

In the gulf, in the last 2 weeks of constant work and sweat, those Guard personnel helped make things safer and more secure. With little sleep or rest, they performed their duties helping their fellow Americans in their time of need. Commander Engelbert said it best when she stated how proud she was of the men and women of the U.S. Coast Guard's Port of St. Louis: They saved lives. They made a difference.

For their dedication and their actions, they deserve our thanks. The U.S. Coast Guard is a shining example of how well a Federal agency can perform with its flexibility, speed, and expertise. I urge my colleagues to support this vital authorization bill.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Chairman, I rise in strong support of the Coast Guard and Maritime Transportation Act of 2005, a bill that will provide the men and women of the Coast Guard with equipment and tools that they need to monitor and protect our coastal waters.

In keeping with our efforts to improve the Federal Government's ability to prevent and respond to potential mass incidents, whether caused by terrorists, an act of nature, or human error, H.R. 889 will maintain the Coast Guard's traditional mission of water safety while also improving its ability to contribute to our Homeland Security. To that end, H.R. 889 includes provisions from the Delaware River Protection Act, a bill Representatives LOBIONDO, CASTLE, ANDREWS, SAXTON, and I co-authored in the aftermath of the November 2004 oil spill in the Port of Philadelphia.

The Athos I oil spill caused an estimated \$200 million in damages, injured wildlife, and temporarily impeded trade and traffic. It served as a costly reminder that the Port of Philadelphia contributes significantly to our region's economy and that we cannot afford, for economic and environmental reasons, to put it in harm's way.

Under this legislation, strong but necessary steps will be taken to prevent a similar incident in the future. However, we cannot stop there. We must consider other activities in our ports and waterways that might impact the region. That is why I am grateful to the gentleman from New Jersey (Mr. LOBIONDO) for including at my request a provision requiring the Coast Guard to conduct a vulnerability assessment of a proposal to turn an LNG, liquefied natural gas, peak shaving plant into an LNG import terminal in my district in Port Richmond, Philadelphia.

Since coming to Congress, I have been committed and outspoken about implementing innovative solutions to our Nation's energy needs by promoting more efficient use of traditional sources of energy as well as making substantial new investments in

discovering and bringing to market new energy resources. I support improved efficiency standards and enforcement of environmental standards so we can reduce consumption of foreign oil; and I led an effort on this floor to accelerate the research, development, and deployment of new energy technologies. These are critical steps we must take to ensure our Nation's access to the energy that we need to power the 21st century.

There is no doubt that LNG can play a role in efforts to diversify sources of energy and supplement our national gas supply and production. However, due to the inherent volatility of LNG, there is concern that LNG tankers and storage locations will be marked as a potential target by terrorists. Their presence on the Delaware also raises the risk of another major spill occurring in the river. There is no doubt that an incident of an LNG tanker would be devastating to the people of Philadelphia, a city home to 1.2 million people, as well as those living in the surrounding suburbs, and in the States of New Jersey and Delaware. Therefore, we must ensure that LNG tankers and facilities are situated safely and appropriately to protect our citizens from a potential catastrophic event.

In the case of Port Richmond, we must thoroughly examine the economic and safety variables before allowing LNG tankers to travel up the Delaware River, under Benjamin Franklin Bridge, and passing alongside Center City Philadelphia while carrying 200,000 meters of LNG.

A vulnerability assessment will ensure that all elements of the proposal are examined and weighed so we can determine what is best to ensure public safety as well as meet the region's energy demands.

I thank the gentleman from New Jersey (Mr. LOBIONDO) for so willingly working across party lines to do what is best for our region and for his continued leadership on issues concerning the Delaware River. I also thank his staff for working with us throughout the drafting process. I urge a "yes" vote on H.R. 889.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. TERRY) assumed the Chair.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

#### COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

The Committee resumed its sitting.

Mr. LOBIONDO. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from

Michigan (Mr. STUPAK), an admirer of the Coast Guard.

Mr. STUPAK. Mr. Chairman, I thank the gentleman from New Jersey (Mr. LOBIONDO), the gentleman from Alaska (Mr. YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from California (Mr. FILNER), and the gentleman from Michigan (Mr. HOEKSTRA) for their work on this bill. There could not be a more opportune time to bring this important legislation to the House floor than today with the aspects of Hurricane Katrina.

The heroic and steadfast efforts of the Coast Guard in the wake of Katrina, the worst natural disaster this Nation has ever faced, should be commended by all. This recent tragedy demonstrates how important it is to authorize and fund vital programs that are contained in the Coast Guard bill we are discussing today. This bill will help the Coast Guard to continue to effectively carry out their mission.

I represent a district that is almost completely surrounded by water, so I understand the importance of a Coast Guard that has the resources to assist our coastal communities.

There is one provision included in the bill that is particularly important to me and my northern Michigan district. It directs the Commandant of the Coast Guard to convey the Cutter *Mackinaw* to the City and County of Cheboygan, Michigan, for purposes of a museum.

The U.S. Coast Guard Cutter *Mackinaw* is scheduled to be decommissioned in 2006. The Cutter *Mackinaw*, whose home port has been Cheboygan, Michigan, has served the State of Michigan and the entire Great Lakes region for over 60 years.

The conveyance of the Cutter *Mackinaw* to Cheboygan is both a tribute to the ship that protected Michigan's water and shores and cleared the ice paths for the Nation's mariners. This ship will now serve as an educational resource to help people better understand the history of the vessel, the Coast Guard and the maritime history of the Great Lakes. In this role, it is imperative that Michigan keep this historic treasure.

I see no better way to honor the life and name of the cutter than to retire it as a museum to its home port in the Mackinaw Straits area. This Coast Guard treasure will be a valuable cultural and educational benefit for generations to come.

Once again, thanks to the men and women of the United States Coast Guard for their work in saving lives in the aftermath of Hurricane Katrina.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise to engage in a colloquy with the gentleman from New Jersey (Chairman LOBIONDO).

Mr. Chairman, as the gentleman from New Jersey is aware, Congress in 2002

during the last reauthorization of Coast Guard activities enacted into law authorization for the Coast Guard to transfer a parcel of land at Point Pinos, California, to the City of Pacific Grove. Over the last 3 years, the city has worked with the Coast Guard to finalize the arrangements, but the land has yet to be transferred. The delay has frustrated city officials, prevented the reuse of the land, and burdened the Coast Guard with maintenance and security of a facility they no longer need.

Mr. Chairman, I would ask the chairman if he is aware of the problem and whether anything can be done to expedite the closure to this issue and the transfer of the property.

Mr. LOBIONDO. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I thank the gentleman for rising on this matter. I am perplexed as to why this transfer has not yet occurred and concerned that it has not yet occurred.

I have been told that the Department of Homeland Security needs to delegate the land transfer authority to the Coast Guard in order to complete and carry out this provision. I will work with the gentleman from California (Mr. FARR) to see that the transfer of this land to the City of Pacific Grove occurs in a timely manner.

Mr. FARR. Mr. Chairman, I appreciate the offer of assistance from the chairman and look forward to working with him to get this done.

Ms. PELOSI. Mr. Chairman, as the House considers the Coast Guard and Maritime Transportation Act, we have the opportunity to commend the men and women of the Coast Guard for their extraordinary achievements in response to Hurricane Katrina.

On Sunday, August 28, as soon as the hurricane passed over the Gulf of Mexico, the Coast Guard launched into action. Battling winds that were still blowing at gale force, Coast Guard aircraft immediately began rescuing desperate survivors clinging to rooftops in flooded Gulf Coast coastal communities.

After the Hurricane hit the Gulf Coast and as the enormity of the disaster became apparent, every Coast Guard air station in the country began sending help—aircraft or crews or both—to the devastated areas to conduct search and rescue missions. The numbers speak for themselves: across the region, the Coast Guard saved or evacuated 33,500 people; one helicopter crew rescued 150 during a single shift on duty; another crew rescued 110.

In New Orleans alone, working day and night for seven days, Coast Guard helicopters saved close to 6,500 lives, 4,700 of them by hoisting people from their perilous perches up into helicopters. Coast Guard crews dodged debris, hacked through roofs and windows, and waded in filthy water to reach survivors.

Although Coast Guard facilities in the disaster area had been damaged by the storm and floods, and many Coast Guard men and women had lost their own homes, they pushed past all obstacles to carry out their mission.

It was not just the members of the air and rescue teams that made this extraordinary ef-

fort possible: mechanics worked tirelessly to service aircraft and send them back into the field as quickly as possible. Supply and logistics personnel worked around the clock to restore hurricane-damaged facilities to use. Auxiliary volunteers rallied to the call of duty. As the storm receded, assessments of oil spills and critical infrastructure began.

The Coast Guard's accomplishments shine all the brighter in contrast to FEMA's lethally slow response. There are many good men and women working for FEMA too, but they were hampered by weak, inexperienced, and ineffective leadership, and by the exodus over the past several years of many seasoned disaster relief experts who could no longer tolerate the disintegration of the agency.

With this legislation, we are building upon the strengths and successes of the Coast Guard. Thank you to Vice Admiral Thad W. Allen for taking over relief operations in the disaster area. Thank you to the men and women of the Coast Guard who responded to this disaster from all around the country, from Florida to Seattle, from Boston to my own city of San Francisco. With all our hearts, we thank you.

Mr. WEINER. Mr. Chairman, I rise today to thank the leadership of the Transportation and Infrastructure Committee for their hard work shepherding through the Coast Guard and Maritime Transportation Act of 2005, and to express my strong support of the bill. It authorizes \$8.7 billion for the Coast Guard for fiscal 2006, which will be used to perform the essential duties of the U.S. Coast Guard in the areas of homeland security, maritime safety, law enforcement, and environmental protection.

Mr. Chairman, I want to highlight a provision that I offered and was accepted by the Committee that directs the Coast Guard to conduct a study of the pollution in Newtown Creek caused by underground oil spills in Brooklyn, N.Y.

Newtown Creek is a 3.5 mile long waterway that flows from the East River and separates the boroughs of Brooklyn and Queens. The State of New York has ruled that the Creek does not meet water quality standards under the Clean Water Act. It is the single most polluted waterway in New York City, and its banks are home to the largest oil spill in the United States. The spill is 150 percent the size of the *Exxon-Valdez* spill.

In 1978, a Coast Guard patrol detected petroleum on the surface of Newtown Creek and identified a spill that spreads from the banks of the Creek through the Greenpoint neighborhood in Brooklyn. Evaluations at that time identified a spill totaling 17 million gallons attributed to refineries operated along the banks of the Creek by the predecessors to ExxonMobil, BP/Amoco and Chevron-Texaco. To date, 8.7 millions gallons have been cleaned but estimates indicate it will take at least 25 more years to finish the remediation, primarily conducted by ExxonMobil under a 1990 consent agreement with the New York State Department of Environmental Conservation.

Even though it has been over 25 years since the oil spill was detected, the public health and safety risks associated with the oil spill are still unknown.

The legislative intent of the amendment that directs the Coast Guard to study Newtown Creek (Creek) is for the Coast Guard to revisit

the findings of its July 1979 report entitled "Investigation of Underground Accumulation of Hydrocarbons along Newtown Creek," and address the following issues:

The actual current size of the Greenpoint Oil Spill (Spill) and the extent to which oil from each refinery site contributes to the Spill.

The extent and severity of surface water pollution and sediment contamination from the Spill, and methods to prevent further seepage into the Creek.

The Spill's impact on existing conditions in the Creek including but not limited to low levels of dissolved oxygen and high levels of bacteria.

The interaction between pollution from the Spill and pollution from other sources in the Creek including but not limited to Combined Sewer Overflow Pipes and the Newtown Creek Sewage Treatment Plant.

The extent to which oil and contaminated sediments in the Creek disperse into New York Harbor.

The extent to which the Spill has affected aquatic species in the Creek and Harbor, and methods to prevent further harm.

The extent to which the Spill has affected groundwater in the surrounding area, and methods to prevent further harm.

The extent and severity of contaminated soil in the area affected by the Spill, and methods to prevent further harm.

Any public health issues raised by the Spill and the current remediation efforts, both independently and in interaction with other pollutants in the Creek.

Any safety issues raised by the Spill and the current remediation efforts, both independently and in interaction with other pollutants in the Creek.

The extent to which the current remediation efforts are sufficient, and any new technologies or approaches that could accelerate product recovery and/or improve the scope of the remediation.

I would like to express my thanks to Chairman YOUNG, Mr. OBERSTAR, Chairman LOBIONDO, and Mr. FILNER for their willingness to work with me on this very important yet often overlooked issue. The country will benefit from renewed Federal attention on this oil spill, the largest in the country.

Additionally, I would like to thank both the Democratic and Republican staff of the Transportation Committee and the Subcommittee on the Coast Guard and Maritime Transportation. In particular, Ward McCarragher and John Cullather of Mr. OBERSTAR's staff and Fraser Verrusio and John Rayfield of Mr. YOUNG's staff were very helpful.

Mr. ENGEL. Mr. Chairman, let me start by stating my sheer admiration for the men and women of the United States Coast Guard. Their performance during and after Katrina was phenomenal and they deserve our gratitude and praise.

I rise to thank the Chairs and Ranking Members of the Transportation Committee and its Coast Guard subcommittee. A year ago, they worked with me to add language to the Coast Guard authorization bill requiring the Coast Guard and Department of Homeland Security to do a security assessment of the Indian Point nuclear power plant. As that bill moved through the process, this study was expanded to all nuclear power plants in the United States. I am pleased to report that DHS plans on releasing this report very soon—perhaps

even this week. While I am well aware that security for nuclear plants is a sensitive matter and fully understand that this might require that parts of this report be classified, it is my hope that the report would contain unclassified sections to permit those around the nuclear plants to gain a better understanding of how our government is protecting them.

We know for a fact that Al Qaeda has the plans of U.S. nuclear power plants. We know that these facilities are a target. We, the Congress and the rest of the federal government, have a responsibility to ensure the safety and security of these plants and our citizens. I am hopeful that the analysis in this report will help us as we make policy decisions about how best to safeguard these facilities.

There is no doubt about the awesome power of nuclear energy. It provides 20 percent of the Nation's electricity. However, if a terrorist group were successful in causing major damage to a plant or its cooling ponds, then the impact would be devastating on a scale we dare not imagine.

We know that on 9/11 one of the planes flew over Indian Point nuclear power plant in New York and that the terrorists had plans nuclear plants in their possession. While I will continue to call for Indian Point to be closed, until that day, I will work to ensure it is as safe and secure as is humanly possible. This report will be an important step toward protecting Indian Point and all nuclear power plants sitting on major waterways.

Again, I thank Chairman YOUNG, Chairman LOBIONDO, Ranking Member OBERSTAR and Ranking Member FILNER for their assistance and support.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to thank Chairmen YOUNG and LOBIONDO and Ranking Members OBERSTAR and FILNER for their hard work in bringing this bill to the floor.

The Coast Guard has been protecting our shores for more than 200 years, and has done an outstanding job. The Coast Guard was the first Agency to react to the terrorist attacks on September 11th, and within minutes was guarding our ports and bridges, and directing maritime traffic out of New York. Right now they're in the Gulf region evacuating victims and cleaning up neighborhoods. And we now have a Coastie heading the recovery effort.

Like many Members, I had major concerns when they moved the Coast Guard into the Department of Homeland Security because I feared that it would prevent them from doing their core missions of Search & Rescue, Drug Interdiction, and Enforcing Maritime and Fisheries Laws. We now know that they can also get caught up in the red tape of the Department of Homeland Security, and we need to keep the Department's feet to the fire, so they don't stand in the way of the Coast Guard's traditional mission.

Fortunately the Transportation Committee realizes how important the Coast Guard is, and we are providing them \$861 million more than the Administration. This is just one more example of where the money being sent to Iraq could be used right here by our own Coast Guard.

I encourage my colleagues to support full funding for the Coast Guard. It's simply the right thing to do for America.

Mr. ROTHMAN. Mr. Chairman, I rise in strong support of H.R. 889, the Coast Guard and Maritime Transportation Act of 2005. This

legislation could not come up for our consideration at a better time. We have all seen the phenomenal rescues made by the United States Coast Guard during their efforts to save the lives of thousands of victims of Hurricane Katrina. I am sure that the more than 23,000 people who have been rescued by the Coast Guard and all Americans join me in thanking and commending the approximately 3,300 Coast Guard men and women who have been working around the clock to locate, rescue, and assist their victims of this natural disaster.

Over the past few weeks we have seen the Coast Guard at their very best, but the Coast Guard's daily operations should not go unnoticed. We rely on the Coast Guard to patrol and protect our nation's waters everyday. They help to secure our nation's ports, harbors, and seaways and ensure the safety of our waterways. The Coast Guard, however, does not just have a domestic role. Many members of the Coast Guard have been deployed overseas to fight in the War in Iraq.

From the Jersey Shore, to the waters in Alaska, to the Gulf Coast, to Iraq, the men and women of the Coast Guard serve our nation with bravery and honor. We must provide them with the resources they need to ensure that they can continue their multifaceted mission. I once again thank every member of the Coast Guard for their service and sacrifice for our nation. I urge all of my colleagues to vote in favor of H.R. 889.

Mr. GENE GREEN of Texas. Mr. Chairman, I want to offer my strong support today for H.R. 889, the Coast Guard and Maritime Transportation Act of 2005.

Over the last several weeks the Coast Guard has been in the national spotlight for the outstanding work it has done to aid in the recovery and relief efforts for Hurricane Katrina victims along the Gulf coast.

While the response of many agencies has been scrutinized, the Coast Guard has not been one of them.

The Coast Guard has been responsible for saving 33,000 lives—six times the number of lives the Coast Guard saved in 2004—since Katrina hit, coordinating pollution response with the Environmental Protection Agency, the state of Louisiana and local industries, and managing the megashelters in my hometown of Houston, Texas, where tens of thousands of the evacuees found relief following the storm.

Coast Guard Lieutenant Joe Leonard and the units in Houston have done an incredible job in managing these shelters that received thousands of people a day in the days following Katrina.

But relief efforts are just a part of what the Coast Guard does.

The Coast Guard, which is a part of the Department of Homeland Security, is the lead federal agency for maritime homeland security.

The Homeland Security Act of 2002 specifies five homeland security missions for the Coast Guard: ports, waterways, and coastal security; drug interdiction; migrant interdiction; defense readiness; and other law enforcement duties.

With regard to port security, the Coast Guard is responsible for evaluating, boarding, and inspecting commercial ships approaching U.S. waters, countering terrorist threats in U.S. ports, and helping protect U.S. Navy ships in U.S. ports.

The Port of Houston, which handles more foreign tonnage than any other port in the United States, is in the district I represent, and the Coast Guard provides the security necessary to protect the Port, as well as the people of Houston.

Mr. Chairman, I would again like to thank the Coast Guard for its excellent work in the Katrina relief efforts, and urge my colleagues to support this bill.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 889

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

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

The CHAIRMAN. Are there amendments to section 1?

AMENDMENT NO. 11 OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Mr. Chairman, as the designee of the gentleman from Alaska (Mr. YOUNG), I offer amendment No. 11, and I ask unanimous consent that I be permitted to offer the amendment at this point in the reading.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. LOBIONDO:

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 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).

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

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

ernment 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.

(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.”.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LoBIONDO. Mr. Chairman, I rise in strong support of this amendment and on behalf of the ranking members, the gentleman from Minnesota (Mr.

OBERSTAR) and the gentleman from California (Mr. FILNER), and thank them for working so closely with us on this amendment.

One of the key provisions of this amendment is it authorizes an additional \$60 million for the Coast Guard's fiscal year 2005 for funds spent on responding to Hurricane Katrina which are not being reimbursed. Failure to reimburse the Service for the work it has done in New Orleans means that other Coast Guard missions will suffer.

The amendment also temporarily extends existing mariner documents and vessel certificates for mariners and vessels whose paperwork was held in New Orleans and establishes a temporary center for the processing of new mariner documents. Because of the effects of the hurricane on the Coast Guard facilities and the need for new mariners to aid in reconstruction efforts, these temporary actions are necessary to ensure the smoothest possible return to normal operations of the important maritime industry in the Mississippi River and the Gulf of Mexico.

Another important provision in this amendment is the Delaware River Protection Act, legislation that I introduced with a number of my colleagues to guard against another oil spill like the one that we suffered last November in the Delaware River. The bill unanimously passed the House in June, but, unfortunately, the other body has yet to act.

The Delaware River Protection Act would require persons to notify the Coast Guard in the event that an object is released into U.S. waters that could cause an obstruction to navigation. The Coast Guard and the Army Corps of Engineers have found three very large objects in the area of the Delaware where the Athos I ran aground last November. Had the notification requirement been in place at the time any of these objects had been released into the water, the Coast Guard could have marked the location of these objects and had them removed.

This provision will improve maritime safety and will protect the environment and the economies of our local communities by preventing similar collisions in the future.

The Delaware River Protection Act also directs the President to adjust liability limits for vessel owners to reflect changes in the Consumer Price Index since 1990 and establishes a research program to develop and test technologies to detect and remove submerged oil from U.S. waterways. This amendment will enhance the Federal Government's oil spill prevention and response capabilities.

I would like to thank in particular the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Delaware (Mr. CASTLE), the gentlewoman from Pennsylvania (Ms. SCHWARTZ), and a host of others, along with our chairman and the ranking member for working to include this. I

urge everyone to support this amendment.

□ 1500

AMENDMENT OFFERED BY MR. OBERSTAR TO AMENDMENT NO. 11 OFFERED BY MR. LOBIONDO

Mr. OBERSTAR. Mr. Chairman, I offer an amendment to the amendment. The Clerk read as follows:

Amendment offered by Mr. OBERSTAR to amendment No. 11 offered by Mr. LOBIONDO: In the proposed section 413—

(1) strike "is amended" and all that follows through "paragraph (3)" and insert "is amended in paragraph (3)"; and

(2) strike "; and" and all that follows through the end of the section and insert a period.

Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, the purpose of my amendment is to square what we are doing in the Coast Guard reauthorization for background checks with what we have already done in the Transportation Security Administration with respect to felony convictions of personnel to be hired by the agency in the TSA legislation concerning governing aviation.

There is no limitation on the authority of the Secretary of Homeland Security to go back beyond 7 years into the job applicant's background for convictions relating to espionage, sedition, treason, murder, conspiracy to attempt crimes; and we ought to have the same provisions in the Coast Guard security responsibilities and not prohibit the Secretary to go back beyond 7 years to look for violations that relate to espionage, sedition, treason, and crimes listed in our Homeland Security Act that relate to terrorism or State laws that are comparable.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding to me.

My concern is, very frankly, this has been in the manager's amendment for 3 months, and it is not new, but my big concern, and I understand he is trying to make it uniform with, I believe, the airline industry; is that correct?

Mr. OBERSTAR. The airline provisions, yes; and the HAZMAT section as well.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will continue to yield, the other concern I have is the Homeland Security Act itself that we passed out of our committee had this provision in it, 7 years; and what I do not want is to preclude someone from being employed in a port, that, if there has been a felony created that is not terrorist related, sabotage related, or secession related, he be precluded from being able to be hired.

Some people say if he is a felon, he should not be hired. I can tell the Members that the business I am in, a lot of people in their earlier years probably got into some sort of trouble sometime, but they are not terrorists. These people are trying to make a good living, trying to provide for society and trying to be helpful to this Nation and are not a threat. I do not want someone unable to obtain employment because of beyond 7 years, 15 years, 20 years, and have that person not be eligible to be employed.

The gentleman has heard this argument before. I believe he was on the Committee on Homeland Security meeting when I presented that, and it was adopted, and it passed on this floor. In fact, it is in the bill. It has not become law because, as the gentleman knows, we have not gone to conference with the Senate.

So I understand what the gentleman is trying to do, but I ask two things from him: if he would consider not offering the amendment, withdrawing it, or not asking for a vote on it, and we will not have a vote on it, or we will, in turn, take care of this in conference, because he and I are going to be on the conference. I know what he is trying to do, but I do not want someone to be punished because they are really good citizens today.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, I agree with the chairman about not reaching back. We confronted this issue in aviation in the legislation implementing the recommendations of the Pan Am 103 Commission requiring 10-year criminal background checks but not going further than that and having consideration of amnesty for those who paid their dues to society. We faced that.

But what we are dealing with here, as we did in the Maritime Security Act, the Port Security Grants Act, as we know it, is to allow the Secretary to go back for espionage, for sedition, for treason, for items that are related to security matters. The law applies to felonies in which the Secretary decides the individual is a terrorism security risk.

If the chairman is saying withhold on the amendment this time and we will work to include this language with these limitations in the conference, I will take the chairman at his word.

Mr. YOUNG of Alaska. Mr. Chairman, that is what I expect to do. And, again, I think we can work this out. I am just so concerned that, yes, those that have or did have a potential to sabotage and sedition, et cetera, they should not be employed.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 2 additional minutes.)

Mr. YOUNG of Alaska. Mr. Chairman, other than that, I do not want to have the inability to have someone hired, because they can do the job. So we can work it out.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, I concur in that concern, but I do want to have uniformity of application of law in the security arena, and I think the chairman agrees with that.

I further do not believe, Mr. Chairman, that we would have intervention by the Homeland Security if we struck this language from the manager's amendment because then it would not be subject to their jurisdiction. However, the chairman is an honorable man. He and I have had many agreements on a handshake, and we have worked things out.

Mr. YOUNG of Alaska. The gentleman has my word on it, Mr. Chairman.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDREWS. Mr. Chairman, I rise in support of the manager's amendment to the Coast Guard and Maritime Transportation Act of 2005. The amendment includes some very important provision that were previously passed by this chamber in a bill called the Delaware River Protection Act. The Delaware River Protection Act was primarily authored and introduced earlier in the year by my esteemed colleague, Congressman FRANK LOBIONDO. I was pleased to be a cosponsor of that legislation and I am greatly pleased that the language is included in the manager's amendment. The language is part of a bipartisan effort to protect the ecologically and economically significant Delaware River waterway. In November 2004, the hull of the oil tanker, *Athos*, was torn open by a submerged object and spilled an estimated 265,000 gallons of oil into our river. The cleanup efforts have cost at least \$167 million thus far and the impact to the wetlands will be felt for years to come. We must prevent such tragedies from occurring in the future, as it is an economic as well as an environmental imperative; the Delaware River must remain open to commercial traffic. The language in the Delaware River Protection Act, which will now be part of the Coast Guard and Maritime Transportation Act, is a strong step to secure this precious resource.

This language increases the liability limits on single-hull tankers under the Oil Pollution Act, thereby encouraging the adoption of more robust double-hull tankers. In addition, it requires mandatory reporting of objects that are lost overboard to the Coast Guard. There are also provisions to prepare for the contingency of another spill by updating the current response plan, establishing a committee to report to Congress on ways to improve oil spill response and prevention, and establishing a pilot project on the Delaware to test techniques to recover submerged oil. I commend Congressman LOBIONDO for his diligent work on this important effort. I also thank my colleagues, Representatives ALLYSON SCHWARTZ, JIM SAXTON, and MIKE CASTLE for their input and support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

**SEC. 2. TABLE OF CONTENTS.**

*The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

**TITLE I—AUTHORIZATION**

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

**TITLE II—COAST GUARD**

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

Sec. 202. International training and technical assistance.

Sec. 203. Officer promotion.

Sec. 204. Coast Guard band director.

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

Sec. 206. Reserve recall authority.

Sec. 207. Reserve officer distribution.

Sec. 208. Expansion of use of auxiliary equipment to support coast guard missions.

Sec. 209. Coast Guard history fellowships.

**TITLE III—SHIPPING AND NAVIGATION**

Sec. 301. Treatment of ferries as passenger vessels.

Sec. 302. Great Lakes pilotage annual rate-making.

Sec. 303. Certification of vessel nationality in drug smuggling cases.

Sec. 304. LNG Tankers.

**TITLE IV—MISCELLANEOUS**

Sec. 401. Technical corrections.

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

Sec. 403. Transfer.

Sec. 404. Long-range vessel tracking system.

Sec. 405. Report.

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

Sec. 407. Marine casualty investigations study.

Sec. 408. Conveyance of decommissioned Coast Guard Cutter MACKINAW.

Sec. 409. Deepwater implementation report.

Sec. 410. Helicopters.

Sec. 411. Reports from mortgagees of vessels.

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

The CHAIRMAN. Are there amendments to section 2?

The Clerk will designate title I.

The text of title I is as follows:

**TITLE I—AUTHORIZATION**

**SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

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

(1) *For the operation and maintenance of the Coast Guard, \$5,586,400,000, of which \$24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.*

(2) *For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,903,821,000, of which—*

(A) *\$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, to remain available until expended;*

(B) *\$1,316,300,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems; and*

(C) *\$284,369,000 is authorized for sustainment of legacy vessels and aircraft, including equip-*

*ment related thereto, and other activities that constitute the Integrated Deepwater Systems.*

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

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

(5) *For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$35,900,000.*

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

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

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

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

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

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

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

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

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

The CHAIRMAN. Are there amendments to title I?

The Clerk will designate title II.

The text of title II is as follows:

**TITLE II—COAST GUARD**

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

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

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

**SEC. 202. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.**

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

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

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

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

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

“(b) TECHNICAL ASSISTANCE TO FOREIGN MARITIME AUTHORITIES.—The Commandant, in coordination with the Secretary of State, may, in conjunction with regular Coast Guard operations, provide technical assistance, including law enforcement and maritime safety and security training, to foreign navies, coast guards, and other maritime authorities.”.

(b) CLERICAL AMENDMENT.—The item related to such section in the analysis at the beginning of chapter 7 of title 14, United States Code, is amended to read as follows:

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

**SEC. 203. OFFICER PROMOTION.**

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

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

**SEC. 204. COAST GUARD BAND DIRECTOR.**

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

(1) in subsection (b)—

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

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

(2) in subsection (c)—

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

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

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

(4) in subsection (e)—

(A) by striking “When a member’s designation is revoked,” and inserting “When an individual’s designation is revoked.”; and

(B) by striking “option:” and inserting “option—”.

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

**SEC. 205. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-BUILD CONTRACTING.**

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

“§ 677. Turnkey selection procedures

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

“(b) DEFINITIONS.—In this section:

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

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

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

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by in-

serting after the item relating to section 676 the following:

“677. Turnkey selection procedures.”.

**SEC. 206. RESERVE RECALL AUTHORITY.**

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

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

(2) by striking “or” before “catastrophe”;

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

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

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

**SEC. 207. RESERVE OFFICER DISTRIBUTION.**

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

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

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

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

**SEC. 208. EXPANSION OF USE OF AUXILIARY EQUIPMENT TO SUPPORT COAST GUARD MISSIONS.**

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

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

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

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

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

**SEC. 209. COAST GUARD HISTORY FELLOWSHIPS.**

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

“§ 197. Coast Guard history fellowships

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

“(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible under this subsection if the indi-

vidual is a citizen or national of the United States and—

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

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

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

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

“(1) the criteria for award of fellowships;

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

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

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

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

“197. Coast Guard history fellowships.”.

The CHAIRMAN. Are there amendments to title II?

The Clerk will designate title III.

The text of title III is as follows:

**TITLE III—SHIPPING AND NAVIGATION**

**SEC. 301. TREATMENT OF FERRIES AS PASSENGER VESSELS.**

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

“(10b) ‘ferry’ means a vessel that is used on a regular schedule—

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

“(B) to transport only—

“(i) passengers, or

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

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

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

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

(3) by adding at the end the following:

“(D) that is a ferry carrying a passenger.”.

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

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

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

(3) by adding at the end the following:

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

**SEC. 302. GREAT LAKES PILOTAGE ANNUAL RATE-MAKING.**

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

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

(2) by adding at the end the following:

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

**SEC. 303. CERTIFICATION OF VESSEL NATIONALITY IN DRUG SMUGGLING CASES.**

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)(2)) is amended in the matter following subparagraph (C) by striking “denial of such claim of registry” and inserting “response”.

**SEC. 304. LNG TANKERS.**

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

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

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

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

The CHAIRMAN. Are there amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

#### TITLE IV—MISCELLANEOUS

##### SEC. 401. TECHNICAL CORRECTIONS.

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

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

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

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

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

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

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

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

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

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

(A) by inserting “section” before “30305(b)(5)”;

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

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

(i) VESSEL RESPONSE PLANS FOR NONTANK VESSELS.—

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

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

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

(k) CORRECTION TO SUBTITLE DESIGNATION.—

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

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

“VII. MISCELLANEOUS ..... 70101”.

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

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

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

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

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

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

“70117. Firearms, arrests, and seizure of property.

“70118. Enforcement by State and local officers.

“70119. Civil penalty.

“70120. In rem liability for civil penalties and certain costs.

“70121. Withholding of clearance.”.

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

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

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

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

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

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

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

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

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

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

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

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

(d) EMPLOYMENT OF RETIRED COAST GUARD PERSONNEL.—

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

(2) AUTHORIZED PAY.—

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

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

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

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

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

##### SEC. 403. TRANSFER.

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

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

(a) PILOT PROJECT.—Subject to the availability of appropriations, the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a pilot program for long range tracking of up to 2,000 vessels using satellite systems pursuant to section 70115 of title 46, United States Code.

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

##### SEC. 405. REPORT.

(a) IN GENERAL.—The Commandant of the Coast Guard shall review the adequacy of assets

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

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

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

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

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

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

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

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

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

(3) by adding at the end the following:

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

**SEC. 407. MARINE CASUALTY INVESTIGATIONS STUDY.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) the recipient agrees—

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

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

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

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

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

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

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

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

**SEC. 409. DEEPWATER IMPLEMENTATION REPORT.**

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

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

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

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

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

**SEC. 410. HELICOPTERS.**

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

(b) **DETERMINATION AND CERTIFICATION.**—The Secretary shall not acquire or lease any previously used HH-65 helicopters or airframes under subsection (a), until the end of the 90-day

period beginning on the date the Secretary notifies the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the Secretary has—

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

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

**SEC. 411. REPORTS FROM MORTGAGEES OF VESSELS.**

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

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

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

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

AMENDMENT NO. 13 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. YOUNG of Alaska:

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.”

Mr. YOUNG of Alaska. Mr. Chairman, it is well established under current law that foreign workers may work on U.S. flag vessels on international voyages to conduct various non-watchstanding functions. These personnel are not considered seamen. This amendment will confirm the legality of this practice.

Also, the amendment clarifies that personnel must possess a transportation security card, when required under the Maritime Transportation Security Act, and I urge Members to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. YOUNG of Alaska:

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”.

Mr. YOUNG of Alaska. Mr. Chairman, this amendment approves established National Marine Fisheries Service policy regarding the process for approving community development plans in small Alaska communities. The amendment does not in any way change the manner in which these fishery resources are distributed to, or the total amount of fish allocated to, eligible communities. This is a good amendment. It is asked for and the agency itself suggested that we do offer it, and I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. YOUNG of Alaska:

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.

Mr. YOUNG of Alaska. Mr. Chairman, this amendment assures that if a new quota becomes available in certain Alaska fisheries, a portion of it will be distributed to a vessel which currently has no qualifying catch history. This amendment corrects an inequity without taking quota from existing vessels. If no new quota is made available through the normal management process, then the additional vessel does not receive any quota.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

Mr. BOYD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to take a moment to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, and their staffs for working with me to include as part of the manager's amendment the text of the substance of House Resolution 372 which will transfer ownership of St. Marks Lighthouse from the Coast Guard to the U.S. Fish and Wildlife Service.

This lighthouse, Mr. Chairman, was built in the 1820s and today still serves as an acting navigational aid for vessels on the Apalachee Bay. This old lighthouse has survived, Mr. Chairman, many wars and many storms, and we were going to lose the building itself if this transfer was not made.

I want to thank again the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, for their help in accomplishing this.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. BOYD. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, for myself, and I know I speak for the gentleman from Alaska (Chairman YOUNG), we are happy to accommodate the gentleman's concern.

I am particularly an aficionado of lighthouses. I think they have played an extraordinary role in the navigation maritime history of America, but lighthouses also played an extraordinary and important role in the development of commercial navigation, air navigation in the United States.

In the early days of aviation, the lighthouse service set up lighthouses on land with million-candle-powered lights with an arrow pointing to the

next lighthouse where the nighttime flyer could chart his course and fly safely to a destination. Lighthouses really made maritime navigation safe, but they made aviation navigation safe as well. So preserving such a piece of history is really important, and I am really glad the gentleman has brought it to the attention of the committee.

Mr. BOYD. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments. We are always blessed to have the benefit of someone who has as much knowledge as the gentleman from Minnesota (Mr. OBERSTAR) does.

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This lighthouse that has been addressed in this manager's amendment is still serving as a navigational aid to air transportation and also to maritime navigation.

AMENDMENT NO. 10 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SOUDER:

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.

Mr. SOUDER. Mr. Chairman, I rise to ask my colleagues' support for this amendment which would authorize critical resources for our drug interdiction efforts which directly impact the U.S. Coast Guard.

I first want to commend the gentleman from New Jersey (Chairman LOBIONDO) for his leadership and efforts in providing much-needed support to the Coast Guard.

Recently, more than ever, the Coast Guard has demonstrated its unique multimission role as the world's premier maritime service. The recent devastation caused by Hurricane Katrina along our gulf coast has been well documented, and our sympathies are extended to those who have lost so much.

However, out of the destruction and despair come many positive stories, and one of the best stories to emerge from this disaster has been the heroic work of our Coast Guard.

Hurricane Katrina ravaged Coast Guard stations in Gulfport and Pascagoula, Mississippi; and looters wrecked part of its New Orleans base. But that did not stop the Coast Guard from sending out rescue helicopters,

cutters, and small boats on dangerous and exhausting missions to save lives and clear waterways after the hurricane ravaged the gulf coast since August 29.

To date, the Coast Guard has coordinated the search and rescue efforts that resulted in over 33,000 lives saved and evacuated to date. Coast Guard helicopters and boat crews from around the country responded and have heroically risked their lives in some of the most challenging and dangerous circumstances of recent times.

As a military, multimission maritime service, the Coast Guard performs a unique blend of humanitarian, law enforcement, regulatory, and military missions and responsibilities providing maritime security, maritime safety, protection of natural resources, and national defense services.

As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources and a member of the Committee on Homeland Security, I am very aware of the critical role performed by the Coast Guard in drug interdiction and homeland security.

In fiscal year 2004, the Coast Guard seized a record 240,519 pounds of cocaine worth approximately \$7.3 billion. To date, in fiscal year 2005, the Coast Guard has seized over 290,000 pounds of cocaine worth an estimated \$8.8 billion.

As Hurricane Katrina has made abundantly clear, our country needs a strong and robust Coast Guard, and Congress needs to ensure that we are putting the right tools and equipment in the very capable hands of Coast Guard men and women so that they may continue to deliver the robust maritime safety and security America expects and deserves.

The Coast Guard's Deepwater recapitalization project plays an absolutely critical role in building a more ready and capable 21st century Coast Guard equal to the challenges we face today and anticipate tomorrow.

It is vitally important to our national drug control strategy and our national security, as well as protecting our Nation's citizens from natural disasters such as Hurricane Katrina, that the Deepwater project be accelerated and that there be more Coast Guard ships and aircraft to respond to the many critical missions of the Coast Guard.

I offer this amendment to improve upon these drug seizure totals by authorizing the State Department's Bureau of International Narcotics and Law Enforcement Affairs to acquire a refueling vessel for the benefit of U.S. and allied drug interdiction agencies, such as the U.S. Coast Guard and the U.S. Navy, operating in the eastern Pacific region. According to testimony provided by the Coast Guard, the Department of Defense, the Office of National Drug Control Policy, and other agencies, drug traffickers have increasingly pushed their routes into that area farther and farther west.

We have three Coast Guard vehicles that operate there. One is usually try-

ing to come in, one is going back, and only one is out in this huge zone running up with all of the cocaine and heroin coming in from Colombia because we do not have a refueling vessel there.

U.S. vessels have no capability of refueling in that area and, thus, cannot operate for any significant length of time. The drug traffickers, by contrast, have developed their own sophisticated refueling system and can now simply bypass our interdiction forces. Today, we face an almost unique situation in drug interdiction history: we now have more intelligence about drug trafficking than we have assets to act on it, meaning we know it is coming, we know where it is, but we cannot get it; meaning that we have to watch helplessly while some shipments of poisonous narcotics are brought into the U.S.

The Coast Guard's motto, "Semper Paratus," meaning always ready, has been earned through the courage and actions of the members of the Coast Guard. I am happy to say that this amendment will help ensure that future Coast Guard members can live up to that motto.

Again, I thank the gentleman from New Jersey (Chairman LOBIONDO) for his leadership in support of the Coast Guard, and I urge my colleagues to support this amendment.

Mr. LOBIONDO. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, we are very happy to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MARKEY:

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 Fed-

eral 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.

Mr. MARKEY. Mr. Chairman, I have an amendment which deals with a huge issue which is going to unfold in our country over the next decade, and that is the indisputable need for our country to have a large importation of liquefied natural gas into our country. In New England, already 20 percent of our natural gas is in the form of liquefied natural gas. It comes from overseas. This is a good thing, and it is something that has to expand, not only in New England but all across our country.

The good news is that in the year 2001, there were only two LNG facilities licensed in the United States, one of them in Everett, Massachusetts, in the middle of my congressional district. This is something, however,

which is a legacy from a period that existed before 9/11. There are now 30 proposed additional LNG facilities in the United States, and nine of them have already been licensed.

The question going forward now is not do we need more LNG; the question is how will we have the importation of LNG be done consistent with homeland security principles. And here is the issue: in Boston, right here, coming in a couple of times a month, at least, comes this huge tanker right through the middle of Boston. That is East Boston High School right above it. Outside of Manhattan, this is the most densely populated part of the United States.

Now, we cannot do anything about this facility. It is there. Maybe over time we can phase it out, but it is going to be there. The issue is, going forward, what will be the role of the Coast Guard, the Coast Guard which, in this picture, is escorting this LNG tanker right into Boston Harbor, which has to shut down every time one of these tankers comes in? What should the role of the Coast Guard be?

What my amendment says is this: since we are going to have this large importation of LNG in terminals all across our country in the next generation, let us: One, require the Coast Guard to prepare a report on any measures needed to ensure public safety and security of the proposed facility and transportation routes to and from the facility; and, two, require the Coast Guard to report on any action taken by the facility owner or by appropriate Federal and State regulators in response to any findings or recommendations made by the Coast Guard with respect to the proposed facility, including what measures have been put in place to mitigate potential risks; and, third, require the Coast Guard to approve any construction or expansion of an LNG facility before it can go forward, and direct the Coast Guard to not approve any such construction or expansion if it 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.

We know that if that tank was exploded, if the tanks that are on the land where the tanker is going to unload the LNG, that the event would be catastrophic in the middle of the city of Boston; but the same would be true across the whole country. The Sandia Laboratories, in studying an incident that could occur with a tanker such as this, sees a radius of upwards of 2,000 feet that would have levels of heat and fire that would burn buildings, damage steel tanks and machinery; and one can imagine what would happen to every human being inside that radius.

So, for me, to leave it to the Federal Energy Regulatory Commission to have exclusive jurisdiction over where one of these facilities is sited, without taking into account what the Coast Guard will have to do as a part of the

Department of Homeland Security in safeguarding that shipment, is, in a post-9/11 period, reckless. In a post-New Orleans period, it is reckless.

We must give the people who live in these densely populated areas the benefit of the doubt that the Coast Guard would raise the questions about homeland security, about what would happen if there were a terrorist attack, and then suggest perhaps that the facility be built offshore, and that there be a pipeline brought in, that the facility be built in a more remote area of the State and a pipeline be built to bring it down; but it should be the Coast Guard, the agency of expertise.

I urge an "aye" vote to protect public safety in all communities where LNGs will be imported in the generation ahead.

Mr. LOBIONDO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would significantly add to the Coast Guard's mission responsibilities by requiring the service to regulate the construction and expansion of liquefied natural gas facilities. Coast Guardsmen and -women do not have the expertise and background to inspect building plans as they would be required to do under this amendment.

In addition, this amendment would in many ways duplicate the efforts already undertaken by the States and the Federal Energy Regulatory Commission to regulate these facilities. With the current situation, I question the addition of significant shore-side responsibilities to the Coast Guard's wide scope of missions. We have heard about what they have been expected to do, we have heard their missions have been expanded by some 27 items, that their personnel is not there, that their funding is not there; and I reiterate that they do not have the expertise and background to inspect these building plans and do the job that is required under this amendment.

I urge all of my colleagues to oppose this amendment.

Mr. MCGOVERN. Mr. Chairman, I am pleased to rise in support of this amendment, and I would like to commend my colleague, the gentleman from Massachusetts (Mr. MARKEY), the dean of our delegation, for his leadership on this issue. Years ago the gentleman from Massachusetts (Mr. MARKEY) played a critical role in the passage of the Pipeline Safety Act, which stressed the need for the remote siting of LNG terminals; and since then he has continued to be a national leader and advocate for the needs and safety of our communities.

This is a commonsense amendment that we have before us today. I can tell my colleagues firsthand that the current system does not work. In my district there has been a proposal to construct an LNG storage tank in the middle of Fall River. The site itself would be just 1,200 feet from homes with over 9,000 people living within a 1-mile radius of the tank. Immediately, commu-

nity and State officials sounded off the alarm. They pointed to environmental concerns, and there are a lot of environmental concerns with the siting in this area, which FERC just dismissed without ever conferring with the EPA.

They also pointed out the fact that if this facility would be constructed, the tankers would have to go under three different bridges in the river, and all three bridges would have to be shut down for a period of time for safety concerns. And the problem with that is that neighboring communities would then be denied access to hospitals that are located in Fall River and other emergency facilities. Again, FERC totally ignored that.

The community raised security concerns which were supported by a report prepared by counterterrorism expert Richard Clarke talking about the potential threat to the community in the case of a terrorist attack or an accident. Yet the Department of Homeland Security was never included in the review process. In fact, despite repeated requests from members of the Massachusetts and Rhode Island delegations, officials from Homeland Security have yet to comment on the site, let alone visit the site.

□ 1530

Instead, they referred our request to the Coast Guard, which is only required to present its recommendation prior to the actual reconstruction of the LNG tanks. So in the end, without any coordination with the necessary Federal agencies, FERC approved the construction of the LNG storage tank in Fall River, Massachusetts.

Now it was only after the Navy intervened, pointing to additional threats to national security, that FERC finally took a step back and are now deciding whether to consider an appeal by the State of Massachusetts.

This one case in Fall River illustrates a larger problem. Our current system fails to ensure a thorough review of all of the issues surrounding LNG sites; and the Markey amendment, by bringing the Coast Guard to the table before new LNG sites are approved, I think is a necessary step in that direction.

As our Nation's energy demands continue to grow, we must work to ensure that adequate energy sources are available; and I would be the last person to argue otherwise. We do need additional LNG facilities in this country. But we must be mindful that our public health, security and safety are not disregarded in the process.

I have never had a more maddening experience in my life than dealing with FERC. They did not consider, let alone discuss, any of the issues that were raised by the Commonwealth of Massachusetts, by our governor or by local officials or by local public safety officials. They went ahead and approved this and justified the approval without considering any of the evidence that was brought before them, evidence,

quite frankly, that points to major security concerns.

I think that what the gentleman from Massachusetts (Mr. MARKEY) has done here is proposed an amendment that, you know, should not be controversial. I think all of us here should want to make sure that these facilities are sited in the safest possible areas.

I have a prediction. That is, in the not-too-distant future, some homeland security chief is going to weigh in on this and recommend that LNG facilities not be sited in heavily populated areas and that, instead, they be sited in areas that are not in the middle of a growing urban area or offshore them because of the safety concerns.

So this amendment should be approved. I would hope that my colleagues would join with me in supporting the Markey amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Under the agreement that we have in committee, we do not support amendments that one or the other side disagrees with; and I support the committee position. I do want to observe, however, that this amendment is relatively benign. Had it been drafted differently, I think it easily could have been accepted.

The Coast Guard does have largely this authority. And while the chairman of the subcommittee has expressed a concern about the Coast Guard being drawn afield from its normal mission in looking into on-land facilities, actually if the Coast Guard felt there were a problem with their existing authority they could do what the gentleman's amendment proposes to direct them to do, they could say, look, we think this is a security problem or a safety problem and inspect it. And, in fact, any contractor with an ounce of sense would invite the Coast Guard in and say look at it before we go ahead.

I do want to observe, however, there is new technology that may make such facilities unnecessary in the short term and long term.

During this storm of Katrina in the gulf, an LNG facility offloaded 3 billion cubic feet of natural gas 100 miles offshore because the tanker had on board the new regassification technology that allows it to make the conversion necessary to discharge from the ship; and with 8-foot seas, they were able to discharge 3 billion cubic feet of natural gas. With the rate at which natural gas prices are rising, I think we need more of that capability.

I certainly sympathize with my colleagues in Massachusetts along Fall River who do not want to see one of these LNG ports in their river, close to human population, with all of the potential, but this is not the appropriate place to make that fix.

Mr. SHIMKUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will try to be brief. The issue is we have fought this amendment before. There is a critical

demand for natural gas in this country. The Coast Guard, as has already been stated, is already involved in this process. They establish access control measures. They establish security measures for cargo handling and delivery. They provide surveillance and monitoring. They ensure security communications. They create security incident procedures. They coordinate with local, State and Federal authorities to respond to security incidents, personnel training and drill requirements and identify a facility security officer who is responsible for ensuring compliance with the facility security plan. So the Coast Guard is already doing a lot of these intercoastal activities.

In addition to the U.S. Coast Guard, the LNG terminal safety and security are subjected to additional layers of Federal oversight. FERC and the Department of Transportation are responsible for exercising regulatory authority over LNG facilities.

This country can no longer continue down the route of saying we want to use energy, but we do not want any energy brought into this country. We just cannot. It kills our manufacturing base. We are no longer competitive.

Now we are paying \$10 per million BTUs for natural gas use, when our opponents, our competitors worldwide like Russia pay 95 cents. How can we compete? We have to have energy.

If we cannot drill in our own country, if we cannot explore, if you are going to put the whole Continental United States off limits, we have to import liquefied natural gas. We can do it. We have done it safely. We can do it economically.

The Coast Guard is involved. And to say that this is not an attempt to stop LNG facilities on the United States is just a false premise. I reject it.

Now we have had this amendment numerous times and tried to stop the development of LNG facilities during the energy bill. We have defeated it every time, and we are going to defeat it now.

Mr. TERRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Markey amendment. As the gentleman from Illinois (Mr. SHIMKUS) just mentioned, we have been through several attempts in the energy bill to recognize the NIMBY, not in my backyard movement, against LNG. You cannot have it both ways.

This House spoke overwhelmingly to say that we need and will support more natural gas supply within the United States by beating or not adopting the Markey amendments in the energy bill, which I think is the proper place to discuss the topic of liquefied natural gas and its safety.

And, by the way, what we adopted in that energy bill is a streamlined process that does give FERC the ultimate authority on permitting and siting but also in that bill mandates to FERC that they have to take into account the safety concerns. It is stated right

there in black and white. They have to adopt or they have to take into account the safety concerns, the procedural concerns from both the local, the county, the State governments and all of the Federal agencies, including the Coast Guard, that are involved in this process.

As the gentleman from Illinois (Mr. SHIMKUS) mentioned, the Coast Guard is already part of the process. It has jurisdiction over part of the safety plan that makes sure that the ships are safely brought in to the port facility. It escorts those ships, in fact. You know, I just have got to say that we have got to get away from this NIMBY mentality here.

Right now, we are paying \$10 per Btu for natural gas. Mexico is a fraction of it. We look at what we use natural gas for in the United States, it is not just heating our homes. Eighty percent of the homes in Nebraska are heated with natural gas. I would presume that the majority of homes along the East Coast are heated with natural gas.

Go tell your folks that you are in favor of their natural gas heating bill going up by 30 or 40 percent this December, January and February. Because that is what we are looking at.

But, also, it is a major element in cost in manufacturing, manufacturing chemicals, manufacturing fertilizer; and I am telling you our farmers in Nebraska cannot withstand the price increases that they are going to have to incur with fertilizer. Chemical plants are pulling out of the United States to avoid the high cost of natural gas.

We need this product in the United States. Let us keep it as this body has already decided with the streamlined approach that already incorporates all of the safety concerns from all of the local and State and Federal agencies.

Let us join the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Alaska (Mr. YOUNG), the gentleman from New Jersey (Mr. LOBIONDO), and all of the others that are in opposition to this amendment.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, first of all, let me clear up some misinformation which has been disseminated out here on the House floor. We have, in fact, not debated this issue ever before in the House.

What happened in the energy bill was that the Republican majority made a determination that they were going to remove governors and mayors from the decision-making process as to where an LNG facility can be sited. Until August of 2005, mayors and governors had a say. Now they do not because of the energy bill.

Now we all know that when and if a catastrophic event occurs, people in our country have learned not to depend

upon the Federal Government. They know that the first call has to go to the local fire, the local police. That is who they are going to call, and they have good reason to after what happened in New Orleans. I do not think any city or town is going to repeat the mistake which New Orleans made in waiting for Department of Homeland Security to respond.

But let us just say for the sake of discussion that we are going to remove the mayor and we are going to remove the governor from any say on where an LNG facility can go in the most densely urban populated parts of this State. What my amendment says is, at least allow the Federal Government to have a role. At least allow the Department of Homeland Security to have a role. But the Republican majority says, no, we are only going to allow the Federal Energy Regulatory Commission, which has no jurisdiction over homeland security, no responsibility to look at the public safety issues, they alone will look at these issues.

Well, you know, the recriminations which have taken place in the last 2 weeks all turn on one question. Why did not people listen to the Corps of Engineers? Why did not we give more protection to those people in that community? But we all know that the Corps of Engineers was ignored, that their warnings were ignored.

What the majority Republican party wants to do is to tell the Coast Guard, we do not want to have your view on where an LNG facility should be sited if you are going to tell us you disagree with the energy decision.

It should be all energy. No homeland security at all. No protection for the people who will be living in the mile or two around that facility. Now that, ladies and gentlemen, is what this debate is all about.

The gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Nebraska (Mr. TERRY) and, by the way, each of them could not try harder to get more geographically far away in Nebraska and Illinois from the coastline, our experts today. Mark Twain used to say, an expert is anyone who lives more than 1,000 miles away from a problem, and we have got two experts here today telling us on the coastline what we need.

Well, what we need, ladies and gentlemen, is the Coast Guard to make a determination as to whether or not they can protect against a catastrophic event, and what they are saying is no Coast Guard, no governor, no mayor, nobody but the energy companies. That is what it is all about. It is about the energy companies.

Yes, we need a doubling, yes, we need a tripling, a quadrupling of LNG in our country.

□ 1545

I have the number one facility in America in my district. We need it in New England more than anyone else. But as a homeland security issue, it

should have the Coast Guard making a determination as to whether or not it can be protected against a terrorist attack. And if an alternative is possible offshore or in a more remote area of that State, then they should be given the right to participate in that decision.

If you just leave it to the energy companies, which is what the Republicans want to do, this is just a continuation of their energy bill, letting the consumers get tipped upside down because the energy companies do not want to spend a few extra bucks to add into homeland security, the same way as the catastrophic events of New Orleans were just over saving a few bucks.

Well, this is your chance to do something about LNG facilities in densely populated areas, to give a say to the Coast Guard, rule out your Governor, rule out your mayor, but at least the Coast Guard, at least a part of the Federal Government should be part of this. If you want a Federal solution to the energy problem, you also have to have a Federal component to homeland security in 2005.

Al Qaeda is not taking a break. Al Qaeda is out there. Al Qaeda used the Boston LNG terminal as the route to bring in their Al Qaeda agents.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has expired.

(By unanimous consent, Mr. MARKEY was allowed to proceed for 1 additional minute.)

Mr. MARKEY. Richard Clarke in his book said on September 11, 2001 when he was asked to take over in charge of all homeland security response, his first thought was shut down the port of Boston, call the Coast Guard commandant there. That is where Abdul Meskini and the other al Qaeda agents had come in on the LNG tanker from Algeria into Boston Harbor. That is how they got here. Abdul Meskini is in prison right now for the LAX millennium bombing plot.

So let us not kid ourselves. They are coming for urban areas. They are coming for the high-impact areas. They are coming for LNG facilities. They are coming for nuclear facilities. They want to use airplanes. They want the biggest event possible. They want London. They want Madrid. They want New York. They want L.A.

They want the big urban populated areas. Let us not kid ourselves. Vote "aye" on the Markey amendment. Give the Coast Guard the homeland security ability to be able to make a decision to protect the citizens of our country.

Mr. ANDREWS. Mr. Chairman, I rise in support of the amendment offered by my esteemed colleague, Congressman MARKEY. His amendment seeks to protect the citizens of our cities and towns from the potential threat posed by liquefied natural gas, LNG, tankers traversing our waterways.

I fully grasp the need to import additional quantities of fuel, particularly natural gas. Our energy supplies are dwindling and have been further hampered by the recent events in the

Gulf. However, I must question the haste of our efforts to import LNG without the proper planning to ensure the public's safety. As it stands now, the Federal Energy Regulatory Commission, FERC, has the preeminent authority in siting these LNG facilities. The recently passed Energy Bill even included a provision that usurped State's rights in the siting process. The problem here is that FERC is an agency concerned with energy policy, yet they have limited expertise in security and public safety. In the past, we could rely on individual States to make security decisions, but now that authority is in jeopardy.

The most prudent action we can take at this time to ensure the safety and security of our citizens is to bolster the power of the Coast Guard. While the Coast Guard is already involved in siting LNG facilities, this amendment offered by Congressman MARKEY would give the Coast Guard the specific direction they need to properly and thoroughly examine risks posed to the public.

There is no doubt that LNG will become an increasing part of our Nation's energy supply. Moreover, there will be some prospective sites that are suitable for LNG facilities and others that are not. I am not here to make a judgment on any specific sites. Rather, I want the professionals in the Coast Guard to do the security analysis. Our energy needs cannot take precedent over the safety of our citizens. Once again, I support Mr. MARKEY's amendment and I urge my colleagues to include it in the final bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. FOSSELLA  
Mr. FOSSELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FOSSELLA:  
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.”.

Mr. FOSSELLA. Mr. Chairman, I thank the chairmen of the subcommittee and the full committee for their efforts here.

First at the outset, let me commend the great men and women of the United States Coast Guard for what they do. In Staten Island and Brooklyn, we are privileged that they are watching the Port of New York and the hundreds, if not thousands, of personnel who dedicate their lives to helping us and saving many and protecting us. And after a very aggressive summer boating season, many of them have been redeployed to the gulf region and serving once again with honor and distinction and rescuing many and really serving full support to the United States Coast Guard.

The amendment I have offered today deals with what happened several years ago in Staten Island. On October 15, 2003, the Staten Island Ferry boat, the *Andrew J. Barberi*, was on a regularly scheduled trip from Manhattan to Staten Island, as it does 365 days a year; but on that day, it collided with the maintenance pier at the Staten Island Ferry Terminal. The tragic accident resulted in the death of 11 people, 11 innocent people with over 70 injured, many severely.

Despite the exceptional report issued by the National Transportation Safety Board, which conducted a very thorough investigation, we still do not know the full story of what happened on that tragic day. The N.T.S.B. concluded a probable cause of the incident was “the assistant captain’s unexplained incapacitation.”

The unwillingness of those with knowledge of what happened in the wheelhouse to talk unfortunately ensures that the full story of that tragedy will never be known.

In light of these circumstances, the amendment I have offered today requires that voyage data recorders, or VDRs, not too unlike the famous, or infamous, black boxes that exist in every airplane cockpit, be installed in ferries carrying more than 399 passengers.

For a point of fact, that is probably more than 50 ferry boats nationwide. The devices are similar to the black boxes. In addition to recording all communication and navigation data in a ship’s wheelhouse, the devices can also be used to track vessels en route and

determine whether or not a ship is veering off course, which would have arguably prevented this tragic accident as well.

In addition to helping determine whether or not ships may be on a dangerous course, the devices also provide critical information in the event of future accidents that will give investigators a more complete understanding of events and in helping investigators understand root causes, such as greatly assist them in offering recommendations for safety improvements.

The amendment sets forth very practically to allow these VDRs in passenger ferries of 399 or more passengers. The Staten Island Ferry in and of itself carries tens of thousands people every day.

I think it is a commonsense measure. Furthermore, I want to commend the chairmen of both the full and the subcommittee for agreeing to continue to dialogue, to figure out ways we can prevent such accidents from occurring.

One of the other issues that clearly happened here was the pilot in control basically provided fraudulent physicals. And we need to find a way that we can effectively protect the public from those pilots, and I would argue physicians that provided false medicals to allow people who really do not belong in a wheelhouse to be responsible for the lives of tens of thousands of people on a daily basis.

I urge support of this commonsense amendment.

Mr. LOBIONDO. Mr. Chairman, I am prepared to accept the amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate that the majority is going to accept the amendment. We have previously agreed on the outcome.

Voyage data recorders are as important as they are in aviation. The flight data recorder, the voice data recorder in the cockpit helps us to understand outcomes of accidents or causes of accidents in investigating the tragedies in aviation.

The Coast Guard is working with the IMO to amend the Safety of Life At Sea Convention to require voyage data recorders for ships in the international service. But doing so for newly built ships, those that are under construction is one thing. The cost can be absorbed in the construction of the vessels. But older vessels that do not have automated engine rooms, do not have automated sensors are going to result in a huge cost, as much as \$300,000 I have heard from vessel owners to retrofit vessels.

So in accepting the gentleman’s amendment, we must also have language when we get through conference, in the conference report, about somehow alleviating the cost on older vessels just as we do in aviation. There are ways of phasing in newer technology in aviation, the flight data recorder that records up to 150 parameters of operations of an aircraft, for example. We

give airlines time and manufacturers time to incorporate the new technology into newer general aircraft.

I just raise this as a caution because I know the chairman has great concern for the financial effects on maritime navigation of actions we take in committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FOSSELLA).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. LORETTA SANCHEZ of California:

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.

MODIFICATION TO AMENDMENT NO. 2 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I ask unanimous consent to modify this amendment with the modification placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 2 offered by Ms. LORETTA SANCHEZ of California:

In lieu of the matter proposed to be inserted at page 26, 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 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 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.

Ms. LORETTA SANCHEZ of California (during the reading). Mr. Chairman, I ask unanimous consent that the

modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. Is there objection to the modification?

There was no objection.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, my amendment would have the commandant of the Coast Guard review and report on whether the currently authorized level of active duty personnel is adequate for carrying out all the Coast Guard's missions, including its newly expanded homeland security missions.

In the wake of Hurricane Katrina, we have seen how much our country relies on our Coast Guard. Currently, there are 2,400 Coast Guard members on the ground working on rescue and recovery efforts in the gulf coast, and to date they have saved over 33,000 lives.

The Coast Guard's contribution to disaster response is extremely valuable, and it is only one part of what the Coast Guard's broad mission is, which includes port, waterways and coastal security, recreational boater safety, search and rescue, illegal drug and migrant interdiction, aids to navigation, and the protection of our natural resources.

In the last couple of years, the Coast Guard security mission has grown exponentially as they work to secure our Nation's ports, our ships, and the cargo. But despite these growing responsibilities, the Coast Guard's authorized active duty personnel level is the same as it was in the early 1990s.

In the "Department of Homeland Security's Inspector General Fiscal Year 2003 Report" on the mission performance of the Coast Guard, the demand for experienced and trained Coast Guard personnel was cited as one of the major barriers to improving and sustaining mission performance. So we must ensure that the Coast Guard has the personnel resources to achieve their broad and their very complex security missions while maintaining high performance on all of their other missions.

I would like to thank the chairman and ranking member and their staff for working with me on this issue, and I ask for my colleagues' support of this amendment.

Mr. OBERSTAR. Mr. Chairman, will the gentlewoman yield?

Ms. LORETTA SANCHEZ of California. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I appreciate the intent and purpose of the gentlewoman's amendment and her deep conviction in offering it, her concern that the Coast Guard undertake these evaluations and which the Coast Guard does as a matter of routine. But I think this will put a spotlight on this function of the Coast Guard and give a new urgency, especially in the aftermath of Hurricane Katrina, in these

new homeland security responsibilities to which the gentlewoman has referred, to do a more thorough and current evaluation of the Coast Guard active duty personnel strengths and impacts on their homeland security missions, as well as the traditional historic function of the Coast Guard.

I appreciate the gentlewoman's amendment.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I appreciate the support of my good friend from Minnesota.

Mr. LOBIONDO. Mr. Chairman, as modified, we are prepared to accept the amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The amendment, as modified, was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. INSLEE:

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.

Mr. INSLEE. Mr. Chairman, I appreciate the Chair's assistance on this.

We are offering this amendment in an attempt to address an inequity in the

committee's clear desire, it is the committee's clear desire to have operation and maintenance costs available as outlined in the Maritime Transportation Security Act for coverage under this grant program.

□ 1600

After talking with the Congressional Research Service and with the Department of Homeland Security, it is clear that, at a practical level, on the ground at our ports, these costs, including overtime compensation for State patrol officers, are not being covered, despite the committee's best efforts.

The Department of Homeland Security, however, responds to legislation passed by the Committee on Appropriations and takes a narrow view that operations and maintenance costs are not eligible to be covered.

I believe that the chairman is of a like mind and believes that operations and maintenance costs during times of increased alert, expenses like extra operators for screening equipment, overtime for security officers, and additional K-9 bomb units, should be eligible for reimbursement by the Federal Government. I am asking for the chairman's help in addressing these issues.

These Federal security mandates place an undue burden on our ports, which are part of the lifeblood of our economy. We need to help them.

Mr. LOBIONDO. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, is the gentleman withdrawing his amendment and asking for a colloquy?

Mr. INSLEE. Yes.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

Mr. OBERSTAR. Mr. Chairman, before the gentleman makes that request, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman is proposing a very thoughtful amendment and making a very reasonable request, that the Secretary reimburse local port authorities, facility operators, State and local agencies when the security threat goes above green, if it goes to yellow, orange or red, and there are additional costs shouldered by local governments, that the Federal Government should pick up 50 percent of that cost. Is that the thrust of the amendment?

Mr. INSLEE. Mr. Chairman, that is the thrust of the amendment.

Mr. OBERSTAR. If the gentleman will further yield, that is generally what our concern is, that they should not shoulder all these additional costs. I think there should be some way that we can reach accommodation when we go to conference with the other body on accommodating the gentleman's concern.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, as hard as it is for me, I am going to support the gentleman's amendment, but my concern when I look at it is we have got to make sure that this does not come out of the Coast Guard's budget. It either comes out of Homeland Security or some other arena, and that is what we can work out in this bill when we put it in. Because I do not want the Coast Guard's budget to take money and go into it when they raise that alert state.

So I think the gentleman has got a good idea, and I am more than willing to work with him and see if we can solve it. I agree with the gentleman. Because when they put us on a higher alert, even though it might not even be in the arena of a port, it is a national higher alert, and it is a huge cost, and they have to carry that burden.

As long as we get the money from some other source than the Coast Guard, I am highly in support of it.

Mr. INSLEE. Mr. Chairman, we appreciate the gentleman from Alaska's (Mr. YOUNG) comment.

I would yield to the gentleman from New Jersey (Mr. LOBIONDO) if he wanted to make a further comment, but the gentleman from Alaska (Mr. YOUNG) seems to have covered the map.

Mr. LOBIONDO. Mr. Chairman, if the gentleman will further yield, still with the understanding that the gentleman from Washington (Mr. INSLEE) is going to withdraw the amendment, I commend the gentleman from Washington for his strong concern about the increased costs to local ports involved in complying with the Maritime Transportation Safety Act.

These same concerns were on the minds of the members of the Committee on Transportation and Infrastructure when we first passed the Act in 2002. We had extensive discussions about it, and at that time we authorized a port security grant in the Act.

Unfortunately, as the gentleman has pointed out, it seems that the Department is not following the intent of the law, and that is a problem, and that is a mistake we would like to correct.

We pledge, myself and the gentleman from Alaska (Mr. YOUNG), to work with the gentleman and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from California (Mr. FILNER) to continue as we move along with this bill to ensure that the port security grant program follows the criteria that we set out in the Maritime Transportation Safety Act. We will be very pleased to work with the gentleman on that.

The CHAIRMAN. Is there objection to the gentleman from Washington's unanimous consent request to withdraw the amendment?

There was no objection.

AMENDMENT NO. 9 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. MARKEY:  
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”.

Mr. MARKEY. Mr. Chairman, I will notify the majority that I intend on withdrawing my amendment, but I just wanted to make this commonsense suggestion at this time that perhaps we could continue to discuss and work on in the months ahead.

My amendment deals with the reality that, especially in coastal areas, that there are huge containers of very dangerous chemicals and other toxic chemicals that are stored in those coastal areas right onshore and that, in many instances, those particular toxic materials have a now more modern, substitutable chemical which could be used in order to achieve the same purposes for the industries within our country.

What my amendment says is that when the Coast Guard writes an area maritime transportation security plan, it will now be required to list facilities located within the area that could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack, but the Coast Guard will also have to recommend special efforts or procedures for proposed new facilities that might be built near densely populated areas or other sensitive areas that might have important economic or national

security significance so that the consequences of a toxic release caused by a future natural disaster or terrorist attack might be reduced.

When the Department of Homeland Security does its vulnerability assessment for these facilities, as required under the law, it will also have to assess whether the facility could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack, and it will also have to recommend special efforts or procedures that could reduce these consequences for proposed new facilities in its national maritime transportation security plan.

Finally, if the Department of Homeland Security agrees to accept the facility's own vulnerability assessment or assessment by a third party, which it can do under the law, it will now need to ensure that the assessment adequately addresses all the elements of the assessments DHS does on its own.

Hurricane Katrina taught us a lesson. They will probably have to level a couple of hundred thousand homes in New Orleans, largely because of the toxic materials that have now infiltrated into those homes. Here we have an opportunity moving forward to make sure that we are reducing the most toxic chemicals, even as we substitute other chemicals that can be used in the very same processes to keep our American economy humming.

Mr. Chairman, the events of the past few weeks have served as a wake-up call in so many areas of our lives. We've learned just how vulnerable some of our cities are to Mother Nature, how vulnerable our oil and gas infrastructure is, and, frankly, how vulnerable we all are as we contemplate the implications of our failed response to Hurricane Katrina to future terrorist attacks that will come with no National Weather Service warnings and could be even more devastating.

While the debate over how we can ensure that we move more quickly and efficiently to respond to the next Katrina or 9/11 will wait until another day, there are aspects of the bill in front of us today that can be changed to increase the chances that the potential consequences of such a catastrophe are minimized.

We have learned, for example, that the hurricane has rendered several gulf coast refineries inoperable, and in some cases this may be the status quo for months. We have also learned that the extent to which the hurricane caused breaches in these and other facilities storing toxic chemicals is not yet clear—the very preliminary EPA tests show highly elevated levels of lead and other toxic materials in some areas of New Orleans, and EPA is really only just beginning its environmental sampling process. We may be looking at an environmental catastrophe that requires an enormous amount of money to remediate, in addition to all the other reconstruction and relief costs.

And, though the hurricane was certainly a catastrophe in and of itself, the reality is that a terrorist attack on just one facility containing toxic chemicals could have led to even more

fatalities. According to a recent Congressional Research Service report I requested, there are about 50 facilities in Louisiana at which a worst-case release could put 100,000–999,999 people at risk, as well as 2 facilities that could impact more than 1 million people. In Florida, there are more than 20 facilities at which a worst-case release could put 100,000–999,999 people at risk and 7 facilities that could impact more than 1 million people, and in Mississippi, there are 2 facilities at which a worst-case release could put 100,000–999,999 people at risk. Nationwide, more than 100 facilities pose a risk to more than 1 million people—an attack on or major natural disaster near any of these facilities could result in widespread deaths, injuries and environmental contamination.

While some of the chemicals stored in these facilities are necessary to the products or processes being undertaken there, others are not. For example, a 2003 report entitled “Eliminating Hometown Hazards” by Environmental Defense lists several wastewater treatment facilities in Louisiana that use chlorine in amounts that could place hundreds of thousands of people at risk, even though safer and economically competitive alternatives exist and are currently in use elsewhere. Press reports indicate that many wastewater treatment facilities in the areas impacted by Hurricane Katrina have been disabled, but it is unclear as to the status of the stores of toxic chlorine that must have been onsite. Another 2003 report entitled “Needless Risk: Oil Refineries and Hazard Reduction” by the U.S. PIRG Education Fund describes a cost-effective alternative to hydrofluoric acid, which is used by many refineries, including Chalmette Refining in New Orleans which reportedly has 600,000 pounds of hydrofluoric acid stored on site. According to the Energy Information Administration and press reports, the Chalmette facility spilled tens of thousands of barrels of oil into the surrounding neighborhoods and could be closed for months, but it is unclear as to the status of the stores of hydrofluoric acid that must have been onsite.

The Maritime Transportation Security Act addressed some of the security concerns associated with chemical facilities located at or near ports and waterways. As the damage assessment and remediation associated with Hurricane Katrina proceeds, I believe that we need to focus not just on cleaning up the damage, but also on trying to reduce the consequences of similar damage occurring in the future, be it due to hurricanes, earthquakes or terrorist attacks. Other legislation may address the need to strengthen the levee system surrounding New Orleans so that future hurricanes can't breach them as easily—my amendment seeks to reduce the potential environmental consequences associated with a future breach of the facilities that house toxic materials.

Specifically, my amendment makes the following common-sense changes to the Maritime Transportation Security Act:

When the Coast Guard writes its Area Maritime Transportation Security Plans, it will now be required to list facilities located within the area that could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack.

The Coast Guard will also have to recommend special efforts or procedures for proposed new facilities that might be built near

densely populated areas or in other sensitive areas that might have important economic or national security significance, so that the consequences of a toxic release caused by a future natural disaster or terrorist attack might be reduced.

When the Department of Homeland Security does its vulnerability assessments for these facilities as required under the law, it will also have to assess whether the facility could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack, and will also have to recommend special efforts or procedures that could reduce these consequences for proposed new facilities in its National Maritime Transportation Security Plan.

Finally, if the Department of Homeland Security agrees to accept a facility's own vulnerability assessment or assessment by a third party, which it can do under the law, it will now need to ensure that the assessment adequately addresses all the elements of the assessments DHS does on its own.

Hurricane Katrina taught us that we can't ignore the experts' warnings forever—sooner or later, being shortsighted will catch up to us, and as we've seen, the price we may pay may be both costly and to some extent avoidable. My amendment incorporates some of the experts' warnings on chemical facility security into existing requirements for these facilities. Let's not be short-sighted again. I urge my colleagues to support my amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

First, let me suggest that the statement they are going to bulldoze down thousands and thousands of homes because of Katrina that were not blown down is not true. The EPA gave us a briefing. The gentleman should have sat in on it. If he did not know, they found little toxicity in the water. There was nothing there that was being harmful. There could be mildew, but it is not from the toxicity in the water. I do not like to use the statement. Over-exaggeration is not good for debate.

Secondly, may I suggest it is the Coast Guard being required to do another mission, taking from the Coast Guard's real mission and requiring them to do something that should be done with EPA or Homeland Security but not the Coast Guard?

I can tell the gentleman, he serves on the Committee on Homeland Security, I serve on that committee, and I can tell everybody on that committee and this committee, you are not going to whittle away at the Coast Guard having to do things that did not have to do with the mission to begin with. That is not going to happen on my watch.

The idea that the Coast Guard will be required to find an alternative fuel or alternative toxic chemical in place of another, that is the EPA's job, not the Coast Guard.

I do not know why the gentleman does not offer it to the energy bill or to the homeland security bill or some other bill. But why muddy the waters of the Coast Guard and require them again to have another mission? They

have enough missions on their plate right now.

I do believe this is a mischievous amendment. I believe that most of it could actually be done in the communities in which they live. I believe that the port cities can make those decisions themselves. Why should the Coast Guard have to do this, taking money away from the mission they should be doing, that search and rescue, saving our seamen, attending to our fishing pirates, doing the things they are charged to do?

I am not going to add another responsibility to this Coast Guard. I had hoped the gentleman would withdraw his amendment. He has made his other statements. He can put this on another piece of legislation. He can argue, but this is a bill we have put together bipartisanwise. It is a bill agreed to by the gentleman from Minnesota (Mr. OBERSTAR) and myself and the gentleman from California (Mr. FILNER) and the gentleman from New Jersey (Mr. LOBIONDO), and it is a bill that should be left intact.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to strike the last word.

The Acting CHAIRMAN (Mr. GINGREY). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, I want to begin just by stating that we were briefed by the EPA yesterday and that the EPA has indicated that they have only just begun sampling and that they have, in fact, found highly elevated levels of lead, e.coli and other toxic substances. We are only at the beginning of this entire story.

If I may say to the gentleman from Alaska, I know what the gentleman is saying about making amendments on this issue to other bills. He has to understand the frustration of being in the minority in this institution.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield, try 22 years of being in the minority. That is longer than the gentleman has been in the minority.

Mr. MARKEY. Mr. Chairman, I know that the gentleman has now been able successfully, I would say, to have all of his amnesia treatments be completely accepted by his system because I do not think he can really appreciate how many times I have gone before the Committee on Rules and asked for an amendment on this subject, on the energy bill, on the homeland security bill. So it is out of frustration, and I will admit that, it is out of frustration that I attempt to make it on the Coast Guard bill.

The gentleman has some good points, but this is a point that should be raised, and it should be raised especially in the aftermath of New Orleans and the toxicity that is now rampant throughout that community. There is just the need for us to have this discussion, and it is a Coast Guard mission in

general, safety and security, although I accept the gentleman's point that the EPA would be the point on that, but it is difficult for the minority to have amendments successfully accepted on any issue that deals with the EPA out here on the House floor.

That is the reason I raise the point, and that is the reason I announced I was going to ask unanimous consent to withdraw it as well, so the point would be made that it is an important subject. It should be made in other bills. This was an aperture that I was taking advantage of to really just begin the process of political education, although I know that political activation and political implementation are much further down the line and dependent upon the goodwill of the Committee on Rules and the Republican leadership that we have an amendment like that.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will further yield, I do hope the gentleman will withdraw the amendment for numerous reasons.

I have to acknowledge one thing. He has been allowed to offer this amendment because I asked for an open rule. I did ask for an open rule because I knew the gentleman and some other people wanted an opportunity to use the platform to bring up this type of subject, and I respect that. I just suggest respectfully that this is not the bill to do this on, and I really request the gentleman to think about withdrawing the amendment.

Mr. MARKEY. Mr. Chairman, if I may reclaim my time, I appreciate the fact that it is an open rule; and, from a rules perspective, even a blind squirrel finds an acorn once in a while. So I am out here, and all of a sudden I run into an open rule; and, believe it or not, for me, it is just you have got to make hay when the sun shines, my father used to say. So this is just my opportunity to be able to make the case, knowing at the end of the day that there were other bills that were more appropriate and agencies that had more expertise to be able to do the subject, and at the end of the day knowing that the Coast Guard will be the agency that deals with the consequences of something not being done.

Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

□ 1615

AMENDMENT NO. 6 OFFERED BY MR. MARKEY

The Acting CHAIRMAN (Mr. GINGREY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 254, not voting 16, as follows:

[Roll No. 473]

AYES—163

Abercrombie	Fossella	Moran (VA)
Ackerman	Frank (MA)	Napolitano
Allen	Gonzalez	Neal (MA)
Andrews	Gordon	Obey
Baca	Grijalva	Ortiz
Baird	Gutierrez	Owens
Baldwin	Harman	Pallone
Barrow	Hastings (FL)	Pastor
Becerra	Hinchev	Payne
Berkley	Holt	Pelosi
Berman	Honda	Price (NC)
Bishop (NY)	Hooley	Rangel
Blumenauer	Hoyer	Reyes
Bonner	Inslee	Roybal-Allard
Boucher	Israel	Royce
Boyd	Jackson (IL)	Ryan (OH)
Brady (PA)	Jackson-Lee	Sabo
Brown (OH)	(TX)	Sánchez, Linda
Brown, Corrine	Jefferson	T.
Butterfield	Johnson (CT)	Sanchez, Loretta
Capps	Jones (NC)	Sanders
Capuano	Jones (OH)	Schakowsky
Cardin	Kaptur	Schiff
Cardoza	Kennedy (RI)	Schwartz (PA)
Carnahan	Kildee	Scott (GA)
Carson	Kilpatrick (MI)	Scott (VA)
Case	Kucinich	Serrano
Chandler	Langevin	Shays
Clay	Lantos	Sherman
Cleaver	Larson (CT)	Simmons
Conyers	Lee	Skelton
Cramer	Levin	Slaughter
Crowley	Lewis (GA)	Snyder
Cummings	Lofgren, Zoe	Solis
Davis (AL)	Lowe	Stark
Davis (CA)	Lynch	Strickland
Davis (FL)	Maloney	Stupak
Davis (IL)	Markey	Taylor (MS)
Davis (TN)	Marshall	Thompson (CA)
DeFazio	Matsui	Tierney
DeGette	McCarthy	Towns
DeLauro	McCollum (MN)	Udall (CO)
Dicks	McDermott	Udall (NM)
Dingell	McGovern	Van Hollen
Doggett	McKinney	Velázquez
Edwards	McNulty	Visclosky
Emanuel	Meehan	Waters
Engel	Meeke (FL)	Watson
Eshoo	Meeks (NY)	Watt
Etheridge	Menendez	Waxman
Evans	Miller (ND)	Weiner
Farr	Miller (NC)	Wexler
Fattah	Miller, George	Woolsey
Filner	Moore (KS)	Wu
Ford	Moore (WI)	

NOES—254

Aderholt	Burton (IN)	Doyle
Akin	Buyer	Drake
Alexander	Camp	Dreier
Bachus	Cannon	Duncan
Baker	Cantor	Ehlers
Barrett (SC)	Capito	Emerson
Bartlett (MD)	Carter	English (PA)
Bass	Castle	Everett
Bean	Chabot	Feeney
Berry	Choccola	Ferguson
Biggart	Clyburn	Fitzpatrick (PA)
Bilirakis	Coble	Flake
Bishop (GA)	Cole (OK)	Foley
Blackburn	Conaway	Forbes
Blunt	Costa	Fortenberry
Boehlert	Costello	Fox
Boehner	Crenshaw	Franks (AZ)
Bonilla	Cubin	Frelinghuysen
Bono	Cuellar	Gallely
Boozman	Culberson	Garrett (NJ)
Boren	Davis (KY)	Gerlach
Boswell	Davis, Jo Ann	Gibbons
Boustany	Davis, Tom	Gilchrest
Bradley (NH)	Deal (GA)	Gillmor
Brady (TX)	DeLay	Gingrey
Brown (SC)	Dent	Gohmert
Brown-Waite,	Diaz-Balart, L.	Goode
Ginny	Diaz-Balart, M.	Goodlatte
Burgess	Doolittle	Granger

Graves	Mack	Rogers (KY)
Green (WI)	Manzullo	Rohrabacher
Green, Al	Marchant	Ros-Lehtinen
Green, Gene	Matheson	Ross
Gutknecht	McCaul (TX)	Ruppersberger
Hall	McCotter	Rush
Harris	McCrery	Ryan (WI)
Hart	McHenry	Ryan (KS)
Hastings (WA)	McHugh	Salazar
Hayes	McIntyre	Saxton
Hayworth	McKeon	Schmidt
Hefley	McMorris	Schwarz (MI)
Hensarling	Mica	Sensenbrenner
Herger	Michaud	Sessions
Hersteth	Miller (FL)	Shadegg
Higgins	Miller (MI)	Shaw
Hinojosa	Mollohan	Sherwood
Hobson	Moran (KS)	Shimkus
Hoekstra	Murphy	Shuster
Holden	Murtha	Simpson
Hostettler	Musgrave	Smith (NJ)
Hulshof	Myrick	Smith (TX)
Hunter	Neugebauer	Smith (WA)
Hyde	Ney	Sodrel
Inglis (SC)	Northup	Souder
Issa	Norwood	Spratt
Jenkins	Nunes	Stearns
Jindal	Nussle	Sullivan
Johnson (IL)	Oberstar	Sweeney
Johnson, E. B.	Osborne	Tancredo
Johnson, Sam	Otter	Tauscher
Kanjorski	Oxley	Terry
Keller	Pascrell	Thomas
Kelly	Paul	Thompson (MS)
Kennedy (MN)	Pearce	Thornberry
Kind	Pence	Tiahrt
King (IA)	Peterson (MN)	Tiberi
King (NY)	Peterson (PA)	Turner
Kingston	Petri	Upton
Kirk	Pitts	Walden (OR)
Kline	Platts	Walsh
Knollenberg	Poe	Wamp
Kolbe	Pomboy	Wasserman
Kuhl (NY)	Porter	Schultz
LaHood	Porter	Weldon (FL)
Larsen (WA)	Price (GA)	Weldon (PA)
Latham	Pryce (OH)	Weller
LaTourette	Putnam	Westmoreland
Leach	Radanovich	Whitfield
Lewis (CA)	Rahall	Wicker
Lewis (KY)	Ramstad	Wilson (NC)
Linder	Regula	Wilson (SM)
Lipinski	Rehberg	Wolf
LoBiondo	Reichert	Wynn
Lucas	Renzi	Young (AK)
Lungren, Daniel	Reynolds	Young (FL)
E.	Rogers (AL)	

NOT VOTING—16

□ 1639

Messrs. EVERETT, GERLACH, DeLAY, McHENRY, GILCHREST, SWEENEY, OSBORNE, AL GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas and Ms. WASSERMAN SCHULTZ changed their vote from "aye" to "no."

Messrs. FATTAH, BRADY of Pennsylvania, JONES of North Carolina, and RANGEL changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. GINGREY). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PUTNAM) having assumed the chair, Mr.

GINGREY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, pursuant to House Resolution 440, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### REQUEST TO LIMIT VOTING TIME

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to limit voting time to 5 minutes, if ordered, on final passage.

The SPEAKER pro tempore. The Chair cannot entertain that request without prior notification to the Members.

The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 889 will be followed by a 5-minute vote, if ordered, on adoption of H. Res. 437.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

[Roll No. 474]

YEAS—415

Abercrombie	Blunt	Cantor
Ackerman	Boehlert	Capito
Aderholt	Boehner	Capps
Akin	Bonilla	Capuano
Alexander	Bonner	Cardin
Allen	Bono	Cardoza
Andrews	Boozman	Carnahan
Baca	Boren	Carson
Bachus	Boswell	Carter
Baird	Boucher	Case
Baker	Boustany	Castle
Baldwin	Boyd	Chabot
Barrett (SC)	Bradley (NH)	Chandler
Barrow	Brady (PA)	Chocola
Bartlett (MD)	Brady (TX)	Clay
Bass	Brown (OH)	Cleaver
Bean	Brown (SC)	Clyburn
Becerra	Brown, Corrine	Coble
Berkley	Brown-Waite,	Cole (OK)
Berry	Ginny	Conaway
Biggart	Burgess	Conyers
Bilirakis	Burton (IN)	Costa
Bishop (GA)	Butterfield	Costello
Bishop (NY)	Cramer	Cramer
Blackburn	Camp	Crenshaw
Blumenauer	Cannon	Crowley

Cubin	Hyde	Myrick	Sullivan
Cuellar	Inglis (SC)	Napolitano	Sweeney
Culberson	Insee	Neal (MA)	Tancredo
Cummings	Israel	Neugebauer	Tauscher
Davis (AL)	Issa	Ney	Taylor (MS)
Davis (CA)	Jackson (IL)	Northup	Terry
Davis (FL)	Jackson-Lee	Norwood	Thomas
Davis (IL)	(TX)	Nunes	Thompson (CA)
Davis (KY)	Jefferson	Nussle	Thompson (MS)
Davis (TN)	Jenkins	Oberstar	Thornberry
Davis, Jo Ann	Jindal	Obey	Tiahrt
Davis, Tom	Johnson (CT)	Ortiz	Tiberi
Deal (GA)	Johnson (IL)	Osborne	Tierney
DeFazio	Johnson, E. B.	Otter	Towns
DeGette	Johnson, Sam	Owens	Turner
DeLaunt	Jones (NC)	Oxley	Udall (CO)
DeLauro	Jones (OH)	Pallone	
DeLay	Kanjorski	Pascarella	
Dent	Kaptur	Pastor	
Diaz-Balart, L.	Keller	Paul	
Diaz-Balart, M.	Kelly	Payne	
Dicks	Kennedy (MN)	Pearce	
Dingell	Kennedy (RI)	Pelosi	
Doggett	Kildee	Pence	
Doolittle	Kilpatrick (MI)	Peterson (MN)	
Doyle	Kind	Peterson (PA)	
Drake	King (IA)	Petri	
Dreier	King (NY)	Pitts	
Duncan	Kingston	Platts	
Edwards	Kirk	Poe	
Ehlers	Kline	Pombo	
Emanuel	Knollenberg	Pomeroy	
Emerson	Kolbe	Porter	
Engel	Kucinich	Price (GA)	
English (PA)	Kuhl (NY)	Price (NC)	
Eshoo	LaHood	Pryce (OH)	
Etheridge	Langevin	Putnam	
Evans	Lantos	Radanovich	
Everett	Larsen (WA)	Rahall	
Farr	Larson (CT)	Ramstad	
Fattah	Latham	Rangel	
Feeeny	LaTourette	Regula	
Ferguson	Leach	Rehberg	
Filner	Lee	Reichert	
Fitzpatrick (PA)	Levin	Renzi	
Flake	Lewis (CA)	Reyes	
Foley	Lewis (GA)	Reynolds	
Forbes	Lewis (KY)	Rogers (AL)	
Fortenberry	Linder	Rogers (KY)	
Fossella	Lipinski	Rohrabacher	
Foxx	LoBiondo	Ros-Lehtinen	
Frank (MA)	Lofgren, Zoe	Ross	
Franks (AZ)	Lowey	Roybal-Allard	
Frelinghuysen	Lucas	Royce	
Galleghy	Lungren, Daniel	Ruppersberger	
Garrett (NJ)	E.	Rush	
Gerlach	Lynch	Ryan (OH)	
Gibbons	Mack	Ryan (WI)	
Gilchrest	Maloney	Ryun (KS)	
Gillmor	Manzullo	Sabo	
Gingrey	Marchant	Salazar	
Gohmert	Markey	Sánchez, Linda	
Gonzalez	Marshall	T.	
Goode	Matheson	Sanchez, Loretta	
Goodlatte	Matsui	Sanders	
Gordon	McCarthy	Saxton	
Granger	McCaul (TX)	Schakowsky	
Graves	McColum (MN)	Schiff	
Green (WI)	McCotter	Schmidt	
Green, Al	McCrery	Schwartz (PA)	
Green, Gene	McDermott	Schwarz (MI)	
Grijalva	McGovern	Scott (GA)	
Gutierrez	McHenry	Scott (VA)	
Gutknecht	McHugh	Sensenbrenner	
Hall	McIntyre	Serrano	
Harman	McKeon	Sessions	
Harris	McKinney	Shadegg	
Hart	McMorris	Shaw	
Hastings (FL)	McNulty	Shays	
Hastings (WA)	Meehan	Sherman	
Hayes	Meek (FL)	Sherwood	
Hayworth	Meeks (NY)	Shimkus	
Hefley	Menendez	Shuster	
Hensarling	Mica	Simmons	
Herger	Michaud	Simpson	
Herseth	Millender-	Skelton	
Higgins	McDonald	Slaughter	
Hinchey	Miller (FL)	Smith (NJ)	
Hinojosa	Miller (MI)	Smith (TX)	
Hobson	Miller (NC)	Smith (WA)	
Hoekstra	Miller, George	Snyder	
Holden	Mollohan	Sodrel	
Holt	Moore (KS)	Solis	
Honda	Moore (WI)	Souder	
Hoy	Moran (KS)	Spratt	
Hostettler	Moran (VA)	Stark	
Hoyer	Murphy	Stearns	
Hulshof	Murtha	Strickland	
Hunter	Musgrave	Stupak	

Udall (NM)	Weldon (PA)
Upton	Weller
Van Hollen	Westmoreland
Velázquez	Wexler
Vislosky	Whitfield
Walden (OR)	Wicker
Walsh	Wilson (NM)
Wamp	Wilson (SC)
Wasserman	Wolf
Schultz	Woolsey
Waters	Wu
Watson	Wynn
Watt	Young (AK)
Waxman	Young (FL)
Weiner	
Weldon (FL)	

#### NOT VOTING—18

Barton (TX)	Cunningham	Olver
Beauprez	Ford	Pickering
Berman	Istook	Rogers (MI)
Bishop (UT)	Melancon	Rothman
Calvert	Miller, Gary	Tanner
Cooper	Nadler	Taylor (NC)

□ 1658

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### ESTABLISHING THE SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

The SPEAKER pro tempore (Mr. PUTNAM). The pending business is the de novo vote on adoption of House Resolution 437.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 188, not voting 21, as follows:

[Roll No. 475]

YEAS—224

Aderholt	Cannon	English (PA)
Akin	Cantor	Everett
Alexander	Capito	Feeney
Bachus	Carter	Ferguson
Baker	Castle	Fitzpatrick (PA)
Barrett (SC)	Chabot	Flake
Barrow	Chocola	Foley
Bartlett (MD)	Coble	Forbes
Bass	Cole (OK)	Fortenberry
Biggart	Conaway	Fossella
Bilirakis	Crenshaw	Foxx
Blackburn	Cubin	Franks (AZ)
Blunt	Culberson	Frelinghuysen
Boehlert	Davis (FL)	Garrett (NJ)
Boehner	Davis (KY)	Gerlach
Bonilla	Davis (TN)	Gibbons
Bonner	Davis, Jo Ann	Gilchrest
Bono	Davis, Tom	Gillmor
Boozman	Deal (GA)	Gingrey
Boustany	DeLay	Gohmert
Bradley (NH)	Dent	Goode
Brady (TX)	Diaz-Balart, L.	Goodlatte
Brown (SC)	Diaz-Balart, M.	Granger
Brown-Waite,	Doolittle	Graves
Ginny	Drake	Green (WI)
Burgess	Dreier	Gutknecht
Burton (IN)	Duncan	Hall
Buyer	Ehlers	Harris
Camp	Emerson	Hart