

H.R. 2694: Mr. COOPER.  
H.R. 2740: Mr. BUTTERFIELD, Mr. OBERSTAR, Mr. GORDON, Mr. CASE, and Mr. RANGEL.  
H.R. 2741: Mr. CONYERS and Mr. CASE.  
H.R. 2742: Mr. BUTTERFIELD, Mr. OBERSTAR, Mr. GORDON, Mr. CASE, and Mr. RANGEL.  
H.R. 2823: Mr. MCINTYRE.  
H.R. 2828: Mr. STARK.  
H.R. 2830: Mr. ISSA.  
H.R. 2842: Mr. MARCHANT.  
H.R. 2869: Mr. TIERNEY.  
H.R. 2990: Mr. DAVIS of Kentucky and Mr. GERLACH.  
H.R. 3008: Mrs. CAPITO.  
H.R. 3011: Mr. BROWN of South Carolina, Mr. LAHOOD, and Mr. MARCHANT.  
H.R. 3042: Mr. ABERCROMBIE and Mr. FRANK of Massachusetts.  
H.R. 3050: Mr. SHERMAN.  
H.R. 3061: Mr. HOEKSTRA.  
H.R. 3096: Mrs. JONES of Ohio.  
H.R. 3180: Mr. OTTER.  
H.R. 3187: Mr. KUCINICH, Mr. CASTLE, Mr. GRIJALVA, Mr. SMITH of Washington, Mr. EHLERS, and Mr. BOEHLERT.  
H.R. 3255: Mr. DAVIS of Tennessee.  
H.R. 3267: Mr. PAYNE.  
H.R. 3301: Mr. SULLIVAN, Mr. ROSS, Mr. WELLER, Mr. ENGLISH of Pennsylvania, Mr. SHIMKUS, Mr. OTTER, Mr. FOLEY, and Mr. LEWIS of Kentucky.  
H.R. 3352: Mr. MCINTYRE.  
H.R. 3361: Ms. ESHOO.  
H.R. 3408: Mr. COSTELLO.  
H.R. 3409: Mr. PAUL.  
H.R. 3544: Ms. KAPTUR and Ms. SLAUGHTER.  
H.R. 3561: Mr. REYES, Mr. CROWLEY, Mr. CASE, and Mr. STARK.  
H.R. 3563: Mr. PASCRELL.  
H.R. 3565: Mr. BLUMENAUER.  
H.R. 3569: Mr. SANDERS, Ms. BALDWIN, and Ms. SCHWARTZ of Pennsylvania.  
H.R. 3576: Ms. LEE.  
H.R. 3588: Mr. PETERSON of Minnesota.  
H.R. 3612: Mr. RUPPERSBERGER and Mr. REYES.  
H.R. 3617: Mrs. LOWEY.  
H.R. 3622: Mr. GRAVES, Mr. BILIRAKIS, Mr. BEAUPREZ, and Mr. ALEXANDER.  
H.R. 3639: Mr. ACKERMAN, Mr. NADLER, Mrs. MCCARTHY, and Mr. ENGEL.  
H.R. 3659: Mr. HOLDEN and Mr. BISHOP of New York.  
H.R. 3662: Mr. MARSHALL.  
H.R. 3667: Mr. GARY G. MILLER of California, Mr. COSTA, Mr. STARK, Ms. HARMAN, Mr. THOMPSON of California, Ms. SOLIS, Mr. BACA, Mr. DANIEL E. LUNGREN of California, Ms. WATERS, Mr. HUNTER, and Mr. DOOLITTLE.  
H.R. 3671: Mr. GONZALEZ.  
H.R. 3683: Mr. RYUN of Kansas, Mr. REHBERG, Mr. DOOLITTLE, Mr. MCHUGH, and Ms. FOX.  
H.R. 3690: Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, and Ms. BERKLEY.  
H.R. 3691: Mr. DANIEL E. LUNGREN of California.  
H.R. 3692: Mr. BISHOP of New York.  
H.R. 3697: Ms. HARMAN.  
H.R. 3699: Mr. DUNCAN.  
H.R. 3710: Mr. MCGOVERN and Mr. FRANK of Massachusetts.  
H.R. 3711: Mr. STARK, Mr. KENNEDY of Rhode Island, Mr. JEFFERSON, Mr. RANGEL, Mr. GRIJALVA, Mr. BECERRA, Mr. BISHOP of Georgia, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, and Mr. GEORGE MILLER of California.  
H.R. 3712: Ms. LEE, Mr. PALLONE, and Mr. WEXLER.  
H.R. 3737: Mr. EHLERS, Mr. BOEHLERT, Mr. FRELINGHUYSEN, Mr. UPTON, Mr. WELDON of Florida, and Mr. SHERWOOD.  
H.R. 3753: Mr. BISHOP of Utah, Mr. KLINE, Mr. LEWIS of Kentucky, Mr. NEUGEBAUER, Mr. TURNER, and Mr. HERGER.  
H. Con. Res. 108: Mr. PETERSON of Minnesota.

H. Con. Res. 173: Mr. BOEHLERT.  
H. Con. Res. 230: Mr. BURTON of Indiana and Mr. ENGLISH of Pennsylvania.  
H. Con. Res. 237: Mr. BISHOP of Georgia, Ms. FOX, Mr. FRANK of Massachusetts, Mr. KIND, Mr. ROGERS of Alabama, Ms. WASSERMAN SCHULTZ, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. BILIRAKIS, Mrs. MUSGRAVE, and Ms. SOLIS.  
H. Con. Res. 238: Mr. LEACH, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. MEEKS of New York, Ms. LEE, Mr. ACKERMAN, Mr. CROWLEY, Mr. RUSH, Mr. CONYERS, Mr. HONDA, Mr. ENGEL, Mrs. CAPPS, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Mr. BERMAN, Mr. ISSA, Mr. SMITH of Washington, Ms. MCCOLLUM of Minnesota, Mr. SMITH of New Jersey, Mr. MCCOTTER, Mr. WOLF, and Mr. ROHRBACHER.  
H. Res. 15: Mrs. BLACKBURN, Mr. GARRETT of New Jersey, Ms. MOORE of Wisconsin, Mr. PEARCE, Mr. BILIRAKIS, Mr. LYNCH, Mr. CHANDLER, Mr. KENNEDY of Minnesota, Mr. LEWIS of Georgia, and Mr. CANNON.  
H. Res. 38: Mr. MCCOTTER.  
H. Res. 192: Mr. GRIJALVA and Ms. BALDWIN.  
H. Res. 323: Mr. DENT.  
H. Res. 325: Mr. OWENS and Mr. MEEKS of New York.  
H. Res. 375: Mr. MARKEY.  
H. Res. 388: Mr. FLAKE and Mr. WELLER.  
H. Res. 429: Mr. ORTIZ, Mr. MEEHAN, Mr. REYES, Mr. SNYDER, Mr. SKELTON, Mr. THOMAS, Mr. OSBORNE, Mr. JONES of North Carolina, Ms. ZOE LOFGREN of California, Mr. ROYCE, Mr. VISCLOSKEY, Mr. BLUMENAUER, Mr. ROTHMAN, Mr. HEFLEY, Mr. WELDON of Florida, Mr. INSLEE, Mr. COSTELLO, Mr. LYNCH, Mr. TIERNEY, Mr. SABO, Mr. OTTER, Mr. PAUL, Mr. EVANS, Ms. MATSUI, Mr. CROWLEY, Ms. BERKLEY, Ms. WATSON, Mr. WAXMAN, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, Ms. CORRINE BROWN of Florida, Mr. GENE GREEN of Texas, Mr. HAYES, Mr. GOODLATTE, Ms. HERSETH, Mr. UDALL of New Mexico, Mr. LARSON of Connecticut, Mr. HOYER, Ms. ESHOO, Mr. WU, Mr. KING of New York, Mr. DELAY, Mr. HUNTER, Mr. BLUNT, Mr. BARTON of Texas, Mr. SHADEGG, Mr. FEENEY, Ms. WOOLSEY, Ms. SCHAKOWSKY, and Mr. GEORGE MILLER of California.

#### PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

66. The SPEAKER presented a petition of New York State Bar Association, relative to a resolution opposing adoption of U.S. House Resolution 97 and Senate Resolution 92; to the Committee on the Judiciary.

67. Also, a petition of City of Atlanta, Georgia, relative to Resolution 05-R-1079 urging the the Congress of the United States to conduct the appropriate due diligence and support the reauthorization of the key enforcement provisions of the Voting Rights Act of 1965; to the Committee on the Judiciary.

#### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 889

OFFERED BY: Ms. LORETTA SANCHEZ OF CALIFORNIA

AMENDMENT No. 2: Page 25, line 15, strike "REPORT" and insert "REPORTS".  
Page 25, line 16, strike "IN GENERAL." and insert "ADEQUACY OF ASSETS."  
Page 26, after line 14, insert the following:

(c) ADEQUACY OF ACTIVE DUTY STRENGTH.—The Commandant of the Coast Guard shall review the adequacy of the strength of active duty personnel authorized under section 102(a) to carry out the Coast Guard's non-homeland security missions and homeland security missions, as those terms are defined in section 888 of the Homeland Security Act of 2002 (6 U.S.C. 468). Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities of the Coast Guard.

H.R. 889

OFFERED BY: Ms. LORETTA SANCHEZ OF CALIFORNIA

AMENDMENT No. 3: Page 5, line 20, strike "45,500" and insert "50,000".

H.R. 889

OFFERED BY: Mr. FOSSELLA

AMENDMENT No. 4: At the end of title IV add the following:

#### SEC. \_\_\_\_ VOYAGE DATA RECORDER REQUIREMENTS.

(a) AUTHORITY TO PRESCRIBE REGULATIONS.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

##### "§ 3507. Voyage data recorders

"(a) The Secretary shall prescribe regulations that require that a passenger vessel described in section 2101(22)(D) carrying more than 399 passengers shall be equipped with a voyage data recorder approved in accordance with the regulations.

"(b) Regulations prescribed under subsection (a) shall establish—

"(1) standards for voyage data recorders required under the regulations;

"(2) methods for approval of models of voyage data recorders under the regulations; and

"(3) procedures for annual performance testing of voyage data recorders required under the regulations.

"(c) To implement this section and regulations prescribed under this section there is authorized to be appropriated to the Secretary \$1,500,000 each fiscal year."

(b) DEADLINE FOR REGULATIONS.—The Secretary (as that term is used in chapter 35 of title 46, United States Code) shall initiate the prescribing of regulations under section 3507(a) of title 46, United States Code, as amended by this section, by not later than 6 months after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 35 of title 46, United States Code, is amended by adding at the end the following:

"3507. Voyage data recorders."

H.R. 889

OFFERED BY: Mr. FOSSELLA

AMENDMENT No. 5: At the end of title IV add the following:

#### SEC. \_\_\_\_ ENSURING RELIABLE MEDICAL TESTING OF VESSEL PILOTS.

(a) SUBMISSION OF ALL PHYSICAL EXAMINATIONS.—The head of the department in which the Coast Guard is operating shall revise section 10.709 of title 46, Code of Federal Regulations, to require that an individual to whom that section applies shall submit to the Coast Guard the results of all physical examinations of the individual.

(b) INCREASE IN PENALTIES FOR FALSIFICATION OF PHYSICAL EXAMINATION REPORT.—In

lieu of the penalties provided under section 1001 of title 18, United States Code, any person that violates that section in preparing any report on the findings of a physical examination of an individual to whom section 10.709 of title 46, Code of Federal Regulations, as revised under subsection (a), applies shall be fined under title 18, United States Code, and imprisoned for not more than 5 years.

H.R. 889

OFFERED BY: MR. MARKEY

AMENDMENT No. 6: In subtitle A of title IV, add at the end the following new section:

**SEC. \_\_\_\_ . SECURITY AND SAFETY REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.**

(a) **SECURITY AND SAFETY REVIEW.**—The Commandant of the Coast Guard shall conduct a comprehensive security and safety review of the proposed construction, expansion, or operation of a waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships, including proposed shipping routes to or from the facility.

(b) **PREPARATION OF REPORT.**—Upon completion of a review under subsection (a), the Commandant of the Coast Guard shall prepare a report setting forth the results of the review and including any recommendations for measures that the Commandant believes are necessary to ensure the public safety and security of the proposed facility and the transportation routes to and from the facility, or to mitigate any potential adverse consequences.

(c) **RESULTS OF REVIEW.**—The Commandant of the Coast Guard shall provide to each Federal agency responsible for licensing, approval, or other authorization for the relevant construction, expansion, or operation, and to Congress, a report prepared under subsection (c), and shall also provide the information in such report, to the extent consistent with the protection of public safety and security, to affected State and local officials and the public.

(d) **REPORTS TO CONGRESS.**—

(1) **SUMMARY OF ACTIONS TAKEN.**—Not later than 6 months after a report is provided under subsection (d), the Commandant shall transmit a report to Congress summarizing any action taken by the facility owner or by any appropriate Federal or State agency in response to the Commandant's recommendations contained in such report. If no action has been taken to implement such a recommendation, the Commandant shall report on the reasons why no action has been taken, and shall include views on the failure to take the recommended actions.

(2) **IMPLEMENTATION STATUS REPORT.**—The Commandant shall transmit an additional implementation status report to Congress every 6 months until all of the recommendations contained in the Commandant's report prepared under subsection (c) have been implemented, or the Commandant concludes that implementation is no longer necessary and provides an explanation of the reasons for this determination.

(e) **REQUIREMENT FOR APPROVAL OF CONSTRUCTION OR EXPANSION OF URBAN LIQUEFIED NATURAL GAS FACILITIES.**—

(1) **REQUIREMENT.**—No person may construct or expand any urban waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships unless the Commandant of the Coast Guard has approved such construction or expansion. The Commandant shall not approve any such construction or expansion if, as a result of the review conducted pursuant to subsection (a), the Commandant determines that the proposed facility, or the expansion of the existing facility, would pose a substantial risk to public safety and security in light of the

potential loss of life and damage to property that could result.

(2) **CIVIL PENALTY.**—Any person who violates paragraph (1) shall be liable for a civil penalty in an amount not to exceed \$1,000,000 for each day of such violation.

(3) **SAVINGS CLAUSE.**—Except as provided in paragraph (1), approval under this subsection shall not affect any other requirement under law to obtain a license, approval, or other authorization for the construction, expansion, or operation of an offshore or waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships.

H.R. 889

OFFERED BY: MR. INSLEE

AMENDMENT No. 7: At the end of title IV add the following:

**SEC. \_\_\_\_ . REIMBURSEMENT OF ADDITIONAL COSTS OF ELEVATED THREAT LEVELS.**

(a) **REQUIREMENT.**—The Secretary of Homeland Security shall reimburse port authorities, facility operators, and State and local agencies, that are required under Federal law to provide security services or funds to implement Area Maritime Transportation Security Plans and facility security plans under chapter 701 of title 46, United States Code, for 50 percent of eligible costs incurred by such persons in implementing protective measures and countermeasures in response to any public advisory or alert regarding a threat to homeland security that is issued under the United States Coast Guard Maritime Security (MARSEC) system or any successor to such system, and that is above the baseline threat level under that system.

(b) **ELIGIBLE COSTS.**—For purposes of subsection (a), eligible costs consist of any of the following:

(1) Salary, benefits, overtime compensation, retirement contributions, and other costs of additional Coast Guard-mandated security personnel.

(2) The cost of acquisition, operation, and maintenance of security equipment or facilities to be used for security monitoring and recording, security gates and fencing, marine barriers for designated security zones, security-related lighting systems, remote surveillance, concealed video systems, security vessels, and other security-related infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

(3) The cost of screening equipment, including equipment that detects weapons of mass destruction and conventional explosives, and of testing and evaluating such equipment, to certify secure systems of transportation.

(c) **SUBJECT TO APPROPRIATIONS.**—The requirement to provide reimbursement under this section is subject to the availability of appropriations.

H.R. 889

OFFERED BY: MR. MARKEY

AMENDMENT No. 8: Add at the end the following new title:

**TITLE—REQUIREMENTS FOR AREA MARITIME TRANSPORTATION PLANS**

**SEC. \_\_\_\_ 01. REQUIREMENTS FOR AREA MARITIME TRANSPORTATION PLANS.**

Section 70103(b)(2) of title 46, United States Code, is amended by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively, and by inserting after subparagraph (B) the following:

“(C) include a list of each facility located in the area covered by the plan that could reduce the health, environmental, or economic consequences associated with a transportation security incident through the substitution of chemicals or processes currently

used in the facility with alternative chemicals or processes that would not significantly impair the ability of the facility to conduct its business;

“(D) for areas that include or are near a large population, or that are of special economic, environmental, or national security importance and that might be damaged by a transportation security incident, include a list of special efforts, measures, or procedures required of any new facility proposed to be located within or near the area that will deter a transportation security incident involving the facility.”.

H.R. 889

OFFERED BY: MR. MARKEY

AMENDMENT No. 9: Add at the end the following new title:

**TITLE—REQUIREMENTS FOR MARITIME TRANSPORTATION SECURITY PLANS AND ASSESSMENTS**

**SEC. \_\_\_\_ 01. REQUIREMENTS FOR AREA MARITIME TRANSPORTATION PLANS.**

Section 70103(b)(2) of title 46, United States Code, is amended by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively, and by inserting after subparagraph (B) the following:

“(C) include a list of each facility located in the area covered by the plan that could reduce the health, environmental, or economic consequences associated with a transportation security incident through the substitution of chemicals or processes currently used in the facility with alternative chemicals or processes that would not significantly impair the ability of the facility to conduct its business;

“(D) for areas that include or are near a large population, or that are of special economic, environmental, or national security importance and that might be damaged by a transportation security incident, include a list of special efforts, measures, or procedures required of any new facility proposed to be located within or near the area that will deter a transportation security incident involving the facility.”.

**SEC. \_\_\_\_ 02. REQUIREMENTS FOR UNITED STATES FACILITY AND VESSEL VULNERABILITY ASSESSMENTS.**

Section 70102(b) of title 46, United States Code, is amended—

(1) in paragraph (1)(C) by inserting after “contingency response,” the following: “chemicals or processes used by a facility that could be replaced with alternative chemicals or processes that could reduce the health, environmental or economic consequences associated with a transportation security incident in a manner that would not significantly impair the ability of the facility to conduct its business.”; and

(2) in paragraph (4) by striking “includes” and inserting “adequately addresses”.

**SEC. \_\_\_\_ 03. REQUIREMENT FOR NATIONAL MARITIME TRANSPORTATION SECURITY PLAN.**

Section 70103(a)(2)(C) of title 46, United States Code, is amended by inserting before the period at the end the following: “, including special efforts, measures, or procedures required of any new proposed facility that could deter a transportation security incident or reduce the consequences of such an incident involving the facility”.

H.R. 889

OFFERED BY: MR. SOUDER

AMENDMENT No. 10: At the end of title IV add the following new section:

**SEC. \_\_\_\_ . ACQUISITION OF MARITIME REFUELING SUPPORT VESSEL FOR UNITED STATES DRUG INTERDICTION EFFORTS IN THE EASTERN PACIFIC MARITIME TRANSIT ZONE.**

There are authorized to be appropriated \$25,000,000 for fiscal year 2006 and \$25,000,000

for fiscal year 2007 for the Bureau for International Narcotics and Law Enforcement Affairs (INL) of the Department of State to purchase or lease a maritime refueling support vessel that is capable of refueling public vessels (as that term is defined in section 30101(3) of title 46, United States Code), and allied warships and vessels employed in support of United States drug interdiction duties in the Eastern Pacific maritime transit zone.

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 11: At the end of title I add the following:

**SEC. 103. AUTHORIZATION OF FUNDING RELATED TO HURRICANE KATRINA.**

There is authorized to be appropriated for fiscal year 2005 for the operation and maintenance of the Coast Guard, in addition to the amounts authorized for that fiscal year by section 101(1) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1030), \$60,000,000 for emergency hurricane expenses, emergency repairs, and deployment of personnel, to support costs of evacuation, and for other costs resulting from immediate relief efforts related to Hurricane Katrina.

At the end of title II add the following:

**SEC. 210. ICEBREAKER OPERATION AND MAINTENANCE PLAN.**

The Secretary of the department in which the Coast Guard is operating shall—

(1) by not later than 90 days after the date of the enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for operation and maintenance of Coast Guard icebreakers in the waters of Antarctica after fiscal year 2006 that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and

(2) subject to the availability of appropriations, implement the plan in fiscal years after fiscal year 2006.

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

Section 3 of title 14, United States Code, is amended by striking "Upon the declaration of war or when" and inserting "When".

**SEC. 212. COMMENDATION, RECOGNITION, AND THANKS FOR COAST GUARD PERSONNEL.**

(a) FINDINGS.—The Congress finds the following:

(1) On August 29, 2005, Hurricane Katrina struck the the Gulf of Mexico coastal region of Louisiana, Mississippi, and Alabama, causing the worst natural disaster in United States history.

(2) The response to such hurricane by members and employees of the Coast Guard has been immediate, invaluable, and courageous.

(3) Members and employees of the Coast Guard—

(A) have shown great leadership in helping to coordinate relief efforts with respect to Hurricane Katrina;

(B) have used their expertise and specialized skills to provide immediate assistance to victims and survivors of the hurricane; and

(C) have set up remote assistance operations in the affected areas in order to best provide service to Gulf of Mexico coastal region.

(4) Members of the Coast Guard have volunteered their unique resources to assess the situation and deliver aid when and where other relief efforts could not.

(5) Members of the Coast Guard have demonstrated their resolve and character by providing aid to Hurricane Katrina victims and survivors.

(6) Members and employees of the Coast Guard have worked together to bring clean water, food, and resources to victims and survivors in need.

(b) COMMENDATION, RECOGNITION, AND THANKS.—The Congress—

(1) commends the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard;

(2) recognizes that the actions of these individuals went above and beyond the call of duty; and

(3) thanks them for their continued dedication and service.

**SEC. 213. HOMEOWNERS ASSISTANCE FOR COAST GUARD PERSONNEL AFFECTED BY HURRICANE KATRINA.**

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

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

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

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

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

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

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

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

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

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

(1) In the case of qualified property that is a dwelling or condominium unit, the amount shall be—

(A) the amount equal to the greater of—

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

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

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

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

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

(B) if the owner leases such underlying property—

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

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

(d) TRANSFER AND DISPOSAL OF PROPERTY.—

(1) IN GENERAL.—An owner receiving reimbursement under this section shall transfer to the Secretary all right, title, and interest of the owner in the qualified property for which the owner receives such reimburse-

ment. The Secretary shall hold, manage, and dispose of such qualified property in the same manner that the Secretary of Defense holds, manages, and disposes of real property under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

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

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

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

**SEC. 214. REPORT ON PERSONNEL, ASSETS, AND EXPENSES.**

Not later than September 15, 2005, and at least once every month thereafter through January 2006, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding the personnel and assets deployed to assist in the response to Hurricane Katrina and the costs incurred as a result of such response that are in addition to funds already appropriated for the Coast Guard for fiscal year 2005.

**SEC. 215. LIMITATION ON MOVING ASSETS TO ST. ELIZABETHS HOSPITAL.**

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

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

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

Amend section 405 to read as follows:

**SEC. 405. REPORT.**

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

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

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

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

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

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

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

In section 412 insert "of 1990" after "Oil Pollution Act".

At the end of title IV add the following:

#### SEC. 413. DETERMINATION OF THE SECRETARY.

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

(1) in paragraph (3) by inserting before the period "before an administrative law judge"; and

(2) by adding at the end the following:

"(5) In making a determination under paragraph (1)(D), the Secretary shall not consider a felony conviction that occurred more than 7 years prior to the date of the Secretary's determination."

#### SEC. 414. REPORT ON TECHNOLOGIES.

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

(1) the availability and effectiveness of technologies that evaluate and identify inbound vessels and their cargo for potential threats before they reach United States ports, including technologies already tested or in testing at joint operating centers; and

(2) the costs associated with implementing such technology at all United States ports.

#### SEC. 415. MOVEMENT OF ANCHORS.

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

"(c) Only a vessel for which a certificate of documentation with a registry endorsement is issued may be employed in the setting or moving of the anchors or other mooring equipment of a mobile offshore drilling unit that is located above or on the outer Continental Shelf of the United States (as that term is defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)))."

#### SEC. 416. INTERNATIONAL TONNAGE MEASUREMENT OF VESSELS ENGAGED IN THE ALEUTIAN TRADE.

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

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

"(A) A vessel of not more than 500 gross tons as measured under section 14502 of this title or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

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

(b) OTHER INSPECTION EXEMPTION AND WATCH REQUIREMENT.—Paragraphs (3)(B) and (4) of section 3302(c) of that title and section 8104 (o) of that title are each amended by striking "or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" and inserting "or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title".

#### SEC. 417. ASSESSMENT AND PLANNING.

There is authorized to be appropriated to the Coast Guard \$400,000 to carry out an as-

essment of and planning for the impact of an Arctic Sea Route on the indigenous people of Alaska.

#### SEC. 418. HOMEPORT.

Subject to the availability of appropriations, the Commandant of the Coast Guard shall homeport the Coast Guard cutter HEALY in Anchorage, Alaska.

#### SEC. 419. OPINIONS REGARDING WHETHER CERTAIN FACILITIES CREATE OBSTRUCTIONS TO NAVIGATION.

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

#### SEC. 420. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

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

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

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

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

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

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

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

(d) EXPIRATION OF AUTHORITY.—The authorities provided under this section expire on December 31, 2006.

#### SEC. 421. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF VESSEL CERTIFICATES OF INSPECTION.

(a) AUTHORITY TO EXTEND.—Notwithstanding section 3307 and 3711(b) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance issued under chapter 33 or 37, respectively, of title 46, United States Code, for up to 6 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

(b) EXPIRATION OF AUTHORITY.—The authority provided under this section expires on December 31, 2006.

#### SEC. 422. TEMPORARY CENTER FOR PROCESSING OF FOR LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) IN GENERAL.—Not later than October 15, 2005, the Commandant of the Coast Guard shall establish a temporary facility in Baton Rouge, Louisiana, that is sufficient to process applications for new licenses, certificate of registries, and merchant mariners' documents under chapters 71 or 73 of title 46, United States Code. This requirement expires on December 31, 2006.

(b) TERMINATION OF REQUIREMENT.—The Commandant is not required to maintain such facility after December 31, 2006.

#### SEC. 423. DETERMINATION OF NAVIGATIONAL IMPACT.

In any case in which a person requests the Secretary of the Army to take action under the authority of section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), the Commandant of the Coast Guard shall provide to the Secretary an opinion in writing that states whether the proposed structure or activity would create an obstruction to navigation.

#### SEC. 424. PORT RICHMOND.

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

At the end of the bill add the following:

### TITLE V—LIGHTHOUSES

#### SEC. 501. TRANSFER.

(a) JURISDICTIONAL TRANSFERS.—Administrative jurisdiction over the following National Forest System lands in the State of Alaska upon which are located any of the Coast Guard facilities described in subsection (b), and over improvements situated on such lands, is hereby transferred, without requirement for consideration, from the Secretary of Agriculture to the Secretary of the department in which the Coast Guard is operating.

(b) FACILITIES DESCRIBED.—The facilities described in subsection (a) are the following:

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

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

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

(4) CAPE HINCHINBROOK LIGHT STATION.—That area described in the November 1, 1957, survey prepared for the Coast Guard, comprising approximately 57.4 acres.

(c) MAPS.—

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

(2) CORRECTIONS AND MODIFICATIONS.—In preparing such maps, the Commandant of the Coast Guard, with the approval of the Secretary of Agriculture, may make corrections and minor modifications to the lands described or depicted to facilitate Federal land management. Such maps, as so corrected or modified, shall have the same effect as if enacted in this section.

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

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

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

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

(e) **TRANSFER OF LAND.**—

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

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

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

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

(f) **NOTIFICATION; DISPOSAL OF LANDS BY THE ADMINISTRATOR.**—The Administrator of General Services shall promptly notify the Secretary of Agriculture upon the occurrence of any of the events described in subparagraphs (A) and (B) of subsection (e)(1). If the Secretary of Agriculture does not request a transfer as provided for in subsection (e) within 90 days after receiving such notification from the Administrator, the Administrator may dispose of the property in accordance with section 309 of the National Historic Preservation Act (16 U.S.C. 470w-8) or other applicable surplus real property disposal authority.

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

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

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

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

(c) **RESERVATION FOR AIDS TO NAVIGATION.**—As part of any transfer pursuant to this sub-

section, the Commandant of the Coast Guard may reserve rights to operate and maintain Federal aids to navigation at the site.

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

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

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

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

(B) the protection of wilderness and National Monument resources;

(C) public safety; and

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

(e) **ACTIONS FOLLOWING TERMINATION OR REVOCATION.**—In the event that no eligible entity is identified within 3 years after administrative jurisdiction is transferred to the Secretary of Agriculture pursuant to this subsection, or the easement or other special use authorization granted pursuant to subsection (d) is terminated or revoked, the Secretary of Agriculture may take such actions as are authorized by subsection 110(b) of the National Historic Preservation Act (16 U.S.C. 470h-2(b)).

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

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

(2) Executive Order 4410 dated April 1, 1926, as it affects the Tree Point Light Station site only.

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

**SEC. 503. CAPE ST. ELIAS LIGHT STATION.**

For purposes of section 416(a)(2) of Public Law 105-383, the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled “Cape St. Elias Light Station,” dated September 14, 2004. The Secretary of the department in which the Coast Guard is operating shall keep such map on file and available for public inspection.

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

(a) **REVOCATION OF EXECUTIVE ORDER DATED NOVEMBER 12, 1838.**—Any reservation of pub-

lic land described in subsection (b) for light-house purposes by the Executive Order dated November 12, 1838, as amended by Public Land Order 5655, dated January 9, 1979, is revoked.

(b) **DESCRIPTION OF LAND.**—The public land referred to in subsection (a) consists of approximately 8.0 acres within the external boundaries of St. Marks National Wildlife Refuge in Wakulla County, Florida, that is east of the Tallahassee Meridian, Florida, in Township 5 South, Range 1 East, Section 1 (fractional) and containing all that remaining portion of the unsurveyed fractional section, more particularly described as follows: A parcel of land, including submerged areas, beginning at a point which marks the center of the light structure, thence due North (magnetic) a distance of 350 feet to the point of beginning a strip of land 500 feet in width, the axial centerline of which runs from the point of beginning due South (magnetic) a distance of 700 feet, more or less, to the shoreline of Apalachee Bay, comprising 8.0 acres, more or less, as shown on plat dated January 2, 1902, by Office of L. H. Engineers, 7th and 8th District, Mobile, Alabama.

(c) **TRANSFER OF ADMINISTRATIVE JURISDICTION.**—Subject to subsection (f), administrative jurisdiction over the public land described in subsection (b), and over all improvements, structures, and fixtures located thereon, is transferred from the department in which the Coast Guard is operating to the Secretary of the Interior, without reimbursement.

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

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

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

(e) **INCLUSION IN REFUGE.**—

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

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

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

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

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

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

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

(3) the United States Fish and Wildlife Service will not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without express written approval by the Secretary of the department in which the Coast Guard is operating; and

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

#### TITLE VI—RESPONSE

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

This title may be cited as the “Delaware River Protection Act of 2005”.

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

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

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

“(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

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

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

(a) ADJUSTMENT OF LIABILITY LIMITS.—

(1) TANK VESSELS.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

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

“(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only—

“(i) \$1,550 per gross ton for an incident that occurs in 2005;

“(ii) \$1,900 per gross ton for an incident that occurs in 2006; or

“(iii) \$2,250 per gross ton for an incident that occurs in 2007 or in any year thereafter; or

“(B) with respect to a double-hull vessel (other than any vessel referred to in subparagraph (A))—

“(i) \$1,350 per gross ton for an incident that occurs in 2005;

“(ii) \$1,500 per gross ton for an incident that occurs in 2006; and

“(iii) \$1,700 per gross ton for any incident that occurs in 2007 or in any year thereafter; or”;

(C) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (i) by striking “\$10,000,000” and inserting “\$14,000,000”; and

(ii) in clause (ii) by striking “\$2,000,000” and inserting “\$2,500,000”.

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

diately before the effective date of this subsection.

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

“(4) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—The President shall, by regulations issued no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005 and no less than every 3 years thereafter, adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index.”.

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

The Philadelphia Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) shall, by not later than 12 months after the date of the enactment of this Act and not less than annually thereafter, review and revise the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal and State surveys.

##### SEC. 605. SUBMERGED OIL REMOVAL.

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

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

and

(2) by adding at the end the following:

##### “SEC. 7002. SUBMERGED OIL PROGRAM.

“(a) PROGRAM.—

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

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

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

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

“(2) REPORT.—The Secretary of Commerce shall, no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report on the activities carried out under this subsection and activities proposed to be carried out under this subsection.

“(3) FUNDING.—There is authorized to be appropriated to the Secretary of Commerce \$1,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.

“(b) DEMONSTRATION PROJECT.—

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

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

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of such Act is amended

by inserting after the item relating to section 7001 the following:

“Sec. 7002. Submerged oil program.”.

##### SEC. 606. DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.

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

(b) FUNCTIONS.—

(1) IN GENERAL.—The Committee shall, by not later than 1 year after the date the Commandant of the Coast Guard (in this section referred to as the “Commandant”) completes appointment of the members of the Committee, make recommendations to the Commandant, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on methods to improve the prevention of and response to future oil spills in the Delaware River and Delaware Bay.

(2) MEETINGS.—The Committee—

(A) shall hold its first meeting not later than 60 days after the completion of the appointment of the members of the Committee; and

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

(c) MEMBERSHIP.—The Committee shall consist of 15 members who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the Delaware River and Delaware Bay, as follows:

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

(A) one member must be an employee or representative of the Port of Wilmington;

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

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

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

(3) Two members who represent shipping companies that transport cargo by vessel from ports on the Delaware River and Delaware Bay.

(4) Two members who represent operators of oil refineries on the Delaware River and Delaware Bay.

(5) Two members who represent environmental and conservation interests.

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

(7) One member who represents labor organizations that load and unload cargo at ports on the Delaware River and Delaware Bay.

(8) One member who represents the general public.

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

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

(f) PAY AND EXPENSES.—

(1) PROHIBITION ON PAY.—Members of the Committee who are not officers or employees of the United States shall serve without pay.



Members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee.

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

(g) **TERMINATION.**—The Committee shall terminate one year after the completion of the appointment of the members of the Committee.

#### **SEC. 607. MARITIME FIRE AND SAFETY ACTIVITIES.**

The Maritime Transportation Security Act of 2002 (Public Law 107-295) is amended—

(1) in section 407—

(A) in the heading by striking “**LOWER COLUMBIA RIVER**”; and

(B) by striking “\$987,400” and inserting “\$1,500,000”; and

(2) in the table of contents in section 1(b) by striking the item relating to section 407 and inserting the following:

“Sec. 407. Maritime fire and safety activities.”.

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT No. 12: At the end of title I add the following:

#### **SECTION 103. AUTHORIZATION OF FUNDING RELATED TO HURRICANE KATRINA.**

There is authorized to be appropriated for fiscal year 2005 for the operation and maintenance of the Coast Guard, in addition to the amounts authorized for that fiscal year by section 101(1) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1030), \$60,000,000 for emergency hurricane expenses, emergency repairs, and deployment of personnel, to support costs of evacuation, and for other costs resulting from immediate relief efforts related to Hurricane Katrina.

At the end of title II add the following:

#### **SEC. 210. ICEBREAKER OPERATION AND MAINTENANCE PLAN.**

The Secretary of the department in which the Coast Guard is operating shall—

(1) by not later than 90 days after the date of the enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for operation and maintenance of Coast Guard icebreakers in the waters of Antarctica after fiscal year 2006 that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and

(2) subject to the availability of appropriations, implement the plan in fiscal years after fiscal year 2006.

#### **SEC. 211. COMMENDATION, RECOGNITION, AND THANKS FOR COAST GUARD PERSONNEL.**

(a) **FINDINGS.**—The Congress finds the following:

(1) On August 29, 2005, Hurricane Katrina struck the the Gulf of Mexico coastal region of Louisiana, Mississippi, and Alabama, causing the worst natural disaster in United States history.

(2) The response to such hurricane by members and employees of the Coast Guard has been immediate, invaluable, and courageous.

(3) Members and employees of the Coast Guard—

(A) have shown great leadership in helping to coordinate relief efforts with respect to Hurricane Katrina;

(B) have used their expertise and specialized skills to provide immediate assistance to victims and survivors of the hurricane; and

(C) have set up remote assistance operations in the affected areas in order to best provide service to Gulf of Mexico coastal region.

(4) Members of the Coast Guard have volunteered their unique resources to assess the situation and deliver aid when and where other relief efforts could not.

(5) Members of the Coast Guard have demonstrated their resolve and character by providing aid to Hurricane Katrina victims and survivors.

(6) Members and employees of the Coast Guard have worked together to bring clean water, food, and resources to victims and survivors in need.

(b) **COMMENDATION, RECOGNITION, AND THANKS.**—The Congress—

(1) commends the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard;

(2) recognizes that the actions of these individuals went above and beyond the call of duty; and

(3) thanks them for their continued dedication and service.

#### **SEC. 212. HOMEOWNERS ASSISTANCE FOR COAST GUARD PERSONNEL AFFECTED BY HURRICANE KATRINA.**

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

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

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

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

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

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

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

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

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

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

(1) In the case of qualified property that is a dwelling or condominium unit, the amount shall be—

(A) the amount equal to the greater of—

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

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

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

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

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

(B) if the owner leases such underlying property—

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

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

(d) **TRANSFER AND DISPOSAL OF PROPERTY.**—An owner receiving reimbursement under this section shall transfer to the Secretary all right, title, and interest of the owner in the qualified property for which the owner receives such reimbursement. The Secretary shall hold, manage, and dispose of such qualified property in the same manner that the Secretary of Defense holds, manages, and disposes of real property under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

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

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

#### **SEC. 213. REPORT ON PERSONNEL, ASSETS, AND EXPENSES.**

Not later than September 15, 2005, and at least once every month thereafter through January 2006, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding the personnel and assets deployed to assist in the response to Hurricane Katrina and the costs incurred as a result of such response that are in addition to funds already appropriated for the Coast Guard for fiscal year 2005.

#### **SEC. 214. LIMITATION ON MOVING ASSETS TO ST. ELIZABETHS HOSPITAL.**

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

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

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

Amend section 405 to read as follows:

#### **SEC. 405. REPORT.**

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

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

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

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

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

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

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

In section 412 insert “of 1990” after “Oil Pollution Act”.

At the end of title IV add the following:

#### SEC. 413. REPORT ON TECHNOLOGIES.

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

(1) the availability and effectiveness of technologies that evaluate and identify inbound vessels and their cargo for potential threats before they reach United States ports, including technologies already tested or in testing at joint operating centers; and

(2) the costs associated with implementing such technology at all United States ports.

#### SEC. 414. MOVEMENT OF ANCHORS.

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

“(c) Only a vessel for which a certificate of documentation with a registry endorsement is issued may be employed in the setting or moving of the anchors or other mooring equipment of a mobile offshore drilling unit that is located above or on the outer Continental Shelf of the United States (as that term is defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))).”

#### SEC. 415. INTERNATIONAL TONNAGE MEASUREMENT OF VESSELS ENGAGED IN THE ALEUTIAN TRADE.

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

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

“(A) A vessel of not more than 500 gross tons as measured under section 14502 of this title or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

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

(b) OTHER INSPECTION EXEMPTION AND WATCH REQUIREMENT.—Paragraphs (3)(B) and (4) of section 3302(c) of that title and section 8104 (o) of that title are each amended by striking “or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” and inserting “or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title”.

#### SEC. 416. ASSESSMENT AND PLANNING.

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

#### SEC. 417. HOMEPORT.

Subject to the availability of appropriations, the Commandant of the Coast Guard shall homeport the Coast Guard cutter HEALY in Anchorage, Alaska.

#### SEC. 418. OPINIONS REGARDING WHETHER CERTAIN FACILITIES CREATE OBSTRUCTIONS TO NAVIGATION.

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

#### SEC. 419. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

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

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

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

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

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

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

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

(d) EXPIRATION OF AUTHORITY.—The authorities provided under this section expire on December 31, 2006.

#### SEC. 420. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF VESSEL CERTIFICATES OF INSPECTION.

(a) AUTHORITY TO EXTEND.—Notwithstanding section 3307 and 3711(b) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance issued under chapter 33 or 37, respectively, of title 46, United States Code, for up to 6 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

(b) EXPIRATION OF AUTHORITY.—The authority provided under this section expires on December 31, 2006.

#### SEC. 421. TEMPORARY CENTER FOR PROCESSING OF FOR LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) IN GENERAL.—Not later than October 15, 2005, the Commandant of the Coast Guard shall establish a temporary facility in Baton Rouge, Louisiana, that is sufficient to process applications for new licenses, certificate of registries, and merchant mariners' documents under chapters 71 or 73 of title 46, United States Code. This requirement expires on December 31, 2006.

(b) TERMINATION OF REQUIREMENT.—The Commandant is not required to maintain such facility after December 31, 2006.

#### SEC. 422. DETERMINATION OF NAVIGATIONAL IMPACT.

In any case in which a person requests the Secretary of the Army to take action under the authority of section 10 of the Act of

March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), the Commandant of the Coast Guard shall provide to the Secretary an opinion in writing that states whether the proposed structure or activity would create an obstruction to navigation.

#### SEC. 423. PORT RICHMOND.

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

#### SEC. 424. CAPE ST. ELIAS LIGHT STATION.

For purposes of section 416(a)(2) of Public Law 105-383, the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled “Cape St. Elias Light Station,” dated September 14, 2004. The Secretary of the department in which the Coast Guard is operating shall keep such map on file and available for public inspection.

At the end of the bill add the following:

#### TITLE V—RESPONSE

#### SEC. 501. SHORT TITLE.

This title may be cited as the “Delaware River Protection Act of 2005”.

#### SEC. 502. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

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

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

“(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

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

#### SEC. 503. LIMITS ON LIABILITY.

(a) ADJUSTMENT OF LIABILITY LIMITS.—

(1) TANK VESSELS.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

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

“(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only—

“(i) \$1,550 per gross ton for an incident that occurs in 2005;

“(ii) \$1,900 per gross ton for an incident that occurs in 2006; or

“(iii) \$2,250 per gross ton for an incident that occurs in 2007 or in any year thereafter; or

“(B) with respect to a double-hull vessel (other than any vessel referred to in subparagraph (A))—

“(i) \$1,350 per gross ton for an incident that occurs in 2005;

“(ii) \$1,500 per gross ton for an incident that occurs in 2006; and



“(iii) \$1,700 per gross ton for any incident that occurs in 2007 or in any year thereafter; or”; and

(C) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (i) by striking “\$10,000,000” and inserting “\$14,000,000”; and

(ii) in clause (ii) by striking “\$2,000,000” and inserting “\$2,500,000”.

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

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

“(4) **ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.**—The President shall, by regulations issued no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005 and no less than every 3 years thereafter, adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index.”.

#### **SEC. 504. REQUIREMENT TO UPDATE PHILADELPHIA AREA CONTINGENCY PLAN.**

The Philadelphia Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) shall, by not later than 12 months after the date of the enactment of this Act and not less than annually thereafter, review and revise the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal and State surveys.

#### **SEC. 505. SUBMERGED OIL REMOVAL.**

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

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

(2) by adding at the end the following:

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

“(a) **PROGRAM.**—

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

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

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

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

“(2) **REPORT.**—The Secretary of Commerce shall, no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report on the activities carried out under this subsection and activities proposed to be carried out under this subsection.

“(3) **FUNDING.**—There is authorized to be appropriated to the Secretary of Commerce \$1,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.

“(b) **DEMONSTRATION PROJECT.**—

“(1) **REMOVAL OF SUBMERGED OIL.**—The Commandant of the Coast Guard, in conjunc-

tion with the Undersecretary of Commerce for Oceans and Atmosphere, shall conduct a demonstration project for the purpose of developing and demonstrating technologies and management practices to remove submerged oil from the Delaware River and other navigable waters.

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

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

“Sec. 7002. Submerged oil program.”.

#### **SEC. 506. DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.**

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

(b) **FUNCTIONS.**—

(1) **IN GENERAL.**—The Committee shall, by not later than 1 year after the date the Commandant of the Coast Guard (in this section referred to as the “Commandant”) completes appointment of the members of the Committee, make recommendations to the Commandant, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on methods to improve the prevention of and response to future oil spills in the Delaware River and Delaware Bay.

(2) **MEETINGS.**—The Committee—

(A) shall hold its first meeting not later than 60 days after the completion of the appointment of the members of the Committee; and

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

(c) **MEMBERSHIP.**—The Committee shall consist of 15 members who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the Delaware River and Delaware Bay, as follows:

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

(A) one member must be an employee or representative of the Port of Wilmington;

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

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

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

(3) Two members who represent shipping companies that transport cargo by vessel from ports on the Delaware River and Delaware Bay.

(4) Two members who represent operators of oil refineries on the Delaware River and Delaware Bay.

(5) Two members who represent environmental and conservation interests.

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

(7) One member who represents labor organizations that load and unload cargo at ports on the Delaware River and Delaware Bay.

(8) One member who represents the general public.

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

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

(f) **PAY AND EXPENSES.**—

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

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

(g) **TERMINATION.**—The Committee shall terminate one year after the completion of the appointment of the members of the Committee.

#### **SEC. 507. MARITIME FIRE AND SAFETY ACTIVITIES.**

The Maritime Transportation Security Act of 2002 (Public Law 107-295) is amended—

(1) in section 407—

(A) in the heading by striking “**LOWER COLUMBIA RIVER**”; and

(B) by striking “\$987,400” and inserting “\$1,500,000”; and

(2) in the table of contents in section 1(b) by striking the item relating to section 407 and inserting the following:

“Sec. 407. Maritime fire and safety activities.”.

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 13: At the end of Title IV add the following:

SEC. \_\_\_\_ . Section 8103(b) of title 46, United States Code, is amended by adding the following paragraph at the end of that subsection:

“(4) Paragraph (1) of this subsection and Section 8701 of this title do not apply to individuals transported on international voyages who are not part of the crew complement required under Section 8101 or a member of the Stewards department, and do not perform watchstanding functions. However, such individuals must possess a transportation security card issued under Section 70105 of this title, when required.”

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 14: Add at the end of title IV the following:

#### **SEC. \_\_\_\_ . QUOTA SHARE ALLOCATION.**

(a) **IN GENERAL.**—The Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands implemented under section 801 of title VIII of division B of Public Law 108-199 is amended to require that—

(1) Blue Dutch, LLC, shall receive crab processing quota shares equal to 1.5 percent of the total allowable catch for each of the following fisheries: the Bristol Bay red king crab fishery and the Bering Sea C. opilio crab fishery; and

(2) the Program implementing regulations shall be adjusted so that the total of all crab processing quota shares for each fishery referred to in paragraph (1), including the amount specified in paragraph (1), equals 90 percent of the total allowable catch.

(b) **APPLICABILITY.**—Subsection (a) shall apply, with respect to each fishery referred to in subsection (a)(1), whenever the total allowable catch for that fishery is more than 2

percent higher than the total allowable catch for that fishery during calendar year 2005.

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT No. 15: Add at the end of title IV the following:

**SEC. \_\_\_\_ . ELIGIBILITY TO PARTICIPATE IN WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.**

(a) TREATMENT OF SECRETARY APPROVAL.—(1) IN GENERAL.—Approval by the Secretary of Commerce of a community development plan, or an amendment thereof, shall not be considered a major Federal action for purposes of section 102(2) of the Public Law 91-190 (42 U.S.C. 4332(2)).

(2) DEFINITION.—(A) In this subsection, the term “community development plan” means a plan, prepared by a community development quota group for the western Alaska community development quota program under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)), that describes how the group intends to—

(i) harvest its share of fishery resources allocated to the program; and

(ii) use the harvest opportunity, and any revenue derived from such use, to assist communities that are members of the group with projects to advance economic development.

(B) In this subsection, no plan that allocates fishery resources to the western Alaska community development quota program under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)) is a “community development plan”.

H.R. 889

OFFERED BY: MR. INSLEE

AMENDMENT No. 16: At the end of title IV add the following:

**SEC. \_\_\_\_ . REIMBURSEMENT OF ADDITIONAL COSTS OF ELEVATED THREAT LEVELS.**

(a) REQUIREMENT.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall reimburse port authorities, facility operators, and State and local agencies, that are required under Federal law to provide security services or funds to implement Area Maritime Transportation Security Plans and facility security plans under chapter 701 of title 46, United States Code, for 50 percent of eligible costs incurred by such persons in implementing protective measures and countermeasures in response to any public advisory or alert regarding a threat to homeland security that is issued under the United States Coast Guard Maritime Security (MARSEC) system or any successor to such system, and

that is above the baseline threat level under that system.

(b) ELIGIBLE COSTS.—For purposes of subsection (a), eligible costs consist of any of the following:

(1) Salary, benefits, overtime compensation, retirement contributions, and other costs of additional Coast Guard-mandated security personnel.

(2) The cost of acquisition, operation, and maintenance of security equipment or facilities to be used for security monitoring and recording, security gates and fencing, marine barriers for designated security zones, security-related lighting systems, remote surveillance, concealed video systems, security vessels, and other security-related infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

(3) The cost of screening equipment, including equipment that detects weapons of mass destruction and conventional explosives, and of testing and evaluating such equipment, to certify secure systems of transportation.

(c) SUBJECT TO APPROPRIATIONS.—The requirement to provide reimbursement under this section is subject to the availability of appropriations.