[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

[[Page 120 STAT. 563]]

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):

---------------------------------------------------------------------------

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>