

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5681

To authorize appropriations for the Coast Guard for fiscal year 2007, and  
for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2006

Mr. YOUNG of Alaska (for himself and Mr. LOBIONDO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To authorize appropriations for the Coast Guard for fiscal  
year 2007, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coast Guard Author-  
5 ization Act of 2006”.

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

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

Sec. 1. Short title.

Sec. 2. Table of contents.

### TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

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

#### TITLE II—COAST GUARD

Sec. 201. Appointment of civilian Coast Guard judges.

Sec. 202. Industrial activities.

Sec. 203. Reimbursement for medical-related travel expenses.

Sec. 204. Commissioned officers.

Sec. 205. Repeal of termination date on Coast Guard housing authorities.

Sec. 206. Coast Guard participation in the Armed Forces Retirement Home (AFRH) system.

Sec. 207. Grants to international maritime organizations.

Sec. 208. Emergency leave retention authority.

Sec. 209. Enforcement authority.

Sec. 210. Notification.

#### TITLE III—SHIPPING AND NAVIGATION

Sec. 301. Vessel size limits.

Sec. 302. Goods and services.

Sec. 303. Maritime activities.

Sec. 304. Seaward extension of anchorage grounds jurisdiction.

Sec. 305. Maritime Drug Law Enforcement Act amendment-simple possession.

Sec. 306. Requirements.

Sec. 307. Technical amendments to tonnage measurement law.

Sec. 308. Seamen's shoreside access.

Sec. 309. Limitation on maritime liens on fishing permits.

#### TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Secure communications program.

Sec. 402. Certificate of documentation for GALLANT LADY.

Sec. 403. Temporary waiver.

Sec. 404. Waiver.

Sec. 405. Data.

Sec. 406. Great Lakes Maritime Research Institute.

Sec. 407. Inspection and certification of permanently moored vessels.

Sec. 408. Competitive contracting for patrol boat replacement.

## 1           **TITLE I—AUTHORIZATION**

### 2   **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

3           Funds are authorized to be appropriated for fiscal  
4 year 2007 for necessary expenses of the Coast Guard as  
5 follows:

6                   (1) For the operation and maintenance of the  
7           Coast Guard, \$5,680,000,000, of which—

1 (A) \$24,255,000 is authorized to be de-  
2 rived from the Oil Spill Liability Trust Fund to  
3 carry out the purposes of section 1012(a)(5) of  
4 the Oil Pollution Act of 1990 (33 U.S.C.  
5 2712(a)(5));

6 (B) \$629,000,000 shall be available only  
7 for paying for search and rescue programs; and

8 (C) \$502,000,000 shall be available only  
9 for paying for marine safety programs.

10 (2) For the acquisition, construction, rebuild-  
11 ing, and improvement of aids to navigation, shore  
12 and offshore facilities, vessels, and aircraft, includ-  
13 ing equipment related thereto, \$1,460,000,000, of  
14 which—

15 (A) \$19,800,000 shall be derived from the  
16 Oil Spill Liability Trust Fund to carry out the  
17 purposes of section 1012(a)(5) of the Oil Pollu-  
18 tion Act of 1990, to remain available until ex-  
19 pended;

20 (B) \$816,000,000 is authorized for acqui-  
21 sition and construction of shore and offshore fa-  
22 cilities, vessels, and aircraft, including equip-  
23 ment related thereto, and other activities that  
24 constitute the Integrated Deepwater System;  
25 and

1           (C) \$284,000,000 is authorized for  
2           sustainment of legacy vessels and aircraft, in-  
3           cluding equipment related thereto, and other  
4           activities that constitute the Integrated Deep-  
5           water Systems.

6           (3) To the Commandant of the Coast Guard for  
7           research, development, test, and evaluation of tech-  
8           nologies, materials, and human factors directly relat-  
9           ing to improving the performance of the Coast  
10          Guard's mission in search and rescue, aids to navi-  
11          gation, marine safety, marine environmental protec-  
12          tion, enforcement of laws and treaties, ice oper-  
13          ations, oceanographic research, and defense readi-  
14          ness, \$24,000,000, to remain available until ex-  
15          pended, of which \$2,000,000 shall be derived from  
16          the Oil Spill Liability Trust Fund to carry out the  
17          purposes of section 1012(a)(5) of the Oil Pollution  
18          Act of 1990.

19          (4) For retired pay (including the payment of  
20          obligations otherwise chargeable to lapsed appropria-  
21          tions for this purpose), payments under the Retired  
22          Serviceman's Family Protection and Survivor Ben-  
23          efit Plans, and payments for medical care of retired  
24          personnel and their dependents under chapter 55 of

1 title 10, United States Code, \$1,063,323,000, to re-  
2 main available until expended.

3 (5) For alteration or removal of bridges over  
4 navigable waters of the United States constituting  
5 obstructions to navigation, and for personnel and  
6 administrative costs associated with the Bridge Al-  
7 teration Program, \$17,000,000.

8 (6) For environmental compliance and restora-  
9 tion at Coast Guard facilities (other than parts and  
10 equipment associated with operation and mainte-  
11 nance), \$12,000,000, to remain available until ex-  
12 pended.

13 (7) For the Coast Guard Reserve program, in-  
14 cluding personnel and training costs, equipment, and  
15 services, \$124,000,000.

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

18 (a) **ACTIVE DUTY STRENGTH.**—The Coast Guard is  
19 authorized an end-of-year strength for active duty per-  
20 sonnel of 45,500 for the fiscal year ending on September  
21 30, 2007.

22 (b) **MILITARY TRAINING STUDENT LOADS.**—For fis-  
23 cal year 2007, the Coast Guard is authorized average mili-  
24 tary training student loads as follows:

1 (1) For recruit and special training, 2,500 stu-  
2 dent years.

3 (2) For flight training, 125 student years.

4 (3) For professional training in military and ci-  
5 vilian institutions, 350 student years.

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

## 7 **TITLE II—COAST GUARD**

### 8 **SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD** 9 **JUDGES.**

10 (a) IN GENERAL.—Chapter 7 of title 14, United  
11 States Code, is amended by adding at the end the fol-  
12 lowing:

#### 13 **“§ 153. Appointment of judges**

14 “The Secretary may appoint civilian employees of the  
15 Department in which the Coast Guard is operating as ap-  
16 pellate military judges, available for assignment to the  
17 Coast Guard Court of Criminal Appeals as provided for  
18 in section 866(a) of title 10.”.

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

“153. Appointment of judges.”.

### 21 **SEC. 202. INDUSTRIAL ACTIVITIES.**

22 Section 151 of title 14, United States Code is amend-  
23 ed—

24 (1) by inserting “(a) IN GENERAL.—” before  
25 “All orders”; and

1 (2) by adding at the end the following:

2 “(b) ORDERS AND AGREEMENTS FOR INDUSTRIAL  
3 ACTIVITIES.—Under this section, the Coast Guard indus-  
4 trial activities may accept orders and enter into reimburs-  
5 able agreements with establishments, agencies, and de-  
6 partments of the Department of Defense.”.

7 **SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAV-**  
8 **EL EXPENSES.**

9 Chapter 13 of title 14, United States Code, is amend-  
10 ed by adding at the end the following:

11 **“§ 517. Reimbursement for medical-related travel ex-**  
12 **penses for certain persons residing on is-**  
13 **lands in the continental United States**

14 “In any case in which a covered beneficiary (as de-  
15 fined in section 1072(5) of title 10) resides on an island  
16 that is located in the 48 contiguous States and the District  
17 of Columbia and that lacks public access roads to the  
18 mainland and is referred by a primary care physician to  
19 a specialty care provider (as defined in section 1074i(b)  
20 of title 10) on the mainland who provides services less  
21 than 100 miles from the location where the beneficiary re-  
22 sides, the Secretary shall reimburse the reasonable travel  
23 expenses of the covered beneficiary and, when accompani-  
24 ment by an adult is necessary, for a parent or guardian

1 of the covered beneficiary or another member of the cov-  
 2 ered beneficiary’s family who is at least 21 years of age.”.

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

“517. Reimbursement for medical-related travel expenses for certain persons re-  
 siding on islands in the continental United States.”.

5 **SEC. 204. COMMISSIONED OFFICERS.**

6 (a) ACTIVE DUTY PROMOTION LIST.—Section 42 of  
 7 title 14, United States Code, is amended to read as fol-  
 8 lows:

9 **“§ 42. Number and distribution of commissioned offi-  
 10 cers on active duty promotion list**

11 “(a) MAXIMUM TOTAL NUMBER.—The total number  
 12 of Coast Guard commissioned officers on the active duty  
 13 promotion list, excluding warrant officers, shall not exceed  
 14 6,700; except that the Commandant may temporarily in-  
 15 crease such number by up to 2 percent for no more than  
 16 60 days following the date of the commissioning of a Coast  
 17 Guard Academy class.

18 “(b) DISTRIBUTION PERCENTAGES BY GRADE.—

19 “(1) REQUIRED.—The total number of commis-  
 20 sioned officers authorized by this section shall be  
 21 distributed in grade in the following percentages:  
 22 0.375 percent for rear admiral; 0.375 percent for  
 23 rear admiral (lower half); 6.0 percent for captain;

1 15.0 percent for commander; and 22.0 percent for  
2 lieutenant commander.

3 “(2) DISCRETIONARY.—The Secretary shall  
4 prescribe the percentages applicable to the grades of  
5 lieutenant, lieutenant (junior grade), and ensign.

6 “(3) AUTHORITY OF SECRETARY TO REDUCE  
7 PERCENTAGE.—The Secretary—

8 “(A) may reduce, as the needs of the Coast  
9 Guard require, any of the percentages set forth  
10 in paragraph (1); and

11 “(B) shall apply that total percentage re-  
12 duction to any other lower grade or combination  
13 of lower grades.

14 “(c) COMPUTATIONS.—

15 “(1) IN GENERAL.—The Secretary shall com-  
16 pute, at least once each year, the total number of  
17 commissioned officers authorized to serve in each  
18 grade by applying the grade distribution percentages  
19 established by or under this section to the total  
20 number of commissioned officers listed on the cur-  
21 rent active duty promotion list.

22 “(2) ROUNDING FRACTIONS.—Subject to sub-  
23 section (a), in making the computations under para-  
24 graph (1), any fraction shall be rounded to the near-  
25 est whole number.

1           “(3) TREATMENT OF OFFICERS SERVING OUT-  
2           SIDE COAST GUARD.—The number of commissioned  
3           officers on the active duty promotion list serving  
4           with other Federal departments or agencies on a re-  
5           imbursable basis or excluded under section 324(d) of  
6           title 49 shall not be counted against the total num-  
7           ber of commissioned officers authorized to serve in  
8           each grade.

9           “(d) USE OF NUMBERS; TEMPORARY INCREASES.—  
10          The numbers resulting from computations under sub-  
11          section (c) shall be, for all purposes, the authorized num-  
12          ber in each grade; except that the authorized number for  
13          a grade is temporarily increased during the period between  
14          one computation and the next by the number of officers  
15          originally appointed in that grade during that period and  
16          the number of officers of that grade for whom vacancies  
17          exist in the next higher grade but whose promotion has  
18          been delayed for any reason.

19          “(e) OFFICERS SERVING COAST GUARD ACADEMY  
20          AND RESERVE.—The number of officers authorized to be  
21          serving on active duty in each grade of the permanent  
22          commissioned teaching staff of the Coast Guard Academy  
23          and of the Reserve serving in connection with organizing,  
24          administering, recruiting, instructing, or training the re-  
25          serve components shall be prescribed by the Secretary.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-  
 2 ter 3 of such title is amended by striking the item relating  
 3 to section 42 and inserting the following:

“42. Number and distribution of commissioned officers on active duty pro-  
 motion list.”.

4 **SEC. 205. REPEAL OF TERMINATION DATE ON COAST**  
 5 **GUARD HOUSING AUTHORITIES.**

6 Section 689 of title 14, United States Code, and the  
 7 item relating to such section in the analysis for chapter  
 8 18 of such title, are repealed.

9 **SEC. 206. COAST GUARD PARTICIPATION IN THE ARMED**  
 10 **FORCES RETIREMENT HOME (AFRH) SYSTEM.**

11 (a) IN GENERAL.—Section 1502 of the Armed  
 12 Forces Retirement Home Act of 1991 (24 U.S.C. 401)  
 13 is amended—

14 (1) by striking paragraph (4);

15 (2) in paragraph (5)—

16 (A) by striking “and” at the end of sub-  
 17 paragraph (C);

18 (B) by striking the period at the end of  
 19 subparagraph (D) and inserting “; and”; and

20 (C) by inserting at the end the following:

21 “(E) the Assistant Commandant of the  
 22 Coast Guard for Human Resources.”; and

23 (3) by adding at the end of paragraph (6) the  
 24 following:

1                   “(E) The Master Chief Petty Officer of the  
2                   Coast Guard.”.

3           (b) CONFORMING AMENDMENTS.—(1) Section 2772  
4 of title 10, United States Code, is amended—

5                   (A) in subsection (a) by inserting “or, in the  
6                   case of the Coast Guard, the Commandant” after  
7                   “concerned” ; and

8                   (B) by striking subsection (c).

9           (2) Section 1007(i) of title 37, United States Code,  
10 is amended—

11                   (A) in paragraph (3) by inserting “or, in the  
12                   case of the Coast Guard, the Commandant” after  
13                   “Secretary of Defense”;

14                   (B) by striking paragraph (4); and

15                   (C) by redesignating paragraph (5) as para-  
16                   graph (4).

17 **SEC. 207. GRANTS TO INTERNATIONAL MARITIME ORGANI-**  
18 **ZATIONS.**

19           Section 149 of title 14, United States Code, is  
20 amended by adding at the end the following:

21           “(c) GRANTS TO INTERNATIONAL MARITIME ORGA-  
22 NIZATIONS.—After consultation with the Secretary of  
23 State, the Commandant may make grants to, or enter into  
24 cooperative agreements, contracts, or other agreements  
25 with, international maritime organizations for the purpose

1 of acquiring information or data about merchant vessel in-  
2 spections, security, safety, classification, and port state or  
3 flag state law enforcement or oversight.”.

4 **SEC. 208. EMERGENCY LEAVE RETENTION AUTHORITY.**

5 (a) IN GENERAL.—Chapter 11 of title 14, United  
6 States Code, is amended by inserting after section 425 the  
7 following:

8 **“§ 426. Emergency leave retention authority**

9 “With regard to a member of the Coast Guard who  
10 serves on active duty, a duty assignment in support of a  
11 declaration of a major disaster or emergency by the Presi-  
12 dent under the Robert T. Stafford Disaster Relief and  
13 Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall  
14 be treated, for the purpose of section 701(f)(2) of title  
15 10, a duty assignment in support of a contingency oper-  
16 ation.”.

17 (b) CLERICAL AMENDMENT.—The analysis for such  
18 chapter is amended by inserting after the item relating  
19 to section 425 the following new item:

“426. Emergency leave retention authority.”.

20 **SEC. 209. ENFORCEMENT AUTHORITY.**

21 (a) IN GENERAL.—Chapter 5 of title 14, United  
22 States Code, is amended by adding at the end the fol-  
23 lowing:

1 **“§ 99. Enforcement authority**

2 “Subject to guidelines approved by the Secretary,  
3 members of the Coast Guard, in the performance of offi-  
4 cial duties, may—

5 “(1) carry a firearm; and

6 “(2) while at a facility (as defined in section  
7 70101 of title 46)—

8 “(A) make an arrest without warrant for  
9 any offense against the United States; and

10 “(B) seize property as otherwise provided  
11 by law.”.

12 (b) **CONFORMING REPEAL.**—The first section en-  
13 acted by the amendment made by subsection (a) of section  
14 801 of the Coast Guard and Maritime Transportation Act  
15 of 2004 (118 Stat. 1078), and the item relating to such  
16 first section enacted by the amendment made by sub-  
17 section (b) of such section 801, are repealed.

18 (c) **CLERICAL AMENDMENT.**—The analysis for such  
19 chapter is amended by adding at the end the following:  
“99. Enforcement authority.”.

20 **SEC. 210. NOTIFICATION.**

21 The Secretary of the department in which the Coast  
22 Guard is operating may not transfer the permanent head-  
23 quarters of the United States Coast Guard Band until at  
24 least 180 days after the date on which a plan for such  
25 transfer is submitted to the Committee on Transportation

1 and Infrastructure of the House of Representatives and  
2 the Committee on Commerce, Science, and Transportation  
3 of the Senate.

4           **TITLE III—SHIPPING AND**  
5           **NAVIGATION**

6 **SEC. 301. VESSEL SIZE LIMITS.**

7           (a) LENGTH, TONNAGE, AND HORSEPOWER.—Sec-  
8 tion 12102 (c)(5) of title 46, United States Code, is  
9 amended—

10           (1) by inserting “and” after the semicolon at  
11 the end of subparagraph (A)(i);

12           (2) by striking “and” at the end of subpara-  
13 graph (A)(ii);

14           (3) by striking subparagraph (A)(iii);

15           (4) by striking the period at the end of sub-  
16 paragraph (B) and inserting “; or”; and

17           (5) by inserting at the end the following:

18           “(C) the vessel is either a rebuilt vessel or  
19 a replacement vessel under section 208(g) of  
20 the American Fisheries Act (title II of division  
21 C of Public Law 105-277; 112 Stat. 2681-625)  
22 and is eligible for a fishery endorsement under  
23 section 12108 of this title.”.

24           (b) CONFORMING AMENDMENTS.—

1           (1) VESSEL REBUILDING AND REPLACE-  
2           MENT.—Section 208(g) of the American Fisheries  
3           Act (title II of division C of Public Law 105-277;  
4           112 Stat. 2681-627) is amended to read as follows:  
5           “(g) VESSEL REBUILDING AND REPLACEMENT.—

6           “(1) IN GENERAL.—Except as provided in para-  
7           graph (4), the owner of a vessel eligible under sub-  
8           section (a), (b), (c), (d), or (e) may rebuild or re-  
9           place that vessel. The rebuilt or replacement vessel  
10          shall be eligible in the same manner under such sub-  
11          section as the eligible vessel, documented with a fish-  
12          ery endorsement under section 12108 of title 46,  
13          United States Code, and not be subject to any limi-  
14          tations on lengthening vessels contained in section  
15          679.4(k) of title 50, Code of Federal Regulations, as  
16          in effect on the date of enactment of the Coast  
17          Guard Authorization Act of 2006.

18          “(2) RECOMMENDATIONS OF NORTH PACIFIC  
19          COUNCIL.—The North Pacific Council may rec-  
20          ommend for approval by the Secretary such con-  
21          servation and management measures in accordance  
22          with the Magnuson-Stevens Act as it considers nec-  
23          essary to ensure that this subsection does not dimin-  
24          ish the effectiveness of fishery management plans of

1 the Bering Sea and Aleutian Islands Management  
2 Area or the Gulf of Alaska.

3 “(3) SPECIAL RULE FOR REPLACEMENT OF  
4 CERTAIN VESSELS.—

5 “(A) IN GENERAL.—Notwithstanding the  
6 requirements of paragraphs (1), (2), and (3) of  
7 section 12102(c) of title 46, United States  
8 Code, a vessel that is eligible under subsection  
9 (a), (b), (c), (d), or (e) and that qualifies to be  
10 documented with a fishery endorsement pursu-  
11 ant to section 203(g) or 213(g) may be replaced  
12 with a replacement vessel under paragraph (1)  
13 if the vessel that is replaced is validly docu-  
14 mented with a fishery endorsement pursuant to  
15 section 203(g) or 213(g) before the replacement  
16 vessel is documented with a fishery endorse-  
17 ment under section 12108 of title 46, United  
18 States Code.

19 “(B) APPLICABILITY.—A replacement ves-  
20 sel under subparagraph (A) and its owner and  
21 mortgagee are subject to the same limitations  
22 under section 203(g) or 213(g) that are appli-  
23 cable to the vessel that has been replaced and  
24 its owner and mortgagee.

1           “(4) SPECIAL RULES FOR CERTAIN CATCHER  
2           VESSELS.—

3           “(A) IN GENERAL.—A replacement for a  
4           covered vessel described in subparagraph (B) is  
5           prohibited from harvesting fish in any fishery  
6           (except for the Pacific whiting fishery) managed  
7           under the authority of any regional fishery  
8           management council (other than the North Pa-  
9           cific Council) established under section 302(a)  
10          of the Magnuson-Stevens Act.

11          “(B) COVERED VESSELS.—A covered ves-  
12          sel referred to in subparagraph (A) is—

13                 “(i) a vessel eligible under subsection  
14                 (a), (b), or (c) that is replaced under para-  
15                 graph (1); or

16                 “(ii) a vessel eligible under subsection  
17                 (a), (b), or (c) that is rebuilt to increase  
18                 its registered length, gross tonnage, or  
19                 shaft horsepower.

20          “(5) LIMITATION ON FISHERY ENDORSE-  
21          MENTS.—Any vessel that is replaced under this sub-  
22          section shall thereafter not be eligible for a fishery  
23          endorsement under section 12108 of title 46, United  
24          States Code, unless that vessel is also a replacement  
25          vessel described in paragraph (1).”.

1           (2) EXEMPTION OF CERTAIN VESSELS.—Sec-  
2           tion 203(g) of the American Fisheries Act (title II  
3           of division C of Public Law 105-277; 112 Stat.  
4           2681-620) is amended—

5                   (A) by inserting “and” after “(United  
6                   States official number 651041)”; and

7                   (B) by striking “, NORTHERN TRAV-  
8                   ELER (United States official number 635986),  
9                   and NORTHERN VOYAGER (United States  
10                  official number 637398) (or a replacement ves-  
11                  sel for the NORTHERN VOYAGER that com-  
12                  plies with paragraphs (2), (5), and (6) of sec-  
13                  tion 208(g) of this Act)”.

14           (3) FISHERY COOPERATIVE EXIT PROVI-  
15           SIONS.—Section 210(b) of the American Fisheries  
16           Act (title II of division C of Public Law 105-277;  
17           112 Stat. 2681-629) is amended—

18                   (A) by moving the matter beginning with  
19                   “the Secretary shall” in paragraph (1) 2 ems to  
20                   the right;

21                   (B) by adding at the end the following:

22                   “(7) FISHERY COOPERATIVE EXIT PROVI-  
23                   SIONS.—

24                           “(A) FISHING ALLOWANCE DETERMINA-  
25                           TION.—For purposes of determining the aggre-

1 gate percentage of directed fishing allowances  
2 under paragraph (1), when a catcher vessel is  
3 removed from the directed pollock fishery, the  
4 fishery allowance for pollock for the vessel being  
5 removed—

6 “(i) shall be based on the average  
7 total pollock harvest for the vessel being  
8 removed for calendar years 1995, 1996,  
9 and 1997 and determined under the regu-  
10 lations in effect on the date of removal of  
11 the vessel; and

12 “(ii) shall be assigned, for all pur-  
13 poses under this title, in the manner speci-  
14 fied by the owner of the vessel being re-  
15 tired to any other catcher vessel or among  
16 other catcher vessels participating in the  
17 fishery cooperative if such vessel or vessels  
18 remain in the fishery cooperative for at  
19 least one year after the date on which the  
20 vessel being removed leaves the directed  
21 pollock fishery.

22 “(B) ELIGIBILITY.—

23 “(i) FOR FISHERY ENDORSEMENT.—  
24 Except as provided in clause (ii), a vessel  
25 that is removed pursuant to this paragraph

1 shall be permanently ineligible for a fishery  
2 endorsement, and any claim (including re-  
3 lating to catch history) associated with  
4 such vessel that could qualify any owner of  
5 such vessel for any permit to participate in  
6 any fishery within the exclusive economic  
7 zone of the United States shall be extin-  
8 guished, unless such removed vessel is  
9 thereafter designated to replace a vessel to  
10 be removed pursuant to this paragraph.

11 “(ii) LIMITATION ON STATUTORY CON-  
12 STRUCTION.—Nothing in this paragraph  
13 shall be construed to make a vessel re-  
14 moved from the directed pollock fishery not  
15 eligible for a fishery endorsement or any  
16 permit necessary to continue to participate  
17 in such fishery if that vessel has partici-  
18 pated, as determined by the Secretary,  
19 during either 2002, 2003, or 2004 in a  
20 Federal fishery not under the authority of  
21 the North Pacific Council.”.

22 (c) VESSEL SAFETY STANDARDS.—

23 (1) LOADLINES.—Section 5102(b)(3) of title  
24 46, United States Code, is amended by striking “a

1 fishing vessel.” and inserting “a fishing vessel unless  
2 the vessel is—

3 “(A) a rebuilt vessel under section 208(g)  
4 of the American Fisheries Act (title II of divi-  
5 sion C of Public Law 105–277; 112 Stat.  
6 2681–627); or

7 “(B) a replacement vessel under such sec-  
8 tion and the replacement vessel did not harvest  
9 fish under section 208(a), 208(b), 208(c), or  
10 208(e) of that Act before June 1, 2006.”.

11 (2) CLASSING.—Section 4503 of title 46,  
12 United States Code, is amended—

13 (A) in subsection (a) by inserting after  
14 “A” the following: “fishing or”;

15 (B) by adding at the end the following:

16 “(c) APPLICABILITY TO FISHING VESSELS.—This  
17 section applies to a fishing vessel to which this chapter  
18 applies that is—

19 “(1) a rebuilt vessel under section 208(g) of the  
20 American Fisheries Act (title II of division C of  
21 Public Law 105–277; 112 Stat. 2681–627); or

22 “(2) a replacement vessel under such section  
23 and the replacement vessel did not harvest fish  
24 under section 208(a), 208(b), 208(c), or 208(e) of  
25 that Act before June 1, 2006.”; and

1 (C) in the heading for such section by  
2 striking “**Fish**” and inserting “**Fishing and**  
3 **fish**”.

4 **SEC. 302. GOODS AND SERVICES.**

5 Section 4(b) of the Act of July 5, 1884, commonly  
6 known as the Rivers and Harbors Appropriation Act of  
7 1884 (33 U.S.C. 5(b)), is amended—

8 (1) by striking “or” at the end of paragraph  
9 (2)(C);

10 (2) by striking the period at the end of para-  
11 graph (3) and inserting “; or”; and

12 (3) by adding at the end the following:

13 “(4) sales taxes on goods and services provided  
14 to or by vessels or watercraft (other than vessels or  
15 watercraft primarily engaged in foreign com-  
16 merce).”.

17 **SEC. 303. MARITIME ACTIVITIES.**

18 Not later than 30 days after the date of enactment  
19 of this Act, the Commandant of the Coast Guard shall  
20 prepare and submit to the Committee on Transportation  
21 and Infrastructure of the House of Representatives and  
22 the Committee on Commerce, Science, and Transportation  
23 of the Senate a report on the use of funds provided to  
24 the Alaska Sealife Center from the Oil Spill Liability  
25 Trust Fund.

1 **SEC. 304. SEAWARD EXTENSION OF ANCHORAGE GROUNDS**  
2 **JURISDICTION.**

3 Section 7 of the Rivers and Harbors Appropriations  
4 Act of 1915 (33 U.S.C. 471) is amended—

5 (1) by inserting before “The” the following:

6 “(a) IN GENERAL.—”.

7 (2) in subsection (a) (as designated by para-  
8 graph (1)) by striking “\$100; and the” and insert-  
9 ing “up to \$10,000. Each day during which a viola-  
10 tion continues shall constitute a separate violation.  
11 The”;

12 (3) by adding at the end the following:

13 “(b) DEFINITION.—As used in this section ‘navigable  
14 waters of the United States’ includes all waters of the ter-  
15 ritorial sea of the United States as described in Presi-  
16 dential Proclamation No. 5928 of December 27, 1988.”.

17 **SEC. 305. MARITIME DRUG LAW ENFORCEMENT ACT**  
18 **AMENDMENT-SIMPLE POSSESSION.**

19 The Maritime Drug Law Enforcement Act (46  
20 U.S.C. App. 1901-1904) is amended by adding at the end  
21 the following:

22 **“SEC. 1905. SIMPLE POSSESSION.**

23 “(a) IN GENERAL.—Any individual at a facility (as  
24 defined under section 70101 of title 46, United States  
25 Code) or on a vessel subject to the jurisdiction of the  
26 United States who is found by the Secretary, after notice

1 and an opportunity for a hearing, to have knowingly or  
2 intentionally possessed a controlled substance within the  
3 meaning of the Controlled Substances Act (21 U.S.C.  
4 812) shall be liable to the United States for a civil penalty  
5 of not to exceed \$10,000 for each violation. The Secretary  
6 shall notify the individual in writing of the amount of the  
7 civil penalty.

8 “(b) DETERMINATION OF AMOUNT.—In determining  
9 the amount of the penalty, the Secretary shall consider  
10 the nature, circumstances, extent, and gravity of the pro-  
11 hibited acts committed and, with respect to the violator,  
12 the degree of culpability, any history of prior offenses,  
13 ability to pay, and other matters that justice requires.

14 “(c) TREATMENT OF CIVIL PENALTY ASSESS-  
15 MENT.—Assessment of a civil penalty under this section  
16 shall not be considered a conviction for purposes of State  
17 or Federal law but may be considered proof of possession  
18 if such a determination is relevant.”.

19 **SEC. 306. REQUIREMENTS.**

20 Section 608(c)(1) of the Coast Guard and Maritime  
21 Transportation Act of 2004 (46 U.S.C. 12106 note; 118  
22 Stat. 1057) is amended by striking the second sentence.

1 **SEC. 307. TECHNICAL AMENDMENTS TO TONNAGE MEAS-**  
2 **UREMENT LAW.**

3 (a) APPLICATION.—Section 14301(b)(3) of title 46,  
4 United States Code, is amended by inserting “of United  
5 States or Canadian registry” after “vessel”.

6 (b) MEASUREMENT.—Section 14302(b) of such title  
7 is amended to read as follows:

8 “(b) MEASUREMENT.—A vessel measured under this  
9 chapter may not be required to be measured under any  
10 other law.”.

11 (c) RECIPROCITY FOR FOREIGN VESSELS.—Chapter  
12 145 of such title is amended by adding the following:

13 **“§ 14514. Reciprocity for foreign vessels**

14 “For a foreign vessel not measured under chapter  
15 143, if the Secretary finds that the laws and regulations  
16 of a foreign country related to measurement of vessels are  
17 substantially similar to those of this chapter and the regu-  
18 lations prescribed under this chapter, the Secretary may  
19 accept the measurement and certificate of a vessel of that  
20 foreign country as complying with this chapter and the  
21 regulations prescribed under this chapter.”.

22 (d) DUAL TONNAGE MEASUREMENT.—Section  
23 14513(c) of such title is amended—

24 (1) in paragraph (1)—

25 (A) by striking “vessel’s tonnage mark is  
26 below the uppermost part of the load line

1 marks,” and inserting “vessel is assigned 2 sets  
2 of gross and net tonnages under this section,”;  
3 and

4 (B) by striking “the mark” and inserting  
5 “the vessel’s tonnage mark”; and

6 (2) in paragraph (2) by striking the period at  
7 the end and inserting “as assigned under this sec-  
8 tion.”.

9 **SEC. 308. SEAMEN’S SHORESIDE ACCESS.**

10 Each facility security plan approved under section  
11 70103(c) of title 46, United States Code, shall provide a  
12 system for seamen assigned to a vessel at that facility and  
13 representatives of seamen’s welfare and labor organiza-  
14 tions to board and depart the vessel through the facility  
15 in a timely manner at no cost to the individual.

16 **SEC. 309. LIMITATION ON MARITIME LIENS ON FISHING**  
17 **PERMITS.**

18 (a) IN GENERAL.—Subchapter I of chapter 313 of  
19 title 46, United States Code, is amended by adding at the  
20 end the following:

21 **“§ 31310. Limitation on maritime liens on fishing per-**  
22 **mits**

23 “(a) IN GENERAL.—A maritime lien shall not attach  
24 to a permit that—



1 **SEC. 402. CERTIFICATE OF DOCUMENTATION FOR GALLANT**  
2 **LADY.**

3 Section 1120(c) of the Coast Guard Authorization  
4 Act of 1996 (110 Stat. 3977) is amended—

5 (1) in paragraph (1)—

6 (A) by striking “of Transportation” and  
7 inserting “of the department in which the Coast  
8 Guard is operating”; and

9 (B) by striking subparagraph (A) and in-  
10 serting the following:

11 “(A) the vessel GALLANT LADY  
12 (Feadship hull number 672, approximately 168  
13 feet in length).”;

14 (2) by striking paragraphs (3) and (4) and re-  
15 designating paragraph (5) as paragraph (3); and

16 (3) in paragraph (3) (as so redesignated) by  
17 striking all after “shall expire” and inserting “on  
18 the date of the sale of the vessel by the owner.”.

19 **SEC. 403. TEMPORARY WAIVER.**

20 Notwithstanding section 27 of the Merchant Marine  
21 Act, 1920 (46 U.S.C. App. 883) or any other law restrict-  
22 ing a foreign-flag vessel from operating in the coastwise  
23 trade, the foreign-flag vessel TAI AN KOU (IMO number  
24 9223277) may engage in the coastwise trade of the United  
25 States to transport a jack-up drilling rig from a place near  
26 Port Arthur, Texas, to a site in Cook Inlet, Alaska. Such

1 transportation shall be completed not later than December  
2 31, 2006.

3 **SEC. 404. WAIVER.**

4 Notwithstanding section 27 of the Merchant Marine  
5 Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of  
6 June 19, 1886 (46 U.S.C. App. 289; 24 Stat. 81), and  
7 section 12106 of title 46, United States Code, the Sec-  
8 retary of the department in which the Coast Guard is op-  
9 erating may issue a certificate of documentation with a  
10 coastwise endorsement for the OCEAN VERITAS (IMO  
11 Number 7366805).

12 **SEC. 405. DATA.**

13 In each of fiscal years 2007 and 2008, there is au-  
14 thorized to be appropriated to the Administrator of the  
15 National Oceanic and Atmospheric Administration  
16 \$7,000,000 to acquire through the use of unmanned aerial  
17 vehicles data to improve the management of natural disas-  
18 ters, and the safety of marine and aviation transportation.

19 **SEC. 406. GREAT LAKES MARITIME RESEARCH INSTITUTE.**

20 Section 605 of the Coast Guard and Maritime Trans-  
21 portation Act of 2004 (118 Stat. 1052) is amended—

22 (1) in subsection (b)(1)—

23 (A) by striking “The Secretary of Trans-  
24 portation shall conduct a study that” and in-  
25 serting “The Institute shall conduct maritime

1 transportation studies of the Great Lakes re-  
2 gion, including studies that”;

3 (B) in subparagraphs (A), (B), (C), (E),  
4 (F), (H), (I), and (J) by striking “evaluates”  
5 and inserting “evaluate”;

6 (C) in subparagraphs (D) and (G) by  
7 striking “analyzes” and inserting “analyze”;

8 (D) by striking “and” at the end of sub-  
9 paragraph (I);

10 (E) by striking the period at the end of  
11 paragraph (J) and inserting a semicolon;

12 (F) by adding at the end the following:

13 “(K) identify ways to improve the integra-  
14 tion of the Great Lakes marine transportation  
15 system into the national transportation system;

16 “(L) examine the potential of expanded op-  
17 erations on the Great Lakes marine transpor-  
18 tation system;

19 “(M) identify ways to include intelligent  
20 transportation applications into the Great  
21 Lakes marine transportation system;

22 “(N) analyze the effects and impacts of  
23 aging infrastructure and port corrosion on the  
24 Great Lakes marine transportation system;

1           “(O) establish and maintain a model Great  
2           Lakes marine transportation system database;  
3           and

4           “(P) identify market opportunities for, and  
5           impediments to, the use of United States-flag  
6           vessels in trade with Canada on the Great  
7           Lakes.”; and

8           (2) by striking subsection (b)(4) and inserting  
9           the following:

10           “(4) AUTHORIZATION OF APPROPRIATIONS.—  
11           There are authorized to be appropriated to carry out  
12           paragraph (1)—

13                   “(A) \$2,100,000 for fiscal year 2007;

14                   “(B) \$2,200,000 for fiscal year 2008;

15                   “(C) \$2,300,000 for fiscal year 2009;

16                   “(D) \$2,400,000 for fiscal year 2010; and

17                   “(E) \$2,500,000 for fiscal year 2011.”.

18 **SEC. 407. INSPECTION AND CERTIFICATION OF PERMA-**  
19 **NENTLY MOORED VESSELS.**

20           (a) REPORT.—Not later than 30 days after the date  
21 of enactment of this Act, the Commandant of the Coast  
22 Guard shall prepare and submit to the Committee on  
23 Transportation and Infrastructure of the House of Rep-  
24 resentatives and the Committee on Commerce, Science,  
25 and Transportation of the Senate a report on the number

1 and location of vessels that would be identified as perma-  
2 nently moored vessels under the Coast Guard’s notice of  
3 proposed policy entitled “Coast Guard Inspection and Cer-  
4 tification of Permanently Moored Vessels”, dated June 21,  
5 2004, and printed in the Federal Register and the poten-  
6 tial economic impacts of prohibiting the issuance of certifi-  
7 cates of inspection for vessels under the proposed policy.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-  
9 gress that the Coast Guard should develop and implement  
10 in a timely manner a policy regarding the inspection of  
11 permanently moored vessels that would not prohibit any  
12 vessel that is operating under a valid certificate of inspec-  
13 tion on June 1, 2006, from being issued a certificate of  
14 inspection if such vessel maintains compliance with all ap-  
15 plicable Coast Guard regulations.

16 **SEC. 408. COMPETITIVE CONTRACTING FOR PATROL BOAT**  
17 **REPLACEMENT.**

18 The Coast Guard may only buy or operate a patrol  
19 boat replacement (fast response cutter) if the contract to  
20 build the cutter is awarded using a competitive contracting  
21 procedure among shipyards in the United States and the  
22 management of the competitive contracting procedure is  
23 done by the Coast Guard or the primary contractor for  
24 the Deepwater Program of the Coast Guard.

○