

COAST GUARD AUTHORIZATION ACT OF 2006

JULY 28, 2006.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 5681]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 5681) to authorize appropriations for the Coast Guard for fiscal year 2007, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coast Guard Authorization 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.

TITLE II—COAST GUARD

Sec. 201. Appointment of civilian Coast Guard judges.
Sec. 202. Industrial activities.
Sec. 203. Reimbursement for medical-related travel expenses.
Sec. 204. Commissioned officers.
Sec. 205. Repeal of termination date on Coast Guard housing authorities.
Sec. 206. Coast Guard participation in the Armed Forces Retirement Home (AFRH) system.
Sec. 207. Grants to international maritime organizations.
Sec. 208. Emergency leave retention authority.
Sec. 209. Enforcement authority.
Sec. 210. Notification.
Sec. 211. Repeal.
Sec. 212. Maritime safety for nuclear power facilities located adjacent to navigable waters.

TITLE III—SHIPPING AND NAVIGATION

Sec. 301. Vessel size limits.
Sec. 302. Goods and services.

Sec. 303. Maritime activities.
 Sec. 304. Seaward extension of anchorage grounds jurisdiction.
 Sec. 305. Maritime Drug Law Enforcement Act amendment-simple possession.
 Sec. 306. Technical amendments to tonnage measurement law.
 Sec. 307. Seamen's shoreside access.
 Sec. 308. Limitation on maritime liens on fishing permits.
 Sec. 309. Extension of exemption.
 Sec. 310. Documentation of certain fishing vessels.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Secure communications program.
 Sec. 402. Certificate of documentation for GALLANT LADY.
 Sec. 403. Waiver.
 Sec. 404. Data.
 Sec. 405. Great Lakes Maritime Research Institute.
 Sec. 406. Inspection and certification of permanently moored vessels.
 Sec. 407. Competitive contracting for patrol boat replacement.
 Sec. 408. Patrol boat report.
 Sec. 409. Actions to address sexual harassment and violence at Coast Guard Academy.
 Sec. 410. Cruise ship demonstration project.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2007 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, \$5,680,000,000, of which—

(A) \$24,255,000 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));

(B) \$629,000,000 shall be available only for paying for search and rescue programs; and

(C) \$502,000,000 shall be available only for paying for marine safety programs.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$2,095,861,000, of which—

(A) \$19,800,000 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) \$1,419,223,000 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 System; and

(C) \$316,638,000 is authorized for conversion and 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 \$2,000,000 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.

(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, \$1,063,323,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$17,000,000.

(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, \$124,000,000.

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, 2007.

(b) **MILITARY TRAINING STUDENT LOADS.**—For fiscal year 2007, 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.

TITLE II—COAST GUARD

SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD JUDGES.

(a) **IN GENERAL.**—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

“§ 153. Appointment of judges

“The Secretary may appoint civilian employees of the Department in which the Coast Guard is operating as appellate military judges, available for assignment to the Coast Guard Court of Criminal Appeals as provided for in section 866(a) of title 10.”.

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

“153. Appointment of judges.”.

SEC. 202. INDUSTRIAL ACTIVITIES.

Section 151 of title 14, United States Code is amended—

- (1) by inserting “(a) **IN GENERAL.**—” before “All orders”; and
- (2) by adding at the end the following:

“(b) **ORDERS AND AGREEMENTS FOR INDUSTRIAL ACTIVITIES.**—Under this section, the Coast Guard industrial activities may accept orders and enter into reimbursable agreements with establishments, agencies, and departments of the Department of Defense.”.

SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAVEL EXPENSES.

(a) **IN GENERAL.**—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

“§ 518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States

“In any case in which a covered beneficiary (as defined in section 1072(5) of title 10) resides on an island that is located in the 48 contiguous States and the District of Columbia and that lacks public access roads to the mainland and is referred by a primary care physician to a specialty care provider (as defined in section 1074i(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary’s family who is at least 21 years of age.”.

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

“518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.”.

SEC. 204. COMMISSIONED OFFICERS.

(a) **ACTIVE DUTY PROMOTION LIST.**—Section 42 of title 14, United States Code, is amended to read as follows:

“§ 42. Number and distribution of commissioned officers on active duty promotion list

“(a) **MAXIMUM TOTAL NUMBER.**—The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 6,700; except that the Commandant may temporarily increase such number by up to 2 percent for no more than 60 days following the date of the commissioning of a Coast Guard Academy class.

“(b) **DISTRIBUTION PERCENTAGES BY GRADE.**—

“(1) REQUIRED.—The total number of commissioned officers authorized by this section shall be distributed in grade in the following percentages: 0.375 percent for rear admiral; 0.375 percent for rear admiral (lower half); 6.0 percent for captain; 15.0 percent for commander; and 22.0 percent for lieutenant commander.

“(2) DISCRETIONARY.—The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

“(3) AUTHORITY OF SECRETARY TO REDUCE PERCENTAGE.—The Secretary—

“(A) may reduce, as the needs of the Coast Guard require, any of the percentages set forth in paragraph (1); and

“(B) shall apply that total percentage reduction to any other lower grade or combination of lower grades.

“(c) COMPUTATIONS.—

“(1) IN GENERAL.—The Secretary shall compute, at least once each year, the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages established by or under this section to the total number of commissioned officers listed on the current active duty promotion list.

“(2) ROUNDING FRACTIONS.—Subject to subsection (a), in making the computations under paragraph (1), any fraction shall be rounded to the nearest whole number.

“(3) TREATMENT OF OFFICERS SERVING OUTSIDE COAST GUARD.—The number of commissioned officers on the active duty promotion list serving with other Federal departments or agencies on a reimbursable basis or excluded under section 324(d) of title 49 shall not be counted against the total number of commissioned officers authorized to serve in each grade.

“(d) USE OF NUMBERS; TEMPORARY INCREASES.—The numbers resulting from computations under subsection (c) shall be, for all purposes, the authorized number in each grade; except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

“(e) OFFICERS SERVING COAST GUARD ACADEMY AND RESERVE.—The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of such title is amended by striking the item relating to section 42 and inserting the following:

“42. Number and distribution of commissioned officers on active duty promotion list.”.

SEC. 205. REPEAL OF TERMINATION DATE ON COAST GUARD HOUSING AUTHORITIES.

Section 689 of title 14, United States Code, and the item relating to such section in the analysis for chapter 18 of such title, are repealed.

SEC. 206. COAST GUARD PARTICIPATION IN THE ARMED FORCES RETIREMENT HOME (AFRH) SYSTEM.

(a) IN GENERAL.—Section 1502 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended—

(1) by striking paragraph (4);

(2) in paragraph (5)—

(A) by striking “and” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting “, and”; and

(C) by inserting at the end the following:

“(E) the Assistant Commandant of the Coast Guard for Human Resources.”; and

(3) by adding at the end of paragraph (6) the following:

“(E) The Master Chief Petty Officer of the Coast Guard.”.

(b) CONFORMING AMENDMENTS.—(1) Section 2772 of title 10, United States Code, is amended—

(A) in subsection (a) by inserting “or, in the case of the Coast Guard, the Commandant” after “concerned”; and

(B) by striking subsection (c).

(2) Section 1007(i) of title 37, United States Code, is amended—

(A) in paragraph (3) by inserting “or, in the case of the Coast Guard, the Commandant” after “Secretary of Defense”; and

(B) by striking paragraph (4); and

(C) by redesignating paragraph (5) as paragraph (4).

SEC. 207. GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.

Section 149 of title 14, United States Code, is amended—

- (1) by inserting “(a) IN GENERAL.—” after “The President” 307.; and
- (2) by adding at the end the following:

“(b) GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.—After consultation with the Secretary of State, the Commandant may make grants to, or enter into cooperative agreements, contracts, or other agreements with, international maritime organizations for the purpose of acquiring information or data about merchant vessel inspections, security, safety, classification, and port state or flag state law enforcement or oversight.”.

SEC. 208. EMERGENCY LEAVE RETENTION AUTHORITY.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 425 the following:

“§ 426. Emergency leave retention authority

“With regard to a member of the Coast Guard who serves on active duty, a duty assignment in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall be treated, for the purpose of section 701(f)(2) of title 10, a duty assignment in support of a contingency operation.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 425 the following new item:

“426. Emergency leave retention authority.”.

SEC. 209. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

“§ 99. Enforcement authority

“Subject to guidelines approved by the Secretary, members of the Coast Guard, in the performance of official duties, may—

- “(1) carry a firearm; and
- “(2) while at a facility (as defined in section 70101 of title 46)—
 - “(A) make an arrest without warrant for any offense against the United States; and
 - “(B) seize property as otherwise provided by law.”.

(b) CONFORMING REPEAL.—The first section added to title 46, United States Code, by the amendment made by subsection (a) of section 801 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1078), and the item relating to such first section enacted by the amendment made by subsection (b) of such section 801, are repealed.

(c) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“99. Enforcement authority.”.

SEC. 210. NOTIFICATION.

The Secretary of the department in which the Coast Guard is operating may not transfer the permanent headquarters of the United States Coast Guard Band until at least 180 days after the date on which a plan for such transfer is submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 211. REPEAL.

Section 216 of title 14, United States Code, and the item relating to such section in the analysis for chapter 11 of such title, are repealed.

SEC. 212. MARITIME SAFETY FOR NUCLEAR POWER FACILITIES LOCATED ADJACENT TO NAVIGABLE WATERS.

(a) RESPONSIBILITY.—Section 2 of title 14, United States Code, is amended by inserting before “and shall maintain a state of readiness” the following: “shall administer laws and promulgate and enforce regulations to assure the maritime safety of nuclear power facilities located adjacent to navigable waters of the United States not specifically delegated by law to some other executive department;”.

(b) COOPERATION WITH NRC.—Chapter 7 of such title is amended by inserting after section 147a the following:

“§ 147b. Nuclear regulatory commission

“(a) IN GENERAL.—The Commandant may enter into an agreement with the Chairman of the Nuclear Regulatory Commission to enhance the maritime safety of

the navigable waters of the United States that are located adjacent to a nuclear power plant. Such agreement shall provide for—

“(1) the exchange of certain information with the Chairman relating to the maritime safety of a nuclear power plant located adjacent to the navigable waters of the United States;

“(2) the assignment of officers of the Coast Guard to serve as liaisons to the Nuclear Regulatory Commission; and

“(3) the provisions of equipment and support to, or accept the same from, the Nuclear Regulatory Commission.

“(b) PAYMENT OR REIMBURSEMENT.—With regard to any agreement entered into under subsection (a), the Commandant may prescribe conditions, including advance payment or reimbursement, under which such resources may be provided.”.

(c) CLERICAL AMENDMENT.—The analysis for chapter 7 of such title is amended by adding at the end the following:

“147b. Nuclear Regulatory Commission.”.

TITLE III—SHIPPING AND NAVIGATION

SEC. 301. VESSEL SIZE LIMITS.

(a) LENGTH, TONNAGE, AND HORSEPOWER.—Section 12102(c)(5) of title 46, United States Code, is amended—

(1) by inserting “and” after the semicolon at the end of subparagraph (A)(i);

(2) by striking “and” at the end of subparagraph (A)(ii);

(3) by striking subparagraph (A)(iii);

(4) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(5) by inserting at the end the following:

“(C) the vessel is either a rebuilt vessel or a replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–625) and is eligible for a fishery endorsement under section 12108 of this title; or”.

(b) CONFORMING AMENDMENTS.—

(1) VESSEL REBUILDING AND REPLACEMENT.—Section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627) is amended to read as follows:

“(g) VESSEL REBUILDING AND REPLACEMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), (c), (d), or (e) may rebuild or replace that vessel. The rebuilt or replacement vessel shall be eligible in the same manner under such subsection as the eligible vessel, documented with a fishery endorsement under section 12108 of title 46, United States Code, and not be subject to any limitations on lengthening vessels contained in section 679.4(k) of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2006.

“(2) RECOMMENDATIONS OF NORTH PACIFIC COUNCIL.—The North Pacific Council may recommend for approval by the Secretary such conservation and management measures in accordance with the Magnuson-Stevens Act as it considers necessary to ensure that this subsection does not diminish the effectiveness of fishery management plans of the Bering Sea and Aleutian Islands Management Area or the Gulf of Alaska.

“(3) SPECIAL RULE FOR REPLACEMENT OF CERTAIN VESSELS.—

“(A) IN GENERAL.—Notwithstanding the requirements of paragraphs (1), (2), and (3) of section 12102(c) of title 46, United States Code, a vessel that is eligible under subsection (a), (b), (c), (d), or (e) and that qualifies to be documented with a fishery endorsement pursuant to section 203(g) or 213(g) may be replaced with a replacement vessel under paragraph (1) if the vessel that is replaced is validly documented with a fishery endorsement pursuant to section 203(g) or 213(g) before the replacement vessel is documented with a fishery endorsement under section 12108 of title 46, United States Code.

“(B) APPLICABILITY.—A replacement vessel under subparagraph (A) and its owner and mortgagee are subject to the same limitations under section 203(g) or 213(g) that are applicable to the vessel that has been replaced and its owner and mortgagee.

“(4) SPECIAL RULES FOR CERTAIN CATCHER VESSELS.—

“(A) IN GENERAL.—A replacement for a covered vessel described in subparagraph (B) is prohibited from harvesting fish in any fishery (except for

the Pacific whiting fishery) managed under the authority of any regional fishery management council (other than the North Pacific Council) established under section 302(a) of the Magnuson-Stevens Act.

“(B) COVERED VESSELS.—A covered vessel referred to in subparagraph (A) is—

“(i) a vessel eligible under subsection (a), (b), or (c) that is replaced under paragraph (1); or

“(ii) a vessel eligible under subsection (a), (b), or (c) that is rebuilt to increase its registered length, gross tonnage, or shaft horsepower.

“(5) LIMITATION ON FISHERY ENDORSEMENTS.—Any vessel that is replaced under this subsection shall thereafter not be eligible for a fishery endorsement under section 12108 of title 46, United States Code, unless that vessel is also a replacement vessel described in paragraph (1).”

(2) EXEMPTION OF CERTAIN VESSELS.—Section 203(g) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-620) is amended—

(A) by inserting “and” after “(United States official number 651041)”;

(B) by striking “, NORTHERN TRAVELER (United States official number 635986), and NORTHERN VOYAGER (United States official number 637398) (or a replacement vessel for the NORTHERN VOYAGER that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act)”;

(C) by striking “, in the case of the NORTHERN” and all that follows through “PHOENIX,”.

(3) FISHERY COOPERATIVE EXIT PROVISIONS.—Section 210(b) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-629) is amended—

(A) by moving the matter beginning with “the Secretary shall” in paragraph (1) 2 ems to the right;

(B) by adding at the end the following:

“(7) FISHERY COOPERATIVE EXIT PROVISIONS.—

“(A) FISHING ALLOWANCE DETERMINATION.—For purposes of determining the aggregate percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—

“(i) shall be based on the average total pollock harvest for the vessel being removed for calendar years 1995, 1996, and 1997 and determined under the regulations in effect on the date of removal of the vessel; and

“(ii) shall be assigned, for all purposes under this title, in the manner specified by the owner of the vessel being retired to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery cooperative for at least one year after the date on which the vessel being removed leaves the directed pollock fishery.

“(B) ELIGIBILITY.—

“(i) FOR FISHERY ENDORSEMENT.—Except as provided in clause (ii), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

“(ii) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed to make a vessel removed from the directed pollock fishery not eligible for a fishery endorsement or any permit necessary to continue to participate in such fishery if that vessel has participated, as determined by the Secretary, during either 2002, 2003, or 2004 in a Federal fishery not under the authority of the North Pacific Council.”.

(c) VESSEL SAFETY STANDARDS.—

(1) LOADLINES.—Section 5102(b)(3) of title 46, United States Code, is amended to read as follows:

“(3) a fishing vessel unless the vessel is—

“(A) a rebuilt vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-627); or

“(B) a replacement vessel under such section and the replacement vessel did not harvest fish under section 208(a), 208(b), 208(c), or 208(e) of that Act before June 1, 2006.”.

(2) CLASSING.—Section 4503 of title 46, United States Code, is amended—

- (A) in subsection (a) by inserting after “A” the following: “fishing or”;
- (B) by adding at the end the following:
“(c) APPLICABILITY TO FISHING VESSELS.—This section applies to a fishing vessel to which this chapter applies that is—
“(1) a rebuilt vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627); or
“(2) a replacement vessel under such section and the replacement vessel did not harvest fish under section 208(a), 208(b), 208(c), or 208(e) of that Act before June 1, 2006.”; and
(C) in the heading for such section by striking “**Fish**” and inserting “**Fishing and fish**”.

SEC. 302. GOODS AND SERVICES.

Section 4(b) of the Act of July 5, 1884, commonly known as the Rivers and Harbors Appropriation Act of 1884 (33 U.S.C. 5(b)), is amended—

- (1) by striking “or” at the end of paragraph (2)(C);
- (2) by striking the period at the end of paragraph (3) and inserting “; or”;
- (3) by adding at the end the following:
“(4) sales taxes on goods and services provided to or by vessels or watercraft (other than vessels or watercraft primarily engaged in foreign commerce).”.

SEC. 303. MARITIME ACTIVITIES.

Not later than 30 days after the date of enactment of this Act, the Commandant of the Coast Guard shall prepare and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the use of funds provided to the Alaska Sealife Center from the Oil Spill Liability Trust Fund.

SEC. 304. SEAWARD EXTENSION OF ANCHORAGE GROUNDS JURISDICTION.

Section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) is amended—

- (1) by inserting before “The” the following:
“(a) IN GENERAL.—”;
- (2) in subsection (a) (as designated by paragraph (1)) by striking “\$100; and the” and inserting “up to \$10,000. Each day during which a violation continues shall constitute a separate violation. The”;
- (3) by adding at the end the following:
“(b) DEFINITION.—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. 305. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENT—SIMPLE POSSESSION.

The Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901–1904) is amended by adding at the end the following:

“SEC. 1905. SIMPLE POSSESSION.

“(a) IN GENERAL.—Any individual at a facility (as defined under section 70101 of title 46, United States Code) or on a vessel subject to the jurisdiction of the United States who is found by the Secretary, after notice and an opportunity for a hearing, to have knowingly or intentionally possessed a controlled substance within the meaning of the Controlled Substances Act (21 U.S.C. 812) shall be liable to the United States for a civil penalty of not to exceed \$10,000 for each violation. The Secretary shall notify the individual in writing of the amount of the civil penalty.

“(b) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

“(c) TREATMENT OF CIVIL PENALTY ASSESSMENT.—Assessment of a civil penalty under this section shall not be considered a conviction for purposes of State or Federal law but may be considered proof of possession if such a determination is relevant.”.

SEC. 306. TECHNICAL AMENDMENTS TO TONNAGE MEASUREMENT LAW.

(a) APPLICATION.—Section 14301(b)(3) of title 46, United States Code, is amended by inserting “of United States or Canadian registry” after “vessel”.

(b) MEASUREMENT.—Section 14302(b) of such title is amended to read as follows:

“(b) MEASUREMENT.—A vessel measured under this chapter may not be required to be measured under any other law.”.

(c) RECIPROCITY FOR FOREIGN VESSELS.—Subchapter II of chapter 145 of such title is amended by adding at the end the following:

“§ 14514. Reciprocity for foreign vessels

“For a foreign vessel not measured under chapter 143, if the Secretary finds that the laws and regulations of a foreign country related to measurement of vessels are substantially similar to those of this chapter and the regulations prescribed under this chapter, the Secretary may accept the measurement and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter.”.

(d) DUAL TONNAGE MEASUREMENT.—Section 14513(c) of such title is amended—

(1) in paragraph (1)—

(A) by striking “vessel’s tonnage mark is below the uppermost part of the load line marks,” and inserting “vessel is assigned 2 sets of gross and net tonnages under this section,”; and

(B) by striking “the mark” and inserting “the vessel’s tonnage mark”; and

(2) in paragraph (2) by striking the period at the end and inserting “as assigned under this section.”.

(e) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 145 of such title is amended by adding at the end the following:

“14514. Reciprocity for foreign vessels.”.

SEC. 307. SEAMEN’S SHORESIDE ACCESS.

Each facility security plan approved under section 70103(c) of title 46, United States Code, shall provide a system for seamen assigned to a vessel at that facility and representatives of seamen’s welfare and labor organizations to board and depart the vessel through the facility in a timely manner at no cost to the individual.

SEC. 308. LIMITATION ON MARITIME LIENS ON FISHING PERMITS.

(a) IN GENERAL.—Subchapter I of chapter 313 of title 46, United States Code, is amended by adding at the end the following:

“§ 31310. Limitation on maritime liens on fishing permits

“(a) IN GENERAL.—A maritime lien shall not attach to a permit that—

“(1) authorizes use of a vessel to engage in fishing; and

“(2) is issued under State or Federal law.

“(b) LIMITATION ON ENFORCEMENT.—No civil action may be brought to enforce a maritime lien on a permit described in subsection (a).

“(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in subsections (a) and (b) shall be construed as imposing any limitation upon the authority of the Secretary of Commerce to modify, suspend, revoke, or sanction any Federal fishery permit issued by the Secretary of Commerce or to bring a civil action to enforce such modification, suspension, revocation, or sanction.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 31309 the following:

“31310. Limitation on maritime liens on fishing permits.”.

SEC. 309. EXTENSION OF EXEMPTION.

Section 3503(a) of title 46, United States Code, is amended by striking “2008” and inserting “2018”.

SEC. 310. DOCUMENTATION OF CERTAIN FISHING VESSELS.

Section 12102(c)(5) of title 46, United States Code, as amended by section 301(a) of this Act, is amended by adding at the end the following:

“(D) the vessel has been issued a permit pursuant to part 648.6(a)(2) of title 50, Code of Federal Regulations, and the owner of the vessel—

“(i) demonstrates to the Secretary the recommendation and approval referred to in subparagraph (B);

“(ii) is required under the endorsement to land all harvested fish and processed fish products at a United States port; and

“(iii) demonstrates to the Secretary that the vessel is in compliance with—

“(I) requirements that otherwise apply under section 403 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881b) that the vessel carry one or more Federal observers; and

“(II) recordkeeping and reporting requirements that otherwise apply under part 648.7 of title 50, Code of Federal Regulations.”.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. SECURE COMMUNICATIONS PROGRAM.

There is authorized to be appropriated to the Commandant of the Coast Guard \$3,000,000 to improve boarding team communications through the use of a cryptographic mesh overlay protocol.

SEC. 402. CERTIFICATE OF DOCUMENTATION FOR GALLANT LADY.

Section 1120(c) of the Coast Guard Authorization Act of 1996 (110 Stat. 3977) is amended—

(1) in paragraph (1)—

(A) by striking “of Transportation” and inserting “of the department in which the Coast Guard is operating”; and

(B) by striking subparagraph (A) and inserting the following:

“(A) the vessel GALLANT LADY (Feadship hull number 672, approximately 168 feet in length).”;

(2) by striking paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3); and

(3) in paragraph (3) (as so redesignated) by striking all after “shall expire” and inserting “on the date of the sale of the vessel by the owner.”.

SEC. 403. WAIVER.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289; 24 Stat. 81), and section 12106 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the OCEAN VERITAS (IMO Number 7366805).

SEC. 404. DATA.

In each of fiscal years 2007 and 2008, there is authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration \$7,000,000 to acquire through the use of unmanned aerial vehicles data to improve the management of natural disasters, and the safety of marine and aviation transportation.

SEC. 405. GREAT LAKES MARITIME RESEARCH INSTITUTE.

Section 605 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1052) is amended—

(1) in subsection (b)(1)—

(A) by striking “The Secretary of Transportation shall conduct a study that” and inserting “The Institute shall conduct maritime transportation studies of the Great Lakes region, including studies that”;

(B) in subparagraphs (A), (B), (C), (E), (F), (H), (I), and (J) by striking “evaluates” and inserting “evaluate”;

(C) in subparagraphs (D) and (G) by striking “analyzes” and inserting “analyze”;

(D) by striking “and” at the end of subparagraph (I);

(E) by striking the period at the end of subparagraph (J) and inserting a semicolon;

(F) by adding at the end the following:

“(K) identify ways to improve the integration of the Great Lakes marine transportation system into the national transportation system;

“(L) examine the potential of expanded operations on the Great Lakes marine transportation system;

“(M) identify ways to include intelligent transportation applications into the Great Lakes marine transportation system;

“(N) analyze the effects and impacts of aging infrastructure and port corrosion on the Great Lakes marine transportation system;

“(O) establish and maintain a model Great Lakes marine transportation system database; and

“(P) identify market opportunities for, and impediments to, the use of United States-flag vessels in trade with Canada on the Great Lakes.”; and

(2) by striking subsection (b)(4) and inserting the following:

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1)—

“(A) \$2,100,000 for fiscal year 2007;

“(B) \$2,200,000 for fiscal year 2008;

“(C) \$2,300,000 for fiscal year 2009;

“(D) \$2,400,000 for fiscal year 2010; and

“(E) \$2,500,000 for fiscal year 2011.”.

SEC. 406. INSPECTION AND CERTIFICATION OF PERMANENTLY MOORED VESSELS.

(a) **REPORT.**—Not later than 30 days after the date of enactment of this Act, the Commandant of the Coast Guard shall prepare and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the number and location of vessels that would be identified as permanently moored vessels under the Coast Guard’s notice of proposed policy entitled “Coast Guard Inspection and Certification of Permanently Moored Vessels”, dated June 21, 2004, and printed in the Federal Register and the potential economic impacts of prohibiting the issuance of certificates of inspection for vessels under the proposed policy.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Coast Guard should develop and implement in a timely manner a policy regarding the inspection of permanently moored vessels that would not prohibit any vessel that is operating under a valid certificate of inspection on June 1, 2006, from being issued a certificate of inspection if such vessel maintains compliance with all applicable Coast Guard regulations.

SEC. 407. COMPETITIVE CONTRACTING FOR PATROL BOAT REPLACEMENT.

The Coast Guard may only buy or operate a patrol boat replacement (fast response cutter) if the contract to build the cutter is awarded using a competitive contracting procedure among shipyards in the United States and the management of the competitive contracting procedure is done by the Coast Guard or the primary contractor for the Deepwater Program of the Coast Guard.

SEC. 408. PATROL BOAT 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 a report how the Coast Guard plans to manage the annual readiness gap of lost time for 110-foot patrol boats from fiscal year 2007 through fiscal year 2013. The report shall include—

- (1) an identification of assets that may be used to alleviate the annual readiness gap of lost time for such patrol boats;
- (2) a projection of the remaining operational lifespan of the 110-foot patrol boat fleet;
- (3) a description of how extending through fiscal year 2013 the transfer agreement between the Coast Guard and the United States Navy for 5 Cyclone class 179-foot patrol coastal ships would effect the annual readiness gap of lost time for 110-foot patrol boats; and
- (4) an estimate of the cost to extend the operational lifespan of the 110-foot patrol boat fleet for each of fiscal years 2007 through 2013.

SEC. 409. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND VIOLENCE AT COAST GUARD ACADEMY.

(a) **POLICY ON SEXUAL HARASSMENT.**—

(1) **IN GENERAL.**—Under guidance prescribed by the Secretary of the department in which the Coast Guard is operating, the Commandant of the Coast Guard shall direct the Superintendent of the Coast Guard Academy to prescribe a policy on sexual harassment and violence applicable to the personnel of the Coast Guard Academy.

(2) **SPECIFIED PROGRAMS AND PROCEDURES.**—The policy on sexual harassment and violence prescribed for the Academy under paragraph (1) shall specify the following:

(A) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve academy personnel.

(B) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or violence, including—

- (i) a specification of the person or persons to whom the alleged offense should be reported;
- (ii) a specification of any other person whom the victim should contact; and
- (iii) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

(C) Procedures for disciplinary action in cases of alleged criminal sexual assault involving academy personnel.

(D) Any other sanction authorized to be imposed in a substantiated case of harassment or violence involving academy personnel in rape, acquaint-

ance rape, or any other criminal sexual offense, whether forcible or nonforcible.

(E) Required training on the policy for all academy personnel, including the specific training required for personnel who process allegations of sexual harassment or violence involving academy personnel.

(3) FACTORS TO CONSIDER.—In prescribing the policy on sexual harassment and violence for the Academy under paragraph (1), the Superintendent shall take into consideration—

(A) the findings, conclusions, and recommendations of the panel established pursuant to title V of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 609) to review sexual misconduct allegations at the United States Air Force Academy; and

(B) the findings, conclusions, and recommendations of other previous reviews and investigations of sexual harassment and violence conducted with respect to the Coast Guard Academy and one or more of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy.

(4) DEADLINE.—The policy required by paragraph (1) shall be prescribed not later than June 1, 2007.

(b) ANNUAL ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall direct the Superintendent to conduct at the Coast Guard Academy an assessment during the Academy's program year to determine the effectiveness of the Academy's policies, training, and procedures on sexual harassment and violence to prevent criminal sexual harassment and violence involving academy personnel.

(2) SURVEY OF PERSONNEL.—For the assessment for each academy program year, the Superintendent shall conduct a survey of all academy personnel—

(A) to measure—

(i) the incidence, during that program year, of sexual harassment and violence events, on or off the academy reservation, that have been reported to officials of the Academy; and

(ii) the incidence, in that program year, of sexual harassment and violence events, on or off the academy reservation, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of academy personnel on—

(i) the policies, training, and procedures on sexual harassment and violence involving academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and violence involving academy personnel in such program year; and

(iv) any other issues relating to sexual harassment and violence involving academy personnel.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Commandant shall direct the Superintendent to submit to the Secretary a report on sexual harassment and violence involving academy personnel for each academy program year.

(2) SPECIFIED MATTERS TO BE COVERED.—The annual report for the Academy under paragraph (1) shall contain, for the academy program year covered by the report, the following matters:

(A) The number of sexual assaults, rapes, and other sexual offenses involving academy personnel that have been reported to academy officials during the program year and the number of the reported cases that have been substantiated.

(B) The policies, procedures, and processes implemented by the Commandant and the leadership of the Academy in response to sexual harassment and violence involving academy personnel during the program year.

(C) In the report for the 2008 academy program year, a discussion of the survey conducted under subsection (b), together with an analysis of the results of the survey and a discussion of any initiatives undertaken on the basis of such results and analysis.

(D) In the report for each of the subsequent academy program years, the results of the annual survey conducted in such program year under subsection (b).

(E) A plan for the actions that are to be taken in the following academy program year regarding prevention of and response to sexual harassment and violence involving academy personnel.

(3) TRANSMITTAL TO SECRETARY.—The Commandant shall transmit the annual report on an academy under this subsection, together with the Commandant's

comments on the report, to the Secretary and the Board of Visitors of the Academy.

(4) TRANSMITTAL TO CONGRESS.—The Secretary shall transmit the annual report on the Academy under this subsection, together with the Secretary's comments on the report to, the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(5) DEADLINE FOR 2008 REPORT.—The report for the 2008 academy program year shall be submitted to the Commandant not later than June 1, 2009.

(6) DEFINITION.—In this subsection, the term “academy program year” with respect to a year, means the academy program year that ends in that year.

SEC. 410. CRUISE SHIP DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Commandant of the Coast Guard, in cooperation the regional trade association representing the major cruise lines that operate in the Alaska cruise trade, shall conduct a demonstration project on the methods and best practices of the use of smokestack scrubbers on cruise ships that operate in that region.

(b) AGREEMENT.—The Commandant of the Coast Guard may enter into an agreement with the regional trade association referred to in subsection (a), or one or more of its members, to assist in conducting the demonstration project under subsection (a).

(c) REPORT.—Upon completion of the project described in subsection (a), the Commandant of the Coast Guard shall submit a report on the results of the project to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

PURPOSE OF THE LEGISLATION

H.R. 5681, the Coast Guard Authorization Act of 2006, authorizes approximately \$9 billion in funding for the Coast Guard in fiscal year 2007 and makes changes to current law regarding the Coast Guard and maritime transportation.

BACKGROUND AND NEED FOR THE LEGISLATION

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

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

As the fifth armed force of the United States, the Coast Guard also maintains defense readiness to operate as a specialized service in the Navy upon the declaration of war or when the President directs. The Coast Guard is composed of approximately 40,000 active duty military personnel, 8,100 reservists, 6,700 civilian employees, and 36,000 volunteers of the Coast Guard Auxiliary. The Coast Guard has defended the Nation in every war since 1790.

In recent years, the Coast Guard has experienced significant increases in its budget and in the Service's scope of missions to preserve maritime safety and security. Following the events of September 11th, the Coast Guard has been designated as the lead Fed-

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

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

Under the revised implementation plan, the Deepwater program is scheduled to be completed on a 25-year schedule and is projected to cost approximately \$24 billion (in 2002 dollars). This figure is an increase over the original Deepwater timeline and the increase in projected years to completion is of particular concern to the Committee on Transportation and Infrastructure. The Committee is extremely concerned with recent difficulties in the replacement of the 110-foot patrol boat class, as well as the strategy that the Coast Guard will employ to sustain these legacy assets until delivery of a replacement. Accordingly, the Committee reported bill would authorize an increased funding level in an effort to accelerate the program to 15 years. Deepwater will provide new, more capable vessels, aircraft and support systems that are necessary to support increased Coast Guard mission responsibilities in a post-9/11 environment. The Committee will continue to support efforts to acquire these assets as soon as possible.

The Committee will also continue to oversee the Coast Guard to ensure that the Service is achieving a balance between its traditional and homeland security missions. Despite the particular attention placed on the Coast Guard's homeland security related missions in recent years, the Service performs a much broader range of missions to protect lives and property at sea. It is imperative that the Service's non-homeland security functions remain priorities for the Coast Guard. The strength of America's commerce relies on waterborne trade, and the Coast Guard protects that trade not only from terrorism, but also from other threats. As a result of concerns that the service will not have the funding it needs for traditional missions, the Committee has placed a "floor" on funding that will be used for marine safety programs and search and rescue.

The Committee continues to oppose the Administration's request to transfer a portion of the Coast Guard's Research, Development, Training and Evaluation ("RDT&E") funds from the Coast Guard budget to the Science and Technology Directorate of the Depart-

ment of Homeland Security. The Administration proposed to fund the Coast Guard's Research and Development Center and the Service's non-homeland security research projects within the Service's budget; however, the funding for the Coast Guard's homeland security research programs has again been transferred to the Science and Technology Directorate with the Department of Homeland Security. Under Section 888 of the Homeland Security Act, the Coast Guard is to remain intact with all authorities, functions, and capabilities remaining under the authority of the Service. The Administration's proposal to remove RDT&E from the Coast Guard's control would violate Section 888. The Committee will continue to take steps to maintain the integrity of the Coast Guard as an independent entity within the Department.

The Committee is also concerned by the Coast Guard's lack of research and development programs to enhance the service's capabilities to carry its traditional missions. The Coast Guard's non-homeland security research and development budget has consistently decreased over the last five-year period; however the need to improve the Coast Guard's search and rescue, oil spill response and prevention, drug interdiction and maritime domain awareness missions has not decreased. The Administration has requested only \$900,000 for non-homeland security research and development programs for fiscal year 2007. The Committee recommends that the Coast Guard continue to carry out a robust research and development program to support each of its many missions and to continue to develop new technologies and procedures to ensure the security and safety of lives and property at sea.

The Committee believes that the U.S. Coast Guard Command Center objectives of Information Management, Situational Awareness, and Command and Control must be well executed at all times. The committee urges the Coast Guard to ensure that the best information is available for its Command Centers to support decision-making. The use of best practices should be exploited to the fullest through the establishment of Centers of Excellence. A Center of Excellence would provide a place where crisis components, and supporting processes and systems, could be tested, implemented and monitored prior to use in the maritime domain. It would also enable the Coast Guard to achieve improvements in operational effectiveness and readiness by analyzing the results of simulation and determining appropriate standards that maximize effectiveness and minimize risk. These standards could then be implemented in all Sector, District, and Area Command Centers. The Center of Excellence could further serve as a facility to support rigorous training standards that can be modeled in a no-impact environment and later replicated in actual units.

SUMMARY OF THE LEGISLATION

Section 1. Short title

Section 1 states that the legislation may be referred to as the "Coast Guard Authorization Act of 2006".

TITLE I—AUTHORIZATION

Title I authorizes funding levels and end-of-year military strength levels and military training student loads for fiscal year 2007.

Section 101. Authorization of appropriations

Section 101 authorizes approximately \$9 billion in funding for the necessary expenses of the Coast Guard in fiscal year 2007. Paragraph (1) of this section authorizes a funding level of \$5,680,000,000 for the Coast Guard's Operating Expenses Account including an amount of \$39 million to establish a second Helicopter Interdiction Tactical Squadron (HITRON) on the west coast. Currently, the Coast Guard operates one HITRON squadron out of Jacksonville, Florida. The Coast Guard's HITRON squadron carries out illegal drug interdiction missions in concert with Coast Guard vessels in the Caribbean Sea and in the Eastern Pacific Ocean. HITRON helicopters enhance the capabilities of Coast Guard cutters and associated small boats to pursue and apprehend "go-fast" vessels that attempt to smuggle illicit drugs into the United States. The Coast Guard has estimated that as of June 26, 2006, the HITRON squadron has interdicted 102 Go-Fast boats laden with 132.25 tons of Cocaine, 7.37 tons of Marijuana and 33 pounds of Heroin worth \$8.5 billion.

Section 101 also establishes a minimum amount of money that the Coast Guard must spend on two important non-homeland security missions. This section requires \$629 million to be spent on search and rescue programs and \$502 million for marine safety programs. This restores the funding for these programs to their FY06 appropriated levels. The Committee believes it is important that these non-homeland security missions be adequately funded and that funding for these programs not be diverted to homeland security missions except in the case of an imminent or actual terrorist attack. The Committee also understands that search and rescue funds will be available for terrorist SAR activities.

Section 101(2) authorizes \$2,095,861,000 for the Coast Guard's Acquisitions, Construction and Improvements Account including approximately \$1.7 billion for the Integrated Deepwater Systems program (Deepwater). Of the funding authorized for Deepwater in fiscal year 2007, H.R. 5681 authorizes an amount of \$1,419,223,000 for the acquisition and construction of new vessels, aircraft, facilities, and support systems and an amount of \$316,638,000 for the sustainment of the Coast Guard's legacy vessels and aircraft. The Committee recommends that the Coast Guard examine ways to decrease the costs of maintaining and sustaining the Service's legacy assets, particularly the fleet of 110-foot cutters and the HH-65 helicopters. The Committee also recommends that the Coast Guard investigate ways to acquire new assets in an expedited manner to replace the Service's deteriorating legacy assets. Without such expedited acquisition, the cost of maintaining legacy assets will continue to escalate at the expense of modernization efforts.

Section 101(3) authorizes an amount of \$24 million for the Coast Guard's program to research and develop technologies, measures, and procedures to enhance the Coast Guard's capabilities to carry out all of the Service's many missions. The Committee strongly be-

believes that this funding should remain under the Coast Guard's direct control and that no portion of this funding should not be transferred to any other entity within the Department of Homeland Security, as the President has again proposed. The Coast Guard's unique character as a military service with a wide scope of regulatory functions requires that this funding be available to support missions including defense readiness, search and rescue, marine environmental protection, providing aids to navigation and protecting America's maritime homeland security.

Section 101(5) authorizes an amount of \$17,000,000 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 also authorizes \$12 million for environmental compliance and restoration at Coast Guard facilities and \$124 million for the Coast Guard Reserve program. Lastly, this section authorizes \$1,063,323,000 for retired pay, a mandatory expenditure.

Section 102. Authorized levels of military strength and training

Section 102 authorizes a Coast Guard end-of-year strength of 45,500 active duty military personnel for fiscal year 2007. This level maintains the personnel level that was authorized at the end of fiscal year 2006. The section also authorizes average military training student loads for fiscal year 2007 at the same level as was authorized in fiscal year 2006.

TITLE II—COAST GUARD

Title II amends Title 14, the title of the United States Code that authorizes activities and functions of the Coast Guard.

Section 201. Appointment of civilian Coast Guard judges

Section 201 amends chapter 7 of title 14, United States Code, to authorize the Coast Guard to appoint civilian judges to the Coast Guard Appellate Court, which hears appeals from courts-martial, as vacancies occur. Civilian judges were previously permitted to be appointed to this court by the Secretary of Transportation, and this provision would provide the Secretary of Homeland Security with the same statutory authority.

Section 202. Industrial activities

Section 202 authorizes appropriations to remain available for payment beyond the year in which they are appropriated for work performed by the Coast Guard for Department of Defense military departments. Currently, the Economy Act (31 U.S.C. 1535) requires transferred budget authority to be de-obligated and returned to the requesting agency if obligations have not been incurred before the end of the period of availability. This section will prevent the loss of multi-year Department of Defense work.

Section 203. Reimbursement for certain medical-related travel expenses

Section 203 authorizes reimbursement of travel-related expenses to Coast Guard personnel who are stationed on an island in the continental United States when a family member is referred to a specialty care provider off-island that is less than 100 miles from

the primary care provider. Currently, there is only authorization for the reimbursement when the specialty care provider is more than 100 miles away. Their families do not have the option of driving off-island and, as a result, often have to pay expensive flight costs. Personnel stationed outside the continental United States already have authority for this reimbursement.

Section 204. Commissioned officers

Section 204 will make permanent the temporary increase in the Coast Guard's allowable number of officers from 6,200 to 6,700, that was authorized for 2004–2006. This increase was previously granted as a result of the service's increased homeland security role following 9/11.

Section 205. Repeal of termination date on housing authorities

Section 205 will make permanent existing Coast Guard housing authorities that encourage private sector participation in the acquisition or construction of Coast Guard housing. The authorities are scheduled to expire on October 1, 2007. In 2004, Congress made permanent the similar authorities from the Department of Defense, and this section would do the same for the Coast Guard. The Committee recommends that the Coast Guard enhance its use of these authorities to improve and expand housing availability for Coast Guardsmen and their families near Coast Guard installations.

Section 206. Coast Guard participation in the Armed Forces Retirement Home System.

Section 206 authorizes Coast Guard veterans to have the same access to the Armed Forces Retirement Home system as retirees from the other military services.

Section 207. Grants to international maritime organizations.

Section 207 amends Section 149 of title 14, United States Code, to authorize the Coast Guard to provide funds to international maritime authorities and organizations that collect and maintain international databases. In exchange, the Coast Guard would have access to information on foreign vessels and ports regarding their global safety and security compliance history; the additional information would allow the Coast Guard to make more accurate threat assessments. The Committee urges the Coast Guard to utilize this authority to support the rapid development of international standards and procedures necessary to implement a long-range vessel tracking system domestically and internationally.

Section 208. Emergency leave retention authority

Section 208 provides that any Coast Guard personnel who work in support of a declaration of a major disaster or emergency by the President shall retain up to a total of 90 days of accrued leave. Currently, personnel can only retain up to 60 days of accrued leave if not used by the end of the fiscal year.

Section 209. Enforcement authority

Section 209 makes a technical correction to transfer language regarding the Coast Guard's law enforcement authorities at onshore facilities to title 14, United States Code. The provision also removes a limitation upon Coast Guard personnel that had only per-

mitted the service to make arrests if a crime actually occurs in their presence.

Section 210. Notification

Section 210 requires the Coast Guard to provide at least a 180-day notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate prior to moving the Coast Guard band from its current station at the Coast Guard Academy. The Committee strongly supports the collocation of the band with the Academy and discourages any attempt to relocate the band to the Coast Guard Headquarters.

Section 211. Repeal

Section 211 repeals section 216 of title 14, United States Code, which concerns the rank of the individual that serves as the Director of the Coast Guard's Boating Safety Office.

Section 212. Maritime safety for nuclear power facilities located adjacent to navigable waters

Section 212 amends section 2 of title 14, United States Code, to direct the Coast Guard to enforce regulations ensuring the maritime safety of nuclear power facilities located adjacent to navigable waters of the United States not specifically delegated by law to some other executive department. It also authorizes the Commandant of the Coast Guard to enter into an agreement with the Chairman of the Nuclear Regulatory Commission to enhance the maritime safety of navigable waters of the United States located adjacent to a nuclear power plant.

TITLE III—SHIPPING AND NAVIGATION

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

Section 301. Vessel size limits

Section 301 allows fishing vessels in the rationalized Bering Sea/Aleutian Islands pollock fishery to be documented with a fishery endorsement if the vessel is a rebuilt or a replacement vessel of a vessel that is authorized to hold a Federal fishery permit under the American Fisheries Act, notwithstanding current limits on length, tonnage, and horsepower. This section does not alter the fishery quotas established through the Federal fisheries management process.

Section 302. Goods and services

Section 302 clarifies that non-Federal sales taxes on goods and services may be levied upon or collected from vessels when the vessel is operating on any navigable water subject to the authority of the United States.

Section 303. Maritime activities

Section 303 requires the Commandant of the Coast Guard to provide the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the use of

funds provided to the Alaska Sealife Center from the Oil Spill Liability Trust Fund under the Oil Pollution Act of 1990.

Section 304. Seaward extension of anchorage grounds jurisdiction

Section 304 extends the Coast Guard's authority to establish anchorage grounds for vessels from 3 nautical miles to 12 nautical miles and also increases the civil penalty fines imposed for a violation of rules concerning the anchorage grounds from \$100 to up to \$10,000, with each day of a continuing violation constituting a separate violation. The amount of the penalty was last adjusted in 1915.

Section 305. Maritime Drug Law Enforcement Act amendment—simple possession

Section 305 establishes a civil penalty offense for simple possession of a controlled substance on a vessel subject to the jurisdiction of the United States or at a facility defined under section 70101 of title 46. The civil penalty shall be up to \$10,000 for each violation.

Section 306. Technical amendments to tonnage measurement law

Section 306 makes technical amendments to laws regarding the tonnage measurement of vessels.

Section 307. Seamen's shoreside access

Section 307 prohibits certain facilities from charging fees to seamen who depart or board vessels through a facility. This provision will prevent facilities from charging seamen fees as a way to discourage their disembarking so that the facility would not have to provide an escort while the seaman traverses the property (as is required under regulations implementing the Maritime Transportation Security Act of 2002).

Section 308. Limitation of maritime liens on fishing permits

Section 308 prevents a maritime lien from attaching to a federal or state fishing permit. Under current law, a maritime lien attaches to a vessel and its "appurtenances". This provision will have the effect of clarifying that fishing permits are not an "appurtenance" to the vessel.

Section 309. Extension of exemption

Section 309 extends the deadline from 2008 to 2018 for passenger vessels of the United States operating only within the Boundary Line to meet certain standards. It retains the requirements on the owners and operators of these vessels mandatory for eligibility for the temporary exemption.

Section 310. Documentation of certain fishing vessels

Section 310 requires the Coast Guard to receive a certification from the Secretary of Commerce that a processor vessel that accepts fish over the side in the Atlantic mackerel fishery is in compliance with certain requirements in place for other vessels in the fishery before that vessel is issued a certificate of documentation with a fishery endorsement. Currently, these vessels are exempted from regulations that would require the vessel to meet landing fees, fishery observer and recordkeeping and reporting require-

ments. This provision would enhance the Federal Government's capabilities to manage the Atlantic mackerel fishery and enforce existing regulations in place for that fishery. It will level the playing field by requiring processor and catcher-processor vessels in the Atlantic mackerel fishery to comply with the same requirements.

TITLE IV—MISCELLANEOUS PROVISIONS

Section 401. Secure communications program

Section 401 authorizes \$3,000,000 to the Commandant to improve boarding team communications via a cryptographic mesh overlay protocol. Such improvements are needed to address communications failures and challenges caused when current equipment does not work effectively within the hull of a vessel during boarding operations.

Section 402. Certificate of documentation for GALLANT LADY

Section 402 authorizes the Secretary of the department in which the Coast Guard is operating to issue a certificate of documentation with a limited coastwise endorsement for the limited purpose of allowing a vessel to host charity events in which the vessel's owner receives no compensation.

Section 403. Waiver

Section 403 authorizes a temporary coastwise endorsement for a certain vessel to undertake a one-time voyage that must be complete by December 31, 2006.

Section 404. Data

Section 404 authorizes \$7 million in each of fiscal years 2007 and 2008 to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration for the acquisition of data to improve the management of natural disasters and the safety of marine and aviation transportation.

Section 405. Great Lakes Maritime Research Institute

Section 405 requires the National Maritime Enhancement Institute for the Great Lakes region to conduct maritime transportation studies. It also authorizes the appropriations of certain amounts of funding through 2010 to carry out the studies.

Section 406. Inspection and certification of permanently moored vessels

Section 406 requires the Commandant to submit a report that includes the number and locations of vessels that would be classified as permanently moored vessels under the Coast Guard's notice of proposed policy entitled "Coast Guard Inspection and Certification of Permanently Moored Vessels," dated June 21, 2004 and the potential economic impacts of prohibiting the issuance of certificates of inspection for vessels under the proposed policy. It also expresses a sense of Congress that the Coast Guard should develop a policy that would not prohibit any of these vessels operating under a valid certificate of inspection on June 1, 2006 from being issued a certificate of inspection, if the vessel maintains compliance with all applicable Coast Guard regulations.

Section 407. Competitive contracting for patrol boat replacement

Section 407 requires the Coast Guard, when building the “Patrol Boat Replacement (Fast Response Cutter)” as described in the April 6, 2006 Request for Information (Reference Number: HSCG23-06-R-FRC-RFI) or also referred to as the “Parent Craft”, to use a competitive contracting procedure among shipyards in the United States and to manage, or have the primary contractor for the Deepwater program, manage the competitive contracting procedure.

Section 408. Patrol boat report

Section 408 requires a report from the Secretary of the department in which the Coast Guard is operating concerning how the service intends to manage the readiness gap in the service’s 110-foot patrol boat fleet.

The Committee is concerned that the Coast Guard has not developed a plan to address the 110-foot patrol boat hour gap which the service estimates will reach nearly 20,000 hours annually by 2009.

Section 409. Actions to address sexual harassment and violence at the Coast Guard Academy

Section 409 requires the Commandant of the Coast Guard to direct the Superintendent of the Coast Guard Academy to develop and implement a policy on sexual harassment and violence applicable to the personnel of the Coast Guard Academy. It also specifies the various programs and procedures that the policy shall contain, as well as the factors that shall be considered when developing the policy. An annual assessment and report is also required and shall be submitted to the Secretary of the department in which the Coast Guard is operating, the board of Visitors of the Academy, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate. The provision is similar to the requirements for policies on sexual harassment and violence applicable to the other military service academies.

Section 410. Cruise ship demonstration project

Section 410 requires the Commandant of the Coast Guard to conduct a demonstration project on the methods and best practices of the use of smokestack scrubbers on cruise ships that operate in the Alaska cruise trade. Upon completion, a report must be provided to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

H.R. 5681, the Coast Guard Authorization Act of 2006, was introduced by Committee Chairman Don Young, on June 26, 2006 and is cosponsored by Subcommittee on Coast Guard and Maritime Transportation Chairman Frank A. LoBiondo. H.R. 5681 was solely referred to the Committee on Transportation and Infrastructure.

On June 20, 2006, the Subcommittee on Coast Guard and Maritime Transportation held an oversight hearing on a committee print that formed the bulk of H.R. 5681, as introduced.

H.R. 5681 was considered during a markup session of the Committee on Transportation and Infrastructure on June 28, 2006. At this markup, Mr. LoBiondo offered an en bloc amendment that increased the authorization of funding for the Coast Guard's Deep-water program. The amendment also included several additional legislative provisions. The amendment was adopted by voice vote.

Mr. Oberstar offered an amendment to the substitute to strike 308 regarding maritime liens. Mr. Oberstar's amendment failed by Rollcall Vote—Yeas 29/Nays 32.

Mr. Taylor of Mississippi offered an amendment to H.R. 5681 to strike a provision that would have amended the Coast Guard and Maritime Transportation Act of 2004 (P.L. 108–293) to extend the duration of the limited grandfather for foreign lease-financed offshore supply vessels provided under that Act. Mr. Taylor's amendment was adopted by voice vote.

Mr. Taylor of Mississippi also offered an amendment to H.R. 5681 to strike section 402 of the bill concerning the certificate of documentation for the GALLANT LADY. Mr. Taylor's amendment failed by voice vote.

Mr. Mica, Mr. Diaz-Balart, and Ms. Brown of Florida offered an amendment to add a provision to amend title 46, United States Code, concerning passenger vessel wage penalties. The amendment was withdrawn by unanimous consent.

H.R. 5681, as amended, was approved unanimously by voice vote and was ordered favorably reported to the House.

ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. One rollcall vote was ordered during the consideration of H.R. 5681.

AMENDMENT TO H.R. 5681

OFFERED BY MR. OBERSTAR OF MINNESOTA

Strike Section 309 of the bill and conform the table of contents of the bill accordingly.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
U.S. HOUSE OF REPRESENTATIVES

Full Committee

109th Congress

Date 6-28-06Roll No. 1Bill No. H.R. 5681 Short Title Coast Guard Authorization Act of 2006Amendment or matter voted on: Oberstar Amendment

	Yeas	Nays	Present		Yeas	Nays	Present
Mr. Young, Chairman		X		Mr. Oberstar	X		
Mr. Petri		X		Mr. Rahall	X		
Mr. Boehlert				Mr. DeFazio	X		
Mr. Coble		X		Mr. Costello	X		
Mr. Duncan				Ms. Norton	X		
Mr. Gilchrest				Mr. Nadler	X		
Mr. Mica		X		Ms. Brown	X		
Mr. Hockstra				Mr. Filner			
Mr. Ehlers		X		Ms. Johnson			
Mr. Bachus		X		Mr. Taylor	X		
Mr. LaTourette		X		Ms. Millender-McDonald	X		
Mrs. Kelly		X		Mr. Cummings	X		
Mr. Baker		X		Mr. Blumenauer			
Mr. Ney		X		Ms. Tauscher	X		
Mr. LoBiondo		X		Mr. Pascrell	X		
Mr. Moran		X		Mr. Boswell	X		
Mr. Miller		X		Mr. Holden			
Mr. Hayes		X		Mr. Baird	X		
Mr. Simmons		X		Ms. Berkley	X		
Mr. Brown		X		Mr. Matheson	X		
Mr. Johnson		X		Mr. Honda	X		
Mr. Platts		X		Mr. Larsen	X		
Mr. Graves		X		Mr. Capuano	X		
Mr. Kennedy		X		Mr. Weiner	X		
Mr. Shuster		X		Ms. Carson	X		
Mr. Boozman		X		Mr. Bishop	X		
Mr. Gerlach				Mr. Michaud	X		
Mr. Diaz-Balart		X		Mr. Davis			
Mr. Porter		X		Mr. Chandler	X		
Mr. Osborne		X		Mr. Higgins	X		
Mr. Marchant				Mr. Carnahan	X		
Mr. Sodrel		X		Ms. Schwartz	X		
Mr. Dent		X		Mr. Salazar	X		
Mr. Poe				Mr. Barrow	X		
Mr. Reichert		X					
Mr. Mack							
Mr. Kuhl		X					
Mr. Fortuno		X					
Mr. Westmoreland							
Mr. Boustany		X					
Mrs. Schmidt		X		TOTAL	29	32	

COMMITTEE OVERSIGHT FINDINGS

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

COST OF LEGISLATION

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 24, 2006.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5681, the Coast Guard Authorization Act of 2006.

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

Sincerely,

DONALD B. MARRON,
Acting Director.

Enclosure.

H.R. 5681—Coast Guard Authorization Act of 2006

Summary: H.R. 5681 would authorize the appropriation of nearly \$8 billion for discretionary activities of the U.S. Coast Guard (USCG), including \$2 million annually for payments to the Great Lakes Maritime Research Institute (GLMRI) and \$7 million for each of fiscal years 2007 and 2008 for the National Oceanic and Atmospheric Administration (NOAA). CBO estimates that appropriation of the authorized amounts for discretionary programs would result in outlays of about \$4.9 billion in fiscal year 2007 and \$7.7 billion over the 2007–2011 period. (About \$300 million would be spent after 2011.)

Also, CBO estimates that enacting section 205 of the bill, which would permanently authorize a Coast Guard housing program, would result in new direct spending of \$120 million over the 2007–2011 period and \$200 million over the 2007–2016 period. Enacting this legislation could increase revenues from civil penalties, but CBO estimates that such increases would not be significant.

H.R. 5681 contains both an intergovernmental mandate and a private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would impose requirements on owners and operators of certain port terminals. CBO estimates that the total direct cost of those mandates would fall below the annual thresholds established in UMRA (\$64 million in 2006 for intergovernmental mandates and \$128 million in 2006 for private-sector mandates, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary effects of H.R. 5681 are summarized in the following table. The costs of this legislation fall within budget functions 300 (natural resources and environment) and 400 (transportation).

	By fiscal year, in millions of dollars—										
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
SPENDING SUBJECT TO APPROPRIATION											
USCG Spending Under Current Law:											
Budget Authority/Authorization Level ¹	7,140	26	0	0	0	0	0	0	0	0	0
Estimated Outlays	6,547	2,069	848	392	156	93	44	0	0	0	0
Proposed Changes:											
Authorization Level	0	7,939	9	2	2	3	0	0	0	0	0
Estimated Outlays	0	4,864	1,484	771	433	171	106	63	42	21	0
USCG Spending Under H.R. 5681:											
Authorization Level	7,140	7,965	9	2	2	3	0	0	0	0	0
Estimated Outlays	6,547	6,933	2,332	1,163	589	264	150	63	42	21	0
CHANGES IN DIRECT SPENDING											
Estimated Budget Authority	0	0	100	30	20	20	20	10	0	0	0
Estimated Outlays	0	0	5	35	45	35	25	20	15	10	10

¹ The 2006 level is the amount appropriated for that year. The \$26 million shown for 2007 is the amount already authorized to be appropriated from the Oil Spill Liability Trust Fund for Coast Guard operating expenses and research.

Basis of estimate

Spending subject to appropriation

The total authorization level shown in the table is the sum of all amounts authorized in the bill for discretionary accounts, excluding \$26 million to be derived from the Oil Spill Liability Trust Fund (OSLTF). That amount, which consists of \$24 million for operating expenses and \$2 million for research, is already authorized under existing law. Estimated outlays are based on historical spending patterns for the Coast Guard.

For 2007, H.R. 5681 would authorize the appropriation of about \$5.8 billion for USCG operations, including \$124 million for reserve training, \$12 million for environmental compliance, \$2 million for the GLMRI, and \$3 million to improve secure communications. The bill also would authorize about \$2.1 billion for capital acquisitions and other multiyear projects, including \$24 million for research activities and \$17 million for bridge alterations. Of the amounts authorized, \$46 million would be derived from the OSLTF, including \$26 million that is already authorized under existing law. The 2007 authorization level also includes \$7 million for NOAA to purchase environmental data gathered by unmanned aerial vehicles.

The bill also would authorize the appropriation of about \$1.1 billion for Coast Guard retirement benefits in 2007, but that amount is excluded from this estimate because such benefits are considered an entitlement under current law and are not subject to appropriation. Thus, the authorization has no additional budgetary impact.

Finally, the bill would authorize another \$7 million for NOAA for 2008 and between \$2 million and \$3 million for the GLMRI for each of fiscal years 2008 through 2011.

Changes in direct spending

Section 205 would repeal the expiration date on the Coast Guard's authority to finance military housing construction through

private developers. CBO expects that this provision would enable the Coast Guard to execute new contracts with developers to build several military housing projects over the next 10 years. We estimate that making the agency's housing authorities permanent would increase direct spending by about \$120 million over the 2007–2011 period and by about \$200 million over the 2007–2016 period.

Under current law, the Coast Guard is authorized to use direct loans and loan guarantees, lease-purchases, limited partnerships, and similar means to finance housing projects. That authority expires at the end of fiscal year 2007. To date, the Coast Guard has not used any of these mechanisms to acquire new housing, but based on USGS plans, CBO expects that, if its authority is made permanent, the agency would execute agreements with private developers to provide employees with over 1,100 units of housing. We expect that such housing would be acquired by leasing federal land to developers, who would then construct apartment buildings, townhouses, or other dwellings that would be rented primarily to Coast Guard military personnel. The developers would thus recoup their investments through the Coast Guard's annual operating appropriations over the life of the buildings.

CBO estimates that the first of such USCG housing projects would encompass nearly 750 units in Cape May, New Jersey, and various locations in Alaska, for a total obligation of about \$130 million over fiscal years 2008 and 2009. We estimate that the agency would finalize several smaller projects in each of fiscal years 2010 through 2013, for an additional obligation of \$70 million.

Because entering into such leases would effectively obligate the Federal Government to pay the costs of employee housing in advance of annual appropriations, the full cost of these projects—an estimated \$200 million—should be recorded in the budget as new budget authority at the time of the lease agreements. For this estimate, CBO assumes that the leases will be similar to arrangements made by other federal agencies with developers, under which the Federal Government assumes substantial risk, and that spending would be recorded over each project's construction period. Based on spending patterns for similar construction, we estimate that outlays for the projects would total about \$80 million through 2011 and \$180 million through 2016.

The Coast Guard could execute additional agreements for housing after 2013, but CBO has no basis for estimating the costs of such potential obligations.

Revenues

Section 304 would increase the maximum civil penalty that may be imposed by the Coast Guard for violations of regulations on the anchoring of vessels in navigable waters of the United States. Section 305 would impose a new civil penalty on individuals on vessels or marine facilities found to be in possession of a controlled substance. CBO estimates that revenues resulting from these provisions would be less than \$500,000 a year. Amounts collected would be deposited in the general fund of the U.S. treasury.

Estimated impact on state, local, and tribal governments: Section 307 contains an intergovernmental mandate as defined in UMRA because it would require ports to include in their security plans

provisions that allow crew members to leave and reboard ships without paying escort fees. According to industry sources, very few—if any—publicly operated ports are currently charging such fees. CBO estimates, therefore, that the resulting costs to those ports would be insignificant and would not exceed the threshold established in UMRA (\$64 million in 2006 adjusted annually for inflation).

Other provisions of the bill would benefit state and local government. In particular, section 302 would likely lead to increased sales tax receipts in Idaho and Alaska by clarifying that certain providers of recreation vessels are subject to sales taxes on rentals. Section 405 would benefit public universities in Minnesota and Wisconsin.

Estimated impact on the private sector: H.R. 5681 would impose a private-sector mandate, as defined in UMRA, on owners and operators of certain private port terminals. The bill would require that each terminal facility provide a system for seamen assigned to a vessel at the facility to board and depart the vessel through the facility in a timely manner at no cost to the individual. Currently, owners of some terminals charge seamen fees to exit and reenter their terminal facilities. Industry sources claim that such fees can range from \$100 to \$300 to exit or reenter those terminals. According to government sources, most seamen, due to the high cost of the fees relative to their wages, choose not to exit their vessels at those terminals. Industry sources also estimate that very few privately operated terminals charge such fees. Based on information from government and industry sources, CBO estimates that the total direct cost of the mandate on terminal owners and operators would fall below the annual threshold established by UMRA for private-sector mandates (\$128 million in 2006, adjusted annually for inflation).

Previous CBO estimate: On July 14, 2005, CBO transmitted a cost estimate for S. 1280, the Coast Guard Authorization Act of 2005. S. 1280 would authorize appropriations for the Coast Guard for 2006 and 2007. The cost estimates for the two bills reflect the different authorization periods and amounts. Also, S. 1280 would not affect the Coast Guard's housing authorities.

Estimate prepared by: Federal Costs: Deborah Reis. Impact on State, Local, and Tribal Governments: Sarah Puro. Impact on the Private Sector: Craig Cammarata.

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

COMPLIANCE WITH HOUSE RULE XIII

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

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

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the

Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 5681 from the Director of the Congressional Budget Office.

CONSTITUTIONAL AUTHORITY STATEMENT

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

FEDERAL MANDATES STATEMENT

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

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 5681 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

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

APPLICABILITY TO THE LEGISLATIVE BRANCH

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

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

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

TITLE 14, UNITED STATES CODE

* * * * *

CHAPTER 1—ESTABLISHMENT AND DUTIES

* * * * *

§ 2. Primary duties

The Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws on, under, and over the high seas and waters subject to the jurisdiction of the United States; shall engage in maritime air surveillance or interdiction to enforce or assist in the enforcement of the laws of the United States; shall administer laws and promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department; shall develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the United States; shall, pursuant to international agreements, develop, establish, maintain, and operate icebreaking facilities on, under, and over waters other than the high seas and waters subject to the jurisdiction of the United States; shall engage in oceanographic research of the high seas and in waters subject to the jurisdiction of the United States; *shall administer laws and promulgate and enforce regulations to assure the maritime safety of nuclear power facilities located adjacent to navigable waters of the United States not specifically delegated by law to some other executive department*; and shall maintain a state of readiness to function as a specialized service in the Navy in time of war, including the fulfillment of Maritime Defense Zone command responsibilities..

* * * * *

CHAPTER 3—COMPOSITION AND ORGANIZATION

Sec.

41. Grades and ratings.

42. Number and distribution of commissioned officers.]

42. Number and distribution of commissioned officers on active duty promotion list.

* * * * *

§ 42. Number and distribution of commissioned officers

[(a) The total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard shall not exceed 6,700 in each fiscal year 2004, 2005, and 2006.

[(b) The commissioned officers on the active duty promotion list shall be distributed in grade in the following percentages, respectively: rear admiral 0.375; rear admiral (lower half) 0.375; captain 6.0; commander 15.0; lieutenant commander 22.0. The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign. The Secretary may, as the needs of the Coast Guard require, reduce the percentage applicable to any grade above lieutenant commander, and in order to compensate for such reduction increase correspondingly the percentage applicable to any lower grade.

[(c) The Secretary shall, at least once each year, make a computation to determine the number of officers on the active duty promotion list authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percent-

age to the total number of such officers serving on active duty on the date the computation is made. In making computations under this section the nearest whole number shall be regarded as the authorized number in any case where there is a fraction in the final result.

[(d) The numbers resulting from such computations shall be for all purposes the authorized number in each grade, except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

[(e) Officers who are not included on the active duty promotion list, officers serving as extra numbers in grade under sections 432 and 433 of this title, and officers serving with other departments or agencies on a reimbursable basis or excluded under the provisions of section 324(d) of title 49, shall not be counted in determining authorized strengths under subsection (c) and shall not count against those strengths. The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.]

§42. Number and distribution of commissioned officers on active duty promotion list

(a) *MAXIMUM TOTAL NUMBER.*—The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 6,700; except that the Commandant may temporarily increase such number by up to 2 percent for no more than 60 days following the date of the commissioning of a Coast Guard Academy class.

(b) *DISTRIBUTION PERCENTAGES BY GRADE.*—

(1) *REQUIRED.*—The total number of commissioned officers authorized by this section shall be distributed in grade in the following percentages: 0.375 percent for rear admiral; 0.375 percent for rear admiral (lower half); 6.0 percent for captain; 15.0 percent for commander; and 22.0 percent for lieutenant commander.

(2) *DISCRETIONARY.*—The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

(3) *AUTHORITY OF SECRETARY TO REDUCE PERCENTAGE.*—The Secretary—

(A) may reduce, as the needs of the Coast Guard require, any of the percentages set forth in paragraph (1); and

(B) shall apply that total percentage reduction to any other lower grade or combination of lower grades.

(c) *COMPUTATIONS.*—

(1) *IN GENERAL.*—The Secretary shall compute, at least once each year, the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages established by or under this section to the total num-

ber of commissioned officers listed on the current active duty promotion list.

(2) *ROUNDING FRACTIONS.*—Subject to subsection (a), in making the computations under paragraph (1), any fraction shall be rounded to the nearest whole number.

(3) *TREATMENT OF OFFICERS SERVING OUTSIDE COAST GUARD.*—The number of commissioned officers on the active duty promotion list serving with other Federal departments or agencies on a reimbursable basis or excluded under section 324(d) of title 49 shall not be counted against the total number of commissioned officers authorized to serve in each grade.

(d) *USE OF NUMBERS; TEMPORARY INCREASES.*—The numbers resulting from computations under subsection (c) shall be, for all purposes, the authorized number in each grade; except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

(e) *OFFICERS SERVING COAST GUARD ACADEMY AND RESERVE.*—The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.

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CHAPTER 5—FUNCTIONS AND POWERS

Sec.

81. Aids to navigation authorized.

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99. *Enforcement authority.*

* * * * *

§99. *Enforcement authority*

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

(1) carry a firearm; and

(2) while at a facility (as defined in section 70101 of title 46)—

(A) make an arrest without warrant for any offense against the United States; and

(B) seize property as otherwise provided by law.

* * * * *

CHAPTER 7—COOPERATION WITH OTHER AGENCIES

Sec.

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

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147b. *Nuclear Regulatory Commission.*

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153. *Appointment of judges.*

* * * * *

§ 147b. Nuclear regulatory commission

(a) *IN GENERAL.*—The Commandant may enter into an agreement with the Chairman of the Nuclear Regulatory Commission to enhance the maritime safety of the navigable waters of the United States that are located adjacent to a nuclear power plant. Such agreement shall provide for—

(1) the exchange of certain information with the Chairman relating to the maritime safety of a nuclear power plant located adjacent to the navigable waters of the United States;

(2) the assignment of officers of the Coast Guard to serve as liaisons to the Nuclear Regulatory Commission; and

(3) the provisions of equipment and support to, or accept the same from, the Nuclear Regulatory Commission.

(b) *PAYMENT OR REIMBURSEMENT.*—With regard to any agreement entered into under subsection (a), the Commandant may prescribe conditions, including advance payment or reimbursement, under which such resources may be provided.

* * * * *

§ 149. Detail of members to assist foreign governments

(a) *IN GENERAL.*—The President may upon application from the foreign governments concerned, and whenever in his discretion the public interests render such a course advisable, detail members of the Coast Guard to assist foreign governments in matters concerning which the Coast Guard may be of assistance. Members so detailed may accept, from the government to which detailed, offices and such compensation and emoluments thereunder appertaining as may be first approved by the Secretary. While so detailed such members shall receive, in addition to the compensation and emoluments allowed them by such governments, the pay and allowances to which they are entitled in the Coast Guard and shall be allowed the same credit for longevity, retirement, and for all other purposes that they would receive if they were serving with the Coast Guard.

(b) *GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.*—After consultation with the Secretary of State, the Commandant may make grants to, or enter into cooperative agreements, contracts, or other agreements with, international maritime organizations for the purpose of acquiring information or data about merchant vessel inspections, security, safety, classification, and port state or flag state law enforcement or oversight.

* * * * *

§ 151. Contracts with Government-owned establishments for work and material

(a) *IN GENERAL.*—All orders or contracts for work or material, under authorization of law, placed with Government-owned establishments by the Coast Guard, shall be considered as obligations in the same manner as provided for similar orders or contracts placed with private contractors, and appropriations for such work or material shall remain available for payment therefor as in the case of orders or contracts placed with private contractors.

(b) *ORDERS AND AGREEMENTS FOR INDUSTRIAL ACTIVITIES.*—Under this section, the Coast Guard industrial activities may accept

orders and enter into reimbursable agreements with establishments, agencies, and departments of the Department of Defense.

* * * * *

§ 153. Appointment of judges

The Secretary may appoint civilian employees of the Department in which the Coast Guard is operating as appellate military judges, available for assignment to the Coast Guard Court of Criminal Appeals as provided for in section 866(a) of title 10.

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CHAPTER 11—PERSONNEL

OFFICERS

A. APPOINTMENTS

Sec.

211. Original appointment of permanent commissioned officers.

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[216. Director of Boating Safety Office.]

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GENERAL PROVISIONS

421. Retirement.

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426. *Emergency leave retention authority.*

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OFFICERS

A. Appointments

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[§ 216. Director of Boating Safety Office

[The initial appointment of the Director of the Boating Safety Office shall be in the grade of Captain.]

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GENERAL PROVISIONS

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§ 426. Emergency leave retention authority

With regard to a member of the Coast Guard who serves on active duty, a duty assignment in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall be treated, for the purpose of section 701(f)(2) of title 10, a duty assignment in support of a contingency operation.

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CHAPTER 13—PAY, ALLOWANCES, AWARDS, AND OTHER RIGHTS AND BENEFITS

Sec.

461. Remission of indebtedness of enlisted members upon discharge.

* * * * *

518. *Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.*

* * * * *

§518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States

In any case in which a covered beneficiary (as defined in section 1072(5) of title 10) resides on an island that is located in the 48 contiguous States and the District of Columbia and that lacks public access roads to the mainland and is referred by a primary care physician to a specialty care provider (as defined in section 1074i(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age.

* * * * *

CHAPTER 18—COAST GUARD HOUSING AUTHORITIES

Sec.

680. Definitions.

* * * * *

【689. Expiration of authority.】

* * * * *

【§ 689. Expiration of authority

【The authority to enter into a transaction under this chapter shall expire October 1, 2007.】

* * * * *

SECTION 1502 OF THE ARMED FORCES RETIREMENT HOME ACT OF 1991

SEC. 1502. DEFINITIONS.

For purposes of this title:

(1) * * *

* * * * *

【(4) The term “Armed Forces” does not include the Coast Guard when it is not operating as a service in the Navy.】

(5) The term “chief personnel officers” means—

(A) * * *

* * * * *

(C) the Deputy Chief of Staff for Personnel of the Air Force; 【and】

(D) the Deputy Commandant of the Marine Corps for Manpower and Reserve Affairs【.】; and

(E) the Assistant Commandant of the Coast Guard for Human Resources.

(6) The term “senior noncommissioned officers” means the following:

(A) * * *

* * * * *

(E) *The Master Chief Petty Officer of the Coast Guard.*

* * * * *

SECTION 2772 OF TITLE 10, UNITED STATES CODE

§ 2772. Share of fines and forfeitures to benefit Armed Forces Retirement Home

(a) DEPOSIT REQUIRED.—The Secretary of the military department concerned *or, in the case of the Coast Guard, the Commandant* shall deposit in the Armed Forces Retirement Home Trust Fund a percentage (determined under subsection (b)) of the following amounts:

(1) * * *

* * * * *

[(c) APPLICATION TO COAST GUARD.—In this section, the term “armed forces” does not include the Coast Guard when it is not operating as a service in the Navy.]

SECTION 1007 OF TITLE 37, UNITED STATES CODE

§ 1007. Deductions from pay

(a) * * *

* * * * *

(i)(1) * * *

* * * * *

(3) The Secretary of Defense *or, in the case of the Coast Guard, the Commandant*, after consultation with the Armed Forces Retirement Home Board, shall determine from time to time the amount to be deducted under paragraph (1) from the pay of enlisted members, warrant officers, and limited duty officers on the basis of the financial needs of the Armed Forces Retirement Home. The amount to be deducted may be fixed at different amounts on the basis of grade or length of service, or both.

[(4) In this subsection, the term “armed forces” does not include the Coast Guard when it is not operating as a service in the Navy.]

[(5)] (4) This subsection does not apply to an enlisted member, warrant officer, or limited duty officer of a reserve component.

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004

* * * * *

TITLE VI—MISCELLANEOUS

* * * * *

SEC. 605. GREAT LAKES NATIONAL MARITIME ENHANCEMENT INSTITUTE.

(a) * * *

(b) STUDY AND REPORT.—

(1) IN GENERAL.—**[The Secretary of Transportation shall conduct a study that]** *The Institute shall conduct maritime transportation studies of the Great Lakes region, including studies that—*

(A) **[evaluates]** *evaluate* short sea shipping market opportunities on the Great Lakes, including the expanded use of freight ferries, improved mobility, and regional supply chain efficiency;

(B) **[evaluates]** *evaluate* markets for foreign trade between ports on the Great Lakes and draft-limited ports in Europe and Africa;

(C) **[evaluates]** *evaluate* the environmental benefits of waterborne transportation in the Great Lakes region;

(D) **[analyzes]** *analyze* the effect on Great Lakes shipping of the tax imposed by section 4461(a) of the Internal Revenue Code of 1986;

(E) **[evaluates]** *evaluate* the state of shipbuilding and ship repair bases on the Great Lakes;

(F) **[evaluates]** *evaluate* opportunities for passenger vessel services on the Great Lakes;

(G) **[analyzes]** *analyze* the origin-to-destination flow of freight cargo in the Great Lakes region that may be transported on vessels to relieve congestion in other modes of transportation;

(H) **[evaluates]** *evaluate* the economic viability of establishing transshipment facilities for oceangoing cargoes on the Great Lakes;

(I) **[evaluates]** *evaluate* the adequacy of the infrastructure in Great Lakes ports to meet the needs of marine commerce; **[and]**

(J) **[evaluates]** *evaluate* new vessel designs for domestic and international shipping on the Great Lakes~~].~~;

(K) *identify ways to improve the integration of the Great Lakes marine transportation system into the national transportation system;*

(L) *examine the potential of expanded operations on the Great Lakes marine transportation system;*

(M) *identify ways to include intelligent transportation applications into the Great Lakes marine transportation system;*

(N) *analyze the effects and impacts of aging infrastructure and port corrosion on the Great Lakes marine transportation system;*

(O) *establish and maintain a model Great Lakes marine transportation system database; and*

(P) *identify market opportunities for, and impediments to, the use of United States-flag vessels in trade with Canada on the Great Lakes.*

[(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$1,500,000 for each of fiscal years 2005 and 2006 to carry out paragraph (1).]

(4) *AUTHORIZATION OF APPROPRIATIONS.*—*There are authorized to be appropriated to carry out paragraph (1)—*

- (A) *\$2,100,000 for fiscal year 2007;*
- (B) *\$2,200,000 for fiscal year 2008;*
- (C) *\$2,300,000 for fiscal year 2009;*
- (D) *\$2,400,000 for fiscal year 2010; and*
- (E) *\$2,500,000 for fiscal year 2011.*

* * * * *

TITLE 46, UNITED STATES CODE

* * * * *

PART B—INSPECTION AND REGULATIONS OF VESSELS

* * * * *

§ 3503. **Fire-retardant materials**

(a) A passenger vessel of the United States having berth or state-room accommodations for at least 50 passengers shall be granted a certificate of inspection only if the vessel is constructed of fire-retardant materials. Before November 1, ~~2008~~ 2018, this section does not apply to any vessel in operation before January 1, 1968, and operating only within the Boundary Line.

* * * * *

CHAPTER 45—UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS

* * * * *

Subtitle II—Vessels and Seamen

* * * * *

PART B—INSPECTION AND REGULATIONS OF VESSELS

* * * * *

§ 4503. **[Fish] Fishing and fish processing vessel certification**

(a) A *fishing* or fish processing vessel to which this section applies may not be operated unless the vessel—

(1) * * *

* * * * *

(c) *APPLICABILITY TO FISHING VESSELS.*—*This section applies to a fishing vessel to which this chapter applies that is—*

(1) *a rebuilt vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627); or*

(2) *a replacement vessel under such section and the replacement vessel did not harvest fish under section 208(a), 208(b), 208(c), or 208(e) of that Act before June 1, 2006.*

* * * * *

PART C—LOAD LINES OF VESSELS

CHAPTER 51—LOAD LINES

* * * * *

§ 5102. Application

(a) * * *

(b) This chapter does not apply to the following:

(1) * * *

* * * * *

[(3) a fishing vessel.](3) *a fishing vessel unless the vessel is—*

(A) *a rebuilt vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627); or*

(B) *a replacement vessel under such section and the replacement vessel did not harvest fish under section 208(a), 208(b), 208(c), or 208(e) of that Act before June 1, 2006.*

* * * * *

PART H—IDENTIFICATION OF VESSELS

CHAPTER 121—DOCUMENTATION OF VESSELS

* * * * *

§ 12102. Vessels eligible for documentation

(a) * * *

* * * * *

(c)(1) * * *

* * * * *

(5) A vessel greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower is not eligible for a fishery endorsement under section 12108 of this title unless—

(A)(i) a certificate of documentation was issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997; *and*

(ii) the vessel is not placed under foreign registry after the date of the enactment of the American Fisheries Act; **[and]**

[(iii) in the event of the invalidation of the fishery endorsement after the date of the enactment of the American Fisheries Act, application is made for a new fishery endorsement within fifteen (15) business days of such invalidation; or]

(B) the owner of such vessel demonstrates to the Secretary that the regional fishery management council of jurisdiction established under section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)) has recommended after the date of the enactment of the American Fisheries Act, and the Secretary of Commerce has approved, conservation and management measures in ac-

cordance with such Act to allow such vessel to be used in fisheries under such council's authority【.】;

(C) *the vessel is either a rebuilt vessel or a replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–625) and is eligible for a fishery endorsement under section 12108 of this title; or*

(D) *the vessel has been issued a permit pursuant to part 648.6(a)(2) of title 50, Code of Federal Regulations, and the owner of the vessel—*

(i) demonstrates to the Secretary the recommendation and approval referred to in subparagraph (B);

(ii) is required under the endorsement to land all harvested fish and processed fish products at a United States port; and

(iii) demonstrates to the Secretary that the vessel is in compliance with—

(I) requirements that otherwise apply under section 403 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881b) that the vessel carry one or more Federal observers; and

(II) recordkeeping and reporting requirements that otherwise apply under part 648.7 of title 50, Code of Federal Regulations.

* * * * *

PART J—MEASUREMENT OF VESSELS

CHAPTER 143—CONVENTION MEASUREMENT

* * * * *

§ 14301. Application

(a) * * *

(b) This chapter does not apply to the following:

(1) * * *

* * * * *

(3) *a vessel of United States or Canadian registry operating only on the Great Lakes, unless the owner requests.*

* * * * *

§ 14302. Measurement

(a) * * *

【(b) Except as provided in section 1602(a) of the Panama Canal Act of 1979 (22 U.S.C. 3792(a)), a vessel measured under this chapter may not be required to be measured under another law.】

(b) *MEASUREMENT.—A vessel measured under this chapter may not be required to be measured under any other law.*

* * * * *

CHAPTER 145—REGULATORY MEASUREMENT

SUBCHAPTER I—GENERAL

Sec.

14501. Application.

* * * * *

SUBCHAPTER II—FORMAL SYSTEMS

* * * * *

14514. *Reciprocity for foreign vessels.*

* * * * *

§ 14513. Dual tonnage measurement

(a) * * *

* * * * *

(c)(1) If a [vessel's tonnage mark is below the uppermost part of the load line marks,] *vessel is assigned 2 sets of gross and net tonnages under this section*, each certificate stating the vessel's tonnages shall state the gross and net tonnages when [the mark] *the vessel's tonnage mark* is submerged and when it is not submerged.

(2) Except as provided in paragraph (1) of this subsection, a certificate stating a vessel's tonnages may state only one set of gross and net tonnages[.] *as assigned under this section.*

§ 14514. *Reciprocity for foreign vessels*

For a foreign vessel not measured under chapter 143, if the Secretary finds that the laws and regulations of a foreign country related to measurement of vessels are substantially similar to those of this chapter and the regulations prescribed under this chapter, the Secretary may accept the measurement and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter.

* * * * *

Subtitle III—Maritime Liability

* * * * *

CHAPTER 313—COMMERCIAL INSTRUMENTS AND MARITIME LIENS

SUBCHAPTER I—GENERAL

Sec.

31301. Definitions.

* * * * *

31310. *Limitation on maritime liens on fishing permits.*

* * * * *

SUBCHAPTER I—GENERAL

* * * * *

§ 31310. *Limitation on maritime liens on fishing permits*

(a) *IN GENERAL.*—A maritime lien shall not attach to a permit that—

(1) *authorizes use of a vessel to engage in fishing; and*

(2) *is issued under State or Federal law.*

(b) *LIMITATION ON ENFORCEMENT.*—No civil action may be brought to enforce a maritime lien on a permit described in subsection (a).

(c) *LIMITATION ON STATUTORY CONSTRUCTION.*—*Nothing in subsections (a) and (b) shall be construed as imposing any limitation upon the authority of the Secretary of Commerce to modify, suspend, revoke, or sanction any Federal fishery permit issued by the Secretary of Commerce or to bring a civil action to enforce such modification, suspension, revocation, or sanction.*

* * * * *

Subtitle VI—Miscellaneous

* * * * *

CHAPTER 701—PORT SECURITY

Sec.

70101. Definitions.

* * * * *

【70118. Enforcement.】

* * * * *

【§ 70118. Firearms, arrests, and seizure of property

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

【(1) carry a firearm; and

【(2) while at a facility—

【(A) make an arrest without warrant for any offense against the United States committed in their presence; and

【(B) seize property as otherwise provided by law.】

AMERICAN FISHERIES ACT

TITLE II—FISHERIES

Subtitle I—Fishery Endorsements

SEC. 201. SHORT TITLE.

This title may be cited as the “American Fisheries Act”.

* * * * *

SEC. 203. ENFORCEMENT OF STANDARD.

(a) * * *

* * * * *

(g) **CERTAIN VESSELS.**—The vessels EXCELLENCE (United States official number 967502), GOLDEN ALASKA (United States official number 651041) *and*, OCEAN PHOENIX (United States official number 296779)【, NORTHERN TRAVELER (United States official number 635986), and NORTHERN VOYAGER (United States official number 637398) (or a replacement vessel for the NORTHERN VOYAGER that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act)】 shall be exempt from section 12102(c), as amended by this Act, until such time after October 1, 2001 as more than 50 percent of the interest owned and controlled in the vessel changes, provided that the vessel maintains eligibility for a fishery endorsement under the federal law that was in effect

the day before the date of the enactment of this Act, and unless[, in the case of the NORTHERN TRAVELER or the NORTHERN VOYAGER (or such replacement), the vessel is used in any fishery under the authority of a regional fishery management council other than the New England Fishery Management Council or Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1) (A) and (B)), or in the case of the EXCELLENCE, GOLDEN ALASKA, or OCEAN PHOENIX,] the vessel is used to harvest any fish.

* * * * *

Subtitle II—Bering Sea Pollock Fishery

* * * * *

SEC. 208. ELIGIBLE VESSELS AND PROCESSORS.

(a) * * *

* * * * *

[(g) REPLACEMENT VESSELS.—In the event of the actual total loss or constructive total loss of a vessel eligible under subsections (a), (b), (c), (d), or (e), the owner of such vessel may replace such vessel with a vessel which shall be eligible in the same manner under that subsection as the eligible vessel, provided that—

[(1) such loss was caused by an act of God, an act of war, a collision, an act or omission of a party other than the owner or agent of the vessel, or any other event not caused by the willful misconduct of the owner or agent;

[(2) the replacement vessel was built in the United States and if ever rebuilt, was rebuilt in the United States;

[(3) the fishery endorsement for the replacement vessel is issued within 36 months of the end of the last year in which the eligible vessel harvested or processed pollock in the directed pollock fishery;

[(4) if the eligible vessel is greater than 165 feet in registered length, of more than 750 gross registered tons, or has engines capable of producing more than 3,000 shaft horsepower, the replacement vessel is of the same or lesser registered length, gross registered tons, and shaft horsepower;

[(5) if the eligible vessel is less than 165 feet in registered length, of fewer than 750 gross registered tons, and has engines incapable of producing less than 3,000 shaft horsepower, the replacement vessel is less than each of such thresholds and does not exceed by more than 10 percent the registered length, gross registered tons or shaft horsepower of the eligible vessel; and

[(6) the replacement vessel otherwise qualifies under federal law for a fishery endorsement, including under section 12102(c) of title 46, United States Code, as amended by this Act.]

(g) VESSEL REBUILDING AND REPLACEMENT.—

(1) IN GENERAL.—*Except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), (c), (d), or (e) may rebuild or replace that vessel. The rebuilt or replacement vessel shall be eligible in the same manner under such*

subsection as the eligible vessel, documented with a fishery endorsement under section 12108 of title 46, United States Code, and not be subject to any limitations on lengthening vessels contained in section 679.4(k) of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2006.

(2) *RECOMMENDATIONS OF NORTH PACIFIC COUNCIL.*—The North Pacific Council may recommend for approval by the Secretary such conservation and management measures in accordance with the Magnuson-Stevens Act as it considers necessary to ensure that this subsection does not diminish the effectiveness of fishery management plans of the Bering Sea and Aleutian Islands Management Area or the Gulf of Alaska.

(3) *SPECIAL RULE FOR REPLACEMENT OF CERTAIN VESSELS.*—

(A) *IN GENERAL.*—Notwithstanding the requirements of paragraphs (1), (2), and (3) of section 12102(c) of title 46, United States Code, a vessel that is eligible under subsection (a), (b), (c), (d), or (e) and that qualifies to be documented with a fishery endorsement pursuant to section 203(g) or 213(g) may be replaced with a replacement vessel under paragraph (1) if the vessel that is replaced is validly documented with a fishery endorsement pursuant to section 203(g) or 213(g) before the replacement vessel is documented with a fishery endorsement under section 12108 of title 46, United States Code.

(B) *APPLICABILITY.*—A replacement vessel under subparagraph (A) and its owner and mortgagee are subject to the same limitations under section 203(g) or 213(g) that are applicable to the vessel that has been replaced and its owner and mortgagee.

(4) *SPECIAL RULES FOR CERTAIN CATCHER VESSELS.*—

(A) *IN GENERAL.*—A replacement for a covered vessel described in subparagraph (B) is prohibited from harvesting fish in any fishery (except for the Pacific whiting fishery) managed under the authority of any regional fishery management council (other than the North Pacific Council) established under section 302(a) of the Magnuson-Stevens Act.

(B) *COVERED VESSELS.*—A covered vessel referred to in subparagraph (A) is—

- (i) a vessel eligible under subsection (a), (b), or (c) that is replaced under paragraph (1); or
- (ii) a vessel eligible under subsection (a), (b), or (c) that is rebuilt to increase its registered length, gross tonnage, or shaft horsepower.

(5) *LIMITATION ON FISHERY ENDORSEMENTS.*—Any vessel that is replaced under this subsection shall thereafter not be eligible for a fishery endorsement under section 12108 of title 46, United States Code, unless that vessel is also a replacement vessel described in paragraph (1).

* * * * *

SEC. 210. FISHERY COOPERATIVE LIMITATIONS.

(a) * * *

(b) *CATCHER VESSELS ONSHORE.*—

(1) CATCHER VESSEL COOPERATIVES.—Effective January 1, 2000, upon the filing of a contract implementing a fishery cooperative under subsection (a) which—

(A) * * *

* * * * *

the Secretary shall allow only such catcher vessels (and catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) to harvest the aggregate percentage of the directed fishing allowance under section 206(b)(1) in the year in which the fishery cooperative will be in effect that is equivalent to the aggregate total amount of pollock harvested by such catcher vessels (and by such catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) in the directed pollock fishery for processing by the inshore component during 1995, 1996, and 1997 relative to the aggregate total amount of pollock harvested in the directed pollock fishery for processing by the inshore component during such years and shall prevent such catcher vessels (and catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) from harvesting in aggregate in excess of such percentage of such directed fishing allowance.

* * * * *

(7) FISHERY COOPERATIVE EXIT PROVISIONS.—

(A) FISHING ALLOWANCE DETERMINATION.—*For purposes of determining the aggregate percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—*

(i) shall be based on the average total pollock harvest for the vessel being removed for calendar years 1995, 1996, and 1997 and determined under the regulations in effect on the date of removal of the vessel; and

(ii) shall be assigned, for all purposes under this title, in the manner specified by the owner of the vessel being retired to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery cooperative for at least one year after the date on which the vessel being removed leaves the directed pollock fishery.

(B) ELIGIBILITY.—

(i) FOR FISHERY ENDORSEMENT.—Except as provided in clause (ii), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

(ii) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed to make a vessel removed from the directed pollock fishery not eligible for a fishery endorsement or any permit nec-

essary to continue to participate in such fishery if that vessel has participated, as determined by the Secretary, during either 2002, 2003, or 2004 in a Federal fishery not under the authority of the North Pacific Council.

* * * * *

SECTION 4 OF THE ACT OF JULY 5, 1884

(Commonly known as the Rivers and Harbors Appropriation Act of 1884)

SEC. 4. (a) * * *

(b) No taxes, tolls, operating charges, fees, or any other impositions whatever shall be levied upon or collected from any vessel or other water craft, or from its passengers or crew, by any non-Federal interest, if the vessel or water craft is operating on any navigable waters subject to the authority of the United States, or under the right to freedom of navigation on those waters, except for—

(1) * * *

(2) reasonable fees charged on a fair and equitable basis that—

(A) * * *

* * * * *

(C) do not impose more than a small burden on interstate or foreign commerce; [or]

(3) property taxes on vessels or watercraft, other than vessels or watercraft that are primarily engaged in foreign commerce if those taxes are permissible under the United States Constitution[.]; or

(4) sales taxes on goods and services provided to or by vessels or watercraft (other than vessels or watercraft primarily engaged in foreign commerce).

SECTION 7 OF THE RIVERS AND HARBORS APPROPRIATIONS ACT OF 1915

SEC. 7. (a) *IN GENERAL.*—The Secretary of Transportation is authorized, empowered, and directed to define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the United States whenever it is manifest to the said Secretary that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds shall have been recommended by the Chief of Engineers, and to adopt suitable rules and regulations in relation thereto; and such rules and regulations shall be enforced by the Coast Guard under the direction of the Secretary of Transportation: *Provided*, That at ports or places where there is no Coast Guard vessel available such rules and regulations may be enforced by the Chief of Engineers under the direction of the Secretary of Transportation. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of [\$100; and the] up to \$10,000. Each day during which a violation continues shall constitute a separate violation. The said vessel may be holden

for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be and in the name of the officer designated by the Secretary of Transportation.

(b) *DEFINITION.*—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.

MARITIME DRUG LAW ENFORCEMENT ACT

* * * * *

SEC. 1905. SIMPLE POSSESSION.

(a) *IN GENERAL.*—Any individual at a facility (as defined under section 70101 of title 46, United States Code) or on a vessel subject to the jurisdiction of the United States who is found by the Secretary, after notice and an opportunity for a hearing, to have knowingly or intentionally possessed a controlled substance within the meaning of the Controlled Substances Act (21 U.S.C. 812) shall be liable to the United States for a civil penalty of not to exceed \$10,000 for each violation. The Secretary shall notify the individual in writing of the amount of the civil penalty.

(b) *DETERMINATION OF AMOUNT.*—In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

(c) *TREATMENT OF CIVIL PENALTY ASSESSMENT.*—Assessment of a civil penalty under this section shall not be considered a conviction for purposes of State or Federal law but may be considered proof of possession if such a determination is relevant.

* * * * *

SECTION 1120 OF THE COAST GUARD AUTHORIZATION ACT OF 1996

SEC. 1120. DOCUMENTATION OF CERTAIN VESSELS.

(a) * * *

* * * * *

(c) *CERTIFICATES OF DOCUMENTATION FOR GALLANT LADY.*—

(1) *IN GENERAL.*—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary [of Transportation] of the department in which the Coast Guard is operating may issue a certificate of documentation with an appropriate endorsement for employment in coastwise trade for each of the following vessels:

[(A) GALLANT LADY (Leadship hull number 645, approximately 130 feet in length).]

(A) *the vessel GALLANT LADY (Feadship hull number 672, approximately 168 feet in length).*

* * * * *

[(3) CONDITION.—The Secretary may not issue a certificate of documentation for a vessel under paragraph (1) unless, not later than 90 days after the date of enactment of this Act, the owner of the vessel referred to in paragraph (1)(B) submits to the Secretary a letter expressing the intent of the owner to, before April 1, 1998, enter into a contract for the construction in the United States of a passenger vessel of at least 130 feet in length.

[(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1) shall take effect—

[(A) for the vessel referred to in paragraph (1)(A), on the date of the issuance of the certificate; and

[(B) for the vessel referred to in paragraph (1)(B), on the date of delivery of the vessel to the owner.]

[(5)] (3) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under paragraph (1) shall expire[—

[(A) on the date of the sale of the vessel by the owner;

[(B) on April 1, 1998, if the owner of the vessel referred to in paragraph (1)(B) has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under paragraph (3); or

[(C) on such date as a contract referred to in paragraph (2) is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner of the vessel referred to in paragraph (1)(B).] *on the date of the sale of the vessel by the owner.*

* * * * *

COMMITTEE CORRESPONDENCE



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

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July 28, 2006

The Honorable Peter T. King
Chairman
Committee on Homeland Security
H2-176 Ford House Office Building
Washington, D.C. 20515-6480

Dear Chairman King:

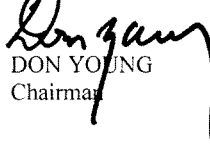
Thank you for your letter expressing the jurisdictional interest of the Committee on Homeland Security in H.R. 5681, the "Coast Guard Authorization Act of 2006." The Committee on Homeland Security has a recognized claim to jurisdiction over this bill, and I appreciate your agreement not to seek a sequential referral and to waive further consideration.

As a condition of your agreement to forgo a markup on this legislation, I am including report language to accompany the bill indicating the congressional intent to provide flexibility in the use of funds specifically authorized under Section 101(1)(B)&(C) for search and rescue and marine safety programs so that, in the event of imminent or actual terrorist attack, the Coast Guard would have the authority to use these funds to respond to such a significant homeland security incident.

I understand that your agreement not to insist on a sequential referral is also conditioned upon our mutual understanding that nothing in this legislation, or your decision to waive further consideration, reduces or otherwise affects the jurisdiction of the Committee on Homeland Security over provisions of the bill. I also understand that this waiver does not affect the right of the Committee on Homeland Security to have its members named as conferees in the event of a conference with the Senate on this bill.

I will include in the Transportation and Infrastructure Committee's report on H.R. 5681 and in the *Congressional Record* during consideration on the floor, a copy of your letter expressing the jurisdictional interests of the Committee on Homeland Security and a copy of this letter.

Sincerely,


DON YOUNG
Chairman

PETER T. KING, NEW YORK
CHAIRMAN

BENNIE G. THOMPSON, MISSISSIPPI
RANKING MEMBER



**One Hundred Ninth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515**

July 28, 2006

The Honorable Don Young
Chairman
Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Young:

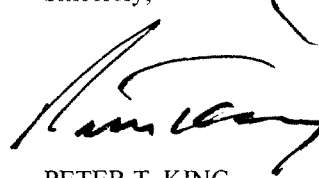
I am writing concerning the jurisdictional interest of the Committee on Homeland Security in H.R. 5681, the "Coast Guard Authorization Act of 2006." While the Committee on Homeland Security has a recognized claim to jurisdiction over this bill, we agree not to seek a sequential referral and to waive further consideration.

As a condition to our agreement to forgo a markup on this legislation, you have agreed to include report language to accompany the bill indicating the congressional intent to provide flexibility in the use of funds specifically authorized under Section 101(1)(B)&(C) for search and rescue and marine safety programs so that, in the event of imminent or actual terrorist attack, the Coast Guard would have the authority to use these funds to respond to such a significant homeland security incident.

Our agreement not to insist on a sequential referral is also conditioned upon our mutual understanding that nothing in this legislation, or our decision to waive further consideration, reduces or otherwise affects the jurisdiction of the Committee on Homeland Security over provisions of the bill. Nor does this waiver affect the right of the Committee on Homeland Security to have its members named as conferees in the event of a conference with the Senate on this bill.

I ask that you please include in your Committee's report on H.R. 5681 and in the *Congressional Record* during consideration on the floor, a copy of this letter and a copy of your response acknowledging our jurisdictional interest and indicating your agreement to support our right to the appointment of conferees.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter T. King", with a large, sweeping flourish at the end.

PETER T. KING
Chairman

cc: The Honorable J. Dennis Hastert, Speaker
The Honorable Bennie G. Thompson, Ranking Member
The Honorable James L. Oberstar, Ranking Member
Committee on Transportation & Infrastructure
Mr. John V. Sullivan, Parliamentarian

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