

# Union Calendar No. 124

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 889

**[Report No. 109–204, Part I]**

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

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

JULY 28, 2005

Reported with an amendment and referred to the Committee on Homeland Security for a period ending not later than July 29, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(i) of rule X

[Strike out all after the enacting clause and insert the part printed in italic]

JULY 29, 2005

Committee on Homeland Security discharged; committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 17, 2005]

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## A BILL

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.

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 and Mari-*  
 5 *time Transportation Act of 2005”.*

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. Extension of Coast Guard vessel anchorage and movement authority.*

*Sec. 202. International training and technical assistance.*

*Sec. 203. Officer promotion.*

*Sec. 204. Coast Guard band director.*

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

*Sec. 206. Reserve recall authority.*

*Sec. 207. Reserve officer distribution.*

*Sec. 208. Expansion of use of auxiliary equipment to support coast guard mis-*  
*sions.*

*Sec. 209. Coast Guard history fellowships.*

**TITLE III—SHIPPING AND NAVIGATION**

*Sec. 301. Treatment of ferries as passenger vessels.*

*Sec. 302. Great Lakes pilotage annual ratemaking.*

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

*Sec. 304. LNG Tankers.*

**TITLE IV—MISCELLANEOUS**

*Sec. 401. Technical corrections.*

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

*Sec. 403. Transfer.*

*Sec. 404. Long-range vessel tracking system.*

*Sec. 405. Report.*

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

*Sec. 407. Marine casualty investigations study.*

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

*Sec. 409. Deepwater implementation report.*

*Sec. 410. Helicopters.*

*Sec. 411. Reports from mortgagees of vessels.*

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

## 1           **TITLE I—AUTHORIZATION**

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

3           *Funds are authorized to be appropriated for fiscal year*  
 4 *2006 for necessary expenses of the Coast Guard as follows:*

5                   (1) *For the operation and maintenance of the*  
 6 *Coast Guard, \$5,586,400,000, of which \$24,500,000 is*  
 7 *authorized to be derived from the Oil Spill Liability*  
 8 *Trust Fund to carry out the purposes of section*  
 9 *1012(a)(5) of the Oil Pollution Act of 1990.*

10                   (2) *For the acquisition, construction, rebuilding,*  
 11 *and improvement of aids to navigation, shore and off-*  
 12 *shore facilities, vessels, and aircraft, including equip-*  
 13 *ment related thereto, \$1,903,821,000, of which—*

14                           (A) *\$20,000,000 shall be derived from the*  
 15 *Oil Spill Liability Trust Fund to carry out the*  
 16 *purposes of section 1012(a)(5) of the Oil Pollu-*  
 17 *tion Act of 1990), to remain available until ex-*  
 18 *pended;*

19                           (B) *\$1,316,300,000 is authorized for acqui-*  
 20 *sition and construction of shore and offshore fa-*  
 21 *cilities, vessels, and aircraft, including equip-*  
 22 *ment related thereto, and other activities that*

1           *constitute the Integrated Deepwater Systems;*  
2           *and*

3           (C)   *\$284,369,000 is authorized for*  
4           *sustainment of legacy vessels and aircraft, in-*  
5           *cluding equipment related thereto, and other ac-*  
6           *tivities that constitute the Integrated Deepwater*  
7           *Systems.*

8           (3) *To the Commandant of the Coast Guard for*  
9           *research, development, test, and evaluation of tech-*  
10          *nologies, materials, and human factors directly relat-*  
11          *ing to improving the performance of the Coast*  
12          *Guard's mission in search and rescue, aids to naviga-*  
13          *tion, marine safety, marine environmental protection,*  
14          *enforcement of laws and treaties, ice operations,*  
15          *oceanographic research, and defense readiness,*  
16          *\$24,000,000, to remain available until expended, of*  
17          *which \$3,500,000 shall be derived from the Oil Spill*  
18          *Liability Trust Fund to carry out the purposes of sec-*  
19          *tion 1012(a)(5) of the Oil Pollution Act of 1990.*

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



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

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

5           (3) *For professional training in military and ci-*  
6 *vilian institutions for fiscal year 2006, 350 student*  
7 *years.*

8           (4) *For officer acquisition for fiscal year 2006,*  
9 *1,200 student years.*

## 10           **TITLE II—COAST GUARD**

### 11 **SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHOR-** 12 **AGE AND MOVEMENT AUTHORITY.**

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

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

### 19 **SEC. 202. INTERNATIONAL TRAINING AND TECHNICAL AS-** 20 **SISTANCE.**

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

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

1 **“§ 149. Assistance to foreign governments and mari-**  
2 **time authorities”;**

3 (2) by inserting before the existing undesignated  
4 text the following new subsection designation and  
5 heading: “(a) *DETAIL OF MEMBERS TO ASSIST FOR-*  
6 *EIGN GOVERNMENTS.—*”; and

7 (3) by adding at the end the following new sub-  
8 section:

9 “(b) *TECHNICAL ASSISTANCE TO FOREIGN MARITIME*  
10 *AUTHORITIES.—The Commandant, in coordination with*  
11 *the Secretary of State, may, in conjunction with regular*  
12 *Coast Guard operations, provide technical assistance, in-*  
13 *cluding law enforcement and maritime safety and security*  
14 *training, to foreign navies, coast guards, and other mari-*  
15 *time authorities.”.*

16 (b) *CLERICAL AMENDMENT.—The item related to such*  
17 *section in the analysis at the beginning of chapter 7 of title*  
18 *14, United States Code, is amended to read as follows:*

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

19 **SEC. 203. OFFICER PROMOTION.**

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

22 “(f) *The Secretary may waive subsection (a) of this*  
23 *section to the extent necessary to allow officers described*  
24 *therein to have at least two opportunities for consideration*

1 *for promotion to the next higher grade as officers below the*  
2 *promotion zone.”.*

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

4 (a) *BAND DIRECTOR APPOINTMENT AND GRADE.—*

5 *Section 336 of title 14, United States Code, is amended—*

6 (1) *in subsection (b)—*

7 (A) *by amending the first sentence to read*  
8 *as follows: “The Secretary may designate as the*  
9 *director any individual determined by the Sec-*  
10 *retary to possess the necessary qualifications.”;*  
11 *and*

12 (B) *in the second sentence, by striking “a*  
13 *member so designated” and inserting “an indi-*  
14 *vidual so designated”;*

15 (2) *in subsection (c)—*

16 (A) *by striking “of a member” and insert-*  
17 *ing “of an individual”; and*

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

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

25 (4) *in subsection (e)—*



1       of a firm fixed-price contract, both the design and  
2       construction of a facility using performance specifica-  
3       tions supplied by the Secretary.

4               “(2) The term ‘construction’ includes the con-  
5       struction, procurement, development, conversion, or  
6       extension, of any facility.

7               “(3) The term ‘facility’ means a building, struc-  
8       ture, or other improvement to real property.”.

9       (b) *CLERICAL AMENDMENT.*—The analysis at the be-  
10      ginning of such chapter is amended by inserting after the  
11      item relating to section 676 the following:

      “677. Turnkey selection procedures.”.

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

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

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

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

18               (3) by inserting “, act of terrorism as defined in  
19      section 2(15) of the Homeland Security Act of 2002  
20      (6 U.S.C. 101(15)), or transportation security inci-  
21      dent as defined in section 70101 of title 46” after “ca-  
22      tastrophe”;

23               (4) by striking “thirty days in any four-month  
24      period” and inserting “60 days in any 4-month pe-  
25      riod”; and

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

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

4           Section 724 of title 14, United States Code, is amend-  
5 ed—

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

10           (2) in subsection (b), by striking so much as pre-  
11           cedes paragraph (2) and inserting the following:

12           “(b)(1) The Secretary shall, at least once each year,  
13           make a computation to determine the number of Reserve  
14           officers in an active status authorized to be serving in each  
15           grade. The number in each grade shall be computed by ap-  
16           plying the applicable percentage to the total number of such  
17           officers serving in an active status on the date the computa-  
18           tion is made. The number of Reserve officers in an active  
19           status below the grade of rear admiral (lower half) shall  
20           be distributed by pay grade so as not to exceed percentages  
21           of commissioned officers authorized by section 42(b) of this  
22           title. When the actual number of Reserve officers in an ac-  
23           tive status in a particular pay grade is less than the max-  
24           imum percentage authorized, the difference may be applied  
25           to the number in the next lower grade. A Reserve officer

1 *may not be reduced in rank or grade solely because of a*  
2 *reduction in an authorized number as provided for in this*  
3 *subsection, or because an excess results directly from the op-*  
4 *eration of law.”.*

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

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

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

11 (2) *by adding at the end the following new sub-*  
12 *section:*

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

19 (b) *APPROPRIATIONS FOR FACILITIES.*—Section  
20 *830(a) of title 14, United States Code, is amended by strik-*  
21 *ing “or radio station” and inserting “radio station, or mo-*  
22 *torized vehicle” each place it appears.*

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

2       (a) *FELLOWSHIPS AUTHORIZED.*—Chapter 9 of title  
3 14, United States Code, is amended by adding at the end  
4 the following:

5 **“§ 197. Coast Guard history fellowships**

6       “(a) *FELLOWSHIPS.*—The Commandant of the Coast  
7 Guard shall prescribe regulations under which the Com-  
8 mandant may award fellowships in Coast Guard history  
9 to individuals who are eligible under subsection (b).

10       “(b) *ELIGIBLE INDIVIDUALS.*—An individual shall be  
11 eligible under this subsection if the individual is a citizen  
12 or national of the United States and—

13               “(1) is a graduate student in United States his-  
14 tory;

15               “(2) has completed all requirements for a doc-  
16 toral degree other than preparation of a dissertation;  
17 and

18               “(3) agrees to prepare a dissertation in a subject  
19 area of Coast Guard history determined by the Com-  
20 mandant.

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

23               “(1) the criteria for award of fellowships;

24               “(2) the procedures for selecting recipients of fel-  
25 lowships;

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

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

6           (b) *CLERICAL AMENDMENT.*—*The analysis at the be-*  
7           *ginning of such chapter is amended by adding at the end*  
8           *the following:*

          “197. *Coast Guard history fellowships.*”.

9                           **TITLE III—SHIPPING AND**  
10                           **NAVIGATION**

11           **SEC. 301. TREATMENT OF FERRIES AS PASSENGER VES-**  
12                           **SELS.**

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

16                           “(10b) ‘*ferry*’ means a vessel that is used on a  
17           *regular schedule—*

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

21   “(B) *to transport only—*

22   “(i) *passengers, or*

23   “(ii) *vehicles, or railroad cars, that are*  
24   *being used, or have been used, in trans-*  
25   *porting passengers or goods.”.*

1       (b) *PASSENGER VESSELS THAT ARE FERRIES.*—Sec-  
2       tion 2101(22) of title 46, United States Code, is amended—

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

5               (2) by striking the period at the end of subpara-  
6       graph (C) and inserting “; or”; and

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

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

9       (c) *SMALL PASSENGER VESSELS THAT ARE FER-*  
10       *RIES.*—Section 2101(35) of title 46, United States Code, is  
11       amended—

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

14               (2) by striking the period at the end of subpara-  
15       graph (D) and inserting “; or”; and

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

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

19       **SEC. 302. GREAT LAKES PILOTAGE ANNUAL RATEMAKING.**

20       Section 9303 of title 46, United States Code, is amend-  
21       ed—

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

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

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

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

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

10 **SEC. 304. LNG TANKERS.**

11       (a) *PROGRAM.—The Secretary of Transportation shall*  
12 *develop and implement a program to promote the transpor-*  
13 *tation of liquefied natural gas to the United States on*  
14 *United States-flag vessels.*

15       (b) *AMENDMENT TO DEEPWATER PORT ACT.—Section*  
16 *4 of the Deepwater Port Act of 1974 (33 U.S.C. 1503) is*  
17 *amended by adding at the end the following:*

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

23       (c) *REPORT.—Within 6 months after the date of the*  
24 *enactment of this Act, the Secretary shall submit a report*  
25 *to the Committee on Transportation and Infrastructure of*

1 *the House of Representatives and the Committee on Com-*  
2 *merce, Science, and Transportation of the Senate on the*  
3 *implementation of this section.*

## 4 **TITLE IV—MISCELLANEOUS**

### 5 **SEC. 401. TECHNICAL CORRECTIONS.**

6 (a) *REQUIREMENTS FOR COOPERATIVE AGREEMENTS*  
7 *FOR VOLUNTARY SERVICES.*—Section 93(a)(19) of title 14,  
8 *United States Code, as amended by section 201 of the Coast*  
9 *Guard and Maritime Transportation Act of 2004 (Public*  
10 *Law 108–293; 118 Stat. 1031), is amended by redesignig-*  
11 *nating subparagraphs (1) and (2) in order as subpara-*  
12 *graphs (A) and (B).*

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

18 (c) *RECOMMENDATIONS TO CONGRESS BY COM-*  
19 *MANDANT OF THE COAST GUARD.*—Section 93(a) of title  
20 14, *United States Code, as amended by sections 201 and*  
21 *217 of the Coast Guard and Maritime Transportation Act*  
22 *of 2004 (Public Law 108–293; 118 Stat. 1031, 1038), is*  
23 *amended by redesignating paragraph (y) as paragraph*  
24 *(24).*

1           (d) *CORRECTION OF REFERENCE TO PORTS AND WA-*  
2 *TERWAYS SAFETY ACT.*—Section 302 of the Coast Guard  
3 *and Maritime Transportation Act of 2004 (Public Law*  
4 *108–293; 118 Stat. 1041) is amended by striking “of 1972”.*

5           (e) *TECHNICAL CORRECTION OF PENALTY.*—Section  
6 *4311(b) of title 46, United States Code, as amended by sec-*  
7 *tion 406 of the Coast Guard and Maritime Transportation*  
8 *Act of 2004 (Public Law 108–293; 118 Stat. 1043), is*  
9 *amended by striking “4307(a)of” and inserting “4307(a)*  
10 *of”.*

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

19           (g) *RENEWAL OF ADVISORY GROUP.*—Section 418(a)  
20 *of the Coast Guard and Maritime Transportation Act of*  
21 *2004 (Public Law 108–293; 118 Stat. 1049) is amended*  
22 *by striking “of September 30, 2005” and inserting “on Sep-*  
23 *tember 30, 2005”.*

24           (h) *TECHNICAL CORRECTIONS RELATING TO REF-*  
25 *ERENCES TO NATIONAL DRIVER REGISTER.*—

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

6           (2) *OMITTED WORD.*—Section 7302(c) of title 46,  
7           United States Code, as amended by section 609(1) of  
8           the Coast Guard and Maritime Transportation Act of  
9           2004 (Public Law 108–293; 118 Stat. 1058), is  
10          amended—

11                   (A) by inserting “section” before  
12                   “30305(b)(5)”; and

13                   (B) by inserting “section” before  
14                   “30304(a)(3)(A)”.

15          (3) *EXTRANEOUS U.S.C. REFERENCE.*—Section  
16          7703(3) of title 46, United States Code, as amended  
17          by section 609(3) of the Coast Guard and Maritime  
18          Transportation Act of 2004 (Public Law 108–293;  
19          118 Stat. 1058), is amended by striking “(23 U.S.C.  
20          401 note)”.

21          (i) *VESSEL RESPONSE PLANS FOR NONTANK VES-*  
22          *SELS.*—

23                   (1) *CORRECTION OF VESSEL REFERENCES.*—Sec-  
24                   tion 311 of the Federal Water Pollution Control Act  
25                   (33 U.S.C. 1321), as amended by section 701 of the

1 *Coast Guard and Maritime Transportation Act of*  
 2 *2004 (Public Law 108–293; 118 Stat. 1067), is*  
 3 *amended by striking “non-tank” each place it ap-*  
 4 *pears and inserting “nontank”.*

5 (2) *PUNCTUATION ERROR.—Section 701(b)(9) of*  
 6 *the Coast Guard and Maritime Transportation Act of*  
 7 *2004 (Public Law 108–293; 118 Stat. 1068) is*  
 8 *amended by inserting close quotation marks after*  
 9 *“each tank vessel”.*

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

15 (k) *CORRECTION TO SUBTITLE DESIGNATION.—*

16 (1) *REDESIGNATION.—Title 46, United States*  
 17 *Code, is amended by redesignating subtitle VI as sub-*  
 18 *title VII.*

19 (2) *CLERICAL AMENDMENT.—The table of sub-*  
 20 *titles at the beginning of title 46, United States Code,*  
 21 *is amended by striking the item relating to subtitle VI*  
 22 *and inserting the following:*

“VII. MISCELLANEOUS ..... 70101”.

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

1           (1) *Sections 70118 and 70119, as added by sec-*  
 2           *tion 801 of the Coast Guard and Maritime Transpor-*  
 3           *tation Act of 2004 (Public Law 108–293; 118 Stat.*  
 4           *1078), are redesignated as sections 70117 and 70118,*  
 5           *respectively, and moved to appear immediately after*  
 6           *section 70116 of title 46, United States Code.*

7           (2) *Sections 70117 and 70118, as added by sec-*  
 8           *tion 802 of such Act (Public Law 108–293; 118 Stat.*  
 9           *1078), are redesignated as sections 70120 and 70121,*  
 10          *respectively, and moved to appear immediately after*  
 11          *section 70119 of title 46, United States Code.*

12          (3) *In section 70120(a), as redesignated by para-*  
 13          *graph (2) of this section, by striking “section 70120”*  
 14          *and inserting “section 70119”.*

15          (4) *In section 70121(a), as redesignated by para-*  
 16          *graph (2) of this section, by striking “section 70120”*  
 17          *and inserting “section 70119”.*

18          (5) *In the analysis at the beginning of the chap-*  
 19          *ter, by striking the items relating to sections 70117*  
 20          *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.”.*

21          (m) *AREA MARITIME SECURITY ADVISORY COMMIT-*  
 22          *TEES; MARGIN ALIGNMENT.—Section 70112(b) of title 46,*  
 23          *United States Code, as amended by section 806 of the Coast*

1 *Guard and Maritime Transportation Act of 2004 (Public*  
 2 *Law 108–293; 118 Stat. 1082), is amended by moving*  
 3 *paragraph (5) two ems to the left, so that the left-hand mar-*  
 4 *gin of paragraph (5) aligns with the left-hand margin of*  
 5 *paragraph (4) of such section.*

6       (n) *TECHNICAL CORRECTION REGARDING TANK VES-*  
 7 *SEL ENVIRONMENTAL EQUIVALENCY EVALUATION INDEX.—*  
 8 *Section 4115(e)(3) of the Oil Pollution Act of 1990 (46*  
 9 *U.S.C. 3703a note) is amended by striking “hull” the sec-*  
 10 *ond place it appears.*

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

13 **SEC. 402. AUTHORIZATION OF JUNIOR RESERVE OFFICERS**  
 14 **TRAINING PROGRAM PILOT PROGRAM.**

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

21       (b) *PROGRAM REQUIREMENTS.—A pilot program car-*  
 22 *ried out by the Secretary under this section shall provide*  
 23 *to students at Camden County High School—*

24               (1) *instruction in subject areas relating to oper-*  
 25 *ations of the Coast Guard; and*

1           (2) *training in skills which are useful and ap-*  
 2           *propriate for a career in the Coast Guard.*

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

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

8           (2) *commissioned, warrant, and petty officers of*  
 9           *the Coast Guard to serve as administrators and in-*  
 10          *structors; and*

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

13          (d) *EMPLOYMENT OF RETIRED COAST GUARD PER-*  
 14          *SONNEL.—*

15          (1) *IN GENERAL.—Subject to paragraph (2) of*  
 16          *this subsection, the Secretary may authorize the Cam-*  
 17          *den County High School to employ as administrators*  
 18          *and instructors for the pilot program retired Coast*  
 19          *Guard and Coast Guard Reserve commissioned, war-*  
 20          *rant, and petty officers who request that employment*  
 21          *and who are approved by the Secretary and Camden*  
 22          *County High School.*

23          (2) *AUTHORIZED PAY.—*

24          (A) *IN GENERAL.—Retired members em-*  
 25          *ployed under paragraph (1) of this subsection*

1           *are entitled to receive their retired or retainer*  
2           *pay and an additional amount of not more than*  
3           *the difference between—*

4                   *(i) the amount the individual would be*  
5                   *paid as pay and allowance if they were con-*  
6                   *sidered to have been ordered to active duty*  
7                   *during that period of employment; and*

8                   *(ii) the amount of retired pay the indi-*  
9                   *vidual is entitled to receive during that pe-*  
10                  *riod.*

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

16                  *(C) NOT DUTY OR DUTY TRAINING.—Not-*  
17                  *withstanding any other law, while employed*  
18                  *under this subsection, an individual is not con-*  
19                  *sidered to be on active duty or inactive duty*  
20                  *training.*

21 **SEC. 403. TRANSFER.**

22                  *Section 602(b)(2) of the Coast Guard and Maritime*  
23                  *Transportation Act of 2004 (118 Stat. 1051) is amended*  
24                  *by striking “to be conveyed” and all that follows through*  
25                  *the period and inserting “to be conveyed to CAS Founda-*

1 tion, Inc. (a nonprofit corporation under the laws of the  
2 State of Indiana.”.

3 **SEC. 404. LONG-RANGE VESSEL TRACKING SYSTEM.**

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

10 (b) *AUTHORIZATION OF APPROPRIATIONS.*—There is  
11 authorized to be appropriated to the Secretary of the de-  
12 partment in which the Coast Guard is operating \$4,000,000  
13 for fiscal year 2006 to carry out the pilot program author-  
14 ized under subsection (a).

15 **SEC. 405. REPORT.**

16 (a) *IN GENERAL.*—The Commandant of the Coast  
17 Guard shall review the adequacy of assets described in sub-  
18 section (b) to carry out the Coast Guard’s missions includ-  
19 ing search and rescue, illegal drug and migrant interdic-  
20 tion, and fisheries law enforcement. Not later than 180 days  
21 after the date of the enactment of this Act, the Commandant  
22 shall submit a report to the Committee on Transportation  
23 and Infrastructure of the House of Representatives and the  
24 Committee on Commerce, Science, and Transportation of  
25 the Senate that includes the findings of that review and

1 *any recommendations to enhance mission capabilities in*  
2 *those areas.*

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

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

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

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

15 **SEC. 406. TRAINING OF CADETS AT UNITED STATES MER-**  
16 **CHANT MARINE ACADEMY.**

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

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

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

23 (3) *by adding at the end the following:*

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

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

2       (a) *STUDY.*—*Within 3 months after the date of enact-*  
3 *ment of this Act, the Commandant of the Coast Guard shall*  
4 *enter into an agreement with National Institute for Occu-*  
5 *pational Safety and Health for a study of the Coast Guard*  
6 *marine casualty investigation program to examine the ex-*  
7 *tent to which marine casualty investigations and reports—*

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

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

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

14       (b) *INCLUDED ELEMENTS.*—*To promote the safety of*  
15 *all those who work on or travel by water and to protect*  
16 *the marine environment, the study shall include consider-*  
17 *ation of—*

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

22            (2) *investigation standards and methods, includ-*  
23 *ing a comparison of the formal and informal inves-*  
24 *tigation processes;*

25            (3) *use of best investigation practices considering*  
26 *transportation investigation practices used by other*

1 *Federal agencies and foreign governments, including*  
2 *the British MAIB program;*

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

6 *(5) the extent to which marine casualty data and*  
7 *information have been used to improve the surviv-*  
8 *ability and habitability of vessels involved in marine*  
9 *casualties; and*

10 *(6) any changes to current statutes that would*  
11 *clarify Coast Guard responsibilities for marine cas-*  
12 *ualty investigations and report.*

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

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

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

24 *(a) IN GENERAL.—Upon the scheduled decommis-*  
25 *sioning of the Coast Guard Cutter MACKINAW, the Com-*

1 *mandant of the Coast Guard shall convey all right, title,*  
2 *and interest of the United States in and to that vessel to*  
3 *the City and County of Cheboygan, Michigan, without con-*  
4 *sideration, if—*

5 *(1) the recipient agrees—*

6 *(A) to use the vessel for purposes of a mu-*  
7 *seum;*

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

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

14 *(D) to hold the Government harmless for*  
15 *any claims arising from exposure to hazardous*  
16 *materials, including asbestos and poly-*  
17 *chlorinated biphenyls (PCBs), after conveyance*  
18 *of the vessel, except for claims arising from the*  
19 *use by the Government under subparagraph (C);*

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

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

3           (b) *MAINTENANCE AND DELIVERY OF VESSEL.*—Prior  
4 *to conveyance of the vessel under this section, the Com-*  
5 *mandant shall, to the extent practical, and subject to other*  
6 *Coast Guard mission requirements, make every effort to*  
7 *maintain the integrity of the vessel and its equipment until*  
8 *the time of delivery. If a conveyance is made under this*  
9 *section, the Commandant shall deliver the vessel at the place*  
10 *where the vessel is located, in its present condition, and*  
11 *without cost to the Government. The conveyance of the vessel*  
12 *under this section shall not be considered a distribution in*  
13 *commerce for purposes of section 6(e) of Public Law 94-*  
14 *469 (15 U.S.C. 2605(e)).*

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

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

21           *Within 30 days after the date of the enactment of this*  
22 *Act, the Secretary of the department in which the Coast*  
23 *Guard is operating shall submit to the Committee on Trans-*  
24 *portation and Infrastructure of the House of Representa-*  
25 *tives and the Committee on Commerce, Science, and Trans-*

1 portation of the Senate a report on the implementation of  
2 the Integrated Deepwater Program that includes—

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

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

8 (3) a detailed justification for each modification  
9 in each Integrated Deepwater Program asset that ful-  
10 fills the revised mission needs statement for the pro-  
11 gram; and

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

14 **SEC. 410. HELICOPTERS.**

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

21 (b) *DETERMINATION AND CERTIFICATION.*—The Sec-  
22 retary shall not acquire or lease any previously used HH-  
23 65 helicopters or airframes under subsection (a), until the  
24 end of the 90-day period beginning on the date the Sec-  
25 retary notifies the Committee on Transportation and Infra-

1 *structure of the House of Representatives and the Committee*  
2 *on Commerce, Science, and Transportation of the Senate*  
3 *that the Secretary has—*

4           (1) *determined that acquiring or leasing such*  
5 *previously used helicopters or airframes, and making*  
6 *any modifications to such helicopters or airframes*  
7 *that are needed to ensure those helicopters and air-*  
8 *frames meet the design, construction, and equipment*  
9 *standards that apply to H-65 helicopters under the*  
10 *administrative control of the Coast Guard on May 18,*  
11 *2005, is more cost-effective than acquiring or leasing*  
12 *an equal number of MH-68 helicopters; and*

13           (2) *certified that the helicopters and airframes*  
14 *will meet all applicable Coast Guard safety require-*  
15 *ments.*

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

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

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

21       (a) *STUDY.—Of the amounts provided under section*  
22 *1012 of the Oil Pollution Act, the Coast Guard shall conduct*  
23 *a study of public health and safety concerns related to the*  
24 *pollution of Newtown Creek, New York City, New York,*  
25 *caused by seepage of oil into Newtown Creek from*

1 17,000,000 gallons of underground oil spills in Greenpoint,  
2 Brooklyn, New York.

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

Union Calendar No. 124

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 889**

[Report No. 109-204, Part I]

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**A BILL**

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.

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JULY 29, 2005

Committee on Homeland Security discharged; committed to the Committee of the Whole House on the State of the Union, and ordered to be printed