

109TH CONGRESS
1ST SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

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

A BILL

To authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coast Guard and Mari-
5 time Transportation Act of 2005”.

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

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

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

TITLE II—MISCELLANEOUS

Sec. 201. Technical corrections.

1 **TITLE I—AUTHORIZATION**

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

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

6 (1) For the operation and maintenance of the
7 Coast Guard, \$5,586,400,000, of which \$24,500,000
8 is authorized to be derived from the Oil Spill Liabil-
9 ity Trust Fund to carry out the purposes of section
10 1012(a)(5) of the Oil Pollution Act of 1990.

11 (2) For the acquisition, construction, rebuild-
12 ing, and improvement of aids to navigation, shore
13 and offshore facilities, vessels, and aircraft, includ-
14 ing equipment related thereto, \$1,403,152,000, of
15 which—

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

1 (B) \$1,100,000,000 is authorized for ac-
2 quisition and construction of shore and offshore
3 facilities, vessels, and aircraft, including equip-
4 ment related thereto, and other activities that
5 constitute the Integrated Deepwater Systems.

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

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

1 title 10, United States Code, \$1,014,080,000, to re-
2 main available until expended.

3 (5) For alteration or removal of bridges over
4 navigable waters of the United States constituting
5 obstructions to navigation, and for personnel and
6 administrative costs associated with the Bridge Al-
7 teration Program, \$15,900,000.

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

13 (7) For the Coast Guard Reserve program, in-
14 cluding personnel and training costs, equipment, and
15 services, \$119,000,000.

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

18 (a) **ACTIVE DUTY STRENGTH.**—The Coast Guard is
19 authorized an end-of-year strength for active duty per-
20 sonnel of 45,500 for the years ending on September 30,
21 2005, and September 30, 2006.

22 (b) **MILITARY TRAINING STUDENT LOADS.**—The
23 Coast Guard is authorized average military training stu-
24 dent loads as follows:

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

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

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

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

10 **TITLE II—MISCELLANEOUS**

11 **SEC. 201. TECHNICAL CORRECTIONS.**

12 (a) REQUIREMENTS FOR COOPERATIVE AGREE-
13 MENTS FOR VOLUNTARY SERVICES.—Section 93(a)(19) of
14 title 14, United States Code, as amended by section 201
15 of the Coast Guard and Maritime Transportation Act of
16 2004 (Public Law 108–293; 118 Stat. 1031), is amended
17 by redesignating subparagraphs (1) and (2) in order as
18 subparagraphs (A) and (B).

19 (b) CORRECTION OF AMENDMENT TO CHAPTER
20 ANALYSIS.—Section 212(b) of the Coast Guard and Mari-
21 time Transportation Act of 2004 (Public Law 108–293;
22 118 Stat. 1037) is amended by inserting “of title 14”
23 after “chapter 17”.

24 (c) RECOMMENDATIONS TO CONGRESS BY COM-
25 MANDANT OF THE COAST GUARD.—Section 93(a) of title

1 14, United States Code, as amended by sections 201 and
2 217 of the Coast Guard and Maritime Transportation Act
3 of 2004 (Public Law 108–293; 118 Stat. 1031, 1038), is
4 amended by redesignating paragraph (y) as paragraph
5 (24).

6 (d) CORRECTION OF REFERENCE TO PORTS AND WA-
7 TERWAYS SAFETY ACT.—Section 302 of the Coast Guard
8 and Maritime Transportation Act of 2004 (Public Law
9 108–293; 118 Stat. 1041) is amended by striking “of
10 1972”.

11 (e) TECHNICAL CORRECTION OF PENALTY.—Section
12 4311(b) of title 46, United States Code, as amended by
13 section 406 of the Coast Guard and Maritime Transpor-
14 tation Act of 2004 (Public Law 108–293; 118 Stat. 1043),
15 is amended by striking “4307(a)of” and inserting
16 “4307(a) of”.

17 (f) DETERMINING ADEQUACY OF POTABLE
18 WATER.—Section 3305(a) of title 46, United States Code,
19 as amended by section 416(b)(3) of the Coast Guard and
20 Maritime Transportation Act of 2004 (Public Law 108–
21 293; 118 Stat. 1047), is amended by moving paragraph
22 (2) two ems to the left, so that the material preceding
23 subparagraph (A) of such paragraph aligns with the left-
24 hand margin of paragraph (1) of such section.

1 (g) RENEWAL OF ADVISORY GROUP.—Section 418(a)
2 of the Coast Guard and Maritime Transportation Act of
3 2004 (Public Law 108–293; 118 Stat. 1049) is amended
4 by striking “of September 30, 2005” and inserting “on
5 September 30, 2005”.

6 (h) TECHNICAL CORRECTIONS RELATING TO REF-
7 ERENCES TO NATIONAL DRIVER REGISTER.—

8 (1) AMENDMENT INSTRUCTION.—Section
9 609(1) of the Coast Guard and Maritime Transpor-
10 tation Act of 2004 (Public Law 108–293; 118 Stat.
11 1058) is amended in the matter preceding subpara-
12 graph (A) by striking “7302” and inserting
13 “7302(c)”.

14 (2) OMITTED WORD.—Section 7302(c) of title
15 46, United States Code, as amended by section
16 609(1) of the Coast Guard and Maritime Transpor-
17 tation Act of 2004 (Public Law 108–293; 118 Stat.
18 1058), is amended—

19 (A) by inserting “section” before
20 “30305(b)(5)”; and

21 (B) by inserting “section” before
22 “30304(a)(3)(A)”.

23 (3) EXTRANEOUS U.S.C. REFERENCE.—Section
24 7703(3) of title 46, United States Code, as amended
25 by section 609(3) of the Coast Guard and Maritime

1 Transportation Act of 2004 (Public Law 108–293;
2 118 Stat. 1058), is amended by striking “(23 U.S.C.
3 401 note)”.

4 (i) VESSEL RESPONSE PLANS FOR NONTANK VES-
5 SELS.—

6 (1) CORRECTION OF VESSEL REFERENCES.—

7 Section 311 of the Federal Water Pollution Control
8 Act (33 U.S.C. 1321), as amended by section 701
9 of the Coast Guard and Maritime Transportation
10 Act of 2004 (Public Law 108–293; 118 Stat. 1067),
11 is amended by striking “non-tank” each place it ap-
12 pears and inserting “nontank”.

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

18 (j) PUNCTUATION ERROR.—Section 5006(c) of the
19 Oil Pollution Act of 1990 (33 U.S.C. 2736(c)), as amend-
20 ed by section 704(1) of the Coast Guard and Maritime
21 Transportation Act of 2004 (Public Law 108–293; 118
22 Stat. 1075), is amended by inserting a comma after “Oc-
23 tober 1, 2012”.

24 (k) CORRECTION TO SUBTITLE DESIGNATION.—

1 (1) REDESIGNATION.—Title 46, United States
2 Code, is amended by redesignating subtitle VI as
3 subtitle VII.

4 (2) CLERICAL AMENDMENT.—The table of sub-
5 titles at the beginning of title 46, United States
6 Code, is amended by striking the item relating to
7 subtitle VI and inserting the following:

“70101.”.

8 (1) CORRECTIONS TO CHAPTER 701 OF TITLE 46,
9 UNITED STATES CODE.—Chapter 701 of title 46, United
10 States Code, is amended as follows:

11 (1) Sections 70118 and 70119, as added by
12 section 801 of the Coast Guard and Maritime
13 Transportation Act of 2004 (Public Law 108–293;
14 118 Stat. 1078), are redesignated as sections 70117
15 and 70118, respectively, and moved to appear imme-
16 diately after section 70116 of title 46, United States
17 Code.

18 (2) Sections 70117 and 70118, as added by
19 section 802 of such Act (Public Law 108–293; 118
20 Stat. 1078), are redesignated as sections 70120 and
21 70121, respectively, and moved to appear imme-
22 diately after section 70119 of title 46, United States
23 Code.

1 (3) In section 70120(a), as redesignated by
2 paragraph (2) of this section, by striking “section
3 70120” and inserting “section 70119”.

4 (4) In section 70121(a), as redesignated by
5 paragraph (2) of this section, by striking “section
6 70120” and inserting “section 70119”.

7 (5) In the analysis at the beginning of the
8 chapter, by striking the items relating to sections
9 70117 through the second 70119 and inserting the
10 following:

“70117. Firearms, arrests, and seizure of property.

“70118. Enforcement by State and local officers.

“70119. Civil penalty.

“70120. In rem liability for civil penalties and certain costs.

“70121. Withholding of clearance.”.

11 (m) AREA MARITIME SECURITY ADVISORY COMMIT-
12 TEES; MARGIN ALIGNMENT.—Section 70112(b) of title
13 46, United States Code, as amended by section 806 of the
14 Coast Guard and Maritime Transportation Act of 2004
15 (Public Law 108–293; 118 Stat. 1082), is amended by
16 moving paragraph (5) two ems to the left, so that the left-
17 hand margin of paragraph (5) aligns with the left-hand
18 margin of paragraph (4) of such section.

19 (n) TECHNICAL CORRECTION REGARDING TANK
20 VESSEL ENVIRONMENTAL EQUIVALENCY EVALUATION
21 INDEX.—Section 4115(e)(3) of the Oil Pollution Act of
22 1990 (46 U.S.C. 3703a note) is amended by striking
23 “hull” the second place it appears.

1 (o) EFFECTIVE DATE.—This Act shall take effect
2 August 9, 2004.

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