

6851 of title 12 of the Maine Revised Statutes prior to December 31, 2004; and

(2) the vessel is owned by an individual or entity meeting the citizenship requirements necessary to document a vessel under section 12106 of title 46, United States Code.

On page 19, line 18, insert "(a) IN GENERAL.—" before "The".

On page 20, after line 25, insert the following:

(b) INDEPENDENT ANALYSIS OF REVISED DEEP WATER PLAN.—Within 180 days after the date of enactment of this Act, the Commandant of the Coast Guard may execute a contract with an independent entity—

(1) to conduct an analysis of the Coast Guard's revised Deepwater Plan; and

(2) to assess whether—

(A) the mix of assets and capabilities selected as part of that plan will meet the Coast Guard's criteria of—

(i) performance; and

(ii) minimizing total ownership costs; or

(B) additional or different assets should be considered as part of the plan.

On page 22, strike lines 13 through 18, and insert the following:

"(c)(1) No vessel without a registry endorsement may engage in—

"(A) the setting or movement of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))) whether or not attached to the outer Continental Shelf; or

"(B) the movement of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is—

"(i) not attached to the seabed; or

"(ii) attached to the seabed on the outer Continental Shelf but not exploring for oil and gas resources from the outer Continental Shelf.

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

On page 22, between lines 18 and 19, insert the following:

#### SEC. 218. DISTANT WATER TUNA FLEET.

(a) MANNING REQUIREMENTS.—United States purse seine fishing vessels transiting to or from, or fishing exclusively for highly migratory species in, the Treaty area under a fishing license issued pursuant to the 1987 Treaty of Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America may utilize non-United States licensed and documented personnel to meet manning requirements for the 48 month period beginning on the date of enactment of this Act if, after timely notice of a vacancy, no United States-licensed and documented personnel are readily available.

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

(c) WAIVER.—The citizenship requirements of sections 8103(a) and 12110 of title 46, United States Code, are waived for vessels to which subsection (a) applies during the 48-month period.

#### SEC. 219. AUTOMATIC IDENTIFICATION SYSTEM.

(a) PREVENTION OF HARMFUL INTERFERENCE.—The Secretary of the Department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may, within 60 days of the enactment of this Act, transfer \$1,000,000 to the National Telecommunications and Information Administration of the Department of Commerce for the purposes of awarding, within 120 days after the date of enactment of this

Act a competitive grant to design, develop, and prototype a device that integrates a Class B Automatic Identification System transponder (International Electrotechnical Commission standard 62287) with an FCC-approved wireless maritime data device with channel throughput greater than 19.2 kilobits per second to enable such wireless maritime data device to provide wireless maritime data services, concurrent with the operation of such Automatic Identification System transponder, on frequency channels adjacent to the frequency channels on which the Automatic Identification System transponder operates, while minimizing or eliminating the harmful interference between such Automatic Identification System transponder and such wireless maritime data device. The design of such device shall be available for public use.

(b) IMPLEMENTATION OF AIS.—It is the Sense of the Senate that the Federal Communications Commission should resolve within 60 days after the date of enactment of this Act the disposition of its rulemaking on the Automatic Information System and license use of frequency bands 157.1875-157.4375 MHz and 161.7875-162.0375 MHz (RM-10821, WT Docket Number 04-344). The implementation of this section shall not delay the implementation of an Automatic Identification System as required by the Maritime Transportation Security Act of 2002 and international convention.

On page 30, line 5, strike "Members"; and insert "The"; "

On page 30, line 7, insert "(1)" before "The".

On page 30, line 12, strike the closing quotation marks and the second period.

On page 30, between lines 12 and 13, insert the following:

"(2) Any motorized vehicle placed at the disposition of the Coast Guard and utilized to carry out its functions under paragraph (1) shall be considered to be a 'motorized vehicle utilized under section 826(b)' as that term is used in section 830."

On page 35, between lines 4 and 5, insert the following:

#### SEC. 411. 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 to a suitable mooring in the local area, in its present condition, on or about June 10, 2006, and no later than June 30, 2006. 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.

The amendment (No. 2344) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 889 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and the text of S. 1280, as amended, be inserted in lieu thereof, that the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, the Senate insist upon its amendment, and the Chair be authorized to appoint conferees. I further ask that S. 1280 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 889), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER appointed Mr. STEVENS, Ms. SNOWE, Mr. LOTT, Mr. SMITH, Mr. INOUE, Ms. CANTWELL, and Mr. LAUTENBERG conferees on the part of the Senate.

#### ORDERS FOR FRIDAY, OCTOBER 28, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Friday, October 28. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for morning business with Senators permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. McCONNELL. Today, the Senate completed action on the Labor-HHS-Education appropriations bill, a splendid job by Senator SPECTER and Senator HARKIN in moving the bill along. That is the fastest I can recall that measure clearing the Senate, certainly in recent years.

As the majority leader announced earlier today, we will be in session tomorrow, but there will not be any votes. We will not have any votes during Monday's session. So Senators should expect a busy week as we consider the deficit reduction omnibus reconciliation bill.

In that regard, I ask unanimous consent that at 4 p.m. on Monday, October 31, the Senate proceed to S. 1932, the 2005 deficit reduction bill, and it be considered under the following statutory time agreement, with time divided as follows: The first hour on Monday under the control of the chairman of the Budget Committee; provided further that the Senate then resume the bill on Tuesday, November 1, at 9 a.m., with the time until 8 divided between the chairman and ranking member, with 4½ hours under the control of the chairman and 5½ hours under the control of the ranking member; provided further that the Senate recess from 12:30 to 2 for the weekly policy luncheons; provided that any votes ordered on Tuesday be postponed

to occur at a time determined by the leader after consultation with the Democratic leader.

I further ask consent that the Senate then resume the bill on Wednesday, November 2, with the time from 8:30 a.m. to 6 p.m. equally divided between the chairman and ranking member; provided further that at 6 p.m. on Wednesday all time be considered expired.

Before the Chair rules, it is my understanding that Senators GREGG and CONRAD have agreed that we will have 1 hour of debate on Monday. We will then resume the deficit reduction measure on Tuesday, with debate until 8. Any votes ordered on Tuesday would be stacked to occur at a later time. We would then resume the bill on Wednesday, with all time expired at 6 p.m.

The Budget Act allows for amendments to be offered and voted on beyond the statutory time limit, the so-called vote-arama that we look forward to every year. I would hope that we would not have a vote-arama, but understanding that Members will offer amendments after the expiration of time, we would begin those sequenced votes on Thursday.

We will proceed until complete, and we all hope that will be a short time thereafter.

In any event, we would stop in the late afternoon on Thursday and resume on Friday if, and only if, that becomes necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

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 ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. McCONNELL. I believe that completes the business of the Senate. If there is no further business to come before the Senate, I ask unanimous consent that it stand in adjournment under the previous order.

There being no objection, the Senate, at 7:20 p.m., adjourned until Friday, October 28, 2005, at 10 a.m.

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 NOMINATIONS

Executive nomination received by the Senate October 27, 2005:

## IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. PETER W. CHIARELLI, 0000

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 CONFIRMATIONS

Executive nominations confirmed by the Senate: Thursday, October 27, 2005:

## THE JUDICIARY

SUSAN BIEKE NEILSON, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

JOHN RICHARD SMOAK, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA.