

Carl Everett, Freddy Garcia, Geoff Blum, Willie Harris, Timo Perez, Chris Widger, Pablo Ozuna, Mark Buehrle, Jose Contreras, Neal Cotts, Jon Garland, Dustin Hermanson, Orlando Hernandez, Bobby Jenks, Damaso Marte, Cliff Politte, and Luis Vizcaino;

Whereas other players, such as Frank Thomas and Brandon McCarthy, made important contributions to get the White Sox to the playoffs, but were unable to be placed on the playoff roster;

Whereas this current group of White Sox players follows in the giant footsteps of the great players in White Sox history who have had their numbers retired, players such as Nellie Fox (#2), Harold Baines (#3), Luke Appling (#4), Minnie Mino (#9), Luis Aparicio (#11), Ted Lyons (#16), Billy Pierce (#19), and Carlton Fisk (#72);

Whereas the city of Chicago and White Sox fans have faithfully stuck by their team during the decades it spent in baseball's wilderness;

Whereas a new generation of young fans in Chicago and around Illinois are discovering the joy of world championship baseball; and

Whereas the Boston Red Sox, the Los Angeles Angels of Anaheim, and the Houston Astros proved worthy and honorable adversaries and also deserve recognition, and: Now, therefore, be it

Resolved, that the Senate—

(1) congratulates the Chicago White Sox on winning the 2005 World Series Championship;

(2) commends the fans, players, and management of the Houston Astros for allowing the Chicago White Sox and their many supporters to celebrate their first World Series title in 88 years at Minute Maid Park, the home field of the Houston Astros; and

(3) respectfully directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the 2005 Chicago White Sox baseball club;

(B) White Sox owners, Jerry Reinsdorf and Eddie Einhorn.

CONDEMNING ANTI-ISRAEL SENTIMENTS OF THE PRESIDENT OF IRAN

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 292 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 292) calling on the President to condemn the anti-Israel sentiments expressed by the President of Iran on October 26, 2005.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LAUTENBERG. Mr. President, yesterday, Iranian President Mahmoud Ahmadinejad, citing the words of the founder of Iran's Islamic revolution, the late Ayatollah Ruhollah Khomeini, said "Israel must be wiped off the map."

He then went on to call Israel a "disgraceful blot."

He rejected the two-state solution to the Middle East crisis as a defeat for the Islamic world, adding that the "roadmap" would be short-lived. He said "If we put it behind us successfully, God willing, it will pave the way for the destruction and the downfall of the Zionist regime."

The Iranian President also criticized his neighbors by warning "Anybody who recognizes Israel will burn in the fire of the Islamic nations' fury."

He made these despicable comments to 4,000 students attending a "World without Zionism" conference.

This was just hours before a Palestinian suicide bomber from Islamic Jihad blew himself up in the small Israeli town of Hadera, killing 5 people and wounding more than 30.

It's important to note that Islamic Jihad's murderers are supported and trained by Iran.

Given the seriousness of President Ahmadinejad's hateful comments, I am submitting a resolution with Senator SMITH asking that this body repudiate them.

The resolution also calls on President Bush, on behalf of the United States, to condemn the remarks in the strongest terms possible.

This kind of incendiary rhetoric is what we have come to expect from Iran.

The Iranian President has been quite open about his views on Israel. He has been clear and consistent, echoing Iranian leader Ayatollah Khomeini, who called frequently for the destruction of Israel through the 1980s.

The words and ideas of the President of Iran are offensive to civilized people around the world. We will not tolerate anti-Israel or anti-Semitic rhetoric.

The Iranian President has spoken words that are certain to incite violence against the state of Israel. Too often, that translates into violence against Jews worldwide.

But what makes the comments especially chilling is the fact that Iranian officials announced earlier this year that they had completed development of solid fuel technology for missiles, a huge breakthrough that increases missile accuracy.

Iran has the Shahab-3 missile, which has a range of 810 miles to more than 1,200 miles. Jerusalem is 970 miles from Tehran.

The Shahab-3 is capable of delivering a nuclear warhead to Israel and to U.S. forces in the Middle East.

So when the Iranian President threatens to "wipe Israel off the map," we can't afford to take such a threat lightly. We have to take note of it and repudiate it.

I urge the Senate to adopt this resolution and go on record condemning the hateful words of the Iranian President. And I hope that President Bush himself will speak to this issue. It's that important.

I want to thank Senator SMITH for co-sponsoring this resolution with me. I urge its adoption.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 292) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 292

Whereas, on October 26, 2005, the President of Iran, Mahmoud Ahmadinejad, said that Israel must be "wiped off the map" and that "[a]nybody who recognizes Israel will burn in the fire of the Islamic nations' fury";

Whereas the Department of State has designated Iran as a state sponsor of terrorism that has repeatedly provided support for acts of international terror;

Whereas the Government of Iran sponsors terrorist organizations such as Hezbollah, Hamas, Islamic Jihad, the al-Aqsa Martyrs Brigades, and PFLP-GC by providing funding, training, weapons, and safe haven to such organizations; and

Whereas the outrageous statements of Mr. Ahmadinejad are not in accord with the expressions of the Palestinian leadership in the peace process: Now, therefore, be it

Resolved, That the Senate—

(1) thoroughly repudiates the anti-Israel sentiments expressed by the President of Iran, Mahmoud Ahmadinejad, on October 26, 2005; and

(2) calls on the President, on behalf of the United States, to thoroughly repudiate, in the strongest terms possible, the statement by Mr. Ahmadinejad.

COAST GUARD AUTHORIZATION ACT OF 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 185, S. 1280, the Coast Guard authorization bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1280) to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science and Transportation, with amendments.

S. 1280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 2005".

SEC. 2. TABLE OF CONTENTS.

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.

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.
 Sec. 406. Officer promotions.
 Sec. 407. Redesignation of Coast Guard law specialists as judge advocates.
 Sec. 408. Boating safety director.
 Sec. 409. Hangar at Coast Guard air station at Barbers Point.
 Sec. 410. Promotion of Coast Guard officers.

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

- Sec. 501. Government organization.
 Sec. 502. War and national defense.
 Sec. 503. Financial management.
 Sec. 504. Public contracts.
 Sec. 505. Public printing and documents.
 Sec. 506. Shipping.
 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.
 Sec. 514. Lighthouses.
 Sec. 515. Oil pollution.
 Sec. 516. Medical care.
 Sec. 517. Conforming amendment to Social Security Act.
 Sec. 518. Shipping.
 Sec. 519. Nontank vessels.
 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.

(3) For the use of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$24,000,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,014,080,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$17,400,000, of which \$2,500,000, to remain available until expended, may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration \$12,000,000, to remain available until expended for environmental compliance and restoration functions under chapter 19 of title 14, United States Code.

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

(b) There are authorized to be appropriated for fiscal year 2007 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 \$6,042,492,000, 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, \$1,538,840,160, 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) \$1,188,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activi-

ties that constitute the Integrated Deepwater Systems.

(3) For the use of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$25,920,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,095,206,400, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$18,792,000, of which \$2,500,000, to remain available until expended, may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration \$12,960,000, to remain available until expended for environmental compliance and restoration functions under chapter 19 of title 14, United States Code.

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

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

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

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2006, the Coast Guard is authorized average military training student loads as follows:

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

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 350 student years.

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

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

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

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

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

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

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

SEC. 202. ENHANCED CIVIL PENALTIES FOR VIOLATIONS OF THE MARITIME TRANSPORTATION SECURITY ACT.

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

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

(2) by adding at the end the following:

“(b) CONTINUING VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation, with a total fine per violation not to exceed—

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

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

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

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

“(d) COMPROMISE, MODIFICATION, AND REMITTAL.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty imposed under this section.”.

SEC. 203. ICEBREAKERS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall take all necessary measures—

(1) to ensure that the Coast Guard maintains, at a minimum, its current vessel capacity for carrying out ice-breaking in the Arctic and Antarctic regions, including the necessary funding for operation and maintenance of such vessels; and

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

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

SEC. 204. COOPERATIVE AGREEMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on opportunities for and the feasibility of co-locating Coast Guard assets and personnel at facilities of other Armed Services branches throughout the United States. The report shall—

(1) identify the locations of possible sites;

(2) identify opportunities for cooperative agreements that may be established between the Coast Guard and such facilities with respect to maritime security and other Coast Guard missions; and

(3) analyze anticipated costs and benefits associated with each site and such agreements.

SEC. 205. PILOT PROGRAM FOR DOCKSIDE NO FAULT/NO COST SAFETY AND SURVIVABILITY EXAMINATIONS FOR UNINSPECTED COMMERCIAL FISHING VESSELS.

(a) PILOT PROGRAM.—The Secretary shall conduct a pilot program to determine the effectiveness of mandatory dockside crew survivability examinations of uninspected United States commercial fishing vessels in reducing the number of fatalities and amount of property losses in the United States commercial fishing industry.

(b) DEFINITIONS.—In this section:

(1) DOCKSIDE CREW SURVIVABILITY EXAMINATION.—The term “dockside crew survivability examination” means an examination by a Coast Guard representative of an uninspected fishing vessel and its crew at the dock or pier that includes—

(A) identification and examination of safety and survival equipment required by law for that vessel;

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

(C) identification and observation of—

(i) proper crew training on the vessel’s safety and survival equipment; and

(ii) the crew’s familiarity with vessel stability and emergency procedures designed to save life at sea and avoid loss or damage to the vessel.

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

(3) UNINSPECTED FISHING VESSEL.—The term “uninspected fishing vessel” means a vessel, not including fish processing vessels or fish tender vessels (as defined in section 2101 of title 46, United States Code), that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

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

(1) in at least 5, but not more than 10, major United States fishing ports where Coast Guard statistics reveal a high number of fatalities on uninspected fishing vessels within the 4 fiscal year period beginning with fiscal year 2000, but shall not be conducted in Coast Guard districts where a fishing vessel safety program already exists;

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

(3) in consultation with those organizations and persons identified by the Secretary as directly affected by the pilot program;

(4) as a non-fee service to those persons identified in paragraph (3) above;

(5) without a civil penalty for any discrepancies identified during the dockside crew survivability examination; and

(6) to gather data identified by the Secretary as necessary to conclude whether dockside crew survivability examinations reduce fatalities and property losses in the fishing industry.

(d) REPORT.—Not later than 180 days after end of the third year of the pilot program, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the pilot program. The report shall include—

(1) an assessment of the costs and benefits of the pilot program including costs to the industry and lives and property saved as a result of the pilot program;

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

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

SEC. 206. REPORTS FROM MORTGAGEES OF VESSELS.

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

SEC. 207. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.

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

(1) by striking the section heading and inserting the following:

“§ 149. Assistance to foreign governments and maritime authorities”;

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

(3) by adding at the end the following:

“(b) TECHNICAL ASSISTANCE TO FOREIGN MARITIME AUTHORITIES.—The Commandant, in coordination with the Secretary of State, may, in conjunction with regular Coast Guard operations, provide technical assistance, including law enforcement and maritime safety and security training, to foreign navies, coast guards, and other maritime authorities.”.

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

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

SEC. 208. REFERENCE TO TRUST TERRITORY OF THE PACIFIC ISLANDS.

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

(1) by striking “37, 43, 51, and 123” and inserting “43, 51, 61, and 123”;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 209. BIO-DIESEL FEASIBILITY STUDY.

(a) STUDY.—The Secretary of the department in which the Coast Guard is operating shall conduct a study that examines the technical feasibility, costs, and potential cost savings of using bio-diesel fuel in new and existing Coast Guard vehicles and vessels, and which focuses on the use of bio-diesel fuel in ports which have a high-density of vessel traffic, including ports for which vessel traffic systems have been established.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall transmit a report containing the findings, conclusions, and recommendations (if any) from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 210. CERTIFICATION OF VESSEL NATIONALITY IN DRUG SMUGGLING CASES.

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)(2)) is amended by striking the last sentence and inserting “The response of a foreign nation to a claim of registry under subparagraph (A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is conclusively proved by certification of the Secretary of State or the Secretary’s designee.”.

SEC. 211. JONES ACT WAIVERS.

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

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

(2) is ineligible for documentation under chapter 121 of title 46, United States Code, because it measures less than 5 net tons;

(3) has transported fish or shellfish within the coastal waters of the State of Maine prior to December 31, 2004; and

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

SEC. 212. DEEPWATER OVERSIGHT.

Not later than 90 days after the date of enactment of this Act, the Coast Guard, in consultation with Government Accountability

Office, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on—

(1) the status of the Coast Guard's implementation of Government Accountability Office's recommendations in its report, GAO-04-380, "Coast Guard Deepwater Program Needs Increased Attention to Management and Contractor Oversight"; and

(2) the dates by which the Coast Guard plans to fully implement such recommendations if any remain open as of the date the report is transmitted to the Committees.

SEC. 213. DEEPWATER REPORT.

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

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

(2) an accelerated acquisition timeline that reflects project completion in 10 years and 15 years (included in this timeline shall be the amount of assets procured during each year of the accelerated program);

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

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

(5) anticipated mission deficiencies, if any, associated with the continued degradation of legacy assets in combination with the procurement of new assets within each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(6) a comparison of the amount of required assets in the current baseline to the amount of required assets according to the Coast Guard's Performance Gap Analysis Study; and

(7) an evaluation of the overall feasibility of achieving each accelerated acquisition timeline (including contractor capacity, national shipbuilding capacity, asset integration into Coast Guard facilities, required personnel, training infrastructure capacity on technology associated with new assets).

SEC. 214. LORAN-C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, \$25,000,000 for fiscal year 2006 and \$25,000,000 for fiscal year 2007. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 215. LONG-RANGE VESSEL TRACKING SYSTEM.

(a) PILOT PROJECT.—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a pilot program for long range tracking of up to 2,000 vessels using satellite systems with an existing nonprofit maritime organization that has a demonstrated capability of operating a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long range vessel information to the Coast Guard to aid maritime security and response to maritime emergencies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

the Secretary of the department in which the Coast Guard is operating \$4,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out subsection (a).

SEC. 216. MARINE VESSEL AND COLD WATER SAFETY EDUCATION.

The Coast Guard shall continue cooperative agreements and partnerships with organizations in effect on the date of enactment of this Act that provide marine vessel safety training and cold water immersion education and outreach programs for fishermen and children.

SEC. 217. SUCTION ANCHORS.

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

"(c) No vessel without a registry or coastwise endorsement may engage in the movement of anchors or other mooring equipment from one point over or on the United States outer Continental Shelf to another such point in connection with exploring for, developing, or producing resources from the outer Continental Shelf."

TITLE III—UNITED STATES OCEAN COMMISSION IMPLEMENTATION

SEC. 301. PLACE OF REFUGE.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the United States Coast Guard, working with hazardous spill response agencies, marine salvage companies, State and local law enforcement and marine agencies, and other Federal agencies including the National Oceanic and Atmospheric Administration and the Environmental Protection Agency, shall, in accordance with the recommendations of the United States Commission on Ocean Policy in its final report, develop a comprehensive and effective process for determining whether and under what circumstances damaged vessels may seek a place of refuge in the United States suitable to the specific nature of distress each vessel is experiencing.

(b) REPORT.—The Commandant of the Coast Guard shall transmit a report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure describing the process established and any cases in which a vessel was provided with a place of refuge in the preceding year.

(c) PLACE OF REFUGE DEFINED.—In this section, the term "place of refuge" means a place where a ship in need of assistance can take action to enable it to stabilize its condition and reduce the hazards to navigation and to protect human life and the environment.

SEC. 302. IMPLEMENTATION OF INTERNATIONAL AGREEMENTS.

The Secretary of the department in which the Coast Guard is operating shall, in consultation with appropriate Federal agencies, work with the responsible officials and agencies of other Nations to accelerate efforts at the International Maritime Organization to enhance flag State oversight and enforcement of security, environmental, and other agreements adopted within the International Maritime Organization, including implementation of—

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

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

(3) measures to ensure that responsible organizations, acting on behalf of flag States, meet established performance standards; and

(4) cooperative arrangements to improve enforcement on a bilateral, regional or international basis.

SEC. 303. VOLUNTARY MEASURES FOR REDUCING POLLUTION FROM RECREATIONAL BOATS.

The Secretary of the department in which the Coast Guard is operating shall, in con-

sultation with appropriate Federal, State, and local government agencies, undertake outreach programs for educating the owners and operators of boats using two-stroke engines about the pollution associated with such engines, and shall support voluntary programs to reduce such pollution and that encourage the early replacement of older two-stroke engines.

SEC. 304. INTEGRATION OF VESSEL MONITORING SYSTEM DATA.

The Secretary of the department in which the Coast Guard is operating shall integrate vessel monitoring system data into its maritime operations databases for the purpose of improving monitoring and enforcement of Federal fisheries laws, and shall work with the Undersecretary of Commerce for Oceans and Atmosphere to ensure effective use of such data for monitoring and enforcement.

SEC. 305. FOREIGN FISHING INCURSIONS.

(a) IN GENERAL.—No later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on steps that the Coast Guard will take to significantly improve the Coast Guard's detection and interdiction of illegal incursions into the United States exclusive economic zone by foreign fishing vessels.

(b) SPECIFIC ISSUES TO BE ADDRESSED.—The report shall—

(1) focus on areas in the exclusive economic zone where the Coast Guard has failed to detect or interdict such incursions in the 4 fiscal year period beginning with fiscal year 2000, including the Western/Central Pacific; and

(2) include an evaluation of the potential use of unmanned aircraft and offshore platforms for detecting or interdicting such incursions.

(c) BIENNIAL UPDATES.—The Secretary shall provide biannual reports updating the Coast Guard's progress in detecting or interdicting such incursions to the Senate Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

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

SEC. 401. RESERVE OFFICER DISTRIBUTION.

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

(1) by inserting "Reserve officers on an Active-duty list shall not be counted as part of the authorized number of officers in the Reserve." after "5,000." in subsection (a); and

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

"(b)(1) The Secretary shall, at least once a year, make a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by section 42(b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for

in this subsection, or because an excess results directly from the operation of law.”.

SEC. 402. COAST GUARD BAND DIRECTOR.

(a) BAND DIRECTOR APPOINTMENT AND GRADE.—Section 336 of title 14, United States Code, is amended—

(1) by striking the first sentence of subsection (b) and inserting “The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.”;

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

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

(4) by striking “of lieutenant (junior grade) or lieutenant.” in subsection (c) and inserting “determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual.”;

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

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

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

SEC. 403. RESERVE RECALL AUTHORITY.

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

(1) by striking “during” in subsection (a) and inserting “during, or to aid in prevention of an imminent.”;

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

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

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

(5) by adding at the end the following:

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

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

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

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

(2) adding at the end the following:

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

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

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

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

“§ 677. Turn-key selection procedures

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

“(b) DEFINITIONS.—In this section—

“(1) ONE-STEP TURN-KEY SELECTION PROCEDURES.—The term ‘one-step turn-key selection procedures’ means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.

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

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

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

“677. Turn-key selection procedures.”.

SEC. 406. OFFICER PROMOTION.

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

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

SEC. 407. REDESIGNATION OF COAST GUARD LAW SPECIALISTS AS JUDGE ADVOCATES.

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

(1) by striking “The term ‘law specialist’” in paragraph (11) and inserting “The term ‘judge advocate’, in the Coast Guard.”;

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

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

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

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

SEC. 408. BOATING SAFETY DIRECTOR.

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

“§ 337. Director, Office of Boating Safety

“The initial appointment of the Director of the Boating Safety Office shall be in the grade of Captain.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 336 the following:

“337. Director, Office of Boating Safety.”.

SEC. 409. HANGAR AT COAST GUARD AIR STATION BARBERS POINT.

No later than 180 days after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall provide the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on

Transportation and Infrastructure with a proposal and cost analysis for constructing an enclosed hangar at Air Station Barbers Point. The proposal should ensure that the hangar has the capacity to shelter current aircraft assets and those projected to be located at the station over the next 20 years.

SEC. 410. PROMOTION OF COAST GUARD OFFICERS.

(a) IN GENERAL.—Section 211(a) of title 14, United States Code, is amended to read as follows:

“(a)(1) The President may appoint permanent commissioned officers in the Regular Coast Guard in grades appropriate to their qualification, experience, and length of service, as the needs of the Coast Guard may require, from among the following categories:

“(A) Graduates of the Coast Guard Academy.

“(B) Commissioned warrant officers, warrant officers, and enlisted members of the Regular Coast Guard.

“(C) Members of the Coast Guard Reserve who have served at least 2 years as such.

“(D) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer.

“(2) Original appointments under this section in the grades of lieutenant commander and above shall be made by the President by and with the advice and consent of the Senate.

“(3) Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.”.

(b) WARTIME TEMPORARY SERVICE PROMOTION.—Section 275(f) of title 14, United States Code, is amended by striking the second and third sentences and inserting “Original appointments under this section in the grades of lieutenant commander and above shall be made by the President by and with the advice and consent of the Senate. Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.”.

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 501. GOVERNMENT ORGANIZATION.

Title 5, United States Code, is amended—

(1) by inserting “The Department of Homeland Security.” after “The Department of Veterans Affairs.” in section 101;

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

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

SEC. 502. WAR AND NATIONAL DEFENSE.

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

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

(2) by striking “Secretary of Transportation” in section 530(d) and inserting “Secretary of Homeland Security”.

SEC. 503. FINANCIAL MANAGEMENT.

Title 31, United States Code, is amended—

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

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

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

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

SEC. 504. PUBLIC CONTRACTS.

Section 11 of title 41, United States Code, is amended by striking “of Transportation”

each place it appears and inserting “of Homeland Security”.

SEC. 505. PUBLIC PRINTING AND DOCUMENTS.

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

SEC. 506. SHIPPING.

Title 46, United States Code, is amended—

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

(2) by striking the second sentence of section 6308(a) and inserting “Any employee of the Department of Transportation, and any member of the Coast Guard, investigating a marine casualty pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary of Transportation for Department of Transportation employees or the Secretary of Homeland Security for military members or civilian employees of the Coast Guard.”; and

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

SEC. 507. TRANSPORTATION; ORGANIZATION.

Section 324 of title 49, United States Code, is amended by striking subsection (b); and redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 508. MORTGAGE INSURANCE.

Section 222 of the National Housing Act of 1934 (12 U.S.C. 1715m) is amended by striking “of Transportation” each place it appears and inserting “of Homeland Security”.

SEC. 509. ARCTIC RESEARCH.

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

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

(2) by redesignating subparagraph (K) as subparagraph (L); and

(3) by inserting after subparagraph (J) the following new subparagraph:

“(K) The Department of Homeland Security; and”.

SEC. 510. CONSERVATION.

(a) Section 1029(e)(2)(B) of the Bisti/De-Nazin Wilderness Expansion and Fossil Protection Act of 1996 (16 U.S.C. 460kkk(e)) is amended by striking “of Transportation” and inserting “of Homeland Security”.

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

SEC. 511. CONFORMING AMENDMENT.

Section 3122 of the Internal Revenue Code of 1986 is amended by striking “Secretary of Transportation” each place it appears and inserting “Secretary of the Department in which the Coast Guard is operating”.

SEC. 512. ANCHORAGE GROUNDS.

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

SEC. 513. BRIDGES.

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

SEC. 514. LIGHTHOUSES.

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

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

(c) Sections 1 and 2 of Public Law 75-515 (33 U.S.C. 745a, 748a) are amended by striking “of Transportation” each place it appears and inserting “of Homeland Security”.

SEC. 515. OIL POLLUTION.

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

(1) by inserting “Homeland Security,” in section 5001(c)(1)(B) (33 U.S.C. 2731(c)(1)(B)) after “the Interior.”;

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

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

“(3) MEMBERSHIP.—

“(A) The Interagency Committee shall include representatives from the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology), the Department of Energy, the Department of the Interior (including the Minerals Management Service and the United States Fish and Wildlife Service), the Department of Transportation (including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration), the Department of Defense (including the Army Corps of Engineers and the Navy), the Department of Homeland Security (including the United States Coast Guard and the United States Fire Administration in the Federal Emergency Management Agency), the Environmental Protection Agency, and the National Aeronautics and Space Administration, as well as such other Federal agencies the President may designate.

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

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

SEC. 516. MEDICAL CARE.

Section 1(g)(4)(B) of the Medical Care Recovery Act of 1962 (42 U.S.C. 2651(g)(4)(B)) is amended by striking “of Transportation,” and inserting “of Homeland Security.”.

SEC. 517. CONFORMING AMENDMENT TO SOCIAL SECURITY ACT.

Section 201(p)(3) of the Social Security Act (42 U.S.C. 405(p)(3)) is amended by striking “of Transportation” each place it appears and inserting “of Homeland Security”.

SEC. 518. SHIPPING.

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

SEC. 519. NONTANK VESSELS.

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

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

“(A) of at least 400 gross tons as measured under section 14302 of title 46, United States Code, or, for vessels not measured under that section, as measured under section 14502 of that title;

“(B) other than a tank vessel;

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

“(D) that is a vessel of the United States or that operates on the navigable waters of the United States including all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.”.

SEC. 520. DRUG INTERDICTION REPORT.

(a) IN GENERAL.—Section 89 of title 14, United States Code, is amended by adding at the end the following:

“(d) QUARTERLY REPORTS ON DRUG INTERDICTION.—Not later than 30 days after the end of each fiscal year quarter, the Secretary of Homeland Security shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report on all expenditures related to drug interdiction activities of the Coast Guard on an annual basis.”.

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

SEC. 521. ACTS OF TERRORISM REPORT.

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

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

(2) by inserting “Beginning with the first report submitted under this section after the date of enactment of the Maritime Transportation Security Act of 2002, the Secretary shall include a description of activities undertaken under title I of that Act and an analysis of the effect of those activities on port security against acts of terrorism.” after “ports.”.

TITLE VI—EFFECTIVE DATES

SEC. 601. EFFECTIVE DATES.

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

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to and the amendments at the desk be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 2343) was agreed to, as follows:

On page 2, strike the item relating to section 211 and insert the following:

Sec. 211. Undocumented Maine fish tenders.

On page 2, after the item relating to section 217, insert the following:

Sec. 218. Distant water tuna fleet.

Sec. 219. Automatic identification system.

On page 3, after the item relating to section 410, insert the following:

Sec. 411. Conveyance of decommissioned Coast Guard Cutter MACKINAW.

On page 8, line 17, strike “2006.” and insert “2006 and as of September 30, 2007.”.

On page 8, beginning in line 18, strike “fiscal year 2006,” and insert “each of fiscal years 2006 and 2007.”.

On page 9, beginning in line 3, strike “fiscal year 2006” and insert “each of fiscal years 2006 and 2007”.

On page 18, strike lines 6 through 24 and insert the following:

SEC. 211. UNDOCUMENTED MAINE FISH TENDERS.

Notwithstanding any other provision of law, a vessel that is ineligible for documentation under chapter 121 of title 46, United States Code, because it measures less than 5 net tons, may transport fish or shellfish within the coastal waters of the State of Maine if—

(1) the vessel transported fish or shellfish pursuant to a valid wholesale seafood license, issued under the authority of section

6851 of title 12 of the Maine Revised Statutes prior to December 31, 2004; and

(2) the vessel is owned by an individual or entity meeting the citizenship requirements necessary to document a vessel under section 12106 of title 46, United States Code.

On page 19, line 18, insert "(a) IN GENERAL.—" before "The".

On page 20, after line 25, insert the following:

(b) INDEPENDENT ANALYSIS OF REVISED DEEP WATER PLAN.—Within 180 days after the date of enactment of this Act, the Commandant of the Coast Guard may execute a contract with an independent entity—

(1) to conduct an analysis of the Coast Guard's revised Deepwater Plan; and

(2) to assess whether—

(A) the mix of assets and capabilities selected as part of that plan will meet the Coast Guard's criteria of—

(i) performance; and

(ii) minimizing total ownership costs; or

(B) additional or different assets should be considered as part of the plan.

On page 22, strike lines 13 through 18, and insert the following:

"(c)(1) No vessel without a registry endorsement may engage in—

"(A) the setting or movement of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))) whether or not attached to the outer Continental Shelf; or

"(B) the movement of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is—

"(i) not attached to the seabed; or

"(ii) attached to the seabed on the outer Continental Shelf but not exploring for oil and gas resources from the outer Continental Shelf.

"(2) Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12106 of this title."

On page 22, between lines 18 and 19, insert the following:

SEC. 218. DISTANT WATER TUNA FLEET.

(a) MANNING REQUIREMENTS.—United States purse seine fishing vessels transiting to or from, or fishing exclusively for highly migratory species in, the Treaty area under a fishing license issued pursuant to the 1987 Treaty of Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America may utilize non-United States licensed and documented personnel to meet manning requirements for the 48 month period beginning on the date of enactment of this Act if, after timely notice of a vacancy, no United States-licensed and documented personnel are readily available.

(b) LIMITATION.—Subsection (a) applies only to vessels operating in and out of American Samoa.

(c) WAIVER.—The citizenship requirements of sections 8103(a) and 12110 of title 46, United States Code, are waived for vessels to which subsection (a) applies during the 48-month period.

SEC. 219. AUTOMATIC IDENTIFICATION SYSTEM.

(a) PREVENTION OF HARMFUL INTERFERENCE.—The Secretary of the Department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may, within 60 days of the enactment of this Act, transfer \$1,000,000 to the National Telecommunications and Information Administration of the Department of Commerce for the purposes of awarding, within 120 days after the date of enactment of this

Act a competitive grant to design, develop, and prototype a device that integrates a Class B Automatic Identification System transponder (International Electrotechnical Commission standard 62287) with an FCC-approved wireless maritime data device with channel throughput greater than 19.2 kilobits per second to enable such wireless maritime data device to provide wireless maritime data services, concurrent with the operation of such Automatic Identification System transponder, on frequency channels adjacent to the frequency channels on which the Automatic Identification System transponder operates, while minimizing or eliminating the harmful interference between such Automatic Identification System transponder and such wireless maritime data device. The design of such device shall be available for public use.

(b) IMPLEMENTATION OF AIS.—It is the Sense of the Senate that the Federal Communications Commission should resolve within 60 days after the date of enactment of this Act the disposition of its rulemaking on the Automatic Information System and license use of frequency bands 157.1875-157.4375 MHz and 161.7875-162.0375 MHz (RM-10821, WT Docket Number 04-344). The implementation of this section shall not delay the implementation of an Automatic Identification System as required by the Maritime Transportation Security Act of 2002 and international convention.

On page 30, line 5, strike "Members"; and insert "The"; "

On page 30, line 7, insert "(1)" before "The".

On page 30, line 12, strike the closing quotation marks and the second period.

On page 30, between lines 12 and 13, insert the following:

"(2) Any motorized vehicle placed at the disposition of the Coast Guard and utilized to carry out its functions under paragraph (1) shall be considered to be a 'motorized vehicle utilized under section 826(b)' as that term is used in section 830."

On page 35, between lines 4 and 5, insert the following:

SEC. 411. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter MACKINAW, the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to the City and County of Cheboygan, Michigan, without consideration, if—

(1) the recipient agrees—

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

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

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

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

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

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

(b) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other

Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel to a suitable mooring in the local area, in its present condition, on or about June 10, 2006, and no later than June 30, 2006. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

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

The amendment (No. 2344) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 889 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 889) 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and the text of S. 1280, as amended, be inserted in lieu thereof, that the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, the Senate insist upon its amendment, and the Chair be authorized to appoint conferees. I further ask that S. 1280 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 889), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER appointed Mr. STEVENS, Ms. SNOWE, Mr. LOTT, Mr. SMITH, Mr. INOUE, Ms. CANTWELL, and Mr. LAUTENBERG conferees on the part of the Senate.

ORDERS FOR FRIDAY, OCTOBER 28, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Friday, October 28. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for morning business with Senators permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.