

109TH CONGRESS  
1ST SESSION

# S. 1280

To authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 21, 2005

Ms. SNOWE (for herself, Ms. CANTWELL, Mr. STEVENS, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science and Transportation

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## A BILL

To authorize appropriations for fiscal years 2006 and 2007 for the United States 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 Author-  
5       ization 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

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- Sec. 102. Authorized levels of military strength and training.
- Sec. 103. Web-based risk management data system.

## TITLE II—HOMELAND SECURITY, MARINE SAFETY, FISHERIES, AND ENVIRONMENTAL PROTECTION

- Sec. 201. Extension of Coast Guard vessel Anchorage and movement authority.
- Sec. 202. Enhanced civil penalties for violations of the Maritime Transportation Security Act.
- Sec. 203. Icebreakers.
- Sec. 204. Cooperative agreements.
- Sec. 205. Pilot program for dockside no fault/no cost safety and survivability examinations for uninspected commercial fishing vessels.
- Sec. 206. Reports from mortgagees of vessels.
- Sec. 207. International training and technical assistance.
- Sec. 208. Reference to Trust Territory of the Pacific Islands.
- Sec. 209. Bio-diesel feasibility study.
- Sec. 210. Certification of vessel nationality in drug smuggling cases.
- Sec. 211. Jones Act waivers.
- Sec. 212. Deepwater oversight.
- Sec. 213. Deepwater report.
- Sec. 214. LORAN-C.
- Sec. 215. Long-range vessel tracking system.
- Sec. 216. Marine vessel and cold water safety education.
- Sec. 217. Suction anchors.

## TITLE III—UNITED STATES OCEAN COMMISSION IMPLEMENTATION

- Sec. 301. Place of refuge.
- Sec. 302. Implementation of international agreements.
- Sec. 303. Voluntary measures for reducing pollution from recreational boats.
- Sec. 304. Integration of vessel monitoring system data.
- Sec. 305. Foreign fishing incursions.

## TITLE IV—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT

- Sec. 401. Reserve officer distribution.
- Sec. 402. Coast Guard band director.
- Sec. 403. Reserve recall authority.
- Sec. 404. Expansion of equipment used by auxiliary to support Coast Guard missions.
- Sec. 405. Authority for one-step turnkey design-build contracting.
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## TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

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Sec. 507. Transportation.  
Sec. 508. Mortgage insurance.  
Sec. 509. Arctic research.  
Sec. 510. Conservation.  
Sec. 511. Conforming amendment.  
Sec. 512. Anchorage grounds.  
Sec. 513. Bridges.  
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Sec. 518. Shipping.  
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Sec. 520. Drug interdiction report.  
Sec. 521. Acts of terrorism report.

#### TITLE VI—EFFECTIVE DATES

Sec. 601. Effective dates.

# **TITLE I—AUTHORIZATION**

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

(a) There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating the following amounts:

(1) For the operation and maintenance of the Coast Guard \$5,594,900,000, 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, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,424,852,000, to remain available until expended, 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 (33 U.S.C. 2712(a)(5)); and

(B) \$1,100,000,000 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.

1           (3) For the use of the Commandant of the  
2       Coast Guard for research, development, test, and  
3       evaluation of technologies, materials, and human  
4       factors directly relating to improving the perform-  
5       ance of the Coast Guard's mission in search and res-  
6       cue, aids to navigation, marine safety, marine envi-  
7       ronmental protection, enforcement of laws and trea-  
8       ties, ice operations, oceanographic research, and de-  
9       fense readiness, \$24,000,000, to remain available  
10      until expended, of which \$3,500,000 shall be derived  
11      from the Oil Spill Liability Trust Fund to carry out  
12      the purposes of section 1012(a)(5) of the Oil Pollu-  
13      tion Act of 1990 (33 U.S.C. 2712(a)(5)).

14          (4) For retired pay (including the payment of  
15      obligations otherwise chargeable to lapsed appropria-  
16      tions for this purpose), payments under the Retired  
17      Serviceman's Family Protection and Survivor Ben-  
18      efit Plans, and payments for medical care of retired  
19      personnel and their dependents under chapter 55 of  
20      title 10, United States Code, \$1,014,080,000, to re-  
21      main available until expended.

22          (5) For alteration or removal of bridges over  
23      navigable waters of the United States constituting  
24      obstructions to navigation, and for personnel and  
25      administrative costs associated with the Bridge Al-

1        teration     Program,     \$17,400,000,     of     which  
2        \$2,500,000, to remain available until expended, may  
3        be utilized for construction of a new Chelsea Street  
4        Bridge over the Chelsea River in Boston, Massachu-  
5        setts.

6            (6) For environmental compliance and restora-  
7        tion \$12,000,000, to remain available until expended  
8        for environmental compliance and restoration func-  
9        tions under chapter 19 of title 14, United States  
10       Code.

11           (7) For operation and maintenance of the Coast  
12        Guard reserve program, \$119,000,000.

13        (b) There are authorized to be appropriated for fiscal  
14       year 2007 to the Secretary of the department in which  
15       the Coast Guard is operating the following amounts:

16           (1) For the operation and maintenance of the  
17        Coast Guard \$6,042,492,000, of which \$24,500,000  
18        is authorized to be derived from the Oil Spill Liabil-  
19        ity Trust Fund to carry out the purposes of section  
20        1012(a)(5) of the Oil Pollution Act of 1990 (33  
21        U.S.C. 2712(a)(5)).

22           (2) For the acquisition, construction, renova-  
23        tion, and improvement of aids to navigation, shore  
24        and offshore facilities, vessels, and aircraft, includ-

1 ing equipment related thereto, \$1,538,840,160, to  
2 remain available until expended, of which—

3 (A) \$20,000,000 shall be derived from the  
4 Oil Spill Liability Trust Fund to carry out the  
5 purposes of section 1012(a)(5) of the Oil Pollu-  
6 tion Act of 1990 (33 U.S.C. 2712(a)(5)); and

7 (B) \$1,188,000,000 is authorized for ac-  
8 quisition and construction of shore and offshore  
9 facilities, vessels, and aircraft, including equip-  
10 ment related thereto, and other activities that  
11 constitute the Integrated Deepwater Systems.

12 (3) For the use of the Commandant of the  
13 Coast Guard for research, development, test, and  
14 evaluation of technologies, materials, and human  
15 factors directly relating to improving the perform-  
16 ance of the Coast Guard's mission in search and res-  
17 cue, aids to navigation, marine safety, marine envi-  
18 ronmental protection, enforcement of laws and trea-  
19 ties, ice operations, oceanographic research, and de-  
20 fense readiness, \$25,920,000, to remain available  
21 until expended, of which \$3,500,000 shall be derived  
22 from the Oil Spill Liability Trust Fund to carry out  
23 the purposes of section 1012(a)(5) of the Oil Pollu-  
24 tion Act of 1990 (33 U.S.C. 2712(a)(5)).

1           (4) For retired pay (including the payment of  
2 obligations otherwise chargeable to lapsed appropria-  
3 tions for this purpose), payments under the Retired  
4 Serviceman's Family Protection and Survivor Ben-  
5 efit Plans, and payments for medical care of retired  
6 personnel and their dependents under chapter 55 of  
7 title 10, United States Code, \$1,095,206,400, to re-  
8 main available until expended.

9           (5) For alteration or removal of bridges over  
10 navigable waters of the United States constituting  
11 obstructions to navigation, and for personnel and  
12 administrative costs associated with the Bridge Al-  
13 teration Program, \$18,792,000, of which  
14 \$2,500,000, to remain available until expended, may  
15 be utilized for construction of a new Chelsea Street  
16 Bridge over the Chelsea River in Boston, Massachu-  
17 setts.

18           (6) For environmental compliance and restora-  
19 tion \$12,960,000, to remain available until expended  
20 for environmental compliance and restoration func-  
21 tions under chapter 19 of title 14, United States  
22 Code.

23           (7) For operation and maintenance of the Coast  
24 Guard reserve program, \$128,520,000.



1 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
2 **AND TRAINING.**

3 (a) ACTIVE DUTY STRENGTH.—The Coast Guard is  
4 authorized an end-of-year strength of active duty per-  
5 sonnel of 45,500 as of September 30, 2006.

6 (b) MILITARY TRAINING STUDENT LOADS.—For fis-  
7 cal year 2006, the Coast Guard is authorized average mili-  
8 tary training student loads as follows:

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

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

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

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

15 **SEC. 103. WEB-BASED RISK MANAGEMENT DATA SYSTEM.**

16 There are authorized to be appropriated for fiscal  
17 year 2006 to the Secretary of the department in which  
18 the Coast Guard is operating \$1,000,000 to continue de-  
19 ployment of a web-based risk management system to help  
20 reduce accidents and fatalities.

1 **TITLE II—HOMELAND SECURITY,**  
 2 **MARINE SAFETY, FISHERIES,**  
 3 **AND ENVIRONMENTAL PRO-**  
 4 **TECTION**

5 **SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHOR-**  
 6 **AGE AND MOVEMENT AUTHORITY.**

7 Section 91 of title 14, United States Code, is amend-  
 8 ed by adding at the end the following:

9 “(d) As used in this section, the term ‘navigable wa-  
 10 ters of the United States’ includes all waters of the terri-  
 11 torial sea of the United States as described in Presidential  
 12 Proclamation No. 5928 of December 27, 1988.”.

13 **SEC. 202. ENHANCED CIVIL PENALTIES FOR VIOLATIONS**  
 14 **OF THE MARITIME TRANSPORTATION SECU-**  
 15 **RITY ACT.**

16 The second section enumerated 70119 of title 46,  
 17 United States Code, is amended—

18 (1) by inserting “(a) IN GENERAL.—” before  
 19 “Any”; and

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

21 “(b) CONTINUING VIOLATIONS.—Each day of a con-  
 22 tinuing violation shall constitute a separate violation, with  
 23 a total fine per violation not to exceed—

24 “(1) for violations occurring during fiscal year  
 25 2006, \$50,000;

1           “(2) for violations occurring during fiscal year  
2           2007, \$75,000; and

3           “(3) for violations occurring after fiscal year  
4           2007, \$100,000.

5           “(c) DETERMINATION OF AMOUNT.—In determining  
6 the amount of the penalty, the Secretary shall take into  
7 account the nature, circumstances, extent, and gravity of  
8 the violation committed and, with respect to the violator,  
9 the degree of culpability, history of prior offenses, ability  
10 to pay, and such other matters as justice may require.

11          “(d) COMPROMISE, MODIFICATION, AND REMIT-  
12 TAL.—The Secretary may compromise, modify, or remit,  
13 with or without conditions, any civil penalty imposed  
14 under this section.”.

15 **SEC. 203. ICEBREAKERS.**

16          (a) IN GENERAL.—The Secretary of the department  
17 in which the Coast Guard is operating shall take all nec-  
18 essary measures—

19           (1) to ensure that the Coast Guard maintains,  
20           at a minimum, its current vessel capacity for car-  
21           rying out ice-breaking in the Arctic and Antarctic  
22           regions, including the necessary funding for oper-  
23           ation and maintenance of such vessels; and

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

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated for fiscal year 2006 to  
3 the Secretary of the department in which the Coast Guard  
4 is operating \$100,000,000 to carry out this section.

5 **SEC. 204. COOPERATIVE AGREEMENTS.**

6 Not later than 180 days after the date of enactment  
7 of this Act, the Secretary of the department in which the  
8 Coast Guard is operating shall provide a report to the Sen-  
9 ate Committee on Commerce, Science, and Transportation  
10 and the House of Representatives Committee on Trans-  
11 portation and Infrastructure on opportunities for and the  
12 feasibility of co-locating Coast Guard assets and personnel  
13 at facilities of other Armed Services branches throughout  
14 the United States. The report shall—

- 15 (1) identify the locations of possible sites;
- 16 (2) identify opportunities for cooperative agree-  
17 ments that may be established between the Coast  
18 Guard and such facilities with respect to maritime  
19 security and other Coast Guard missions; and
- 20 (3) analyze anticipated costs and benefits asso-  
21 ciated with each site and such agreements.

1 **SEC. 205. PILOT PROGRAM FOR DOCKSIDE NO FAULT/NO**  
 2 **COST SAFETY AND SURVIVABILITY EXAMINA-**  
 3 **TIONS FOR UNINSPECTED COMMERCIAL**  
 4 **FISHING VESSELS.**

5 (a) PILOT PROGRAM.—The Secretary shall conduct  
 6 a pilot program to determine the effectiveness of manda-  
 7 tory dockside crew survivability examinations of  
 8 uninspected United States commercial fishing vessels in  
 9 reducing the number of fatalities and amount of property  
 10 losses in the United States commercial fishing industry.

11 (b) DEFINITIONS.—In this section:

12 (1) DOCKSIDE CREW SURVIVABILITY EXAMINA-  
 13 TION.—The term “dockside crew survivability exam-  
 14 ination” means an examination by a Coast Guard  
 15 representative of an uninspected fishing vessel and  
 16 its crew at the dock or pier that includes—

17 (A) identification and examination of safe-  
 18 ty and survival equipment required by law for  
 19 that vessel;

20 (B) identification and examination of the  
 21 vessel stability standards applicable by law to  
 22 that vessel; and

23 (C) identification and observation of—

24 (i) proper crew training on the ves-  
 25 sel’s safety and survival equipment; and

1 (ii) the crew's familiarity with vessel  
2 stability and emergency procedures de-  
3 signed to save life at sea and avoid loss or  
4 damage to the vessel.

5 (2) COAST GUARD REPRESENTATIVE.—The  
6 term “Coast Guard representative” means a Coast  
7 Guard member, civilian employee, Coast Guard  
8 Auxiliarist, or person employed by an organization  
9 accepted or approved by the Coast Guard to examine  
10 commercial fishing industry vessels.

11 (3) UNINSPECTED FISHING VESSEL.—The term  
12 “uninspected fishing vessel” means a vessel, not in-  
13 cluding fish processing vessels or fish tender vessels  
14 (as defined in section 2101 of title 46, United States  
15 Code), that commercially engages in the catching,  
16 taking, or harvesting of fish or an activity that can  
17 reasonably be expected to result in the catching, tak-  
18 ing, or harvesting of fish.

19 (c) SCOPE OF PILOT PROGRAM.—The pilot program  
20 shall be conducted—

21 (1) in at least 5, but no more than 10, major  
22 United States fishing ports where Coast Guard sta-  
23 tistics reveal a high number of fatalities on  
24 uninspected fishing vessels within the 4 fiscal year  
25 period beginning with fiscal year 2000, but shall not

1 be conducted in Coast Guard districts where a fish-  
2 ing vessel safety program already exists;

3 (2) for a period of 5 calendar years following  
4 the date of the enactment of this Act;

5 (3) in consultation with those organizations and  
6 persons identified by the Secretary as directly af-  
7 fected by the pilot program;

8 (4) as a non-fee service to those persons identi-  
9 fied in paragraph (3) above;

10 (5) without a civil penalty for any discrepancies  
11 identified during the dockside crew survivability ex-  
12 amination; and

13 (6) to gather data identified by the Secretary as  
14 necessary to conclude whether dockside crew surviv-  
15 ability examinations reduce fatalities and property  
16 losses in the fishing industry.

17 (d) REPORT.—Not later than 180 days after end of  
18 the third year of the pilot program, the Secretary shall  
19 submit a report to the Senate Committee on Commerce,  
20 Science, and Transportation and the House of Represent-  
21 atives Committee on Transportation and Infrastructure on  
22 the results of the pilot program. The report shall in-  
23 clude—

24 (1) an assessment of the costs and benefits of  
25 the pilot program including costs to the industry and

1 lives and property saved as a result of the pilot pro-  
 2 gram;

3 (2) an assessment of the costs and benefits to  
 4 the United States Government of the pilot program  
 5 including operational savings such as personnel,  
 6 maintenance, etc., from reduced search and rescue  
 7 or other operations; and

8 (3) any other findings and conclusions of the  
 9 Secretary with respect to the pilot program.

10 **SEC. 206. REPORTS FROM MORTGAGEES OF VESSELS.**

11 Section 12120 of title 46, United States Code, is  
 12 amended by striking “owners, masters, and charterers”  
 13 and inserting “owners, masters, charterers, and mortga-  
 14 gees”.

15 **SEC. 207. INTERNATIONAL TRAINING AND TECHNICAL AS-**  
 16 **SISTANCE.**

17 (a) IN GENERAL.—Section 149 of title 14, United  
 18 States Code, is amended—

19 (1) by striking the section heading and insert-  
 20 ing the following:

21 “§ 149. Assistance to foreign governments and mari-  
 22 time authorities”;

23 (2) by inserting “(a) DETAIL OF MEMBERS TO  
 24 ASSIST FOREIGN GOVERNMENTS.—” before “The  
 25 President”; and



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

2 “(b) TECHNICAL ASSISTANCE TO FOREIGN MARI-  
3 TIME AUTHORITIES.—The Commandant, in coordination  
4 with the Secretary of State, may, in conjunction with reg-  
5 ular Coast Guard operations, provide technical assistance,  
6 including law enforcement and maritime safety and secu-  
7 rity training, to foreign navies, coast guards, and other  
8 maritime authorities.”.

9 (b) CLERICAL AMENDMENT.—The chapter analysis  
10 for chapter 7 of title 14, United States Code, is amended  
11 by striking the item relating to section 149 and inserting  
12 the following:

“149. Assistance to Foreign Governments and Maritime Authorities.”

13 **SEC. 208. REFERENCE TO TRUST TERRITORY OF THE PA-**  
14 **CIFIC ISLANDS.**

15 Section 2102(a) of title 46, United States Code, is  
16 amended—

17 (1) by striking “37, 43, 51, and 123” and in-  
18 serting “43, 51, 61, and 123”;

19 (2) by striking paragraph (2); and

20 (3) by redesignating paragraph (3) as para-  
21 graph (2).

22 **SEC. 209. BIO-DIESEL FEASIBILITY STUDY.**

23 (a) STUDY.—The Secretary of the department in  
24 which the Coast Guard is operating shall conduct a study  
25 that examines the technical feasibility, costs, and potential

1 cost savings of using bio-diesel fuel in new and existing  
2 Coast Guard vehicles and vessels, and which focuses on  
3 the use of bio-diesel fuel in ports which have a high-den-  
4 sity of vessel traffic, including ports for which vessel traf-  
5 fic systems have been established.

6 (b) REPORT.—Not later than 1 year after the date  
7 of enactment of this Act, the Secretary of the department  
8 in which the Coast Guard is operating shall transmit a  
9 report containing the findings, conclusions, and rec-  
10 ommendations (if any) from the study to the Senate Com-  
11 mittee on Commerce, Science, and Transportation and the  
12 House of Representatives Committee on Transportation  
13 and Infrastructure.

14 **SEC. 210. CERTIFICATION OF VESSEL NATIONALITY IN**  
15 **DRUG SMUGGLING CASES.**

16 Section 3(c)(2) of the Maritime Drug Law Enforce-  
17 ment Act (46 U.S.C. App. 1903(c)(2)) is amended by  
18 striking the last sentence and inserting “The response of  
19 a foreign nation to a claim of registry under subparagraph  
20 (A) or (C) may be made by radio, telephone, or similar  
21 oral or electronic means, and is conclusively proved by cer-  
22 tification of the Secretary of State or the Secretary’s des-  
23 ignee.”.

1 **SEC. 211. JONES ACT WAIVERS.**

2       Notwithstanding section 27 of the Merchant Marine  
3 Act, 1920 (46 U.S.C. App. 883), a vessel that was not  
4 built in the United States may transport fish or shellfish  
5 within the coastal waters of the State of Maine if the ves-  
6 sel—

7           (1) meets the other requirements of section 27  
8       of the Merchant Marine Act, 1920 (46 U.S.C. App.  
9       883) and section 2 of the Shipping Act, 1916 (46  
10      U.S.C. App. 802) for engaging in the coastwise  
11      trade;

12          (2) is ineligible for documentation under chap-  
13      ter 121 of title 46, United States Code, because it  
14      measures less than 5 net tons;

15          (3) has transported fish or shellfish within the  
16      coastal waters of the State of Maine prior to Decem-  
17      ber 31, 2004; and

18          (4) has not undergone a transfer of ownership  
19      after December 31, 2004.

20 **SEC. 212. DEEPWATER OVERSIGHT.**

21       No later than 90 days after the date of enactment  
22 of this Act, the Coast Guard, in consultation with Govern-  
23 ment Accountability Office, shall provide a report to the  
24 Senate Committee on Commerce, Science, and Transpor-  
25 tation and the House of Representatives Committee on  
26 Transportation and Infrastructure on—

1           (1) the status of the Coast Guard’s implemen-  
2           tation of Government Accountability Office’s rec-  
3           ommendations in its report, GAO–04–380, “Coast  
4           Guard Deepwater Program Needs Increased Atten-  
5           tion to Management and Contractor Oversight”; and

6           (2) the dates by which the Coast Guard plans  
7           to fully implement such recommendations if any re-  
8           main open as of the date the report is transmitted  
9           to the Committees.

10 **SEC. 213. DEEPWATER REPORT.**

11       The Secretary of Homeland Security shall submit to  
12 the Congress, in conjunction with the transmittal by the  
13 President of the Budget of the United States for Fiscal  
14 Year 2007, a revised Deepwater baseline that includes—

15           (1) a justification for the projected number and  
16           capabilities of each asset (including the ability of  
17           each asset to meet service performance goals);

18           (2) an accelerated acquisition timeline that re-  
19           flects project completion in 10 years and 15 years  
20           (included in this timeline shall be the amount of as-  
21           sets procured during each year of the accelerated  
22           program);

23           (3) the required funding for each accelerated  
24           acquisition timeline that reflects project completion  
25           in 10 years and 15 years;

1           (4) anticipated costs associated with legacy  
2       asset sustainment for each accelerated acquisition  
3       timeline that reflects project completion in 10 years  
4       and 15 years;

5           (5) anticipated mission deficiencies, if any, as-  
6       sociated with the continued degradation of legacy as-  
7       sets in combination with the procurement of new as-  
8       sets within each accelerated acquisition timeline that  
9       reflects project completion in 10 years and 15 years;

10          (6) a comparison of the amount of required as-  
11       sets in the current baseline to the amount of re-  
12       quired assets according to the Coast Guard's Per-  
13       formance Gap Analysis Study; and

14          (7) an evaluation of the overall feasibility of  
15       achieving each accelerated acquisition timeline (in-  
16       cluding contractor capacity, national shipbuilding ca-  
17       pacity, asset integration into Coast Guard facilities,  
18       required personnel, training infrastructure capacity  
19       on technology associated with new assets).

20   **SEC. 214. LORAN-C.**

21       There are authorized to be appropriated to the De-  
22       partment of Transportation, in addition to funds author-  
23       ized for the Coast Guard for operation of the LORAN-  
24       C system, for capital expenses related to LORAN-C navi-  
25       gation infrastructure, \$25,000,000 for fiscal year 2006

1 and \$25,000,000 for fiscal year 2007. The Secretary of  
2 Transportation may transfer from the Federal Aviation  
3 Administration and other agencies of the Department  
4 funds appropriated as authorized under this section in  
5 order to reimburse the Coast Guard for related expenses.

6 **SEC. 215. LONG-RANGE VESSEL TRACKING SYSTEM.**

7 (a) PILOT PROJECT.—The Secretary of the depart-  
8 ment in which the Coast Guard is operating, acting  
9 through the Commandant of the Coast Guard, shall con-  
10 duct a pilot program for long range tracking of up to  
11 2,000 vessels using satellite systems with an existing non-  
12 profit maritime organization that has a demonstrated ca-  
13 pability of operating a variety of satellite communications  
14 systems providing data to vessel tracking software and  
15 hardware that provides long range vessel information to  
16 the Coast Guard to aid maritime security and response  
17 to maritime emergencies.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated to the Secretary of the  
20 department in which the Coast Guard is operating  
21 \$4,000,000 for each of fiscal years 2006, 2007, and 2008  
22 to carry out subsection (a).

1 **SEC. 216. MARINE VESSEL AND COLD WATER SAFETY EDU-**  
2 **CATION.**

3 The Coast Guard shall continue cooperative agree-  
4 ments and partnerships with organizations in effect on the  
5 date of enactment of this Act that provide marine vessel  
6 safety training and cold water immersion education and  
7 outreach programs for fishermen and children.

8 **SEC. 217. SUCTION ANCHORS.**

9 Section 12105 of title 46, United States Code, is  
10 amended by adding at the end the following:

11 “(c) No vessel without a registry or coastwise en-  
12 dorsement may engage in the movement of anchors or  
13 other mooring equipment from one point over or on the  
14 United States outer Continental Shelf to another such  
15 point in connection with exploring for, developing, or pro-  
16 ducing resources from the outer Continental Shelf.

17 **TITLE III—UNITED STATES**  
18 **OCEAN COMMISSION IMPLE-**  
19 **MENTATION**

20 **SEC. 301. PLACE OF REFUGE.**

21 (a) IN GENERAL.—Within 12 months after the date  
22 of enactment of this Act, the United States Coast Guard,  
23 working with hazardous spill response agencies, marine  
24 salvage companies, State and local law enforcement and  
25 marine agencies, and other Federal agencies including the  
26 National Oceanic and Atmospheric Administration and

1 the Environmental Protection Agency, shall, in accordance  
2 with the recommendations of the United States Commis-  
3 sion on Ocean Policy in its final report, develop a com-  
4 prehensive and effective process for determining whether  
5 and under what circumstances damaged vessels may seek  
6 a place of refuge in the United States suitable to the spe-  
7 cific nature of distress each vessel is experiencing.

8 (b) REPORT.—The Commandant of the Coast Guard  
9 shall transmit a report annually to the Senate Committee  
10 on Commerce, Science, and Transportation and the House  
11 of Representatives Committee on Transportation and In-  
12 frastructure describing the process established and any  
13 cases in which a vessel was provided with a place of refuge  
14 in the preceding year.

15 (c) PLACE OF REFUGE DEFINED.—In this section,  
16 the term “place of refuge” means a place where a ship  
17 in need of assistance can take action to enable it to sta-  
18 bilize its condition and reduce the hazards to navigation  
19 and to protect human life and the environment.

20 **SEC. 302. IMPLEMENTATION OF INTERNATIONAL AGREE-**  
21 **MENTS.**

22 The Secretary of the department in which the Coast  
23 Guard is operating shall, in consultation with appropriate  
24 Federal agencies, work with the responsible officials and  
25 agencies of other Nations to accelerate efforts at the Inter-



1 national Maritime Organization to enhance flag State  
2 oversight and enforcement of security, environmental, and  
3 other agreements adopted within the International Mari-  
4 time Organization, including implementation of—

5           (1) a code outlining flag State responsibilities  
6           and obligations;

7           (2) an audit regime for evaluating flag State  
8           performance;

9           (3) measures to ensure that responsible organi-  
10          zations, acting on behalf of flag States, meet estab-  
11          lished performance standards; and

12          (4) cooperative arrangements to improve en-  
13          forcement on a bilateral, regional or international  
14          basis.

15 **SEC. 303. VOLUNTARY MEASURES FOR REDUCING POLLU-**  
16 **TION FROM RECREATIONAL BOATS.**

17          The Secretary of the department in which the Coast  
18 Guard is operating shall, in consultation with appropriate  
19 Federal, State, and local government agencies, undertake  
20 outreach programs for educating the owners and operators  
21 of boats using two-stroke engines about the pollution asso-  
22 ciated with such engines, and shall support voluntary pro-  
23 grams to reduce such pollution and that encourage the  
24 early replacement of older two-stroke engines.

1   **SEC. 304. INTEGRATION OF VESSEL MONITORING SYSTEM**

2                   **DATA.**

3           The Secretary of the department in which the Coast  
4   Guard is operating shall integrate vessel monitoring sys-  
5   tem data into its maritime operations databases for the  
6   purpose of improving monitoring and enforcement of Fed-  
7   eral fisheries laws, and shall work with the Undersecretary  
8   of Commerce for Oceans and Atmosphere to ensure effec-  
9   tive use of such data for monitoring and enforcement.

10   **SEC. 305. FOREIGN FISHING INCURSIONS.**

11           (a) IN GENERAL.—No later than 180 days after the  
12   date of enactment of this Act, the Secretary of the depart-  
13   ment in which the Coast Guard is operating shall provide  
14   a report to the Senate Committee on Commerce, Science,  
15   and Transportation and the House of Representatives  
16   Committee on Transportation and Infrastructure on steps  
17   that the Coast Guard will take to significantly improve  
18   the Coast Guard’s detection and interdiction of illegal in-  
19   cursions into the United States exclusive economic zone  
20   by foreign fishing vessels.

21           (b) SPECIFIC ISSUES TO BE ADDRESSED.—The re-  
22   port shall—

23                   (1) focus on areas in the exclusive economic  
24           zone where the Coast Guard has failed to detect or  
25           interdict such incursions in the 4 fiscal year period

1 beginning with fiscal year 2000, including the West-  
 2 ern/Central Pacific; and

3 (2) include an evaluation of the potential use of  
 4 unmanned aircraft and offshore platforms for detect-  
 5 ing or interdicting such incursions.

6 (c) BIENNIAL UPDATES.—The Secretary shall pro-  
 7 vide biannual reports updating the Coast Guard’s progress  
 8 in detecting or interdicting such incursions to the Senate  
 9 Commerce, Science, and Transportation and the House of  
 10 Representatives Committee on Transportation and Infra-  
 11 structure.

## 12 **TITLE IV—COAST GUARD PER-** 13 **SONNEL, FINANCIAL, AND** 14 **PROPERTY MANAGEMENT**

### 15 **SEC. 401. RESERVE OFFICER DISTRIBUTION.**

16 Section 724 of title 14, United States Code, is  
 17 amended—

18 (1) by inserting “Reserve officers on an Active-  
 19 duty list shall not be counted as part of the author-  
 20 ized number of officers in the Reserve.” after  
 21 “5,000.” in subsection (a); and

22 (2) by striking so much of subsection (b) as  
 23 precedes paragraph (2) and inserting the following:

24 “(b)(1) The Secretary shall, at least once a year,  
 25 make a computation to determine the number of Reserve

1 officers in an active status authorized to be serving in each  
 2 grade. The number in each grade shall be computed by  
 3 applying the applicable percentage to the total number of  
 4 such officers serving in an active status on the date the  
 5 computation is made. The number of Reserve officers in  
 6 an active status below the grade of rear admiral (lower  
 7 half) shall be distributed by pay grade so as not to exceed  
 8 percentages of commissioned officers authorized by section  
 9 42(b) of this title. When the actual number of Reserve  
 10 officers in an active status in a particular pay grade is  
 11 less than the maximum percentage authorized, the dif-  
 12 ference may be applied to the number in the next lower  
 13 grade. A Reserve officer may not be reduced in rank or  
 14 grade solely because of a reduction in an authorized num-  
 15 ber as provided for in this subsection, or because an excess  
 16 results directly from the operation of law.”.

17 **SEC. 402. COAST GUARD BAND DIRECTOR.**

18 (a) BAND DIRECTOR APPOINTMENT AND GRADE.—  
 19 Section 336 of title 14, United States Code, is amended—  
 20 (1) by striking the first sentence of subsection  
 21 (b) and inserting “The Secretary may designate as  
 22 the director any individual determined by the Sec-  
 23 retary to possess the necessary qualifications.”;

1           (2) by striking “a member so designated” in  
2           the second sentence of subsection (b) and inserting  
3           “an individual so designated”;

4           (3) by striking “of a member” in subsection (c)  
5           and inserting “of an individual”;

6           (4) by striking “of lieutenant (junior grade) or  
7           lieutenant.” in subsection (c) and inserting “deter-  
8           mined by the Secretary to be most appropriate to  
9           the qualifications and experience of the appointed in-  
10          dividual.”;

11          (5) by striking “A member” in subsection (d)  
12          and inserting “An individual”; and

13          (6) by striking “When a member’s designation  
14          is revoked,” in subsection (e) and inserting “When  
15          an individual’s designation is revoked,”.

16          (b) **CURRENT DIRECTOR.**—The incumbent Coast  
17          Guard Band Director on the date of enactment of this  
18          Act may be immediately promoted to a commissioned  
19          grade, not to exceed captain, determined by the Secretary  
20          of the department in which the Coast Guard is operating  
21          to be most appropriate to the qualifications and experience  
22          of that individual.

23          **SEC. 403. RESERVE RECALL AUTHORITY.**

24          Section 712 of title 14, United States Code, is  
25          amended—

1           (1) by striking “during” in subsection (a) and  
 2           inserting “during, or to aid in prevention of an im-  
 3           minent,”;

4           (2) by striking “or catastrophe,” in subsection  
 5           (a) and inserting “catastrophe, act of terrorism (as  
 6           defined in section 2(15) of the Homeland Security  
 7           Act of 2002 (6 U.S.C. 101(15))), or transportation  
 8           security incident as defined in section 70101 of title  
 9           46, United States Code,”;

10          (3) by striking “thirty days in any four month  
 11          period” in subsection (a) and inserting “60 days in  
 12          any 4-month period”;

13          (4) by striking “sixty days in any two-year pe-  
 14          riod” in subsection (a) and inserting “120 days in  
 15          any 2-year period”; and

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

17          “(e) For purposes of calculating the duration of ac-  
 18          tive duty allowed pursuant to subsection (a), each period  
 19          of active duty shall begin on the first day that a member  
 20          reports to active duty, including for purposes of training.”.

21       **SEC. 404. EXPANSION OF EQUIPMENT USED BY AUXILIARY**  
 22               **TO SUPPORT COAST GUARD MISSIONS.**

23          (a) **MOTORIZED VEHICLE AS FACILITY.**—Section 826  
 24          of title 14, United States Code, is amended—

25          (1) by inserting “(a)” before “Members”; and

1 (2) adding at the end the following:

2 “(b) The Coast Guard may utilize to carry out its  
3 functions and duties as authorized by the Secretary any  
4 motorized vehicle placed at its disposition by any member  
5 of the auxiliary, by any corporation, partnership, or asso-  
6 ciation, or by any State or political subdivision thereof to  
7 tow government property.”.

8 (b) APPROPRIATIONS FOR FACILITIES.—Section  
9 830(a) of title 14, United States Code, is amended by  
10 striking “or radio station” each place it appears and in-  
11 serting “radio station, or motorized vehicle utilized under  
12 section 826(b)”.

13 **SEC. 405. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-**  
14 **BUILD CONTRACTING.**

15 (a) IN GENERAL.—Chapter 17 of title 14, United  
16 States Code, is amended by adding at the end the fol-  
17 lowing:

18 **“§ 677. Turn-key selection procedures**

19 “(a) AUTHORITY TO USE.—The Secretary may use  
20 one-step turn-key selection procedures for the purpose of  
21 entering into contracts for construction projects.

22 “(b) DEFINITIONS.—In this section—

23 “(1) ONE-STEP TURN-KEY SELECTION PROCE-  
24 DURES.—The term ‘one-step turn-key selection pro-  
25 cedures’ means procedures used for the selection of

1 a contractor on the basis of price and other evalua-  
 2 tion criteria to perform, in accordance with the pro-  
 3 visions of a firm fixed-price contract, both the design  
 4 and construction of a facility using performance  
 5 specifications supplied by the Secretary.

6 “(2) CONSTRUCTION.—The term ‘construction’  
 7 includes the construction, procurement, development,  
 8 conversion, or extension, of any facility.

9 “(3) FACILITY.—The term ‘facility’ means a  
 10 building, structure, or other improvement to real  
 11 property.”.

12 (b) CLERICAL AMENDMENT.—The chapter analysis  
 13 for chapter 17 of title 14, United States Code, is amended  
 14 by inserting after the item relating to section 676 the fol-  
 15 lowing:

“677. Turn-key selection procedures.”

16 **SEC. 406. OFFICER PROMOTION.**

17 Section 257 of title 14, United States Code, is  
 18 amended by adding at the end the following:

19 “(f) The Secretary of the Department in which the  
 20 Coast Guard is operating may waive subsection (a) of this  
 21 section to the extent necessary to allow officers described  
 22 therein to have at least 2 opportunities for consideration  
 23 for promotion to the next higher grade as officers below  
 24 the promotion zone.”.



1 **SEC. 407. REDESIGNATION OF COAST GUARD LAW SPECIAL-**  
 2 **ISTS AS JUDGE ADVOCATES.**

3 (a) Section 801 of title 10, United States Code, is  
 4 amended—

5 (1) by striking “The term ‘law specialist’” in  
 6 paragraph (11) and inserting “The term ‘judge ad-  
 7 vocate’, in the Coast Guard,”;

8 (2) by striking “advocate; or” in paragraph  
 9 (13) and inserting “advocate.”; and

10 (3) by striking subparagraph (C) of paragraph  
 11 (13).

12 (b) Section 727 of title 14, United States Code, is  
 13 amended by striking “law specialist” and inserting “judge  
 14 advocate”.

15 (c) Section 465(a)(2) of the Social Security Act (42  
 16 U.S.C. 665(a)(2)) is amended by striking “law specialist”  
 17 and inserting “judge advocate”.

18 **SEC. 408. BOATING SAFETY DIRECTOR.**

19 (a) IN GENERAL.—Subchapter A of chapter 11 of  
 20 title 14, United States Code, is amended by adding at the  
 21 end the following:

22 **“§ 337. Director, Office of Boating Safety**

23 “The initial appointment of the Director of the Boat-  
 24 ing Safety Office shall be in the grade of Captain.”.

25 (b) CLERICAL AMENDMENT.—The chapter analysis  
 26 for chapter 11 of title 14, United States Code, is amended

1 by inserting after the item relating to section 336 the fol-  
 2 lowing:

“337. Director, Office of Boating Safety.”

3 **SEC. 409. HANGAR AT COAST GUARD AIR STATION BAR-**  
 4 **BERS POINT.**

5 No later than 180 days after the date of enactment  
 6 of this Act, the Secretary of the Department in which the  
 7 Coast Guard is operating shall provide the Senate Com-  
 8 mittee on Commerce, Science, and Transportation and the  
 9 House of Representatives Committee on Transportation  
 10 and Infrastructure with a proposal and cost analysis for  
 11 constructing an enclosed hangar at Air Station Barbers  
 12 Point. The proposal should ensure that the hangar has  
 13 the capacity to shelter current aircraft assets and those  
 14 projected to be located at the station over the next 20  
 15 years.

16 **TITLE V—TECHNICAL AND**  
 17 **CONFORMING AMENDMENTS**

18 **SEC. 501. GOVERNMENT ORGANIZATION.**

19 Title 5, United States Code, is amended—

20 (1) by inserting “The Department of Homeland  
 21 Security.” after “The Department of Veterans Af-  
 22 fairs.” in section 101”;

23 (2) by inserting “the Secretary of Homeland  
 24 Security,” in section 2902(b) after “Secretary of the  
 25 Interior,”; and

1           (3) in sections 5520a(k)(3), 5595(h)(5),  
 2           6308(b), and 9001(10), by striking “of Transpor-  
 3           tation” each place it appears and inserting “of  
 4           Homeland Security”.

5 **SEC. 502. WAR AND NATIONAL DEFENSE.**

6           The Soldiers’ and Sailors’ Civil Relief Act of 1940  
 7 (Public Law 76–861, 56 Stat. 1178, 50 U.S.C. App. 501  
 8 et seq.) is amended—

9           (1) by striking “Secretary of Transportation”  
 10          each place it appears in section 515 and inserting  
 11          “Secretary of Homeland Security”; and

12          (2) by striking “Secretary of Transportation”  
 13          in section 530(d) and inserting “Secretary of Home-  
 14          land Security”.

15 **SEC. 503. FINANCIAL MANAGEMENT.**

16          Title 31, United States Code, is amended—

17          (1) by striking “of Transportation” in section  
 18          3321(c) and inserting “of Homeland Security.”;

19          (2) by striking “of Transportation” in section  
 20          3325(b) and inserting “of Homeland Security”;

21          (3) by striking “of Transportation” each place  
 22          it appears in section 3527(b)(1) and inserting “of  
 23          Homeland Security”; and

24          (4) by striking “of Transportation” in section  
 25          3711(f) and inserting “of Homeland Security”.

1 **SEC. 504. PUBLIC CONTRACTS.**

2 Section 11 of title 41, United States Code, is amend-  
3 ed by striking “of Transportation” each place it appears  
4 and inserting “of Homeland Security”.

5 **SEC. 505. PUBLIC PRINTING AND DOCUMENTS.**

6 Sections 1308 and 1309 of title 44, United States  
7 Code, are amended by striking “of Transportation” each  
8 place it appears and inserting “of Homeland Security”.

9 **SEC. 506. SHIPPING.**

10 Title 46, United States Code, is amended—

11 (1) by striking “a Coast Guard or” in section  
12 2109;

13 (2) by striking the second sentence of section  
14 6308(a) and inserting “Any employee of the Depart-  
15 ment of Transportation, and any member of the  
16 Coast Guard, investigating a marine casualty pursu-  
17 ant to section 6301 of this title, shall not be subject  
18 to deposition or other discovery, or otherwise testify  
19 in such proceedings relevant to a marine casualty in-  
20 vestigation, without the permission of the Secretary  
21 of Transportation for Department of Transportation  
22 employees or the Secretary of Homeland Security for  
23 military members or civilian employees of the Coast  
24 Guard.”; and

25 (3) by striking “of Transportation” in section  
26 13106(c) and inserting “of Homeland Security”.

1 **SEC. 507. TRANSPORTATION; ORGANIZATION.**

2 Section 324 of title 49, United States Code, is  
3 amended by striking subsection (b); and redesignating  
4 subsections (c) and (d) as subsections (b) and (c), respec-  
5 tively.

6 **SEC. 508. MORTGAGE INSURANCE.**

7 Section 222 of the National Housing Act of 1934 (12  
8 U.S.C. 1715m) is amended by striking “of Transpor-  
9 tation” each place it appears and inserting “of Homeland  
10 Security”.

11 **SEC. 509. ARCTIC RESEARCH.**

12 Section 107(b)(2) of the Arctic Research and Policy  
13 Act of 1984 (15 U.S.C. 4106(b)(2)) is amended—

14 (1) by striking “and” after the semicolon in  
15 subparagraph (J);

16 (2) by redesignating subparagraph (K) as sub-  
17 paragraph (L); and

18 (3) by inserting after subparagraph (J) the fol-  
19 lowing new subparagraph:

20 “(K) the Department of Homeland Security;  
21 and”.

22 **SEC. 510. CONSERVATION.**

23 (a) Section 1029(e)(2)(B) of the Bisti/De-Na-Zin  
24 Wilderness Expansion and Fossil Protection Act of 1996  
25 (16 U.S.C. 460kkk(e)) is amended by striking “of Trans-  
26 portation” and inserting “of Homeland Security”.

1 (b) Section 312(a)(2)(C) of the Antarctic Marine Liv-  
2 ing Resources Convention Act of 1984 (16 U.S.C.  
3 2441(c)) is amended by striking “of Transportation” and  
4 inserting “of Homeland Security”.

5 **SEC. 511. CONFORMING AMENDMENT.**

6 Section 3122 of the Internal Revenue Code of 1986  
7 is amended by striking “Secretary of Transportation”  
8 each place it appears and inserting “Secretary of the De-  
9 partment in which the Coast Guard is operating”.

10 **SEC. 512. ANCHORAGE GROUNDS.**

11 Section 7 of the Rivers and Harbors Act of 1915 (33  
12 U.S.C. 471) is amended by striking “of Transportation”  
13 and inserting “of Homeland Security”.

14 **SEC. 513. BRIDGES.**

15 Section 4 of the General Bridge Act of 1906 (33  
16 U.S.C. 491) is amended by striking “of Transportation”  
17 and inserting “of Homeland Security”.

18 **SEC. 514. LIGHTHOUSES.**

19 (a) Section 1 of Public Law 70–803 (33 U.S.C. 747b)  
20 is amended by striking “of Transportation” and inserting  
21 “of Homeland Security”.

22 (b) Section 2 of Public Law 65–174 (33 U.S.C. 748)  
23 is amended by striking “of Transportation” and inserting  
24 “of Homeland Security”.

1 (c) Sections 1 and 2 of Public Law 75–515 (33  
 2 U.S.C. 745a, 748a) are amended by striking “of Trans-  
 3 portation” each place it appears and inserting “of Home-  
 4 land Security”.

5 **SEC. 515. OIL POLLUTION.**

6 The Oil Pollution Act of 1990 (33 U.S.C. 2701 et.  
 7 seq.) is amended—

8 (1) by inserting “Homeland Security,” in sec-  
 9 tion 5001(c)(1)(B) (33 U.S.C. 2731(c)(1)(B)) after  
 10 “the Interior,”;

11 (2) by striking “of Transportation.” in section  
 12 5002(m)(4) (33 U.S.C. 2732(m)(4)) and inserting  
 13 “of Homeland Security.”;

14 (3) by striking section 7001(a)(3) (33 U.S.C.  
 15 2761(a)(3)) and inserting the following:

16 “(3) MEMBERSHIP.—

17 “(A) The Interagency Committee shall include  
 18 representatives from the Department of Commerce  
 19 (including the National Oceanic and Atmospheric  
 20 Administration and the National Institute of Stand-  
 21 ards and Technology), the Department of Energy,  
 22 the Department of the Interior (including the Min-  
 23 erals Management Service and the United States  
 24 Fish and Wildlife Service), the Department of  
 25 Transportation (including the Maritime Administra-

1       tion and the Pipeline and Hazardous Materials Safe-  
 2       ty Administration), the Department of Defense (in-  
 3       cluding the Army Corps of Engineers and the Navy),  
 4       the Department of Homeland Security (including the  
 5       United States Coast Guard and the United States  
 6       Fire Administration in the Federal Emergency Man-  
 7       agement Agency), the Environmental Protection  
 8       Agency, and the National Aeronautics and Space  
 9       Administration, as well as such other Federal agen-  
 10      cies the President may designate.

11           “(B) A representative of the Department of  
 12      Transportation shall serve as Chairman.”; and

13           (4) by striking “other” in section 7001(c)(6)  
 14      (33 U.S.C. 2761(c)(6)) before “such agencies”.

15   **SEC. 516. MEDICAL CARE.**

16       Section 1(g)(4)(B) of the Medical Care Recovery Act  
 17      of 1962 (42 U.S.C. 2651(g)(4)(B)) is amended by striking  
 18      “of Transportation,” and inserting “of Homeland Secu-  
 19      rity,”.

20   **SEC. 517. CONFORMING AMENDMENT TO SOCIAL SECURITY**  
 21           **ACT.**

22       Section 201(p)(3) of the Social Security Act (42  
 23      U.S.C. 405(p)(3)) is amended by striking “of Transpor-  
 24      tation” each place it appears and inserting “of Homeland  
 25      Security”.



1 **SEC. 518. SHIPPING.**

2 Section 27 of the Merchant Marine Act of 1920 (46  
3 U.S.C. App. 883) is amended by striking “Satisfactory in-  
4 spection shall be certified in writing by the Secretary of  
5 Transportation” and inserting “Satisfactory inspection  
6 shall be certified in writing by the Secretary of Homeland  
7 Security.”.

8 **SEC. 519. NONTANK VESSELS.**

9 Section 311(a)(26) of the Federal Water Pollution  
10 Control Act (33 U.S.C. 1321(A)(26)) is amended to read  
11 as follows:

12 “(26) ‘nontank vessel’ means a self-propelled  
13 vessel—

14 “(A) of at least 400 gross tons as meas-  
15 ured under section 14302 of title 46, United  
16 States Code, or, for vessels not measured under  
17 that section, as measured under section 14502  
18 of that title;

19 “(B) other than a tank vessel;

20 “(C) that carries oil of any kind as fuel for  
21 main propulsion; and

22 “(D) that is a vessel of the United States  
23 or that operates on the navigable waters of the  
24 United States including all waters of the terri-  
25 torial sea of the United States as described in

1           Presidential Proclamation No. 5928 of Decem-  
2           ber 27, 1988.”.

3 **SEC. 520. DRUG INTERDICTION REPORT.**

4           (a) IN GENERAL.—Section 89 of title 14, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7           (d) QUARTERLY REPORTS ON DRUG INTERDIC-  
8 TION.—Not later than 30 days after the end of each fiscal  
9 year quarter, the Secretary of Homeland Security shall  
10 submit to the House of Representatives Committee on  
11 Transportation and Infrastructure and the Senate Com-  
12 mittee on Commerce, Science, and Transportation a re-  
13 port on all expenditures related to drug interdiction activi-  
14 ties of the Coast Guard on an annual basis.”.

15           (b) CONFORMING AMENDMENT.—Section 103 of the  
16 Coast Guard Authorization Act of 1996 (14 U.S.C. 89  
17 note) is repealed.

18 **SEC. 521. ACTS OF TERRORISM REPORT.**

19           Section 905 of the Omnibus Diplomatic Security and  
20 Antiterrorism Act of 1986 (46 U.S.C. App. 1802) is  
21 amended—

22           (1) by striking “Not later than February 28,  
23 1987, and annually thereafter, the Secretary of  
24 Transportation shall report” and inserting “The

1 Secretary of Homeland Security shall report annu-  
2 ally”; and

3 (2) by inserting “Beginning with the first re-  
4 port submitted under this section after the date of  
5 enactment of the Maritime Transportation Security  
6 Act of 2002, the Secretary shall include a descrip-  
7 tion of activities undertaken under title I of that Act  
8 and an analysis of the effect of those activities on  
9 port security against acts of terrorism.” after  
10 “ports.”.

## 11 **TITLE VI—EFFECTIVE DATES**

### 12 **SEC. 601. EFFECTIVE DATES.**

13 (a) IN GENERAL.—Except as provided in subsection  
14 (b), this Act and the amendments made by this Act shall  
15 take effect on the date of enactment.

16 (b) EXCEPTION.—Sections 501 through 518 of this  
17 Act and the amendments made by those sections shall take  
18 effect on March 1, 2003.

○