

S 1280

Coast Guard Authorization Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: Senate

Policy Area: Transportation and Public Works

Introduced: Jun 21, 2005

Current Status: Returned to the Calendar. Calendar No. 185.

Latest Action: Returned to the Calendar. Calendar No. 185. (Oct 27, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/senate-bill/1280>

Sponsor

Name: Sen. Snowe, Olympia J. [R-ME]

Party: Republican • State: ME • Chamber: Senate

Cosponsors (4 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Cantwell, Maria [D-WA]	D · WA		Jun 21, 2005
Sen. Inouye, Daniel K. [D-HI]	D · HI		Jun 21, 2005
Sen. Stevens, Ted [R-AK]	R · AK		Jun 21, 2005
Sen. Lott, Trent [R-MS]	R · MS		Jun 29, 2005

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Jul 28, 2005

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

Bill	Relationship	Last Action
109 HR 889	Identical bill	Jul 12, 2006: Became Public Law No: 109-241.

Coast Guard Authorization Act of 2005 - **Title I : Authorization** - (Sec. 101) Authorizes appropriations for FY2006 and FY2007 for the Coast Guard (CG) for: (1) CG operation and maintenance, with a portion from the Oil Spill Liability Trust Fund for certain purposes under the Oil Pollution Act of 1990 (OPA purposes); (2) acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including related equipment, with a portion from the Fund for OPA purposes, and another portion for the Integrated Deepwater Systems; (3) CG research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving CG performance in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, with a portion from the Fund for OPA purposes; (4) retired pay, payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents; (5) alteration or removal of bridges over U.S. navigable waters constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, with a portion for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts; (6) certain environmental compliance and restoration projects; and (7) operation and maintenance of the CG reserve program.

(Sec. 102) Authorizes a CG end-of-strength of 45,500 active duty military personnel for FY2006. Authorizes average military training student loads for FY2006 in specified numbers under the categories of Recruit/Special, Flight, Professional, and Officer.

(Sec. 103) Authorizes appropriations for FY2006 for the CG 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) Amends federal naval law with respect to the authority of the Secretary of the department in which the Coast Guard is operating (Secretary) to control the anchorage and movement of vessels to ensure the safety or security of U.S. naval vessels in U.S. navigable waters. Extends such authority to all waters of the U.S. territorial sea as described in Presidential Proclamation No. 5928 of December 27, 1988.

(Sec. 202) Amends the Maritime Transportation Security Act of 2002 to set forth civil penalties for continuing violations of such Act.

(Sec. 203) Directs the Secretary to take measures to ensure that the CG maintains, at a minimum, its current vessel capacity for ice-breaking in the Arctic and Antarctic regions, including the long-term recapitalization of such assets. Authorizes appropriations for FY2006.

(Sec. 204) Directs the Secretary to report to Congress on opportunities for and the feasibility of co-locating CG assets and personnel at facilities of other Armed Services branches throughout the United States.

(Sec. 205) Establishes a pilot program for dockside safety and survivability examinations for uninspected U.S. commercial fishing vessels. Requires the Secretary to report to Congress on the results of the pilot program.

(Sec. 206) Authorizes the Secretary of Transportation to require mortgagees of documented vessels to submit reports in any reasonable form and manner the Secretary may prescribe to ensure compliance with laws governing the qualifications of vessels to engage in the coastwise trade and the fisheries.

(Sec. 207) Amends federal naval law to authorize the Commandant of the CG (in conjunction with the President) to provide technical assistance, including law enforcement and maritime safety and security training, to foreign navies, coast guards, and other maritime authorities.

(Sec. 208) Removes references to the Trust Territory of the Pacific Islands as a state from certain recreational boating safety program provisions.

(Sec. 209) Directs the Secretary to examine the technical feasibility of using bio-diesel fuel in new and existing CG vehicles and vessels, with emphasis on the use of such fuel in ports with high-density vessel traffic, including ports for which vessel traffic systems have been established.

(Sec. 210) Makes a technical amendment to the Maritime Drug Law Enforcement Act with respect to the response of a foreign nation to a claim of registry by a vessel without nationality.

(Sec. 211) Amends the Merchant Marine Act, 1920 to authorize non-U.S. flagged vessels to transport fish or shellfish within the Maine coastal waters if the vessel: (1) meets certain requirements for engaging in the coastwise trade; (2) is ineligible for documentation because it measures less than five net tons; (3) has transported fish or shellfish within the Maine coastal waters prior to December 31, 2004; and (4) has not undergone a transfer of ownership after December 31, 2004.

(Sec. 212) Directs the CG to report to Congress on the status of its implementation of the Government Accountability Office's recommendations in its report, GAO-04-380, "CG Deepwater Program Needs Increased Attention to Management and Contractor Oversight", including the dates the CG plans to implement fully such recommendations if any remain open as of the date the report is transmitted to Congress.

(Sec. 213) Directs the Secretary of Homeland Security to submit to Congress (in conjunction with the transmittal by the President of the U.S. Budget for FY2007) a revised Deepwater baseline report containing specified items.

(Sec. 214) Authorizes appropriations to the Department of Transportation (DOT) for capital expenses related to the LORAN-C navigation infrastructure for FY2006-FY2007. Authorizes the Secretary of Transportation to transfer from the Federal Aviation Administration (FAA) and other DOT agencies funds appropriated under this section to reimburse the CG for related expenses.

(Sec. 215) Directs the Secretary to conduct a pilot program for the long-range tracking of vessels by satellite to aid maritime security and response to maritime emergencies. Authorizes appropriations to the CG for FY2006-FY2008.

(Sec. 216) Directs the CG to continue cooperative agreements and partnerships with organizations that provide marine vessel safety training and cold water immersion education and outreach programs for fishermen and children.

(Sec. 217) Amends federal shipping law to prohibit vessels without a registry or coastwise endorsement from engaging in the movement of anchors or other mooring equipment from one point over or on the U.S. 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) Directs the CG, working with hazardous spill response agencies, marine salvage companies, state and local law enforcement and marine agencies, and other federal agencies, and in accordance with U.S. Commission on Ocean Policy recommendations, to develop an effective process for determining under what circumstances damaged vessels may seek a place of refuge.

(Sec. 302) Directs the Secretary to work with responsible officials and agencies of other Nations to accelerate efforts at the International Maritime Organization (IMO) to enhance flag state oversight and enforcement of security, environmental, and other agreements adopted by the IMO.

(Sec. 303) Directs the Secretary to: (1) undertake outreach programs to educate owners and operators of boats using two-stroke engines about the pollution associated with such engines; and (2) support voluntary programs that reduce such pollution and encourage the early replacement of older two-stroke engines.

(Sec. 304) Directs the Secretary to: (1) integrate vessel monitoring system data into its maritime operations databases to improve monitoring and enforcement of federal fisheries laws; and (2) work with the Undersecretary of Commerce for Oceans and Atmosphere to ensure effective use of such data for monitoring and enforcement.

(Sec. 305) Directs the Secretary to report biennially to Congress on steps that the CG will take to significantly improve the CG's detection and interdiction of illegal incursions into the U.S. exclusive economic zone by foreign fishing vessels.

**Title IV: Coast Guard Personnel, Financial, and Property Management** - (Sec. 401) Prohibits CG Reserve officers on an Active-duty list from being counted as part of the authorized number of officers in the CG Reserve. (Currently, the authorized number of CG Reserve officers in an active status is 5,000). Revises the distribution method for determining the number of CG Reserve officers on active status that are authorized to be serving in each grade.

(Sec. 402) Revises requirements for the composition of the United States Coast Guard Band. Authorizes the Secretary to designate as director any individual determined to possess the necessary qualifications. (Currently, the Secretary is required to designate the director from among qualified members of the CG.) Authorizes the current CG Band Director, upon enactment of this Act, to be immediately promoted to a commissioned grade, not to exceed captain, most appropriate to the individual's qualifications and experience.

(Sec. 403) Authorizes the Secretary, during an act of terrorism or transportation security incident, to order CG Ready Reserve members to active duty to no more than 60 days (currently, 30 days) in any four-month period and no more than 120 days (currently, 60 days) in any two-year period.

(Sec. 404) Authorizes the CG to utilize in carrying out its duties any motorized vehicle placed at its disposition by any member of the auxiliary, by any corporation, partnership, or association, or by any state or local government to tow government property. Makes CG appropriations available for payment of such vehicles when assigned to CG duty.

(Sec. 405) Authorizes the Secretary to use one-step turn-key selection procedures when entering into contracts for the design and construction of CG facilities. Defines "one-step turn-key selection procedures" to mean procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.

(Sec. 406) Revises CG officer promotion requirements to authorize the Secretary to waive certain ones to allow CG officers to have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.

(Sec. 407) Amends federal armed forces law to redesignate CG law specialists as judge advocates.

(Sec. 408) Establishes a Director of the Office of Boating Safety.

(Sec. 409) Directs the Secretary to provide to Congress a proposal and cost analysis for construction of an enclosed

hangar at Air Station Barbers Point.

(Sec. 410) Authorizes the President to appoint directly permanent commissioned officers in the Regular CG in grades of ensign through lieutenant from among specified categories. (Currently, all appointments for officers in grades of ensign or above must be by and with the advice and consent of the Senate.) Retains the requirement for the advice and consent of the Senate for presidential appointments in grades of lieutenant commander and above. Extends the same requirements to wartime temporary service promotion.

**Title V: Technical and Conforming Amendments** - (Sec. 501) Makes conforming amendments to various laws to reflect the Department of Homeland Security.

**Title VI: Effective Dates** - Sets forth the effective dates of the provisions of this Act.

### **Actions Timeline**

---

- **Oct 27, 2005:** The committee amendments were agreed to by Unanimous Consent.
- **Oct 27, 2005:** Measure laid before Senate by unanimous consent. (consideration: CR S12030-12036; text as reported in Senate: CR S12030-12035)
- **Oct 27, 2005:** The bill was advanced to third reading by Unanimous Consent.
- **Oct 27, 2005:** Senate incorporated this measure in H.R. 889 as an amendment.
- **Oct 27, 2005:** Senate passed companion measure H.R. 889 in lieu of this measure by Unanimous Consent.
- **Oct 27, 2005:** Returned to the Calendar. Calendar No. 185.
- **Jul 28, 2005:** Committee on Commerce, Science, and Transportation. Reported by Senator Stevens with amendments. With written report No. 109-114.
- **Jul 28, 2005:** Committee on Commerce, Science, and Transportation. Reported by Senator Stevens with amendments. With written report No. 109-114.
- **Jul 28, 2005:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 185.
- **Jun 23, 2005:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment favorably.
- **Jun 21, 2005:** Introduced in Senate
- **Jun 21, 2005:** Sponsor introductory remarks on measure. (CR S6919-6920)
- **Jun 21, 2005:** Read twice and referred to the Committee on Commerce, Science, and Transportation. (text of measure as introduced: CR S6920-6925)