[109th Congress Public Law 241]

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 COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006

[[Page 120 STAT. 516]]

Public Law 109-241

109th Congress

 An Act

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. <<NOTE: July 11, 2006 - [H.R. 889]>>

 Be it enacted by the Senate and House of Representatives of the

United States of America in Congress <<NOTE: Coast Guard and Maritime

Transportation Act of 2006. 14 USC 1 note.>> assembled,

SECTION 1. SHORT TITLE.

 This Act may be cited as the ``Coast Guard and Maritime

Transportation Act of 2006''.

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 TITLE I--AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

 Funds are authorized to be appropriated for fiscal year 2006 for

necessary expenses of the Coast Guard as follows:

 (1) For the operation and maintenance of the Coast Guard,

 $5,633,900,000, of which $24,500,000 is authorized to be derived

 from the Oil Spill Liability Trust Fund to carry out the

 purposes of section 1012(a)(5) of the Oil Pollution Act of 1990

 (33 U.S.C. 2712(a)(5)).

 (2) For the acquisition, construction, rebuilding, and

 improvement of aids to navigation, shore and offshore

 facilities, vessels, and aircraft, including equipment related

 thereto, $1,903,821,000, of which--

 (A) $20,000,000 shall be derived from the Oil Spill

 Liability Trust Fund to carry out the purposes of

 section 1012(a)(5) of the Oil Pollution Act of 1990, to

 remain available until expended;

 (B) $1,316,300,000 is authorized for acquisition and

 construction of shore and offshore facilities, vessels,

 and aircraft, including equipment related thereto, and

 other activities that constitute the Integrated

 Deepwater Systems; and

 (C) $284,369,000 is authorized for sustainment of

 legacy vessels and aircraft, including equipment related

 thereto, and other activities that constitute the

 Integrated Deepwater Systems.

 (3) To the Commandant of the Coast Guard for research,

 development, test, and evaluation of technologies, materials,

 and human factors directly relating to improving the performance

 of the Coast Guard's mission in search and rescue, aids to

 navigation, marine safety, marine environmental protection,

 enforcement of laws and treaties, ice operations, oceanographic

 research, and defense readiness, $24,000,000, to remain

 available until expended, of which $3,500,000 shall be derived

 from the Oil Spill Liability Trust Fund to carry out the

 purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

 (4) For retired pay (including the payment of obligations

 otherwise chargeable to lapsed appropriations for this purpose),

 payments under the Retired Serviceman's Family Protection and

 Survivor Benefit Plans, and payments for medical care of retired

 personnel and their dependents under chapter 55 of title 10,

 United States Code, $1,014,080,000, to remain available until

 expended.

 (5) For alteration or removal of bridges over navigable

 waters of the United States constituting obstructions to

 navigation, and for personnel and administrative costs

 associated with the Bridge Alteration Program, $38,400,000.

 (6) For environmental compliance and restoration at Coast

 Guard facilities (other than parts and equipment associated with

 operation and maintenance), $12,000,000, to remain available

 until expended.

 (7) For the Coast Guard Reserve program, including personnel

 and training costs, equipment, and services, $119,000,000.

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

 (a) Active-Duty Strength.--The Coast Guard is authorized an end-of-

year strength for active-duty personnel of 45,500 for the fiscal year

ending on September 30, 2006.

 (b) Military Training Student Loads.--For fiscal year 2006, the

Coast Guard is authorized average military training student loads as

follows:

 (1) For recruit and special training, 2,500 student years.

 (2) For flight training, 125 student years.

 (3) For professional training in military and civilian

 institutions, 350 student years.

 (4) For officer acquisition, 1,200 student years.

SEC. 103. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS.

 (a) Authorization of Appropriations.--In addition to amounts

provided to the Coast Guard from another Federal agency for

reimbursement of expenditures for Hurricane Katrina, there are

authorized to be appropriated to the Secretary of the department in

which the Coast Guard is operating the following amounts for

nonreimbursed expenditures:

 (1) For the operation and maintenance of the Coast Guard in

 responding to Hurricane Katrina, including search and rescue

 efforts, clearing channels, and emergency response to oil and

 chemical spills, and for increased costs of operation and

 maintenance of the Coast Guard due to higher than expected fuel

 costs, $300,000,000.

 (2) For the acquisition, construction, renovation, and

 improvement of aids to navigation, shore and offshore

 facilities, and vessels and aircraft, including equipment

 related thereto, related to damage caused by Hurricane Katrina,

 $200,000,000.

 (b) Construction With Other Funding.--The amounts authorized to be

appropriated by subsection (a) are in addition to any other amounts

authorized to be appropriated to the Secretary of the department in

which the Coast Guard is operating under any other provision of law.

 (c) Availability.--The amounts made available under subsection (a)

shall remain available until expended.

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

 There is authorized to be appropriated for each of fiscal years 2006

and 2007 to the Secretary of the department in which the Coast Guard is

operating $1,000,000 to continue deployment of a World Wide Web-based

risk management system to help reduce accidents and fatalities.

 TITLE II--COAST GUARD

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

 AUTHORITY.

 Section 91 of title 14, United States Code, is amended by adding at

the end the following new subsection:

 ``(d) As used in this section `navigable waters of the United

States' includes all waters of the territorial sea of the United States

as described in Presidential Proclamation No. 5928 of December 27,

1988.''.

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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:

``Sec. 149. Assistance to foreign governments and maritime

 authorities'';

 (2) by inserting before the undesignated text the following:

 ``(a) Detail of Members to Assist Foreign Governments.--''; and

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

 ``(b) Technical Assistance to Foreign Maritime Authorities.--The

Commandant, in coordination with the Secretary of State, may provide, in

conjunction with regular Coast Guard operations, technical assistance

(including law enforcement and maritime safety and security training) to

foreign navies, coast guards, and other maritime authorities.''.

 (b) Clerical Amendment.--The item relating to such section in the

analysis at the beginning of chapter 7 of such title is amended to read

as follows:

``149. Assistance to foreign governments and maritime authorities''.

SEC. 203. OFFICER PROMOTION.

 Section 257 of title 14, United States Code, is amended by adding at

the end the following new subsection:

 ``(f) The Secretary may waive subsection (a) to the extent necessary

to allow officers described therein to have at least two opportunities

for consideration for promotion to the next higher grade as officers

below the promotion zone.''.

SEC. 204. COAST GUARD BAND DIRECTOR.

 (a) Band Director Appointment and Grade.--Section 336 of title 14,

United States Code, is amended--

 (1) in subsection (b)--

 (A) by striking the first sentence and inserting the

 following: ``The Secretary may designate as the director

 any individual determined by the Secretary to possess

 the necessary qualifications.''; and

 (B) in the second sentence, by striking ``a member

 so designated'' and inserting ``an individual so

 designated'';

 (2) in subsection (c)--

 (A) by striking ``of a member'' and inserting ``of

 an individual''; and

 (B) by striking ``of lieutenant (junior grade) or

 lieutenant'' and inserting ``determined by the Secretary

 to be most appropriate to the qualifications and

 experience of the appointed individual'';

 (3) in subsection (d) by striking ``A member'' and inserting

 ``An individual''; and

 (4) in subsection (e)--

 (A) by striking ``When a member's designation is

 revoked,'' and inserting ``When an individual's

 designation is revoked,''; and

 (B) by striking ``option:'' and inserting ``option--

 ''.

 (b) <<NOTE: 14 USC 336 note.>> Current Director.--The individual

serving as Coast Guard band director on the date of enactment of this

Act may be immediately promoted to a commissioned grade, not to exceed

captain,

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determined by the Secretary of the department in which the Coast Guard

is operating to be most appropriate to the qualifications and experience

of that individual.

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

 (a) In General.--Chapter 17 of title 14, United States Code, is

amended by adding at the end the following new section:

``Sec. 677. Turnkey selection procedures

 ``(a) Authority to Use.--The Secretary may use one-step turnkey

selection procedures for the purpose of entering into contracts for

construction projects.

 ``(b) Definitions.--In this section, the following definitions

apply:

 ``(1) The term `one-step turnkey selection procedures' means

 procedures used for the selection of a contractor on the basis

 of price and other evaluation criteria to perform, in accordance

 with the provisions of a firm fixed-price contract, both the

 design and construction of a facility using performance

 specifications supplied by the Secretary.

 ``(2) The term `construction' includes the construction,

 procurement, development, conversion, or extension of any

 facility.

 ``(3) The term `facility' means a building, structure, or

 other improvement to real property.''.

 (b) Clerical Amendment.--The analysis at the beginning of such

chapter is amended by inserting after the item relating to section 676

the following:

``677. Turnkey selection procedures''.

SEC. 206. RESERVE RECALL AUTHORITY.

 Section 712 of title 14, United States Code, is amended--

 (1) in subsection (a) by striking ``during a'' and inserting

 ``during a, or to aid in prevention of an imminent,'';

 (2) in subsection (a) by striking ``or catastrophe,'' and

 inserting ``catastrophe, act of terrorism (as defined in section

 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))),

 or transportation security incident as defined in section 70101

 of title 46,'';

 (3) in subsection (a) by striking ``thirty days in any four-

 month period'' and inserting ``60 days in any 4-month period'';

 (4) in subsection (a) by striking ``sixty days in any two-

 year period'' and inserting ``120 days in any 2-year period'';

 and

 (5) by adding at the end the following:

 ``(e) For purposes of calculating the duration of active duty

allowed pursuant to subsection (a), each period of active duty shall

begin on the first day that a member reports to active duty, including

for purposes of training.''.

SEC. 207. RESERVE OFFICER DISTRIBUTION.

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

 (1) in subsection (a) by inserting after the first sentence

 the following: ``Reserve officers on an active-duty list shall

 not be counted as part of the authorized number of officers in

 the Reserve.''; and

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 (2) in subsection (b) by striking all that precedes

 paragraph (2) and inserting the following:

 ``(b)(1) <<NOTE: Computation.>> The Secretary shall make, at least

once each year, a computation to determine the number of Reserve

officers in an active status authorized to be serving in each grade. The

number in each grade shall be computed by applying the applicable

percentage to the total number of such officers serving in an active

status on the date the computation is made. The number of Reserve

officers in an active status below the grade of rear admiral (lower

half) shall be distributed by pay grade so as not to exceed percentages

of commissioned officers authorized by section 42(b) of this title. When

the actual number of Reserve officers in an active status in a

particular pay grade is less than the maximum percentage authorized, the

difference may be applied to the number in the next lower grade. A

Reserve officer may not be reduced in rank or grade solely because of a

reduction in an authorized number as provided for in this subsection, or

because an excess results directly from the operation of law.''.

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

 MISSIONS.

 (a) Use of Motorized Vehicles.--Section 826 of title 14, United

States Code, is amended--

 (1) by inserting before the undesignated text the following:

 ``(a) Motor Boats, Yachts, Aircraft, and Radio Stations.--''; and

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

 ``(b) Motor Vehicles.--The Coast Guard may utilize to carry out its

functions and duties as authorized by the Secretary any motor vehicle

(as defined in section 154 of title 23, United States Code) placed at

its disposition by any member of the Auxiliary, by any corporation,

partnership, or association, or by any State or political subdivision

thereof, to tow Federal Government property.''.

 (b) Appropriations for Facilities.--Section 830(a) of such title is

amended by striking ``or radio station'' each place it appears and

inserting ``radio station, or motorized vehicle utilized under section

826(b)''.

SEC. 209. COAST GUARD HISTORY FELLOWSHIPS.

 (a) Fellowships Authorized.--Chapter 9 of title 14, United States

Code, is amended by adding at the end the following:

``Sec. 198. Coast Guard history fellowships

 ``(a) Fellowships.--The Commandant of the Coast Guard may prescribe

regulations under which the Commandant may award fellowships in Coast

Guard history to individuals who are eligible under subsection (b).

 ``(b) Eligible Individuals.--An individual shall be eligible under

this subsection if the individual is a citizen or national of the United

States and--

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

 ``(2) has completed all requirements for a doctoral degree

 other than preparation of a dissertation; and

 ``(3) agrees to prepare a dissertation in a subject area of

 Coast Guard history determined by the Commandant.

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 ``(c) Limitations.--The Commandant may award up to 2 fellowships

annually. The Commandant may not award any fellowship under this section

that exceeds $25,000 in any year.

 ``(d) Regulations.--The regulations prescribed under this section

shall include--

 ``(1) the criteria for award of fellowships;

 ``(2) the procedures for selecting recipients of

 fellowships;

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

 and

 ``(4) subject to the availability of appropriations, the

 total amount that may be awarded as fellowships during an

 academic year.''.

 (b) Clerical Amendment.--The analysis at the beginning of such

chapter is amended by adding at the end the following:

``198. Coast Guard history fellowships''.

SEC. 210. <<NOTE: 14 USC 93 note.>> ICEBREAKERS.

 (a) Operation and Maintenance Plan.--Not <<NOTE: Deadline.>> later

than 90 days after the date of enactment of this Act, the Secretary of

the department in which the Coast Guard is operating shall submit to the

Committee on Transportation and Infrastructure of the House of

Representatives and the Committee on Commerce, Science, and

Transportation of the Senate a plan--

 (1) for operation and maintenance after fiscal year 2006 of

 the Coast Guard polar icebreakers POLAR STAR, POLAR SEA, and

 HEALY, that does not rely on the transfer of funds to the Coast

 Guard by any other Federal agency; and

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

 (b) Necessary Measures.--The Secretary shall take all necessary

measures to ensure that the Coast Guard maintains, at a minimum, its

current vessel capacity for carrying out ice breaking in the Arctic and

Antarctic, Great Lakes, and New England regions, including the necessary

funding for operation and maintenance of such vessels, until it has

implemented the long-term recapitalization of the Coast Guard polar

icebreakers POLAR STAR, POLAR SEA, and HEALY in accordance with the plan

submitted under subsection (a).

 (c) Reimbursement.--Nothing in this section shall preclude the

Secretary from seeking reimbursement for operation and maintenance costs

of such polar icebreakers from other Federal agencies and entities,

including foreign countries, that benefit from the use of the

icebreakers.

 (d) Authorization of Appropriations.--There is authorized to be

appropriated for fiscal year 2006 to the Secretary of the department in

which the Coast Guard is operating $100,000,000 to carry out this

section with respect to the polar icebreakers referred to in subsection

(a).

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

 Section 3 of title 14, United States Code, is amended by inserting

``if Congress so directs in the declaration'' after ``Upon the

declaration of war''.

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

 The Commandant of the Coast Guard may not move any Coast Guard

personnel, property, or other assets to the West Campus

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of St. Elizabeth's Hospital until the Administrator of General Services

submits to the Committee on Transportation and Infrastructure of the

House of Representatives and the Committee on Commerce, Science, and

Transportation and the Committee on Environment and Public Works of the

Senate a plan--

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

 295;

 (2) for the design of facilities for at least one Federal

 agency other than the Coast Guard that would house no fewer than

 2,000 employees at such location;

 (3) to provide transportation of employees and visitors to

 and from sites in the District of Columbia metropolitan area

 that are located within close proximity to St. Elizabeth's

 Hospital;

 (4) for the construction, facade, and layout of the proposed

 structures, including security considerations, parking

 facilities, medical facilities, dining facilities, and physical

 exercise facilities on the West Campus;

 (5) that analyzes the costs of building restrictions,

 planning considerations, and permitting requirements of

 constructing new facilities on or near historic landmarks and

 historic buildings (especially those known to possess medical

 waste, lead paint, and asbestos);

 (6) that analyzes the feasibility of relocating Coast Guard

 Headquarters--

 (A) to the Department of Transportation Headquarters

 located at L'Enfant Plaza;

 (B) to the Waterfront Mall Complex in Southwest

 District of Columbia; and

 (C) to 3 alternative sites requiring either new

 construction or leasing of current facilities (other

 than those referred to in subparagraphs (A) and (B))

 within the District of Columbia metropolitan area that

 accommodate the Coast Guard's minimum square footage

 requirements; and

 (7) that analyzes how a potential move to the West Campus of

 St. Elizabeth's Hospital would impact--

 (A) the Coast Guard's ability to access and

 cooperatively work with the Department of Homeland

 Security and the other Federal agencies of the

 Department; and

 (B) plans under consideration for relocating all or

 parts of the headquarters of the Department of Homeland

 Security and other offices of the Department.

SEC. 213. COOPERATIVE AGREEMENTS.

 Not <<NOTE: Deadline. Reports.>> later than 180 days after the date

of enactment of this Act, the Secretary of the department in which the

Coast Guard is operating shall provide a report to the Committee on

Commerce, Science, and Transportation of the Senate and the Committee on

Transportation and Infrastructure of the House of Representatives on

opportunities for cost savings and operational efficiencies that can be

achieved through and the feasibility of colocating Coast Guard assets

and personnel at facilities of other armed forces throughout the United

States. The report shall--

 (1) identify opportunities for cooperative agreements with

 respect to siting of assets or operations that may be

 established between the Coast Guard and any of the other armed

 forces; and

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 (2) analyze anticipated costs and benefits, and operational

 impacts associated with each site and such agreements.

SEC. 214. BIODIESEL FEASIBILITY STUDY.

 (a) Study.--The Secretary of the department in which the Coast Guard

is operating shall conduct a study that examines the technical

feasibility, costs, and potential cost savings of using biodiesel fuel

in new and existing Coast Guard vehicles and vessels and that focuses on

the use of biodiesel fuel in ports which have a high density of vessel

traffic, including ports for which vessel traffic systems have been

established.

 (b) Report.--Not later than one year after the date of enactment of

this Act, the Secretary shall submit a report containing the findings,

conclusions, and recommendations (if any) from the study to the

Committee on Commerce, Science, and Transportation of the Senate and the

Committee on Transportation and Infrastructure of the House of

Representatives.

SEC. 215. BOATING SAFETY DIRECTOR.

 (a) In General.--Subchapter A of chapter 11 of title 14, United

States Code, is amended by adding at the end the following:

``Sec. 216. Director of Boating Safety Office

 ``The initial appointment of the Director of the Boating Safety

Office shall be in the grade of Captain.''.

 (b) Clerical Amendment.--The analysis for such chapter is amended by

inserting after the item relating to section 215 the following:

``216. Director of Boating Safety Office''.

SEC. 216. <<NOTE: Hawaii. Deadline.>> HANGAR AT COAST GUARD AIR STATION

 BARBERS POINT.

 Not later than 180 days after the date of enactment of this Act, the

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

submit to the Committee on Commerce, Science, and Transportation of the

Senate and the Committee on Transportation and Infrastructure of the

House of Representatives a proposal and cost analysis for constructing

an enclosed hangar at Air Station Barbers Point, Hawaii. The proposal

should ensure that the hangar has the capacity to shelter current

aircraft assets and those projected to be located at the station over

the next 20 years.

SEC. 217. PROMOTION OF COAST GUARD OFFICERS.

 (a) In General.--Section 211(a) of title 14, United States Code, is

amended to read as follows:

 ``(a)(1) The President may appoint permanent commissioned officers

in the Regular Coast Guard in grades appropriate to their qualification,

experience, and length of service, as the needs of the Coast Guard may

require, from among the following categories:

 ``(A) Graduates of the Coast Guard Academy.

 ``(B) Commissioned warrant officers, warrant officers, and

 enlisted members of the Regular Coast Guard.

 ``(C) Members of the Coast Guard Reserve who have served at

 least 2 years as such.

 ``(D) Licensed officers of the United States merchant marine

 who have served 2 or more years aboard a vessel of the United

 States in the capacity of a licensed officer.

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 ``(2) <<NOTE: President. Congress.>> Original appointments under

this section in the grades of lieutenant commander and above shall be

made by the President by and with the advice and consent of the Senate.

 ``(3) Original appointments under this section in the grades of

ensign through lieutenant shall be made by the President alone.''.

 (b) Wartime Temporary Service Promotion.--Section 275(f) of such

title is amended by striking the second and third sentences and

inserting ``Original appointments under this section in the grades of

lieutenant commander and above shall be made by the President by and

with the advice and consent of the Senate. Original appointments under

this section in the grades of ensign through lieutenant shall be made by

the President alone.''.

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

 ADVOCATES.

 (a) Definitions in Title 10.--Section 801 of title 10, United States

Code, is amended--

 (1) by striking paragraph (11); and

 (2) in paragraph (13) by striking subparagraph (C) and

 inserting the following:

 ``(C) a commissioned officer of the Coast Guard

 designated for special duty (law).''.

 (b) Conforming Amendments.--

 (1) Title 14.--Section 727 of title 14, United States Code,

 is amended by striking ``law specialist'' and inserting ``judge

 advocate''.

 (2) Social security act.--Section 465(a)(2) of the Social

 Security Act (42 U.S.C. 665(a)(2)) is amended by striking ``law

 specialist'' and inserting ``judge advocate''.

 TITLE III--SHIPPING AND NAVIGATION

SEC. 301. TREATMENT OF FERRIES AS PASSENGER VESSELS.

 (a) Ferry Defined.--Section 2101 of title 46, United States Code, is

amended by inserting after paragraph (10a) the following:

 ``(10b) `ferry' means a vessel that is used on a regular

 schedule--

 ``(A) to provide transportation only between places

 that are not more than 300 miles apart; and

 ``(B) to transport only--

 ``(i) passengers; or

 ``(ii) vehicles, or railroad cars, that are

 being used, or have been used, in transporting

 passengers or goods.''.

 (b) Passenger Vessels That Are Ferries.--Section 2101(22) of title

46, United States Code, is amended--

 (1) by striking ``or'' at the end of subparagraph (B);

 (2) by striking the period at the end of subparagraph (C)

 and inserting ``; or''; and

 (3) by adding at the end the following:

 ``(D) that is a ferry carrying a passenger.''.

 (c) Small Passenger Vessels That Are Ferries.--Section 2101(35) of

title 46, United States Code, is amended--

 (1) by striking ``or'' at the end of subparagraph (C);

 (2) by striking the period at the end of subparagraph (D)

 and inserting ``; or''; and

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 (3) by adding at the end the following:

 ``(E) that is a ferry carrying more than 6

 passengers.''.

SEC. 302. GREAT LAKES PILOTAGE ANNUAL RATEMAKING.

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

 (1) in subsection (f) by inserting at the end the following:

 ``The <<NOTE: Deadlines.>> Secretary shall establish new

 pilotage rates by March 1 of each year. The Secretary shall

 establish base pilotage rates by a full ratemaking at least once

 every 5 years and shall conduct annual reviews of such base

 pilotage rates, and make adjustments to such base rates, in each

 intervening year.''; and

 (2) by adding at the end the following:

 ``(g) The Secretary shall ensure that a sufficient number of

individuals are assigned to carrying out subsection (f).''.

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

 Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C.

App. 1903(c)(2)) is amended by striking the last two sentences and

inserting the following: ``The response of a foreign nation to a claim

of registry under subparagraph (A) or (C) may be made by radio,

telephone, or similar oral or electronic means, and is conclusively

proved by certification of the Secretary of State or the Secretary's

designee.''.

SEC. 304. LNG TANKERS.

 (a) <<NOTE: 33 USC 1503 note.>> Program.--The Secretary of

Transportation shall develop and implement a program to promote the

transportation of liquefied natural gas to the United States on United

States flag vessels.

 (b) Amendment to Deepwater Port Act.--Section 4 of the Deepwater

Port Act of 1974 (33 U.S.C. 1503) is amended by adding at the end the

following:

 ``(i) To promote the security of the United States, the Secretary

shall give top priority to the processing of a license under this Act

for liquefied natural gas facilities that will be supplied with

liquefied natural gas by United States flag vessels.''.

 (c) Public Notice of LNG Vessel's Registry and Crew.--

 (1) Plan submitted with application for deepwater port

 license.--Section 5(c)(2) of the Deepwater Port Act of 1974 (33

 U.S.C. 1504(c)(2)) is amended--

 (A) by redesignating subparagraphs (K) and (L) as

 subparagraphs (L) and (M), respectively; and

 (B) by inserting after subparagraph (J) the

 following:

 ``(K) the nation of registry for, and the

 nationality or citizenship of officers and crew serving

 on board, vessels transporting natural gas that are

 reasonably anticipated to be servicing the deepwater

 port;''.

 (2) <<NOTE: 33 USC 1504 note.>> Information to be

 provided.--When the Coast Guard is operating as a contributing

 agency in the Federal Energy Regulatory Commission's shoreside

 licensing process for a liquefied natural gas or liquefied

 petroleum gas terminal located on shore or within State seaward

 boundaries, the Coast Guard shall provide to the Commission the

 information described in section 5(c)(2)(K) of the Deepwater

 Port Act of 1974 (33 U.S.C. 1504(c)(2)(K)) with respect to

 vessels reasonably anticipated to be servicing that port.

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 (d) Report.--Not <<NOTE: Deadline.>> later than 6 months after the

date of enactment of this Act, the Secretary of the department in which

the Coast Guard is operating shall submit a report on the implementation

of this section to the Committee on Commerce, Science, and

Transportation of the Senate and the Committee on Transportation and

Infrastructure of the House of Representatives.

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

 Section 70106(b)(8) of title 46, United States Code, is amended by

striking ``other security missions'' and inserting ``any other missions

of the Coast Guard''.

SEC. 306. ENHANCED CIVIL PENALTIES FOR VIOLATIONS OF PROVISIONS ENACTED

 BY THE COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004.

 (a) Continuing Violations.--The section enumerated 70119 of title

46, United States Code, as redesignated and transferred by section

802(a)(1) of the Coast Guard and Maritime Transportation Security Act of

2004 (118 Stat. 1078), relating to civil penalty, is amended--

 (1) by inserting ``(a) In General.--'' before ``Any'';

 (2) by striking ``violation.'' and inserting ``day during

 which the violation continues.''; and

 (3) by adding at the end the following:

 ``(b) Continuing Violations.--The maximum amount of a civil penalty

for a violation under this section shall not exceed $50,000.''.

 (b) Application of Civil Penalty Procedures.--Section 2107 of title

46, United States Code, is amended by striking ``this subtitle'' each

place it appears and inserting ``this subtitle or subtitle VII''.

SEC. 307. TRAINING OF CADETS AT UNITED STATES MERCHANT MARINE ACADEMY.

 Section 1303(f) of the Merchant Marine Act, 1936 (46 App. U.S.C.

1295b(f)) is amended--

 (1) by striking ``and'' at the end of paragraph (2);

 (2) by striking the period at the end of paragraph (3) and

 inserting ``; and''; and

 (3) by adding at the end the following:

 ``(4) on any other vessel considered by the Secretary to be

 necessary or appropriate or in the national interest.''.

SEC. 308. REPORTS FROM MORTGAGEES OF VESSELS.

 Section 12120 of title 46, United States Code, is amended by

striking ``owners, masters, and charterers'' and inserting ``owners,

masters, charterers, and mortgagees''.

SEC. 309. DETERMINATION OF THE SECRETARY.

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

 (1) by redesignating paragraphs (3) and (4) as paragraphs

 (4) and (5), respectively; and

 (2) by inserting after paragraph (2) the following:

 ``(3) Denial of waiver review.--

 ``(A) In general.--The Secretary shall establish a

 review process before an administrative law judge for

 individuals denied a waiver under paragraph (2).

 ``(B) Scope of review.--In conducting a review under

 the process established pursuant to subparagraph (A),

 the

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 administrative law judge shall be governed by the

 standards of section 706 of title

 5. <<NOTE: Applicability.>> The substantial evidence

 standard in section 706(2)(E) of title 5 shall apply

 whether or not there has been an agency hearing. The

 judge shall review all facts on the record of the

 agency.

 ``(C) Classified evidence.--

 The <<NOTE: Regulations. Procedures.>> Secretary, in

 consultation with the National Intelligence Director,

 shall issue regulations to establish procedures by which

 the Secretary, as part of a review conducted under this

 paragraph, may provide to the individual adversely

 affected by the determination an unclassified summary of

 classified evidence upon which the denial of a waiver by

 the Secretary was based.

 ``(D) Review of classified evidence by

 administrative law judge.--

 ``(i) Review.--As part of a review conducted

 under this section, if the decision of the

 Secretary was based on classified information (as

 defined in section 1(a) of the Classified

 Information Procedures Act (18 U.S.C. App.)), such

 information may be submitted by the Secretary to

 the reviewing administrative law judge, pursuant

 to appropriate security procedures, and shall be

 reviewed by the administrative law judge ex parte

 and in camera.

 ``(ii) Security clearances.--Pursuant to

 existing procedures and requirements, the

 Secretary, in coordination (as necessary) with the

 heads of other affected departments or agencies,

 shall ensure that administrative law judges

 reviewing negative waiver decisions of the

 Secretary under this paragraph possess security

 clearances appropriate for such review.

 ``(iii) Unclassified summaries of classified

 evidence.--As part of a review conducted under

 this paragraph and upon the request of the

 individual adversely affected by the decision of

 the Secretary not to grant a waiver, the Secretary

 shall provide to the individual and reviewing

 administrative law judge, consistent with the

 procedures established under clause (i), an

 unclassified summary of any classified information

 upon which the decision of the Secretary was

 based.

 ``(E) New evidence.--The Secretary shall establish a

 process under which an individual may submit a new

 request for a waiver, notwithstanding confirmation by

 the administrative law judge of the Secretary's initial

 denial of the waiver, if the request is supported by

 substantial evidence that was not available to the

 Secretary at the time the initial waiver request was

 denied.''.

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

 Section 12105 of title 46, United States Code, is amended by adding

at the end the following:

 ``(c)(1) Only a vessel for which a certificate of documentation with

a registry endorsement is issued may engage in--

 ``(A) the setting, relocation, or recovery of the anchors or

 other mooring equipment of a mobile offshore drilling unit that

 is located over the outer Continental Shelf (as defined

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 in section 2(a) of the Outer Continental Shelf Lands Act (43

 U.S.C. 1331(a))); or

 ``(B) the transportation of merchandise or personnel to or

 from a point in the United States from or to a mobile offshore

 drilling unit located over the outer Continental Shelf that is

 not attached to the seabed.

 ``(2) Nothing in paragraph (1) authorizes the employment in the

coastwise trade of a vessel that does not meet the requirements of

section 12106 of this title.''.

SEC. 311. INTERNATIONAL TONNAGE MEASUREMENT OF VESSELS ENGAGED IN THE

 ALEUTIAN TRADE.

 (a) General Inspection Exemption.--Section 3302(c)(2) of title 46,

United States Code, is amended to read as follows:

 ``(2) Except as provided in paragraphs (3) and (4) of this

subsection, the following fish tender vessels are exempt from section

3301(1), (6), (7), (11), and (12) of this title:

 ``(A) A vessel of not more than 500 gross tons as measured

 under section 14502 of this title or an alternate tonnage

 measured under section 14302 of this title as prescribed by the

 Secretary under section 14104 of this title.

 ``(B) A vessel engaged in the Aleutian trade that is not

 more than 2,500 gross tons as measured under section 14302 of

 this title.''.

 (b) Other Inspection Exemption and Watch Requirement.--Paragraphs

(3)(B) and (4) of section 3302(c) of title 46, United States Code, and

section 8104(o) of that title are each amended by striking ``or an

alternate tonnage measured under section 14302 of this title as

prescribed by the Secretary under section 14104 of this title'' and

inserting ``or less than 500 gross tons as measured under section 14502

of this title, or is less than 2,500 gross tons as measured under

section 14302 of this title''.

SEC. 312. RIDING GANGS.

 (a) In General.--Chapter 81 of title 46, United States Code, is

amended by adding at the end the following:

``Sec. 8106. Riding gangs

 ``(a) In General.--The owner or managing operator of a freight

vessel of the United States on voyages covered by the International

Convention for Safety of Life at Sea, 1974 (32 UST 47m) shall--

 ``(1) ensure that--

 ``(A) subject to subsection (d), each riding gang

 member on the vessel--

 ``(i) is a United States citizen or an alien

 lawfully admitted to the United States for

 permanent residence; or

 ``(ii) possesses a United States nonimmigrant

 visa for individuals desiring to enter the United

 States temporarily for business, employment-

 related and personal identifying information, and

 any other documentation required by the Secretary;

 ``(B) all required documentation for such member is

 kept on the vessel and available for inspection by the

 Secretary; and

 ``(C) each riding gang member is identified on the

 vessel's crew list;

 ``(2) ensure that--

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 ``(A) the owner or managing operator attests in a

 certificate that the background of each riding gang

 member has been examined and found to be free of any

 credible information indicating a material risk to the

 security of the vessel, the vessel's cargo, the ports

 the vessel visits, or other individuals onboard the

 vessel;

 ``(B) the background check consisted of a search of

 all information reasonably available to the owner or

 managing operator in the riding gang member's country of

 citizenship and any other country in which the riding

 gang member works, receives employment referrals, or

 resides;

 ``(C) the certificate required under subparagraph

 (A) is kept on the vessel and available for inspection

 by the Secretary; and

 ``(D) the information derived from any such

 background check is made available to the Secretary upon

 request;

 ``(3) ensure that each riding gang member, while on board

 the vessel, is subject to the same random chemical testing and

 reporting regimes as crew members;

 ``(4) ensure that each such riding gang member receives

 basic safety familiarization and basic safety training approved

 by the Coast Guard as satisfying the requirements for such

 training under the International Convention of Training,

 Certification, and Watchkeeping for Seafarers, 1978;

 ``(5) prevent from boarding the vessel, or cause the removal

 from the vessel at the first available port, and disqualify from

 future service on board any other vessel owned or operated by

 that owner or operator, any riding gang member--

 ``(A) who has been convicted in any jurisdiction of

 an offense described in paragraph (2) or (3) of section

 7703;

 ``(B) whose license, certificate of registry, or

 merchant mariner's document has been suspended or

 revoked under section 7704; or

 ``(C) who otherwise constitutes a threat to the

 safety of the vessel;

 ``(6) ensure and certify to the Secretary that the sum of--

 ``(A) the number of riding gang members on board a

 freight vessel, and

 ``(B) the number of individuals in addition to crew

 permitted under section 3304,

 does not exceed 12;

 ``(7) ensure that every riding gang member is employed on

 board the vessel under conditions that meet or exceed the

 minimum international standards of all applicable international

 labor conventions to which the United States is a party,

 including all of the merchant seamen protection and relief

 provided under United States law; and

 ``(8) ensure that each riding gang member--

 ``(A) is supervised by an individual who holds a

 license issued under chapter 71; and

 ``(B) only performs work in conjunction with

 individuals who hold merchant mariners documents issued

 under chapter 73 and who are part of the vessel's crew.

 ``(b) Permitted Work.--Subject to subsection (f), a riding gang

member on board a vessel to which subsection (a) applies who is neither

a United States citizen nor an alien lawfully admitted

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to the United States for permanent residence may not perform any work on

board the vessel other than--

 ``(1) work in preparation of a vessel entering a shipyard

 located outside of the United States;

 ``(2) completion of the residual repairs after departing a

 shipyard located outside of the United States; or

 ``(3) technical in-voyage repairs, in excess of any repairs

 that can be performed by the vessel's crew, in order to advance

 the vessel's useful life without having to actually enter a

 shipyard.

 ``(c) Workday Limit.--

 ``(1) In general.--The maximum number of days in any

 calendar year that the owner or operator of a vessel to which

 subsection (a) applies may employ on board riding gang members

 who are neither United States citizens nor aliens lawfully

 admitted to the United States for permanent residence for work

 on board that vessel is 60 days. If the vessel is at sea on the

 60th day, each riding gang member shall be discharged from the

 vessel at the next port of call reached by the vessel after the

 date on which the 60-workday limit is reached.

 ``(2) Calculation.--For the purpose of calculating the 60-

 workday limit under this subsection, each day worked by a riding

 gang member who is neither a United States citizen nor an alien

 lawfully admitted to the United States for permanent residence

 shall be counted against the limitation.

 ``(d) Exceptions for Warranty Work.--

 ``(1) In general.--Subsections (b), (c), (e), and (f) do not

 apply to a riding gang member employed exclusively to perform,

 and who performs only, work that is--

 ``(A) customarily performed by original equipment

 manufacturers' technical representatives;

 ``(B) required by a manufacturer's warranty on

 specific machinery and equipment; or

 ``(C) required by a contractual guarantee or

 warranty on actual repairs performed in a shipyard

 located outside of the United States.

 ``(2) Citizenship requirement.--

 Subsection <<NOTE: Applicability.>> (a)(1)(A) applies only to a

 riding gang member described in paragraph (1) who is on the

 vessel when it calls at a United States port.

 ``(e) Recordkeeping.--In addition to the requirements of subsection

(a), the owner or managing operator of a vessel to which subsection (a)

applies shall ensure that all information necessary to ensure compliance

with this section, as determined by the Secretary, is entered into the

vessel's official logbook required by chapter 113.

 ``(f) Failure to Employ Qualified Available U.S. Citizens or

Residents.--

 ``(1) In general.--The owner or operator of a vessel to

 which subsection (a) applies may not employ a riding gang member

 who is neither a United States citizen nor an alien lawfully

 admitted to the United States for permanent residence to perform

 work described in subsection (b) unless the owner or operator

 determines, in accordance with procedures established by the

 Secretary to carry out section 8103(b)(3)(C), that there is not

 a sufficient number of United States citizens or

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 individuals lawfully admitted to the United States for permanent

 residence who are qualified and available for the work for which

 the riding gang member is to be employed.

 ``(2) Civil penalty.--A violation of paragraph (1) is

 punishable by a civil penalty of not more than $10,000 for each

 day during which the violation continues.

 ``(3) Continuing violations.--The maximum amount of a civil

 penalty for a violation under this subsection shall not exceed--

 ``(A) $50,000 if the violation occurs in fiscal year

 2006;

 ``(B) $75,000 if the violation occurs in fiscal year

 2007; and

 ``(C) $100,000 if the violation occurs after fiscal

 year 2007.

 ``(4) Determination of amount.--In determining the amount of

 the penalty, the Secretary shall take into account the nature,

 circumstances, extent, and gravity of the violation committed

 and, with respect to the violator, the degree of culpability,

 the history of prior offenses, the ability to pay, and such

 other matters as justice may require.

 ``(5) Compromise, modification, and remittal.--The Secretary

 may compromise, modify, or remit, with or without conditions,

 any civil penalty imposed under this section.''.

 (b) Riding Gang Member Defined.--Section 2101 of such title is

amended by inserting after paragraph (26) the following:

 ``(26a) `riding gang member' means an individual who--

 ``(A) has not been issued a merchant mariner

 document under chapter 73;

 ``(B) does not perform--

 ``(i) watchstanding, automated engine room

 duty watch, or personnel safety functions; or

 ``(ii) cargo handling functions, including any

 activity relating to the loading or unloading of

 cargo, the operation of cargo-related equipment

 (whether or not integral to the vessel), and the

 handling of mooring lines on the dock when the

 vessel is made fast or let go;

 ``(C) does not serve as part of the crew complement

 required under section 8101;

 ``(D) is not a member of the steward's department;

 and

 ``(E) is not a citizen or temporary or permanent

 resident of a country designated by the United States as

 a sponsor of terrorism or any other country that the

 Secretary, in consultation with the Secretary of State

 and the heads of other appropriate United States

 agencies, determines to be a security threat to the

 United States.''.

 (c) Conforming Amendments.--

 (1) Citizenship requirement.--Section 8103 of such title is

 amended by adding at the end the following:

 ``(j) Riding Gang Member.--This section does not apply to an

individual who is a riding gang member.''.

 (2) Application of chapter 103.--Section 10301(b) of such

 title is amended by striking ``voyage.'' and inserting ``voyage

 or to riding gang members.''.

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 (d) Clerical Amendment.--The analysis for chapter 81 of such title

is amended by adding at the end the following:

``8106. Riding gangs''.

 TITLE IV--MISCELLANEOUS

SEC. 401. AUTHORIZATION OF JUNIOR RESERVE OFFICERS TRAINING PROGRAM

 PILOT PROGRAM.

 (a) In General.--The Secretary of the department in which the Coast

Guard is operating may carry out a pilot program to establish and

maintain a junior reserve officers training program in cooperation with

the Camden County High School in Camden County, North Carolina.

 (b) Program Requirements.--The pilot program carried out by the

Secretary under this section shall provide to students at Camden County

High School--

 (1) instruction in subject areas relating to operations of

 the Coast Guard; and

 (2) training in skills which are useful and appropriate for

 a career in the Coast Guard.

 (c) Provision of Additional Support.--To carry out the pilot program

under this section, the Secretary may provide to Camden County High

School--

 (1) assistance in course development, instruction, and other

 support activities; and

 (2) necessary and appropriate course materials, equipment,

 and uniforms.

 (d) Employment of Retired Coast Guard Personnel.--

 (1) In general.--Subject to paragraph (2) of this

 subsection, the Secretary may authorize the Camden County High

 School to employ, as administrators and instructors for the

 pilot program, retired Coast Guard and Coast Guard Reserve

 commissioned, warrant, and petty officers not on active duty who

 request that employment and who are approved by the Secretary

 and Camden County High School.

 (2) Authorized pay.--

 (A) In general.--Retired members employed under

 paragraph (1) of this subsection are entitled to receive

 their retired or retainer pay and an additional amount

 of not more than the difference between--

 (i) the amount the individual would be paid as

 pay and allowance if the individual was considered

 to have been ordered to active duty during the

 period of employment; and

 (ii) the amount of retired pay the individual

 is entitled to receive during that period.

 (B) Payment to school.--The Secretary shall pay to

 Camden County High School an amount equal to one half of

 the amount described in subparagraph (A), from funds

 appropriated for such purpose.

 (C) Not duty or duty training.--Notwithstanding any

 other law, while employed under this subsection, an

 individual is not considered to be on active-duty or

 inactive-duty training.

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SEC. 402. TRANSFER.

 Section 602 of the Coast Guard and Maritime Transportation Act of

2004 (118 Stat. 1050) is amended--

 (1) in subsection (b)(2) by striking ``to be conveyed'' and

 all that follows through the period and inserting ``to be

 conveyed to CAS Foundation, Inc. (a nonprofit corporation under

 the laws of the State of Indiana).''; and

 (2) in subsection (c)(1)(A) by inserting ``or, in the case

 of the vessel described in subsection (b)(2) only, for

 humanitarian purposes'' before the semicolon at the end.

SEC. 403. LORAN-C.

 There are authorized to be appropriated to the Department of

Transportation, in addition to funds authorized for the Coast Guard for

operation of the LORAN-C system, for capital expenses related to LORAN-C

navigation infrastructure, $25,000,000 for fiscal year 2006 and

$25,000,000 for fiscal year 2007. The Secretary of Transportation may

transfer from the Federal Aviation Administration and other agencies of

the Department funds appropriated as authorized under this section in

order to reimburse the Coast Guard for related expenses.

SEC. 404. <<NOTE: 46 USC 70115 note.>> LONG-RANGE VESSEL TRACKING

 SYSTEM.

 (a) Pilot Project.--The Secretary of the department in which the

Coast Guard is operating, acting through the Commandant of the Coast

Guard, shall conduct a 3-year pilot program for long-range tracking of

up to 2,000 vessels using satellite systems with a nonprofit maritime

organization that has a demonstrated capability of operating a variety

of satellite communications systems providing data to vessel tracking

software and hardware that provides long-range vessel information to the

Coast Guard to aid maritime security and response to maritime

emergencies.

 (b) Authorization of Appropriations.--There is authorized to be

appropriated to the Secretary $4,000,000 for each of fiscal years 2006,

2007, and 2008 to carry out subsection (a).

SEC. 405. <<NOTE: 14 USC 93 note.>> MARINE VESSEL AND COLD WATER SAFETY

 EDUCATION.

 The Coast Guard shall continue cooperative agreements and

partnerships with organizations in effect on the date of enactment of

this Act that provide marine vessel safety training and cold water

immersion education and outreach programs for fishermen and children.

SEC. 406. REPORTS.

 (a) Adequacy of Assets.--

 (1) Review.--The Commandant of the Coast Guard shall review

 the adequacy of assets and facilities described in subsection

 (b) to carry out the Coast Guard's missions, including search

 and rescue, illegal drug and migrant interdiction, aids to

 navigation, ports, waterways and coastal security, marine

 environmental protection, and fisheries law enforcement.

 (2) Report.--Not later than 180 days after the date of

 enactment of this Act, the Commandant shall submit to the

 Committee on Commerce, Science, and Transportation of the Senate

 and the Committee on Transportation and Infrastructure of the

 House of Representatives a report that includes the findings of

 the review and any recommendations to enhance

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 mission capabilities in those areas referred to in paragraph

 (1).

 (b) Areas of Review.--The report under subsection (a) shall provide

information and recommendations on the following assets:

 (1) Coast Guard vessels and aircraft stationed in the

 Commonwealth of Puerto Rico.

 (2) Coast Guard vessels and aircraft stationed in the State

 of Louisiana along the Lower Mississippi River between the Port

 of New Orleans and the Red River.

 (3) Coast Guard vessels and aircraft stationed in Coast

 Guard Sector Delaware Bay.

 (4) Physical infrastructure at Boat Station Cape May in the

 State of New Jersey.

 (c) Adequacy of Active-Duty Strength.--

 (1) Review.--The Commandant of the Coast Guard shall review

 the adequacy of the strength of active-duty personnel authorized

 under section 102(a) of this Act to carry out the Coast Guard's

 missions, including search and rescue, illegal drug and migrant

 interdiction, aids to navigation, ports, waterways, and coastal

 security, marine environmental protection, and fisheries law

 enforcement.

 (2) Report.--Not later than 180 days after the date of

 enactment of this Act, the Commandant shall submit to the

 Committee on Commerce, Science, and Transportation of the Senate

 and the Committee on Transportation and Infrastructure of the

 House of Representatives a report that includes the findings of

 the review.

SEC. 407. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.

 (a) In General.--Upon <<NOTE: Icebreaker Mackinaw Maritime Museum,

Inc.>> the scheduled decommissioning of the Coast Guard Cutter MACKINAW,

the Commandant of the Coast Guard shall convey without consideration all

right, title, and interest of the United States in and to that vessel to

the Icebreaker Mackinaw Maritime Museum, Inc., located in the State of

Michigan if--

 (1) the recipient agrees--

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

 (B) not to use the vessel for commercial

 transportation purposes;

 (C) to make the vessel available to the United

 States Government if needed for use by the Commandant in

 time of war or a national emergency; and

 (D) to hold the Government harmless for any claims

 arising from exposure to hazardous materials, including

 asbestos and polychlorinated biphenyls (PCBs), after

 conveyance of the vessel, except for claims arising from

 the use by the Government under subparagraph (C);

 (2) the recipient has funds available that will be committed

 to operate and maintain the vessel conveyed in good working

 condition, in the form of cash, liquid assets, or a written loan

 commitment, and in an amount of at least $700,000; and

 (3) the recipient agrees to any other conditions the

 Commandant considers appropriate.

 (b) Maintenance and Delivery of Vessel.--

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 (1) Maintenance.--Before conveyance of the vessel under this

 section, the Commandant shall make, to the extent practical and

 subject to other Coast Guard mission requirements, every effort

 to maintain the integrity of the vessel and its equipment until

 the time of delivery.

 (2) Delivery.--If a conveyance is made under this section,

 the Commandant shall deliver the vessel to a suitable mooring in

 the local area, in its present condition, no sooner than June

 15, 2006, and not later than 30 days after the date on which the

 vessel is decommissioned.

 (3) Treatment of conveyance.--The conveyance of the vessel

 under this section shall not be considered a distribution in

 commerce for purposes of section 6(e) of Public Law 94-469 (15

 U.S.C. 2605(e)).

 (c) Other Excess Equipment.--The Commandant may convey to the

recipient any excess equipment or parts from other decommissioned Coast

Guard vessels for use to enhance the vessel's operability and function

for purposes of a museum.

SEC. 408. <<NOTE: 14 USC 663 note.>> DEEPWATER REPORTS.

 (a) Annual Deepwater Implementation Report.--Not later than 30 days

after the date of enactment of this Act and in conjunction with the

transmittal by the President of the budget of the United States for each

fiscal year thereafter, the Secretary of the department in which the

Coast Guard is operating shall submit to the Committee on Commerce,

Science, and Transportation of the Senate and the Committee on

Transportation and Infrastructure of the House of Representatives a

report on the implementation of the Integrated Deepwater Systems

Program, as revised in 2005 (in this section referred to as the

``Deepwater program''), that includes--

 (1) a justification for how the projected number and

 capabilities of each Deepwater program asset meets the revised

 mission needs statement delivered as part of the Deepwater

 program and the performance goals of the Coast Guard;

 (2) a projection of the remaining operational lifespan of

 each legacy asset;

 (3) an identification of any changes to the Deepwater

 program, including--

 (A) any changes to the timeline for the acquisition

 of each new asset and the phase out of legacy assets for

 the life of the Deepwater program; and

 (B) any changes to the costs for that fiscal year or

 future fiscal years or the total costs of the Deepwater

 program, including the costs of new and legacy assets;

 (4) a justification for how any change to the Deepwater

 program fulfills the mission needs statement for the Deepwater

 program and performance goals of the Coast Guard;

 (5) an identification of how funds in that fiscal year's

 budget request will be allocated, including information on the

 purchase of specific assets;

 (6) a detailed explanation of how the costs of the legacy

 assets are being accounted for within the Deepwater program;

 (7) a description of how the Coast Guard is planning for the

 integration of Deepwater program assets into the Coast Guard,

 including needs related to shore-based infrastructure and human

 resources; and

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 (8) a description of the competitive process conducted in

 all contracts and subcontracts exceeding $2,500,000 awarded

 under the Deepwater program.

 (b) Deepwater Acceleration Report.--Not later than 30 days after the

date of enactment of this Act, the Secretary shall submit to the

Committee on Commerce, Science, and Transportation of the Senate and the

Committee on Transportation and Infrastructure of the House of

Representatives a report on the acceleration of the current Deepwater

program acquisition timeline that reflects completion of the Deepwater

program in each of 10 years and 15 years and includes--

 (1) a detailed explanation of the number and type of each

 asset that would be procured for each fiscal year under each

 accelerated acquisition timeline;

 (2) the required funding for such completion under each

 accelerated acquisition timeline;

 (3) anticipated costs associated with legacy asset

 sustainment for the Deepwater program under each accelerated

 acquisition timeline;

 (4) anticipated mission deficiencies, if any, associated

 with the continued degradation of legacy assets in combination

 with the procurement of new assets under each accelerated

 acquisition timeline; and

 (5) an evaluation of the overall feasibility of achieving

 each accelerated acquisition timeline, including--

 (A) contractor capacity;

 (B) national shipbuilding capacity;

 (C) asset integration into Coast Guard facilities;

 (D) required personnel; and

 (E) training infrastructure capacity on technology

 associated with new assets.

 (c) Oversight Report.--Not later than 90 days after the date of

enactment of this Act, the Commandant of the Coast Guard, in

consultation with the Government Accountability Office, shall submit to

the Committee on Commerce, Science, and Transportation of the Senate and

the Committee on Transportation and Infrastructure of the House of

Representatives a report on the status of the Coast Guard's

implementation of the Government Accountability Office's recommendations

in its report, GAO-04-380, entitled ``Coast Guard Deepwater Program

Needs Increased Attention to Management and Contractor Oversight'',

including the dates by which the Coast Guard plans to complete

implementation of such recommendations if any of such recommendations

remain open as of the date the report is transmitted to the Committees.

 (d) Independent Analysis of Revised Deepwater Plan.--The Secretary

may periodically, either through an internal review process or a

contract with an outside entity, conduct an analysis of all or part of

the Deepwater program and assess whether--

 (1) the choice of assets and capabilities selected as part

 of that program meets the Coast Guard's goals for performance

 and minimizing total ownership costs; or

 (2) additional or different assets should be considered as

 part of that program.

SEC. 409. HELICOPTERS.

 (a) Study.--The Secretary of the department in which the Coast Guard

is operating shall conduct a study that analyses the

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potential impact on Coast Guard acquisitions of requiring that the Coast

Guard acquire only helicopters, or any major component of a helicopter,

that are constructed in the United States.

 (b) Study Elements.--The study shall include--

 (1) identification of additional costs or added benefits

 that would result from the additional restrictions described in

 subsection (a) on acquisitions from nondomestic sources,

 including major components or subsystems;

 (2) industrial impact on the United States of such

 additional restrictions on acquisitions from nondomestic

 sources;

 (3) the contractual impact of such additional restrictions

 on the Integrated Deepwater Systems Program and its platform

 elements, including delivery interruptions in the program and

 the subsequent mission impact of these delays; and

 (4) identification of reasonable executive authorities to

 waive such additional restrictions that the Secretary considers

 essential in order to ensure continued mission performance of

 the United States Coast Guard.

 (c) Report.--Not later than one year after the date of enactment of

this Act, the Secretary shall submit a report on the results of the

study and any recommendations of the Secretary regarding such results to

the Committee on Commerce, Science, and Transportation of the Senate and

the Committee on Transportation and Infrastructure of the House of

Representatives.

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

 (a) Study.--Of the amounts provided under section 1012 of the Oil

Pollution Act of 1990 (33 U.S.C. 2712), the Administrator of the

Environmental Protection Agency shall conduct a study of public health

and safety concerns related to the pollution of Newtown Creek, New York

City, New York, caused by seepage of oil into Newtown Creek from

17,000,000 gallons of underground oil spills in Greenpoint, Brooklyn,

New York.

 (b) Report.--Not later than one year after the date of enactment of

this Act, the Administrator shall submit a report containing the results

of the study to the Committee on Environment and Public Works and the

Committee on Commerce, Science, and Transportation of the Senate and the

Committee on Transportation and Infrastructure of the House of

Representatives.

SEC. 411. REPORT ON TECHNOLOGY.

 Not later than 180 days after the date of enactment of this Act, the

Commandant of the Coast Guard shall submit to the Committee on Commerce,

Science, and Transportation of the Senate and the Committee on

Transportation and Infrastructure of the House of Representatives a

report that includes an assessment of--

 (1) the availability and effectiveness of software

 information technology systems for port security and the data

 evaluated, including data that has the ability to identify

 shippers, inbound vessels, and their cargo for potential threats

 to national security before it reaches United States ports,

 specifically the software already tested or being tested at

 Joint Harbor Operations Centers; and

 (2) the costs associated with implementing such technology

 at all Sector Command Centers, Joint Harbor Operations Centers,

 and strategic defense and energy dependent ports.

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SEC. 412. ASSESSMENT AND PLANNING.

 There is authorized to be appropriated to the Maritime

Administration $400,000 to carry out an assessment of, and planning for,

the impact of an Arctic Sea Route on the indigenous people of Alaska.

SEC. 413. HOMEPORT.

 (a) Study.--The Commandant of the Coast Guard shall conduct a study

to assess the current homeport arrangement of the Coast Guard polar

icebreaker HEALY to determine whether an alternative arrangement would

enhance the Coast Guard's capabilities to carry out the recommendation

to maintain dedicated, year-round icebreaker capability for the Arctic

that was included in the report prepared by the National Academy of

Sciences and entitled: ``Polar Icebreaker Roles and U.S. Future Needs: A

Preliminary Assessment (ISBN: 0-309-10069-0)''.

 (b) Report.--Not later than one year after the date of enactment of

this Act, the Commandant shall report the findings of the study to the

Committee on Commerce, Science, and Transportation of the Senate and the

Committee on Transportation and Infrastructure of the House of

Representatives.

SEC. 414. NAVIGATIONAL SAFETY OF CERTAIN FACILITIES.

 (a) Consideration of Alternatives.--In <<NOTE: Deadline.>> reviewing

a lease, easement, or right-of-way for an offshore wind energy facility

in Nantucket Sound under section 8(p) of the Outer Continental Shelf

Lands Act (43 U.S.C. 1337(p)), not later than 60 days before the date

established by the Secretary of the Interior for publication of a draft

environmental impact statement, the Commandant of the Coast Guard shall

specify the reasonable terms and conditions the Commandant determines to

be necessary to provide for navigational safety with respect to the

proposed lease, easement, or right-of-way and each alternative to the

proposed lease, easement, or right-of-way considered by the Secretary.

 (b) Inclusion of Necessary Terms and Conditions.--In granting a

lease, easement, or right-of-way for an offshore wind energy facility in

Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands

Act (43 U.S.C. 1337(p)), the Secretary shall incorporate in the lease,

easement, or right-of-way reasonable terms and conditions the Commandant

determines to be necessary to provide for navigational safety.

SEC. 415. <<NOTE: Pennsylvania.>> PORT RICHMOND.

 The Secretary of the department in which the Coast Guard is

operating, acting through the Commandant of the Coast Guard, may not

approve a security plan under section 70103(c) of title 46, United

States Code, for a liquefied natural gas import facility at Port

Richmond in Philadelphia, Pennsylvania, until the Secretary conducts a

vulnerability assessment under section 70102(b) of such title.

SEC. 416. WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

 (a) Restatement of Existing Program Incorporating Certain Provisions

of Regulations.--Section 305(i) of the Magnuson-Stevens Fishery

Conservation and Management Act (16 U.S.C. 1855(i)) is amended by

striking paragraph (1) and inserting the following:

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 ``(1) Western alaska community development quota program.--

 ``(A) In general.--There is established the western

 Alaska community development quota program in order--

 ``(i) to provide eligible western Alaska

 villages with the opportunity to participate and

 invest in fisheries in the Bering Sea and Aleutian

 Islands Management Area;

 ``(ii) to support economic development in

 western Alaska;

 ``(iii) to alleviate poverty and provide

 economic and social benefits for residents of

 western Alaska; and

 ``(iv) to achieve sustainable and diversified

 local economies in western Alaska.

 ``(B) Program allocation.--

 ``(i) In general.--Except as provided in

 clause (ii), the annual percentage of the total

 allowable catch, guideline harvest level, or other

 annual catch limit allocated to the program in

 each directed fishery of the Bering Sea and

 Aleutian Islands shall be the percentage approved

 by the Secretary, or established by Federal law,

 as of March 1, 2006, for the program. The

 percentage for each fishery shall be either a

 directed fishing allowance or include both

 directed fishing and nontarget needs based on

 existing practice with respect to the program as

 of March 1, 2006, for each fishery.

 ``(ii) Exceptions.--Notwithstanding clause

 (i)--

 ``(I) the allocation under the

 program for each directed fishery of the

 Bering Sea and Aleutian Islands (other

 than a fishery for halibut, sablefish,

 pollock, and crab) shall be a directed

 fishing allocation of 10 percent upon

 the establishment of a quota program,

 fishing cooperative, sector allocation,

 or other rationalization program in any

 sector of the fishery; and

 ``(II) the allocation under the

 program in any directed fishery of the

 Bering Sea and Aleutian Islands (other

 than a fishery for halibut, sablefish,

 pollock, and crab) established after the

 date of enactment of this subclause

 shall be a directed fishing allocation

 of 10 percent.

 ``(iii) Processing and other rights.--

 Allocations to the program include all processing

 rights and any other rights and privileges

 associated with such allocations as of March 1,

 2006.

 ``(iv) Regulation of harvest.--The harvest of

 allocations under the program for fisheries with

 individual quotas or fishing cooperatives shall be

 regulated by the Secretary in a manner no more

 restrictive than for other participants in the

 applicable sector, including with respect to the

 harvest of nontarget species.

 ``(C) Allocations to entities.--Each entity eligible

 to participate in the program shall be authorized under

 the program to harvest annually the same percentage of

 each species allocated to the program under subparagraph

 (B) that it was authorized by the Secretary to harvest

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 of such species annually as of March 1, 2006, except to

 the extent that its allocation is adjusted under

 subparagraph (H). Such allocation shall include all

 processing rights and any other rights and privileges

 associated with such allocations as of March 1, 2006.

 ``(D) Eligible villages.--The following villages

 shall be eligible to participate in the program through

 the following entities:

 ``(i) The villages of Akutan, Atka, False

 Pass, Nelson Lagoon, Nikolski, and Saint George

 through the Aleutian Pribilof Island Community

 Development Association.

 ``(ii) The villages of Aleknagik, Clark's

 Point, Dillingham, Egegik, Ekuk, Ekwok, King

 Salmon/Savonoski, Levelock, Manokotak, Naknek,

 Pilot Point, Port Heiden, Portage Creek, South

 Naknek, Togiak, Twin Hills, and Ugashik through

 the Bristol Bay Economic Development Corporation.

 ``(iii) The village of Saint Paul through the

 Central Bering Sea Fishermen's Association.

 ``(iv) The villages of Chefornak, Chevak, Eek,

 Goodnews Bay, Hooper Bay, Kipnuk, Kongiganak,

 Kwigillingok, Mekoryuk, Napakiak, Napaskiak,

 Newtok, Nightmute, Oscarville, Platinum,

 Quinhagak, Scammon Bay, Toksook Bay, Tuntutuliak,

 and Tununak through the Coastal Villages Region

 Fund.

 ``(v) The villages of Brevig Mission, Diomede,

 Elim, Gambell, Golovin, Koyuk, Nome, Saint

 Michael, Savoonga, Shaktoolik, Stebbins, Teller,

 Unalakleet, Wales, and White Mountain through the

 Norton Sound Economic Development Corporation.

 ``(vi) The villages of Alakanuk, Emmonak,

 Grayling, Kotlik, Mountain Village, and Nunam Iqua

 through the Yukon Delta Fisheries Development

 Association.

 ``(E) Eligibility requirements for participating

 entities.--To be eligible to participate in the program,

 an entity referred to in subparagraph (D) shall meet the

 following requirements:

 ``(i) <<NOTE: Establishment.>> Board of

 directors.--The entity shall be governed by a

 board of directors. At least 75 percent of the

 members of the board shall be resident fishermen

 from the entity's member villages. The board shall

 include at least one director selected by each

 such member village.

 ``(ii) Panel representative.--The entity shall

 elect a representative to serve on the panel

 established by subparagraph (G).

 ``(iii) Other investments.--The entity may

 make up to 20 percent of its annual investments in

 any combination of the following:

 ``(I) For projects that are not

 fishery-related and that are located in

 its region.

 ``(II) On a pooled or joint

 investment basis with one or more other

 entities participating in the program

 for projects that are not fishery-

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 related and that are located in one or

 more of their regions.

 ``(III) For matching Federal or

 State grants for projects or programs in

 its member villages without regard to

 any limitation on the Federal or State

 share, or restriction on the source of

 any non-Federal or non-State matching

 funds, of any grant program under any

 other provision of law.

 ``(iv) Fishery-related investments.--The

 entity shall make the remainder percent of its

 annual investments in fisheries-related projects

 or for other purposes consistent with the

 practices of the entity prior to March 1, 2006.

 ``(v) Annual statement of compliance.--Each

 year the entity, following approval by its board

 of directors and signed by its chief executive

 officer, shall submit a written statement to the

 Secretary and the State of Alaska that summarizes

 the purposes for which it made investments under

 clauses (iii) and (iv) during the preceding year.

 ``(vi) Other panel requirements.--The entity

 shall comply with any other requirements

 established by the panel under subparagraph (G).

 ``(F) Entity status, limitations, and regulation.--

 The entity--

 ``(i) shall be subject to any excessive share

 ownership, harvesting, or processing limitations

 in the fisheries of the Bering Sea and Aleutian

 Islands Management Area only to the extent of the

 entity's proportional ownership, excluding any

 program allocations, and notwithstanding any other

 provision of law;

 ``(ii) shall comply with State of Alaska law

 requiring annual reports to the entity's member

 villages summarizing financial operations for the

 previous calendar year, including general and

 administrative costs and compensation levels of

 the top 5 highest paid personnel;

 ``(iii) shall comply with State of Alaska laws

 to prevent fraud that are administered by the

 Alaska Division of Banking and Securities, except

 that the entity and the State shall keep

 confidential from public disclosure any

 information if the disclosure would be harmful to

 the entity or its investments; and

 ``(iv) is exempt from compliance with any

 State law requiring approval of financial

 transactions, community development plans, or

 amendments thereto, except as required by

 subparagraph (H).

 ``(G) Administrative panel.--

 ``(i) Establishment.--There is established a

 community development quota program panel.

 ``(ii) Membership.--The panel shall consist of

 6 members. Each entity participating in the

 program shall select one member of the panel.

 ``(iii) Functions.--The panel shall--

 ``(I) administer those aspects of

 the program not otherwise addressed in

 this paragraph, either through private

 contractual arrangement or

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 through recommendations to the North

 Pacific Council, the Secretary, or the

 State of Alaska, as the case may be; and

 ``(II) coordinate and facilitate

 activities of the entities under the

 program.

 ``(iv) Unanimity required.--The panel may act

 only by unanimous vote of all 6 members of the

 panel and may not act if there is a vacancy in the

 membership of the panel.

 ``(H) Decennial review and adjustment of entity

 allocations.--

 ``(i) In general.--During calendar year 2012

 and every 10 years thereafter, the State of Alaska

 shall evaluate the performance of each entity

 participating in the program based on the criteria

 described in clause (ii).

 ``(ii) Criteria.--The panel shall establish a

 system to be applied under this subparagraph that

 allows each entity participating in the program to

 assign relative values to the following criteria

 to reflect the particular needs of its villages:

 ``(I) Changes during the preceding

 10-year period in population, poverty

 level, and economic development in the

 entity's member villages.

 ``(II) The overall financial

 performance of the entity, including

 fishery and nonfishery investments by

 the entity.

 ``(III) Employment, scholarships,

 and training supported by the entity.

 ``(IV) Achieving of the goals of the

 entity's community development plan.

 ``(iii) Adjustment of allocations.--After the

 evaluation required by clause (i), the State of

 Alaska shall make a determination, on the record

 and after an opportunity for a hearing, with

 respect to the performance of each entity

 participating in the program for the criteria

 described in clause (ii). If the State determines

 that the entity has maintained or improved its

 overall performance with respect to the criteria,

 the allocation to such entity under the program

 shall be extended by the State for the next 10-

 year period. If the State determines that the

 entity has not maintained or improved its overall

 performance with respect to the criteria--

 ``(I) at least 90 percent of the

 entity's allocation for each species

 under subparagraph (C) shall be extended

 by the State for the next 10-year

 period; and

 ``(II) the State may determine, or

 the Secretary may determine (if State

 law prevents the State from making the

 determination), and implement an

 appropriate reduction of up to 10

 percent of the entity's allocation for

 each species under subparagraph (C) for

 all or part of such 10-year period.

 ``(iv) Reallocation of reduced amount.--If the

 State or the Secretary reduces an entity's

 allocation

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 under clause (iii), the reduction shall be

 reallocated among other entities participating in

 the program whose allocations are not reduced

 during the same period in proportion to each such

 entity's allocation of the applicable species

 under subparagraph (C).

 ``(I) Secretarial approval not required.--

 Notwithstanding any other provision of law or regulation

 thereunder, the approval by the Secretary of a community

 development plan, or an amendment thereof, under the

 program is not required.

 ``(J) Community development plan defined.--In this

 paragraph, the term `community development plan' means a

 plan, prepared by an entity referred to in subparagraph

 (D), for the program that describes how the entity

 intends--

 ``(i) to harvest its share of fishery

 resources allocated to the program, or

 ``(ii) to use its share of fishery resources

 allocated to the program, and any revenue derived

 from such use, to assist its member villages with

 projects to advance economic development,

 but does not include a plan that allocates fishery

 resources to the program.''.

 (b) <<NOTE: 16 USC 1855 note.>> No Interruption of Existing

Allocations.--The amendment made by subsection (a) shall not be

construed or implemented in a way that causes any interruption in the

allocations of fishery resources to the western Alaska community

development quota program or in the opportunity of an entity

participating in that program to harvest its share of such allocations.

 (c) Loan Subsidies.--The last proviso under the heading ``National

Oceanic and Atmospheric Administration--operations, research, and

facilities'' in the Science, State, Justice, Commerce, and Related

Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2311-

2312) is amended--

 (1) by striking ``for the cost of loans'' and inserting ``to

 subsidize gross obligations for the principal amount of direct

 loans, not to exceed a total of $200,000,000,''; and

 (2) by striking ``use'' and inserting ``the purchase of all

 or part of ownership interests in fishing or processing vessels,

 shoreside fish processing facilities, permits, quota, and

 cooperative rights''.

SEC. 417. QUOTA SHARE ALLOCATION.

 (a) In General.-- The Secretary of Commerce shall modify the

Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering

Sea and Aleutian Islands being implemented under section 313(j) of the

Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C.

1862(j)) to require that Blue Dutch, LLC, receives processor quota

shares units equal to 0.75 percent of the total number of processor

quota share units for each of the following fisheries: the Bristol Bay

red king crab fishery and the Bering Sea C. opilio crab fishery.

 (b) Applicability.--The modification made under subsection (a) shall

apply with respect to each fishery referred to in subsection (a)

whenever the total allowable catch for that fishery is more than 2

percent higher than the most recent total allowable catch in effect for

that fishery prior to September 15, 2005.

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 (c) Savings Provision.--Nothing in this section affects the

authority of the North Pacific Fishery Management Council to submit, and

the Secretary of Commerce to implement, changes to or repeal of

conservation and management measures under section 313(j)(3)) of the

Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C.

1862(j)(3)).

 (d) Regulations.--Not <<NOTE: Deadline.>> later than 60 days after

the date of enactment of this Act, the Secretary of Commerce shall issue

regulations to implement this section.

SEC. 418. MAINE FISH TENDER VESSELS.

 The prohibition under section 27 of the Merchant Marine Act, 1920

(46 App. U.S.C. 883) against transportation of fish or shellfish between

places in the State of Maine by a vessel constructed in Canada shall not

apply to a vessel of less than 5 net tons if--

 (1) the vessel was engaged in the transportation of fish or

 shellfish between places in the State of Maine before January 1,

 2005;

 (2) before January 1, 2005, the owner of the vessel

 transported fish or shellfish pursuant to a valid wholesale

 seafood license issued under section 6851 of title 12 of the

 Maine Revised Statutes;

 (3) the vessel is owned by a person that meets the

 citizenship requirements of section 2 of the Shipping Act, 1916

 (46 U.S.C. App. 802); and

 (4) <<NOTE: Deadline.>> not later than 180 days after the

 date of enactment of this Act, the owner of the vessel submits

 to the Secretary of the department in which the Coast Guard is

 operating an affidavit certifying that the vessel and owner meet

 the requirements of this section.

SEC. 419. <<NOTE: Deadlines. Grants.>> AUTOMATIC IDENTIFICATION SYSTEM.

 (a) Prevention of Harmful Interference.--Not later than 60 days

after the date of enactment of this Act, the Secretary of the department

in which the Coast Guard is operating, acting through the Commandant of

the Coast Guard, may transfer $1,000,000 to the National

Telecommunications and Information Administration of the Department of

Commerce for the purposes of awarding, not later than 120 days after

such date of enactment, a competitive grant to design and develop a

prototype device that integrates a Class B Automatic Identification

System transponder (International Electrotechnical Commission standard

62287) with a wireless maritime data device approved by the Federal

Communications Commission with channel throughput greater than 19.2

kilobits per second to enable such wireless maritime data device to

provide wireless maritime data services, concurrent with the operation

of the transponder, on frequency channels adjacent to the frequency

channels on which the transponder operates, while minimizing or

eliminating the harmful interference between the transponder and such

wireless maritime data device. The design of the device developed under

this subsection shall be available for public use.

 (b) Implementation of AIS.--It is the sense of the Senate, not later

than 60 days after the date of enactment of this Act, that the Federal

Communications Commission should resolve the disposition of its

rulemaking on the Automatic Information System and licensee use of

frequency bands 157.1875-157.4375 MHz and 161.7875-162.0375 MHz (RM-

10821, WT Docket Number 04-344).

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The implementation of this section shall not delay the implementation of

an Automatic Identification System as required by section 70114 of title

46, United States Code, and international convention.

SEC. 420. VOYAGE DATA RECORDER STUDY AND REPORT.

 (a) Study.--The Secretary of the department in which the Coast Guard

is operating shall study--

 (1) the carriage of a voyage data recorder by a passenger

 vessel described in section 2101(22)(D) of title 46, United

 States Code, carrying more than 399 passengers; and

 (2) standards for voyage data recorders, methods for

 approval of models of voyage data recorders, and procedures for

 annual performance testing of voyage data recorders.

 (b) Consultation.--In conducting the study, the Secretary shall

consult, at a minimum, with manufacturers of voyage data recorders and

operators of potentially affected passenger vessels.

 (c) Report.--Not later than one year after the date of enactment of

this Act, the Secretary shall submit to the Committee on Commerce,

Science, and Transportation of the Senate and the Committee on

Transportation and Infrastructure of the House of Representatives a

report on the study's findings, including a proposal for legislation if

such a proposal is considered appropriate by the Secretary.

SEC. 421. DISTANT WATER TUNA FLEET.

 (a) Manning Requirements.--Notwithstanding section 8103(a) of title

46, United States Code, United States purse seine fishing vessels

fishing exclusively for highly migratory species in the treaty area

under a fishing license issued pursuant to the 1987 Treaty on Fisheries

Between the Governments of Certain Pacific Islands States and the

Government of the United States of America, or transiting to or from the

treaty area exclusively for such purpose, may engage foreign citizens to

meet the manning requirement (except for the master) in the 48-month

period beginning on the date of enactment of this Act if, after timely

notice of a vacancy to meet the manning requirement, no United States

citizen personnel are readily available to fill such vacancy.

 (b) Licensing Restrictions.--

 (1) In general.--Subsection (a)(1) only applies to a foreign

 citizen that holds a valid license or certificate issued--

 (A) in accordance with the standards established by

 the 1995 amendments to the Convention on Standards of

 Training, Certification and Watchkeeping for Seafarers,

 1978 (STCW 95); and

 (B) by an authority that the Secretary of the

 department in which the Coast Guard is operating

 recognizes as imposing competency and training standards

 equivalent to or exceeding those required for a United

 States license issued under chapter 71 of title 46,

 United States Code.

 (2) Treatment of equivalent license.--An equivalent license

 or certificate as recognized by the Secretary under paragraph

 (1) shall be considered as meeting the requirements of section

 8304 of title 46, United States Code, but only while a person

 holding the license or certificate is in the service of a vessel

 to which this section applies.

 (c) Limitation.--Subsection (a) applies only to vessels operating in

and out of American Samoa.

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 (d) Expiration.--This section expires 48 months after the date of

enactment of this Act.

 (e) Reports.--On March 1, 2007, and annually thereafter until the

date of expiration of this section, the Coast Guard and the National

Marine Fisheries Service shall submit a report to the Committee on

Commerce, Science, and Transportation of the Senate and the Committees

on Transportation and Infrastructure and Resources of the House of

Representatives, providing the following information on the United

States purse seine fleet referred to in subsection (a):

 (1) The number and identity of vessels in the fleet using

 foreign citizens to meet manning requirements pursuant to this

 section and any marine casualties involving such vessel.

 (2) The number of vessels in the fishery under United States

 flag as of January 1 of the year in which the report is

 submitted, the percentage ownership or control of such vessels

 by non-United States citizens, and the nationality of such

 ownership or control.

 (3) Description of any transfers or sales of United States

 flag vessels in the previous calendar year, and the disposition

 of such vessel, including whether the vessel was scrapped or

 sold, and, if sold, the nationality of the new owner and

 location of any fishery to which the vessel will be transferred.

 (4) Landings of tuna by vessels under flag in the 2 previous

 calendar years, including an assessment of landing trends, and a

 description of landing percentages and totals--

 (A) delivered to American Samoa and any other port

 in a State or territory of the United States; and

 (B) delivered to ports outside of a State or

 territory of the United States, including the identity

 of the port.

 (5) An evaluation of capacity and trends in the purse seine

 fleet fishing in the area covered by the South Pacific Regional

 Fisheries Treaty, and any transfer of capacity from such fleet

 or area to other fisheries, including those governed under the

 Western and Central Pacific Fisheries Convention and the Inter-

 American Tropical Tuna Convention.

 TITLE V--LIGHTHOUSES

SEC. 501. TRANSFER.

 (a) <<NOTE: Alaska.>> Jurisdictional Transfers.--Administrative

jurisdiction over the National Forest System lands in the State of

Alaska described in subsection (b) and improvements situated on such

lands is transferred without consideration from the Secretary of

Agriculture to the Secretary of the department in which the Coast Guard

is operating.

 (b) Areas Referred To.--The areas of lands referred to in subsection

(a) are the following:

 (1) Guard island light station.--The area described in the

 Guard Island Lighthouse reserve dated January 4, 1901,

 comprising approximately 8.0 acres of National Forest uplands.

 (2) Eldred rock light station.--The area described in the

 December 30, 1975, listing of the Eldred Rock Light Station on

 the National Register of Historic Places, comprising

 approximately 2.4 acres.

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 (3) Mary island light station.--The area described as the

 remaining National Forest System uplands in the Mary Island

 Lighthouse Reserve dated January 4, 1901, as amended by Public

 Land Order 6964, dated April 5, 1993, comprising approximately

 1.07 acres.

 (4) Cape hinchinbrook light station.--The area described in

 the survey dated November 1, 1957, prepared for the Coast Guard

 for the Cape Hinchinbrook Light Station comprising approximately

 57.4 acres.

 (c) Maps.--The Commandant of the Coast Guard, in consultation with

the Secretary of Agriculture, shall prepare and maintain maps of the

lands transferred by subsection (a), and such maps shall be on file and

available for public inspection in the Coast Guard District 17 office in

Juneau, Alaska.

 (d) Effect of Transfer.--The lands transferred to the Secretary of

the department in which the Coast Guard is operating by subsection (a)--

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

 Guard;

 (2) shall be considered to be transferred from, and no

 longer part of, the National Forest System; and

 (3) shall be considered not suitable for return to the

 public domain for disposition under the general public land

 laws.

 (e) Transfer of Land.--

 (1) Requirement.--Subject to paragraph (2), the

 Administrator of General Services, upon request by the Secretary

 of Agriculture, shall transfer without consideration to the

 Secretary of Agriculture any land identified in subsection (b),

 together with the improvements thereon, for administration under

 the laws pertaining to the National Forest System if--

 (A) <<NOTE: Deadline.>> the Secretary of the

 Interior cannot identify and select an eligible entity

 for such land and improvements in accordance with

 section 308(b)(2) of the National Historic Preservation

 Act (16 U.S.C. 470w-7(b)(2)) not later than 3 years

 after the date the Secretary of the department in which

 the Coast Guard is operating determines that the land is

 excess property, as that term is defined in section

 102(3) of title 40, United States Code; or

 (B) the land reverts to the United States pursuant

 to section 308(c)(3) of the National Historic

 Preservation Act (16 U.S.C. 470w-7(c)(3)).

 (2) Reservations for aids to navigation.--Any action taken

 under this subsection by the Administrator of General Services

 shall be subject to any rights that may be reserved by the

 Commandant of the Coast Guard for the operation and maintenance

 of Federal aids to navigation.

 (f) Notification; Disposal of Lands by the Administrator.--The

Administrator of General Services shall promptly notify the Secretary of

Agriculture upon the occurrence of any of the events described in

subparagraphs (A) and (B) of subsection (e)(1). <<NOTE: Deadline.>> If

the Secretary of Agriculture does not request a transfer as provided for

in subsection (e) not later than 90 days after the date of receiving

such notification from the Administrator, the Administrator may dispose

of the property in accordance with section 309 of the National Historic

Preservation Act (16 U.S.C. 470w-8) or other applicable surplus real

property disposal authority.

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 (g) Priority.--In selecting an eligible entity to which to convey

under section 308(b) of the National Historic Preservation Act (16

U.S.C. 470w-7(b)) land referred to in subsection (b), the Secretary of

the Interior shall give priority to an eligible entity (as defined in

section 308(e) of that Act) that is the local government of the

community in which the land is located.

SEC. 502. MISTY FIORDS NATIONAL MONUMENT AND WILDERNESS.

 (a) Requirement to Transfer.--Notwithstanding section 308(b) of the

National Historic Preservation Act (16 U.S.C. 470w-7(b)), if the

Secretary of the department in which the Coast Guard is operating

determines that the Tree Point Light Station is no longer needed for the

purposes of the Coast Guard, the Secretary shall transfer without

consideration to the Secretary of Agriculture all administrative

jurisdiction over the Tree Point Light Station.

 (b) Effectuation of Transfer.--The transfer pursuant to this section

shall be effectuated by a letter from the Secretary of the department in

which the Coast Guard is operating to the Secretary of Agriculture and,

except as provided in subsection (g), without any further requirements

for administrative or environmental analyses or examination. The

transfer shall not be considered a conveyance to an eligible entity

pursuant to section 308(b) of the National Historic Preservation Act (16

U.S.C. 470w-7(b)).

 (c) Reservation for Aids to Navigation.--As part of the transfer

pursuant to this section, the Commandant of the Coast Guard may reserve

rights to operate and maintain Federal aids to navigation at the site of

the light station.

 (d) Easements and Special Use Authorizations.--Notwithstanding any

other provision of law, including the Wilderness Act (16 U.S.C. 1131 et

seq.) and section 703 of the Alaska National Interests Lands

Conservation Act (16 U.S.C. 1132 note; 94 Stat. 2418), with respect to

the light station transferred pursuant to this section, the Secretary of

Agriculture--

 (1) may identify an entity to be granted an easement or

 other special use authorization and, in identifying the entity,

 may consult with the Secretary of the Interior concerning the

 application of policies for eligible entities developed pursuant

 to subsection 308(b)(1) of the National Historic Preservation

 Act (16 U.S.C. 470w-7(b)(1)); and

 (2) may grant an easement or other special use authorization

 to the entity, for no consideration, to approximately 31 acres

 as described in the map entitled ``Tree Point Light Station'',

 dated September 24, 2004, on terms and conditions that provide

 for--

 (A) maintenance and preservation of the structures

 and improvements;

 (B) the protection of wilderness and national

 monument resources;

 (C) public safety; and

 (D) such other terms and conditions considered

 appropriate by the Secretary of Agriculture.

 (e) Actions Following Termination or Revocation.--The Secretary of

Agriculture may take such actions as are authorized under section 110(b)

of the National Historic Preservation Act (16 U.S.C. 470h-2(b)) with

respect to Tree Point Light Station if--

 (1) <<NOTE: Deadline.>> no entity is identified under

 subsection (d) within 3 years after the date on which

 administrative jurisdiction is

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 transferred to the Secretary of Agriculture pursuant to this

 section; or

 (2) any easement or other special use authorization granted

 under subsection (d) is terminated or revoked.

 (f) Revocation of Withdrawals and Reservations.--Effective on the

date of transfer of administrative jurisdiction pursuant to this

section, the following public land withdrawals or reservations for light

station and lighthouse purposes on lands in Alaska are revoked as to the

lands transferred:

 (1) The unnumbered Executive Order dated January 4, 1901, as

 it affects the Tree Point Light Station site only.

 (2) Executive Order No. 4410 dated April 1, 1926, as it

 affects the Tree Point Light Station site only.

 (g) Remediation Responsibilities not Affected.--Nothing in this

section shall affect any responsibilities of the Commandant of the Coast

Guard for the remediation of hazardous substances and petroleum

contamination at the Tree Point Light Station consistent with existing

law and regulations. The Commandant and the Secretary shall execute an

agreement to provide for the remediation of the land and structures at

the Tree Point Light Station.

SEC. 503. MISCELLANEOUS LIGHT STATIONS.

 (a) Cape St. Elias Light Station.--For purposes of section 416(a)(2)

of the Coast Guard Authorization Act of 1998 (112 Stat. 3435), the Cape

St. Elias Light Station shall comprise approximately 10 acres in fee,

along with additional access easements issued without consideration by

the Secretary of Agriculture, as generally described in the map entitled

``Cape St. Elias Light Station'', dated September 14, 2004. The

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

keep such map on file and available for public inspection.

 (b) Point Wilson Lighthouse.--Section 325(c)(3) of the Coast Guard

Authorization Act of 1993 (107 Stat. 2432) is amended--

 (1) by striking ``and'' at the end of subparagraph (B);

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

 and

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

 ``(C) all housing units and related structures

 associated with the lighthouse; and''.

SEC. 504. <<NOTE: 16 USC 668dd note.>> 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

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beginning due South (magnetic) a distance of 700 feet, more or less, to

the shoreline of Apalachee Bay, comprising 8.0 acres, more or less, as

shown on the plat dated January 2, 1902, by Office of L. H. Engineers,

7th and 8th District, Mobile, Alabama.

 (c) Transfer of Administrative Jurisdiction.--

 (1) In general.--Subject to subsection (f) and paragraph

 (2), administrative jurisdiction over the public land described

 in subsection (b), and over all improvements located thereon, is

 transferred without reimbursement from the department in which

 the Coast Guard is operating to the Secretary of the Interior.

 (2) Response and restoration.--The transfer under paragraph

 (1) may not be made to the Secretary of the Interior until the

 Coast Guard has completed any response and restoration action

 necessary under subsection (d)(1).

 (d) Responsibility for Environmental Response Actions.--The Coast

Guard shall have sole responsibility in the Federal Government to fund

and conduct any response or restoration action required under any

applicable Federal or State law or implementing regulation to address--

 (1) a release or threatened release on or originating from

 public land described in subsection (b) of any hazardous

 substance, pollutant, contaminant, petroleum, or petroleum

 product or derivative that is located on such land on the date

 of enactment of this Act; or

 (2) any other release or threatened release on or

 originating from public land described in subsection (b) of any

 hazardous substance, pollutant, contaminant, petroleum, or

 petroleum product or derivative, that results from any Coast

 Guard activity occurring after the date of enactment of this

 Act.

 (e) Inclusion in Refuge.--

 (1) Inclusion.--The public land described in subsection (b)

 shall be part of St. Marks National Wildlife Refuge.

 (2) Administration.--Subject to this subsection, the

 Secretary of the Interior shall administer the public land

 described in subsection (b)--

 (A) through the Director of the United States Fish

 and Wildlife Service; and

 (B) in accordance with the National Wildlife Refuge

 System Administration Act of 1966 (16 U.S.C. 668dd et

 seq.) and such other laws as apply to Federal real

 property under the sole jurisdiction of the United

 States Fish and Wildlife Service.

 (f) Maintenance of Navigation Functions.--The transfer by subsection

(c), and the administration of the public land described in subsection

(b), shall be subject to such conditions and restrictions as the

Secretary of the department in which the Coast Guard is operating

considers necessary to ensure that--

 (1) the Federal aids to navigation located at St. Marks

 National Wildlife Refuge continue to be operated and maintained

 by the Coast Guard for as long as they are needed for

 navigational purposes;

 (2) the Coast Guard may remove, replace, or install any

 Federal aid to navigation at the St. Marks National Wildlife

 Refuge as may be necessary for navigational purposes;

 (3) the United States Fish and Wildlife Service will not

 interfere or allow interference in any manner with any Federal

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 aid to navigation, and will not hinder activities required for

 the operation and maintenance of any Federal aid to navigation,

 without express written approval by the Secretary of the

 department in which the Coast Guard is operating; and

 (4) the Coast Guard may enter, at any time, the St. Marks

 National Wildlife Refuge, without notice, for purposes of

 operating, maintaining, and inspecting any Federal aid to

 navigation and ensuring compliance with this subsection, to the

 extent that it is not possible to provide advance notice.

 TITLE <<NOTE: Delaware River Protection Act of 2006.>> VI--DELAWARE

RIVER PROTECTION AND MISCELLANEOUS OIL PROVISIONS

SEC. 601. <<NOTE: 33 USC 2701 note.>> SHORT TITLE.

 This title may be cited as the ``Delaware River Protection Act of

2006''.

SEC. 602. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO

 THE NAVIGABLE WATERS OF THE UNITED STATES.

 The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is

amended by adding at the end the following:

``SEC. 15. <<NOTE: 33 USC 1232b.>> REQUIREMENT TO NOTIFY COAST GUARD OF

 RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED

 STATES.

 ``(a) Requirement.--As soon as a person has knowledge of any release

from a vessel or facility into the navigable waters of the United States

of any object that creates an obstruction prohibited under section 10 of

the Act of March 3, 1899, popularly known as the Rivers and Harbors

Appropriations Act of 1899 (33 U.S.C. 403), such person shall notify the

Secretary and the Secretary of the Army of such release.

 ``(b) Restriction on Use of Notification.--Any notification provided

by an individual in accordance with subsection (a) may not be used

against such individual in any criminal case, except a prosecution for

perjury or for giving a false statement.''.

SEC. 603. LIMITS ON LIABILITY.

 (a) Adjustment of Liability Limits.--

 (1) Tank vessels.--Section 1004(a)(1) of the Oil Pollution

 Act of 1990 (33 U.S.C. 2704(a)(1)) is amended by striking

 subparagraphs (A) and (B) and inserting the following:

 ``(A) with respect to a single-hull vessel,

 including a single-hull vessel fitted with double sides

 only or a double bottom only, $3,000 per gross ton;

 ``(B) with respect to a vessel other than a vessel

 referred to in subparagraph (A), $1,900 per gross ton;

 or

 ``(C)(i) with respect to a vessel greater than 3,000

 gross tons that is--

 ``(I) a vessel described in subparagraph (A),

 $22,000,000; or

 ``(II) a vessel described in subparagraph (B),

 $16,000,000; or

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 ``(ii) with respect to a vessel of 3,000 gross tons

 or less that is--

 ``(I) a vessel described in subparagraph (A),

 $6,000,000; or

 ``(II) a vessel described in subparagraph (B),

 $4,000,000;''.

 (2) Other vessels.--Section 1004(a)(2) of such <<NOTE: 33

 USC 2704.>> Act (33 U.S.C. 2794(a)(2)) is amended--

 (A) by striking ``$600 per gross ton'' and inserting

 ``$950 per gross ton''; and

 (B) by striking ``$500,000'' and inserting

 ``$800,000,''.

 (3) <<NOTE: 33 USC 2704 note.>> Limitation on application.--

 In the case of an incident occurring before the 90th day

 following the date of enactment of this Act, section 1004(a)(1)

 of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall

 apply as in effect immediately before the effective date of this

 subsection.

 (b) Adjustment to Reflect Consumer Price Index.--Section 1004(d)(4)

of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to

read as follows:

 ``(4) Adjustment to reflect consumer price index.--

 The <<NOTE: President. Regulations. Deadline.>> President, by

 regulations issued not later than 3 years after the date of

 enactment of the Delaware River Protection Act of 2006 and not

 less than every 3 years thereafter, shall adjust the limits on

 liability specified in subsection (a) to reflect significant

 increases in the Consumer Price Index.''.

 (c) <<NOTE: 33 USC 2704 note.>> Report.--

 (1) Initial report.--Not later than 45 days after the date

 of enactment of this Act, the Secretary of the department in

 which the Coast Guard is operating shall submit a report on

 liability limits described in paragraph (2) to the Committee on

 Commerce, Science, and Transportation of the Senate and the

 Committee on Transportation and Infrastructure of the House of

 Representatives.

 (2) Contents.--The report shall include, at a minimum, the

 following:

 (A) An analysis of the extent to which oil

 discharges from vessels and nonvessel sources have or

 are likely to result in removal costs and damages (as

 defined in section 1001 of the Oil Pollution Act of 1990

 (33 U.S.C. 2701)) for which no defense to liability

 exists under section 1003 of such Act and that exceed

 the liability limits established in section 1004 of such

 Act, as amended by this section.

 (B) An analysis of the impacts that claims against

 the Oil Spill Liability Trust Fund for amounts exceeding

 such liability limits will have on the Fund.

 (C) Based on analyses under this paragraph and

 taking into account other factors impacting the Fund,

 recommendations on whether the liability limits need to

 be adjusted in order to prevent the principal of the

 Fund from declining to levels that are likely to be

 insufficient to cover expected claims.

 (3) Annual updates.--The Secretary shall provide an update

 of the report to the Committees referred to in paragraph (1) on

 an annual basis.

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SEC. 604. <<NOTE: Deadline.>> REQUIREMENT TO UPDATE PHILADELPHIA AREA

 CONTINGENCY PLAN.

 Not later than one year after the date of enactment of this Act and

not less than annually thereafter, the Philadelphia Area Committee

established under section 311(j)(4) of the Federal Water Pollution

Control Act (33 U.S.C. 1321(j)(4)) shall review and revise the

Philadelphia Area Contingency Plan to include available data and

biological information on environmentally sensitive areas of the

Delaware River and Delaware Bay that has been collected by Federal and

State surveys.

SEC. 605. SUBMERGED OIL REMOVAL.

 (a) Amendments.--Title VII of the Oil Pollution Act of 1990 is

amended--

 (1) in section 7001(c)(4)(B) (33 U.S.C. 2761(c)(4)(B)) by

 striking ``RIVERA,'' and inserting ``RIVERA and the T/V ATHOS

 I,''; and

 (2) by adding at the end the following:

``SEC. 7002. <<NOTE: 33 USC 2762.>> SUBMERGED OIL PROGRAM.

 ``(a) Program.--

 ``(1) Establishment.--The Under Secretary of Commerce for

 Oceans and Atmosphere, in conjunction with the Commandant of the

 Coast Guard, shall establish a program to detect, monitor, and

 evaluate the environmental effects of submerged oil in the

 Delaware River and Bay region. The program shall include the

 following elements:

 ``(A) The development of methods to remove,

 disperse, or otherwise diminish the persistence of

 submerged oil.

 ``(B) The development of improved models and

 capacities for predicting the environmental fate,

 transport, and effects of submerged oil.

 ``(C) The development of techniques to detect and

 monitor submerged oil.

 ``(2) Report.--Not later than 3 years after the date of

 enactment of the Delaware River Protection Act of 2006, the

 Secretary of Commerce shall submit to the Committee on Commerce,

 Science, and Transportation of the Senate and the Committee on

 Transportation and Infrastructure of the House of

 Representatives a report on the activities carried out under

 this subsection and activities proposed to be carried out under

 this subsection.

 ``(b) Demonstration Project.--

 ``(1) Removal of submerged oil.--The Commandant of the Coast

 Guard, in conjunction with the Under Secretary of Commerce for

 Oceans and Atmosphere, shall conduct a demonstration project for

 the purpose of developing and demonstrating technologies and

 management practices to remove submerged oil from the Delaware

 River and other navigable waters.

 ``(2) Funding.--There is authorized to be appropriated to

 the Commandant of the Coast Guard $2,000,000 for each of fiscal

 years 2006 through 2010 to carry out this subsection.''.

 (b) Clerical Amendment.--The table of sections in section 2 of such

Act is amended by inserting after the item relating to section 7001 the

following:

``Sec. 7002. Submerged oil program''.

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SEC. 606. ASSESSMENT OF OIL SPILL COSTS.

 (a) Assessment.--The Comptroller General shall conduct an assessment

of the cost of response activities and claims related to oil spills from

vessels that have occurred since January 1, 1990, for which the total

costs and claims paid was at least $1,000,000 per spill.

 (b) Report.--Not later than 18 months after the date of enactment of

this Act, the Comptroller General shall submit to the Committee on

Commerce, Science, and Transportation of the Senate and the Committee on

Transportation and Infrastructure of the House of Representatives a

report on the assessment conducted under subsection (a). The report

shall summarize the following:

 (1) The costs and claims described in subsection (a) for

 each year covered by the report.

 (2) The source, if known, of each spill described in

 subsection (a) for each such year.

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

 (a) Establishment.--There is established the Delaware River and Bay

Oil Spill Advisory Committee (in this section referred to as the

``Committee'').

 (b) Membership.--

 (1) In general.--The Committee shall consist of 27 members

 who are appointed by the Commandant of the Coast Guard and who

 have particular expertise, knowledge, and experience regarding

 the transportation, equipment, and techniques that are used to

 ship cargo and to navigate vessels in the Delaware River and

 Delaware Bay, as follows:

 (A) Three members who are employed by port

 authorities that oversee operations on the Delaware

 River or have been selected to represent these port

 authorities, of whom--

 (i) one member shall be an employee or

 representative of the Port of Wilmington;

 (ii) one member shall be an employee or

 representative of the South Jersey Port

 Corporation; and

 (iii) one member shall be an employee or

 representative of the Philadelphia Regional Port

 Authority.

 (B) Two members who represent organizations that

 operate tugs or barges that utilize the port facilities

 on the Delaware River and Delaware Bay.

 (C) Two members who represent shipping companies

 that transport cargo by vessel from ports on the

 Delaware River and Delaware Bay, of whom at least one

 may not be a representative of a shipping company that

 transports oil or petroleum products.

 (D) Two members who represent operators of oil

 refineries adjacent to the Delaware River and Delaware

 Bay.

 (E) Two members who represent State-licensed pilots

 who work on the Delaware River and Delaware Bay.

 (F) One member who represents labor organizations

 whose members load and unload cargo at ports on the

 Delaware River and Delaware Bay.

 (G) One member who represents local commercial

 fishing interests or an aquaculture organization the

 members of which organization depend on fisheries and

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 resources in the waters of Delaware River or Delaware

 Bay.

 (H) Three members who represent environmental

 organizations active with respect to the Delaware River

 and Delaware Bay, including a watershed advocacy group

 and a wildlife conservation advocacy group.

 (I) One member who represents an organization

 affiliated with recreational fishing interests in the

 vicinity of Delaware River and Delaware Bay.

 (J) Two members who are scientists or researchers

 associated with an academic institution and who have

 professional credentials in fields of research relevant

 to oil spill safety, oil spill response, or wildlife and

 ecological recovery.

 (K) Two members who are municipal or county

 officials from Delaware.

 (L) Two members who are municipal or county

 officials from New Jersey.

 (M) Two members who are municipal or county

 officials from Pennsylvania.

 (N) One member who represents an oil spill response

 organization located on the lower Delaware River and

 Delaware Bay.

 (O) One member who represents the general public.

 (2) Ex officio members.--The Committee may also consist of

 an appropriate number (as determined by the Commandant of the

 Coast Guard) of nonvoting members who represent Federal agencies

 and agencies of the States of New Jersey, Pennsylvania, and

 Delaware with an interest in oil spill prevention in the

 Delaware River and Delaware Bay.

 (c) Responsibilities.--

 (1) In general.--The Committee shall provide advice and

 recommendations on measures to improve the prevention of and

 response to future oil spills in the Delaware River and Delaware

 Bay to the Commandant, the Governors of the States of New

 Jersey, Pennsylvania, and Delaware, the Committee on Commerce,

 Science, and Transportation of the Senate, and the Committee on

 Transportation and Infrastructure of the House of

 Representatives.

 (2) Report.--Not later than 18 months after the date that

 the Commandant completes appointment of the members of the

 Committee, the Committee shall provide a report to the entities

 referred to in paragraph (1) with the recommendations of the

 Committee, including a ranking of priorities, for measures to

 improve prevention and response to oil spills described in

 paragraph (1).

 (d) Meetings.--The Committee--

 (1) <<NOTE: Deadline.>> shall hold its first meeting not

 later than 60 days after the date on which the Commandant

 completes the appointment of members of the Committee; and

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

 (e) Appointment of Members.--The <<NOTE: Federal Register,

publication.>> Commandant shall appoint the members of the Committee

after soliciting nominations by notice published in the Federal

Register.

 (f) Chairman and Vice Chairman.--The Committee shall elect, by

majority vote at its first meeting, one of the members of the Committee

as the Chairman and one of the members as the Vice

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Chairman. The Vice Chairman shall act as Chairman in the absence of or

incapacity of the Chairman or in the event of vacancy in the office of

the Chairman.

 (g) Pay and Expenses.--

 (1) Prohibition on pay.--Members of the Committee who are

 not officers or employees of the United States shall serve

 without pay. Members of the Committee who are officers or

 employees of the United States shall receive no additional pay

 on account of their service on the Committee.

 (2) Expenses.--While away from their homes or regular places

 of business, members of the Committee may be allowed travel

 expenses, including per diem, in lieu of subsistence, as

 authorized by section 5703 of title 5, United States Code.

 (h) Funding.--There is authorized to be appropriated $1,000,000 for

each of fiscal years 2006 through 2007 to carry out this section.

 (i) Termination.--The Committee shall terminate 18 months after the

date on which the Commandant completes the appointment of members of the

Committee.

SEC. 608. NONTANK VESSELS.

 Section 311(a)(26) of the Federal Water Pollution Control Act (33

U.S.C. 1321(A)(26)) is amended to read as follows:

 ``(26) `nontank vessel' means a self-propelled vessel that--

 ``(A) is at least 400 gross tons as measured under

 section 14302 of title 46, United States Code, or, for

 vessels not measured under that section, as measured

 under section 14502 of that title;

 ``(B) is not a tank vessel;

 ``(C) carries oil of any kind as fuel for main

 propulsion; and

 ``(D) operates on the navigable waters of the United

 States, as defined in section 2101(17a) of that

 title.''.

 TITLE VII--HURRICANE RESPONSE

SEC. 701. HOMEOWNERS ASSISTANCE FOR COAST GUARD PERSONNEL AFFECTED BY

 HURRICANES KATRINA OR RITA.

 (a) In General.--Notwithstanding any other provision of law, the

Secretary of the department in which the Coast Guard is operating may

reimburse a person who is eligible for reimbursement under this section,

for losses of qualified property owned by such person that result from

damage caused by Hurricane Katrina or Hurricane Rita.

 (b) Eligible Persons.--A person is eligible for reimbursement under

this section if the person is a civilian employee of the Federal

Government or member of the uniformed services who--

 (1) was assigned to, or employed at or in connection with, a

 Coast Guard facility located in the State of Louisiana,

 Mississippi, Alabama, or Texas on or before August 28, 2005;

 (2) incident to such assignment or employment, owned and

 occupied property that is qualified property under subsection

 (e); and

 (3) as a result of the effects of Hurricane Katrina or

 Hurricane Rita, incurred damage to such qualified property such

 that--

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 (A) the qualified property is unsalable (as

 determined by the Secretary); and

 (B) the proceeds, if any, of insurance for such

 damage are less than an amount equal to the greater of--

 (i) the fair market value of the qualified

 property on August 28, 2005 (as determined by the

 Secretary); or

 (ii) the outstanding mortgage, if any, on the

 qualified property on that date.

 (c) Reimbursement Amount.--The amount of the reimbursement that an

eligible person may be paid under this section with respect to a

qualified property shall be determined as follows:

 (1) In the case of qualified property that is a dwelling

 (including a condominium unit but excluding a manufactured

 home), the amount shall be--

 (A) the amount equal to the greater of--

 (i) 85 percent of the fair market value of the

 dwelling on August 28, 2005 (as determined by the

 Secretary); or

 (ii) the outstanding mortgage, if any, on the

 dwelling on that date; minus

 (B) the proceeds, if any, of insurance referred to

 in subsection (b)(3)(B).

 (2) In the case of qualified property that is a manufactured

 home, the amount shall be--

 (A) if the owner also owns the real property

 underlying such home, the amount determined under

 paragraph (1); or

 (B) if the owner leases such underlying property--

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

 plus

 (ii) the amount of rent payable under the

 lease of such property for the period beginning on

 August 28, 2005, and ending on the date of the

 reimbursement under this section.

 (d) Transfer and Disposal of Property.--

 (1) In general.--A person receiving reimbursement under this

 section shall transfer to the Administrator of General Services

 all right, title, and interest of the owner in and to the

 qualified property for which the owner receives such

 reimbursement. The Administrator shall hold, manage, and dispose

 of such right, title, and interest in the same manner that the

 Secretary of Defense holds, manages, and disposes of real

 property under section 1013 of the Demonstration Cities and

 Metropolitan Development Act of 1966 (42 U.S.C. 3374).

 (2) Treatment of proceeds.--Any amounts received by the

 United States as proceeds of management or disposal of property

 by the Administrator of General Services under this subsection

 shall be deposited in the general fund of the Treasury as

 offsetting receipts of the department in which the Coast Guard

 is operating and ascribed to Coast Guard activities.

 (e) Qualified Property.--Property is qualified property for the

purposes of this section if as of August 28, 2005, the property was a

one- or two-family dwelling, manufactured home, or condominium unit in

the State of Louisiana, Mississippi, Alabama, or

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Texas that was owned and occupied, as a principal residence, by a person

who is eligible for reimbursement under this section.

 (f) Subject to Appropriations.--The authority to pay reimbursement

under this section is subject to the availability of appropriations.

SEC. 702. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES,

 CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

 (a) Licenses and Certificates of Registry.--Notwithstanding section

7106 and 7107 of title 46, United States Code, the Secretary of the

department in which the Coast Guard is operating may temporarily extend

the duration of a license or certificate of registry issued for an

individual under chapter 71 of that title for up to one year if--

 (1) the records of the individual are located at the Coast

 Guard facility in New Orleans that was damaged by Hurricane

 Katrina;

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

 Louisiana; or

 (3) the records of an individual were damaged or lost as a

 result of Hurricane Katrina.

 (b) Merchant Mariners' Documents.--Notwithstanding section 7302(g)

of title 46, United States Code, the Secretary of the department in

which the Coast Guard is operating may temporarily extend the duration

of a merchant mariners' document issued for an individual under chapter

73 of that title for up to one year, if--

 (1) the records of the individual are located at the Coast

 Guard facility in New Orleans that was damaged by Hurricane

 Katrina;

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

 Louisiana; or

 (3) the records of an individual were damaged or lost as a

 result of Hurricane Katrina.

 (c) Manner of Extension.--Any extensions granted under this section

may be granted to individual seamen or a specifically identified group

of seamen.

 (d) Expiration of Authority.--The authorities provided under this

section expire on April 1, 2007.

SEC. 703. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF VESSEL

 CERTIFICATES OF INSPECTION.

 (a) Authority to Extend.--Notwithstanding section 3307 and 3711(b)

of title 46, United States Code, the Secretary of the department in

which the Coast Guard is operating may temporarily extend the duration

or the validity of a certificate of inspection or a certificate of

compliance issued under chapter 33 or 37, respectively, of that title

for up to 6 months for a vessel inspected by a Coast Guard Marine Safety

Office located in Alabama, Mississippi, or Louisiana.

 (b) Expiration of Authority.--The authority provided under this

section expires on April 1, 2007.

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

 OPERATIONS.

 (a) Preservation of Leave.--Notwithstanding section 701(b) of title

10, United States Code, any member of the Coast Guard

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who served on active duty for a continuous period of 30 days, who was

assigned to duty or otherwise detailed in support of units or operations

in the Eighth Coast Guard District area of responsibility for activities

to mitigate the consequences of, or assist in the recovery from,

Hurricane Katrina during the period beginning on August 28, 2005, and

ending on January 1, 2006, and who would have otherwise lost any

accumulated leave in excess of 60 days as a consequence of such

assignment, is authorized to retain an accumulated total of up to 120

days of leave.

 (b) Excess Leave.--Leave in excess of 60 days accumulated under

subsection (a) shall be lost unless used by the member before the

commencement of the second fiscal year following the fiscal year in

which the assignment commences, or in the case of a Reserve member, the

year in which the period of active service is completed.

SEC. 705. REPORTS ON IMPACT TO COAST GUARD.

 (a) Reports Required.--

 (1) Interim report.--Not later than 90 days after the date

 of enactment of this Act, the Secretary of the department in

 which the Coast Guard is operating shall submit to the Committee

 on Commerce, Science, and Transportation of the Senate and the

 Committee on Transportation and Infrastructure of the House of

 Representatives an interim report on the impact of Hurricane

 Katrina and the response of the Coast Guard to such impact.

 (2) Final report.--Not later than 180 days after the date of

 the submittal of the report under paragraph (1), the Secretary

 shall submit to the committees referred to in paragraph (1) a

 final report on the impact of Hurricane Katrina and the response

 of the Coast Guard to such impact.

 (b) Elements.--Each report required by subsection (a) shall include

the following:

 (1) A discussion and assessment of the impact of Hurricane

 Katrina on the facilities, aircraft, vessels, and other assets

 of the Coast Guard, including an assessment of such impact on

 pending or proposed replacements or upgrades of facilities,

 aircraft, vessels, or other assets of the Coast Guard.

 (2) A discussion and assessment of the impact of Hurricane

 Katrina on Coast Guard operations and strategic goals.

 (3) A statement of the number of emergency drills held by

 the Coast Guard during the 5-year period ending on the date of

 the report with respect to natural disasters and with respect to

 security incidents.

 (4) A description and assessment of--

 (A) the lines of communication and reporting, during

 the response to Hurricane Katrina, within the Coast

 Guard and between the Coast Guard and other departments

 and agencies of the Federal Government and State and

 local governments; and

 (B) the interoperability of such communications

 during the response to Hurricane Katrina.

 (5) A discussion and assessment of the financial impact on

 Coast Guard operations during fiscal years 2005 and 2006 of

 unbudgeted increases in prices of fuel.

SEC. 706. REPORTS ON IMPACTS ON NAVIGABLE WATERWAYS.

 (a) Reports Required.--

[[Page 120 STAT. 562]]

 (1) Interim report.--Not later than 90 days after the date

 of enactment of this Act, the Secretary of the department in

 which the Coast Guard is operating, in consultation with the

 Secretary of Commerce, shall submit to the Committee on

 Commerce, Science, and Transportation of the Senate and the

 Committee on Transportation and Infrastructure of the House of

 Representatives a report on the impacts of Hurricane Katrina on

 navigable waterways and the response of the Coast Guard to such

 impacts.

 (2) Final report.--Not later than 180 days after the date of

 the submittal of the report required by paragraph (1), the

 Secretary, in consultation with the Secretary of Commerce, shall

 submit to the committees referred to in paragraph (1) a report

 on the impacts of Hurricane Katrina on navigable waterways with

 respect to missions within the jurisdiction of the Coast Guard

 and the response of the Coast Guard to such impacts.

 (b) Elements.--Each report required by subsection (a) shall include

the following:

 (1) A discussion and assessment of the impacts, and

 associated costs, of Hurricane Katrina on--

 (A) the navigable waterways of the United States;

 (B) facilities located in or on such waterways;

 (C) aids to navigation to maintain the safety of

 such waterways; and

 (D) any other equipment located in or on such

 waterways related to a mission of the Coast Guard.

 (2) An estimate of the costs to the Coast Guard of restoring

 the resources described in paragraph (1) and an assessment of

 the vulnerability of such resources to natural disasters in the

 future.

 (3) A discussion and assessment of the environmental impacts

 in areas within the Coast Guard's jurisdiction of Hurricane

 Katrina, with a particular emphasis on any releases of oil or

 hazardous chemicals into the navigable waterways of the United

 States.

 (4) A discussion and assessment of the response of the Coast

 Guard to the impacts described in paragraph (3), including an

 assessment of environmental vulnerabilities in natural disasters

 in the future and an estimate of the costs of addressing such

 vulnerabilities.

 (c) Navigable Waterways of the United States.--In this section, the

term ``navigable waterways of the United States'' includes waters of the

United States as described in Presidential Proclamation No. 5928 of

December 27, 1988.

 TITLE VIII--OCEAN COMMISSION RECOMMENDATIONS

SEC. 801. <<NOTE: 14 USC 92 note.>> IMPLEMENTATION OF INTERNATIONAL

 AGREEMENTS.

 In consultation with appropriate Federal agencies, the Secretary of

the department in which the Coast Guard is operating shall work with the

responsible officials and agencies of other nations to accelerate

efforts at the International Maritime Organization to enhance oversight

and enforcement of security, environmental, and other agreements adopted

within the International

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Maritime Organization by flag States on whom such agreements are

binding, including implementation of--

 (1) a code outlining flag State responsibilities and

 obligations;

 (2) an audit regime for evaluating flag State performance;

 (3) measures to ensure that responsible organizations,

 acting on behalf of flag States, meet established performance

 standards; and

 (4) cooperative arrangements to improve enforcement on a

 bilateral, regional, or international basis.

SEC. 802. <<NOTE: 14 USC 92 note.>> VOLUNTARY MEASURES FOR REDUCING

 POLLUTION FROM RECREATIONAL BOATS.

 In consultation with appropriate Federal, State, and local

government agencies, the Secretary of the department in which the Coast

Guard is operating shall undertake outreach programs for educating the

owners and operators of boats using two-stroke engines about the

pollution associated with such engines and support voluntary programs

that reduce such pollution and encourage the early replacement of older

two-stroke engines.

SEC. 803. <<NOTE: 16 USC 1861 note.>> INTEGRATION OF VESSEL MONITORING

 SYSTEM DATA.

 The Secretary of the department in which the Coast Guard is

operating shall integrate vessel monitoring system data into its

maritime operations databases for the purpose of improving monitoring

and enforcement of Federal fisheries laws and work with the Under

Secretary of Commerce for Oceans and Atmosphere to ensure effective use

of such data for monitoring and enforcement.

SEC. 804. <<NOTE: 16 USC 1828.>> FOREIGN FISHING INCURSIONS.

 (a) In General.--Not <<NOTE: Deadline. Reports.>> later than 180

days after the date of enactment of this Act, the Secretary of the

department in which the Coast Guard is operating shall provide to the

Committee on Commerce, Science, and Transportation of the Senate and the

Committee on Transportation and Infrastructure of the House of

Representatives a report on steps that the Coast Guard will take to

significantly improve the Coast Guard's detection and interdiction of

illegal incursions into the United States exclusive economic zone by

foreign fishing vessels.

 (b) Specific Issues to Be Addressed.--The report shall--

 (1) focus on areas in the exclusive economic zone where the

 Coast Guard has failed to detect or interdict such incursions in

 the 4-fiscal-year period beginning with fiscal year 2000,

 including such areas in the Western/Central Pacific and the

 Bering Sea; and

 (2) include an evaluation of the potential use of unmanned

 aircraft and offshore platforms for detecting or interdicting

 such incursions.

 (c) Biennial Updates.--The Secretary shall provide biannual reports

updating the Coast Guard's progress in detecting or interdicting such

incursions to the Committee on Commerce, Science, and Transportation of

the Senate and the Committee on Transportation and Infrastructure of the

House of Representatives.

[[Page 120 STAT. 564]]

 TITLE IX--TECHNICAL CORRECTIONS

SEC. 901. MISCELLANEOUS TECHNICAL CORRECTIONS.

 (a) Requirements for Cooperative Agreements for Voluntary

Services.--Section 93(a)(19) of title 14, United States Code, is amended

by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B),

respectively.

 (b) Correction of Amendment to Chapter <<NOTE: Effective

date.>> Analysis.--Effective August 9, 2004, section 212(b) of the Coast

Guard and Maritime Transportation Act of 2004 (118 Stat. 1037) is

amended by inserting ``of title 14'' after ``chapter 17''.

 (c) Recommendations to Congress by Commandant of the Coast Guard.--

Section 93(a) of title 14, United States Code, is amended by

redesignating paragraph (y) as paragraph (24).

 (d) Correction of Reference to Ports and Waterways Safety Act.--

Effective <<NOTE: Effective date. 33 USC 1223 and note.>> August 9,

2004, section 302 of the Coast Guard and Maritime Transportation Act of

2004 (118 Stat. 1041) is amended by striking ``of 1972''.

 (e) Technical Correction of Penalty.--Section 4311(b) of title 46,

United States Code, is amended by striking ``4307(a)of'' and inserting

``4307(a) of''.

 (f) Determining Adequacy of Potable Water.--Section 3305(a) of title

46, United States Code, is amended by moving paragraph (2) two ems to

the left, so that the material preceding subparagraph (A) of such

paragraph aligns with the left-hand margin of paragraph (1) of such

section.

 (g) Renewal of Advisory Group.--Effective <<NOTE: Effective date. 46

USC 4508 and note.>> August 9, 2004, section 418(a) of the Coast Guard

and Maritime Transportation Act of 2004 (118 Stat. 1049) is amended by

striking ``of September 30, 2005'' and inserting ``on September 30,

2005''.

 (h) Technical Corrections Relating to References to National Driver

Register.--

 (1) Amendment instruction.--Effective <<NOTE: Effective

 date. 46 USC 7302 and note.>> August 9, 2004, section 609(1) of

 the Coast Guard and Maritime Transportation Act of 2004 (118

 Stat. 1058) is amended in the matter preceding subparagraph (A)

 by striking ``7302'' and inserting ``7302(c)''.

 (2) Omitted word.--Section 7302(c) of title 46, United

 States Code, is amended--

 (A) by inserting ``section'' before ``30305(b)(5)'';

 and

 (B) by inserting ``section'' before

 ``30304(a)(3)(A)''.

 (3) Extraneous u.s.c. reference.--Section 7703(3) of title

 46, United States Code, is amended by striking ``(23 U.S.C. 401

 note)''.

 (i) Vessel Response Plans for Nontank Vessels.--

 (1) Correction of vessel references.--Section 311 of the

 Federal Water Pollution Control Act (33 U.S.C. 1321) is amended

 by striking ``non-tank'' each place it appears and inserting

 ``nontank''.

 (2) Punctuation error.--Effective <<NOTE: Effective date. 33

 USC 1321 and note.>> August 9, 2004, section 701(b)(9) of the

 Coast Guard and Maritime Transportation Act of 2004 (118 Stat.

 1068) is amended by inserting closing quotation marks after

 ``each tank vessel''.

 (j) Punctuation Error.--Section 5006(c) of the Oil Pollution Act of

1990 (33 U.S.C. 2736(c)) is amended by inserting a comma after ``October

1, 2012''.

 (k) Correction to Subtitle Designation.--

[[Page 120 STAT. 565]]

 (1) Redesignation.--Title 46, United States Code, is amended

 by redesignating subtitle VI <<NOTE: 46 USC 70101.>> 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, <<NOTE: 46 USC 701013et

seq.>> is amended as follows:

 (1) Sections 70118 and 70119, as added by section 801 of the

 Coast Guard and Maritime Transportation Act of 2004 (118 Stat.

 1078), relating to firearms, arrests, and seizure of property

 and to enforcement by State and local officers, are redesignated

 as sections 70117 and 70118, respectively, and moved to appear

 immediately after section 70116 of title 46, United States Code.

 (2) Sections 70117 and 70118, as added by section 802 of

 such Act (118 Stat. 1078), relating to in rem liability for

 civil penalties and to certain costs and withholding of

 clearance, are redesignated as sections 70120 and 70121,

 respectively, and moved to appear immediately after section

 70119 of title 46, United States Code.

 (3) In section 70120(a), as redesignated by paragraph (2) of

 this section, by striking ``section 70120'' and inserting

 ``section 70119''.

 (4) In section 70121(a), as redesignated by paragraph (2) of

 this section, by striking ``section 70120'' and inserting

 ``section 70119''.

 (5) In the analysis at the beginning of the chapter by

 striking the items relating to sections 70117 through the second

 70119 and inserting the following:

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

``70118. Enforcement by State and local officers.

``70119. Civil penalty.

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

``70121. Withholding of clearance.''.

 (m) Area Maritime Security Advisory Committees; Margin Alignment.--

Section 70112(b) of title 46, United States Code, is amended by moving

paragraph (5) two ems to the left, so that the left-hand margin of

paragraph (5) aligns with the left-hand margin of paragraph (4) of such

section.

 (n) Technical Correction Regarding Tank Vessel Environmental

Equivalency Evaluation Index.--Section 4115(e)(3) of the Oil Pollution

Act of 1990 (46 U.S.C. 3703a note) is amended by striking ``hull'' the

second place it appears.

 (o) Corrections to Section 6101 of Title 46, United States Code.--

Section 6101 of title 46, United States Code, is amended--

 (1) by redesignating subsection (h) as subsection (i); and

 (2) by redesignating the second subsection (g) as subsection

 (h).

 (p) Drug Interdiction Report.--

 (1) In general.--Section 103 of the Coast Guard

 Authorization Act of 1996 (14 U.S.C. 89 note; 110 Stat. 3905) is

 amended to read as follows:

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``SEC. 103. ANNUAL REPORT ON DRUG INTERDICTION.

 ``Not later than 30 days after the end of each fiscal year, the

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

submit to the Committee on Commerce, Science, and Transportation of the

Senate and the Committee on Transportation and Infrastructure of the

House of Representatives a report on all expenditures related to drug

interdiction activities of the Coast Guard on an annual basis.''.

 (2) Clerical amendment.--The table of contents in section 2

 of such Act is amended by striking the item relating to section

 103 and inserting the following:

``Sec. 103. Annual reports on drug interdiction.''.

 (q) Acts of Terrorism Report.--Section 905 of the Omnibus Diplomatic

Security and Antiterrorism Act of 1986 (46 U.S.C. App. 1802; 100 Stat.

890) is amended by striking ``Not later than February 28, 1987, and

annually thereafter, the Secretary of Transportation shall report'' and

inserting ``The Secretary of the department in which the Coast Guard is

operating shall report annually''.

 (r) Corrections to Dingell-Johnson Sport Fish Restoration Act.--

 (1) Section 4.--Section 4(c) of the Dingell-Johnson Sport

 Fish Restoration Act (16 U.S.C. 777c(c)) is amended by striking

 ``, for each of fiscal years 2006 through 2009,''.

 (2) Section 14.--Section 14(a)(1) of the Dingell-Johnson

 Sport Fish Restoration Act (16 U.S.C. 777m(a)(1)) is amended by

 striking ``For each of the fiscal years 2006 through 2009, not

 more than'' and inserting ``Not more than''.

SEC. 902. CORRECTION OF REFERENCES TO SECRETARY OF TRANSPORTATION AND

 DEPARTMENT OF TRANSPORTATION; RELATED MATTERS.

 (a) Government Organization.--Title 5, United States Code, is

amended--

 (1) in section 101 by inserting ``The Department of Homeland

 Security.'' after and immediately below ``The Department of

 Veterans Affairs.'';

 (2) in section 2902(b) by inserting ``the Secretary of

 Homeland Security,'' after ``Secretary of the Interior,''; and

 (3) in sections 5520a(k)(3), 5595(h)(5), 6308(b), and

 9001(10) by striking ``of Transportation'' each place it appears

 and inserting ``of Homeland Security''.

 (b) Financial Management.--Title 31, United States Code, is

amended--

 (1) in section 3321(c)(3) by striking ``of Transportation''

 and inserting ``of Homeland Security.'';

 (2) in section 3325(b) by striking ``of Transportation'' and

 inserting ``of Homeland Security'';

 (3) in section 3527(b)(1) by striking ``of Transportation''

 each place it appears and inserting ``of Homeland Security'';

 and

 (4) in section 3711(f)(2) by striking ``of Transportation''

 and inserting ``of Homeland Security''.

 (c) Public Contracts.--Section 3732 of the Revised Statutes (41

U.S.C. 11) is amended by striking ``of Transportation'' each place it

appears and inserting ``of Homeland Security''.

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 (d) Public Printing and Documents.--Sections 1308 and 1309 of title

44, United States Code, are amended by striking ``Secretary of the

Department of Transportation'' each place it appears and inserting

``Secretary of the department in which the Coast Guard is operating''.

 (e) Shipping.--Title 46, United State Code, is amended--

 (1) in section 2109 by striking ``a Coast Guard or'';

 (2) in section 6308--

 (A) by redesignating subsections (b) and (c) as

 subsections (c) and (d), respectively; and

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

 following:

 ``(a) Notwithstanding any other provision of law, no part of a

report of a marine casualty investigation conducted under section 6301

of this title, including findings of fact, opinions, recommendations,

deliberations, or conclusions, shall be admissible as evidence or

subject to discovery in any civil or administrative proceedings, other

than an administrative proceeding initiated by the United States.

 ``(b) Any member or employee of the Coast Guard investigating a

marine casualty pursuant to section 6301 of this title shall not be

subject to deposition or other discovery, or otherwise testify in such

proceedings relevant to a marine casualty investigation, without the

permission of the Secretary. The Secretary shall not withhold permission

for such employee or member to testify, either orally or upon written

questions, on solely factual matters at a time and place and in a manner

acceptable to the Secretary if the information is not available

elsewhere or is not obtainable by other means.'';

 (3) in subsection (c), as redesignated by this section, by

 striking ``subsection (a)'' and inserting ``subsections (a) and

 (b)''; and

 (4) in subsection (d), as redesignated by this section, by

 striking ``subsections (a) and (b)'' and inserting ``subsections

 (a), (b), and (c)''.

 (f) Mortgage Insurance.--Section 222 of the National Housing Act of

1934 (12 U.S.C. 1715m) is amended by striking ``of Transportation'' each

place it appears and inserting ``of Homeland Security''.

 (g) Arctic Research.--Section 107(b)(2) of the Arctic Research and

Policy Act of 1984 (15 U.S.C. 4106(b)(2)) is amended--

 (1) by redesignating subparagraphs (I) through (K) as

 subparagraphs (J) through (L), respectively; and

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

 ``(I) the Department of Homeland Security;''.

 (h) Conservation.--

 (1) Section 1029.--Section 1029(e)(2)(B) of the Bisti/De-Na-

 Zin Wilderness Expansion and Fossil Protection Act of 1996 (16

 U.S.C. 460kkk(e)(2)(B)) is amended by striking ``Secretary of

 Transportation, to represent the United States Coast Guard.''

 and inserting ``Commandant of the Coast Guard''.

 (2) Section 312.--Section 312(c) of the Antarctic Marine

 Living Resources Convention Act of 1984 (16 U.S.C. 2441(c)) is

 amended by striking ``of Transportation'' and inserting ``of

 Homeland Security''.

 (i) Internal Revenue Code of 1986.--Section 3122 of the Internal

Revenue Code of 1986 (26 U.S.C. 3122) is amended by striking ``Secretary

of Transportation'' each place it appears and

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inserting ``Secretary of the Department in which the Coast Guard is

operating''.

 (j) Anchorage Grounds.--Section 7 of the Rivers and Harbors

Appropriations Act of 1915 (33 U.S.C. 471) is amended by striking ``of

Transportation'' in each place it appears and inserting ``of Homeland

Security''.

 (k) Bridges.--Section 4 of the General Bridge Act of 1906 (33 U.S.C.

491) <<NOTE: 33 USC 494.>> is amended by striking ``of Transportation''

and inserting ``of Homeland Security''.

 (l) Oil Pollution.--The Oil Pollution Act of 1990 (33 U.S.C. 2701 et

seq.) is amended--

 (1) in section 5001(c)(1)(B) (33 U.S.C. 2731(c)(1)(B)) by

 striking ``Commerce, the Interior, and Transportation,'' and

 inserting ``Commerce and the Interior and the Commandant of the

 Coast Guard,'';

 (2) in section 5002(m)(4) (33 U.S.C. 2732(m)(4)) by striking

 ``of Transportation.'' and inserting ``of the department in

 which the Coast Guard is operating.'';

 (3) in section 7001(a) (33 U.S.C. 2761(a)) by striking

 paragraph (3) and all that follows through the end of the

 subsection and inserting the following:

 ``(3) Membership.--The Interagency Committee shall include

 representatives from the Coast Guard, the Department of Commerce

 (including the National Oceanic and Atmospheric Administration

 and the National Institute of Standards and Technology), the

 Department of Energy, the Department of the Interior (including

 the Minerals Management Service and the United States Fish and

 Wildlife Service), the Department of Transportation (including

 the Maritime Administration and the Pipeline and Hazardous

 Materials Safety Administration), the Department of Defense

 (including the Army Corps of Engineers and the Navy), the

 Department of Homeland Security (including the United States

 Fire Administration in the Federal Emergency Management Agency),

 the Environmental Protection Agency, the National Aeronautics

 and Space Administration, and such other Federal agencies the

 President may designate.

 ``(4) Chairman.--A representative of the Coast Guard shall

 serve as Chairman.''; and

 (4) in section 7001(c)(6) (33 U.S.C. 2761(c)(6)) by striking

 ``other such agencies in the Department of Transportation as the

 Secretary of Transportation may designate,'' and inserting

 ``such agencies as the President may designate,''.

 (m) Medical Care.--Section 1(g)(4)(B) of Public Law 87-693 (42

U.S.C. 2651(g)(4)(B)) is amended by striking ``of Transportation,'' and

inserting ``of Homeland Security,''.

 (n) Social Security Act.--Section 205(p)(3) of the Social Security

Act (42 U.S.C. 405(p)(3)) is amended by striking ``of Transportation''

each place it appears and inserting ``of Homeland Security''.

[[Page 120 STAT. 569]]

 (o) <<NOTE: Certification.>> Merchant Marine Act, 1920.--Section 27

of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) is amended in the

matter following the ninth proviso (pertaining to transportation of a

foreign-flag incineration vessel) by striking ``Satisfactory inspection

shall be certified in writing by the Secretary of Transportation'' and

inserting ``Satisfactory inspection shall be certified, in writing, by

the Secretary of Homeland Security.''.

 Approved July 11, 2006.

LEGISLATIVE HISTORY--H.R. 889 (S. 1280):

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HOUSE REPORTS: Nos. 109-204, Pt. 1 (Comm. on Transportation and

Infrastructure) and 109-413 (Comm. of Conference).

SENATE REPORTS: No. 109-114 accompanying S. 1280 (Comm. on Commerce,

Science, and Transportation).

CONGRESSIONAL RECORD:

 Vol. 151 (2005):

 Sep. 15, considered and passed

 House.

 Oct. 27, considered and passed

 Senate, amended.

 Vol. 152 (2006):

 June 26, House considered conference

 report.

 June 27, House and Senate agreed to

 conference report. Senate

 vitiated agreement on conference

 report.

 June 28, Senate agreed to conference

 report, pursuant to the order of

 June 22.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 42 (2006):

 July 11, Presidential statement.

 <all>