

103^D CONGRESS
2^D SESSION

H. R. 4852

AN ACT

To provide congressional approval of a governing international fishery agreement, to authorize appropriations for the Coast Guard for fiscal year 1995, 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 “Oceans Act of 1994”.

5 **SEC. 2. TABLE OF CONTENTS.**

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

TABLE OF CONTENTS

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—HIGH SEAS FISHERIES LICENSING

- Sec. 101. Short title.
- Sec. 102. Purpose.
- Sec. 103. Definitions.
- Sec. 104. Licensing.
- Sec. 105. Responsibilities of the Secretary.
- Sec. 106. Unlawful activities.
- Sec. 107. Enforcement provisions.
- Sec. 108. Civil penalties and license sanctions.
- Sec. 109. Criminal offenses.
- Sec. 110. Forfeitures.
- Sec. 111. Effective date.

TITLE II—IMPLEMENTATION OF CONVENTION ON FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

- Sec. 201. Short title.
- Sec. 202. Representation of United States under Convention.
- Sec. 203. Requests for scientific advice.
- Sec. 204. Authorities of Secretary of State with respect to Convention.
- Sec. 205. Interagency cooperation.
- Sec. 206. Rulemaking.
- Sec. 207. Prohibited acts and penalties.
- Sec. 208. Consultative Committee.
- Sec. 209. Administrative matters.
- Sec. 210. Definitions.
- Sec. 211. Authorization of appropriations.

TITLE III—GOVERNING INTERNATIONAL FISHERY AGREEMENT

- Sec. 301. Agreement with Lithuania.

TITLE IV—ATLANTIC TUNAS CONVENTION ACT

- Sec. 401. Short title.
- Sec. 402. Research and monitoring activities.
- Sec. 403. Advisory Committee procedures.
- Sec. 404. Regulations.
- Sec. 405. Fines and permit sanctions.
- Sec. 406. Authorization of appropriations.
- Sec. 407. Report and certification.
- Sec. 408. Sense of the Congress regarding conservation and management of Atlantic bluefin tuna.

TITLE V—FISHERMEN'S PROTECTIVE ACT

- Sec. 501. Findings.
- Sec. 502. Amendment to the Fishermen's Protective Act of 1967.
- Sec. 503. Reauthorization.
- Sec. 504. Technical corrections.

TITLE VI—FISHERIES ENFORCEMENT IN CENTRAL SEA OF
OKHOTSK

- Sec. 601. Short title.
- Sec. 602. Fishing prohibition.

TITLE VII—COAST GUARD AUTHORIZATIONS

- Sec. 701. Authorization of appropriations.
- Sec. 702. Authorized levels of military strength and training.
- Sec. 703. Drug interdiction activities.

TITLE VIII—COAST GUARD PERSONNEL MANAGEMENT
IMPROVEMENT

- Sec. 801. Hurricane Andrew relief.
- Sec. 802. Dissemination of results of 0–6 continuation boards.
- Sec. 803. Exclude certain reserves from end-of-year strength.
- Sec. 804. Provision of child development services.

TITLE IX—NAVIGATION SAFETY AND WATERWAY SERVICES
MANAGEMENT

- Sec. 901. Foreign passenger vessel user fees.
- Sec. 902. Documentation violation.
- Sec. 903. Clerical amendment.
- Sec. 904. Renewal of Houston-Galveston Navigation Safety Advisory Committee
and Lower Mississippi River Waterway Advisory Committee.

TITLE X—MISCELLANEOUS PROVISIONS

- Sec. 1001. Officer retention until retirement eligible.
- Sec. 1002. Continuing obligation to provide documentation information at exist-
ing locations.
- Sec. 1003. Continuation of the Commercial Fishing Industry Vessel Advisory
Committee.
- Sec. 1004. Prohibition on station closures.
- Sec. 1005. Renewal of the Navigation Safety Advisory Council.
- Sec. 1006. Coast Guard Reserve peacetime requirements plan.
- Sec. 1007. Prohibition on overhaul, repair, and maintenance of Coast Guard
vessels in foreign shipyards.
- Sec. 1008. Electronic filing of commercial instruments.
- Sec. 1009. Sense of the Congress regarding funding for Coast Guard.
- Sec. 1010. Contracts for health care services.
- Sec. 1011. Vessel financing.
- Sec. 1012. Repeal of Great Lakes endorsements.

TITLE XI—RECREATIONAL BOATING SAFETY

- Sec. 1101. Short title.
- Sec. 1102. Personal flotation devices required for children.
- Sec. 1103. Allocation of funds based on State adoption of laws regarding boat-
ing while intoxicated.
- Sec. 1104. Marine casualty reporting.
- Sec. 1105. Requiring violators to take recreational boating safety course.
- Sec. 1106. Technical corrections.

TITLE XII—COAST GUARD REGULATORY REFORM

- Sec. 1201. Short title.
- Sec. 1202. Safety management.
- Sec. 1203. Use of reports, documents, records, and examinations of other persons.
- Sec. 1204. Equipment approval.
- Sec. 1205. Frequency of inspection.
- Sec. 1206. Certificate of inspection.
- Sec. 1207. Delegation of authority of Secretary to classification societies.
- Sec. 1208. Study of marine casualty reporting requirements.

TITLE XIII—UNITED STATES CRUISE VESSEL DEVELOPMENT

- Sec. 1301. Short title.
- Sec. 1302. Purpose.
- Sec. 1303. Coastwise transportation of passengers.
- Sec. 1304. Construction standards.
- Sec. 1305. Citizenship for purposes of documentation.
- Sec. 1306. Loan guarantees.
- Sec. 1307. Permits for vessels entering units of National Park System.

TITLE XIV—BOATING IMPROVEMENT

- Sec. 1401. Short title.
- Sec. 1402. Boating safety grants.
- Sec. 1403. Boating access.
- Sec. 1404. Definitions.

TITLE XV—TOWING VESSEL NAVIGATIONAL SAFETY

- Sec. 1501. Short title.
- Sec. 1502. Minimum navigational safety equipment for towing vessels.
- Sec. 1503. Reporting marine casualties.
- Sec. 1504. Report on feasibility of establishing a Differential Global Positioning Satellite Navigation System and electronic charts for inland waterways.
- Sec. 1505. Protection of seamen against discrimination.
- Sec. 1506. Manning and licensing requirements for towing vessels.
- Sec. 1507. Civil penalties.
- Sec. 1508. Model towing vessel company inspection program.

TITLE XVI—MERCHANT MARINER BENEFITS

- Sec. 1601. Merchant mariner benefits.

TITLE XVII—LIGHTHOUSE AND OTHER PROPERTY CONVEYANCES

- Sec. 1701. Conveyance of Coast Guard property in Traverse City, Michigan.
- Sec. 1702. Transfer of Coast Guard property in Ketchikan, Alaska.
- Sec. 1703. Conveyance of Light Station Montauk Point, New York.
- Sec. 1704. Conveyance of Cape Ann Lighthouse.
- Sec. 1705. Transfer of Ocracoke Light Station to Secretary of the Interior.
- Sec. 1706. Squirrel Point Lighthouse.
- Sec. 1707. Conveyance of certain lighthouses located in Maine.

TITLE XVIII—BALLAST WATER MANAGEMENT

- Sec. 1801. Short title.
- Sec. 1802. Evaluation.

- Sec. 1803. National Ballast Water Management Demonstration Program.
- Sec. 1804. Authorization of appropriations.

TITLE XIX—ADDITIONAL MISCELLANEOUS PROVISIONS

- Sec. 1901. Amendment to require EPIRBs on the Great Lakes.
- Sec. 1902. Implementation of oil pollution requirements with respect to vegetable oil.
- Sec. 1903. Dual purpose vessel.
- Sec. 1904. Equitable treatment of United States ocean freight forwarders by ocean carrier conferences.
- Sec. 1905. Florida Avenue Bridge.
- Sec. 1906. Limitation on consolidation of Houston and Galveston marine safety offices.
- Sec. 1907. Buy American requirement for Surface Search Radar Systems and multibeam sonar.
- Sec. 1908. Special recruiting authority to achieve diversity.
- Sec. 1909. Recommendations on actions for the protection of the North Atlantic right whale.
- Sec. 1910. Prohibition on diversion of drug interdiction funds.
- Sec. 1911. Limitation on authority of states to regulate gambling devices on vessels.
- Sec. 1912. Pollution from ships.
- Sec. 1913. Cost accounting for Haitian operations.
- Sec. 1914. Plan for rescue of passengers on the Chesapeake Bay.
- Sec. 1915. Board for correction of military records deadline.
- Sec. 1916. Sense of the Congress regarding passengers aboard commercial vessels.

TITLE XX—MARINE BIOTECHNOLOGY INVESTMENT ACT OF 1993

- Sec. 2001. Short title.
- Sec. 2002. Findings.
- Sec. 2003. Definitions.
- Sec. 2004. National marine biotechnology strategy.
- Sec. 2005. National Oceanic and Atmospheric Administration.
- Sec. 2006. Sea Grant Marine Biotechnology Program.

TITLE XXI—DOCUMENTATION OF VESSELS

- Sec. 2101. Authorization of documentation for various vessels.
- Sec. 2102. Authorization of documentation for the ATLANTIS III.
- Sec. 2103. Vessel documentation for charity cruises.
- Sec. 2104. Extension of deadline for the M/V TWIN DRILL.
- Sec. 2105. Coastwise trade authorization for hovercraft.
- Sec. 2106. Wrecked vessel.
- Sec. 2107. Authorization for R/V ROSS SEAL to be documented under the laws of a foreign country.

1 **TITLE I—HIGH SEAS FISHERIES**
2 **LICENSING**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “High Seas Fisheries
5 Licensing Act of 1994”.

6 **SEC. 102. PURPOSE.**

7 It is the purpose of this Act—

8 (1) to implement the Agreement to Promote
9 Compliance with International Conservation and
10 Management Measures by Fishing Vessels on the
11 High Seas, adopted by the Conference of the Food
12 and Agriculture Organization of the United Nations
13 on November 24, 1993; and

14 (2) to establish a system of licensing, reporting,
15 and regulation for vessels of the United States fish-
16 ing on the high seas.

17 **SEC. 103. DEFINITIONS.**

18 As used in this Act:

19 (1) The term “Agreement” means the Agree-
20 ment to Promote Compliance with International
21 Conservation and Management Measures by Fishing
22 Vessels on the High Seas, adopted by the Con-
23 ference of the Food and Agriculture Organization of
24 the United Nations on November 24, 1993.

1 (2) The term “FAO” means the Food and Ag-
2 riculture Organization of the United Nations.

3 (3) The term “high seas” means the waters be-
4 yond the territorial sea or exclusive economic zone
5 (or the equivalent) of any nation, to the extent that
6 such territorial sea or exclusive economic zone (or
7 the equivalent) is recognized by the United States.

8 (4) The term “high seas fishing vessel” means
9 any vessel of the United States used or intended for
10 use—

11 (A) on the high seas;

12 (B) for the purpose of the commercial ex-
13 ploitation of living marine resources; and

14 (C) as a harvesting vessel, as a mother
15 ship, or as any other support vessel directly en-
16 gaged in a fishing operation.

17 (5) The term “international conservation and
18 management measures” means measures to conserve
19 or manage one or more species of living marine re-
20 sources that are adopted and applied in accordance
21 with the relevant rules of international law, as re-
22 flected in the 1982 United Nations Convention on
23 the Law of the Sea, and that are recognized by the
24 United States. Such measures may be adopted by
25 global, regional, or sub-regional fisheries organiza-

1 tions, subject to the rights and obligations of their
2 members, or by treaties or other international agree-
3 ments.

4 (6) The term “length” means—

5 (A) for any high seas fishing vessel built
6 after July 18, 1982, 96 percent of the total
7 length on a waterline at 85 percent of the least
8 molded depth measured from the top of the
9 keel, or the length from the foreside of the stem
10 to the axis of the rudder stock on that water-
11 line, if that is greater. In ships designed with
12 a rake or keel the waterline on which this
13 length is measured shall be parallel to the de-
14 signed waterline; and

15 (B) for any high seas fishing vessel built
16 before July 18, 1982, registered length as en-
17 tered on the vessel’s documentation.

18 (7) The term “person” means any individual
19 (whether or not a citizen of or national of the
20 United States), any corporation, partnership, asso-
21 ciation, or other entity (whether or not organized or
22 existing under the laws of any State), and any Fed-
23 eral, State, local, or foreign government or any en-
24 tity of any such government.

1 (8) The term “Secretary” means the Secretary
2 of Commerce.

3 (9) The term “vessel of the United States”
4 means—

5 (A) a vessel documented under chapter
6 121 of title 46, United States Code, or num-
7 bered in accordance with chapter 123 of title
8 46, United States Code;

9 (B) a vessel owned in whole or part by—

10 (i) the United States or a territory,
11 commonwealth, or possession of the United
12 States;

13 (ii) a State or political subdivision
14 thereof;

15 (iii) a citizen or national of the United
16 States; or

17 (iv) a corporation created under the
18 laws of the United States or any State, the
19 District of Columbia, or any territory,
20 commonwealth, or possession of the United
21 States; unless the vessel has been granted
22 the nationality of a foreign nation in ac-
23 cordance with article 92 of the 1982
24 United Nations Convention on the Law of
25 the Sea and a claim of nationality or reg-

1 istry for the vessel is made by the master
2 or individual in charge at the time of the
3 enforcement action by an officer or em-
4 ployee of the United States authorized to
5 enforce applicable provisions of the United
6 States law; and

7 (C) a vessel that was once documented
8 under the laws of the United States and, in vio-
9 lation of the laws of the United States, was ei-
10 ther sold to a person not a citizen of the United
11 States or placed under foreign registry or a for-
12 eign flag, whether or not the vessel has been
13 granted the nationality of a foreign nation.

14 (10) The terms “vessel subject to the jurisdic-
15 tion of the United States” and “vessel without na-
16 tionality” have the same meaning as in section
17 1903(c) of title 46 United States Code Appendix.

18 **SEC. 104. LICENSING.**

19 (a) IN GENERAL.—No high seas fishing vessel shall
20 engage in harvesting operations on the high seas unless
21 the vessel has on board a valid license issued under this
22 section.

23 (b) ELIGIBILITY.—

24 (1) Any vessel of the United States is eligible
25 to receive a license under this section, unless the

1 vessel was previously authorized to be used for fish-
2 ing on the high seas by a foreign nation, and

3 (A) the foreign nation suspended such au-
4 thorization because the vessel undermined the
5 effectiveness of international conservation and
6 management measures, and the suspension has
7 not expired; or

8 (B) the foreign nation, within the last
9 three years preceding application for a license
10 under this section, withdrew such authorization
11 because the vessel undermined the effectiveness
12 of international conservation and management
13 measures.

14 (2) The restriction in paragraph (1) does not
15 apply if ownership of the vessel has changed since
16 the vessel undermined the effectiveness of inter-
17 national conservation and management measures,
18 and the new owner has provided sufficient evidence
19 to the Secretary demonstrating that the previous
20 owner or operator has no further legal, beneficial or
21 financial interest in, or control of, the vessel.

22 (3) The restriction in paragraph (1) does not
23 apply if the Secretary makes a determination that
24 issuing a license would not subvert the purposes of
25 the Agreement.

1 (4) The Secretary may not issue a license to a
2 vessel unless the Secretary is satisfied that the
3 United States will be able to exercise effectively its
4 responsibilities under the Agreement with respect to
5 that vessel.

6 (c) APPLICATION.—

7 (1) The owner or operator of a high seas fish-
8 ing vessel may apply for a license under this section
9 by completing an application form prescribed by the
10 Secretary.

11 (2) The application form shall contain—

12 (A) the vessel's name, previous names (if
13 known), official numbers, and port of record;

14 (B) the vessel's previous flags (if any);

15 (C) the vessel's International Radio Call
16 Sign (if any);

17 (D) the names and addresses of the ves-
18 sel's owners and operators;

19 (E) where and when the vessel was built;

20 (F) the type of vessel;

21 (G) the vessel's length; and

22 (H) any other information the Secretary
23 requires.

24 (d) CONDITIONS.—The Secretary shall establish such
25 conditions and restrictions on each license issued under

1 this section as are necessary and appropriate to carry out
2 the obligations of the United States under the Agreement,
3 including but not limited to the following:

4 (1) The vessel shall be marked in accordance
5 with the FAO Standard Specifications for the Mark-
6 ing and Identification of Fishing Vessels, or with
7 regulations issued under section 305 of the Magnu-
8 son Fishery Conservation and Management Act (16
9 U.S.C. 1855).

10 (2) The license holder shall report such infor-
11 mation as the Secretary by regulation requires, in-
12 cluding area of fishing operations and catch statis-
13 tics. The Secretary shall promulgate regulations con-
14 cerning conditions under which information submit-
15 ted under this paragraph may be released.

16 (e) FEES.—

17 (1) The Secretary may by regulation establish
18 the level of fees to be charged for licenses issued
19 under this section. The amount of any fee charged
20 for a license issued under this section may not ex-
21 ceed the administrative costs incurred in issuing
22 such licenses. The licensing fee shall be in addition
23 to any fee required under any regional licensing re-
24 gime applicable to high seas fishing vessels.

1 (2) The fees authorized by paragraph (1) shall
2 be collected and credited to the Operations, Re-
3 search and Facilities account of the National Oce-
4 anic and Atmospheric Administration. Fees collected
5 under this subsection shall be available for the nec-
6 essary expenses of the National Oceanic and Atmos-
7 pheric Administration in implementing this Act, and
8 shall remain available until expended.

9 (f) DURATION.—A license issued under this section
10 is valid for the period specified in regulations issued under
11 section 105(d). A license issued under this section is void
12 in the event the vessel is no longer eligible for United
13 States documentation, such documentation is revoked or
14 denied, or the vessel is deleted from such documentation.

15 **SEC. 105. RESPONSIBILITIES OF THE SECRETARY.**

16 (a) RECORD.—The Secretary shall maintain an auto-
17 mated file or record of high seas fishing vessels issued li-
18 censes under section 104, including all information sub-
19 mitted under section 104(c)(2).

20 (b) INFORMATION TO FAO.—The Secretary, in co-
21 operation with the Secretary of State and the Secretary
22 of the department in which the Coast Guard is operating,
23 shall—

1 (1) make available to FAO information con-
2 tained in the record maintained under subsection
3 (a);

4 (2) promptly notify FAO of changes in such in-
5 formation;

6 (3) promptly notify FAO of additions to or de-
7 letions from the record, and the reason for any dele-
8 tion;

9 (4) convey to FAO information relating to any
10 license granted under section 104(b)(3), including
11 the vessel's identity, owner or operator, and factors
12 relevant to the Secretary's determination to issue
13 the license;

14 (5) report promptly to FAO all relevant infor-
15 mation regarding any activities of high seas fishing
16 vessels that undermine the effectiveness of inter-
17 national conservation and management measures, in-
18 cluding the identity of the vessels and any sanctions
19 imposed; and

20 (6) provide the FAO a summary of evidence re-
21 garding any activities of foreign vessels that under-
22 mine the effectiveness of international conservation
23 and management measures.

24 (c) INFORMATION TO FLAG NATIONS.—If the Sec-
25 retary, in cooperation with the Secretary of State and the

1 Secretary of the department in which the Coast Guard is
2 operating, has reasonable grounds to believe that a foreign
3 vessel has engaged in activities undermining the effective-
4 ness of international conservation and management meas-
5 ures, the Secretary shall—

6 (1) provide to the flag nation information, in-
7 cluding appropriate evidentiary material, relating to
8 those activities; and

9 (2) when such foreign vessel is voluntarily in a
10 United States port, promptly notify the flag nation
11 and, if requested by the flag nation, make arrange-
12 ments to undertake such lawful investigatory meas-
13 ures as may be considered necessary to establish
14 whether the vessel has been used contrary to the
15 provisions of the Agreement.

16 (d) REGULATIONS.—The Secretary, after consulta-
17 tion with the Secretary of State and the Secretary of the
18 department in which the Coast Guard is operating, may
19 promulgate such regulations, in accordance with section
20 553 of title 5, United States Code, as may be necessary
21 to carry out the purposes of the Agreement and this title.
22 The Secretary shall coordinate such regulations with any
23 other entities regulating high seas fishing vessels, in order
24 to minimize duplication of license application and report-
25 ing requirements. To the extent practicable, such regula-

1 tions shall also be consistent with regulations implement-
2 ing fishery management plans under the Magnuson Fish-
3 ery Conservation and Management Act (16 U.S.C. 1801
4 et seq.).

5 (e) NOTICE OF INTERNATIONAL CONSERVATION AND
6 MANAGEMENT MEASURES.—The Secretary, in consulta-
7 tion with the Secretary of State, shall publish in the Fed-
8 eral Register, from time to time, a notice listing inter-
9 national conservation and management measures recog-
10 nized by the United States.

11 **SEC. 106. UNLAWFUL ACTIVITIES.**

12 It is unlawful for any person subject to the jurisdic-
13 tion of the United States—

14 (1) to use a high seas fishing vessel on the high
15 seas in contravention of international conservation
16 and management measures described in section
17 105(e);

18 (2) to use a high seas fishing vessel on the high
19 seas, unless the vessel has on board a valid license
20 issued under section 104;

21 (3) to use a high seas fishing vessel in violation
22 of the conditions or restrictions of a license issued
23 under section 104;

24 (4) to falsify any information required to be re-
25 ported, communicated, or recorded pursuant to this

1 title or any regulation issued under this title, or to
2 fail to submit in a timely fashion any required infor-
3 mation, or to fail to report to the Secretary imme-
4 diately any change in circumstances that has the ef-
5 fect of rendering any such information false, incom-
6 plete, or misleading;

7 (5) to refuse to permit an authorized officer to
8 board a high seas fishing vessel subject to such per-
9 son's control for purposes of conducting any search
10 or inspection in connection with the enforcement of
11 this title or any regulation issued under this title;

12 (6) to forcibly assault, resist, oppose, impede,
13 intimidate, or interfere with an authorized officer in
14 the conduct of any search or inspection described in
15 paragraph (5);

16 (7) to resist a lawful arrest or detention for any
17 act prohibited by this section;

18 (8) to interfere with, delay, or prevent, by any
19 means, the apprehension, arrest, or detection of an-
20 other person, knowing that such person has commit-
21 ted any act prohibited by this section;

22 (9) to ship, transport, offer for sale, sell, pur-
23 chase, import, export, or have custody, control, or
24 possession of, any living marine resource taken or

1 retained in violation of this title or any regulation or
2 license issued under this title; or

3 (10) to violate any provision of this title or any
4 regulation or license issued under this title.

5 **SEC. 107. ENFORCEMENT PROVISIONS.**

6 (a) DUTIES OF SECRETARIES.—This title shall be en-
7 forced by the Secretary of Commerce and the Secretary
8 of the department in which the Coast Guard is operating.
9 Such Secretaries may by agreement utilize, on a reimburs-
10 able basis or otherwise, the personnel, services, equipment
11 (including aircraft and vessels), and facilities of any other
12 Federal agency, or of any State agency, in the perform-
13 ance of such duties. Such Secretaries shall, and the head
14 of any Federal or State agency that has entered into an
15 agreement with either such Secretary under this section
16 may (if the agreement so provides), authorize officers to
17 enforce the provisions of this title or any regulation or
18 license issued under this title.

19 (b) DISTRICT COURT JURISDICTION.—The district
20 courts of the United States shall have exclusive jurisdic-
21 tion over any case or controversy arising under the provi-
22 sions of this title. In the case of Guam, and any Common-
23 wealth, territory, or possession of the United States in the
24 Pacific Ocean, the appropriate court is the United States
25 District Court for the District of Guam, except that in

1 the case of American Samoa, the appropriate court is the
2 United States District Court for the District of Hawaii.

3 (c) POWERS OF ENFORCEMENT OFFICERS.—

4 (1) Any officer who is authorized under sub-
5 section (a) to enforce the provisions of this title
6 may—

7 (A) with or without a warrant or other
8 process—

9 (i) arrest any person, if the officer has
10 reasonable cause to believe that such per-
11 son has committed an act prohibited by
12 paragraph (6), (7), (8), or (9) of section
13 106;

14 (ii) board, and search or inspect, any
15 high seas fishing vessel;

16 (iii) seize any high seas fishing vessel
17 (together with its fishing gear, furniture,
18 appurtenances, stores, and cargo) used or
19 employed in, or with respect to which it
20 reasonably appears that such vessel was
21 used or employed in, the violation of any
22 provision of this title or any regulation or
23 license issued under this title;

24 (iv) seize any living marine resource
25 (wherever found) taken or retained, in any

1 manner, in connection with or as a result
2 of the commission of any act prohibited by
3 section 106; and

4 (v) seize any other evidence related to
5 any violation of any provision of this title
6 or any regulation or license issued under
7 this title;

8 (B) execute any warrant or other process
9 issued by any court of competent jurisdiction;
10 and

11 (C) exercise any other lawful authority.

12 (2) Subject to the direction of the Secretary, a
13 person charged with law enforcement responsibilities
14 by the Secretary who is performing a duty related
15 to enforcement of a law regarding fisheries or other
16 marine resources may make an arrest without a war-
17 rant for an offense against the United States com-
18 mitted in his presence, or for a felony cognizable
19 under the laws of the United States, if he has rea-
20 sonable grounds to believe that the person to be
21 arrested has committed or is committing a felony.

22 (d) ISSUANCE OF CITATIONS.—If any authorized offi-
23 cer finds that a high seas fishing vessel is operating or
24 has been operated in violation of any provision of this title,
25 such officer may issue a citation to the owner or operator

1 of such vessel in lieu of proceeding under subsection (c).
2 If a permit has been issued pursuant to this title for such
3 vessel, such officer shall note the issuance of any citation
4 under this subsection, including the date thereof and the
5 reason therefor, on the permit. The Secretary shall main-
6 tain a record of all citations issued pursuant to this sub-
7 section.

8 **SEC. 108. CIVIL PENALTIES AND LICENSE SANCTIONS.**

9 (a) CIVIL PENALTIES.—

10 (1) Any person who is found by the Secretary,
11 after notice and opportunity for a hearing in accord-
12 ance with section 554 of title 5, United States Code,
13 to have committed an act prohibited by section 106
14 shall be liable to the United States for a civil pen-
15 alty. The amount of the civil penalty shall not exceed
16 \$100,000 for each violation. Each day of a continu-
17 ing violation shall constitute a separate offense. The
18 amount of such civil penalty shall be assessed by the
19 Secretary by written notice. In determining the
20 amount of such penalty, the Secretary shall take
21 into account the nature, circumstances, extent, and
22 gravity of the prohibited acts committed and, with
23 respect to the violation, the degree of culpability,
24 any history of prior offenses, and such other matters
25 as justice may require.

1 (2) The Secretary may compromise, modify, or
2 remit, with or without conditions, any civil penalty
3 that is subject to imposition or that has been im-
4 posed under this section.

5 (b) LICENSE SANCTIONS.—

6 (1) In any case in which—

7 (A) a vessel of the United States has been
8 used in the commission of an act prohibited
9 under section 106;

10 (B) the owner or operator of a vessel or
11 any other person who has been issued or has
12 applied for a license under section 104 has
13 acted in violation of section 106; or

14 (C) any amount in settlement of a civil for-
15 feiture imposed on a high seas fishing vessel or
16 other property, or any civil penalty or criminal
17 fine imposed on a high seas fishing vessel or on
18 an owner or operator of such a vessel or on any
19 other person who has been issued or has ap-
20 plied for a license under any fishery resource
21 statute enforced by the Secretary, has not been
22 paid and is overdue, the Secretary may—

23 (i) revoke any license issued to or ap-
24 plied for by such vessel or person under

1 this title, with or without prejudice to the
2 issuance of subsequent licenses;

3 (ii) suspend such license for a period
4 of time considered by the Secretary to be
5 appropriate;

6 (iii) deny such license; or

7 (iv) impose additional conditions and
8 restrictions on such license.

9 (2) In imposing a sanction under this sub-
10 section, the Secretary shall take into account—

11 (A) the nature, circumstances, extent, and
12 gravity of the prohibited acts for which the
13 sanction is imposed; and

14 (B) with respect to the violator, the degree
15 of culpability, any history of prior offenses, and
16 such other matters as justice may require.

17 (3) Transfer of ownership of a high seas fishing
18 vessel, by sale or otherwise, shall not extinguish any
19 license sanction that is in effect or is pending at the
20 time of transfer of ownership. Before executing the
21 transfer of ownership of a vessel, by sale or other-
22 wise, the owner shall disclose in writing to the pro-
23 spective transferee the existence of any license sanc-
24 tion that will be in effect or pending with respect to
25 the vessel at the time of the transfer. The Secretary

1 may waive or compromise a sanction in the case of
2 a transfer pursuant to court order.

3 (4) In the case of any license that is suspended
4 under this subsection for nonpayment of a civil pen-
5 alty or criminal fine, the Secretary shall reinstate
6 the license upon payment of the penalty or fine and
7 interest thereon at the prevailing rate.

8 (5) No sanctions shall be imposed under this
9 subsection unless there has been prior opportunity
10 for a hearing on the facts underlying the violation
11 for which the sanction is imposed, either in conjunc-
12 tion with a civil penalty proceeding under this sec-
13 tion or otherwise.

14 (c) HEARING.—For the purposes of conducting any
15 hearing under this section, the Secretary may issue sub-
16 poenas for the attendance and testimony of witnesses and
17 the production of relevant papers, books, and documents,
18 and may administer oaths. Witnesses summoned shall be
19 paid the same fees and mileage that are paid to witnesses
20 in the courts of the United States. In case of contempt
21 or refusal to obey a subpoena served upon any person pur-
22 suant to this subsection, the district court of the United
23 States for any district in which such person is found, re-
24 sides, or transacts business, upon application by the
25 United States and after notice to such person, shall have

1 jurisdiction to issue an order requiring such person to ap-
2 pear and give testimony before the Secretary or to appear
3 and produce documents before the Secretary, or both, and
4 any failure to obey such order of the court may be pun-
5 ished by such court as a contempt thereof.

6 (d) JUDICIAL REVIEW.—Any person against whom a
7 civil penalty is assessed under subsection (a) or against
8 whose vessel a license sanction is imposed under sub-
9 section (b) (other than a license suspension for
10 nonpayment of penalty or fine) may obtain review thereof
11 in the United States district court for the appropriate dis-
12 trict by filing a complaint against the Secretary in such
13 court within 30 days from the date of such penalty or
14 sanction. The Secretary shall promptly file in such court
15 a certified copy of the record upon which such penalty or
16 sanction was imposed, as provided in section 2112 of title
17 28, United States Code. The findings and order of the
18 Secretary shall be set aside by such court if they are not
19 found to be supported by substantial evidence, as provided
20 in section 706(2) of title 5, United States Code.

21 (e) COLLECTION.—

22 (1) If any person fails to pay an assessment of
23 a civil penalty after it has become a final and
24 unappealable order, or after the appropriate court
25 has entered final judgment in favor of the Secretary,

1 the matter shall be referred to the Attorney General,
2 who shall recover the amount assessed in any appro-
3 priate district court of the United States. In such
4 action the validity and appropriateness of the final
5 order imposing the civil penalty shall not be subject
6 to review.

7 (2) A high seas fishing vessel (including its
8 fishing gear, furniture, appurtenances, stores, and
9 cargo) used in the commission of an act prohibited
10 by section 106 shall be liable in rem for any civil
11 penalty assessed for such violation under subsection
12 (a) and may be proceeded against in any district
13 court of the United States having jurisdiction there-
14 of. Such penalty shall constitute a maritime lien on
15 such vessel that may be recovered in an action in
16 rem in the district court of the United States having
17 jurisdiction over the vessel.

18 **SEC. 109. CRIMINAL OFFENSES.**

19 (a) OFFENSES.—A person is guilty of an offense if
20 the person commits any act prohibited by paragraph (6),
21 (7), (8), or (9) of section 106.

22 (b) PUNISHMENT.—Any offense described in sub-
23 section (a) is a class A misdemeanor punishable by a fine
24 under title 18, United States Code, or imprisonment for
25 not more than one year, or both; except that if in the com-

1 mission of any offense the person uses a dangerous weap-
2 on, engages in conduct that causes bodily injury to any
3 authorized officer, or places any such officer in fear of
4 imminent bodily injury, the offense is a felony punishable
5 by a fine under title 18, United States Code, or imprison-
6 ment for not more than 10 years, or both.

7 **SEC. 110. FORFEITURES.**

8 (a) IN GENERAL.—Any high seas fishing vessel (in-
9 cluding its fishing gear, furniture, appurtenances, stores,
10 and cargo) used, and any living marine resources (or the
11 fair market value thereof) taken or retained, in any man-
12 ner, in connection with or as a result of the commission
13 of any act prohibited by section 106 (other than an act
14 for which the issuance of a citation under section 107 is
15 a sufficient sanction) shall be subject to forfeiture to the
16 United States. All or part of such vessel may, and all such
17 living marine resources (or the fair market value thereof)
18 shall, be forfeited to the United States pursuant to a civil
19 proceeding under this section.

20 (b) JURISDICTION OF DISTRICT COURTS.—Any dis-
21 trict court of the United States shall have jurisdiction,
22 upon application of the Attorney General on behalf of the
23 United States, to order any forfeiture authorized under
24 subsection (a) and any action provided for under sub-
25 section (d).

1 (c) JUDGMENT.—If a judgment is entered for the
2 United States in a civil forfeiture proceeding under this
3 section, the Attorney General may seize any property or
4 other interest declared forfeited to the United States,
5 which has not previously been seized pursuant to this title
6 or for which security has not previously been obtained.

7 The provisions of the customs laws relating to—

8 (1) the seizure, forfeiture, and condemnation of
9 property for violation of the customs law;

10 (2) the disposition of such property or the pro-
11 ceeds from the sale thereof; and

12 (3) the remission or mitigation of any such for-
13 feiture;

14 shall apply to seizures and forfeitures incurred, or alleged
15 to have been incurred, under the provisions of this title,
16 unless such provisions are inconsistent with the purposes,
17 policy, and provisions of this title.

18 (d) PROCEDURE.—

19 (1) Any officer authorized to serve any process
20 in rem that is issued by a court under section
21 107(b) shall—

22 (A) stay the execution of such process; or

23 (B) discharge any living marine resources
24 seized pursuant to such process;

1 upon receipt of a satisfactory bond or other security
2 from any person claiming such property. Such bond
3 or other security shall be conditioned upon such per-
4 son delivering such property to the appropriate court
5 upon order thereof, without any impairment of its
6 value, or paying the monetary value of such property
7 pursuant to an order of such court. Judgment shall
8 be recoverable on such bond or other security
9 against both the principal and any sureties in the
10 event that any condition thereof is breached, as de-
11 termined by such court.

12 (2) Any living marine resources seized pursuant
13 to this title may be sold, subject to the approval of
14 the appropriate court, for not less than the fair mar-
15 ket value thereof. The proceeds of any such sale
16 shall be deposited with such court pending the dis-
17 position of the matter involved.

18 (e) REBUTTABLE PRESUMPTION.—For purposes of
19 this section, all living marine resources found on board
20 a high seas fishing vessel and which are seized in connec-
21 tion with an act prohibited by section 106 are presumed
22 to have been taken or retained in violation of this title,
23 but the presumption can be rebutted by an appropriate
24 showing of evidence to the contrary.

1 **SEC. 111. EFFECTIVE DATE.**

2 This title shall take effect 120 days after the date
3 of enactment of this Act.

4 **TITLE II—IMPLEMENTATION OF**
5 **CONVENTION ON FUTURE**
6 **MULTILATERAL COOPERA-**
7 **TION IN THE NORTHWEST AT-**
8 **LANTIC FISHERIES**

9 **SEC. 201. SHORT TITLE.**

10 This title may be cited as the “Northwest Atlantic
11 Fisheries Convention Act of 1994”.

12 **SEC. 202. REPRESENTATION OF UNITED STATES UNDER**
13 **CONVENTION.**

14 (a) COMMISSIONERS.—

15 (1) APPOINTMENTS, GENERALLY.—The Sec-
16 retary shall appoint not more than 3 individuals to
17 serve as the representatives of the United States on
18 the General Council and the Fisheries Commission,
19 who shall each—

20 (A) be known as a “United States Com-
21 missioner to the Northwest Atlantic Fisheries
22 Organization”; and

23 (B) serve at the pleasure of the Secretary.

24 (2) REQUIREMENTS FOR APPOINTMENTS.—

25 (A) The Secretary shall ensure that of the
26 individuals serving as Commissioners—

1 (i) at least 1 is appointed from among
2 representatives of the commercial fishing
3 industry;

4 (ii) 1 (but no more than 1) is an offi-
5 cial of the Government; and

6 (iii) 1, other than the individual ap-
7 pointed under clause (ii), is a voting mem-
8 ber of the New England Fishery Manage-
9 ment Council.

10 (B) The Secretary may not appoint as a
11 Commissioner an individual unless the individ-
12 ual is knowledgeable and experienced concern-
13 ing the fishery resources to which the Conven-
14 tion applies.

15 (3) TERMS.—

16 (A) The term of an individual appointed as
17 a Commissioner—

18 (i) shall be specified by the Secretary
19 at the time of appointment; and

20 (ii) may not exceed 4 years.

21 (B) An individual who is not a Government
22 official may not serve more than 2 consecutive
23 terms as a Commissioner.

24 (b) ALTERNATE COMMISSIONERS.—

1 (1) APPOINTMENT.—The Secretary may, for
2 any anticipated absence of a duly appointed Com-
3 missioner at a meeting of the General Council or the
4 Fisheries Commission, designate an individual to
5 serve as an Alternate Commissioner.

6 (2) FUNCTIONS.—An Alternate Commissioner
7 may exercise all powers and perform all duties of the
8 Commissioner for whom the Alternate Commissioner
9 is designated, at any meeting of the General Council
10 or the Fisheries Commission for which the Alternate
11 Commissioner is designated.

12 (c) REPRESENTATIVES.—

13 (1) APPOINTMENT.—The Secretary shall ap-
14 point not more than 3 individuals to serve as the
15 representatives of the United States on the Scientific
16 Council, who shall each be known as a “United
17 States Representative to the Northwest Atlantic
18 Fisheries Organization Scientific Council”.

19 (2) ELIGIBILITY FOR APPOINTMENT.—

20 (A) The Secretary may not appoint an in-
21 dividual as a Representative unless the individ-
22 ual is knowledgeable and experienced concern-
23 ing the scientific issues dealt with by the Sci-
24 entific Council.

1 (B) The Secretary shall appoint as a Rep-
2 representative at least 1 individual who is an offi-
3 cial of the Government.

4 (3) TERM.—An individual appointed as a Rep-
5 representative—

6 (A) shall serve for a term of not to exceed
7 4 years, as specified by the Secretary at the
8 time of appointment;

9 (B) may be reappointed; and

10 (C) shall serve at the pleasure of the Sec-
11 retary.

12 (d) ALTERNATE REPRESENTATIVES.—

13 (1) APPOINTMENT.—The Secretary may, for
14 any anticipated absence of a duly appointed Rep-
15 representative at a meeting of the Scientific Council,
16 designate an individual to serve as an Alternate Rep-
17 representative.

18 (2) FUNCTIONS.—An Alternate Representative
19 may exercise all powers and perform all duties of the
20 Representative for whom the Alternate Representa-
21 tive is designated, at any meeting of the Scientific
22 Council for which the Alternate Representative is
23 designated.

24 (e) EXPERTS AND ADVISERS.—The Commissioners,
25 Alternate Commissioners, Representatives, and Alternate

1 Representatives may be accompanied at meetings of the
2 Organization by experts and advisers.

3 (f) COORDINATION AND CONSULTATION.—

4 (1) IN GENERAL.—In carrying out their func-
5 tions under the Convention, Commissioners, Alter-
6 nate Commissioners, Representatives, and Alternate
7 Representatives shall—

8 (A) coordinate with the appropriate Re-
9 gional Fishery Management Councils estab-
10 lished by section 302 of the Magnuson Act (16
11 U.S.C. 1852); and

12 (B) consult with the committee established
13 under section 208.

14 (2) RELATIONSHIP TO OTHER LAW.—The Fed-
15 eral Advisory Committee Act (5 U.S.C. App.) shall
16 not apply to coordination and consultations under
17 this subsection.

18 **SEC. 203. REQUESTS FOR SCIENTIFIC ADVICE.**

19 (a) RESTRICTION.—The Representatives may not
20 make a request or specification described in subsection (b)
21 (1) or (2), respectively, unless the Representatives have
22 first—

23 (1) consulted with the appropriate Regional
24 Fishery Management Councils; and

1 (2) received the consent of the Commissioners
2 for that action.

3 (b) REQUESTS AND TERMS OF REFERENCE DE-
4 SCRIBED.—The requests and specifications referred to in
5 subsection (a) are, respectively—

6 (1) any request, under Article VII(1) of the
7 Convention, that the Scientific Council consider and
8 report on a question pertaining to the scientific basis
9 for the management and conservation of fishery re-
10 sources in waters under the jurisdiction of the Unit-
11 ed States within the Convention Area; and

12 (2) any specification, under Article VIII(2) of
13 the Convention, of the terms of reference for the
14 consideration of a question referred to the Scientific
15 Council pursuant to Article VII(1) of the Conven-
16 tion.

17 **SEC. 204. AUTHORITIES OF SECRETARY OF STATE WITH RE-**
18 **SPECT TO CONVENTION.**

19 The Secretary of State may, on behalf of the Govern-
20 ment of the United States—

21 (1) receive and transmit reports, requests, rec-
22 ommendations, proposals, and other communications
23 of and to the Organization and its subsidiary or-
24 gans;

1 (2) object, or withdraw an objection, to the pro-
2 posal of the Fisheries Commission;

3 (3) give or withdraw notice of intent not to be
4 bound by a measure of the Fisheries Commission;

5 (4) object or withdraw an objection to an
6 amendment to the Convention; and

7 (5) act upon, or refer to any other appropriate
8 authority, any other communication referred to in
9 paragraph (1).

10 **SEC. 205. INTERAGENCY COOPERATION.**

11 (a) **AUTHORITIES OF SECRETARY.**—In carrying out
12 the provisions of the Convention and this title, the Sec-
13 retary may arrange for cooperation with other agencies of
14 the United States, the States, the New England and the
15 Mid-Atlantic Fishery Management Councils, and private
16 institutions and organizations.

17 (b) **OTHER AGENCIES.**—The head of any Federal
18 agency may—

19 (1) cooperate in the conduct of scientific and
20 other programs, and furnish facilities and personnel,
21 for the purposes of assisting the Organization in
22 carrying out its duties under the Convention; and

23 (2) accept reimbursement from the Organiza-
24 tion for providing such services, facilities, and per-
25 sonnel.

1 **SEC. 206. RULEMAKING.**

2 The Secretary shall promulgate regulations as may
3 be necessary to carry out the purposes and objectives of
4 the Convention and this title. Any such regulation may
5 be made applicable, as necessary, to all persons and all
6 vessels subject to the jurisdiction of the United States,
7 wherever located.

8 **SEC. 207. PROHIBITED ACTS AND PENALTIES.**

9 (a) PROHIBITION.—It is unlawful for any person or
10 vessel that is subject to the jurisdiction of the United
11 States—

12 (1) to violate any regulation issued under this
13 title or any measure that is legally binding on the
14 United States under the Convention;

15 (2) to refuse to permit any authorized enforce-
16 ment officer to board a fishing vessel that is subject
17 to the person's control for purposes of conducting
18 any search or inspection in connection with the en-
19 forcement of this title, any regulation issued under
20 this title, or any measure that is legally binding on
21 the United States under the Convention;

22 (3) forcibly to assault, resist, oppose, impede,
23 intimidate, or interfere with any authorized enforce-
24 ment officer in the conduct of any search or inspec-
25 tion described in paragraph (2);

1 (4) to resist a lawful arrest for any act prohib-
2 ited by this section;

3 (5) to ship, transport, offer for sale, sell, pur-
4 chase, import, export, or have custody, control, or
5 possession of, any fish taken or retained in violation
6 of this section; or

7 (6) to interfere with, delay, or prevent, by any
8 means, the apprehension or arrest of another person,
9 knowing that the other person has committed an act
10 prohibited by this section.

11 (b) CIVIL PENALTY.—Any person who commits any
12 act that is unlawful under subsection (a) shall be liable
13 to the United States for a civil penalty, or may be subject
14 to a permit sanction, under section 308 of the Magnuson
15 Act (16 U.S.C. 1858).

16 (c) CRIMINAL PENALTY.—Any person who commits
17 an act that is unlawful under paragraph (2), (3), (4), or
18 (6) of subsection (a) shall be guilty of an offense punish-
19 able under section 309(b) of the Magnuson Act (16 U.S.C.
20 1859(b)).

21 (d) CIVIL FORFEITURE.—

22 (1) IN GENERAL.—Any vessel (including its
23 gear, furniture, appurtenances, stores, and cargo)
24 used in the commission of an act that is unlawful
25 under subsection (a), and any fish (or the fair mar-

1 ket value thereof) taken or retained, in any manner,
2 in connection with or as a result of the commission
3 of any act that is unlawful under subsection (a),
4 shall be subject to seizure and forfeiture as provided
5 in section 310 of the Magnuson Act (16 U.S.C.
6 1860).

7 (2) DISPOSAL OF FISH.—Any fish seized pursu-
8 ant to this title may be disposed of pursuant to the
9 order of a court of competent jurisdiction or, if per-
10 ishable, in a manner prescribed by regulations issued
11 by the Secretary.

12 (e) ENFORCEMENT.—The Secretary and the Sec-
13 retary of the department in which the Coast Guard is op-
14 erating shall enforce the provisions of this title and shall
15 have the authority specified in sections 311(a), (b)(1), and
16 (c) of the Magnuson Act (16 U.S.C. 1861(a), (b)(1), and
17 (c)) for that purpose.

18 (f) JURISDICTION OF COURTS.—The district courts
19 of the United States shall have exclusive jurisdiction over
20 any case or controversy arising under this section and
21 may, at any time—

22 (1) enter restraining orders or prohibitions;

23 (2) issue warrants, process in rem, or other
24 process;

1 (3) prescribe and accept satisfactory bonds or
2 other security; and

3 (4) take such other actions as are in the inter-
4 ests of justice.

5 **SEC. 208. CONSULTATIVE COMMITTEE.**

6 (a) ESTABLISHMENT.—The Secretary of State and
7 the Secretary, shall jointly establish a consultative com-
8 mittee to advise the Secretaries on issues related to the
9 Convention.

10 (b) MEMBERSHIP.—(1) The membership of the Com-
11 mittee shall include representatives from the New England
12 and Mid-Atlantic Fishery Management Councils, the
13 States represented on those Councils, the Atlantic States
14 Marine Fisheries Commission, the fishing industry, the
15 seafood processing industry, and others knowledgeable
16 and experienced in the conservation and management of
17 fisheries in the Northwest Atlantic Ocean.

18 (2) TERMS AND REAPPOINTMENT.—Each member of
19 the consultative committee shall serve for a term of two
20 years and shall be eligible for reappointment.

21 (c) DUTIES OF THE COMMITTEE.—Members of the
22 consultative committee may attend—

23 (1) all public meetings of the General Council
24 or the Fisheries Commission;

1 (2) any other meetings to which they are in-
2 vited by the General Council or the Fisheries Com-
3 mission; and

4 (3) all nonexecutive meetings of the United
5 States Commissioners.

6 (d) RELATIONSHIP TO OTHER LAW.—The Federal
7 Advisory Committee Act (5 U.S.C. App.) shall not apply
8 to the consultative committee established under this
9 section.

10 **SEC. 209. ADMINISTRATIVE MATTERS.**

11 (a) PROHIBITION ON COMPENSATION.—A person
12 shall not receive any compensation from the Government
13 by reason of any service of the person as—

14 (1) a Commissioner, Alternate Commissioner,
15 Representative, or Alternative Representative;

16 (2) an expert or adviser authorized under sec-
17 tion 202(e); or

18 (3) a member of the consultative committee es-
19 tablished by section 208.

20 (b) TRAVEL AND EXPENSES.—The Secretary of
21 State shall, subject to the availability of appropriations,
22 pay all necessary travel and other expenses of persons de-
23 scribed in subsection (a)(1) and of not more than six ex-
24 perts and advisers authorized under section 202(e) with
25 respect to their actual performance of their official duties

1 pursuant to this title, in accordance with the Federal
2 Travel Regulations and sections 5701, 5702, 5704
3 through 5708, and 5731 of title 5, United States Code.

4 (c) STATUS AS FEDERAL EMPLOYEES.—A person
5 shall not be considered to be a Federal employee by reason
6 of any service of the person in a capacity described in sub-
7 section (a), except for purposes of injury compensation
8 and tort claims liability under chapter 81 of title 5, United
9 States Code, and chapter 17 of title 28, United States
10 Code, respectively.

11 **SEC. 210. DEFINITIONS.**

12 In this title the following definitions apply:

13 (1) AUTHORIZED ENFORCEMENT OFFICER.—
14 The term “authorized enforcement officer” means a
15 person authorized to enforce this title, any regula-
16 tion issued under this title, or any measure that is
17 legally binding on the United States under the
18 Convention.

19 (2) COMMISSIONER.—The term “Commis-
20 sioner” means a United States Commissioner to the
21 Northwest Atlantic Fisheries Organization appointed
22 under section 202(a).

23 (3) CONVENTION.—The term “Convention”
24 means the Convention on Future Multilateral Co-

1 operation in the Northwest Atlantic Fisheries, done
2 at Ottawa on October 24, 1978.

3 (4) FISHERIES COMMISSION.—The term “Fish-
4 eries Commission” means the Fisheries Commission
5 provided for by Articles II, XI, XII, XIII, and XIV
6 of the Convention.

7 (5) GENERAL COUNCIL.—The term “General
8 Council” means the General Council provided for by
9 Article II, III, IV, and V of the Convention.

10 (6) MAGNUSON ACT.—The term “Magnuson
11 Act” means the Magnuson Fishery Conservation and
12 Management Act (16 U.S.C. 1801 et seq.).

13 (7) ORGANIZATION.—The term “Organization”
14 means the Northwest Atlantic Fisheries Organiza-
15 tion provided for by Article II of the Convention.

16 (8) PERSON.—The term “person” means any
17 individual (whether or not a citizen or national of
18 the United States), and any corporation, partner-
19 ship, association, or other entity (whether or not or-
20 ganized or existing under the laws of any State).

21 (9) REPRESENTATIVE.—The term “Representa-
22 tive” means a United States Representative to the
23 Northwest Atlantic Fisheries Scientific Council ap-
24 pointed under section 202(c).

1 (10) SCIENTIFIC COUNCIL.—The term “Sci-
2 entific Council” means the Scientific Council pro-
3 vided for by Articles II, VI, VII, VIII, IX, and X of
4 the Convention.

5 (11) SECRETARY.—The term “Secretary”
6 means the Secretary of Commerce.

7 **SEC. 211. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated to carry out
9 this title, including use for payment as the United States
10 contribution to the Organization as provided in Article
11 XVI of the Convention, \$500,000 for each of the fiscal
12 years 1994, 1995, 1996, 1997, and 1998.

13 **TITLE III—GOVERNING INTER-**
14 **NATIONAL FISHERY AGREE-**
15 **MENT**

16 **SEC. 301. AGREEMENT WITH LITHUANIA.**

17 Notwithstanding section 203 of the Magnuson Fish-
18 ery Conservation and Management Act (16 U.S.C. 1823),
19 the governing international fishery agreement between the
20 Government of the United States of America and the gov-
21 ernment of the Republic of Lithuania, as contained in the
22 message to Congress from the President of the United
23 States dated July 18, 1994, is approved as a governing
24 international fishery agreement for the purposes of such

1 Act and shall enter into force and effect with respect to
2 the United States on the date of enactment of this Act.

3 **TITLE IV—ATLANTIC TUNAS**
4 **CONVENTION ACT**

5 **SEC. 401. SHORT TITLE.**

6 This title may be cited as the “Atlantic Tunas
7 Convention Authorization Act of 1994”.

8 **SEC. 402. RESEARCH AND MONITORING ACTIVITIES.**

9 (a) REPORT TO CONGRESS.—The Secretary of Com-
10 merce shall, within 90 days after the date of enactment
11 of this Act, submit a report to the Committee on Com-
12 merce, Science, and Transportation of the Senate and the
13 Committee on Merchant Marine and Fisheries of the
14 House of Representatives—

15 (1) identifying current governmental and non-
16 governmental research and monitoring activities on
17 Atlantic bluefin tuna and other highly migratory
18 species;

19 (2) describing the personnel and budgetary re-
20 sources allocated to such activities; and

21 (3) explaining how each activity contributes to
22 the conservation and management of Atlantic bluefin
23 tuna and other highly migratory species.

1 (b) RESEARCH AND MONITORING PROGRAM.—Sec-
2 tion 3 of the Act of September 4, 1980 (16 U.S.C. 971i)
3 is amended—

4 (1) by amending the section heading to read as
5 follows:

6 **“SEC. 3. RESEARCH ON ATLANTIC HIGHLY MIGRATORY**
7 **SPECIES.”;**

8 (2) by inserting “(a) BIENNIAL REPORT ON
9 BLUEFIN TUNA.—” before “The Secretary of Com-
10 merce shall”; and

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

12 **“(b) HIGHLY MIGRATORY SPECIES RESEARCH AND**
13 **MONITORING.—**

14 “(1) Within 6 months after the date of enact-
15 ment of the Atlantic Tunas Convention Authoriza-
16 tion Act of 1994, the Secretary of Commerce, in co-
17 operation with the advisory committee established
18 under section 4 of the Atlantic Tunas Convention
19 Act of 1975 (16 U.S.C. 971b) and in consultation
20 with the United States Commissioners on the Inter-
21 national Commission for the Conservation of Atlan-
22 tic Tunas (referred to elsewhere in this section as
23 the ‘Commission’) and the Secretary of State, shall
24 develop and implement a comprehensive research
25 and monitoring program to support the conservation

1 and management of Atlantic bluefin tuna and other
2 highly migratory species that shall—

3 “(A) identify and define the range of
4 stocks of highly migratory species in the Atlan-
5 tic Ocean, including Atlantic bluefin tuna; and

6 “(B) provide for appropriate participation
7 by nations which are members of the Commis-
8 sion.

9 “(2) The program shall provide for, but not be
10 limited to—

11 “(A) statistically designed cooperative tag-
12 ging studies;

13 “(B) genetic and biochemical stock analy-
14 ses;

15 “(C) population censuses carried out
16 through aerial surveys of fishing grounds;

17 “(D) adequate observer coverage and port
18 sampling of commercial and recreational fishing
19 activity;

20 “(E) collection of comparable real-time
21 data on commercial and recreational catches
22 and landings through the use of permits,
23 logbooks, landing reports for charter operations
24 and fishing tournaments, and programs to pro-

1 vide reliable reporting of the catch by private
2 anglers;

3 “(F) studies of the life history parameters
4 of Atlantic bluefin tuna and other highly migra-
5 tory species;

6 “(G) integration of data from all sources
7 and the preparation of data bases to support
8 management decisions; and

9 “(H) other research as necessary.

10 “(3) In developing a program under this sec-
11 tion, the Secretary shall provide for comparable
12 monitoring of all United States fishermen to which
13 the Atlantic Tunas Convention Act applies with re-
14 spect to effort and species composition of catch and
15 discards. The Secretary through the Secretary of
16 State shall encourage other member nations to adopt
17 a similar program.”.

18 **SEC. 403. ADVISORY COMMITTEE PROCEDURES.**

19 Section 4 of the Atlantic Tunas Convention Act of
20 1975 (16 U.S.C. 971b) is amended—

21 (1) by inserting “(a)” before “There”; and

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

23 “(b)(1) A majority of the members of the advisory
24 committee shall constitute a quorum, but one or more such
25 members designated by the advisory committee may hold

1 meetings to provide for public participation and to discuss
2 measures relating to the United States implementation of
3 Commission recommendations.

4 “(2) The advisory committee shall elect a Chairman
5 for a 2-year term from among its members.

6 “(3) The advisory committee shall meet at appro-
7 priate times and places at least twice a year, at the call
8 of the Chairman or upon the request of the majority of
9 its voting members, the United States Commissioners, the
10 Secretary, or the Secretary of State.

11 “(4)(A) The Secretary shall provide to the advisory
12 committee in a timely manner such administrative and
13 technical support services as are necessary for the effective
14 functioning of the committee.

15 “(B) The Secretary and the Secretary of State shall
16 furnish the advisory committee with relevant information
17 concerning fisheries and international fishery agreements.

18 “(5) The advisory committee shall determine its orga-
19 nization, and prescribe its practices and procedures for
20 carrying out its functions under this Act, the Magnuson
21 Fishery Conservation and Management Act (16 U.S.C.
22 1801 et seq.), and the Convention. The advisory commit-
23 tee shall publish and make available to the public a state-
24 ment of its organization, practices, and procedures.

1 “(6) The Federal Advisory Committee Act (5 U.S.C.
2 App.) shall not apply to the advisory committee.”.

3 **SEC. 404. REGULATIONS.**

4 Section 6(c)(3) of the Atlantic Tunas Convention Act
5 of 1975 (16 U.S.C. 971d(c)(3)) is amended by adding “or
6 fishery mortality level” after “quota of fish” in the last
7 sentence.

8 **SEC. 405. FINES AND PERMIT SANCTIONS.**

9 Section 7(e) of the Atlantic Tunas Convention Act
10 of 1975 (16 U.S.C. 971(e)) is amended to read as follows:

11 “(e) The civil penalty and permit sanctions of section
12 308 of the Magnuson Fishery Conservation and Manage-
13 ment Act (16 U.S.C. 1858) are hereby made applicable
14 to violations of this section as if they were violations of
15 section 307 of that Act.”.

16 **SEC. 406. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 10 of the Atlantic Tunas Convention Act of
18 1975 (16 U.S.C. 971h) is amended to read as follows:

19 “AUTHORIZATION OF APPROPRIATIONS

20 “SEC. 10. There are authorized to be appropriated
21 to carry out this Act, including use for payment of the
22 United States share of the joint expenses of the Commis-
23 sion as provided in Article X of the Convention, the follow-
24 ing sums:

25 “(1) For fiscal year 1994, \$2,750,000, of which
26 \$50,000 are authorized in the aggregate for the ad-

1 advisory committee established under section 4 and the
2 species working groups established under section 4A,
3 and \$1,500,000 are authorized for research activities
4 under this Act.

5 “(2) For fiscal year 1995, \$4,000,000, of which
6 \$62,000 are authorized in the aggregate for such
7 advisory committee and such working groups, and
8 \$2,500,000 are authorized for such research activi-
9 ties.

10 “(3) For fiscal year 1996, \$4,000,000 of which
11 \$75,000 are authorized in the aggregate for such
12 advisory committee and such working groups, and
13 \$2,500,000 are authorized for such research activi-
14 ties.”.

15 **SEC. 407. REPORT AND CERTIFICATION.**

16 The Atlantic Tunas Convention Act of 1975 (16
17 U.S.C. 971 et seq.) is amended by adding at the end there-
18 of the following:

19 “ANNUAL REPORT

20 “SEC. 11. Not later than April 1, 1995, and annually
21 thereafter, the Secretary shall prepare and transmit to the
22 Committee on Merchant Marine and Fisheries of the
23 House of Representatives and the Committee on Com-
24 merce, Science, and Transportation of the Senate a report,
25 that—

1 “(1) details for the previous 10-year period the
2 catches and exports to the United States of highly
3 migratory species (including tunas, swordfish, marlin
4 and sharks) from nations fishing on Atlantic stocks
5 of such species that are subject to management by
6 the Commission;

7 “(2) identifies those fishing nations whose har-
8 vests are inconsistent with conservation and manage-
9 ment recommendations of the Commission;

10 “(3) describes reporting requirements estab-
11 lished by the Secretary to ensure that imported fish
12 products are in compliance with all international
13 management measures, including minimum size re-
14 quirements, established by the Commission and
15 other international fishery organizations to which
16 the United States is a party; and

17 “(4) describes actions taken by the Secretary
18 under section 12.

19 “CERTIFICATION

20 “SEC. 12. (a) If the Secretary determines that vessels
21 of any nation are harvesting fish which are subject to reg-
22 ulation pursuant to a recommendation of the Commission
23 and which were taken from the convention area in a man-
24 ner or under circumstances which would tend to diminish
25 the effectiveness of the conservation recommendations of

1 the Commission, the Secretary shall certify such fact to
2 the President.

3 “(b) Such certification shall be deemed to be a certifi-
4 cation for the purposes of section 8 of the Fishermen’s
5 Protective Act (22 U.S.C. 1978).

6 “(c) Upon certification under subsection (a), the Sec-
7 retary shall promulgate regulations under section 6(c)(4)
8 with respect to a nation so certified.”.

9 **SEC. 408. SENSE OF THE CONGRESS REGARDING CON-**
10 **SERVATION AND MANAGEMENT OF ATLANTIC**
11 **BLUEFIN TUNA.**

12 (a) FINDING.—The Congress finds the following:

13 (1) Atlantic bluefin tuna are a valuable com-
14 mercial and recreational fishery of the United
15 States.

16 (2) Many other countries also harvest Atlantic
17 bluefin tuna in the Atlantic Ocean and the Medi-
18 terranean Sea.

19 (3) The International Commission for the Con-
20 servation of Atlantic Tunas (hereinafter in this sec-
21 tion referred to as the “Commission”), was estab-
22 lished in 1969 to develop conservation and manage-
23 ment recommendations for Atlantic bluefin tuna and
24 other highly migratory species in the Atlantic Ocean
25 and the Mediterranean Sea.

1 (4) The Commission adopted conservation and
2 management recommendations in 1974 to ensure the
3 recovery and sustainability of Atlantic bluefin tuna
4 throughout the Atlantic Ocean and the Mediterra-
5 nean Sea.

6 (5) In 1981, the Commission adopted a man-
7 agement strategy for Atlantic bluefin tuna predi-
8 cated on a hypothesis that 2 stocks of the fish ex-
9 isted: a western stock found in the Atlantic west of
10 45 degrees west longitude (hereinafter in this section
11 referred to as the “45 degree line”), and an eastern
12 stock found in the Atlantic Ocean east of the 45 de-
13 gree line and in the Mediterranean Sea.

14 (6) Since 1981, the Commission has adopted
15 additional, more restrictive conservation and man-
16 agement recommendations for Atlantic bluefin tuna
17 for countries that harvest bluefin tuna west of the
18 45 degree line, including a 25 percent quota reduc-
19 tion since 1991 with an additional 40 percent quota
20 reduction scheduled for 1995.

21 (7) The United States and other Commission
22 members that harvest bluefin tuna west of the 45
23 degree line have implemented all conservation and
24 management recommendations adopted by the

1 Commission for Atlantic bluefin tuna west of the 45
2 degree line.

3 (8) Many other Commission members do not
4 comply with the conservation and management rec-
5 ommendations adopted by the Commission for At-
6 lantic bluefin tuna east of the 45 degree line.

7 (9) A recent National Academy of Sciences re-
8 view of the scientific data used by the Commission
9 concluded that the available data is consistent with
10 a 1-stock management strategy for bluefin tuna in
11 the North Atlantic.

12 (10) The National Academy of Sciences review
13 also found that abundance of Atlantic bluefin tuna
14 in the western Atlantic has remained stable since
15 1988, in contrast to the roughly 50 percent decline
16 in abundance reported by the Commission.

17 (11) The continued unrestricted harvesting of
18 Atlantic bluefin tuna east of the 45 degree line and
19 in the Mediterranean Sea will undermine the con-
20 servation recommendations being implemented west
21 of the line to rebuild Atlantic bluefin tuna.

22 (12) In order to successfully rebuild the Atlan-
23 tic bluefin tuna stock, conservation and management
24 recommendations must be adopted and implemented

1 throughout the Atlantic Ocean and the Mediterra-
2 nean Sea.

3 (b) SENSE OF CONGRESS.—It is the sense of the
4 Congress that—

5 (1) the United States and the Commission
6 should continue to promote the conservation and
7 management of Atlantic bluefin tuna throughout the
8 Atlantic Ocean and Mediterranean Sea and develop
9 a program to rebuild Atlantic bluefin tuna that re-
10 quires the participation of all nations that harvest
11 this species;

12 (2) the United States should ensure that the
13 scientific findings and recommendations of the Na-
14 tional Academy of Sciences Atlantic bluefin tuna re-
15 view panel are made available to and included in the
16 considerations of the Commission's scientific advi-
17 sory panel;

18 (3) the United States should oppose any further
19 quota reductions for nations harvesting Atlantic
20 bluefin tuna west of the 45 degree line and insist
21 that all nations harvesting Atlantic bluefin tuna west
22 and east of the 45 degree line implement comparable
23 conservation and rebuilding programs for the Atlan-
24 tic bluefin tuna resource;

1 (4) the continued harvesting by fishermen from
2 any country which is a member of the Commission
3 and which does not comply with the conservation
4 and management recommendations of the Commis-
5 sion will be considered by the Congress to diminish
6 the effectiveness of an international fishery con-
7 servation program and, as such, will be considered
8 by the Congress to be subject to the embargo provi-
9 sion in section 6 of the Atlantic Tunas Convention
10 Act;

11 (5) the United States should encourage other
12 nations with significant markets for Atlantic bluefin
13 tuna to prohibit the importation of that species from
14 harvesting nations which do not comply with the
15 conservation and management recommendations
16 adopted by the Commission; and

17 (6) the United States should encourage the
18 Commission to adopt recommendations encouraging
19 the use of trade actions by member nations as en-
20 forcement measures when the actions of a nation are
21 undermining the effectiveness of conservation and
22 management recommendations of the Commission.

1 **TITLE V—FISHERMEN’S**
2 **PROTECTIVE ACT**

3 **SEC. 501. FINDINGS.**

4 The Congress finds that—

5 (1) customary international law and the United
6 Nations Convention on the Law of the Sea guaran-
7 tee the right of passage, including innocent passage,
8 to vessels through the waters commonly referred to
9 as the “Inside Passage” off the Pacific Coast of
10 Canada;

11 (2) Canada recently required all commercial
12 fishing vessels of the United States to pay 1,500 Ca-
13 nadian dollars to obtain a “license which authorizes
14 transit” through the Inside Passage;

15 (3) this action was inconsistent with inter-
16 national law, including the United Nations Conven-
17 tion on the Law of the Sea, and, in particular, Arti-
18 cle 26 of that Convention, which specifically pro-
19 hibits such fees, and threatened the safety of United
20 States commercial fishermen who sought to avoid
21 the fee by traveling in less protected waters;

22 (4) the Fishermen’s Protective Act of 1967 pro-
23 vides for the reimbursement of vessel owners who
24 are forced to pay a license fee to secure the release
25 of a vessel which has been seized, but does not per-

1 mit reimbursement of a fee paid by the owner in ad-
2 vance in order to prevent a seizure;

3 (5) Canada required that the license fee be paid
4 in person in 2 ports on the Pacific Coast of Canada,
5 or in advance by mail;

6 (6) significant expense and delay was incurred
7 by commercial fishing vessels of the United States
8 that had to travel from the point of seizure back to
9 one of those ports in order to pay the license fee re-
10 quired by Canada, and the costs of that travel and
11 delay can not be reimbursed under the Fishermen's
12 Protective Act;

13 (7) the Fishermen's Protective Act of 1967
14 should be amended to permit vessel owners to be re-
15 imbursement for fees required by a foreign government
16 to be paid in advance in order to navigate in the wa-
17 ters of that foreign country if the United States con-
18 sidered that fee to be inconsistent with international
19 law;

20 (8) the Secretary of State should seek to re-
21 cover from Canada any amounts paid by the United
22 States to reimburse vessel owners who paid the tran-
23 sit license fee;

24 (9) the United States should review its current
25 policy with respect to anchorage by commercial fish-

1 ing vessels of Canada in waters of the United States
2 off Alaska, including waters in and near the Dixon
3 Entrance, and should accord such vessels the same
4 treatment that commercial fishing vessels of the
5 United States are accorded for anchorage in the wa-
6 ters of Canada off British Columbia;

7 (10) the President should ensure that, consist-
8 ent with international law, the United States Coast
9 Guard has available adequate resources in the Pa-
10 cific Northwest and Alaska to provide for the safety
11 of United States citizens, the enforcement of United
12 States law, and to protect the rights of the United
13 States and keep the peace among vessels operating
14 in disputed waters;

15 (11) the President should continue to review all
16 agreements between the United States and Canada
17 to identify other actions that may be taken to con-
18 vince Canada that any reinstatement of the transit
19 license fee would be against Canada's long-term in-
20 terests, and should immediately implement any ac-
21 tions which the President deems appropriate if Can-
22 ada reinstates the fee;

23 (12) the President should continue to convey to
24 Canada in the strongest terms that the United
25 States will not now, nor at any time in the future,

1 tolerate any action by Canada which would impede
2 or otherwise restrict the right of passage of vessels
3 of the United States in a manner inconsistent with
4 international law; and

5 (13) the United States should redouble its ef-
6 forts to seek expeditious agreement with Canada on
7 appropriate fishery conservation and management
8 measures that can be implemented through the
9 Pacific Salmon Treaty to address issues of mutual
10 concern.

11 **SEC. 502. AMENDMENT TO THE FISHERMEN'S PROTECTIVE**
12 **ACT OF 1967.**

13 (a) The Fishermen's Protective Act of 1967 (22
14 U.S.C. 1971 et seq.) is amended by adding at the end
15 the following new section:

16 "SEC. 11. (a) In any case on or after June 15, 1994,
17 in which a vessel of the United States exercising its right
18 of passage is charged a fee by the government of a foreign
19 country to engage in transit passage between points in the
20 United States (including a point in the exclusive economic
21 zone or in an area over which jurisdiction is in dispute),
22 and such fee is regarded by the United States as being
23 inconsistent with international law, the Secretary of State
24 shall reimburse the vessel owner for the amount of any
25 such fee paid under protest.

1 “(b) In seeking such reimbursement, the vessel owner
2 shall provide, together with such other information as the
3 Secretary of State may require—

4 “(1) a copy of the receipt for payment;

5 “(2) an affidavit attesting that the owner or the
6 owner’s agent paid the fee under protest; and

7 “(3) a copy of the vessel’s certificate of docu-
8 mentation.

9 “(c) Requests for reimbursement shall be made to the
10 Secretary of State within 120 days after the date of pay-
11 ment of the fee, or within 90 days after the date of enact-
12 ment of this section, whichever is later.

13 “(d) Such funds as may be necessary to meet the re-
14 quirements of this section may be made available from the
15 unobligated balances of previously appropriated funds re-
16 maining in the Fishermen’s Guaranty Fund established
17 under section 7 and the Fishermen’s Protective Fund es-
18 tablished under section 9. To the extent that requests for
19 reimbursement under this section exceed such funds, there
20 are authorized to be appropriated such sums as may be
21 needed for reimbursements authorized under subsection
22 (a).

23 “(e) The Secretary of State shall take such action
24 as the Secretary deems appropriate to make and collect

1 claims against the foreign country imposing such fee for
2 any amounts reimbursed under this section.

3 “(f) For purposes of this section, the term ‘owner’
4 includes any charterer of a vessel of the United States.

5 “(g) This section shall remain in effect until October
6 1, 1995.”.

7 (b) The Fishermen’s Protective Act of 1967 (22
8 U.S.C. 1971 et seq.) is further amended by adding at the
9 end the following:

10 “SEC. 12. (a) If the Secretary of State finds that the
11 government of any nation imposes conditions on the oper-
12 ation or transit of United States fishing vessels which the
13 United States regards as being inconsistent with inter-
14 national law or an international agreement, the Secretary
15 of State shall certify that fact to the President.

16 “(b) Upon receipt of a certification under subsection
17 (a), the President shall direct the heads of Federal agen-
18 cies to impose similar conditions on the operation or tran-
19 sit of fishing vessels registered under the laws of the na-
20 tion which has imposed conditions on United States fish-
21 ing vessels.

22 “(c) For the purposes of this section, the term ‘fish-
23 ing vessel’ has the meaning given that term in section
24 2101(11a) of title 46, United States Code.

1 “(d) It is the sense of the Congress that any action
2 taken by any Federal agency under subsection (b) should
3 be commensurate with any conditions certified by the Sec-
4 retary of State under subsection (a).”.

5 **SEC. 503. REAUTHORIZATION.**

6 (a) Section 7(c) of the Fishermen’s Protective Act of
7 1967 (22 U.S.C. 1977(c)) is amended by striking the third
8 sentence.

9 (b) Section 7(e) of the Fishermen’s Protective Act of
10 1967 (22 U.S.C. 1977(e)) is amended by striking “Octo-
11 ber 1, 1993” and inserting “October 1, 2000”.

12 **SEC. 504. TECHNICAL CORRECTIONS.**

13 (a)(1) Section 15(a) of Public Law 103–238 is
14 amended by striking “April 1, 1994,” and inserting “May
15 1, 1994.”.

16 (2) The amendment made by paragraph (1) shall be
17 effective on and after April 30, 1994.

18 (b) Section 803(13)(C) of Public Law 102–567 (16
19 U.S.C. 5002(13)(C)) is amended to read as follows:

20 “(C) any vessel supporting a vessel de-
21 scribed in subparagraph (A) or (B).”.

1 **TITLE VI—FISHERIES ENFORCE-**
2 **MENT IN CENTRAL SEA OF**
3 **OKHOTSK**

4 **SEC. 601. SHORT TITLE.**

5 This title may be cited as the “Sea of Okhotsk Fish-
6 eries Enforcement Act of 1994”.

7 **SEC. 602. FISHING PROHIBITION.**

8 The Central Bering Sea Fisheries Enforcement Act
9 of 1992 (16 U.S.C. 1823 note) is amended—

10 (1) in section 302, by inserting “and the
11 Central Sea of Okhotsk” after “Central Bering
12 Sea”; and

13 (2) in section 306—

14 (A) by redesignating paragraphs (2), (3),
15 (4), (5), and (6) in order as paragraphs (3),
16 (4), (5), (6), and (7); and

17 (B) by inserting after paragraph (1) the
18 following:

19 “(2) CENTRAL SEA OF OKHOTSK.—The term
20 ‘Central Sea of Okhotsk’ means the central Sea of
21 Okhotsk area which is more than two hundred nau-
22 tical miles seaward of the baseline from which the
23 breadth of the territorial sea of the Russian Federa-
24 tion is measured.”.

1 **TITLE VII—COAST GUARD**
2 **AUTHORIZATIONS**

3 **SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are authorized to be appropriated for nec-
5 essary expenses of the Coast Guard for fiscal year 1995,
6 as follows:

7 (1) For the operation and maintenance of the
8 Coast Guard, \$2,630,505,000, of which \$25,000,000
9 shall be derived from the Oil Spill Liability Trust
10 Fund.

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, \$439,200,000, to re-
15 main available until expended, of which \$32,500,000
16 shall be derived from the Oil Spill Liability Trust
17 Fund to carry out the purposes of section
18 1012(a)(5) of the Oil Pollution Act of 1990.

19 (3) For research, development, test, and evalua-
20 tion of technologies, materials, and human factors
21 directly relating to improving the performance of the
22 Coast Guard's mission in support of search and res-
23 cue, aids to navigation, marine safety, marine envi-
24 ronmental protection, enforcement of laws and trea-
25 ties, ice operations, oceanographic research, and de-

1 fense readiness, \$20,310,000, to remain available
2 until expended, of which—

3 (A) \$3,150,000 shall be derived from the
4 Oil Spill Liability Trust Fund; and

5 (B) \$1,500,000 is authorized to conduct,
6 in cooperation with appropriate Federal and
7 State agencies, local maritime education organi-
8 zations, and local marine industry representa-
9 tives, a demonstration project on the lower Mis-
10 sissippi River and in the Houston Ship Channel
11 to study the effectiveness of currently available
12 Electronic Chart Display and Information Sys-
13 tems (ECDIS) and Electronic Chart Systems
14 (ECS) for use on commercial vessels.

15 (4) For retired pay (including the payment of
16 obligations otherwise chargeable to lapsed appropria-
17 tions for this purpose), payments under the Retired
18 Serviceman's Family Protection and Survivor Bene-
19 fit Plans, and payments for medical care of retired
20 personnel and their dependents under chapter 55 of
21 title 10, United States Code, \$562,585,000.

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

1 teration Program, \$13,000,000, to remain available
2 until expended.

3 (6) For environmental compliance and restora-
4 tion at Coast Guard facilities, \$25,000,000, to re-
5 main available until expended.

6 **SEC. 702. AUTHORIZED LEVELS OF MILITARY STRENGTH**
7 **AND TRAINING.**

8 (a) ACTIVE DUTY STRENGTH.—The Coast Guard is
9 authorized an end-of-year strength for active duty person-
10 nel of 39,000 as of September 30, 1995. The authorized
11 strength does not include members of the Ready Reserve
12 called to active duty for special or emergency augmenta-
13 tion of regular Coast Guard forces for periods of 180 days
14 or less.

15 (b) MILITARY TRAINING STUDENT LOADS.—For fis-
16 cal year 1995, the Coast Guard is authorized average mili-
17 tary training student loads as follows:

18 (1) For recruit and special training, 2,000 stu-
19 dent years.

20 (2) For flight training, 133 student years.

21 (3) For professional training in military and ci-
22 vilian institutions, 344 student years.

23 (4) For officer acquisition, 955 student years.

1 **SEC. 703. DRUG INTERDICTION ACTIVITIES.**

2 In addition to amounts otherwise authorized by this
3 Act, there are authorized to be appropriated to the Sec-
4 retary of Transportation for operation and maintenance
5 expenses of Coast Guard drug interdiction activities
6 \$21,000,000 for fiscal year 1995.

7 **TITLE VIII—COAST GUARD PER-**
8 **SONNEL MANAGEMENT IM-**
9 **PROVEMENT**

10 **SEC. 801. HURRICANE ANDREW RELIEF.**

11 Section 2856 of the National Defense Authorization
12 Act for Fiscal Year 1993 (Public Law 102-484) applies
13 to the military personnel of the Coast Guard who were
14 assigned to, or employed at or in connection with, any
15 Federal facility or installation in the vicinity of Homestead
16 Air Force Base, Florida, including the areas of Broward,
17 Collier, Dade, and Monroe Counties, on or before August
18 24, 1992, except that—

19 (1) funds available to the Coast Guard, not to
20 exceed a total of \$25,000, shall be used; and

21 (2) the Secretary of Transportation shall ad-
22 minister that section with respect to such personnel.

23 **SEC. 802. DISSEMINATION OF RESULTS OF 0-6 CONTINU-**
24 **ATION BOARDS.**

25 Section 289(f) of title 14, United States Code, is
26 amended by striking “Upon approval by the President, the

1 names of the officers selected for continuation on active
2 duty by the board shall be promptly disseminated to the
3 service at large.”.

4 **SEC. 803. EXCLUDE CERTAIN RESERVES FROM END-OF-**
5 **YEAR STRENGTH.**

6 Section 712 of title 14, United States Code, is
7 amended by adding at the end the following:

8 “(d) Reserve members ordered to active duty under
9 this section shall not be counted in computing authorized
10 strength of members on active duty or members in grade
11 under this title or under any other law.”.

12 **SEC. 804. PROVISION OF CHILD DEVELOPMENT SERVICES.**

13 (a) IN GENERAL.—Title 14, United States Code, is
14 amended by inserting after section 514 the following new
15 section:

16 **“§ 515. Child development services**

17 “(a) The Commandant may make child development
18 services available for members and civilian employees of
19 the Coast Guard, and thereafter as space is available for
20 members of the Armed Forces and Federal civilian em-
21 ployees. Child development services benefits provided
22 under this section shall be in addition to benefits provided
23 under other laws.

24 “(b)(1) Except as provided in paragraph (2), the
25 Commandant may require that amounts received as fees

1 for the provision of child development services under this
2 section at Coast Guard child development centers be used
3 only for compensation of Coast Guard child development
4 center employees who are directly involved in providing
5 child care.

6 “(2) If the Commandant determines that compliance
7 with the limitation in paragraph (1) would result in an
8 uneconomical and inefficient use of amounts received as
9 such fees, the Commandant may (to the extent that such
10 compliance would be uneconomical and inefficient) use
11 such amounts—

12 “(A) for the purchase of consumable or dispos-
13 able items for Coast Guard child development cen-
14 ters; and

15 “(B) if the requirements of such centers for
16 consumable or disposable items for a given fiscal
17 year have been met, for other expenses of those
18 centers.

19 “(c) The Commandant may use Department of De-
20 fense or other training programs to insure that all child
21 development services providers under this section meet
22 minimum standards.

23 “(d) The Commandant may provide assistance to
24 members and civilian employees of the Coast Guard for
25 obtaining services of qualified family home child develop-

1 ment services providers. The cost per child to the Coast
2 Guard of obtaining those services may not exceed the aver-
3 age of the cost per child incurred by the Coast Guard for
4 child development services provided at all Coast Guard
5 child development centers.

6 “(e)(1) Of the amounts available to the Coast Guard
7 each fiscal year for operating expenses (and in addition
8 to amounts received as fees), the Secretary shall use for
9 child development services under this section an amount
10 equal to the total amount the Commandant estimates will
11 be received by the Coast Guard in the fiscal year as fees
12 for the provision of those services.

13 “(2) The amount of funds used under paragraph (1)
14 each fiscal year shall not exceed \$1,000,000.

15 “(f) For purposes of this section, the term ‘Coast
16 Guard child development center’ does not include a child
17 care services facility for which space is allotted under sec-
18 tion 616 of the Act of December 22, 1987 (40 U.S.C.
19 490b).

20 “(g) The Secretary shall promulgate regulations to
21 implement this section. The regulations shall establish fees
22 to be charged for child development services provided
23 under this section which are based on total family in-
24 come.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 13 of title 14, United States
3 Code, is amended by inserting after the item related to
4 section 514 the following:

“515. Child development services.”.

5 **TITLE IX—NAVIGATION SAFETY**
6 **AND WATERWAY SERVICES**
7 **MANAGEMENT**

8 **SEC. 901. FOREIGN PASSENGER VESSEL USER FEES.**

9 Section 3303 of title 46, United States Code, is
10 amended—

11 (1) in subsection (a) by striking “(a) Except
12 as” and inserting “Except as”; and

13 (2) by striking subsection (b).

14 **SEC. 902. DOCUMENTATION VIOLATIONS.**

15 (a) CIVIL PENALTIES.—Section 12122(a) of title 46,
16 United States Code, is amended by striking “\$500” and
17 inserting “\$25,000”.

18 (b) SEIZURE AND FORFEITURE.—

19 (1) IN GENERAL.—Section 12122(b) of title 46,
20 United States Code, is amended to read as follows:

21 “(b) A vessel and its equipment are liable to seizure
22 by and forfeiture to the United States Government, if—

23 “(1) the owner of the vessel or a representative
24 or agent of the owner knowingly falsifies or conceals
25 a material fact, or makes a false statement or rep-

1 resentation about the documentation or in applying
2 for documentation of the vessel;

3 “(2) a certificate of documentation is knowingly
4 and fraudulently used for the vessel;

5 “(3) the vessel is operated after its endorsement
6 has been denied or revoked under section 12123 of
7 this title;

8 “(4) the vessel is employed in a trade without
9 an appropriate trade endorsement; or

10 “(5) in the case of a documented vessel with
11 only a recreational endorsement, the vessel is oper-
12 ated other than for pleasure.”.

13 (2) CONFORMING AMENDMENT.—Section
14 12122(c) of title 46, United States Code, is re-
15 pealed.

16 (c) LIMITATION ON OPERATION OF VESSEL WITH
17 ONLY RECREATIONAL ENDORSEMENT.—Section 12110(c)
18 of title 46, United States Code, is repealed.

19 (d) TERMINATION OF RESTRICTION ON COMMAND OF
20 RECREATIONAL VESSELS.—

21 (1) TERMINATION OF RESTRICTION.—Sub-
22 section (d) of section 12110 of title 46, United
23 States Code, is amended—

24 (A) by inserting “, other than a vessel with
25 only a recreational endorsement operating with-

1 in the territorial waters of the United States,”
2 after “A documented vessel”; and

3 (B) by redesignating that subsection as
4 subsection (c).

5 (2) CONFORMING AMENDMENT.—Section
6 12111(a)(2) of title 46, United States Code, is
7 amended by inserting before the period the follow-
8 ing: “in violation of section 12110(c) of this title”.

9 **SEC. 903. CLERICAL AMENDMENT.**

10 Chapter 121 of title 46, United States Code, is
11 amended—

12 (1) by striking the first section 12123; and

13 (2) in the table of sections at the beginning of
14 the chapter by striking the first item relating to sec-
15 tion 12123.

16 **SEC. 904. RENEWAL OF HOUSTON-GALVESTON NAVIGATION**
17 **SAFETY ADVISORY COMMITTEE AND LOWER**
18 **MISSISSIPPI RIVER WATERWAY ADVISORY**
19 **COMMITTEE.**

20 The Coast Guard Authorization Act of 1991 (Public
21 Law 102–241, 105 Stat. 2208–2235) is amended—

22 (1) in section 18 by adding at the end the fol-
23 lowing:

24 “(h) The Committee shall terminate on October 1,
25 1999.”; and

1 (2) in section 19 by adding at the end the
2 following:

3 “(g) The Committee shall terminate on October 1,
4 1999.”.

5 **TITLE X—MISCELLANEOUS**
6 **PROVISIONS**

7 **SEC. 1001. OFFICER RETENTION UNTIL RETIREMENT ELIGI-**
8 **BLE.**

9 Section 283(b) of title 14, United States Code, is
10 amended—

11 (1) by inserting “(1)” after “(b)”;

12 (2) by striking the last sentence; and

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

14 “(2) Upon the completion of a term under paragraph
15 (1), an officer shall, unless selected for further continu-
16 ation—

17 “(A) except as provided in subparagraph (B),
18 be honorably discharged with severance pay com-
19 puted under section 286 of this title;

20 “(B) in the case of an officer who has com-
21 pleted at least 18 years of active service on the date
22 of discharge under subparagraph (A), be retained on
23 active duty and retired on the last day of the month
24 in which the officer completes 20 years of active

1 service, unless earlier removed under another provi-
2 sion of law; or

3 “(C) if eligible for retirement under any law, be
4 retired.”.

5 **SEC. 1002. CONTINUING OBLIGATION TO PROVIDE DOCU-**
6 **MENTATION INFORMATION AT EXISTING LO-**
7 **CATIONS.**

8 The Secretary of Transportation shall, until October
9 1, 1999, maintain an ability, at Coast Guard offices that
10 are located in the immediate vicinity of former regional
11 vessel documentation offices, to assist the public with in-
12 formation on obtaining, altering, and renewing the docu-
13 mentation of a vessel and on vessel documentation laws
14 and regulations generally.

15 **SEC. 1003. CONTINUATION OF THE COMMERCIAL FISHING**
16 **INDUSTRY VESSEL ADVISORY COMMITTEE.**

17 Subsection (e)(1) of section 4508 of title 46, United
18 States Code, is amended by striking “September 30,
19 1994” and inserting “October 1, 1999”.

20 **SEC. 1004. PROHIBITION ON STATION CLOSURES.**

21 (a) PROHIBITION.—The Secretary of Transportation
22 may not close or consolidate any multimission small boat
23 station in fiscal year 1995 until the Secretary has submit-
24 ted a list of proposed station closures to the Committee
25 on Merchant Marine and Fisheries of the House of Rep-

1 representatives and to the Committee on Commerce, Science,
2 and Transportation of the Senate.

3 (b) DEADLINE FOR SUBMISSION.—The Secretary
4 shall submit such list at least 60 days prior to any such
5 closure or consolidation.

6 **SEC. 1005. RENEWAL OF THE NAVIGATION SAFETY ADVI-**
7 **SORY COUNCIL.**

8 Section 5 of the Inland Navigational Rules Act of
9 1980 (33 U.S.C. 2073) is amended in subsection (d) by
10 striking “September 30, 1995” and inserting “September
11 30, 2000”.

12 **SEC. 1006. COAST GUARD RESERVE PEACETIME REQUIRE-**
13 **MENTS PLAN.**

14 No later than February 1, 1995, the Secretary of
15 Transportation shall submit to the Committee on Mer-
16 chant Marine and Fisheries of the House of Representa-
17 tives and the Committee on Commerce, Science, and
18 Transportation of the Senate a plan to more fully utilize
19 the Coast Guard Selected Reserve to augment peacetime
20 operations. As part of the plan, the Secretary shall
21 include—

22 (1) methods to deliver more cost-effective Coast
23 Guard services by supplementing active duty person-
24 nel with Coast Guard reservists while preserving the
25 current level of service to the public;

1 (2) methods to more fully integrate the Coast
2 Guard Reserve in peacetime Coast Guard programs,
3 including, but not limited to, search and rescue, ma-
4 rine safety, and marine environmental protection;

5 (3) the most effective command structure for
6 the Coast Guard Reserve; and

7 (4) a specific estimate of the number of reserv-
8 ists needed to augment peacetime Coast Guard mis-
9 sions under the plan.

10 **SEC. 1007. PROHIBITION ON OVERHAUL, REPAIR, AND**
11 **MAINTENANCE OF COAST GUARD VESSELS IN**
12 **FOREIGN SHIPYARDS.**

13 (a) PROHIBITION.—Chapter 5 of title 14, United
14 States Code, is amended by adding at the end the
15 following:

16 **“§ 96. Prohibition on overhaul, repair, and mainte-**
17 **nance of Coast Guard vessels in foreign**
18 **shipyards**

19 “A Coast Guard vessel may not be overhauled, re-
20 paired, or maintained in any shipyard located outside the
21 United States, except that this section does not apply to
22 emergency repairs.”.

23 (b) CLERICAL AMENDMENT.—Title 14, United
24 States Code, is amended in the analysis at the beginning
25 of chapter 5 by adding at the end the following:

“96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards.”.

1 **SEC. 1008. ELECTRONIC FILING OF COMMERCIAL INSTRU-**
2 **MENTS.**

3 Section 31321(a) of title 46, United States Code, is
4 amended by adding at the end the following new para-
5 graph:

6 “(4)(A) A bill of sale, conveyance, mortgage, assign-
7 ment, or related instrument may be filed electronically
8 under regulations prescribed by the Secretary.

9 “(B) A filing made electronically under subparagraph
10 (A) shall not be effective after the 10-day period beginning
11 on the date of the filing unless the original instrument
12 is provided to the Secretary within that 10-day period.”.

13 **SEC. 1009. SENSE OF THE CONGRESS REGARDING FUNDING**
14 **FOR COAST GUARD.**

15 It is the sense of the Congress that in appropriating
16 amounts for the Coast Guard, the Congress should appro-
17 priate amounts adequate to enable the Coast Guard to
18 carry out all extraordinary functions and duties the Coast
19 Guard is required to undertake in addition to its normal
20 functions established by law.

21 **SEC. 1010. CONTRACTS FOR HEALTH CARE SERVICES.**

22 (a) Chapter 17 of title 14, United States Code, is
23 amended by inserting after section 644 the following new
24 section:

1 **“§ 644a. Contracts for health care services**

2 “(a) Subject to the availability of appropriations for
3 this purpose, the Commandant may enter into personal
4 services and other contracts to carry out health care re-
5 sponsibilities pursuant to section 93 of this title and other
6 applicable provisions of law pertaining to the provision of
7 health care services to Coast Guard personnel and covered
8 beneficiaries. The authority provided in this subsection is
9 in addition to any other contract authorities of the Com-
10 mandant provided by law or as delegated to the Com-
11 mandant from time to time by the Secretary, including
12 but not limited to authority relating to the management
13 of health care facilities and furnishing of health care serv-
14 ices pursuant to title 10 and this title.

15 “(b) The total amount of compensation paid to an
16 individual in any year under a personal services contract
17 entered into under subsection (a) shall not exceed the
18 amount of annual compensation (excluding allowances for
19 expenses) allowable for such contracts entered into by the
20 Secretary of Defense pursuant to section 1091 of title 10.

21 “(c)(1) The Secretary shall promulgate regulations to
22 assure—

23 “(A) the provision of adequate notice of con-
24 tract opportunities to individuals residing in the area
25 of a medical treatment facility involved; and

1 “(B) consideration of interested individuals
2 solely on the basis of the qualifications established
3 for the contract and the proposed contract price.

4 “(2) Upon establishment of the procedures under
5 paragraph (1), the Secretary may exempt personal serv-
6 ices contracts covered by this section from the competitive
7 contracting requirements specified in section 2304 of title
8 10, or any other similar requirements of law.

9 “(d) The procedures and exemptions provided under
10 subsection (c) shall not apply to personal services con-
11 tracts entered into under subsection (a) with entities other
12 than individuals or to any contract that is not an author-
13 ized personal services contract under subsection (a).”.

14 (b) The table of sections for chapter 17 of title 14,
15 United States Code, is amended by inserting after the
16 item relating to section 644 the following:

 “644a. Contracts for health care services.”.

17 (c) The amendments made by this section shall take
18 effect on October 1, 1994. Any personal services contract
19 entered into on behalf of the Coast Guard in reliance upon
20 the authority of section 1091 of title 10, United States
21 Code, before that date is confirmed and ratified and shall
22 remain in effect in accordance with the terms of the con-
23 tract.

1 **SEC. 1011. VESSEL FINANCING.**

2 (a) ELIMINATION OF MORTGAGEE RESTRICTIONS.—
3 Section 31322(a) of title 46, United States Code, is
4 amended to read as follows:

5 “(a) A preferred mortgage is a mortgage, whenever
6 made, that—

7 “(1) includes the whole of the vessel;

8 “(2) is filed in substantial compliance with sec-
9 tion 31321 of this title; and

10 “(3)(A) covers a documented vessel; or

11 “(B) covers a vessel for which an application
12 for documentation is filed that is in substantial com-
13 pliance with the requirements of chapter 121 of this
14 title and the regulations prescribed under that chap-
15 ter.”.

16 (b) ELIMINATION OF TRUSTEE RESTRICTIONS.—

17 (1) REPEAL.—Section 31328 of title 46, United
18 States Code, is repealed.

19 (2) CONFORMING AMENDMENT.—Section
20 31330(b) of title 46, United States Code, is amend-
21 ed in paragraphs (1), (2), and (3) by striking
22 “31328 or” each place it appears.

23 (c) REMOVAL OF MORTGAGE RESTRICTIONS.—Sec-
24 tion 9 of the Shipping Act, 1916 (46 App. U.S.C. 808)
25 is amended—

26 (1) in subsection (c)—

1 (A) by striking “31328” and inserting
2 “12106(e)”; and

3 (B) in paragraph (1) by striking “mort-
4 gage,” each place it appears; and
5 (2) in subsection (d)—

6 (A) in paragraph (1) by striking “transfer,
7 or mortgage” and inserting “or transfer”;

8 (B) in paragraph (2) by striking “trans-
9 fers, or mortgages” and inserting “or trans-
10 fers”;

11 (C) in paragraph (3)(B) by striking
12 “transfers, or mortgages” and inserting “or
13 transfers”; and

14 (D) in paragraph (4) by striking “trans-
15 fers, or mortgages” and inserting “or trans-
16 fers”.

17 (d) Public Law 74–835 (49 Stat. 1985 et seq.) is
18 amended in section 615 by striking “, until September 30,
19 1983,”; by inserting “use” after “this title to”; by striking
20 “tons” and inserting “regulatory tons built”; and by re-
21 pealing subsection (b).

22 (e) LEASE FINANCING.—Section 12106 of title 46,
23 United States Code, is amended by adding at the end the
24 following new subsections:

1 “(e)(1) A certificate of documentation for a vessel
2 may be endorsed with a coastwise endorsement if—

3 “(A) the vessel is eligible for documentation
4 under section 12102;

5 “(B) the vessel is otherwise qualified under this
6 section to be employed in the coastwise trade;

7 “(C) the person that owns the vessel, or any
8 other person that owns or controls the person that
9 owns the vessel, is primarily engaged in leasing or
10 other financing transactions;

11 “(D) the vessel is under a demise charter to a
12 person qualifying as a citizen of the United States
13 for engaging in the coastwise trade under section 2
14 of the Shipping Act, 1916; and

15 “(E) the demise charter is for—

16 “(i) a period of at least 3 years; or

17 “(ii) such shorter period as may be pre-
18 scribed by the Secretary.

19 “(2) On termination of a demise charter required
20 under paragraph (1)(D), the coastwise endorsement may
21 be continued for a period not to exceed 6 months on any
22 terms and conditions that the Secretary of Transportation
23 may prescribe.

24 “(f) For purposes of the first proviso of section 27
25 of the Merchant Marine Act, 1920, section 2 of the Ship-

1 ping Act, 1916, and section 12102(a), a vessel meeting
2 the criteria of subsection (d) or (e) is deemed to be owned
3 exclusively by citizens of the United States.”.

4 **SEC. 1012. REPEAL OF GREAT LAKES ENDORSEMENTS.**

5 (a) REPEAL.—Section 12107 of title 46, United
6 States Code, is repealed.

7 (b) CONFORMING AMENDMENTS.—

8 (1) The analysis at the beginning of chapter
9 121 of title 46, United States Code, is amended by
10 striking the item relating to section 12107.

11 (2) Section 12101(b)(3) of title 46, United
12 States Code, is repealed.

13 (3) Section 4370(a) of the Revised Statutes of
14 the United States (46 App. U.S.C. 316(a)) is
15 amended by striking “or 12107”.

16 (4) Section 2793 of the Revised Statutes of the
17 United States (46 App. U.S.C. 111, 123; 19 U.S.C.
18 288) is amended by striking “coastwise, Great
19 Lakes” and inserting “registry”.

20 (5) Section 441(6) of the Tariff Act of 1930
21 (19 U.S.C. 1441) is amended by striking “with a
22 Great Lakes endorsement when towing vessels” and
23 inserting “when towing vessels on the Great Lakes
24 or their tributary or connecting waters”.

1 (6) Public Law 74–835 (49 Stat. 1985 et seq.)
2 is amended in section 805(a) by striking “1935”
3 each place it appears and inserting “1993”; and by
4 repealing sections 605(c) and 610.

5 **TITLE XI—RECREATIONAL**
6 **BOATING SAFETY**

7 **SEC. 1101. SHORT TITLE.**

8 This title may be cited as the “Recreational Boating
9 Safety Improvement Act of 1994”.

10 **SEC. 1102. PERSONAL FLOTATION DEVICES REQUIRED FOR**
11 **CHILDREN.**

12 (a) PROHIBITION.—Section 4307(a) of title 46,
13 United States Code, is amended—

14 (1) in paragraph (2) by striking “or” after the
15 semicolon at the end;

16 (2) in paragraph (3) by striking the period and
17 inserting “; or”; and

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

19 “(4) operate a recreational vessel under 26 feet
20 in length unless each individual 6 years of age or
21 younger wears a Coast Guard approved personal flo-
22 tation device when the individual is on an open deck
23 of the vessel.”.

1 (b) STATE AUTHORITY PRESERVED.—Section 4307
2 of title 46, United States Code, is further amended by
3 adding at the end the following:

4 “(c) Subsection (a)(4) shall not be construed to limit
5 the authority of a State to establish requirements relating
6 to the wearing of personal flotation devices on recreational
7 vessels that are more stringent than that subsection.”.

8 **SEC. 1103. ALLOCATION OF FUNDS BASED ON STATE ADOPT-**
9 **ION OF LAWS REGARDING BOATING WHILE**
10 **INTOXICATED.**

11 Section 13103 of title 46, United States Code, is
12 amended—

13 (1) by redesignating subsections (a), (b), and
14 (c) in order as subsections (b), (c), and (d);

15 (2) by inserting before subsection (b) (as so re-
16 designated) the following new subsection:

17 “(a)(1) Beginning in fiscal year 1998, of the amounts
18 transferred to the Secretary each fiscal year pursuant to
19 section 4(b) of the Act of August 9, 1950 (16 U.S.C.
20 777c(b)), the Secretary shall allocate for State rec-
21 reational boating safety programs \$10,000,000 as follows:

22 “(A) One-half shall be allocated in accordance
23 with paragraph (2) among eligible States that—

1 “(i) prohibit operation of a recreational
2 vessel by an individual who is under the influ-
3 ence of alcohol or drugs; and

4 “(ii) establish a blood alcohol concentration
5 limit of .10 percent or less.

6 “(B) One-half shall be allocated in accordance
7 with paragraph (2) among eligible States that—

8 “(i) prohibit operation of a recreational
9 vessel by an individual who is under the influ-
10 ence of alcohol or drugs; and

11 “(ii) establish an implied consent require-
12 ment that specifies that an individual is deemed
13 to have given their consent to evidentiary test-
14 ing for their blood alcohol concentration or
15 presence of other intoxicating substances.

16 “(2) Of the amount allocated under subparagraph
17 (A) or (B) of paragraph (1) each fiscal year—

18 “(A) one-half shall be allocated equally among
19 all eligible States receiving an allocation under that
20 subparagraph for the fiscal year; and

21 “(B) one-half shall be allocated among those el-
22 ible States so that each such State receives an
23 amount bearing the same ratio to the total amount
24 allocated under that subparagraph for the fiscal year
25 as the number of vessels numbered in that State

1 under a system approved under chapter 123 of this
2 title bears to the total number of vessels numbered
3 under approved systems of all States receiving an al-
4 location under that subparagraph for the fiscal
5 year.”;

6 (3) in subsection (b) (as so redesignated) in the
7 matter preceding paragraph (1) by inserting “the
8 balance of remaining” after “allocate”; and

9 (4) by adding at the end the following new sub-
10 section:

11 “(e) A State shall not be ineligible for an allocation
12 under subsection (a) because of the adoption by the State
13 of any requirement relating to the operation of a rec-
14 reational vessel while under the influence of alcohol or
15 drugs that is more stringent than the requirements for
16 receiving the allocation.”.

17 **SEC. 1104. MARINE CASUALTY REPORTING.**

18 (a) SUBMISSION OF PLAN.—Not later than one year
19 after enactment of this Act, the Secretary of Transpor-
20 tation shall, in consultation with appropriate State agen-
21 cies, submit to the Committee on Merchant Marine and
22 Fisheries of the House of Representatives and the Com-
23 mittee on Commerce, Science, and Transportation of the
24 Senate a plan to increase reporting of vessel accidents to
25 appropriate State law enforcement officials.

1 (b) PENALTIES FOR VIOLATING REPORTING RE-
2 QUIREMENTS.—Section 6103(a) of title 46, United States
3 Code, is amended by inserting “or 6102” after “6101”
4 the second place it appears.

5 **SEC. 1105. REQUIRING VIOLATORS TO TAKE REC-**
6 **REATIONAL BOATING SAFETY COURSE.**

7 (a) NEGLIGENT OPERATION.—Section 2302 of title
8 46, United States Code, is amended by adding at the end
9 the following:

10 “(e) An individual operating a recreational vessel in
11 violation of this section shall complete a boating safety
12 course approved by the Secretary.”.

13 (b) OTHER VIOLATIONS.—Section 4311 of title 46,
14 United States Code, is amended by adding at the end the
15 following:

16 “(h) A person who operates a recreational vessel in
17 violation of this chapter or a regulation prescribed under
18 this chapter may be ordered to complete a recreational
19 boating safety course approved by the Secretary.”.

20 **SEC. 1106. TECHNICAL CORRECTIONS.**

21 Section 13108(a)(1) of title 46, United States Code,
22 is amended by—

23 (1) striking “proceeding” and inserting “pre-
24 ceding”; and

1 (2) striking “Secertary” and inserting “Sec-
2 retary”.

3 **TITLE XII—COAST GUARD**
4 **REGULATORY REFORM**

5 **SEC. 1201. SHORT TITLE.**

6 This title may be cited as the “Coast Guard Regu-
7 latory Reform Act of 1994”.

8 **SEC. 1202. SAFETY MANAGEMENT.**

9 (a) MANAGEMENT OF VESSELS.—Title 46, United
10 States Code, is amended by adding after chapter 31 the
11 following new chapter:

12 **“CHAPTER 32—MANAGEMENT OF VESSELS**

 “Sec.

 “3201. Definitions.

 “3202. Application.

 “3203. Safety management system.

 “3204. Implementation of safety management system.

 “3205. Certification.

13 **“§ 3201. Definitions**

14 “In this chapter—

15 “(1) ‘International Safety Management Code’
16 has the same meaning given that term in chapter IX
17 of the Annex to the International Convention for the
18 Safety of Life at Sea, 1974;

19 “(2) ‘responsible person’ means—

20 “(A) the owner of a vessel to which this
21 chapter applies; or

22 “(B) any other person that has—

1 “(i) assumed the responsibility for op-
2 eration of a vessel to which this chapter
3 applies from the owner; and

4 “(ii) agreed to assume with respect to
5 the vessel responsibility for complying with
6 all the requirements of this chapter and
7 the regulations prescribed under this chap-
8 ter.

9 “(3) ‘vessel engaged on a foreign voyage’ means
10 a vessel to which this chapter applies—

11 “(A) arriving at a place under the jurisdic-
12 tion of the United States from a place in a for-
13 eign country;

14 “(B) making a voyage between places out-
15 side the United States; or

16 “(C) departing from a place under the ju-
17 risdiction of the United States for a place in a
18 foreign country.

19 **“§ 3202. Application**

20 “(a) MANDATORY APPLICATION.—This chapter ap-
21 plies to the following vessels engaged on a foreign voyage:

22 “(1) Beginning July 1, 1998—

23 “(A) a vessel transporting more than 12
24 passengers described in section 2101(21)(A) of
25 this title; and

1 “(B) a tanker, bulk freight vessel, or high-
2 speed freight vessel, of at least 500 gross tons.

3 “(2) Beginning July 1, 2002, a freight vessel
4 and a mobile offshore drilling unit of at least 500
5 gross tons.

6 “(b) VOLUNTARY APPLICATION.—This chapter ap-
7 plies to a vessel not described in subsection (a) of this
8 section if the owner of the vessel requests the Secretary
9 to apply this chapter to the vessel.

10 “(c) EXCEPTION.—Except as provided in subsection
11 (b) of this section, this chapter does not apply to—

12 “(1) a barge;

13 “(2) a recreational vessel not engaged in com-
14 mercial service;

15 “(3) a fishing vessel;

16 “(4) a vessel operating on the Great Lakes or
17 its tributary and connecting waters; or

18 “(5) a public vessel.

19 **“§ 3203. Safety management system**

20 “(a) IN GENERAL.—The Secretary shall prescribe
21 regulations which establish a safety management system
22 for responsible persons and vessels to which this chapter
23 applies, including—

24 “(1) a safety and environmental protection
25 policy;

1 “(2) instructions and procedures to ensure safe
2 operation of those vessels and protection of the envi-
3 ronment in compliance with international and
4 United States law;

5 “(3) defined levels of authority and lines of
6 communications between, and among, personnel on
7 shore and on the vessel;

8 “(4) procedures for reporting accidents and
9 nonconformities with this chapter;

10 “(5) procedures for preparing for and respond-
11 ing to emergency situations; and

12 “(6) procedures for internal audits and man-
13 agement reviews of the system.

14 “(b) COMPLIANCE WITH CODE.—Regulations pre-
15 scribed under this section shall be consistent with the
16 International Safety Management Code with respect to
17 vessels engaged on a foreign voyage.

18 **“§ 3204. Implementation of safety management sys-
19 tem**

20 “(a) SAFETY MANAGEMENT PLAN.—Each respon-
21 sible person shall establish and submit to the Secretary
22 for approval a safety management plan describing how
23 that person and vessels of the person to which this chapter
24 applies will comply with the regulations prescribed under
25 section 3203(a) of this title.

1 “(b) APPROVAL.—Upon receipt of a safety manage-
2 ment plan submitted under subsection (a), the Secretary
3 shall review the plan and approve it if the Secretary deter-
4 mines that it is consistent with and will assist in imple-
5 menting the safety management system established under
6 section 3203.

7 “(c) PROHIBITION ON VESSEL OPERATION.—A ves-
8 sel to which this chapter applies under section 3202(a)
9 may not be operated without having on board a Safety
10 Management Certificate and a copy of a Document of
11 Compliance issued for the vessel under section 3205 of
12 this title.

13 **“§ 3205. Certification**

14 “(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—
15 After verifying that the responsible person for a vessel to
16 which this chapter applies and the vessel comply with the
17 applicable requirements under this chapter, the Secretary
18 shall issue for the vessel, on request of the responsible per-
19 son, a Safety Management Certificate and a Document of
20 Compliance.

21 “(b) MAINTENANCE OF CERTIFICATE AND DOCU-
22 MENT.—A Safety Management Certificate and a Docu-
23 ment of Compliance issued for a vessel under this section
24 shall be maintained by the responsible person for the ves-
25 sel as required by the Secretary.

1 “(c) VERIFICATION OF COMPLIANCE.—The Secretary
2 shall—

3 “(1) periodically review whether a responsible
4 person having a safety management plan approved
5 under section 3204(b) and each vessel to which the
6 plan applies is complying with the plan; and

7 “(2) revoke the Secretary’s approval of the plan
8 and each Safety Management Certificate and Docu-
9 ment of Compliance issued to the person for a vessel
10 to which the plan applies, if the Secretary deter-
11 mines that the person or a vessel to which the plan
12 applies has not complied with the plan.

13 “(d) ENFORCEMENT.—At the request of the Sec-
14 retary, the Secretary of the Treasury shall withhold or re-
15 voke the clearance required by section 4197 of the Revised
16 Statutes (46 App. U.S.C. 91) of a vessel that is subject
17 to this chapter under section 3202(a) of this title or to
18 the International Safety Management Code, if the vessel
19 does not have on board a Safety Management Certificate
20 and a copy of a Document of Compliance for the vessel.
21 Clearance may be granted on filing a bond or other surety
22 satisfactory to the Secretary.”.

23 (b) CLERICAL AMENDMENT.—The table of chapters
24 at the beginning of subtitle II of title 46, United States

1 Code, is amended by inserting after the item relating to
2 chapter 31 the following:

“32. Management of vessels 3201”.

3 (c) STUDY.—

4 (1) STUDY.—The Secretary of the department
5 in which the Coast Guard is operating shall conduct,
6 in cooperation with the owners, charterers, and man-
7 aging operators of vessels documented under chapter
8 121 of title 46, United States Code, and other inter-
9 ested persons, a study of the methods that may be
10 used to implement and enforce the International
11 Management Code for the Safe Operation of Ships
12 and for Pollution Prevention under chapter IX of
13 the Annex to the International Convention for the
14 Safety of Life at Sea, 1974.

15 (2) REPORT.—The Secretary shall submit to
16 the Congress a report of the results of the study re-
17 quired under paragraph (1) before the earlier of—

18 (A) the date that final regulations are pre-
19 scribed under section 3203 of title 46, United
20 States Code (as enacted by subsection (a)); or

21 (B) the date that is 1 year after the date
22 of enactment of this Act.

1 **SEC. 1203. USE OF REPORTS, DOCUMENTS, RECORDS, AND**
2 **EXAMINATIONS OF OTHER PERSONS.**

3 (a) REPORTS, DOCUMENTS, AND RECORDS.—Chap-
4 ter 31 of title 46, United States Code, is amended by add-
5 ing the following new section:

6 **“§ 3103. Use of reports, documents, and records**

7 “The Secretary may rely, as evidence of compliance
8 with this subtitle, on—

9 “(1) reports, documents, and records of other
10 persons who have been determined by the Secretary
11 to be reliable; and

12 “(2) other methods the Secretary has deter-
13 mined to be reliable.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 for chapter 31 of title 46, United States Code, is amended
16 by adding at the end the following:

“3103. Use of reports, documents, and records.”.

17 (c) EXAMINATIONS.—Section 3308 of title 46, United
18 States Code, is amended by inserting “or have examined”
19 after “examine”.

20 **SEC. 1204. EQUIPMENT APPROVAL.**

21 (a) IN GENERAL.—Section 3306(b) of title 46,
22 United States Code, is amended to read as follows:

23 “(b)(1) Equipment and material subject to regulation
24 under this section may not be used on any vessel without
25 prior approval of the Secretary.

1 “(2) Except with respect to use on a public vessel,
2 the Secretary may treat an approval of equipment or ma-
3 terials by a foreign government as approval by the Sec-
4 retary for purposes of paragraph (1) if the Secretary de-
5 termines that—

6 “(A) the design standards and testing proce-
7 dures used by that government meet the require-
8 ments of the International Convention for the Safety
9 of Life at Sea, 1974;

10 “(B) the approval of the equipment or material
11 by the foreign government will secure the safety of
12 individuals and property on board vessels subject to
13 inspection; and

14 “(C) for lifesaving equipment, the foreign gov-
15 ernment—

16 “(i) has given equivalent treatment to ap-
17 provals of lifesaving equipment by the Sec-
18 retary; and

19 “(ii) otherwise ensures that lifesaving
20 equipment approved by the Secretary may be
21 used on vessels that are documented and sub-
22 ject to inspection under the laws of that coun-
23 try.”.

24 (b) FOREIGN APPROVALS.—The Secretary of Trans-
25 portation, in consultation with other interested Federal

1 agencies, shall work with foreign governments to have
2 those governments approve the use of the same equipment
3 and materials on vessels documented under the laws of
4 those countries that the Secretary requires on United
5 States documented vessels.

6 (c) TECHNICAL AMENDMENT.—Section 3306(a)(4)
7 of title 46, United States Code, is amended by striking
8 “clauses (1)–(3)” and inserting “paragraphs (1), (2), and
9 (3)”.

10 **SEC. 1205. FREQUENCY OF INSPECTION.**

11 (a) FREQUENCY OF INSPECTION, GENERALLY.—Sec-
12 tion 3307 of title 46, United States Code, is amended—

13 (1) in paragraph (1)—

14 (A) by striking “nautical school vessel”
15 and inserting “, nautical school vessel, and
16 small passenger vessel allowed to carry more
17 than 12 passengers on a foreign voyage”; and

18 (B) by adding “and” after the semicolon
19 at the end;

20 (2) by striking paragraph (2) and redesignating
21 paragraph (3) as paragraph (2); and

22 (3) in paragraph (2) (as so redesignated), by
23 striking “2 years” and inserting “5 years”.

1 (b) CONFORMING AMENDMENT.—Section 3710(b) of
2 title 46, United States Code, is amended by striking “24
3 months” and inserting “5 years”.

4 **SEC. 1206. CERTIFICATE OF INSPECTION.**

5 Section 3309(c) of title 46, United States Code, is
6 amended by striking “(but not more than 60 days)”.

7 **SEC. 1207. DELEGATION OF AUTHORITY OF SECRETARY TO**
8 **CLASSIFICATION SOCIETIES.**

9 (a) AUTHORITY TO DELEGATE.—Section 3316 of
10 title 46, United States Code, is amended—

11 (1) by striking subsections (a) and (d);

12 (2) by redesignating subsections (b) and (c) as
13 subsections (a) and (b), respectively; and

14 (3) in subsection (b), as so redesignated, by—

15 (A) redesignating paragraph (2) as para-
16 graph (3); and

17 (B) striking so much of the subsection as
18 precedes paragraph (3), as so redesignated, and
19 inserting the following:

20 “(b)(1) The Secretary may delegate to the American
21 Bureau of Shipping or another classification society recog-
22 nized by the Secretary as meeting acceptable standards
23 for such a society, for a vessel documented or to be docu-
24 mented under chapter 121 of this title, the authority to—

1 “(A) review and approve plans required for is-
2 suing a certificate of inspection required by this
3 part;

4 “(B) conduct inspections and examinations; and

5 “(C) issue a certificate of inspection required by
6 this part and other related documents.

7 “(2) The Secretary may make a delegation under
8 paragraph (1) to a foreign classification society only—

9 “(A) to the extent that the government of the
10 foreign country in which the society is headquartered
11 delegates authority and provides access to the Amer-
12 ican Bureau of Shipping to inspect, certify, and pro-
13 vide related services to vessels documented in that
14 country; and

15 “(B) if the foreign classification society has of-
16 fices and maintains records in the United States.”.

17 (b) CONFORMING AMENDMENTS.—(1) The heading
18 for section 3316 of title 46, United States Code, is amend-
19 ed to read as follows:

20 “**§ 3316. Classification societies**”.

21 (2) The table of sections for chapter 33 of title 46,
22 United States Code, is amended by striking the item relat-
23 ing to section 3316 and inserting the following:

“3316. Classification societies.”.

1 **SEC. 1208. STUDY OF MARINE CASUALTY REPORTING RE-**
2 **QUIREMENTS.**

3 The Coast Guard shall, within 9 months after the ef-
4 fective date of this title, conduct a study of current regu-
5 latory requirements regarding the reporting of marine cas-
6 ualties under section 6101 of title 46, United States Code,
7 to determine whether—

8 (1) marine casualties should be classified ac-
9 cording to the seriousness of nonfatal casualties;

10 (2) further regulations pertaining to the neces-
11 sity for alcohol and drug testing for each classifica-
12 tion need to be proposed;

13 (3) the regulations may exclude certain non-se-
14 rious casualties from the requirement that drug or
15 alcohol testing be performed; and

16 (4) the reporting of certain marine casualties
17 that may be classified as minor may be done on a
18 quarterly basis.

19 **TITLE XIII—UNITED STATES**
20 **CRUISE VESSEL DEVELOPMENT**

21 **SEC. 1301. SHORT TITLE.**

22 This title may be cited as the “United States Cruise
23 Vessel Development Act”.

1 **SEC. 1302. PURPOSE.**

2 The purpose of this title is to promote construction
3 and operation of United States flag cruise vessels in the
4 United States.

5 **SEC. 1303. COASTWISE TRANSPORTATION OF PASSENGERS.**

6 Section 8 of the Act entitled “An Act to abolish cer-
7 tain fees for official services to American vessels, and to
8 amend the laws relating to shipping commissioners, sea-
9 men, and owners of vessels, and for other purposes”, ap-
10 proved June 19, 1886 (46 App. U.S.C. 289), is amended
11 to read as follows:

12 **“SEC. 8. COASTWISE TRANSPORTATION OF PASSENGERS.**

13 “(a) IN GENERAL.—Except as otherwise provided by
14 law, a vessel may transport passengers in coastwise trade
15 only if—

16 “(1) the vessel is owned by a person that is—

17 “(A) an individual who is a citizen of the
18 United States; or

19 “(B) a corporation, partnership, or asso-
20 ciation that is a citizen of the United States
21 under section 2(a) of the Shipping Act, 1916;

22 “(2) the vessel meets the requirements of sec-
23 tion 27 of the Merchant Marine Act, 1920; and

24 “(3) for a vessel that is at least 5 net tons, the
25 vessel is issued a certificate of documentation under

1 chapter 121 of title 46, United States Code, with a
2 coastwise endorsement.

3 “(b) EXCEPTION FOR VESSEL UNDER DEMISE
4 CHARTER.—

5 “(1) IN GENERAL.—Subsection (a)(1) does not
6 apply to a cruise vessel operating under a demise
7 charter that—

8 “(A) has a term of at least 18 months; and

9 “(B) is to a person described in subsection
10 (a)(1).

11 “(2) EXTENSION OF PERIOD FOR OPER-
12 ATION.—A cruise vessel authorized to operate in
13 coastwise trade under paragraph (1) based on a de-
14 mise charter described in paragraph (1) may operate
15 in that coastwise trade during a period following the
16 termination of the charter of not more than 6
17 months, if the operation—

18 “(A) is approved by the Secretary; and

19 “(B) in accordance with such terms as
20 may be prescribed by the Secretary for that ap-
21 proval.

22 “(c) EXCEPTION FOR VESSEL TO BE REFLAGGED.—

23 “(1) EXCEPTION.—Subsection (a)(2) and sec-
24 tion 12106(a)(2)(A) of title 46, United States Code,
25 do not apply to a cruise vessel if—

1 “(A) the vessel—

2 “(i) is not documented under chapter
3 121 of title 46, United States Code, on the
4 date of enactment of the United States
5 Cruise Vessel Development Act; and

6 “(ii) is not less than 5 years old and
7 not more than 15 years old on the first
8 date that the vessel is documented under
9 that chapter after that date of enactment;
10 and

11 “(B) the owner or charterer of the vessel
12 has entered into a contract for the construction
13 in the United States of another cruise vessel
14 that has a total berth or stateroom capacity
15 that is at least 80 percent of the capacity of the
16 cruise vessel.

17 “(2) TERMINATION OF AUTHORITY TO OPER-
18 ATE.—Paragraph (1) does not apply to a vessel after
19 the date that is 18 months after the date on which
20 a certificate of documentation with a coastwise en-
21 dorsement is first issued for the vessel after the date
22 of enactment of the United States Cruise Vessel De-
23 velopment Act if, before the end of that 18-month
24 period, the keel of another vessel has not been laid,
25 or another vessel is not at a similar stage of con-

1 struction, under a contract required for the vessel
2 under paragraph (1)(B).

3 “(3) EXTENSION OF PERIOD BEFORE TERMI-
4 NATION.—The Secretary of Transportation may ex-
5 tend the period under paragraph (2) for not more
6 than 6 months for good cause shown.

7 “(d) LIMITATION ON OPERATIONS.—A person (in-
8 cluding a related person with respect to that person) that
9 owns or charters a cruise vessel operating in coastwise
10 trade under subsection (b) or (c) under a coastwise en-
11 dorsement may not operate any vessel between—

12 “(1) any 2 ports served by another cruise vessel
13 that transports passengers in coastwise trade under
14 subsection (a) on the date the Secretary issues the
15 coastwise endorsement; or

16 “(2) the islands of Hawaii.

17 “(e) PENALTIES.—

18 “(1) CIVIL PENALTY.—A person operating a
19 vessel in violation of this section is liable to the
20 United States Government for a civil penalty of
21 \$1,000 for each passenger transported in violation of
22 this section.

23 “(2) FORFEITURE.—A vessel operated in know-
24 ing violation of this section, and its equipment, are

1 liable to seizure by and forfeiture to the United
2 States Government.

3 “(3) DISQUALIFICATION FROM COASTWISE
4 TRADE.—A person that is required to enter into a
5 construction contract under subsection (c)(1)(B)
6 with respect to a cruise vessel (including any related
7 person with respect to that person) may not own or
8 operate any vessel in coastwise trade after the period
9 applicable under subsection (c)(2) with respect to
10 the cruise vessel, if before the end of that period a
11 keel is not laid and a similar stage of construction
12 is not reached under such a contract.

13 “(f) DEFINITIONS.—In this section—

14 “(1) the term ‘coastwise trade’ includes trans-
15 portation of a passenger between points in the
16 United States, either directly or by way of a foreign
17 port;

18 “(2) the term ‘cruise vessel’ means a vessel
19 that—

20 “(A) is at least 10,000 gross tons (as
21 measured under chapter 143 of title 46, United
22 States Code);

23 “(B) has berth or stateroom accommoda-
24 tions for at least 200 passengers; and

25 “(C) is not a ferry; and

1 “(3) the term ‘related person’ means, with re-
2 spect to a person—

3 “(A) a holding company, subsidiary, affili-
4 ate, or association of the person; and

5 “(B) an officer, director, or agent of the
6 person or of an entity referred to in subpara-
7 graph (A).”.

8 **SEC. 1304. CONSTRUCTION STANDARDS.**

9 Section 3309 of title 46, United States Code, is
10 amended by adding at the end the following:

11 “(d)(1) A vessel described in paragraph (3) is deemed
12 to comply with parts B and C of this subtitle.

13 “(2) The Secretary shall issue a certificate of inspec-
14 tion under subsection (a) to a vessel described in para-
15 graph (3).

16 “(3) A vessel is described in this paragraph if—

17 “(A) it meets the standards and conditions for
18 the issuance of a control verification certificate to a
19 foreign vessel embarking passengers in the United
20 States;

21 “(B) a coastwise endorsement is issued for the
22 vessel under section 12106 of this title after the date
23 of enactment of the United States Cruise Vessel De-
24 velopment Act; and

1 “(C) the vessel is authorized to engage in coast-
2 wise trade by reason of section 8(c) of the Act enti-
3 tled ‘An Act to abolish certain fees for official serv-
4 ices to American vessels, and to amend the laws re-
5 lating to shipping commissioners, seamen, and own-
6 ers of vessels, and for other purposes’, approved
7 June 19, 1886.”.

8 **SEC. 1305. CITIZENSHIP FOR PURPOSES OF DOCUMENTA-**
9 **TION.**

10 Section 2 of the Shipping Act, 1916 (46 App. U.S.C.
11 802), is amended—

12 (1) in subsection (a) by inserting “other than
13 primarily in the transport of passengers,” after “the
14 coastwise trade”; and

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

16 “(e) For purposes of determining citizenship under
17 subsection (a) with respect to operation of a vessel pri-
18 marily in the transport of passengers in coastwise trade,
19 the controlling interest in a partnership or association that
20 owns the vessel shall not be deemed to be owned by citi-
21 zens of the United States unless a majority interest in the
22 partnership or association is owned by citizens of the
23 United States free from any trust or fiduciary obligation
24 in favor of any person that is not a citizen of the United
25 States.”.

1 **SEC. 1306. LOAN GUARANTEES.**

2 Title XI of the Act of June 29, 1936 (46 App. U.S.C.
3 1271 et seq.), is amended—

4 (1) in section 1101(b), by striking “passenger
5 cargo” and inserting “passenger, cargo,”; and by
6 striking “owned by citizens of the United States”;

7 (2) in section 1104B(a), in the material preced-
8 ing paragraph (1), by striking “owned by citizens of
9 the United States”;

10 (3) in section 1110(a), by striking “owned by
11 citizens of the United States”; and

12 (4) in section 1103, by adding at the end the
13 following:

14 “(g) Notwithstanding any other law, the cost of a
15 loan guarantee commitment entered into under this title
16 shall be calculated using only the projected cost of that
17 individual guarantee.”.

18 **SEC. 1307. PERMITS FOR VESSELS ENTERING UNITS OF NA-**
19 **TIONAL PARK SYSTEM.**

20 (a) PRIORITY.—Notwithstanding any other provision
21 of law, the Secretary of the Interior may not permit a per-
22 son to operate a vessel in any unit of the National Park
23 System except in accordance with the following priority:

24 (1) First, any person that—

1 (A) will operate a vessel that is docu-
2 mented under the laws of, and the home port
3 of which is located in, the United States; or

4 (B) holds rights to provide visitor services
5 under section 1307(a) of the Alaska National
6 Interest Lands Conservation Act (16 U.S.C.
7 3197(A)).

8 (2) Second, any person that will operate a ves-
9 sel that—

10 (A) is documented under the laws of a for-
11 eign country, and

12 (B) on the date of the enactment of this
13 Act is permitted to be operated by the person
14 in the unit.

15 (3) Third, any person that will operate a vessel
16 other than a vessel described in paragraph (1) or
17 (2).

18 (b) REVOCATION OF PERMITS FOR FOREIGN-DOCU-
19 MENTED VESSELS.—The Secretary of the Interior shall
20 revoke or refuse to renew permission granted by the Sec-
21 retary for the operation of a vessel documented under the
22 laws of a foreign country in a unit of the National Park
23 System, if—

1 (1) a person requests permission to operate a
2 vessel documented under the laws of the United
3 States in that unit; and

4 (2) the permission may not be granted because
5 of a limit on the number of permits that may be is-
6 sued for that operation.

7 (c) RESTRICTIONS ON REVOCATION OF PERMITS.—
8 The Secretary of the Interior may not revoke or refuse
9 to renew permission under subsection (b) for any person
10 holding rights to provide visitor services under section
11 1307(a) of the Alaska National Interest Lands Conserva-
12 tion Act (16 U.S.C. 3197(a)).

13 (d) RETURN OF PERMITS.—Any person whose per-
14 mission to provide visitors services in a unit of the Na-
15 tional Park System has been revoked or not renewed
16 under subsection (b) shall have the right of first refusal
17 to a permit to provide visitors services in that unit of the
18 National Park System that becomes available when the
19 conditions described in subsection (b) no longer apply.
20 Such right shall be limited to the number of permits which
21 are revoked or not renewed.

1 **TITLE XIV—BOATING**
2 **IMPROVEMENT**

3 **SEC. 1401. SHORT TITLE.**

4 This title may be cited as the “Boating Improvement
5 Act of 1994”.

6 **SEC. 1402. BOATING SAFETY GRANTS.**

7 (a) TRANSFER OF AMOUNTS FOR STATE BOATING
8 SAFETY PROGRAMS.—

9 (1) TRANSFERS.—Section 4(b) of the Act of
10 August 9, 1950 (16 U.S.C. 777c(b)), is amended to
11 read as follows:

12 “(b)(1) Of the balance of each annual appropriation
13 remaining after making the distribution under subsection
14 (a), an amount equal to \$15,000,000 for fiscal year 1995,
15 \$40,000,000 for fiscal year 1996, \$55,000,000 for fiscal
16 year 1997, and \$69,000,000 for each of fiscal years 1998
17 and 1999, shall, subject to paragraph (2), be used as
18 follows:

19 “(A) A sum equal to \$7,500,000 of the amount
20 available for fiscal year 1995, and a sum equal to
21 \$10,000,000 of the amount available for each of fis-
22 cal years 1996 and 1997, shall be available for use
23 by the Secretary of the Interior for grants under
24 section 5604(c) of the Clean Vessel Act of 1992.

25 Any portion of such a sum available for a fiscal year

1 that is not obligated for those grants before the end
2 of the following fiscal year shall be transferred to
3 the Secretary of Transportation and shall be ex-
4 pended by the Secretary of Transportation for State
5 recreational boating safety programs under section
6 13106 of title 46, United States Code.

7 “(B) A sum equal to \$7,500,000 of the amount
8 available for fiscal year 1995, \$30,000,000 of the
9 amount available for fiscal year 1996, \$45,000,000
10 of the amount available for fiscal year 1997, and
11 \$59,000,000 of the amount available for each of fis-
12 cal years 1998 and 1999, shall be transferred to the
13 Secretary of Transportation and shall be expended
14 by the Secretary of Transportation for State rec-
15 reational boating safety programs under section
16 13106 of title 46, United States Code.

17 “(C) A sum equal to \$10,000,000 of the
18 amount available for each of fiscal years 1998 and
19 1999 shall be available for use by the Secretary of
20 the Interior for—

21 “(i) grants under section 1403(e) of the
22 Boating Improvement Act of 1994; and

23 “(ii) grants under section 5604(c) of the
24 Clean Vessel Act of 1992.

1 Any portion of such a sum available for a fiscal year that
2 is not obligated for those grants before the end of the fol-
3 lowing fiscal year shall be transferred to the Secretary of
4 Transportation and shall be expended by the Secretary of
5 Transportation for State recreational boating safety pro-
6 grams under section 13106 of title 46, United States
7 Code.

8 “(2)(A) Beginning with fiscal year 1996, the amount
9 transferred under paragraph (1)(B) for a fiscal year shall
10 be reduced by the lesser of—

11 “(i) the amount appropriated to the Secretary
12 of Transportation for that fiscal year to carry out
13 the purposes of section 13106 of title 46, United
14 States Code, from the Boat Safety Account in the
15 Aquatic Resources Trust Fund established under
16 section 9504 of the Internal Revenue Code of 1986;
17 or

18 “(ii) \$35,000,000; or

19 “(iii) for fiscal year 1996 only, \$30,000,000.

20 “(B) The amount of any reduction under subpara-
21 graph (A) shall be apportioned among the several States
22 under subsection (d) by the Secretary of the Interior.”.

23 (2) CONFORMING AMENDMENT.—Section
24 5604(c)(1) of the Clean Vessel Act of 1992 (33
25 U.S.C. 1322 note) is amended by striking “section

1 4(b)(2) of the Act of August 9, 1950 (16 U.S.C.
2 777c(b)(2), as amended by this Act)” and inserting
3 “section 4(b)(1) of the Act of August 9, 1950 (16
4 U.S.C. 777c(b)(1))”.

5 (3) EXCESS FY 1995 BOAT SAFETY ACCOUNT
6 FUNDS TRANSFER.—Notwithstanding any other pro-
7 vision of law, \$20,000,000 of the annual appropria-
8 tion from the Sport Fish Restoration Account in fis-
9 cal year 1996 made in accordance with the provi-
10 sions of section 3 of the Act of August 9, 1950 (16
11 U.S.C. 777b), shall be excluded from the calculation
12 of amounts to be distributed under section 4(a) of
13 such Act (16 U.S.C. 777c(a)).

14 (b) EXPENDITURE OF AMOUNTS FOR STATE REC-
15 REATIONAL BOATING SAFETY PROGRAMS.—Section
16 13106 of title 46, United States Code, is amended—

17 (1) in subsection (a)(1) by striking the first
18 sentence and inserting the following: “Subject to
19 paragraph (2), the Secretary shall expend under
20 contracts with States under this chapter in each fis-
21 cal year for State recreational boating safety pro-
22 grams an amount equal to the sum of the amount
23 appropriated from the Boat Safety Account for that
24 fiscal year plus the amount transferred to the Sec-
25 retary under section 4(b)(1) of the Act of August 9,

1 1950 (16 U.S.C. 777c(b)(1)) for that fiscal year.”;

2 and

3 (2) by amending subsection (c) to read as fol-
4 lows:

5 “(c) For expenditure under this chapter for State rec-
6 reational boating safety programs there are authorized to
7 be appropriated to the Secretary of Transportation from
8 the Boat Safety Account established under section
9 9503(c)(4) of the Internal Revenue Code of 1986 (26
10 U.S.C. 9503(c)(4)) not more than \$35,000,000 each fiscal
11 year.”.

12 **SEC. 1403. BOATING ACCESS.**

13 (a) FINDINGS.—The Congress makes the following
14 findings:

15 (1) Nontrailerable recreational motorboats con-
16 tribute 15 percent of the gasoline taxes deposited in
17 the Aquatic Resources Trust Fund while constitut-
18 ing less than 5 percent of the recreational vessels in
19 the United States.

20 (2) The majority of recreational vessel access
21 facilities constructed with Aquatic Resources Trust
22 Fund moneys benefit trailerable recreational vessels.

23 (3) More Aquatic Resources Trust Fund mon-
24 eys should be spent on recreational vessel access fa-

1 facilities that benefit recreational vessels that are
2 nontrailerable vessels.

3 (b) PURPOSE.—The purpose of this section is to pro-
4 vide funds to States for the development of public facilities
5 for transient nontrailerable vessels.

6 (c) SURVEY.—Within 18 months after the date of the
7 enactment of this Act, any State may complete and submit
8 to the Secretary of the Interior a survey which identifies—

9 (1) the number and location in the State of all
10 public facilities for transient nontrailerable vessels;
11 and

12 (2) the number and areas of operation in the
13 State of all nontrailerable vessels that operate on
14 navigable waters in the State.

15 (d) PLAN.—Within 6 months after submitting a sur-
16 vey to the Secretary of the Interior in accordance with
17 subsection (c), a State may develop and submit to the Sec-
18 retary of the Interior a plan for the construction and ren-
19 ovation of public facilities for transient nontrailerable ves-
20 sels to meet the needs of nontrailerable vessels operating
21 on navigable waters in the State.

22 (e) GRANT PROGRAM.—

23 (1) MATCHING GRANTS.—The Secretary of the
24 Interior may obligate not less than one-half of the
25 amount made available for each of fiscal years 1998

1 and 1999 under section 4(b)(1)(C) of the Act of Au-
2 gust 9, 1950, as amended by section 1402(a)(1) of
3 this title, to make grants to any State to pay not
4 more than 75 percent of the cost of constructing or
5 renovating public facilities for transient
6 nontrailerable vessels.

7 (2) PRIORITIES.—

8 (A) IN GENERAL.—In awarding grants
9 under this subsection, the Secretary of the Inte-
10 rior shall give priority to projects that consist
11 of the construction or renovation of public fa-
12 cilities for transient nontrailerable vessels in ac-
13 cordance with a plan submitted by a State sub-
14 mitted under subsection (b).

15 (B) WITHIN STATE.—In awarding grants
16 under this subsection for projects in a particu-
17 lar State, the Secretary of the Interior shall
18 give priority to projects that are likely to serve
19 the greatest number of nontrailerable vessels.

20 **SEC. 1404. DEFINITIONS.**

21 For the purpose of this title the term—

22 (1) “Act of August 9, 1950” means the Act en-
23 titled “An Act to provide that the United States
24 shall aid the States in fish restoration and manage-

1 ment projects, and for other purposes”, approved
2 August 9, 1950 (16 U.S.C. 777a et seq.);

3 (2) “nontrailerable vessel” means a recreational
4 vessel greater than 26 feet in length;

5 (3) “public facilities for transient nontrailerable
6 vessels” means mooring buoys, day-docks, seasonal
7 slips or similar structures located on navigable wa-
8 ters, that are available to the general public and de-
9 signed for temporary use by nontrailerable vessels;

10 (4) “recreational vessel” means a vessel—

11 (A) operated primarily for pleasure; or

12 (B) leased, rented, or chartered to another
13 for the latter’s pleasure; and

14 (5) “State” means each of the several States of
15 the United States, the District of Columbia, the
16 Commonwealth of Puerto Rico, Guam, American
17 Samoa, the United States Virgin Islands, and the
18 Commonwealth of the Northern Mariana Islands.

19 **TITLE XV—TOWING VESSEL**
20 **NAVIGATIONAL SAFETY**

21 **SEC. 1501. SHORT TITLE.**

22 This title may be cited as the “Towing Vessel Naviga-
23 tional Safety Act of 1994”.

1 **SEC. 1502. MINIMUM NAVIGATIONAL SAFETY EQUIPMENT**
2 **FOR TOWING VESSELS.**

3 (a) IN GENERAL.—Section 4102 of title 46, United
4 States Code, is amended by adding at the end the follow-
5 ing:

6 “(f)(1) In prescribing regulations for towing vessels,
7 the Secretary shall—

8 “(A) consider the characteristics, methods of
9 operation, and nature of the service of towing ves-
10 sels;

11 “(B) consult with the Towing Safety Advisory
12 Committee; and

13 “(C) require, to the extent appropriate, the in-
14 stallation, maintenance, and use of and familiarity
15 with the following equipment on each towing vessel,
16 other than a towing vessel that is used only for tow-
17 ing disabled vessels:

18 “(i) A radar system.

19 “(ii) An electronic position-fixing device.

20 “(iii) A sonic depth finder.

21 “(iv) A compass or swing meter.

22 “(v) Adequate towing wire and associated
23 equipment.

24 “(vi) Up-to-date navigational charts and
25 publications for the areas normally transited by
26 the vessel.

1 “(vii) Other safety equipment the Sec-
2 retary determines to be necessary.

3 “(2) The Secretary shall establish in regulations
4 under this chapter requirements that—

5 “(A) any equipment required on a towing vessel
6 under paragraph (1) shall be maintained in effective
7 operating condition; and

8 “(B) if such equipment on a vessel ceases to op-
9 erate, the master of the vessel shall exercise due dili-
10 gence to restore the equipment to effective operating
11 condition, or cause it to be restored to that condi-
12 tion, at the earliest practicable date.”.

13 (b) REGULATIONS.—The Secretary of Transportation
14 shall issue regulations by not later than 12 months after
15 the date of the enactment of this Act, prescribing naviga-
16 tional publication and equipment requirements under sub-
17 section (f) of section 4102 of title 46, United States Code,
18 as added by subsection (a) of this section.

19 **SEC. 1503. REPORTING MARINE CASUALTIES.**

20 (a) EXPEDITED REPORTING REQUIRED.—Section
21 6101(b) of title 46, United States Code, is amended by
22 striking “within 5 days” and inserting “by as soon as
23 practicable, but in no case later than within 5 days,”.

24 (b) PENALTY FOR FAILURE TO REPORT A CAS-
25 UALTY.—Section 6103(a) of title 46, United States Code

1 is amended by striking “\$1,000” and inserting “not more
2 than \$25,000”.

3 **SEC. 1504. REPORT ON FEASIBILITY OF ESTABLISHING A**
4 **DIFFERENTIAL GLOBAL POSITIONING SAT-**
5 **ELLITE NAVIGATION SYSTEM AND ELEC-**
6 **TRONIC CHARTS FOR INLAND WATERWAYS.**

7 Not later than 6 months after the date of the enact-
8 ment of this Act, the Secretary of Transportation shall
9 submit a report to the Congress on the feasibility of estab-
10 lishing a differential global positioning satellite navigation
11 system and creating electronic charts for the inland water-
12 ways of the United States.

13 **SEC. 1505. PROTECTION OF SEAMEN AGAINST DISCRIMINA-**
14 **TION.**

15 Section 2114 of title 46, United States Code, is
16 amended—

17 (1) by amending subsection (a) to read as fol-
18 lows:

19 “(a) An owner, charterer, managing operator, agent,
20 master, or individual in charge of a vessel may not dis-
21 charge or in any manner discriminate against a seaman
22 because the seaman—

23 “(1) in good faith has reported or is about to
24 report to the Coast Guard that the seaman believes

1 that a violation of this subtitle, or a regulation is-
2 sued under this subtitle, has occurred; or

3 “(2) refuses to violate this subtitle or a regula-
4 tion issued under this subtitle.”; and

5 (2) in subsection (b)—

6 (A) in paragraph (1) by striking “and”
7 after the semicolon;

8 (B) in paragraph (2) by striking the period
9 and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(3) an award of costs and reasonable attor-
12 ney’s fees to the prevailing plaintiff.”.

13 **SEC. 1506. MANNING AND LICENSING REQUIREMENTS FOR**
14 **TOWING VESSELS.**

15 (a) MANNING REQUIREMENTS.—Section 8904 of title
16 46, United States Code, is amended by adding at the end
17 the following:

18 “(c) A towing vessel that is at least 26 feet in length,
19 other than a vessel referred to in subsection (b), shall—

20 “(1) while being operated, have on board an in-
21 dividual licensed by the Secretary as a master of
22 that type of towing vessel; and

23 “(2) be operated by an individual licensed by
24 the Secretary to operate that type of towing vessel.”.

1 (b) REGULATIONS ESTABLISHING LICENSES FOR
2 MASTERS AND OPERATORS.—Section 7101 of title 46,
3 United States Code, is amended by adding at the end the
4 following:

5 “(j)(1) The Secretary shall prescribe regulations
6 which establish licenses for masters and mates of towing
7 vessels.

8 “(2) Regulations under this subsection shall provide
9 that an individual may be issued a license as a master
10 or mate of a towing vessel only if the individual—

11 “(A) demonstrates proficiency in the use of the
12 equipment required pursuant to section
13 4102(f)(1)(C) of this title; and

14 “(B) demonstrates proficiency in operating a
15 towing vessel.

16 “(3) Regulations under this subsection may establish
17 standards and procedures under which the Secretary may
18 delegate, to individuals who have experience in the oper-
19 ation of towing vessels and to other qualified persons, the
20 authority to conduct examinations required for the issu-
21 ance of a license as a master or mate of a towing vessel.”.

22 (c) EXISTING UNINSPECTED TOWING VESSEL OPER-
23 ATOR LICENSE HOLDERS.—An uninspected towing vessel
24 operator license that is valid on the effective date of this
25 section shall be valid as a master or mate license required

1 by section 8904 of title 46, United States Code, as amend-
2 ed by this section, until otherwise required to be renewed.
3 The Secretary shall require that an individual applying for
4 a first renewal of such a license as a master or mate li-
5 cense under that section demonstrate proficiency under
6 the requirements of section 7101(j) of title 46, United
7 States Code, as added by this section.

8 (d) EFFECTIVE DATE.—The amendments made by
9 this section, other than the amendments made by sub-
10 section (e), shall take effect 2 years after the date of the
11 enactment of this Act.

12 (e) DEADLINE FOR REGULATIONS.—The Secretary
13 of the department in which the Coast Guard is operating
14 shall issue regulations under the amendments made by
15 this section by not later than 1 year after the date of the
16 enactment of this Act.

17 **SEC. 1507. CIVIL PENALTIES.**

18 (a) PROHIBITED OPERATION OF UNINSPECTED TOW-
19 ING VESSEL, GENERALLY.—Section 4106 of title 46,
20 United States Code, is amended by striking “\$5,000” and
21 inserting “\$25,000”.

22 (b) OPERATION OF UNINSPECTED TOWING VESSEL
23 IN VIOLATION OF MANNING REQUIREMENTS.—Section
24 8906 of title 46, United States Code, is amended by strik-
25 ing “\$1,000” and inserting “not more than \$25,000”.

1 **SEC. 1508. MODEL TOWING VESSEL COMPANY INSPECTION**
2 **PROGRAM.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of the enactment of this Act, the Secretary of the
5 department in which the Coast Guard is operating, in con-
6 sultation with the Towing Safety Advisory Committee,
7 shall—

8 (1) develop a model towing vessel company in-
9 spection program, including a Coast Guard boarding
10 program to determine compliance with the model
11 program; and

12 (2) submit to the Congress for its approval the
13 model program and a description of the statutory
14 changes necessary to implement the model program.

15 (b) SAVINGS.—The requirement to submit a model
16 program under subsection (a) shall not be construed to
17 supersede or modify the authority of the Coast Guard to
18 inspect vessels under title 46, United States Code.

19 **TITLE XVI—MERCHANT**
20 **MARINER BENEFITS**

21 **SEC. 1601. MERCHANT MARINER BENEFITS.**

22 (a) Part G of subtitle II, title 46, United States Code,
23 is amended by adding the following new chapter:

1 **“CHAPTER 112—MERCHANT MARINER**
 2 **BENEFITS**

“Sec.

“11201. Qualified service.

“11202. Qualified service benefits.

3 **“§ 11201. Qualified service**

4 “An individual who was in training for, or who served
 5 as a member of, the United States merchant marine dur-
 6 ing World War II, including the Army Transport Service
 7 and the Naval Transportation Service, or who received a
 8 notice of induction, before September 2, 1945, is deemed
 9 to have been engaged in qualified service for purposes of
 10 this chapter.

11 **“§ 11202. Qualified service benefits**

12 “(a) An individual who believes that individual per-
 13 formed qualified service under section 11201 of this chap-
 14 ter may apply to the Secretary. Not later than 180 days
 15 after the Secretary receives an application under this sec-
 16 tion, the Secretary shall determine whether the individual
 17 performed qualified service.

18 “(b) The Secretary shall issue an honorable discharge
 19 to an individual who performed qualified service as deter-
 20 mined by the Secretary under subsection (a). The Sec-
 21 retary shall issue the discharge subject to the standards
 22 that apply to honorable discharges issued under section
 23 401(a)(1)(b) of the GI Bill Improvement Act of 1977 (38
 24 U.S.C. 106 note).

1 “(c) The qualified service of an individual who—

2 “(1) receives an honorable discharge under sub-
3 section (b); and

4 “(2) is not eligible for benefits under a law ad-
5 ministered by the Secretary of Veterans Affairs—

6 shall be treated as active duty in the armed forces during
7 a period of war for purposes of eligibility for benefits
8 under chapters 23 and 24 of title 38, United States Code.

9 “(d) The Secretary shall reimburse the Secretary of
10 Veterans Affairs for the value of benefits provided to an
11 individual by reason of eligibility under this chapter.

12 “(e) An individual is not entitled to, and may not re-
13 ceive, benefits under this chapter for any period before the
14 date of enactment of this chapter.”.

15 (b) The analysis at the beginning of subtitle II of title
16 46, United States Code, is amended by inserting after the
17 item relating to chapter 111 the following:

“112. Merchant mariner benefits11201.”.

18 **TITLE XVII—LIGHTHOUSE AND**
19 **OTHER PROPERTY CONVEY-**
20 **ANCES**

21 **SEC. 1701. CONVEYANCE OF COAST GUARD PROPERTY IN**
22 **TRAVERSE CITY, MICHIGAN.**

23 (a) REQUIREMENT.—The Secretary of Transpor-
24 tation (or any other official having control over the prop-
25 erty described in subsection (b)) shall expeditiously convey

1 to the Traverse City Area Public School District in Tra-
2 verse City, Michigan, without consideration, all right, title,
3 and interest of the United States in and to the property
4 described in subsection (b), subject to all easements and
5 other interests in the property held by any other person.

6 (b) PROPERTY DESCRIBED.—The property referred
7 to in subsection (a) is real property located in the city
8 of Traverse City, Grand Traverse County, Michigan, and
9 consisting of that part of the southeast $\frac{1}{4}$ of Section 12,
10 Township 27 North, Range 11 West, described as: Com-
11 mencing at the southeast $\frac{1}{4}$ corner of said Section 12,
12 thence north 03 degrees 05 minutes 25 seconds east along
13 the East line of said Section, 1074.04 feet, thence north
14 86 degrees 36 minutes 50 seconds west 207.66 feet,
15 thence north 03 degrees 06 minutes 00 seconds east
16 572.83 feet to the point of beginning, thence north 86 de-
17 grees 54 minutes 00 seconds west 1,751.04 feet, thence
18 north 03 degrees 02 minutes 38 seconds east 330.09 feet,
19 thence north 24 degrees 04 minutes 40 seconds east
20 439.86 feet, thence south 86 degrees 56 minutes 15 sec-
21 onds east 116.62 feet, thence north 03 degrees 08 minutes
22 45 seconds east 200.00 feet, thence south 87 degrees 08
23 minutes 20 seconds east 68.52 feet, to the southerly right-
24 of-way of the C & O Railroad, thence south 65 degrees
25 54 minutes 20 seconds east along said right-of-way

1 1508.75 feet, thence south 03 degrees 06 minutes 00 sec-
2 onds west 400.61 to the point of beginning, consisting of
3 27.10 acres of land, and all improvements located on that
4 property including buildings, structures, and equipment.

5 (c) REVERSIONARY INTEREST.—In addition to any
6 term or condition established pursuant to subsection (a),
7 any conveyance of property described in subsection (b)
8 shall be subject to the condition that all right, title, and
9 interest in and to the property so conveyed shall imme-
10 diately revert to the United States if the property, or any
11 part thereof, ceases to be used by the Traverse City School
12 District.

13 **SEC. 1702. TRANSFER OF COAST GUARD PROPERTY IN**
14 **KETCHIKAN, ALASKA.**

15 (a) CONVEYANCE REQUIREMENT.—The Secretary of
16 Transportation, in cooperation with the Administrator of
17 General Services, shall convey to the Ketchikan Indian
18 Corporation in Ketchikan, Alaska, without reimbursement
19 and by no later than 120 days after the date of enactment
20 of this Act, all right, title, and interest of the United
21 States in and to the property known as the “Former Ma-
22 rine Safety Detachment” as identified in Report of Excess
23 Number CG-689 (GSA Control Number 9-U-AK-0747)
24 and described in subsection (b), for use by the Ketchikan
25 Indian Corporation as a health or social services facility.

1 (b) PROPERTY DESCRIBED.—The property referred
2 to in subsection (a) is real property located in the city
3 of Ketchikan, Township 75 south, range 90 east, Copper
4 River Meridian, First Judicial District, State of Alaska,
5 and commencing at corner numbered 10, United States
6 Survey numbered 1079, the true point of beginning for
7 this description: Thence north 24 degrees 04 minutes east,
8 along the 10–11 line of said survey a distance of 89.76
9 feet to corner numbered 1 of lot 5B; thence south 65 de-
10 grees 56 minutes east a distance of 345.18 feet to corner
11 numbered 2 of lot 5B; thence south 24 degrees 04 minutes
12 west a distance of 101.64 feet to corner numbered 3 of
13 lot 5B; thence north 64 degrees 01 minute west a distance
14 of 346.47 feet to corner numbered 10 of said survey, to
15 the true point of beginning, consisting of 0.76 acres (more
16 or less), and all improvements located on that property,
17 including buildings, structures, and equipment.

18 (c) REVERSIONARY INTEREST.—In addition to any
19 term or condition established pursuant to subsection (a),
20 any conveyance of property described in subsection (b)
21 shall be subject to the condition that all right, title, and
22 interest in and to the property so conveyed shall imme-
23 diately revert to the United States if the property, or any
24 part thereof, ceases to be used by the Ketchikan Indian
25 Corporation as a health or social services facility.

1 **SEC. 1703. CONVEYANCE OF LIGHT STATION MONTAUK**
2 **POINT, NEW YORK.**

3 (a) CONVEYANCE REQUIREMENT.—

4 (1) REQUIREMENT.—The Secretary of Trans-
5 portation shall convey to the Montauk Historical As-
6 sociation in Montauk, New York, by an appropriate
7 means of conveyance, all right, title, and interest of
8 the United States in and to property comprising
9 Light Station Montauk Point, located at Montauk,
10 New York.

11 (2) DETERMINATION OF PROPERTY.—The Sec-
12 retary may identify, describe, and determine the
13 property to be conveyed pursuant to this section.

14 (b) TERMS OF CONVEYANCE.—

15 (1) IN GENERAL.—A conveyance of property
16 pursuant to this section shall be made—

17 (A) without the payment of consideration;
18 and

19 (B) subject to the conditions required by
20 paragraphs (3) and (4) and such other terms
21 and conditions as the Secretary may consider
22 appropriate.

23 (2) REVERSIONARY INTEREST.—In addition to
24 any term or condition established pursuant to para-
25 graph (1), any conveyance of property comprising
26 the Montauk Light Station pursuant to subsection

1 (a) shall be subject to the condition that all right,
2 title, and interest in and to the property so conveyed
3 shall immediately revert to the United States if the
4 property, or any part thereof—

5 (A) ceases to be maintained as a nonprofit
6 center for public benefit for the interpretation
7 and preservation of the material culture of the
8 United States Coast Guard, the maritime his-
9 tory of Montauk, New York, and Native Amer-
10 ican and colonial history;

11 (B) ceases to be maintained in a manner
12 that ensures its present or future use as a
13 Coast Guard aid to navigation; or

14 (C) ceases to be maintained in a manner
15 consistent with the provisions of the National
16 Historic Preservation Act (16 U.S.C. 470 et
17 seq.).

18 (3) MAINTENANCE OF NAVIGATION AND FUNC-
19 TIONS.—Any conveyance of property pursuant to
20 this section shall be subject to such conditions as the
21 Secretary considers to be necessary to assure that—

22 (A) the light, antennas, sound signal, and
23 associated lighthouse equipment located on the
24 property conveyed, which are active aids to
25 navigation, shall continue to be operated and

1 maintained by the United States for as long as
2 they are needed for this purpose;

3 (B) the Montauk Historical Association
4 may not interfere or allow interference in any
5 manner with such aids to navigation without
6 express written permission from the United
7 States;

8 (C) there is reserved to the United States
9 the right to replace, or add any aids to naviga-
10 tion, or make any changes to the Montauk
11 Lighthouse as may be necessary for navigation
12 purposes;

13 (D) the United States shall have the right,
14 at any time, to enter the property conveyed
15 without notice for the purpose of maintaining
16 navigation aids;

17 (E) the United States shall have an ease-
18 ment of access to such property for the purpose
19 of maintaining the navigational aids in use on
20 the property; and

21 (F) the Montauk Light Station shall revert
22 to the United States at the end of the 30-day
23 period beginning on any date on which the Sec-
24 retary of Transportation provides written notice
25 to the Montauk Historical Association that the

1 Montauk Light Station is needed for national
2 security purposes.

3 (4) MAINTENANCE OF LIGHT STATION.—Any
4 conveyance of property under this section shall be
5 subject to the condition that the Montauk Historical
6 Association shall maintain the Montauk Light Sta-
7 tion in accordance with the provisions of the Na-
8 tional Historic Preservation Act (16 U.S.C. 470 et
9 seq.) and other applicable laws.

10 (5) LIMITATION ON OBLIGATIONS OF MONTAUK
11 HISTORICAL ASSOCIATION.—The Montauk Historical
12 Association shall not have any obligation to maintain
13 any active aid to navigation equipment on property
14 conveyed pursuant to this section.

15 (c) For purposes of this section—

16 (1) the term “Montauk Light Station” means
17 the Coast Guard light station known as Light Sta-
18 tion Montauk Point, located at Montauk, New York,
19 including the keeper’s dwellings, adjacent Coast
20 Guard rights of way, the World War II submarine
21 spotting tower, the lighthouse tower, and the paint
22 locker; and

23 (2) the term “Montauk Lighthouse” means the
24 Coast Guard lighthouse located at the Montauk
25 Light Station.

1 **SEC. 1704. CONVEYANCE OF CAPE ANN LIGHTHOUSE.**

2 (a) AUTHORITY TO CONVEY.—

3 (1) IN GENERAL.—The Secretary of Transpor-
4 tation shall convey to the town of Rockport, Massa-
5 chusetts, by an appropriate means of conveyance, all
6 right, title, and interest of the United States in and
7 to the property comprising the Cape Ann Light-
8 house, located on Thachers Island, Massachusetts.

9 (2) IDENTIFICATION OF PROPERTY.—The Sec-
10 retary may identify, describe, and determine the
11 property to be conveyed pursuant to this subsection.

12 (b) TERMS OF CONVEYANCE.—

13 (1) IN GENERAL.—The conveyance of property
14 pursuant to this section shall be made—

15 (A) without payment of consideration; and

16 (B) subject to the conditions required by
17 paragraphs (3) and (4) and other terms and
18 conditions the Secretary may consider appro-
19 priate.

20 (2) REVERSIONARY INTEREST.—In addition to
21 any term or condition established pursuant to para-
22 graph (1), the conveyance of property pursuant to
23 this section shall be subject to the condition that all
24 right, title, and interest in the Cape Ann Lighthouse
25 shall immediately revert to the United States if the
26 Cape Ann Lighthouse, or any part of the property—

1 (A) ceases to be used as a nonprofit center
2 for the interpretation and preservation of mari-
3 time history;

4 (B) ceases to be maintained in a manner
5 that ensures its present or future use as a
6 Coast Guard aid to navigation; or

7 (C) ceases to be maintained in a manner
8 consistent with the provisions of the National
9 Historic Preservation Act of 1966 (16 U.S.C.
10 470 et seq.).

11 (3) MAINTENANCE AND NAVIGATION FUNC-
12 TIONS.—The conveyance of property pursuant to
13 this section shall be made subject to the conditions
14 that the Secretary considers to be necessary to as-
15 sure that—

16 (A) the lights, antennas, and associated
17 equipment located on the property conveyed,
18 which are active aids to navigation, shall con-
19 tinue to be operated and maintained by the
20 United States;

21 (B) the town of Rockport may not inter-
22 fere or allow interference in any manner with
23 aids to navigation without express written per-
24 mission from the Secretary of Transportation;

1 (C) there is reserved to the United States
2 the right to relocate, replace, or add any aid to
3 navigation or make any changes to the Cape
4 Ann Lighthouse as may be necessary for navi-
5 gational purposes;

6 (D) the United States shall have the right,
7 at any time, to enter the property without no-
8 tice for the purpose of maintaining aids to navi-
9 gation; and

10 (E) the United States shall have an ease-
11 ment of access to the property for the purpose
12 of maintaining the aids to navigation in use on
13 the property.

14 (4) OBLIGATION LIMITATION.—The town of
15 Rockport is not required to maintain any active aid
16 to navigation equipment on property conveyed pur-
17 suant to this section.

18 (5) PROPERTY TO BE MAINTAINED IN ACCORD-
19 ANCE WITH CERTAIN LAWS.—The town of Rockport
20 shall maintain the Cape Ann Lighthouse in accord-
21 ance with the National Historic Preservation Act of
22 1966 (16 U.S.C. 470 et seq.), and other applicable
23 laws.

24 (c) DEFINITIONS.—For purposes of this section, the
25 term “Cape Ann Lighthouse” means the Coast Guard

1 property located on Thachers Island, Massachusetts, ex-
2 cept any historical artifact, including any lens or lantern,
3 located on the property at or before the time of the convey-
4 ance.

5 **SEC. 1705. TRANSFER OF OCRACOKE LIGHT STATION TO**
6 **SECRETARY OF THE INTERIOR.**

7 The Secretary of Transportation shall transfer ad-
8 ministrative jurisdiction over the Federal property, con-
9 sisting of approximately 2 acres, known as the Ocracoke
10 Light Station, to the Secretary of the Interior, subject to
11 such reservations, terms, and conditions as may be nec-
12 essary for Coast Guard purposes. All property so trans-
13 ferred shall be included in and administered as part of
14 the Cape Hatteras National Seashore.

15 **SEC. 1706. SQUIRREL POINT LIGHTHOUSE.**

16 (a) CONVEYANCE AUTHORIZATION.—

17 (1) AUTHORIZATION.—The Secretary of Trans-
18 portation may convey to Squirrel Point Associates,
19 Inc., by an appropriate means of conveyance, all
20 right, title, and interest of the United States in and
21 to property comprising Squirrel Point Lighthouse,
22 located in the town of Arrowsic, Maine.

23 (2) IDENTIFICATION OF PROPERTY.—The Sec-
24 retary may identify, describe, and determine the
25 property to be conveyed pursuant to this subsection.

1 (b) TERMS OF CONVEYANCE.—

2 (1) IN GENERAL.—A conveyance of property
3 pursuant to this section shall be made—

4 (A) without payment of consideration; and

5 (B) subject to the conditions required by
6 paragraphs (3) and (4) and such other terms
7 and conditions as the Secretary may consider
8 appropriate.

9 (2) REVERSIONARY INTEREST.—In addition to
10 any term or condition established pursuant to para-
11 graph (1), any conveyance of property comprising
12 the Squirrel Point Lighthouse pursuant to sub-
13 section (a) shall be subject to the condition that all
14 right, title, and interest in and to the property so
15 conveyed shall immediately revert to the United
16 States if the property, or any part thereof—

17 (A) ceases to be maintained as a nonprofit
18 center for public benefit for the interpretation
19 and preservation of the material culture of the
20 United States Coast Guard and the maritime
21 history of Maine;

22 (B) ceases to be maintained in a manner
23 that ensures its present or future use as a
24 Coast Guard aid to navigation; or

1 (C) ceases to be maintained in a manner
2 consistent with the provisions of the National
3 Historic Preservation Act (16 U.S.C. 470 et
4 seq.).

5 (3) MAINTENANCE OF NAVIGATION AND FUNC-
6 TIONS.—Any conveyance of property pursuant to
7 this section shall be subject to such conditions as the
8 Secretary considers to be necessary to assure that—

9 (A) the light, antennas, sound signal, and
10 associated lighthouse equipment located on the
11 property conveyed, which are active aids to
12 navigation, shall continue to be operated and
13 maintained by the United States for as long as
14 they are needed for this purpose;

15 (B) the Squirrel Point Associates, Inc.,
16 may not interfere or allow interference in any
17 manner with such aids to navigation without
18 express written permission from the United
19 States;

20 (C) there is reserved to the United States
21 the right to replace, or add any aids to naviga-
22 tion, or make any changes to the Squirrel Point
23 Lighthouse as may be necessary for navigation
24 purposes;

1 (D) the United States shall have the right,
2 at any time, to enter the property conveyed
3 without notice for the purpose of maintaining
4 navigation aids; and

5 (E) the United States shall have an ease-
6 ment of access to such property for the purpose
7 of maintaining the navigational aids in use on
8 the property.

9 (4) MAINTENANCE OF LIGHTHOUSE.—Any con-
10 veyance of property under this section shall be sub-
11 ject to the condition that the Squirrel Point Associ-
12 ates shall maintain the Eastern Point Lighthouse in
13 accordance with the provisions of the National His-
14 toric Preservation Act (16 U.S.C. 470 et seq.) and
15 other applicable laws.

16 (5) OBLIGATION LIMITATION.—The Squirrel
17 Point Associates, Inc., shall not have any obligation
18 to maintain any active aid to navigation equipment
19 on the property conveyed pursuant to this section.

20 (c) DEFINITIONS.—For purposes of this section, the
21 term “Squirrel Point Lighthouse” means the Coast Guard
22 property located in the town of Arrowsic, County of
23 Sagadahoc, Maine, including the light tower, dwelling,
24 boathouse, oil house, barn, any other ancillary buildings,
25 and such land as may be necessary to enable Squirrel

1 Point Associates, Inc., to operate a nonprofit center for
2 public benefit, except any historical artifact, including any
3 lens or lantern, located on the property at or before the
4 time of the conveyance.

5 **SEC. 1707. CONVEYANCE OF CERTAIN LIGHTHOUSES LO-**
6 **CATED IN MAINE.**

7 (a) AUTHORITY TO CONVEY.—

8 (1) IN GENERAL.—Subject to paragraphs (3)
9 and (4), the Secretary of Transportation may con-
10 vey, without consideration, to the Island Institute,
11 Rockland, Maine (in this section referred to as the
12 “Institute”), all right, title, and interest of the
13 United States in and to any of the facilities and real
14 property and improvements described in paragraph
15 (2).

16 (2) COVERED FACILITIES.—Paragraph (1) ap-
17 plies to lighthouses, together with any real property
18 and other improvements associated therewith, lo-
19 cated in the State of Maine as follows:

20 (A) Whitehead Island Light.

21 (B) Deer Island Thorofare (Mark Island)
22 Light.

23 (C) Burnt Island Light.

24 (D) Rockland Harbor Breakwater Light.

25 (E) Monhegan Island Light.

- 1 (F) Eagle Island Light.
- 2 (G) Curtis Island Light.
- 3 (H) Moose Peak Light.
- 4 (I) Great Duck Island Light.
- 5 (J) Goose Rocks Light.
- 6 (K) Isle au Haut Light.
- 7 (L) Goat Island Light.
- 8 (M) Wood Island Light.
- 9 (N) Doubling Point Light.
- 10 (O) Doubling Point Front Range Light.
- 11 (P) Doubling Point Rear Range Light.
- 12 (Q) Little River Light.
- 13 (R) Spring Point Ledge Light.
- 14 (S) Ram Island Light (Boothbay).
- 15 (T) Seguin Island Light.
- 16 (U) Marshall Point Light.
- 17 (V) Fort Point Light.
- 18 (W) West Quoddy Head Light.
- 19 (X) Brown's Head Light.
- 20 (Y) Cape Neddick Light.
- 21 (Z) Halfway Rock Light.
- 22 (AA) Ram Island Ledge Light.
- 23 (BB) Mount Desert Rock Light.
- 24 (CC) Whitlock's Mill Light.

1 (3) LIMITATION ON CONVEYANCE.—The Sec-
2 retary shall retain all right, title, and interest of the
3 United States in and to any historical artifact, in-
4 cluding any lens or lantern, that is associated with
5 the lighthouses conveyed under this subsection,
6 whether located at the lighthouse or elsewhere. The
7 Secretary shall identify any equipment, system, or
8 object covered by this paragraph.

9 (4) DEADLINE FOR CONVEYANCE.—The convey-
10 ances authorized by this subsection shall take place,
11 if at all, not later than 5 years after the date of the
12 enactment of this Act.

13 (5) ADDITIONAL CONVEYANCES TO UNITED
14 STATES FISH AND WILDLIFE SERVICE.—The Sec-
15 retary may transfer, in accordance with the terms
16 and conditions of subsection (b), the following light-
17 houses, together with any real property and improve-
18 ments associated therewith, directly to the United
19 States Fish and Wildlife Service:

20 (A) Two Bush Island Light.

21 (B) Egg Rock Light.

22 (C) Libby Island Light.

23 (D) Matinicus Rock Light.

24 (b) CONDITIONS OF CONVEYANCE.—The conveyance
25 of a lighthouse, and any real property and improvements

1 associated therewith, under subsection (a) shall be subject
2 to the following conditions:

3 (1) That the lighthouse and any such property
4 and improvements be used for educational, historic,
5 recreational, cultural, and wildlife conservation pro-
6 grams for the general public and for such other uses
7 as the Secretary determines to be not inconsistent or
8 incompatible with such uses.

9 (2) That the lighthouse and any such property
10 and improvements be maintained at no cost to the
11 United States in a manner that ensures the use of
12 the lighthouse by the Coast Guard as an aid to navi-
13 gation.

14 (3) That the use of the lighthouse and any such
15 property and improvements by the Coast Guard as
16 an aid to navigation not be interfered with, except
17 with the written permission of the Secretary.

18 (4) That the lighthouse and any such property
19 and improvements be maintained in a manner con-
20 sistent with the provisions of the National Historic
21 Preservation Act (16 U.S.C. 470 et seq.).

22 (5) That public access to the lighthouse and
23 any such property and improvements be ensured.

1 (c) RESERVATIONS.—In the conveyance of a light-
2 house under subsection (a), the Secretary shall reserve to
3 the United States the following:

4 (1) The right to enter the lighthouse, and any
5 real property and improvements conveyed therewith,
6 at any time, without notice, for purposes of main-
7 taining any aid to navigation at the lighthouse, in-
8 cluding any light, antennae, sound signal, and asso-
9 ciated equipment located at the lighthouse, and any
10 electronic navigation equipment or system located at
11 the lighthouse.

12 (2) The right to enter the lighthouse and any
13 such property and improvements at any time, with-
14 out notice, for purposes of relocating, replacing, or
15 improving any such aid to navigation, or to carry
16 out any other activity necessary in aid of navigation.

17 (3) An easement of ingress and egress onto the
18 real property conveyed for the purposes referred to
19 in paragraphs (1) and (2).

20 (4) An easement over such portion of such
21 property as the Secretary considers appropriate in
22 order to ensure the visibility of the lighthouse for
23 navigation purposes.

24 (5) The right to obtain and remove any histori-
25 cal artifact, including any lens or lantern that the

1 Secretary has identified pursuant to paragraph (3)
2 of subsection (a).

3 (d) MAINTENANCE OF AIDS TO NAVIGATION.—The
4 Secretary may not impose upon the Institute, or upon any
5 entity to which the Institute conveys a lighthouse under
6 subsection (g), an obligation to maintain any aid to navi-
7 gation at a lighthouse conveyed under this section.

8 (e) REVERSIONARY INTEREST.—All right, title, and
9 interest in and to a lighthouse and any real property and
10 improvements associated therewith shall revert to the
11 United States and the United States shall have the right
12 of immediate entry thereon if—

13 (1) the Secretary determines at any time that
14 the lighthouse, and any property and improvements
15 associated therewith, conveyed to the Institute or to
16 the United States Fish and Wildlife Service under
17 subsection (a) or conveyed by the Institute under
18 subsection (g), as the case may be, is not being uti-
19 lized or maintained in accordance with subsection
20 (b); or

21 (2) the Secretary determines that—

22 (A) the Institute is unable to identify an
23 entity eligible for the conveyance of the light-
24 house under subsection (g) within the 3-year
25 period beginning on the date of the conveyance

1 of the lighthouse to the Institute under sub-
2 section (a); or

3 (B) in the event that the Institute identi-
4 fies an entity eligible for the conveyance within
5 that period—

6 (i) the entity is unable or unwilling to
7 accept the conveyance and the Institute is
8 unable to identify another entity eligible
9 for the conveyance within that period; or

10 (ii) the Maine Lighthouse Selection
11 Committee established under subsection
12 (g)(3)(A) disapproves of the entity identi-
13 fied by the Institute and the Institute is
14 unable to identify another entity eligible
15 for the conveyance within that period.

16 (f) INSPECTION.—The State Historic Preservation
17 Officer of the State of Maine may inspect any lighthouse,
18 and any real property and improvements associated there-
19 with, that is conveyed under this subsection at any time,
20 without notice, for purposes of ensuring that the light-
21 house is being maintained in the manner required under
22 subsections (b)(4) and (b)(5). The Institute, and any sub-
23 sequent conveyee of the Institute under subsection (g),
24 shall cooperate with the official referred to in the preced-

1 ing sentence in the inspections of that official under this
2 subsection.

3 (g) SUBSEQUENT CONVEYANCE.—

4 (1) REQUIREMENT.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), the Institute shall convey,
7 without consideration, all right, title, and inter-
8 est of the Institute in and to the lighthouses
9 conveyed to the Institute under subsection (a),
10 together with any real property and improve-
11 ments associated therewith, to one or more enti-
12 ties identified under paragraph (2) and ap-
13 proved by the committee established under
14 paragraph (3) in accordance with the provisions
15 of such paragraph (3).

16 (B) EXCEPTION.—The Institute, with the
17 concurrence of the Maine Lighthouse Selection
18 Committee and in accordance with the terms
19 and conditions of subsection (b), may retain
20 right, title, and interest in and to the following
21 lighthouses conveyed to the Institute:

22 (i) Whitehead Island Light.

23 (ii) Deer Island Thorofare (Mark Is-
24 land) Light.

25 (2) IDENTIFICATION OF ELIGIBLE ENTITIES.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), the Institute shall identify entities
3 eligible for the conveyance of a lighthouse under
4 this subsection. Such entities shall include any
5 department or agency of the Federal Govern-
6 ment, any department or agency of the Govern-
7 ment of the State of Maine, any local govern-
8 ment in that State, or any nonprofit corpora-
9 tion, educational agency, or community develop-
10 ment organization that—

11 (i) is financially able to maintain the
12 lighthouse (and any real property and im-
13 provements conveyed therewith) in accord-
14 ance with the conditions set forth in sub-
15 section (b);

16 (ii) has agreed to permit the inspec-
17 tions referred to in subsection (f); and

18 (iii) has agreed to comply with the
19 conditions set forth in subsection (b) and
20 to have such conditions recorded with the
21 deed of title to the lighthouse and any real
22 property and improvements that may be
23 conveyed therewith.

24 (B) ORDER OF PRIORITY.—In identifying
25 entities eligible for the conveyance of a light-

1 house under this paragraph, the Institute shall
2 give priority to entities in the following order,
3 which are also the exclusive entities eligible for
4 the conveyance of a lighthouse under this sec-
5 tion:

6 (i) Agencies of the Federal Govern-
7 ment.

8 (ii) Entities of the Government of the
9 State of Maine.

10 (iii) Entities of local governments in
11 the State of Maine.

12 (iv) Nonprofit corporations, edu-
13 cational agencies, and community develop-
14 ment organizations.

15 (3) SELECTION OF CONVEYEEES AMONG ELIGI-
16 BLE ENTITIES.—

17 (A) COMMITTEE.—

18 (i) IN GENERAL.—There is hereby es-
19 tablished a committee to be known as the
20 Maine Lighthouse Selection Committee (in
21 this paragraph referred to as the “Com-
22 mittee”).

23 (ii) MEMBERSHIP.—The Committee
24 shall consist of five members appointed by
25 the Secretary as follows:

1 (I) One member, who shall serve
2 as the Chairman of the Committee,
3 shall be appointed from among indi-
4 viduals recommended by the Governor
5 of the State of Maine.

6 (II) One member shall be the
7 State Historic Preservation Officer of
8 the State of Maine, with the consent
9 of that official, or a designee of that
10 official.

11 (III) One member shall be ap-
12 pointed from among individuals rec-
13 ommended by State and local organi-
14 zations in the State of Maine that are
15 concerned with lighthouse preserva-
16 tion or maritime heritage matters.

17 (IV) One member shall be ap-
18 pointed from among individuals rec-
19 ommended by officials of local govern-
20 ments of the municipalities in which
21 the lighthouses are located.

22 (V) One member shall be ap-
23 pointed from among individuals rec-
24 ommended by the Secretary of the In-
25 terior.

1 (iii) APPOINTMENT DEADLINE.—The
2 Secretary shall appoint the members of the
3 Committee not later than 180 days after
4 the date of the enactment of this Act.

5 (iv) MEMBERSHIP TERM.—

6 (I) Members of the Committee
7 shall serve for such terms not longer
8 than 3 years as the Secretary shall
9 provide. The Secretary may stagger
10 the terms of initial members of the
11 Committee in order to ensure continu-
12 ous activity by the Committee.

13 (II) Any member of the Commit-
14 tee may serve after the expiration of
15 the term of the member until a suc-
16 cessor to the member is appointed. A
17 vacancy in the Committee shall be
18 filled in the same manner in which the
19 original appointment was made.

20 (v) VOTING.—The Committee shall
21 act by an affirmative vote of a majority of
22 the members of the Committee.

23 (B) RESPONSIBILITIES.—

24 (i) IN GENERAL.—The Committee
25 shall—

1 (I) review the entities identified
2 by the Institute under paragraph (2)
3 as entities eligible for the conveyance
4 of a lighthouse; and

5 (II) approve one such entity, or
6 disapprove all such entities, as entities
7 to which the Institute may make the
8 conveyance of the lighthouse under
9 this subsection.

10 (ii) APPROVAL.—If the Committee ap-
11 proves an entity for the conveyance of a
12 lighthouse, the Committee shall notify the
13 Institute of such approval.

14 (iii) DISAPPROVAL.—If the Committee
15 disapproves of the entities, the Committee
16 shall notify the Institute and, subject to
17 subsection (e)(2)(B), the Institute shall
18 identify other entities eligible for the con-
19 veyance of the lighthouse under paragraph
20 (2). The Committee shall review and ap-
21 prove or disapprove of entities identified
22 pursuant to the preceding sentence in ac-
23 cordance with this subparagraph and the
24 criteria set forth in subsection (b).

1 (C) EXEMPTION FROM FACa.—The Fed-
2 eral Advisory Committee Act (5 U.S.C. App.)
3 shall not apply to the Committee, however, all
4 meetings of the Committee shall be open to the
5 public and preceded by appropriate public no-
6 tice.

7 (D) TERMINATION.—The Committee shall
8 terminate 8 years from the date of the enact-
9 ment of this Act.

10 (4) CONVEYANCE.—Upon notification under
11 paragraph (3)(B)(ii) of the approval of an identified
12 entity for conveyance of a lighthouse under this sub-
13 section, the Institute shall, with the consent of the
14 entity, convey the lighthouse to the entity.

15 (5) RESPONSIBILITIES OF CONVEYEEES.—Each
16 entity to which the Institute conveys a lighthouse
17 under this subsection, or any successor or assign of
18 such entity in perpetuity, shall—

19 (A) use and maintain the lighthouse in ac-
20 cordance with subsection (b) and have such
21 terms and conditions recorded with the deed of
22 title to the lighthouse and any real property
23 conveyed therewith; and

24 (B) permit the inspections referred to in
25 subsection (f).

1 (h) DESCRIPTION OF PROPERTY.—The exact acreage
2 and legal description of any lighthouse, and any real prop-
3 erty and improvements associated therewith, conveyed
4 under subsection (a) shall be determined by the Secretary.

5 (i) REPORT.—Not later than 1 year after the date
6 of the enactment of this Act, and annually thereafter for
7 the next 7 years, the Secretary shall submit to Congress
8 a report on the conveyance of lighthouses under this sec-
9 tion. The report shall include a description of the imple-
10 mentation of the provisions of this section, and the re-
11 quirements arising under such provisions, in—

12 (1) providing for the use and maintenance of
13 the lighthouses conveyed under this section in ac-
14 cordance with subsection (b);

15 (2) providing for public access to such light-
16 houses; and

17 (3) achieving the conveyance of lighthouses to
18 appropriate entities under subsection (g).

19 (j) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
20 retary may require any additional terms and conditions
21 in connection with a conveyance under subsection (a) that
22 the Secretary considers appropriate in order to protect the
23 interests of the United States.

1 **TITLE XVIII—BALLAST WATER**
2 **MANAGEMENT**

3 **SEC. 1801. SHORT TITLE.**

4 This title may be cited as the “Ballast Water Man-
5 agement Act”.

6 **SEC. 1802. EVALUATION.**

7 (a) Subsection 1102(a) of Public Law 101–646 (16
8 U.S.C. 4712(a)) is amended by adding the following new
9 paragraph at the end:

10 “(4) NATIONAL BALLAST WATER MANAGEMENT
11 EVALUATION.—

12 “(A) Subject to the availability of appro-
13 priations, the Task Force shall contract with
14 the Marine Board of the National Research
15 Council to identify and evaluate ballast water
16 management technologies and practices that
17 prevent the introduction and spread of
18 nonindigenous species through ballast water
19 discharged into United States waters.

20 “(B) In conducting the evaluation, the Ma-
21 rine Board shall consider, at a minimum, bal-
22 last water management technologies and prac-
23 tices identified in the study prepared under
24 paragraph (3).

1 “(C) In conducting the evaluation, the Ma-
2 rine Board shall identify, at a minimum, ballast
3 water management technologies and practices
4 that—

5 “(i) may be retrofitted on existing
6 vessels or incorporated in new vessel de-
7 signs;

8 “(ii) are operationally practical;

9 “(iii) are safe for vessel and crew;

10 “(iv) are environmentally sound;

11 “(v) are cost effective;

12 “(vi) the vessel operator can monitor;

13 and

14 “(vii) are effective against a broad
15 range of nuisance organisms.”.

16 (b) Subsection 1102(c) of Public Law 101–646 (16
17 U.S.C. 4712(c)) is amended by adding the following new
18 paragraph at the end:

19 “(3) NATIONAL BALLAST WATER MANAGEMENT
20 EVALUATION REPORT.—Not later than 1 year after
21 the date of enactment of the Ballast Water Manage-
22 ment Act, the Task Force shall submit to the appro-
23 priate Committees a report on the results of the
24 evaluation conducted under paragraph (4) of sub-
25 section (a).”.

1 **SEC. 1803. NATIONAL BALLAST WATER MANAGEMENT DEM-**
2 **ONSTRATION PROGRAM.**

3 (a) Section 1202 of Public Law 101-646 (16 U.S.C.
4 4722) is amended by—

5 (1) redesignating subsection (k) as subsection
6 (l); and

7 (2) inserting after subsection (j) the following:

8 “(k) NATIONAL BALLAST WATER MANAGEMENT
9 DEMONSTRATION PROGRAM.—

10 “(1) AUTHORIZATION.—Following the submis-
11 sion of the evaluation authorized under section
12 1102(a)(4) and subject to the availability of appro-
13 priations under section 1301(e), the Secretary of
14 Transportation, in consultation with the Task Force,
15 shall conduct a national ballast water management
16 demonstration program to test and evaluate ballast
17 water management technologies and practices, in-
18 cluding those identified in the evaluation authorized
19 under paragraph 1102(a)(4), to prevent the intro-
20 duction and spread of nonindigenous species through
21 ballast water discharged into United States waters.

22 “(2) CRITERIA.—In carrying out the dem-
23 onstration program authorized under this sub-
24 section, the Secretary of Transportation shall use
25 vessels that are documented under chapter 121 of
26 title 46, United States Code, including vessels oper-

1 ating on the Great Lakes. Any necessary ballast
2 water management technology installation or con-
3 struction on a vessel used in the demonstration pro-
4 gram shall be performed by a United States ship-
5 yard or ship repair facility.

6 “(3) AUTHORITIES.—In conducting the dem-
7 onstration program under this subsection, the Task
8 Force and the Secretary of Transportation may ac-
9 cept donations of property and services.”.

10 (b) Subsection 1202(l), as redesignated by this Act,
11 is amended by adding the following new paragraph at the
12 end:

13 “(3) Not later than 1 year after the submission
14 of the evaluation authorized under section
15 1102(a)(4) and periodically as necessary to report
16 new findings, the Secretary of Transportation, in
17 consultation with the Task Force, shall submit to
18 the appropriate Committees a report on the results
19 of the demonstration program conducted under sub-
20 section (k).”.

21 **SEC. 1804. AUTHORIZATION OF APPROPRIATIONS.**

22 Section 1301 of Public Law 101–646 (16 U.S.C.
23 4741) is amended by adding the following new subsection
24 at the end:

1 “(e) NATIONAL BALLAST WATER MANAGEMENT
2 EVALUATION AND DEMONSTRATION PROGRAM.—There
3 are authorized to be appropriated to the Director and the
4 Under Secretary \$150,000 for fiscal year 1995 and to the
5 Secretary of Transportation \$1,850,000 for fiscal year
6 1996, to remain available until expended, to carry out the
7 evaluation authorized under section 1102(a)(4) and the
8 demonstration program authorized under section
9 1202(k).”.

10 **TITLE XIX—ADDITIONAL**
11 **MISCELLANEOUS PROVISIONS**

12 **SEC. 1901. AMENDMENT TO REQUIRE EPIRBS ON THE**
13 **GREAT LAKES.**

14 Paragraph (7) of section 4502(a) of title 46, United
15 States Code, is amended by inserting “or beyond 3 nau-
16 tical miles from the coastline of the Great Lakes” after
17 “high seas”.

18 **SEC. 1902. IMPLEMENTATION OF OIL POLLUTION REQUIRE-**
19 **MENTS WITH RESPECT TO VEGETABLE OIL.**

20 In implementing the Oil Pollution Act of 1990 (Pub-
21 lic Law 101-380), the Coast Guard and other agencies
22 shall differentiate between animal fats or oils of vegetable
23 origin and other oils, including petroleum oils, on the basis
24 of their physical, chemical, biological, and other prop-
25 erties, and their environmental effects.

1 **SEC. 1903. DUAL PURPOSE VESSEL.**

2 Subject to the availability of appropriations, the Sec-
3 retary of Transportation is authorized to expend up to
4 \$10,000,000 in fiscal year 1996 for the design and con-
5 struction of a passenger ferry to be owned and operated
6 by the State of Alaska, provided that—

7 (1) any amounts expended under this provision
8 by the Secretary for such ferry are matched by an
9 equal or greater amount from the State of Alaska or
10 other sources;

11 (2) such ferry shall, when completed, be used
12 by the State of Alaska as part of the National Con-
13 tingency Plan in accordance with section
14 311(d)(2)(H) of the Federal Water Pollution Con-
15 trol Act (33 U.S.C. 1321(d)(2)(H)), in the event of
16 a worst case discharge of crude oil off Alaska;

17 (3) the State of Alaska shall agree to use such
18 ferry in cooperation with the Federal On-Scene Co-
19 ordinator in the event of a worst case discharge of
20 crude oil off Alaska; and

21 (4) such ferry shall be made available by the
22 State of Alaska to be included on the list of equip-
23 ment available in an Area Contingency Plan off
24 Alaska under section 311(j)(4)(C)(iv) of the Federal
25 Water Pollution Control Act (33 U.S.C.
26 1321(j)(4)(C)(iv)).

1 **SEC. 1904. EQUITABLE TREATMENT OF UNITED STATES**
2 **OCEAN FREIGHT FORWARDERS BY OCEAN**
3 **CARRIER CONFERENCES.**

4 (a) INDEPENDENT ACTION.—Section 5(b) of the
5 Shipping Act of 1984 (46 U.S.C. App. 1704(b)) is amend-
6 ed by striking paragraph (8) and inserting the following:

7 “(8) provide that—

8 “(A) any member of the conference may
9 take independent action on any rate, service
10 item, or level of ocean freight forwarder com-
11 pensation required to be filed in a tariff under
12 section 8(a) upon not more than 10 calendar
13 days notice to the conference; and

14 “(B) the conference will include the new
15 rate, service item, or level of ocean freight for-
16 warder compensation in its tariff for use by
17 that member, effective no later than 10 cal-
18 endar days after receipt of the notice, and by
19 any other member that notifies the conference
20 that it elects to adopt the independent rate,
21 service item, or level of ocean freight forwarder
22 compensation on or after its effective date, in
23 lieu of the existing conference tariff provision
24 for that rate, service item, or level of ocean
25 freight forwarder compensation;”.

1 (b) PROHIBITION ON DENYING COMPENSATION.—
2 Section 10(c) of the Shipping Act of 1984 (46 U.S.C. App.
3 1709(c)), is amended by striking paragraph (5) and in-
4 serting the following:

5 “(5) deny in the export foreign commerce of the
6 United States compensation to an ocean freight for-
7 warder, or limit that compensation to less than 1.25
8 percent of the aggregate of all of the rates and
9 charges applicable under the tariff assessed against
10 the cargo on which the forwarding services are pro-
11 vided; or”.

12 **SEC. 1905. FLORIDA AVENUE BRIDGE.**

13 For purposes of the alteration of the Florida Avenue
14 Bridge (located approximately 1.63 miles east of the Mis-
15 sissippi River on the Gulf Intracoastal Waterway in Orle-
16 ans Parish, Louisiana) ordered by the Secretary of Trans-
17 portation under the Act of June 21, 1940 (33 U.S.C. 511
18 et seq.; popularly known as the Truman-Hobbs Act), the
19 Secretary shall treat the drainage siphon that is adjacent
20 to the bridge as an appurtenance of the bridge, including
21 with respect to apportionment and payment of costs for
22 the removal of the drainage siphon in accordance with that
23 Act.

1 **SEC. 1906. LIMITATION ON CONSOLIDATION OF HOUSTON**
2 **AND GALVESTON MARINE SAFETY OFFICES.**

3 The Secretary of Transportation may not consolidate
4 the Coast Guard Marine Safety Offices in Galveston,
5 Texas, and Houston, Texas.

6 **SEC. 1907. BUY AMERICAN REQUIREMENT FOR SURFACE**
7 **SEARCH RADAR SYSTEMS AND MULTIBEAM**
8 **SONAR.**

9 Notwithstanding any other law, at least 51 percent
10 of the components of surface search radar systems and
11 multibeam sonar systems for Coast Guard vessels shall be
12 manufactured in the United States, provided the United
13 States manufacturer offers the Coast Guard a competitive
14 price.

15 **SEC. 1908. SPECIAL RECRUITING AUTHORITY TO ACHIEVE**
16 **DIVERSITY.**

17 (a) FINDINGS.—The Congress makes the following
18 findings:

19 (1) Women and minorities have historically
20 been underrepresented in the Coast Guard officer
21 corps and at the United States Coast Guard Acad-
22 emy.

23 (2) Notwithstanding application of traditional
24 recruiting programs, the Coast Guard has not been
25 able to rectify the historic underrepresentation of

1 women and minorities in the service and at the
2 Academy.

3 (3) The education and professional training
4 provided at the United States Coast Guard Academy
5 will be enhanced by the benefits that flow from a di-
6 verse student body.

7 (b) NEW AUTHORITY.—Section 93 of title 14, United
8 States Code, is amended—

9 (1) in paragraph (t)(2) by striking “and” after
10 the semicolon;

11 (2) in paragraph (u) by striking the period and
12 inserting “; and”; and

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

14 “(v) for the purposes of rectifying
15 underrepresentation or underutilization of women
16 and minorities in the Coast Guard and meeting iden-
17 tified personnel resource requirements and training
18 needs—

19 “(1) conduct studies and analyses on Coast
20 Guard personnel resource and training needs;
21 and

22 “(2) employ special programs for recruit-
23 ing women and minorities, including, subject to
24 appropriations, provision of financial assistance
25 by grant, cooperative agreement, contract, or

1 otherwise, to public or private associations, or-
2 ganizations, or individuals to implement na-
3 tional or local outreach programs.”.

4 **SEC. 1909. RECOMMENDATIONS ON ACTIONS FOR THE PRO-**
5 **TECTION OF THE NORTH ATLANTIC RIGHT**
6 **WHALE.**

7 (a) RECOMMENDATIONS.—Not later than 6 months
8 after the date of enactment of this Act, the Secretary of
9 Transportation shall recommend to the Secretary of Com-
10 merce actions that could be undertaken by the Coast
11 Guard and the International Maritime Organization to
12 prevent mortalities of the northern right whale from vessel
13 collisions in the Great South Channel off Cape Cod, Mas-
14 sachusetts. Such recommendations may include—

15 (1) the designation of 1 or more areas to be
16 avoided;

17 (2) the shifting of the traffic separation scheme
18 in the Great South Channel; or

19 (3) other measures the Secretary considers ap-
20 propriate.

21 (b) INTERNATIONAL MARITIME ORGANIZATION.—
22 The Secretary of Transportation, in consultation with the
23 Secretary of Commerce, shall submit the appropriate rec-
24 ommendations under subsection (a) to the International
25 Maritime Organization for consideration.

1 (c) REPORT.—The Secretary of Commerce shall re-
2 port in accordance with section 103(f) of the Marine Mam-
3 mal Protection Act of 1972 (16 U.S.C. 1373(f)) on any
4 actions taken by the Secretary of Commerce and the Sec-
5 retary of Transportation pursuant to this section.

6 **SEC. 1910. PROHIBITION ON DIVERSION OF DRUG INTER-**
7 **DICTION FUNDS.**

8 The Secretary of Transportation may not reduce the
9 level of Coast Guard drug interdiction activities during fis-
10 cal year 1995 below the level proposed by the President
11 in the fiscal year 1995 budget.

12 **SEC. 1911. LIMITATION ON AUTHORITY OF STATES TO REG-**
13 **ULATE GAMBLING DEVICES ON VESSELS.**

14 Section 5(b)(2) of the Act of January 2, 1951 (15
15 U.S.C. 1175(b)(2)), commonly referred to as the “John-
16 son Act”, is amended by adding at the end the following:

17 “(C) EXCLUSION OF CERTAIN VOYAGES
18 AND SEGMENTS.—Except for a voyage or seg-
19 ment of a voyage that occurs within the bound-
20 aries of the State of Hawaii or the State of
21 Alaska, a voyage or segment of a voyage is not
22 described in subparagraph (B) if it includes or
23 consists of a segment—

24 “(i) that begins and ends in the same
25 State;

1 “(ii) that is part of a voyage to an-
2 other State or to a foreign country; and

3 “(iii) in which the vessel reaches the
4 other State or foreign country within 3
5 days after leaving the State in which it be-
6 gins.”.

7 **SEC. 1912. POLLUTION FROM SHIPS.**

8 (a) PREVENTION OF POLLUTION FROM SHIPS.—Sec-
9 tion 6 of the Act to Prevent Pollution from Ships (33
10 U.S.C. 1905) is amended—

11 (1) in subsection (c)—

12 (A) in paragraph (2)—

13 (i) by striking “(2) If” and inserting
14 the following: “(2)(A) Subject to subpara-
15 graph (B), if”; and

16 (ii) by adding at the end the following
17 new subparagraphs:

18 “(B) The Secretary may issue a certificate attesting
19 to the adequacy of reception facilities under this para-
20 graph only if, prior to the issuance of the certificate, the
21 Secretary conducts an inspection of the reception facilities
22 of the port or terminal that is the subject of the certificate.

23 “(C) The Secretary may, with respect to certificates
24 issued under this paragraph prior to the date of enactment

1 of the Oceans Act of 1994, prescribe by regulation differ-
2 ing periods of validity for such certificates.”; and

3 (B) in paragraph (3), by striking subpara-
4 graph (A) and inserting the following new sub-
5 paragraph:

6 “(A) is valid for the 5-year period beginning on
7 the date of issuance of the certificate, except that
8 if—

9 “(i) the charge for operation of the port or
10 terminal is transferred to a person or entity
11 other than the person or entity that is the oper-
12 ator on the date of issuance of the certificate—

13 “(I) the certificate shall expire on the
14 date that is 30 days after the date of the
15 transfer; and

16 “(II) the new operator shall be re-
17 quired to submit an application for a cer-
18 tificate before a certificate may be issued
19 for the port or terminal; or

20 “(ii) the certificate is suspended or revoked
21 by the Secretary, the certificate shall cease to
22 be valid; and”;

23 (2) by striking subsection (d) and inserting the
24 following new subsection:

1 “(d)(1) The Secretary shall maintain a list of ports
2 or terminals with respect to which a certificate issued
3 under this section—

4 “(A) is in effect; or

5 “(B) has been revoked or suspended.

6 “(2) The Secretary shall make the list referred to in
7 paragraph (1) available to the general public.”.

8 (b) RECEPTION FACILITY PLACARDS.—Section 6(f)
9 of the Act to Prevent Pollution from Ships (33 U.S.C.
10 1905(f)) is amended—

11 (1) by inserting “(1)” before “The Secretary”;

12 and

13 (2) by adding at the end the following new
14 paragraph:

15 “(2)(A) Not later than 18 months after the date of
16 enactment of this paragraph, the Secretary shall promul-
17 gate regulations that require the operator of each port or
18 terminal that is subject to any requirement of the
19 MARPOL Protocol relating to reception facilities to post
20 a placard in a location that can easily be seen by port
21 and terminal users. The placard shall state, at a mini-
22 mum, that a user of a reception facility of the port or
23 terminal should report to the Secretary any inadequacy
24 of the reception facility.”.

1 (c) COMPLIANCE REPORTS.—Section 2201(a) of the
2 Marine Plastic Pollution Research and Control Act of
3 1987 (Public Law 100–220; 33 U.S.C. 1902 note) is
4 amended—

5 (1) by striking “for a period of 6 years”; and

6 (2) by inserting before the period at the end the
7 following: “and, not later than 1 year after the date
8 of enactment of the Oceans Act of 1994, and annu-
9 ally thereafter, shall publish in the Federal Register
10 a list of the enforcement actions taken against any
11 domestic or foreign ship (including any commercial
12 or recreational ship) pursuant to the Act to Prevent
13 Pollution from Ships (33 U.S.C. 1901 et seq.)”.

14 (d) MARINE PLASTIC POLLUTION RESEARCH AND
15 CONTROL PUBLIC OUTREACH PROGRAM.—Section
16 2204(a) of the Marine Plastic Pollution Research and
17 Control Act of 1987 (Public Law 100–220; 42 U.S.C.
18 6981 note) is amended—

19 (1) in paragraph (1)—

20 (A) in the matter preceding subparagraph
21 (A), by striking “for a period of at least 3
22 years,”;

23 (B) in subparagraph (C), by striking
24 “and” at the end;

1 (C) in subparagraph (D), by striking the
2 period at the end and inserting “; and”;

3 (D) by adding at the end the following new
4 subparagraph:

5 “(E) the requirements under this Act and
6 the Act to Prevent Pollution from Ships (33
7 U.S.C. 1901 et seq.) with respect to ships and
8 ports, and the authority of citizens to report
9 violations of this Act and the Act to Prevent
10 Pollution from Ships (33 U.S.C. 1901 et
11 seq.)”;

12 (2) by striking paragraph (2) and inserting the
13 following new paragraph:

14 “(2) AUTHORIZED ACTIVITIES.—

15 “(A) PUBLIC OUTREACH PROGRAM.—A
16 public outreach program under paragraph (1)
17 may include—

18 “(i) developing and implementing a
19 voluntary boaters’ pledge program;

20 “(ii) workshops with interested
21 groups;

22 “(iii) public service announcements;

23 “(iv) distribution of leaflets and post-
24 ers; and

1 “(v) any other means appropriate to
2 educating the public.

3 “(B) GRANTS AND COOPERATIVE AGREE-
4 MENTS.—To carry out this section, the Sec-
5 retary of the department in which the Coast
6 Guard is operating, the Secretary of Commerce,
7 and the Administrator of the Environmental
8 Protection Agency are authorized to award
9 grants, enter into cooperative agreements with
10 appropriate officials of other Federal agencies
11 and agencies of States and political subdivisions
12 of States, and provide other financial assistance
13 to eligible recipients.

14 “(C) CONSULTATION.—In developing out-
15 reach initiatives targeted at the interested
16 groups that are subject to the requirements of
17 this title and the Act to Prevent Pollution from
18 Ships (33 U.S.C. 1901 et seq.), the Secretary
19 of the department in which the Coast Guard is
20 operating, in consultation with the Secretary of
21 Commerce and the Administrator of the Envi-
22 ronmental Protection Agency, shall consult
23 with—

1 “(i) the heads of State agencies re-
2 sponsible for implementing State boating
3 laws; and

4 “(ii) the heads of other enforcement
5 agencies that regulate boaters or commer-
6 cial fishermen.”.

7 (e) COORDINATION.—

8 (1) ESTABLISHMENT OF MARINE DEBRIS CO-
9 ORDINATING COMMITTEE.—The Secretary of Com-
10 merce shall establish a Marine Debris Coordinating
11 Committee (referred to in this section as the “Com-
12 mittee”).

13 (2) MEMBERSHIP.—The Committee shall in-
14 clude a senior official from—

15 (A) the National Oceanic and Atmospheric
16 Administration, who shall serve as the Chair-
17 person of the Committee;

18 (B) the Environmental Protection Agency;

19 (C) the United States Coast Guard;

20 (D) the United States Navy; and

21 (E) such other Federal agencies that have
22 an interest in ocean issues or water pollution
23 prevention and control as the Secretary of Com-
24 merce determines appropriate.

1 (3) MEETINGS.—The Committee shall meet at
2 least twice a year to provide a forum to ensure the
3 coordination of national and international research,
4 monitoring, education, and regulatory actions ad-
5 dressing the persistent marine debris problem.

6 (f) MONITORING.—The Secretary of Commerce, in
7 cooperation with the Administrator of the Environmental
8 Protection Agency, shall utilize the marine debris data de-
9 rived under title V of the Marine Protection, Research,
10 and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to
11 assist the United States Coast Guard in assessing the ef-
12 fectiveness of this section.

13 **SEC. 1913. COST ACCOUNTING FOR HAITIAN OPERATIONS.**

14 (a) No later than 30 days after the enactment of this
15 Act, the Secretary of Transportation shall submit a full
16 accounting of all Coast Guard costs related to Haiti dur-
17 ing fiscal year 1994 to the Committee on Merchant Ma-
18 rine and Fisheries in the House of Representatives and
19 to the Committee on Commerce, Science, and Transpor-
20 tation in the Senate. This accounting shall include num-
21 bers of Coast Guard personnel involved, the numbers of
22 Coast Guard vessels involved, and the amount of funds
23 diverted from other Coast Guard missions.

24 (b) Until all United States military operations in
25 Haiti cease, the Secretary of Transportation shall submit

1 monthly reports on all Coast Guard costs related to Haiti
2 to the Committee on Merchant Marine and Fisheries in
3 the House of Representatives and to the Committee on
4 Commerce, Science, and Transportation in the Senate.

5 **SEC. 1914. PLAN FOR RESCUE OF PASSENGERS ON THE**
6 **CHESAPEAKE BAY.**

7 (a) The Secretary of the department in which the
8 Coast Guard is operating, in consultation with officials of
9 the States of Maryland and Virginia, and other interested
10 persons, shall develop and submit to Congress by March
11 30, 1995, a plan for the rescue of persons transported on
12 passenger vessels or small passenger vessels on the Chesapeake Bay.

14 (b) The plan developed in subsection (a) shall include—

16 (1) a protocol for command, control, and communications among Federal, State, and local authorities;

19 (2) a protocol for training exercises to prepare for an emergency rescue on the Chesapeake Bay;

21 (3) an identification of emergency medical personnel that would be available for an emergency rescue on the Chesapeake Bay; and

24 (4) an identification of procedures to be followed and equipment that would be needed in the
25

1 event of weather that could result in hypothermia of
2 the passengers.

3 **SEC. 1915. BOARD FOR CORRECTION OF MILITARY**
4 **RECORDS DEADLINE.**

5 (a) Ten months after a complete application for cor-
6 rection of military records is received by the Board for
7 Correction of Military Records of the Coast Guard, admin-
8 istrative remedies are deemed to have been exhausted,
9 and—

10 (1) if the Board has rendered a recommended
11 decision, its recommendation shall be final agency
12 action and not subject to further review or approval
13 within the Department of Transportation; or

14 (2) if the Board has not rendered a rec-
15 ommended decision, agency action is deemed to have
16 been unreasonably delayed or withheld and the ap-
17 plicant is entitled to—

18 (A) an order under section 706(1) of title
19 5, United States Code, directing final action be
20 taken within 30 days from the date the order
21 is entered; and

22 (B) from amounts appropriated to the De-
23 partment of Transportation, the costs of obtain-
24 ing the order, including a reasonable attorney's
25 fee.

1 (b) The 10-month deadline established in section 212
2 of the Coast Guard Authorization Act of 1989 (Public
3 Law 101–225, 103 Stat. 1914) is mandatory, and applies
4 to any application pending before the Board or the Sec-
5 retary of Transportation on June 12, 1990.

6 **SEC. 1916. SENSE OF THE CONGRESS REGARDING PAS-**
7 **SENGERS ABOARD COMMERCIAL VESSELS.**

8 It is the sense of the Congress that section 521(a)(1)
9 of Public Law 103–182 (19 U.S.C. 58c(a)(5)) was in-
10 tended to require the collection and remission of a fee from
11 each passenger only one time in the course of a single voy-
12 age aboard a commercial vessel.

13 **TITLE XX—MARINE BIO-**
14 **TECHNOLOGY INVESTMENT**
15 **ACT OF 1993**

16 **SEC. 2001. SHORT TITLE.**

17 This title may be cited as the “Marine Biotechnology
18 Investment Act of 1993”.

19 **SEC. 2002. FINDINGS.**

20 Congress finds and declares the following:

21 (1) Throughout human history, the oceans and
22 Great Lakes have been an important source of food
23 and a wealth of other natural products.

24 (2) Marine biotechnology holds tremendous
25 promise for expanding the range and increasing the

1 utility of products from the oceans, understanding
2 and treating human illness, and enhancing the qual-
3 ity and quantity of seafood.

4 (3) Marine biotechnology offers opportunities to
5 improve the stewardship of marine resources
6 through the development and application of effective
7 methods to restore and protect marine ecosystems,
8 to manage fisheries, to promote the economic growth
9 of coastal economies (particularly those which rely
10 substantially on income from traditional fisheries),
11 and to monitor marine biological and geochemical
12 processes.

13 (4) The United States currently is a world lead-
14 er in marine biotechnology, a position with the po-
15 tential for contributing to business and manufactur-
16 ing innovations, creation of new jobs, and stimula-
17 tion of private sector investment.

18 (5) Maintaining national leadership in the face
19 of growing foreign competition will require Federal
20 investment in a well-defined and coordinated na-
21 tional program of research, development and private
22 sector partnership, based on the existing responsibil-
23 ities and expertise of the National Oceanic and At-
24 mospheric Administration and other Federal agen-
25 cies.

1 (6) In particular, the National Sea Grant Col-
2 lege Program should play a leading role in the devel-
3 opment of marine biotechnology in the United
4 States, building on proven capabilities in research,
5 technology transfer, and education.

6 **SEC. 2003. DEFINITIONS.**

7 As used in this title:

8 (1) The term “Council” means the Federal Co-
9 ordinating Council on Science, Engineering, and
10 Technology or any successor organization respon-
11 sible for the coordination of scientific research
12 among Federal agencies and departments.

13 (2) The term “Director” means the Director of
14 the Office of Science and Technology Policy.

15 (3) The term “marine biotechnology” means
16 the application of molecular and cellular techniques
17 to marine or other aquatic organisms for the pur-
18 poses of—

19 (A) identifying, isolating, developing, and
20 enhancing products that are derived from the
21 aquatic environment;

22 (B) developing new techniques and proc-
23 esses that may be applied to marine and coastal
24 resources; and

1 (C) monitoring human health and treating
2 disease.

3 (4) The term “release of organisms” means—

4 (A) the intentional release; or

5 (B) the accidental release from a contained
6 research facility;

7 into the surrounding environment, of a living marine
8 or other aquatic organism in which the genetic mate-
9 rial has been purposely altered at the molecular or
10 cellular level in a way that could not result from the
11 natural reproductive process of that species.

12 (5) The term “Sea Grant director” means di-
13 rector of a college, program, or regional consortium
14 designated under the National Sea Grant College
15 Program Act (33 U.S.C. 1121 et seq.).

16 (6) The term “Secretary” means the Secretary
17 of Commerce.

18 (7) The term “Strategy” means the National
19 Marine Biotechnology Strategy developed under sec-
20 tion 2104, or any revision thereof.

21 **SEC. 2004. NATIONAL MARINE BIOTECHNOLOGY STRATEGY.**

22 (a) IN GENERAL.—The Director shall develop a Na-
23 tional Marine Biotechnology Strategy for the establish-
24 ment and implementation of a comprehensive research and
25 development effort to assist the nation in understanding

1 and using marine biotechnology. The Director shall submit
2 the Strategy to the President and Congress within one
3 year after the date of enactment of this title and shall
4 submit a revised Strategy at least once every three years
5 thereafter.

6 (b) ELEMENTS OF THE STRATEGY.—The Strategy
7 shall—

8 (1) establish, for the five-year period beginning
9 in the year the Strategy is submitted, goals and pri-
10 orities for a coordinated Federal effort in marine
11 biotechnology;

12 (2) describe specific activities to achieve such
13 goals and priorities, including—

14 (A) basic and applied research initiatives;

15 (B) essential infrastructure development;

16 (C) education and training programs;

17 (D) development of partnerships among
18 government agencies, industry, and academia to
19 translate research findings into practical use;
20 and

21 (E) applications of marine biotechnology
22 which can be used to contribute to the economic
23 stability and vitality of economies based on tra-
24 ditional fisheries;

1 (3) set forth the role of each participation Fed-
2 eral agency and department, identifying and ad-
3 dressing (consistent with the responsibilities estab-
4 lished in this title) relevant programs and activities
5 of such agencies and departments that would con-
6 tribute to the effort;

7 (4) estimate, to the extent practicable, funding
8 requirements for the Federal marine biotechnology
9 effort described in the Strategy; and

10 (5) provide for, which respect to federally fund-
11 ed activities that may involve release of organisms,
12 coordinated oversight by Federal departments and
13 agencies, including development of—

14 (A) guidelines and performance standards
15 that are necessary for the safe conduct of such
16 activities and for preventing significant environ-
17 mental risk; and

18 (B) procedures to ensure compliance with
19 such guidelines and performance standards.

20 (c) CONSULTATION.—In developing and revising the
21 Strategy, the Director—

22 (1) shall consult with Federal, State, academic,
23 commercial, and environmental entities involved in
24 marine biotechnology; and

1 (2) may convene meetings and workshops, in
2 consultation with the National Academy of Sciences
3 and the Sea Grant directors.

4 **SEC. 2005. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
5 **ISTRATION.**

6 (a) IN GENERAL.—The Secretary, in consultation
7 with the council, shall, within the National Oceanic and
8 Atmospheric Administration, maintain a balanced pro-
9 gram of marine biotechnology activities, comprised of—

10 (1) the program established by section 206 of
11 the National Sea Grant College Program Act (33
12 U.S.C. 1121 et seq.), as added by section 2106 of
13 this title;

14 (2) research conducted under agreements with
15 academic institutions for the purposes of developing
16 and applying marine biotechnology to the manage-
17 ment, conservation, and use of living marine re-
18 sources; and

19 (3) marine forensics, biotoxins, and
20 microbiological research on new methods for ensur-
21 ing the safety of seafood, implementing and enforc-
22 ing marine environmental statutes, and addressing
23 coastal pollution.

24 (b) RESTRICTION RELATING TO RELEASE OF ORGA-
25 NISMS.—

1 (1) IN GENERAL.—The Secretary shall not con-
2 duct activities (either directly or through the award
3 of a grant or contract) that may involve release of
4 organisms, unless such activities—

5 (A) have been reviewed and approved
6 under other applicable Federal law; or

7 (B) are found by the Secretary, based on
8 the Secretary’s written assessment, to pose no
9 significant environmental risk.

10 (2) CONDITIONS FOR MAKING A FINDING.—The
11 Secretary may make a finding under subparagraph
12 (1)(B)—

13 (A) in the case of an intentional release of
14 organisms, only after providing notice and an
15 opportunity for public comment;

16 (B) within 18 months after the date of the
17 enactment of this title only, if the Secretary in-
18 cludes with the finding a brief but complete de-
19 scription of the basis for that finding; and

20 (C) after 18 months after the date of the
21 enactment of this title, only after guidelines,
22 performance standards, and procedures nec-
23 essary for the safe conduct of activities by the
24 Department of Commerce that may involve the
25 release of organisms have been developed.

1 (c) TERMINATION OF AWARD.—The Secretary shall
2 promptly withdraw any award made under this title if the
3 Secretary determines that the grantee or contractee in
4 question has failed to abide by the applicable guidelines,
5 performance standards, and procedures referred to in this
6 section or section 2104 of this title.

7 (d) RESTRICTION ON PACIFIC SALMON.—The Sec-
8 retary shall only conduct research or award a grant or
9 contract for marine biotechnology applications intended to
10 promote or enhance farming, ranching, or other forms of
11 captive cultivation (other than stock identification or
12 hatchery enhancement of wild stocks) of any species of Pa-
13 cific salmon upon making a written finding that such
14 award, grant, or contract will not be detrimental to the
15 economic stability and responsible development of tradi-
16 tional coastal economies which rely substantially on the
17 harvest of wild stocks of Pacific salmon for a significant
18 portion of their livelihood.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—In addi-
20 tion to the sums authorized to be appropriated under sec-
21 tion 212 of the National Sea Grant College Program Act
22 (33 U.S.C. 1131), there are authorized to be appropriated
23 to the Secretary, to enable the National Oceanic and At-
24 mospheric Administration to carry out this title,

1 \$12,000,000 for each of fiscal years 1994, 1995, 1996,
2 and 1997.

3 **SEC. 2006. SEA GRANT MARINE BIOTECHNOLOGY PRO-**
4 **GRAM.**

5 (a) ESTABLISHMENT.—The National Sea Grant Col-
6 lege Program Act (33 U.S.C. 1121 et seq.) is amended
7 by inserting immediately after section 205 the following
8 new section:

9 **“SEC. 206. MARINE BIOTECHNOLOGY PROGRAM.**

10 “(a) MARINE BIOTECHNOLOGY PROGRAM.—Subject
11 to the availability of appropriations under section 212(c),
12 the national sea grant college program provided for under
13 section 204 shall include a marine biotechnology program
14 under which the Secretary, acting through the Director,
15 shall—

16 “(1) make grants and enter into contracts in
17 accordance with this section; and

18 “(2) engage in other activities authorized under
19 this Act; to further research, development, edu-
20 cation, technology transfer, and risk assessment in
21 marine biotechnology.

22 “(b) ADMINISTRATION.—In carrying out the marine
23 biotechnology program, the Secretary shall—

24 “(1) coordinate the relevant activities of the di-
25 rectors of the sea grant colleges and the Marine Bio-

1 technology Review Panel established under sub-
2 section (d); and

3 “(2) provide general oversight of the review
4 process under subsection (d)(1) to ensure that the
5 marine biotechnology program produces the highest
6 quality research, development, education, and tech-
7 nology transfer.

8 “(c) GRANTS AND CONTRACTS.—

9 “(1) APPLICATIONS.—Applications for grants
10 and contracts under this section shall be—

11 “(A) made in such form and manner, and
12 include such content and submissions, as the
13 Secretary shall by advance notice prescribe;

14 “(B) forwarded by the appropriate direc-
15 tors of sea grant colleges, along with an evalua-
16 tion by those directors of merit and pro-
17 grammatic relevance, to the National Sea Grant
18 Office; and

19 “(C) reviewed by the Marine Biotechnology
20 Review Panel in accordance with subsection (d).

21 “(2) TERMS AND CONDITIONS.—Any reference
22 in subsection (d) of section 205 or in the last sen-
23 tence of subsection (a) of section 205 to grants and
24 contracts provided for under that section shall be
25 treated, as the context requires, as including any

1 grant applied for or made, or contract applied for or
2 entered into, under this section.

3 “(3) AWARDING OF GRANTS AND CONTRACTS.—
4 The Secretary shall award grants and contracts
5 under this section on the basis of the recommenda-
6 tions for award made by the Marine Biotechnology
7 Review Panel under subsection (d).

8 “(d) MARINE BIOTECHNOLOGY REVIEW PANEL.—

9 “(1) ESTABLISHMENT AND DUTIES.—Subject
10 to the availability of appropriations under section
11 212(c), the Director, in consultation with the direc-
12 tors of the sea grant colleges, shall convene a panel,
13 to be known as the Marine Biotechnology Review
14 Panel, that shall—

15 “(A) review, on a competitive basis, the ap-
16 plications made under this section for grants
17 and contracts to determine their respective sci-
18 entific, technical, educational, and commercial
19 merits and likely contributions toward achieving
20 the purposes of this section; and

21 “(B) on the basis of the review under sub-
22 paragraph (A), and with due regard for the
23 overall balance and coordination of the marine
24 biotechnology program, make recommendations

1 to the Secretary regarding the awarding of
2 grants and contracts under this section.

3 “(2) MEMBERSHIP.—The Marine Biotechnology
4 Review Panel shall—

5 “(A) consist of not more than 15 individ-
6 uals with scientific or technical expertise in ma-
7 rine biotechnology or relevant related fields, in-
8 cluding at least two qualified individuals with
9 expertise in marine or freshwater ecological risk
10 assessment;

11 “(B) reflect a balance among areas of ex-
12 pertise consistent with the purposes of this sec-
13 tion;

14 “(C) include not more than two Federal
15 employees, none of which may be employees of
16 the National Oceanic and Atmospheric Admin-
17 istration;

18 “(D) not include directors of sea grant col-
19 leges; and

20 “(E) reflect geographic balance, consistent
21 with the primary objectives of a high level of ex-
22 pertise and balance among areas of expertise.

23 “(3) ALLOWANCES.—Each member of the Ma-
24 rine Biotechnology Review panel shall receive travel
25 expenses, including per diem in lieu of subsistence,

1 in accordance with sections 5702 and 5703 of title
2 5, United States Code.”.

3 (b) DEFINITIONS.—(1) Section 203 of the National
4 Sea Grant College Program Act (33 U.S.C. 1122) is
5 amended by redesignating paragraphs (6) through (15) as
6 paragraphs (7) through (16), respectively, and by insert-
7 ing after paragraph (5) the following new paragraph:

8 “(6) The term ‘marine biotechnology’ means
9 the application of molecular and cellular techniques
10 to marine and other aquatic organisms for the pur-
11 poses of—

12 “(A) identifying, isolating, developing and
13 enhancing products that are derived from the
14 aquatic environment;

15 “(B) developing new techniques and proc-
16 esses that may be applied to marine and coastal
17 resources; and

18 “(C) monitoring human health and treat-
19 ing diseases.”.

20 (2) Section 203(4) of the National Sea Grant College
21 Program Act (33 U.S.C. 1122(4)) is amended by inserting
22 “marine biotechnology,” immediately after “marine tech-
23 nology,”.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
2 212 of the National Sea Grant College Program Act (33
3 U.S.C. 1131) is amended—

4 (1) in subsection (b), by inserting “but not in-
5 cluding section 206” immediately after “section
6 209”;

7 (2) by redesignating subsections (c), (d), and
8 (e) as subsection (d), (e) and (f) respectively; and

9 (3) by inserting immediately after subsection
10 (b) the following new subsection:

11 “(c) MARINE BIOTECHNOLOGY PROGRAM.—

12 “(1) GRANTS AND CONTRACTS.—There is au-
13 thorized to be appropriated to carry out the provi-
14 sions of section 206 (other than for administration)
15 an amount—

16 “(A) for each of fiscal years 1994 and
17 1995, not to exceed \$20,000,000; and

18 “(B) for each of fiscal years 1996 and
19 1997, not to exceed \$25,000,000.

20 “(2) ADMINISTRATION.—There is authorized to
21 be appropriated for the administration of section
22 206, an amount—

23 “(A) for each of fiscal years 1994 and
24 1995, not to exceed \$200,000; and

1 “(B) for each of fiscal years 1996 and
2 1997, not to exceed \$250,000.”.

3 **TITLE XXI—DOCUMENTATION OF**
4 **VESSELS**

5 **SEC. 2101. AUTHORIZATION OF DOCUMENTATION FOR VAR-**
6 **IOUS VESSELS.**

7 (a) IN GENERAL.—Notwithstanding section 27 of the
8 Merchant Marine Act, 1920 (46 App. U.S.C. 883), the
9 Act of June 19, 1886 (46 App. U.S.C. 289), the Act of
10 May 28, 1906 (46 App. U.S.C. 292), and sections 12106,
11 12107, and 12108 of title 46, United States Code, the
12 Secretary of the department in which the Coast Guard is
13 operating may issue a certificate of documentation with
14 appropriate endorsements for the vessels listed in sub-
15 section (b).

16 (b) VESSELS DESCRIBED.—The vessels referred to in
17 subsection (a) are the following:

18 (1) ABORIGINAL (United States official num-
19 ber 942118).

20 (2) ALPHA TANGO (United States official
21 number 945782).

22 (3) ANNAPOLIS (United States official num-
23 ber 999008).

24 (4) ARTHUR ATKINSON (former United
25 States official number 214656).

1 (5) ATTITUDE (North Carolina registration
2 number NC3607AN).

3 (6) BAGGER (Hawaii registration number
4 HI1809E).

5 (7) BIG DAD (United States official number
6 565022).

7 (8) BIG GUY (United States official number
8 939310).

9 (9) BROKEN PROMISE (United States offi-
10 cial number 904435).

11 (10) CHESAPEAKE (United States official
12 number 999010).

13 (11) CHRISSY (Maine registration number
14 ME4778B).

15 (12) CONSORT (United States official number
16 999005).

17 (13) CURTIS BAY (United States official
18 number 999007).

19 (14) EAGLE MAR (United States official num-
20 ber 575349).

21 (15) EMERALD AYES (United States official
22 number 986099).

23 (16) EMPRESS (United States official number
24 975018).

1 (17) ENDEAVOR (United States official num-
2 ber 947869).

3 (18) FIFTY ONE (United States official num-
4 ber 1020419).

5 (19) FIREBIRD (United States official number
6 253656).

7 (20) GIBRALTAR (United States official num-
8 ber 668634).

9 (21) HAMPTON ROADS (United States offi-
10 cial number 999009).

11 (22) INTREPID (United States official number
12 508185).

13 (23) ISABELLE (United States official num-
14 ber 600655).

15 (24) JAMESTOWN (United States official
16 number 999006).

17 (25) JOAN MARIE (North Carolina official
18 number NC2319AV).

19 (26) KLIPPER (New York registration number
20 NY8166AN).

21 (27) L.R. BEATTIE (United States official
22 number 904161).

23 (28) LADY ANGELA (United States official
24 number 933045).

1 (29) LADY HAWK (United States official
2 number 961095).

3 (30) LADY HELEN (United States official
4 number 527746).

5 (31) MANDIRAN (United States official num-
6 ber 939915).

7 (32) MEMORY MAKER (Maryland registra-
8 tion number MD8867AW, hull number 3151059).

9 (33) OLD HAT (United States official number
10 508299).

11 (34) ORCA (United States official number
12 504279).

13 (35) REEL TOY (United States official num-
14 ber 698383).

15 (36) RENDEZVOUS (United States official
16 number 924140).

17 (37) SALLIE D (Maryland registration number
18 MD2655A).

19 (38) SEAHAWK (United States official num-
20 ber 673537).

21 (39) SEAHAWK III (United States official
22 number 996375).

23 (40) SEA MISTRESS (United States official
24 number 696806).

1 (41) SERENITY (United States official num-
2 ber 1021393).

3 (42) SHAMROCK V (United States official
4 number 900936).

5 (43) SILENT WINGS (United States official
6 number 969182).

7 (44) SUNSHINE (United States official num-
8 ber 974320).

9 (45) TECUMSEH (United States official num-
10 ber 668633).

11 (46) VIKING (former United States official
12 number 224430).

13 (47) WHY KNOT (United States official num-
14 ber 688570).

15 (48) WOLF GANG II (United States official
16 number 984934).

17 (49) A hopper barge owned by Foley & Foley
18 Marine Contractors, Inc. (United States official
19 number 264959).

20 (50) Each of 2 barges owned by Roen Salvage
21 Co., numbered 103 and 203.

22 (51) Each of 3 spud barges owned by Dan's
23 Excavating, Inc., as follows:

24 (A) Spud barge 102 (United States official
25 number 1021958).

1 (B) Spud barge 103 (United States official
2 number 1021960).

3 (C) Spud barge 968 (United States official
4 number 1021959).

5 (52) Each of 3 barges owned by Harbor Marine
6 Corporation of Rhode Island, as follows:

7 (A) HARBOR 223 (approximately 110
8 feet in length).

9 (B) GENE ELIZABETH (approximately
10 200 feet in length).

11 (C) HARBOR 221 (approximately 90 feet
12 in length).

13 (53) SMALLEY 6808 Amphibious Dredge
14 (Florida registration number FL1855FF).

15 (54) TOO MUCH FUN (United States official
16 number 936565).

17 **SEC. 2102. AUTHORIZATION OF DOCUMENTATION FOR THE**
18 **ATLANTIS III.**

19 Notwithstanding section 27 of the Merchant Marine
20 Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886
21 (46 App. U.S.C. 289), and section 12106 of title 46, Unit-
22 ed States Code, the Secretary of the department in which
23 the Coast Guard is operating may issue a certificate of
24 documentation with appropriate coastwise endorsement
25 for employment in the coastwise trade in Alaska during

1 the period beginning May 1, 1995, and ending October
2 31, 1996, for the vessel ATLANTIS III (Coast Guard
3 MSIS number CG006455).

4 **SEC. 2103. VESSEL DOCUMENTATION FOR CHARITY**
5 **CRUISES.**

6 (a) AUTHORITY TO DOCUMENT VESSELS.—

7 (1) IN GENERAL.—Notwithstanding section 27
8 of the Merchant Marine Act, 1920 (46 App. U.S.C.
9 883), the Act of June 19, 1886 (46 App. U.S.C.
10 289), and section 12106 of title 46, United States
11 Code, and subject to paragraph (2), the Secretary of
12 the department in which the Coast Guard is operat-
13 ing may issue a certificate of documentation with a
14 coastwise endorsement for each of the vessels—

15 (A) GALLANT LADY (Feadship hull
16 number 645, approximately 130 feet in length);
17 and

18 (B) GALLANT LADY (Feadship hull
19 number 651, approximately 172 feet in length).

20 (2) LIMITATION ON OPERATION.—Coastwise
21 trade authorized under a certificate of documenta-
22 tion issued for a vessel under this section shall be
23 limited to carriage of passengers in association with
24 contributions to charitable organizations no portion

1 of which is received, directly or indirectly, by the
2 owner of the vessel.

3 (3) CONDITION.—The Secretary may not issue
4 any certificate of documentation under paragraph
5 (1) unless the owner of the vessel referred to in
6 paragraph (1)(A) (in this section referred to as the
7 “owner”), within 90 days after the date of the en-
8 actment of this Act, submits to the Secretary a let-
9 ter expressing the intent of the owner to enter into
10 a contract before October 1, 1996, for construction
11 in the United States of a passenger vessel of at least
12 130 feet in length.

13 (4) EFFECTIVE DATE OF CERTIFICATES.—A
14 certificate of documentation issued under paragraph
15 (1)—

16 (A) for the vessel referred to in paragraph
17 (1)(A), shall take effect on the date of issuance
18 of the certificate; and

19 (B) for the vessel referred to in paragraph
20 (1)(B), shall take effect on the date of delivery
21 of the vessel to the owner.

22 (b) TERMINATION OF EFFECTIVENESS OF CERTIFI-
23 CATES.—A certificate of documentation issued for a vessel
24 under subsection (a)(1) shall expire—

1 (1) on the date of the sale of the vessel by the
2 owner;

3 (2) on October 1, 1996, if the owner has not
4 entered into a contract for construction of a vessel
5 in accordance with the letter of intent submitted to
6 the Secretary under subsection (a)(3); and

7 (3) on any date on which such a contract is
8 breached, rescinded, or terminated (other than for
9 completion of performance of the contract) by the
10 owner.

11 **SEC. 2104. EXTENSION OF DEADLINE FOR THE M/V TWIN**
12 **DRILL.**

13 Section 601(d) of Public Law 103-206 is amended
14 by striking "June 30" in subpart (3) and inserting "De-
15 cember 31" and by striking "12" in subpart (4) and in-
16 serting "18".

17 **SEC. 2105. COASTWISE TRADE AUTHORIZATION FOR**
18 **HOVERCRAFT.**

19 Notwithstanding section 27 of the Merchant Marine
20 Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886
21 (46 App. U.S.C. 289), and sections 12106 and 12107 of
22 title 46, United States Code, the Secretary of Transpor-
23 tation may issue a certificate of documentation with a
24 coastwise endorsement for each of the vessels IDUN VI-
25 KING (Danish Registration number A433), LIV VIKING

1 (Danish Registration number A394), and FREJA VI-
2 KING (Danish Registration number A395) if—

3 (1) all repair and alteration work on the vessels
4 necessary to their operation under this section is
5 performed in the United States;

6 (2) a binding contract for the construction in
7 the United States of at least 3 similar vessels for the
8 coastwise trade is executed by the owner of the ves-
9 sels within 6 months after the date of enactment of
10 this Act; and

11 (3) the vessels constructed under the contract
12 entered into under paragraph (1) are to be delivered
13 within 3 years after the date of entering into that
14 contract.

15 **SEC. 2106. WRECKED VESSEL.**

16 The M/V SPIRIT OF THE PACIFIC NORTH-
17 WEST (Bahamian official number 725338) shall be con-
18 sidered to have met the requirements of the section 4136
19 of the Revised Statutes of the United States (46 App.
20 U.S.C. 14), if the Secretary of Transportation
21 determines—

22 (1) that the vessel was purchased or salvaged
23 by a United States corporation and subsequently re-
24 paired in a shipyard in the United States; and

1 (2) that repairs to the vessel were equal to or
2 greater than three times the appraised salved value
3 of the vessel.

4 **SEC. 2107. AUTHORIZATION FOR R/V ROSS SEAL TO BE DOC-**
5 **UMENTED UNDER THE LAWS OF A FOREIGN**
6 **COUNTRY.**

7 Notwithstanding any other law—

8 (1) during the period beginning March 1, 1995,
9 and ending March 1, 1998, the vessel R/V ROSS
10 SEAL (United States official number 582641) may
11 be documented under the laws of a foreign country;

12 (2) that vessel shall not be prohibited from or
13 otherwise ineligible to engage in coastwise trade, by
14 reason of having been documented under the laws of
15 a foreign country in that period; and

16 (3) the Secretary of Transportation may not, by
17 reason of that vessel having been documented under
18 the laws of a foreign country in the period, withhold
19 documentation for that vessel under chapter 121 of
20 title 46, United States Code, .

 Passed the House of Representatives October 7,
1994.

Attest:

Clerk.

103^D CONGRESS
2^D SESSION

H. R. 4852

AN ACT

To provide congressional approval of a governing international fishery agreement, to authorize appropriations for the Coast Guard for fiscal year 1995, and for other purposes.