil Pollution Act of 1990 (OPA) to adjust oil spill liability limits to reflect the change in the Consumer Price Index (CPI) since the Act’s passage in 1990. The provision would increase liability limits to the December, 2004 CPI-adjusted level (approximately \$1,700 per gross ton) over a three year period. The provision makes distinctions between single-hull vessels and double-hull vessels. Liability levels for double-hull vessels would be increased by \$500 per gross ton over 3 years, while liability levels for single-hull vessels would be increased by \$1,050 per gross ton over three years. This amount is equal to twice the adjustment (approximately \$525 per gross ton) based on the increase in the CPI from 1990–2004. The provision also requires the President to adjust the liability limits within three years of the enactment of the Act and every three years thereafter.

OPA established liability limits for tank vessels at a level of \$1,200 per gross ton. Under OPA, liability for cleanup costs and damages resulting from oil spills rests with a “responsible party” who is either the owner or operator of a vessel. In the event of a spill, the responsible party must pay removal costs incurred by the government or others and damages to claimants who are injured by the spill. Damages may include natural resources damages, damages to real or personal property, damages for loss of use of a natural resource such as a fishery, damages for lost revenue or profit caused by a spill, and damages for the cost of government response necessitated by the spill.

Under OPA, the President is required to adjust these limits every three years according to changes in the Consumer Price

Index (CPI). Despite this requirement, no such adjustments have ever been made. The Secretary of the Department of Homeland Security has recently delegated this authority to the Coast Guard.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment to increase liability limits for single-hull tank vessels to \$3,000 per gross ton; for double-hull tank vessels to \$1,900 per gross ton; and for nontank vessels to \$950 per gross ton. These adjustments are based on the projected increase in the end-of-year CPI figure for calendar year 2006.

The substitute also requires the Coast Guard to provide a report within 45 days of enactment of the Act on the extent to which oil discharges from vessels and non-vessel sources have or are likely to result in response costs and damages that exceed these new limits, the impact on the Oil Spill Liability Trust Fund, and recommendations on whether the liability limits need to be further adjusted. This report is to be updated annually.

*Section 604. Requirement to update Philadelphia area contingency plan*

Section 604 of the House bill requires the Philadelphia Area Committee to annually update its area contingency plan to include the most recent environmental sensitivity data that has been collected by State and Federal agencies.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision.

*Section 605. Submerged oil removal*

Section 605 of the House bill requires the National Oceanic and Atmospheric Administration (NOAA), in conjunction with the Coast Guard, to establish a submerged oil research program to research methods to detect, monitor and remove submerged oil and improve modeling capabilities to better predict the movement and behavior of submerged oil. The provision also requires the Coast Guard to carry out a demonstration project to demonstrate technologies and processes to detect and remove submerged oil from waterways including the Delaware River.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment to limit the scope of the submerged oil research program to the Delaware River and Delaware Bay region.

Title VII of the Oil Pollution Act establishes an Oil Pollution Research and Development Program and an Interagency Coordinating Committee on Oil Pollution Research to carry out the Program. The program established under this section would carry out specific research on the effects and persistence of submerged oil in addition to the research program that is carried out by the Committee. A large percentage of the oil that was released from the ATHOS I was or still remains submerged at the bottom of the river, and little work has been done to increase capabilities to pre-

dict the persistence of or vertical and horizontal movement of oil within the water column.

The conferees recommend that the efforts of the research program be focused on developing methods and technologies to remove or diminish the persistence of submerged oil that is currently found in the Delaware River. Further, the conferees recommend that the effort of the demonstration program be concentrated on evaluating methods and technologies of removing submerged oil of the type that was released into the Delaware River as a result of the grounding of the ATHOS I and under the conditions that are observed in the area of the Delaware River that was impacted by such oil.

*Section 606. Assessment of oil spill costs*

The House bill does not contain a comparable provision.

The Senate amendment does not contain a comparable provision.

The Conference substitute requires the Government Accountability Office to assess the costs of response activities and claim that resulted from oil spills into U.S. waters since January 1, 1990.

*Section 607. Delaware River and Bay Oil Spill Advisory Committee*

Section 606 of the House bill establishes an advisory committee composed of representatives from port authorities, shipping interests, oil refineries, labor, river pilots, environmental groups and the general public. The Committee is tasked with developing recommendations for Congress on the prevention of and response to future oil spills on the Delaware River and Bay.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment to increase the membership of the advisory committee.

The conferees do not intend the advisory committee established under this section to, in any way, assume or duplicate the roles and responsibilities inherent to any existing advisory committees including the Mariners Advisory Committee for the Delaware River and Bay, as well as any committees established under the Oil Pollution Act of 1990 or under Chapter 701 of title 46, United States Code, nor do the conferees wish the advisory committee to duplicate the work of these other entities.

*Section 608. Nontank vessels*

The House bill does not contain a comparable provision.

Section 519 of the Senate amendment would clarify the applicability of section 701 of P.L. 108-293 (Coast Guard and Maritime Transportation Act of 2004) to nontank vessels within 12 nautical miles of the United States.

The Conference substitute adopts the Senate provision with a technical amendment.

## TITLE VII—HURRICANE RESPONSE

*Section 701. Homeowners assistance for Coast Guard personnel affected by Hurricanes Katrina or Rita*

Section 213 of the House bill authorizes the Secretary to purchase the primary residences of Coast Guard personnel who were assigned to a facility in Louisiana, Mississippi, or Alabama prior to the landfall of Hurricane Katrina that were damaged or destroyed by the storm. Eligible personnel would receive up to 85 percent of fair market value or the amount of any outstanding mortgage, minus an amount of money received from insurance and would transfer to the Secretary all title and interest to the property. The authority to make such purchases is subject to the availability of appropriations.

The Senate amendment does not contain a comparable provision.

The Conference substitute adopts the House provision with an amendment to make personnel assigned to facilities in the State of Texas and properties damaged as a result of Hurricane Rita eligible for reimbursement under this section.

The conferees believe that this provision recognizes the unique situation in which the men and women of the Coast Guard are placed. The Coast Guard was among the first on the scene after (and during) Hurricanes Katrina and Rita and rescued approximately 35,000 Americans. At the same time, members suffered great personal losses. Instead of going home to save personal items, they remained on duty.

*Section 702. Temporary authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents*

Section 420 of the House bill would authorize the Secretary through December 31, 2006 to temporarily extend the duration of a license or certificate of registry or merchant mariners' document issued for an individual for up to one year if the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina or the individual is a resident of Alabama, Mississippi, or Louisiana.

Section 705 of the Senate amendment contains a similar provision but authorizes extensions "when such action is deemed appropriate and necessary" and extends the authority to grant exemptions through September 30, 2007.

The Conference substitute adopts the House provision with an amendment to permit the Secretary to provide an extension to a mariner whose records were damaged or lost as a result of Hurricane Katrina and provides that the authority to grant extensions will expire on April 1, 2007.

The conference adopts this provision to address the concerns of the Coast Guard and Gulf merchant mariners affected by Hurricanes Katrina and Rita. The extension will allow merchant mariners to continue working in the region while the Coast Guard continues its efforts to recover documents that were held in the Regional Examination Center in New Orleans.

The conferees also direct the Coast Guard to expedite the processing of merchant mariner documents for new applicants from the Gulf Coast region. The dislocation of the local population due to Hurricanes Katrina and Rita left many Gulf Coast vessel operators without enough employees to meet the offshore repair workload. As the speed with which these repairs are made have a significant impact on U.S. energy supplies, the Coast Guard should make every effort to expedite the processing of merchant mariner documents for new applicants required to do this work.

*Section 703. Temporary authorization to extend the duration of vessel certification of vessel certificates of inspection*

Section 421 of the House bill authorizes the Secretary through December 31, 2006 to temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance for up to 6 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

Section 705 of the Senate amendment contains a similar provision except that it does not limit the application of the provision to vessels inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana. Also, the Senate amendment extends authorization through September 30, 2007.

The Conference substitute adopts the House provision with an amendment to extend the authority through April 1, 2007.

*Section 704. Preservation of leave lost due to Hurricane Katrina operations*

The House bill does not contain a comparable provision.

Section 707 of the Senate amendment would preserve up to 90 days of accumulated leave that would otherwise be lost for Coast Guardsmen who were stationed in or assisted with operations in the areas that were affected by Hurricane Katrina. This section also provides that any leave in excess of 60 days that is preserved under this language will be lost if not used prior to the end of FY 2006.

The Conference substitute adopts the Senate provision.

The conference adopts this provision to rectify the inequity that would occur to certain Coast Guard personnel who worked in the region affected by Hurricane Katrina and did not take accumulated leave.

*Section 705. Report on impacts to Coast Guard*

Section 214 of the House bill requires the Coast Guard to submit a report on the personnel and assets deployed to assist in the response to Hurricane Katrina and the costs incurred as a result of such response that are in addition to funds already appropriated for the Coast Guard for FY 2005.

Section 708 of the Senate amendment contains a comparable provision that requires the Coast Guard to analyze the impacts of Hurricane Katrina on Coast Guard assets and operations, the Coast Guard's preparedness for such a storm, the Coast Guard's capabilities to communicate during and after the storm, and the financial impacts unbudgeted increases in the price of fuel on Coast Guard operations in FYs 2005 and 2006.

The Conference substitute adopts the Senate provision.

*Section 706. Report on impacts on navigable waterways*

The House bill does not contain a comparable provision.

Section 709 of the Senate amendment requires the Coast Guard to submit a report on the impacts of Hurricane Katrina on navigable waterways and the response of the Coast Guard to such impacts.

The Conference substitute adopts the Senate provision.

TITLE VIII—OCEAN COMMISSION RECOMMENDATIONS

*Section 801. Implementation of international agreements*

The House bill does not contain a comparable provision.

Section 302 of the Senate amendment requires the Secretary to work with responsible officials and agencies of other nations to accelerate efforts at the International Maritime Organization (IMO) to enhance flag state oversight and enforcement of security, environmental, and other agreements adopted within the IMO, including implementation of a code outlining flag state responsibilities and obligations, an audit regime for evaluating flag state performance, measures to ensure that responsible organizations, acting on behalf of flag states, meet established performance standards, and cooperative arrangements to improve enforcement on a bilateral, regional or international basis.

The Conference substitute adopts the Senate provision with a technical amendment to clarify that the Secretary shall work with our international partners to accelerate the implementation and enforcement of those international agreements to which those nations are a party.

*Section 802. Voluntary measures for reducing pollution from recreational boats*

The House bill does not contain a comparable provision.

Section 303 of the Senate amendment requires the Secretary to, in consultation with appropriate federal, state, and local government agencies, undertake outreach programs for educating the owners and operators of boats using two-stroke engines about the pollution associated with such engines, and to support voluntary programs to reduce such pollution and encourage the early replacement of older two-stroke engines.

The Conference substitute adopts the Senate provision.

*Section 803. Integration of vessel monitoring system data*

The House bill does not contain a comparable section.

Section 304 of the Senate amendment requires the Secretary to integrate vessel monitoring system data into its maritime operations databases for the purpose of improving monitoring and enforcement of federal fisheries laws and to work with the Undersecretary of Commerce for Oceans and Atmosphere to ensure effective use of such data for monitoring and enforcement.

The Conference substitute adopts the Senate provision.



*Section 804. Foreign fishing incursions*

The House bill does not contain a comparable provision.

Section 304 of the Senate amendment requires the Secretary to report on steps that the Coast Guard will take to significantly improve the Coast Guard's detection and interdiction of illegal incursions into the United States exclusive economic zone by foreign fishing vessels.

The Conference substitute adopts the Senate provision with an amendment to also include incursions in the Bering Sea within the scope of the report.

## TITLE IX—TECHNICAL CORRECTIONS

Section 401 of the House bill makes several technical corrections to current law related to the Coast Guard and maritime transportation.

Sections 501–518 of the Senate amendment make several conforming amendments to current law to reflect the transfer of the Coast Guard to the Department of Homeland Security from the Department of Homeland Security.

Sections 208, 520 and 521 of the Senate amendment make several other amendments that are technical or conforming in nature.

Section 601 of the Senate amendment establishes an effective date for technical amendments that were included in the Senate amendment.

The Conference Report makes several technical and conforming amendments to statutes related to Coast Guard and maritime transportation and establishes an effective date for those amendments.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

DON YOUNG,  
FRANK A. LOBIONDO,  
HOWARD COBLE,  
PETER HOEKSTRA,  
PETE SIMMONS,  
MARIO DIAZ-BALART,  
CHARLES W. BOUSTANY, Jr.,  
JAMES L. OBERSTAR,  
BOB FILNER,  
GENE TAYLOR,  
BRIAN HIGGINS,  
ALLYSON Y. SCHWARTZ,

From the Committee on Energy and Commerce, for consideration of sec. 408 of the House bill, and modifications committed to conference:

JOE BARTON,  
PAUL GILLMOR,  
JOHN D. DINGELL,

From the Committee on Homeland Security, for consideration of secs. 101, 404, 413, and 424 of the House bill, and secs. 202, 207, 215, and 302 of the Senate amendment, and modifications committed to conference:

BENNIE G. THOMPSON,  
From the Committee on Resources, for consideration of  
secs. 426, 427, and title V of the House bill, and modifica-  
tions committed to conference:

RICHARD POMBO,  
WALTER B. JONES,  
*Managers on the Part of the House.*

TED STEVENS,  
OLYMPIA SNOWE,  
(except section 414),  
TRENT LOTT,  
GORDON SMITH,  
DANIEL INOUYE,  
MARIA CANTWELL,  
(except section 414),  
FRANK R. LAUTENBERG,  
(except section 414),  
*Managers on the Part of the Senate.*

