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H. R. 4852

IN THE SENATE OF THE UNITED STATES

OCTOBER 7 (legislative day, SEPTEMBER 12), 1994
Received; read twice and referred to the Committee on Commerce, Science, and Transportation

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.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oceans Act of 1994''.

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TITLE I—HIGH SEAS FISHERIES LICENSING

SEC. 101. SHORT TITLE.

This title may be cited as the ''High Seas Fisheries Licensing Act of 1994''.

SEC. 102. PURPOSE.

It is the purpose of this Act—

(1) to implement the Agreement to Promote Compliance with International Conservation and

Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993; and

(2) to establish a system of licensing, reporting, and regulation for vessels of the United States fishing on the high seas.

SEC. 103. DEFINITIONS.

As used in this Act—

(1) The term ''Agreement'' means the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 24, 1993.

(2) The term ''FAO'' means the Food and Agriculture Organization of the United Nations.

(3) The term ''high seas'' means the waters beyond the territorial sea or exclusive economic zone (or the equivalent) of any nation, to the extent that such territorial sea or exclusive economic zone (or the equivalent) is recognized by the United States.

(4) The term ''high seas fishing vessel'' means any vessel of the United States used or intended for use—

(A) on the high seas;

(B) for the purpose of the commercial exploitation of living marine resources; and

(C) as a harvesting vessel, as a mother ship, or as any other support vessel directly engaged in a fishing operation.

(5) The term ''international conservation and management measures'' means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law, as reflected in the 1982 United Nations Convention on the Law of the Sea, and that are recognized by the United States. Such measures may be adopted by global, regional, or sub-regional fisheries organizations, subject to the rights and obligations of their members, or by treaties or other international agreements.

(6) The term ''length'' means—

(A) for any high seas fishing vessel built after July 18, 1982, 96 percent of the total length on a waterline at 85 percent of the least molded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that water-

line, if that is greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline; and

(B) for any high seas fishing vessel built before July 18, 1982, registered length as entered on the vessel's documentation.

(7) The term ''person'' means any individual (whether or not a citizen of or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

(8) The term ''Secretary'' means the Secretary of Commerce.

(9) The term ''vessel of the United States'' means—

(A) a vessel documented under chapter 121 of title 46, United States Code, or numbered in accordance with chapter 123 of title 46, United States Code;

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

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

(ii) a State or political subdivision thereof;

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

(iv) a corporation created under the laws of the United States or any State, the District of Columbia, or any territory, commonwealth, or possession of the United States; unless the vessel has been granted the nationality of a foreign nation in accordance with article 92 of the 1982 United Nations Convention on the Law of the Sea and a claim of nationality or registry for the vessel is made by the master or individual in charge at the time of the enforcement action by an officer or employee of the United States authorized to enforce applicable provisions of the United States law; and

(C) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was ei-

ther sold to a person not a citizen of the United States or placed under foreign registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation.

(10) The terms ''vessel subject to the jurisdiction of the United States'' and ''vessel without nationality'' have the same meaning as in section 1903(c) of title 46 United States Code Appendix.

SEC. 104. LICENSING.

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

(b) ELIGIBILITY.—

(1) Any vessel of the United States is eligible to receive a license under this section, unless the vessel was previously authorized to be used for fishing on the high seas by a foreign nation, and

(A) the foreign nation suspended such authorization because the vessel undermined the effectiveness of international conservation and management measures, and the suspension has not expired; or

(B) the foreign nation, within the last three years preceding application for a license

under this section, withdrew such authorization because the vessel undermined the effectiveness of international conservation and management measures.

(2) The restriction in paragraph (1) does not apply if ownership of the vessel has changed since the vessel undermined the effectiveness of international conservation and management measures, and the new owner has provided sufficient evidence to the Secretary demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel.

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

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

(c) APPLICATION.—

(1) The owner or operator of a high seas fishing vessel may apply for a license under this section

by completing an application form prescribed by the Secretary.

(2) The application form shall contain—

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

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

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

(D) the names and addresses of the vessel's owners and operators;

(E) where and when the vessel was built;

(F) the type of vessel;

(G) the vessel's length; and

(H) any other information the Secretary requires.

(d) CONDITIONS.—The Secretary shall establish such conditions and restrictions on each license issued under this section as are necessary and appropriate to carry out the obligations of the United States under the Agreement, including but not limited to the following:

(1) The vessel shall be marked in accordance with the FAO Standard Specifications for the Marking and Identification of Fishing Vessels, or with regulations issued under section 305 of the Magnu-

son Fishery Conservation and Management Act (16 U.S.C. 1855); and

(2) The license holder shall report such information as the Secretary by regulation requires, including area of fishing operations and catch statistics. The Secretary shall promulgate regulations concerning conditions under which information submitted under this paragraph may be released.

(e) FEES.—

(1) The Secretary may by regulation establish the level of fees to be charged for licenses issued under this section. The amount of any fee charged for a license issued under this section may not exceed the administrative costs incurred in issuing such licenses. The licensing fee shall be in addition to any fee required under any regional licensing regime applicable to high seas fishing vessels.

(2) The fees authorized by paragraph (1) shall be collected and credited to the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration. Fees collected under this subsection shall be available for the necessary expenses of the National Oceanic and Atmospheric Administration in implementing this Act, and shall remain available until expended.

(f) DURATION.—A license issued under this section is valid for the period specified in regulations issued under section 105(d). A license issued under this section is void in the event the vessel is no longer eligible for U.S. documentation, such documentation is revoked or denied, or the vessel is deleted from such documentation.

SEC. 105. RESPONSIBILITIES OF THE SECRETARY.

(a) RECORD.—The Secretary shall maintain an automated file or record of high seas fishing vessels issued licenses under section 104, including all information submitted under section 104(c)(2).

(b) INFORMATION TO FAO.—The Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, shall—

(1) make available to FAO information contained in the record maintained under subsection (a);

(2) promptly notify FAO of changes in such information;

(3) promptly notify FAO of additions to or deletions from the record, and the reason for any deletion;

(4) convey to FAO information relating to any license granted under section 104(b)(3), including

the vessel's identity, owner or operator, and factors relevant to the Secretary's determination to issue the license;

(5) report promptly to FAO all relevant information regarding any activities of high seas fishing vessels that undermine the effectiveness of international conservation and management measures, including the identity of the vessels and any sanctions imposed; and

(6) provide the FAO a summary of evidence regarding any activities of foreign vessels that undermine the effectiveness of international conservation and management measures.

(c) INFORMATION TO FLAG NATIONS.—If the Secretary, in cooperation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, has reasonable grounds to believe that a foreign vessel has engaged in activities undermining the effectiveness of international conservation and management measures, the Secretary shall—

(1) provide to the flag nation information, including appropriate evidentiary material, relating to those activities; and

(2) when such foreign vessel is voluntarily in a United States port, promptly notify the flag nation

and, if requested by the flag nation, make arrangements to undertake such lawful investigatory measures as may be considered necessary to establish whether the vessel has been used contrary to the provisions of the Agreement.

(d) REGULATIONS.—The Secretary, after consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out the purposes of the Agreement and this title. The Secretary shall coordinate such regulations with any other entities regulating high seas fishing vessels, in order to minimize duplication of license application and reporting requirements. To the extent practicable, such regulations shall also be consistent with regulations implementing fishery management plans under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(e) NOTICE OF INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES.—The Secretary, in consultation with the Secretary of State, shall publish in the Federal Register, from time to time, a notice listing international conservation and management measures recognized by the United States.

SEC. 106. UNLAWFUL ACTIVITIES.

It is unlawful for any person subject to the jurisdiction of the United States—

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

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

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

(4) to falsify any information required to be reported, communicated, or recorded pursuant to this title or any regulation issued under this title, or to fail to submit in a timely fashion any required information, or to fail to report to the Secretary immediately any change in circumstances that has the effect of rendering any such information false, incomplete, or misleading;

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

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

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

(8) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such person has committed any act prohibited by this section;

(9) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any living marine resource taken or retained in violation of this title or any regulation or license issued under this title; or

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

SEC. 107. ENFORCEMENT PROVISIONS.

(a) DUTIES OF SECRETARIES.—This title shall be enforced by the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may by agreement utilize, on a reimbursable basis or otherwise, the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, or of any State agency, in the perform-

ance of such duties. Such Secretaries shall, and the head of any Federal or State agency that has entered into an agreement with either such Secretary under this section may (if the agreement so provides), authorize officers to enforce the provisions of this title or any regulation or license issued under this title.

(b) DISTRICT COURT JURISDICTION.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this title. In the case of Guam, and any Commonwealth, territory, or possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Guam, except that in the case of American Samoa, the appropriate court is the United States District Court for the District of Hawaii.

(c) POWERS OF ENFORCEMENT OFFICERS.—

(1) Any officer who is authorized under subsection (a) to enforce the provisions of this title may—

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

(i) arrest any person, if the officer has reasonable cause to believe that such person has committed an act prohibited by

paragraph (6), (7), (8), or (9) of section 106;

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

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

(iv) seize any living marine resource (wherever found) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 106;

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

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

(C) exercise any other lawful authority.

(2) Subject to the direction of the Secretary, a person charged with law enforcement responsibilities by the Secretary who is performing a duty related to enforcement of a law regarding fisheries or other marine resources may make an arrest without a warrant for an offense against the United States committed in his presence, or for a felony cognizable under the laws of the United States, if he has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

(d) ISSUANCE OF CITATIONS.—If any authorized officer finds that a high seas fishing vessel is operating or has been operated in violation of any provision of this title, such officer may issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (c). If a permit has been issued pursuant to this title for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

SEC. 108. CIVIL PENALTIES AND LICENSE SANCTIONS.

(a) CIVIL PENALTIES.—

(1) Any person who is found by the Secretary, after notice and opportunity for a hearing in accord-

ance with section 554 of title 5, United States Code, to have committed an act prohibited by section 106 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $100,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

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

(b) LICENSE SANCTIONS.—

(1) In any case in which—

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

(B) the owner or operator of a vessel or any other person who has been issued or has

applied for a license under section 104 has acted in violation of section 106; or

(C) any amount in settlement of a civil forfeiture imposed on a high seas fishing vessel or other property, or any civil penalty or criminal fine imposed on a high seas fishing vessel or on an owner or operator of such a vessel or on any other person who has been issued or has applied for a license under any fishery resource statute enforced by the Secretary, has not been paid and is overdue, the Secretary may—

(i) revoke any license issued to or applied for by such vessel or person under this title, with or without prejudice to the issuance of subsequent licenses;

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

(iii) deny such license; or

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

(2) In imposing a sanction under this subsection, the Secretary shall take into account—

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

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

(3) Transfer of ownership of a high seas fishing vessel, by sale or otherwise, shall not extinguish any license sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any license sanction that will be in effect or pending with respect to the vessel at the time of the transfer. The Secretary may waive or compromise a sanction in the case of a transfer pursuant to court order.

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

(5) No sanctions shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation

for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this section or otherwise.

(c) HEARING.—For the purposes of conducting any hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) JUDICIAL REVIEW.—Any person against whom a civil penalty is assessed under subsection (a) or against whose vessel a license sanction is imposed under subsection (b) (other than a license suspension for nonpayment of penalty or fine) may obtain review thereof

in the United States district court for the appropriate district by filing a complaint against the Secretary in such court within 30 days from the date of such penalty or sanction. The Secretary shall promptly file in such court a certified copy of the record upon which such penalty or sanction was imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

(e) COLLECTION.—

(1) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the matter shall be referred to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(2) A high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used in the commission of an act prohibited by section 106 shall be liable in rem for any civil

penalty assessed for such violation under subsection (a) and may be proceeded against in any district court of the United States having jurisdiction thereof. Such penalty shall constitute a maritime lien on such vessel that may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

SEC. 109. CRIMINAL OFFENSES.

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

(b) PUNISHMENT.—Any offense described in subsection (a) is a class A misdemeanor punishable by a fine under title 18, United States Code, or imprisonment for not more than one year, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any authorized officer, or places any such officer in fear of imminent bodily injury, the offense is a felony punishable by a fine under title 18, United States Code, or imprisonment for not more than 10 years, or both.

SEC. 110. FORFEITURES.

(a) IN GENERAL.—Any high seas fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any living marine resources (or the

fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 106 (other than an act for which the issuance of a citation under section 107 is a sufficient sanction) shall be subject to forfeiture to the United States. All or part of such vessel may, and all such living marine resources (or the fair market value thereof) shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(b) JURISDICTION OF DISTRICT COURTS.—Any district court of the United States shall have jurisdiction, upon application of the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

(c) JUDGMENT.—If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this title or for which security has not previously been obtained. The provisions of the customs laws relating to —

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

(2) the disposition of such property or the proceeds from the sale thereof; and

(3) the remission or mitigation of any such forfeiture;

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

(d) PROCEDURE.—

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

(A) stay the execution of such process; or

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

upon receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the

event that any condition thereof is breached, as determined by such court.

(2) Any living marine resources seized pursuant to this title may be sold, subject to the approval of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

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

SEC. 111. EFFECTIVE DATE.

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

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

SEC. 201. SHORT TITLE.

This title may be cited as the ''Northwest Atlantic Fisheries Convention Act of 1994''.

SEC. 202. REPRESENTATION OF UNITED STATES UNDER CONVENTION.

(a) COMMISSIONERS.—

(1) APPOINTMENTS, GENERALLY.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the General Council and the Fisheries Commission, who shall each—

(A) be known as a ''United States Commissioner to the Northwest Atlantic Fisheries Organization''; and

(B) serve at the pleasure of the Secretary.

(2) REQUIREMENTS FOR APPOINTMENTS.—

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

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

(ii) 1 (but no more than 1) is an official of the Government; and

(iii) 1, other than the individual appointed under clause (ii), is a voting member of the New England Fishery Management Council.

(B) The Secretary may not appoint as a Commissioner an individual unless the individual is knowledgeable and experienced concerning the fishery resources to which the Convention applies.

(3) TERMS.—

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

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

(ii) may not exceed 4 years.

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

(b) ALTERNATE COMMISSIONERS.—

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

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

(c) REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the Scientific Council, who shall each be known as a ''United States Representative to the Northwest Atlantic Fisheries Organization Scientific Council''.

(2) ELIGIBILITY FOR APPOINTMENT.—

(A) The Secretary may not appoint an individual as a Representative unless the individual is knowledgeable and experienced concerning the scientific issues dealt with by the Scientific Council.

(B) The Secretary shall appoint as a Representative at least 1 individual who is an official of the Government.

(3) TERM.—An individual appointed as a Representative—

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

(B) may be reappointed; and

(C) shall serve at the pleasure of the Secretary.

(d) ALTERNATE REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Representative at a meeting of the Scientific Council, designate an individual to serve as an Alternate Representative.

(2) FUNCTIONS.—An Alternate Representative may exercise all powers and perform all duties of the Representative for whom the Alternate Representative is designated, at any meeting of the Scientific Council for which the Alternate Representative is designated.

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

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

(f) COORDINATION AND CONSULTATION.—

(1) IN GENERAL.—In carrying out their functions under the Convention, Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives shall—

(A) coordinate with the appropriate Regional Fishery Management Councils established by section 302 of the Magnuson Act (16 U.S.C. 1852); and

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

(2) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to coordination and consultations under this subsection.

SEC. 203. REQUESTS FOR SCIENTIFIC ADVICE.

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

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

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

(b) REQUESTS AND TERMS OF REFERENCE DESCRIBED.—The requests and specifications referred to in subsection (a) are, respectively—

(1) any request, under Article VII(1) of the Convention, that the Scientific Council consider and report on a question pertaining to the scientific basis for the management and conservation of fishery resources in waters under the jurisdiction of the United States within the Convention Area; and

(2) any specification, under Article VIII(2) of the Convention, of the terms of reference for the consideration of a question referred to the Scientific Council pursuant to Article VII(1) of the Convention.

SEC. 204. AUTHORITIES OF SECRETARY OF STATE WITH RESPECT TO CONVENTION.

The Secretary of State may, on behalf of the Government of the United States—

(1) receive and transmit reports, requests, recommendations, proposals, and other communications of and to the Organization and its subsidiary organs;

(2) object, or withdraw an objection, to the proposal of the Fisheries Commission;

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

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

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

SEC. 205. INTERAGENCY COOPERATION.

(a) AUTHORITIES OF SECRETARY.—In carrying out the provisions of the Convention and this title, the Secretary may arrange for cooperation with other agencies of the United States, the States, the New England and the Mid-Atlantic Fishery Management Councils, and private institutions and organizations.

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

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

(2) accept reimbursement from the Organization for providing such services, facilities, and personnel.

SEC. 206. RULEMAKING.

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

SEC. 207. PROHIBITED ACTS AND PENALTIES.

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

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

(2) to refuse to permit any authorized enforcement officer to board a fishing vessel that is subject to the person's control for purposes of conducting any search or inspection in connection with the enforcement of this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention;

(3) forcibly to assault, resist, oppose, impede, intimidate, or interfere with any authorized enforcement officer in the conduct of any search or inspection described in paragraph (2);

(4) to resist a lawful arrest for any act prohibited by this section;

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

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

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

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

(d) CIVIL FORFEITURE.—

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

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

(2) DISPOSAL OF FISH.—Any fish seized pursuant to this title may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed by regulations issued by the Secretary.

(e) ENFORCEMENT.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall enforce the provisions of this title and shall have the authority specified in sections 311(a), (b)(1), and (c) of the Magnuson Act (16 U.S.C. 1861(a), (b)(1), and (c)) for that purpose.

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

(1) enter restraining orders or prohibitions;

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

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

(4) take such other actions as are in the interests of justice.

SEC. 208. CONSULTATIVE COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of State and the Secretary, shall jointly establish a consultative committee to advise the Secretaries on issues related to the Convention.

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

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

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

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

(2) any other meetings to which they are invited by the General Council or the Fisheries Commission; and

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

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

SEC. 209. ADMINISTRATIVE MATTERS.

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

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

(2) an expert or adviser authorized under section 202(e); or

(3) a member of the consultative committee established by section 208.

(b) TRAVEL AND EXPENSES.—The Secretary of State shall, subject to the availability of appropriations, pay all necessary travel and other expenses of persons described in subsection (a)(1) and of not more than six experts and advisers authorized under section 202(e) with respect to their actual performance of their official duties

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

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

SEC. 210. DEFINITIONS.

In this title the following definitions apply:

(1) AUTHORIZED ENFORCEMENT OFFICER.—The term ''authorized enforcement officer'' means a person authorized to enforce this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention.

(2) COMMISSIONER.—The term ''Commissioner'' means a United States Commissioner to the Northwest Atlantic Fisheries Organization appointed under section 202(a).

(3) CONVENTION.—The term ''Convention'' means the Convention on Future Multilateral Co-

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

(4) FISHERIES COMMISSION.—The term ''Fisheries Commission'' means the Fisheries Commission provided for by Articles II, XI, XII, XIII, and XIV of the Convention.

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

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

(7) ORGANIZATION.—The term ''Organization'' means the Northwest Atlantic Fisheries Organization provided for by Article II of the Convention.

(8) PERSON.—The term ''person'' means any individual (whether or not a citizen or national of the United States), and any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State).

(9) REPRESENTATIVE.—The term ''Representative'' means a United States Representative to the Northwest Atlantic Fisheries Scientific Council appointed under section 202(c).

(10) SCIENTIFIC COUNCIL.—The term ''Scientific Council'' means the Scientific Council provided for by Articles II, VI, VII, VIII, IX, and X of the Convention.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

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

TITLE III—GOVERNING INTERNATIONAL FISHERY AGREEMENT

SEC. 301. AGREEMENT WITH LITHUANIA.

Notwithstanding section 203 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1823), the governing international fishery agreement between the Government of the United States of America and the government of the Republic of Lithuania, as contained in the message to Congress from the President of the United States dated July 18, 1994, is approved as a governing international fishery agreement for the purposes of such

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

TITLE IV—ATLANTIC TUNAS CONVENTION ACT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Atlantic Tunas Convention Authorization Act of 1994''.

SEC. 402. RESEARCH AND MONITORING ACTIVITIES.

(a) REPORT TO CONGRESS.—The Secretary of Commerce shall, within 90 days after the date of enactment of this Act, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives—

(1) identifying current governmental and nongovernmental research and monitoring activities on Atlantic bluefin tuna and other highly migratory species;

(2) describing the personnel and budgetary resources allocated to such activities; and

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

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

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

"SEC. 3. RESEARCH ON ATLANTIC HIGHLY MIGRATORY SPECIES.";

(2) by inserting ''(a) BIENNIAL REPORT ON BLUEFIN TUNA.—'' before ''The Secretary of Commerce shall''; and

(3) by adding at the end the following:

''(b) HIGHLY MIGRATORY SPECIES RESEARCH AND MONITORING.—

''(1) Within 6 months after the date of enactment of the Atlantic Tunas Convention Authorization Act of 1994, the Secretary of Commerce, in cooperation with the advisory committee established under section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) and in consultation with the United States Commissioners on the International Commission for the Conservation of Atlantic Tunas (referred to elsewhere in this section as the 'Commission') and the Secretary of State, shall develop and implement a comprehensive research and monitoring program to support the conservation

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

''(A) identify and define the range of stocks of highly migratory species in the Atlantic Ocean, including Atlantic bluefin tuna; and

''(B) provide for appropriate participation by nations which are members of the Commission.

''(2) The program shall provide for, but not be limited to—

''(A) statistically designed cooperative tagging studies;

''(B) genetic and biochemical stock analyses;

''(C) population censuses carried out through aerial surveys of fishing grounds;

''(D) adequate observer coverage and port sampling of commercial and recreational fishing activity;

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

vide reliable reporting of the catch by private anglers;

''(F) studies of the life history parameters of Atlantic bluefin tuna and other highly migratory species;

''(G) integration of data from all sources and the preparation of data bases to support management decisions; and

''(H) other research as necessary.

''(3) In developing a program under this section, the Secretary shall provide for comparable monitoring of all United States fishermen to which the Atlantic Tunas Convention Act applies with respect to effort and species composition of catch and discards. The Secretary through the Secretary of State shall encourage other member nations to adopt a similar program.''.

SEC. 403. ADVISORY COMMITTEE PROCEDURES.

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

(1) by inserting ''(a)'' before ''There''; and

(2) by adding at the end the following:

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

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

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

''(3) The advisory committee shall meet at appropriate times and places at least twice a year, at the call of the Chairman or upon the request of the majority of its voting members, the United States Commissioners, the Secretary, or the Secretary of State.

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

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

''(5) The advisory committee shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this Act, the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures.

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

SEC. 404. REGULATIONS.

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

SEC. 405. FINES AND PERMIT SANCTIONS.

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

''(e) The civil penalty and permit sanctions of section 308 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858) are hereby made applicable to violations of this section as if they were violations of section 307 of that Act.''.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

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

"AUTHORIZATION OF APPROPRIATIONS.

''Sec. 10. There are authorized to be appropriated to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in article X of the Convention, the following sums:

''(1) For fiscal year 1994, $2,750,000, of which $50,000 are authorized in the aggregate for the advisory committee established under section 4 and the species working groups established under section 4A, and $1,500,000 are authorized for research activities under this Act.

''(2) For fiscal year 1995, $4,000,000, of which $62,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.

''(3) For fiscal year 1996, $4,000,000 of which $75,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.''.

SEC. 407. REPORT AND CERTIFICATION.

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

"ANNUAL REPORT.

''Sec. 11. Not later than April 1, 1995, and annually thereafter, the Secretary shall prepare and transmit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Com-

merce, Science, and Transportation of the Senate a report, that—

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

''(2) identifies those fishing nations whose harvests are inconsistent with conservation and management recommendations of the Commission;

''(3) describes reporting requirements established by the Secretary to ensure that imported fish products are in compliance with all international management measures, including minimum size requirements, established by the Commission and other international fishery organizations to which the United States is a party; and

''(4) describes actions taken by the Secretary under section 12.

''CERTIFICATION

''Sec. 12. (a) If the Secretary determines that vessels of any nation are harvesting fish which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the convention area in a man-

ner or under circumstances which would tend to diminish the effectiveness of the conservation recommendations of the Commission, the Secretary shall certify such fact to the President.

''(b) Such certification shall be deemed to be a certification for the purposes of section 8 of the Fishermen's Protective Act (22 U.S.C. 1978).

''(c) Upon certification under subsection (a), the Secretary shall promulgate regulations under section 6(c)(4) with respect to a nation so certified.''.

SEC. 408. SENSE OF THE CONGRESS REGARDING CONSERVATION AND MANAGEMENT OF ATLANTIC BLUEFIN TUNA.

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

(1) Atlantic bluefin tuna are a valuable commercial and recreational fishery of the United States.

(2) Many other countries also harvest Atlantic bluefin tuna in the Atlantic Ocean and the Mediterranean Sea.

(3) The International Commission for the Conservation of Atlantic Tunas (hereinafter in this section referred to as the ''Commission''), was established in 1969 to develop conservation and management recommendations for Atlantic bluefin tuna and

other highly migratory species in the Atlantic Ocean and the Mediterranean Sea.

(4) The Commission adopted conservation and management recommendations in 1974 to ensure the recovery and sustainability of Atlantic bluefin tuna throughout the Atlantic Ocean and the Mediterranean Sea.

(5) In 1981, the Commission adopted a management strategy for Atlantic bluefin tuna predicated on a hypothesis that 2 stocks of the fish existed: a western stock found in the Atlantic west of 45 degrees west longitude (hereinafter in this section referred to as the ''45 degree line''), and an eastern stock found in the Atlantic Ocean east of the 45 degree line and in the Mediterranean Sea.

(6) Since 1981, the Commission has adopted additional, more restrictive conservation and management recommendations for Atlantic bluefin tuna for countries that harvest bluefin tuna west of the 45 degree line, including a 25 percent quota reduction since 1991 with an additional 40 percent quota reduction scheduled for 1995.

(7) The United States and other Commission members that harvest bluefin tuna west of the 45 degree line have implemented all conservation and

management recommendations adopted by the Commission for Atlantic bluefin tuna west of the 45 degree line.

(8) Many other Commission members do not comply with the conservation and management recommendations adopted by the Commission for Atlantic bluefin tuna east of the 45 degree line.

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

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

(11) The continued unrestricted harvesting of Atlantic bluefin tuna east of the 45 degree line and in the Mediterranean Sea will undermine the conservation recommendations being implemented west of the line to rebuild Atlantic bluefin tuna.

(12) In order to successfully rebuild the Atlantic bluefin tuna stock, conservation and management recommendations must be adopted and implemented

throughout the Atlantic Ocean and the Mediterranean Sea.

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

(1) the United States and the Commission should continue to promote the conservation and management of Atlantic bluefin tuna throughout the Atlantic Ocean and Mediterranean Sea and develop a program to rebuild Atlantic bluefin tuna that requires the participation of all nations that harvest this species;

(2) the United States should ensure that the scientific findings and recommendations of the National Academy of Sciences Atlantic bluefin tuna review panel are made available to and included in the considerations of the Commission's scientific advisory panel;

(3) the United States should oppose any further quota reductions for nations harvesting Atlantic bluefin tuna west of the 45 degree line and insist that all nations harvesting Atlantic bluefin tuna west and east of the 45 degree line implement comparable conservation and rebuilding programs for the Atlantic bluefin tuna resource;

(4) the continued harvesting by fishermen from any country which is a member of the Commission and which does not comply with the conservation and management recommendations of the Commission will be considered by the Congress to diminish the effectiveness of an international fishery conservation program and, as such, will be considered by the Congress to be subject to the embargo provision in section 6 of the Atlantic Tunas Convention Act;

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

(6) the United States should encourage the Commission to adopt recommendations encouraging the use of trade actions by member nations as enforcement measures when the actions of a nation are undermining the effectiveness of conservation and management recommendations of the Commission.

TITLE V—FISHERMEN'S PROTECTIVE ACT

SEC. 501. FINDINGS.

The Congress finds that—

(1) customary international law and the United Nations Convention on the Law of the Sea guarantee the right of passage, including innocent passage, to vessels through the waters commonly referred to as the ''Inside Passage'' off the Pacific Coast of Canada;

(2) Canada recently required all commercial fishing vessels of the United States to pay 1,500 Canadian dollars to obtain a ''license which authorizes transit'' through the Inside Passage;

(3) this action was inconsistent with international law, including the United Nations Convention on the Law of the Sea, and, in particular, Article 26 of that Convention, which specifically prohibits such fees, and threatened the safety of United States commercial fishermen who sought to avoid the fee by traveling in less protected waters;

(4) the Fishermen's Protective Act of 1967 provides for the reimbursement of vessel owners who are forced to pay a license fee to secure the release of a vessel which has been seized, but does not per-

mit reimbursement of a fee paid by the owner in advance in order to prevent a seizure;

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

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

(7) the Fishermen's Protective Act of 1967 should be amended to permit vessel owners to be reimbursed for fees required by a foreign government to be paid in advance in order to navigate in the waters of that foreign country if the United States considers that fee to be inconsistent with international law;

(8) the Secretary of State should seek to recover from Canada any amounts paid by the United States to reimburse vessel owners who paid the transit license fee;

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

ing vessels of Canada in waters of the United States off Alaska, including waters in and near the Dixon Entrance, and should accord such vessels the same treatment that commercial fishing vessels of the United States are accorded for anchorage in the waters of Canada off British Columbia;

(10) the President should ensure that, consistent with international law, the United States Coast Guard has available adequate resources in the Pacific Northwest and Alaska to provide for the safety of United States citizens, the enforcement of United States law, and to protect the rights of the United States and keep the peace among vessels operating in disputed waters;

(11) the President should continue to review all agreements between the United States and Canada to identify other actions that may be taken to convince Canada that any reinstatement of the transit license fee would be against Canada's long-term interests, and should immediately implement any actions which the President deems appropriate if Canada reinstates the fee;

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

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

(13) the United States should redouble its efforts to seek expeditious agreement with Canada on appropriate fishery conservation and management measures that can be implemented through the Pacific Salmon Treaty to address issues of mutual concern.

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

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

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

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

''(1) a copy of the receipt for payment;

''(2) an affidavit attesting that the owner or the owner's agent paid the fee under protest; and

''(3) a copy of the vessel's certificate of documentation.

''(c) Requests for reimbursement shall be made to the Secretary of State within 120 days after the date of payment of the fee, or within 90 days after the date of enactment of this section, whichever is later.

''(d) Such funds as may be necessary to meet the requirements of this section may be made available from the unobligated balances of previously appropriated funds remaining in the Fishermen's Guaranty Fund established under section 7 and the Fishermen's Protective Fund established under section 9. To the extent that requests for reimbursement under this section exceed such funds, there are authorized to be appropriated such sums as may be needed for reimbursements authorized under subsection (a).

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

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

''(f) For purposes of this section, the term 'owner' includes any charterer of a vessel of the United States.

''(g) This section shall remain in effect until October 1, 1995.''.

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

''Sec. 12. (a) If the Secretary of State finds that the government of any nation imposes conditions on the operation or transit of United States fishing vessels which the United States regards as being inconsistent with international law or an international agreement, the Secretary of State shall certify that fact to the President.

''(b) Upon receipt of a certification under subsection (a), the President shall direct the heads of Federal agencies to impose similar conditions on the operation or transit of fishing vessels registered under the laws of the nation which has imposed conditions on United States fishing vessels.

''(c) For the purposes of this section, the term 'fishing vessel' has the meaning given that term in section 2101(11a) of title 46, United States Code.

''(d) It is the sense of the Congress that any action taken by any Federal agency under subsection (b) should be commensurate with any conditions certified by the Secretary of State under subsection (a).''.

SEC. 503. REAUTHORIZATION.

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

(b) Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking ''October 1, 1993'' and inserting ''October 1, 2000''.

SEC. 504. TECHNICAL CORRECTIONS.

(a)(1) Section 15(a) of Public Law 103-238 is amended by striking ''April 1, 1994,'' and inserting ''May 1, 1994.''.

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

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

''(C) any vessel supporting a vessel described in subparagraph (A) or (B).''.

TITLE VI—FISHERIES ENFORCEMENT IN CENTRAL SEA OF OKHOTSK

SEC. 601. SHORT TITLE.

This title may be cited as the ''Sea of Okhotsk Fisheries Enforcement Act of 1994''.

SEC. 602. FISHING PROHIBITION.

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

(1) in section 302, by inserting ''and the Central Sea of Okhotsk'' after ''Central Bering Sea''; and

(2) in section 306—

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

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

''(2) CENTRAL SEA OF OKHOTSK.—The term 'Central Sea of Okhotsk' means the central Sea of Okhotsk area which is more than two hundred nautical miles seaward of the baseline from which the breadth of the territorial sea of the Russian Federation is measured.''.

TITLE VII—COAST GUARD AUTHORIZATIONS

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1995, as follows:

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

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $439,200,000, to remain available until expended, of which $32,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and de-

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

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

(B) $1,500,000 is authorized to conduct, in cooperation with appropriate Federal and State agencies, local maritime education organizations, and local marine industry representatives, a demonstration project on the lower Mississippi River and in the Houston Ship Channel to study the effectiveness of currently available Electronic Chart Display and Information Systems (ECDIS) and Electronic Chart Systems (ECS) for use on commercial vessels.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $562,585,000.

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

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

(6) For environmental compliance and restoration at Coast Guard facilities, $25,000,000, to remain available until expended.

SEC. 702. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 39,000 as of September 30, 1995. The authorized strength does not include members of the Ready Reserve called to active duty for special or emergency augmentation of regular Coast Guard forces for periods of 180 days or less.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 1995, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,000 student years.

(2) For flight training, 133 student years.

(3) For professional training in military and civilian institutions, 344 student years.

(4) For officer acquisition, 955 student years.

SEC. 703. DRUG INTERDICTION ACTIVITIES.

In addition to amounts otherwise authorized by this Act, there are authorized to be appropriated to the Secretary of Transportation for operation and maintenance expenses of Coast Guard drug interdiction activities $21,000,000 for fiscal year 1995.

TITLE VIII—COAST GUARD PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 801. HURRICANE ANDREW RELIEF.

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

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

(2) the Secretary of Transportation shall administer that section with respect to such personnel.

SEC. 802. DISSEMINATION OF RESULTS OF 0–6 CONTINUATION BOARDS.

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

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

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

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

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

SEC. 804. PROVISION OF CHILD DEVELOPMENT SERVICES.

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

''§ 515. Child development services

''(a) The Commandant may make child development services available for members and civilian employees of the Coast Guard, and thereafter as space is available for members of the Armed Forces and Federal civilian employees. Child development services benefits provided under this section shall be in addition to benefits provided under other laws.

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

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

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

''(A) for the purchase of consumable or disposable items for Coast Guard child development centers; and

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

''(c) The Commandant may use Department of Defense or other training programs to insure that all child development services providers under this section meet minimum standards.

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

ment services providers. The cost per child to the Coast Guard of obtaining those services may not exceed the average of the cost per child incurred by the Coast Guard for child development services provided at all Coast Guard child development centers.

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

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

''(f) For purposes of this section, the term 'Coast Guard child development center' does not include a child care services facility for which space is allotted under section 616 of the Act of December 22, 1987 (40 U.S.C. 490b).

''(g) The Secretary shall promulgate regulations to implement this section. The regulations shall establish fees to be charged for child development services provided under this section which are based on total family income.''.

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

''515. Child development services.''.

TITLE IX—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT

SEC. 901. FOREIGN PASSENGER VESSEL USER FEES.

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

(1) in subsection (a) by striking ''(a) Except as'' and inserting ''Except as''; and

(2) by striking subsection (b).

SEC. 902. DOCUMENTATION VIOLATIONS.

(a) CIVIL PENALTIES.—Section 12122(a) of title 46, United States Code, is amended by striking ''$500'' and inserting ''$25,000''.

(b) SEIZURE AND FORFEITURE.—

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

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

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

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

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

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

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

''(5) in the case of a documented vessel with only a recreational endorsement, the vessel is operated other than for pleasure.''.

(2) CONFORMING AMENDMENT.—Section 12122(c) of title 46, United States Code, is repealed.

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

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

(1) TERMINATION OF RESTRICTION.—Subsection (d) of section 12110 of title 46, United States Code, is amended—

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

in the territorial waters of the United States,'' after ''A documented vessel''; and

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

(2) CONFORMING AMENDMENT.—Section 12111(a)(2) of title 46, United States Code, is amended by inserting before the period the following: ''in violation of section 12110(c) of this title''.

SEC. 903. CLERICAL AMENDMENT.

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

(1) by striking the first section 12123; and

(2) in the table of sections at the beginning of the chapter by striking the first item relating to section 12123.

SEC. 904. RENEWAL OF HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE AND LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

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

(1) in section 18 by adding at the end the following:

''(h) The Committee shall terminate on October 1, 1999.''; and

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

''(g) The Committee shall terminate on October 1, 1999.''.

TITLE X—MISCELLANEOUS PROVISIONS

SEC. 1001. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.

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

(1) by inserting ''(1)'' after ''(b)'';

(2) by striking the last sentence; and

(3) by adding at the end the following:

''(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

''(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

''(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active

service, unless earlier removed under another provision of law; or

''(C) if eligible for retirement under any law, be retired.''.

SEC. 1002. CONTINUING OBLIGATION TO PROVIDE DOCUMENTATION INFORMATION AT EXISTING LOCATIONS.

The Secretary of Transportation shall, until October 1, 1999, maintain an ability, at Coast Guard offices that are located in the immediate vicinity of former regional vessel documentation offices, to assist the public with information on obtaining, altering, and renewing the documentation of a vessel and on vessel documentation laws and regulations generally.

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

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

SEC. 1004. PROHIBITION ON STATION CLOSURES.

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

resentatives and to the Committee on Commerce, Science, and Transportation of the Senate.

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

SEC. 1005. RENEWAL OF THE NAVIGATION SAFETY ADVISORY COUNCIL.

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

SEC. 1006. COAST GUARD RESERVE PEACETIME REQUIREMENTS PLAN.

No later than February 1, 1995, the Secretary of Transportation shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to more fully utilize the Coast Guard Selected Reserve to augment peacetime operations. As part of the plan, the Secretary shall include—

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

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

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

(4) a specific estimate of the number of reservists needed to augment peacetime Coast Guard missions under the plan.

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

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

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

''A Coast Guard vessel may not be overhauled, repaired, or maintained in any shipyard located outside the United States, except that this section does not apply to emergency repairs.''.

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

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

SEC. 1008. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.

Section 31321(a) of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

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

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

It is the sense of the Congress that in appropriating amounts for the Coast Guard, the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

SEC. 1010. CONTRACTS FOR HEALTH CARE SERVICES.

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

"§ 644a. Contracts for health care services

''(a) Subject to the availability of appropriations for this purpose, the Commandant may enter into personal services and other contracts to carry out health care responsibilities pursuant to section 93 of this title and other applicable provisions of law pertaining to the provision of health care services to Coast Guard personnel and covered beneficiaries. The authority provided in this subsection is in addition to any other contract authorities of the Commandant provided by law or as delegated to the Commandant from time to time by the Secretary, including but not limited to authority relating to the management of health care facilities and furnishing of health care services pursuant to title 10 and this title.

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

''(c)(1) The Secretary shall promulgate regulations to assure—

''(A) the provision of adequate notice of contract opportunities to individuals residing in the area of a medical treatment facility involved; and

''(B) consideration of interested individuals solely on the basis of the qualifications established for the contract and the proposed contract price.

''(2) Upon establishment of the procedures under paragraph (1), the Secretary may exempt personal services contracts covered by this section from the competitive contracting requirements specified in section 2304 of title 10, or any other similar requirements of law.

''(d) The procedures and exemptions provided under subsection (c) shall not apply to personal services contracts entered into under subsection (a) with entities other than individuals or to any contract that is not an authorized personal services contract under subsection (a).''.

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

''644a. Contracts for health care services.''.

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

SEC. 1011. VESSEL FINANCING.

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

''(a) A preferred mortgage is a mortgage, whenever made, that—

''(1) includes the whole of the vessel;

''(2) is filed in substantial compliance with section 31321 of this title; and

''(3)(A) covers a documented vessel; or

''(B) covers a vessel for which an application for documentation is filed that is in substantial compliance with the requirements of chapter 121 of this title and the regulations prescribed under that chapter.''.

(b) ELIMINATION OF TRUSTEE RESTRICTIONS.—

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

(2) CONFORMING AMENDMENT.—Section 31330(b) of title 46, United States Code, is amended in paragraphs (1), (2), and (3) by striking ''31328 or'' each place it appears.

(c) REMOVAL OF MORTGAGE RESTRICTIONS.—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808) is amended—

(1) in subsection (c)—

(A) by striking ''31328'' and inserting ''12106(e)''; and

(B) in paragraph (1) by striking ''mortgage,'' each place it appears; and

(2) in subsection (d)—

(A) in paragraph (1) by striking ''transfer, or mortgage'' and inserting ''or transfer'';

(B) in paragraph (2) by striking ''transfers, or mortgages'' and inserting ''or transfers'';

(C) in paragraph (3)(B) by striking ''transfers, or mortgages'' and inserting ''or transfers''; and

(D) in paragraph (4) by striking ''transfers, or mortgages'' and inserting ''or transfers''.

(d) Public Law 74–835 (49 Stat. 1985 et seq.) is amended in section 615 by striking '', until September 30, 1983,''; by inserting ''use'' after ''this title to''; by striking ''tons'' and inserting ''regulatory tons built''; and by repealing subsection (b).

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

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

''(A) the vessel is eligible for documentation under section 12102;

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

''(C) the person that owns the vessel, or any other person that owns or controls the person that owns the vessel, is primarily engaged in leasing or other financing transactions;

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

''(E) the demise charter is for—

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

''(ii) such shorter period as may be prescribed by the Secretary.

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

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

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

SEC. 1012. REPEAL OF GREAT LAKES ENDORSEMENTS.

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

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

TITLE XI—RECREATIONAL BOATING SAFETY

SEC. 1101. SHORT TITLE.

This title may be cited as the ''Recreational Boating Safety Improvement Act of 1994''.

SEC. 1102. PERSONAL FLOTATION DEVICES REQUIRED FOR CHILDREN.

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

(1) in paragraph (2) by striking ''or'' after the semicolon at the end;

(2) in paragraph (3) by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(4) operate a recreational vessel under 26 feet in length unless each individual 6 years of age or younger wears a Coast Guard approved personal flotation device when the individual is on an open deck of the vessel.''.

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

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

SEC. 1103. ALLOCATION OF FUNDS BASED ON STATE ADOPTION OF LAWS REGARDING BOATING WHILE INTOXICATED.

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

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

(2) by inserting before subsection (b) (as so redesignated) the following new subsection:

''(a)(1) Beginning in fiscal year 1998, of the amounts transferred to the Secretary each fiscal year pursuant to section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), the Secretary shall allocate for State recreational boating safety programs $10,000,000 as follows:

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

''(i) prohibit operation of a recreational vessel by an individual who is under the influence of alcohol or drugs; and

''(ii) establish a blood alcohol concentration limit of .10 percent or less.

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

''(i) prohibit operation of a recreational vessel by an individual who is under the influence of alcohol or drugs; and

''(ii) establish an implied consent requirement that specifies that an individual is deemed to have given their consent to evidentiary testing for their blood alcohol concentration or presence of other intoxicating substances.

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

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

''(B) one-half shall be allocated among those eligible States so that each such State receives an amount bearing the same ratio to the total amount allocated under that subparagraph for the fiscal year as the number of vessels numbered in that State

under a system approved under chapter 123 of this title bears to the total number of vessels numbered under approved systems of all States receiving an allocation under that subparagraph for the fiscal year.'';

(3) in subsection (b) (as so redesignated) in the matter preceding paragraph (1) by inserting ''the balance of remaining'' after ''allocate''; and

(4) by adding at the end the following new subsection:

''(e) A State shall not be ineligible for an allocation under subsection (a) because of the adoption by the State of any requirement relating to the operation of a recreational vessel while under the influence of alcohol or drugs that is more stringent than the requirements for receiving the allocation.''.

SEC. 1104. MARINE CASUALTY REPORTING.

(a) SUBMISSION OF PLAN.—Not later than one year after enactment of this Act, the Secretary of Transportation shall, in consultation with appropriate State agencies, submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to increase reporting of vessel accidents to appropriate State law enforcement officials.

(b) PENALTIES FOR VIOLATING REPORTING REQUIREMENTS.—Section 6103(a) of title 46, United States Code, is amended by inserting ''or 6102'' after ''6101'' the second place it appears.

SEC. 1105. REQUIRING VIOLATORS TO TAKE RECREATIONAL BOATING SAFETY COURSE.

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

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

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

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

SEC. 1106. TECHNICAL CORRECTIONS.

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

(1) striking ''proceeding'' and inserting ''preceding''; and

(2) striking ''Secertary'' and inserting ''Secretary''.

TITLE XII—COAST GUARD REGULATORY REFORM

SEC. 1201. SHORT TITLE.

This title may be cited as the ''Coast Guard Regulatory Reform Act of 1994''.

SEC. 1202. SAFETY MANAGEMENT.

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

''CHAPTER 32—MANAGEMENT OF VESSELS

''Sec.
''3201. Definitions.
''3202. Application.
''3203. Safety management system.
''3204. Implementation of safety management system.
''3205. Certification.

''§ 3201. Definitions

''In this chapter—

''(1) 'International Safety Management Code' has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

''(2) 'responsible person' means—

''(A) the owner of a vessel to which this chapter applies; or

''(B) any other person that has—

''(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

''(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter.

''(3) 'vessel engaged on a foreign voyage' means a vessel to which this chapter applies—

''(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

''(B) making a voyage between places outside the United States; or

''(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

"§ 3202. Application

''(a) MANDATORY APPLICATION.—This chapter applies to the following vessels engaged on a foreign voyage:

''(1) Beginning July 1, 1998—

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

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

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

''(b) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

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

''(1) a barge;

''(2) a recreational vessel not engaged in commercial service;

''(3) a fishing vessel;

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

''(5) a public vessel.

"§ 3203. Safety management system

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

''(1) a safety and environmental protection policy;

''(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

''(3) defined levels of authority and lines of communications between, and among, personnel on shore and on the vessel;

''(4) procedures for reporting accidents and nonconformities with this chapter;

''(5) procedures for preparing for and responding to emergency situations; and

''(6) procedures for internal audits and management reviews of the system.

''(b) COMPLIANCE WITH CODE.—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

''§ 3204. Implementation of safety management system

''(a) SAFETY MANAGEMENT PLAN.—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

''(b) APPROVAL.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

''(c) PROHIBITION ON VESSEL OPERATION.—A vessel to which this chapter applies under section 3202(a) may not be operated without having on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

''§ 3205. Certification

''(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—After verifying that the responsible person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

''(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

''(c) VERIFICATION OF COMPLIANCE.—The Secretary shall—

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

''(2) revoke the Secretary's approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

''(d) ENFORCEMENT.—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.''.

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

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

"32. Management of vessels ..... 3201".

(c) STUDY.—

(1) STUDY.—The Secretary of the department in which the Coast Guard is operating shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

(2) REPORT.—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a); or

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

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

(a) REPORTS, DOCUMENTS, AND RECORDS.—Chapter 31 of title 46, United States Code, is amended by adding the following new section:

''§ 3103. Use of reports, documents, and records

''The Secretary may rely, as evidence of compliance with this subtitle, on—

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

''(2) other methods the Secretary has determined to be reliable.''.

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

''3103. Use of reports, documents, and records.''.

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

SEC. 1204. EQUIPMENT APPROVAL.

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

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

''(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for purposes of paragraph (1) if the Secretary determines that—

''(A) the design standards and testing procedures used by that government meet the requirements of the International Convention for the Safety of Life at Sea, 1974;

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

''(C) for lifesaving equipment, the foreign government—

''(i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and

''(ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country.''.

(b) FOREIGN APPROVALS.—The Secretary of Transportation, in consultation with other interested Federal

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

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

SEC. 1205. FREQUENCY OF INSPECTION.

(a) FREQUENCY OF INSPECTION, GENERALLY.—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''nautical school vessel'' and inserting '', nautical school vessel, and small passenger vessel allowed to carry more than 12 passengers on a foreign voyage''; and

(B) by adding ''and'' after the semicolon at the end;

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

(3) in paragraph (2) (as so redesignated), by striking ''2 years'' and inserting ''5 years''.

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

SEC. 1206. CERTIFICATE OF INSPECTION.

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

SEC. 1207. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.

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

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

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

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

(A) redesignating paragraph (2) as paragraph (3); and

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

''(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

''(A) review and approve plans required for issuing a certificate of inspection required by this part;

''(B) conduct inspections and examinations; and

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

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

''(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

''(B) if the foreign classification society has offices and maintains records in the United States.''.

(b) CONFORMING AMENDMENTS.—(1) The heading for section 3316 of title 46, United States Code, is amended to read as follows:

"§ 3316. Classification societies".

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

''3316. Classification societies.''.

SEC. 1208. STUDY OF MARINE CASUALTY REPORTING REQUIREMENTS.

The Coast Guard shall, within 9 months after the effective date of this title, conduct a study of current regulatory requirements regarding the reporting of marine casualties under section 6101 of title 46, United States Code, to determine whether—

(1) marine casualties should be classified according to the seriousness of nonfatal casualties;

(2) further regulations pertaining to the necessity for alcohol and drug testing for each classification need to be proposed;

(3) the regulations may exclude certain non-serious casualties from the requirement that drug or alcohol testing be performed; and

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

TITLE XIII—UNITED STATES CRUISE VESSEL DEVELOPMENT

SEC. 1301. SHORT TITLE.

This title may be cited as the ''United States Cruise Vessel Development Act''.

SEC. 1302. PURPOSE.

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

SEC. 1303. COASTWISE TRANSPORTATION OF PASSENGERS.

Section 8 of the Act entitled ''An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes'', approved June 19, 1886 (46 App. U.S.C. 289), is amended to read as follows:

''SEC. 8. COASTWISE TRANSPORTATION OF PASSENGERS.

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

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

''(A) an individual who is a citizen of the United States; or

''(B) a corporation, partnership, or association that is a citizen of the United States under section 2(a) of the Shipping Act, 1916;

''(2) the vessel meets the requirements of section 27 of the Merchant Marine Act, 1920; and

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

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

''(b) EXCEPTION FOR VESSEL UNDER DEMISE CHARTER.—

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

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

''(B) is to a person described in subsection (a)(1).

''(2) EXTENSION OF PERIOD FOR OPERATION.—A cruise vessel authorized to operate in coastwise trade under paragraph (1) based on a demise charter described in paragraph (1) may operate in that coastwise trade during a period following the termination of the charter of not more than 6 months, if the operation—

''(A) is approved by the Secretary; and

''(B) in accordance with such terms as may be prescribed by the Secretary for that approval.

''(c) EXCEPTION FOR VESSEL TO BE REFLAGGED.—

''(1) EXCEPTION.—Subsection (a)(2) and section 12106(a)(2)(A) of title 46, United States Code, do not apply to a cruise vessel if—

''(A) the vessel—

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

''(ii) is not less than 5 years old and not more than 15 years old on the first date that the vessel is documented under that chapter after that date of enactment; and

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

''(2) TERMINATION OF AUTHORITY TO OPERATE.—Paragraph (1) does not apply to a vessel after the date that is 18 months after the date on which a certificate of documentation with a coastwise endorsement is first issued for the vessel after the date of enactment of the United States Cruise Vessel Development Act if, before the end of that 18-month period, the keel of another vessel has not been laid, or another vessel is not at a similar stage of con-

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

''(3) EXTENSION OF PERIOD BEFORE TERMINATION.—The Secretary of Transportation may extend the period under paragraph (2) for not more than 6 months for good cause shown.

''(d) LIMITATION ON OPERATIONS.—A person (including a related person with respect to that person) that owns or charters a cruise vessel operating in coastwise trade under subsection (b) or (c) under a coastwise endorsement may not operate any vessel between—

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

''(2) the islands of Hawaii.

''(e) PENALTIES.—

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

''(2) FORFEITURE.—A vessel operated in knowing violation of this section, and its equipment, are

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

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

''(f) DEFINITIONS.—In this section—

''(1) the term 'coastwise trade' includes transportation of a passenger between points in the United States, either directly or by way of a foreign port;

''(2) the term 'cruise vessel' means a vessel that—

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

''(B) has berth or stateroom accommodations for at least 200 passengers; and

''(C) is not a ferry; and

''(3) the term 'related person' means, with respect to a person—

''(A) a holding company, subsidiary, affiliate, or association of the person; and

''(B) an officer, director, or agent of the person or of an entity referred to in subparagraph (A).''.

SEC. 1304. CONSTRUCTION STANDARDS.

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

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

''(2) The Secretary shall issue a certificate of inspection under subsection (a) to a vessel described in paragraph (3).

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

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

''(B) a coastwise endorsement is issued for the vessel under section 12106 of this title after the date of enactment of the United States Cruise Vessel Development Act; and

''(C) the vessel is authorized to engage in coastwise trade by reason of section 8(c) of the Act entitled 'An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes', approved June 19, 1886.''.

SEC. 1305. CITIZENSHIP FOR PURPOSES OF DOCUMENTATION.

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

(1) in subsection (a) by inserting ''other than primarily in the transport of passengers,'' after ''the coastwise trade''; and

(2) by adding at the end the following:

''(e) For purposes of determining citizenship under subsection (a) with respect to operation of a vessel primarily in the transport of passengers in coastwise trade, the controlling interest in a partnership or association that owns the vessel shall not be deemed to be owned by citizens of the United States unless a majority interest in the partnership or association is owned by citizens of the United States free from any trust or fiduciary obligation in favor of any person that is not a citizen of the United States.''.

SEC. 1306. LOAN GUARANTEES.

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

(1) in section 1101(b), by striking ''passenger cargo'' and inserting ''passenger, cargo,''; and by striking ''owned by citizens of the United States'';

(2) in section 1104B(a), in the material preceding paragraph (1), by striking ''owned by citizens of the United States'';

(3) in section 1110(a), by striking ''owned by citizens of the United States''; and

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

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

SEC. 1307. PERMITS FOR VESSELS ENTERING UNITS OF NATIONAL PARK SYSTEM.

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

(1) First, any person that—

(A) will operate a vessel that is documented under the laws of, and the home port of which is located in, the United States; or

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

(2) Second, any person that will operate a vessel that—

(A) is documented under the laws of a foreign country, and

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

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

(b) REVOCATION OF PERMITS FOR FOREIGN-DOCUMENTED VESSELS.—The Secretary of the Interior shall revoke or refuse to renew permission granted by the Secretary for the operation of a vessel documented under the laws of a foreign country in a unit of the National Park System, if—

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

(2) the permission may not be granted because of a limit on the number of permits that may be issued for that operation.

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

(d) RETURN OF PERMITS.—Any person whose permission to provide visitors services in a unit of the National Park System has been revoked or not renewed under subsection (b) shall have the right of first refusal to a permit to provide visitors services in that unit of the National Park System that becomes available when the conditions described in subsection (b) no longer apply. Such right shall be limited to the number of permits which are revoked or not renewed.

TITLE XIV—BOATING IMPROVEMENT

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Boating Improvement Act of 1994''.

SEC. 1402. BOATING SAFETY GRANTS.

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

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

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

''(A) A sum equal to $7,500,000 of the amount available for fiscal year 1995, and a sum equal to $10,000,000 of the amount available for each of fiscal years 1996 and 1997, shall be available for use by the Secretary of the Interior for grants under section 5604(c) of the Clean Vessel Act of 1992. Any portion of such a sum available for a fiscal year

that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

''(B) A sum equal to $7,500,000 of the amount available for fiscal year 1995, $30,000,000 of the amount available for fiscal year 1996, $45,000,000 of the amount available for fiscal year 1997, and $59,000,000 of the amount available for each of fiscal years 1998 and 1999, shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

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

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

''(ii) grants under section 5604(c) of the Clean Vessel Act of 1992.

Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

''(2)(A) Beginning with fiscal year 1996, the amount transferred under paragraph (1)(B) for a fiscal year shall be reduced by the lesser of—

''(i) the amount appropriated to the Secretary of Transportation for that fiscal year to carry out the purposes of section 13106 of title 46, United States Code, from the Boat Safety Account in the Aquatic Resources Trust Fund established under section 9504 of the Internal Revenue Code of 1986; or

''(ii) $35,000,000; or

''(iii) for fiscal year 1996 only, $30,000,000.

''(B) The amount of any reduction under subparagraph (A) shall be apportioned among the several States under subsection (d) by the Secretary of the Interior.''.

(2) CONFORMING AMENDMENT.—Section 5604(c)(1) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note) is amended by striking ''section

4(b)(2) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(2), as amended by this Act)'' and inserting ''section 4(b)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1))''.

(3) EXCESS FY 1995 BOAT SAFETY ACCOUNT FUNDS TRANSFER.—Notwithstanding any other provision of law, $20,000,000 of the annual appropriation from the Sport Fish Restoration Account in fiscal year 1996 made in accordance with the provisions of section 3 of the Act of August 9, 1950 (16 U.S.C. 777b), shall be excluded from the calculation of amounts to be distributed under section 4(a) of such Act (16 U.S.C. 777c(a)).

(b) EXPENDITURE OF AMOUNTS FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.—Section 13106 of title 46, United States Code, is amended—

(1) in subsection (a)(1) by striking the first sentence and inserting the following: ''Subject to paragraph (2), the Secretary shall expend under contracts with States under this chapter in each fiscal year for State recreational boating safety programs an amount equal to the sum of the amount appropriated from the Boat Safety Account for that fiscal year plus the amount transferred to the Secretary under section 4(b)(1) of the Act of August 9,

1950 (16 U.S.C. 777c(b)(1)) for that fiscal year.''; and

(2) by amending subsection (c) to read as follows:

''(c) For expenditure under this chapter for State recreational boating safety programs there are authorized to be appropriated to the Secretary of Transportation from the Boat Safety Account established under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)) not more than $35,000,000 each fiscal year.''.

SEC. 1403. BOATING ACCESS.

(a) FINDINGS.—The Congress makes the following findings:

(1) Nontrailerable recreational motorboats contribute 15 percent of the gasoline taxes deposited in the Aquatic Resources Trust Fund while constituting less than 5 percent of the recreational vessels in the United States.

(2) The majority of recreational vessel access facilities constructed with Aquatic Resources Trust Fund moneys benefit trailerable recreational vessels.

(3) More Aquatic Resources Trust Fund moneys should be spent on recreational vessel access fa-

cilities that benefit recreational vessels that are nontrailerable vessels.

(b) PURPOSE.—The purpose of this section is to provide funds to States for the development of public facilities for transient nontrailerable vessels.

(c) SURVEY.—Within 18 months after the date of the enactment of this Act, any State may complete and submit to the Secretary of the Interior a survey which identifies—

(1) the number and location in the State of all public facilities for transient nontrailerable vessels; and

(2) the number and areas of operation in the State of all nontrailerable vessels that operate on navigable waters in the State.

(d) PLAN.—Within 6 months after submitting a survey to the Secretary of the Interior in accordance with subsection (c), a State may develop and submit to the Secretary of the Interior a plan for the construction and renovation of public facilities for transient nontrailerable vessels to meet the needs of nontrailerable vessels operating on navigable waters in the State.

(e) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior may obligate not less than ½ of the amount made available for each of fiscal years 1998 and

1999 under section 4(b)(1)(C) of the Act of August 9, 1950, as amended by section 1402(a)(1) of this title, to make grants to any State to pay not more than 75 percent of the cost of constructing or renovating public facilities for transient nontrailerable vessels.

(2) PRIORITIES.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary of the Interior shall give priority to projects that consist of the construction or renovation of public facilities for transient nontrailerable vessels in accordance with a plan submitted by a State submitted under subsection (b).

(B) WITHIN STATE.—In awarding grants under this subsection for projects in a particular State, the Secretary of the Interior shall give priority to projects that are likely to serve the greatest number of nontrailerable vessels.

SEC. 1404. DEFINITIONS.

For the purpose of this title the term—

(1) ''Act of August 9, 1950'' means the Act entitled ''An Act to provide that the United States shall aid the States in fish restoration and manage-

ment projects, and for other purposes'', approved August 9, 1950 (16 U.S.C. 777a et seq.);

(2) ''nontrailerable vessel'' means a recreational vessel greater than 26 feet in length;

(3) ''public facilities for transient nontrailerable vessels'' means mooring buoys, day-docks, seasonal slips or similar structures located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable vessels;

(4) ''recreational vessel'' means a vessel—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure; and

(5) ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

TITLE XV—TOWING VESSEL NAVIGATIONAL SAFETY

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Towing Vessel Navigational Safety Act of 1994''.

SEC. 1502. MINIMUM NAVIGATIONAL SAFETY EQUIPMENT FOR TOWING VESSELS.

(a) IN GENERAL.—Section 4102 of title 46, United States Code, is amended by adding at the end the following:

''(f)(1) In prescribing regulations for towing vessels, the Secretary shall—

''(A) consider the characteristics, methods of operation, and nature of the service of towing vessels;

''(B) consult with the Towing Safety Advisory Committee; and

''(C) require, to the extent appropriate, the installation, maintenance, and use of and familiarity with the following equipment on each towing vessel, other than a towing vessel that is used only for towing disabled vessels:

''(i) A radar system.

''(ii) An electronic position-fixing device.

''(iii) A sonic depth finder.

''(iv) A compass or swing meter.

''(v) Adequate towing wire and associated equipment.

''(vi) Up-to-date navigational charts and publications for the areas normally transited by the vessel.

''(vii) Other safety equipment the Secretary determines to be necessary.

''(2) The Secretary shall establish in regulations under this chapter requirements that—

''(A) any equipment required on a towing vessel under paragraph (1) shall be maintained in effective operating condition; and

''(B) if such equipment on a vessel ceases to operate, the master of the vessel shall exercise due diligence to restore the equipment to effective operating condition, or cause it to be restored to that condition, at the earliest practicable date.''.

(b) REGULATIONS.—The Secretary of Transportation shall issue regulations by not later than 12 months after the date of the enactment of this Act, prescribing navigational publication and equipment requirements under subsection (f) of section 4102 of title 46, United States Code, as added by subsection (a) of this section.

SEC. 1503. REPORTING MARINE CASUALTIES.

(a) EXPEDITED REPORTING REQUIRED.—Section 6101(b) of title 46, United States Code, is amended by striking ''within 5 days'' and inserting ''by as soon as practicable, but in no case later than within 5 days,''.

(b) PENALTY FOR FAILURE TO REPORT A CASUALTY.—Section 6103(a) of title 46, United States Code

is amended by striking ''$1,000'' and inserting ''not more than $25,000''.

SEC. 1504. REPORT ON FEASIBILITY OF ESTABLISHING A DIFFERENTIAL GLOBAL POSITIONING SATELLITE NAVIGATION SYSTEM AND ELECTRONIC CHARTS FOR INLAND WATERWAYS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Congress on the feasibility of establishing a differential global positioning satellite navigation system and creating electronic charts for the inland waterways of the United States.

SEC. 1505. MANNING AND LICENSING REQUIREMENTS FOR TOWING VESSELS.

(a) MANNING REQUIREMENTS.—Section 8904 of title 46, United States Code, is amended by adding at the end the following:

''(c) A towing vessel that is at least 26 feet in length, other than a vessel referred to in subsection (b), shall—

''(1) while being operated, have on board an individual licensed by the Secretary as a master of that type of towing vessel; and

''(2) be operated by an individual licensed by the Secretary to operate that type of towing vessel.''.

(b) REGULATIONS ESTABLISHING LICENSES FOR MASTERS AND OPERATORS.—Section 7101 of title 46, United States Code, is amended by adding at the end the following:

''(j)(1) The Secretary shall prescribe regulations which establish licenses for masters and mates of towing vessels.

''(2) Regulations under this subsection shall provide that an individual may be issued a license as a master or mate of a towing vessel only if the individual—

''(A) demonstrates proficiency in the use of the equipment required pursuant to section 4102(f)(1)(C) of this title; and

''(B) demonstrates proficiency in operating a towing vessel.

''(3) Regulations under this subsection may establish standards and procedures under which the Secretary may delegate, to individuals who have experience in the operation of towing vessels and to other qualified persons, the authority to conduct examinations required for the issuance of a license as a master or mate of a towing vessel.''.

(c) EXISTING UNINSPECTED TOWING VESSEL OPERATOR LICENSE HOLDERS.—An uninspected towing vessel operator license that is valid on the effective date of this section shall be valid as a master or mate license required

by section 8904 of title 46, United States Code, as amended by this section, until otherwise required to be renewed. The Secretary shall require that an individual applying for a first renewal of such a license as a master or mate license under that section demonstrate proficiency under the requirements of section 7101(j) of title 46, United States Code, as added by this section.

(d) EFFECTIVE DATE.—The amendments made by this section, other than the amendments made by subsection (e), shall take effect 2 years after the date of the enactment of this Act.

(e) DEADLINE FOR REGULATIONS.—The Secretary of the department in which the Coast Guard is operating shall issue regulations under the amendments made by this section by not later than 1 year after the date of the enactment of this Act.

SEC. 1506. CIVIL PENALTIES.

(a) PROHIBITED OPERATION OF UNINSPECTED TOWING VESSEL, GENERALLY.—Section 4106 of title 46, United States Code, is amended by striking ''$5,000'' and inserting ''$25,000''.

(b) OPERATION OF UNINSPECTED TOWING VESSEL IN VIOLATION OF MANNING REQUIREMENTS.—Section 8906 of title 46, United States Code, is amended by striking ''$1,000'' and inserting ''not more than $25,000''.

SEC. 1507. MERCHANT MARINERS' DOCUMENTS REQUIRED.

(a) REQUIREMENT.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking ''100'' and inserting ''5'';

(2) in paragraph (1), by striking ''a vessel operating only on rivers and lakes (except the Great Lakes);'' and inserting ''a small passenger vessel, or an uninspected passenger vessel;'';

(3) by striking paragraph (2), and redesignating the subsequent paragraphs accordingly; and

(4) in paragraph (6) (as so redesignated) by striking ''clause (6)'' and inserting ''paragraph (5)''.

(b) EXCEPTIONS.—Section 8701(b) of title 46, United States Code, is amended—

(1) by striking ''A person'' and inserting ''(1) Except as provided in paragraphs (2) and (3), a person''; and

(2) by adding at the end the following:

''(2) The Secretary shall prescribe regulations which exempt from paragraph (1)—

''(A) engagement or employment of an individual in any position, on a passenger vessel, that is not listed in the Certificate of Inspection for the vessel;

''(B) engagement or employment of an individual in any position, on a vessel of a type to which

this section did not apply on the day before the date of enactment of the Towing Vessel Navigational Safety Act of 1994, for which the individual is required to hold a license issued by the Secretary under this title; and

''(C) service by an individual in a position described in subparagraph (A) or (B).

''(3) The Secretary shall prescribe regulations which provide that no more than 30 percent of the individuals serving on board a vessel operating on the rivers of Alaska shall be required to hold a merchant mariner's document or license issued by the Secretary under this title.''.

(c) PRIVACY OF INFORMATION.—The Secretary of Transportation may not make available to a member of the public any personal information concerning an individual required to obtain a merchant mariner's document under this title.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

TITLE XVI—PROMOTION OF CONSTRUCTION AND DEVELOPMENT OF UNITED STATES OFFSHORE SUPPLY VESSELS

SEC. 1601. SHORT TITLE.

This title may be cited as the ''Offshore Supply Vessel Construction and Development Act of 1994''.

SEC. 1602. DEFINITION OF OFFSHORE SUPPLY VESSEL.

Section 2101(19) of title 46, United States Code, is amended to read as follows:

''(19) 'offshore supply vessel' means a motor vessel that regularly transports goods, supplies, individuals in addition to the crew, or equipment in support of exploration, exploitation, or production of offshore mineral or energy resources that—

''(A) is more than 15 regulatory gross tons but less than 500 regulatory gross tons; or

''(B) is more than 15 international gross tons, and not more than a maximum number of international gross tons prescribed by regulation of the Secretary.''.

SEC. 1603. APPLICATION TO VESSELS.

(a) Section 3702(b) of title 46, United States Code, is amended to read as follows:

''(b)(1) The following vessels are deemed not to be a tank vessel for purposes of this chapter or any other law:

''(A) An offshore supply vessel.

''(B) A fishing or fish tender vessel of not more than 750 regulatory gross tons, when engaged in the fishing industry.

''(2) This subsection does not affect the authority of the Secretary under chapter 33 of this title to regulate the operation of vessels listed in paragraph (1) of this subsection to ensure the safe carriage of oil and hazardous substances.''.

(b) Section 3306(a) of title 46, United States Code, is amended after ''safety'' by inserting ''of the marine environment and''.

(c) Section 5209 of Public Law 102–587 is repealed.

(d) Section 321 of Public Law 103–206 is repealed.

SEC. 1604. AUTHORITY TO PRESCRIBE REGULATIONS FOR MANNING AND LICENSING.

(a) Section 7310 of title 46, United States Code, is amended to read as follows:

''§ 7310. Able seamen—offshore supply vessels

''For service on an offshore supply vessel, an individual may be rated as able seaman—offshore supply vessels if the individual has the following service on deck on board

vessels operating on the oceans or the navigable waters of the United States (including the Great Lakes):

''(1) At least 6 months service on a vessel of less than 500 regulatory gross tons or 1600 international gross tons.

''(2) An amount and type of service prescribed by the Secretary on a vessel of at least 1600 international gross tons.''.

(b) Section 7312(d) of title 46, United States Code, is amended by striking ''a vessel of less than 500 gross tons'' through ''energy resources'' and inserting ''an offshore supply vessel''.

(c) Section 8104(g) of title 46, United States Code, is amended—

(1) after ''offshore supply vessel'' by inserting ''of less than 500 regulatory gross tons or 1600 international gross tons''; and

(2) by adding at the end of the subsection: ''The Secretary may prescribe requirements for the minimum number of watches on an offshore supply vessel of at least 1600 international gross tons.''.

(d) Section 8301(b) of title 46, United States Code, is amended—

(1) after ''offshore supply vessel'' by inserting ''of less than 500 regulatory gross tons or 1600 international gross tons,'';

(2) after ''200'' by inserting ''regulatory''; and

(3) by adding at the end of the subsection, ''The Secretary may prescribe requirements for the minimum number of licensed individuals on an offshore supply vessel of at least 1600 international gross tons.''.

SEC. 1605. CITIZENSHIP REQUIREMENT.

Section 8103(b)(3)(A) of title 46, United States Code, is amended to read as follows:

''(A) an offshore supply vessel, or a similarly engaged vessel of less than 1600 regulatory gross tons or not more than a maximum number of international gross tons prescribed by regulation of the Secretary, that operates from a foreign port;''.

SEC. 1606. RESPONSE PLANNING REQUIREMENT.

(a) Chapter 31 of title 46, United States Code, is amended by adding at the end the following section:

"§ 3103. Vessel response plans for offshore supply vessels

''(a) The Secretary shall prescribe regulations for vessel pollution response plans for domestic operations of an offshore supply vessel if—

''(1) the vessel is more than 400 international gross tons; and

''(2) the keel of the vessel is laid after July 18, 1994 or the vessel undergoes a change substantially affecting its tonnage after that date.

''(b) In prescribing regulations under this section, the Secretary shall consider the unique characteristics, methods of operation, and nature of the service of the vessels and risk to the environment.''.

(b) The table of sections for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

''3103. Vessel response plans for offshore supply vessels.''.

SEC. 1607. TONNAGE MEASUREMENT DEFINITIONS.

Section 14101 of title 46, United States Code, is amended—

(1) by inserting ''(a)'' before ''In this part''; and

(2) by adding at the end the following new subsection:

''(b) When used in a law, regulation, document, ruling, or other official act referring to the tonnage measurement of a vessel—

''(1) 'international gross tons' means gross tons as measured under chapter 143 of this title; and

''(2) 'regulatory gross tons' means gross tons as measured under chapter 145 of this title.''.

TITLE XVII—LIGHTHOUSE AND OTHER PROPERTY CONVEYANCES

SEC. 1701. CONVEYANCE OF COAST GUARD PROPERTY IN TRAVERSE CITY, MICHIGAN.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property described in subsection (b), subject to all easements and other interests in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Traverse City, Grand Traverse County, Michigan, and consisting of that part of the southeast ¼ of Section 12, Township 27 North, Range 11 West, described as: Commencing at the southeast ¼ corner of said Section 12, thence north 03 degrees 05 minutes 25 seconds east along the East line of said Section, 1074.04 feet, thence north 86 degrees 36 minutes 50 seconds west 207.66 feet, thence north 03 degrees 06 minutes 00 seconds east

572.83 feet to the point of beginning, thence north 86 degrees 54 minutes 00 seconds west 1,751.04 feet, thence north 03 degrees 02 minutes 38 seconds east 330.09 feet, thence north 24 degrees 04 minutes 40 seconds east 439.86 feet, thence south 86 degrees 56 minutes 15 seconds east 116.62 feet, thence north 03 degrees 08 minutes 45 seconds east 200.00 feet, thence south 87 degrees 08 minutes 20 seconds east 68.52 feet, to the southerly right-of-way of the C & O Railroad, thence south 65 degrees 54 minutes 20 seconds east along said right-of-way 1508.75 feet, thence south 03 degrees 06 minutes 00 seconds west 400.61 to the point of beginning, consisting of 27.10 acres of land, and all improvements located on that property including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City School District.

SEC. 1702. TRANSFER OF COAST GUARD PROPERTY IN KETCHIKAN, ALASKA.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation, in cooperation with the Administrator of General Services, shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the ''Former Marine Safety Detachment'' as identified in Report of Excess Number CG–689 (GSA Control Number 9–U–AK–0747) and described in subsection (b), for use by the Ketchikan Indian Corporation as a health or social services facility.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Ketchikan, Township 75 south, range 90 east, Copper River Meridian, First Judicial District, State of Alaska, and commencing at corner numbered 10, United States Survey numbered 1079, the true point of beginning for this description: Thence north 24 degrees 04 minutes east, along the 10–11 line of said survey a distance of 89.76 feet to corner numbered 1 of lot 5B; thence south 65 degrees 56 minutes east a distance of 345.18 feet to corner numbered 2 of lot 5B; thence south 24 degrees 04 minutes west a distance of 101.64 feet to corner numbered 3 of lot 5B; thence north 64 degrees 01 minute west a distance

of 346.47 feet to corner numbered 10 of said survey, to the true point of beginning, consisting of 0.76 acres (more or less), and all improvements located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Ketchikan Indian Corporation as a health or social services facility.

SEC. 1703. CONVEYANCE OF LIGHT STATION MONTAUK POINT, NEW YORK.

(a) CONVEYANCE REQUIREMENT.—

(1) REQUIREMENT.—The Secretary of Transportation shall convey to the Montauk Historical Association in Montauk, New York, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Light Station Montauk Point, located at Montauk, New York.

(2) DETERMINATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Montauk Light Station pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof—

(A) ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard, the maritime history of Montauk, New York, and Native American and colonial history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION AND FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Montauk Historical Association may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Montauk

Lighthouse as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Montauk Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Montauk Historical Association that the Montauk Light Station is needed for national security purposes.

(4) MAINTENANCE OF LIGHT STATION.—Any conveyance of property under this section shall be subject to the condition that the Montauk Historical Association shall maintain the Montauk Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) LIMITATION ON OBLIGATIONS OF MONTAUK HISTORICAL ASSOCIATION.—The Montauk Historical Association shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) FOR PURPOSES OF THIS SECTION.—

(1) the term ''Montauk Light Station'' means the Coast Guard light station known as Light Station Montauk Point, located at Montauk, New York, including the keeper's dwellings, adjacent Coast Guard rights of way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker; and

(2) the term ''Montauk Lighthouse'' means the Coast Guard lighthouse located at the Montauk Light Station.

SEC. 1704. CONVEYANCE OF CAPE ANN LIGHTHOUSE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thachers Island, Massachusetts.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Cape Ann Lighthouse shall immediately revert to the United States if the Cape Ann Lighthouse, or any part of the property—

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE AND NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the town of Rockport may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the Cape Ann Lighthouse as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without no-

tice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The town of Rockport is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The town of Rockport shall maintain the Cape Ann Lighthouse in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section, the term ''Cape Ann Lighthouse'' means the Coast Guard property located on Thachers Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

SEC. 1705. TRANSFER OF OCRACOKE LIGHT STATION TO SECRETARY OF THE INTERIOR.

The Secretary of Transportation shall transfer administrative jurisdiction over the Federal property, consisting of approximately 2 acres, known as the Ocracoke Light Station, to the Secretary of the Interior, subject to such reservations, terms, and conditions as may be necessary for Coast Guard purposes. All property so transferred shall be included in and administered as part of the Cape Hatteras National Seashore.

SEC. 1706. SQUIRREL POINT LIGHTHOUSE.

(a) CONVEYANCE AUTHORIZATION.—

(1) AUTHORIZATION.—The Secretary of Transportation may convey to Squirrel Point Associates, Inc., by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Squirrel Point Lighthouse, located in the town of Arrowsic, Maine.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Squirrel Point Lighthouse pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof—

(A) ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard and the maritime history of Maine;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION AND FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Squirrel Point Associates, Inc., may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Squirrel Point Lighthouse as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids; and

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property.

(4) MAINTENANCE OF LIGHTHOUSE.—Any conveyance of property under this section shall be subject to the condition that the Squirrel Point Associates shall maintain the Eastern Point Lighthouse in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) OBLIGATION LIMITATION.—The Squirrel Point Associates, Inc., shall not have any obligation to maintain any active aid to navigation equipment on the property conveyed pursuant to this section.

(c) DEFINITIONS.—For purposes of this section, the term ''Squirrel Point Lighthouse'' means the Coast Guard property located in the town of Arrowsic, County of Sagadahoc, Maine, including the light tower, dwelling, boathouse, oil house, barn, any other ancillary buildings, and such land as may be necessary to enable Squirrel Point Associates, Inc., to operate a nonprofit center for public benefit, except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

SEC. 1707. CONVEYANCE OF CERTAIN LIGHTHOUSES LOCATED IN MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Subject to paragraphs (3) and (4), the Secretary of Transportation may convey, without consideration, to the Island Institute, Rockland, Maine (in this section referred to as the ''Institute''), all right, title, and interest of the United States in and to any of the facilities and real property and improvements described in paragraph (2).

(2) COVERED FACILITIES.—Paragraph (1) applies to lighthouses, together with any real property and other improvements associated therewith, located in the State of Maine as follows:

(A) Whitehead Island Light.

(B) Deer Island Thorofare (Mark Island) Light.

(C) Burnt Island Light.

(D) Rockland Harbor Breakwater Light.

(E) Monhegan Island Light.

(F) Eagle Island Light.

(G) Curtis Island Light.

(H) Moose Peak Light.

(I) Great Duck Island Light.

(J) Goose Rocks Light.

(K) Isle au Haut Light.

(L) Goat Island Light.

(M) Wood Island Light.

(N) Doubling Point Light.

(O) Doubling Point Front Range Light.

(P) Doubling Point Rear Range Light.

(Q) Little River Light.

(R) Spring Point Ledge Light.

(S) Ram Island Light (Boothbay).

(T) Seguin Island Light.

(U) Marshall Point Light.

(V) Fort Point Light.

(W) West Quoddy Head Light.

(X) Brown's Head Light.

(Y) Cape Neddick Light.

(Z) Halfway Rock Light.

(AA) Ram Island Ledge Light.

(BB) Mount Desert Rock Light.

(CC) Whitlock's Mill Light.

(3) LIMITATION ON CONVEYANCE.—The Secretary shall retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the lighthouses conveyed under this subsection, whether located at the lighthouse or elsewhere. The

Secretary shall identify any equipment, system, or object covered by this paragraph.

(4) DEADLINE FOR CONVEYANCE.—The conveyances authorized by this subsection shall take place, if at all, not later than 5 years after the date of the enactment of this Act.

(5) ADDITIONAL CONVEYANCES TO UNITED STATES FISH AND WILDLIFE SERVICE.—The Secretary may transfer, in accordance with the terms and conditions of subsection (b), the following lighthouses, together with any real property and improvements associated therewith, directly to the United States Fish and Wildlife Service:

(A) Two Bush Island Light.

(B) Egg Rock Light.

(C) Libby Island Light.

(D) Matinicus Rock Light.

(b) CONDITIONS OF CONVEYANCE.—The conveyance of a lighthouse, and any real property and improvements associated therewith, under subsection (a) shall be subject to the following conditions:

(1) That the lighthouse and any such property and improvements be used for educational, historic, recreational, cultural, and wildlife conservation programs for the general public and for such other uses

as the Secretary determines to be not inconsistent or incompatible with such uses.

(2) That the lighthouse and any such property and improvements be maintained at no cost to the United States in a manner that ensures the use of the lighthouse by the Coast Guard as an aid to navigation.

(3) That the use of the lighthouse and any such property and improvements by the Coast Guard as an aid to navigation not be interfered with, except with the written permission of the Secretary.

(4) That the lighthouse and any such property and improvements be maintained in a manner consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(5) That public access to the lighthouse and any such property and improvements be ensured.

(c) RESERVATIONS.—In the conveyance of a lighthouse under subsection (a), the Secretary shall reserve to the United States the following:

(1) The right to enter the lighthouse, and any real property and improvements conveyed therewith, at any time, without notice, for purposes of maintaining any aid to navigation at the lighthouse, including any light, antennae, sound signal, and asso-

ciated equipment located at the lighthouse, and any electronic navigation equipment or system located at the lighthouse.

(2) The right to enter the lighthouse and any such property and improvements at any time, without notice, for purposes of relocating, replacing, or improving any such aid to navigation, or to carry out any other activity necessary in aid of navigation.

(3) An easement of ingress and egress onto the real property conveyed for the purposes referred to in paragraphs (1) and (2).

(4) An easement over such portion of such property as the Secretary considers appropriate in order to ensure the visibility of the lighthouse for navigation purposes.

(5) The right to obtain and remove any historical artifact, including any lens or lantern that the Secretary has identified pursuant to paragraph (3) of subsection (a).

(d) MAINTENANCE OF AIDS TO NAVIGATION.—The Secretary may not impose upon the Institute, or upon any entity to which the Institute conveys a lighthouse under subsection (g), an obligation to maintain any aid to navigation at a lighthouse conveyed under this section.

(e) REVERSIONARY INTEREST.—All right, title, and interest in and to a lighthouse and any real property and improvements associated therewith shall revert to the United States and the United States shall have the right of immediate entry thereon if—

(1) the Secretary determines at any time that the lighthouse, and any property and improvements associated therewith, conveyed to the Institute or to the United States Fish and Wildlife Service under subsection (a) or conveyed by the Institute under subsection (g), as the case may be, is not being utilized or maintained in accordance with subsection (b); or

(2) the Secretary determines that—

(A) the Institute is unable to identify an entity eligible for the conveyance of the lighthouse under subsection (g) within the 3-year period beginning on the date of the conveyance of the lighthouse to the Institute under subsection (a); or

(B) in the event that the Institute identifies an entity eligible for the conveyance within that period—

(i) the entity is unable or unwilling to accept the conveyance and the Institute is

unable to identify another entity eligible for the conveyance within that period; or

(ii) the Maine Lighthouse Selection Committee established under subsection (g)(3)(A) disapproves of the entity identified by the Institute and the Institute is unable to identify another entity eligible for the conveyance within that period.

(f) INSPECTION.—The State Historic Preservation Officer of the State of Maine may inspect any lighthouse, and any real property and improvements associated therewith, that is conveyed under this subsection at any time, without notice, for purposes of ensuring that the lighthouse is being maintained in the manner required under subsections (b)(4) and (b)(5). The Institute, and any subsequent conveyee of the Institute under subsection (g), shall cooperate with the official referred to in the preceding sentence in the inspections of that official under this subsection.

(g) SUBSEQUENT CONVEYANCE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Institute shall convey, without consideration, all right, title, and interest of the Institute in and to the lighthouses

conveyed to the Institute under subsection (a), together with any real property and improvements associated therewith, to one or more entities identified under paragraph (2) and approved by the committee established under paragraph (3) in accordance with the provisions of such paragraph (3).

(B) EXCEPTION.—The Institute, with the concurrence of the Maine Lighthouse Selection Committee and in accordance with the terms and conditions of subsection (b), may retain right, title, and interest in and to the following lighthouses conveyed to the Institute:

(i) Whitehead Island Light.

(ii) Deer Island Thorofare (Mark Island) Light.

(2) IDENTIFICATION OF ELIGIBLE ENTITIES.—

(A) IN GENERAL.—Subject to subparagraph (B), the Institute shall identify entities eligible for the conveyance of a lighthouse under this subsection. Such entities shall include any department or agency of the Federal Government, any department or agency of the Government of the State of Maine, any local government in that State, or any nonprofit corpora-

tion, educational agency, or community development organization that—

(i) is financially able to maintain the lighthouse (and any real property and improvements conveyed therewith) in accordance with the conditions set forth in subsection (b);

(ii) has agreed to permit the inspections referred to in subsection (f); and

(iii) has agreed to comply with the conditions set forth in subsection (b) and to have such conditions recorded with the deed of title to the lighthouse and any real property and improvements that may be conveyed therewith.

(B) ORDER OF PRIORITY.—In identifying entities eligible for the conveyance of a lighthouse under this paragraph, the Institute shall give priority to entities in the following order, which are also the exclusive entities eligible for the conveyance of a lighthouse under this section:

(i) Agencies of the Federal Government.

(ii) Entities of the Government of the State of Maine.

(iii) Entities of local governments in the State of Maine.

(iv) Nonprofit corporations, educational agencies, and community development organizations.

(3) SELECTION OF CONVEYEES AMONG ELIGIBLE ENTITIES.—

(A) COMMITTEE.—

(i) IN GENERAL.—There is hereby established a committee to be known as the Maine Lighthouse Selection Committee (in this paragraph referred to as the ''Committee'').

(ii) MEMBERSHIP.—The Committee shall consist of five members appointed by the Secretary as follows:

(I) One member, who shall serve as the Chairman of the Committee, shall be appointed from among individuals recommended by the Governor of the State of Maine.

(II) One member shall be the State Historic Preservation Officer of

the State of Maine, with the consent of that official, or a designee of that official.

(III) One member shall be appointed from among individuals recommended by State and local organizations in the State of Maine that are concerned with lighthouse preservation or maritime heritage matters.

(IV) One member shall be appointed from among individuals recommended by officials of local governments of the municipalities in which the lighthouses are located.

(V) One member shall be appointed from among individuals recommended by the Secretary of the Interior.

(iii) APPOINTMENT DEADLINE.—The Secretary shall appoint the members of the Committee not later than 180 days after the date of the enactment of this Act.

(iv) MEMBERSHIP TERM.—

(I) Members of the Committee shall serve for such terms not longer

than 3 years as the Secretary shall provide. The Secretary may stagger the terms of initial members of the Committee in order to ensure continuous activity by the Committee.

(II) Any member of the Committee may serve after the expiration of the term of the member until a successor to the member is appointed. A vacancy in the Committee shall be filled in the same manner in which the original appointment was made.

(v) VOTING.—The Committee shall act by an affirmative vote of a majority of the members of the Committee.

(B) RESPONSIBILITIES.—

(i) IN GENERAL.—The Committee shall—

(I) review the entities identified by the Institute under paragraph (2) as entities eligible for the conveyance of a lighthouse; and

(II) approve one such entity, or disapprove all such entities, as entities to which the Institute may make the

conveyance of the lighthouse under this subsection.

(ii) APPROVAL.—If the Committee approves an entity for the conveyance of a lighthouse, the Committee shall notify the Institute of such approval.

(iii) DISAPPROVAL.—If the Committee disapproves of the entities, the Committee shall notify the Institute and, subject to subsection (e)(2)(B), the Institute shall identify other entities eligible for the conveyance of the lighthouse under paragraph (2). The Committee shall review and approve or disapprove of entities identified pursuant to the preceding sentence in accordance with this subparagraph and the criteria set forth in subsection (b).

(C) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee, however, all meetings of the Committee shall be open to the public and preceded by appropriate public notice.

(D) TERMINATION.—The Committee shall terminate 8 years from the date of the enactment of this Act.

(4) CONVEYANCE.—Upon notification under paragraph (3)(B)(ii) of the approval of an identified entity for conveyance of a lighthouse under this subsection, the Institute shall, with the consent of the entity, convey the lighthouse to the entity.

(5) RESPONSIBILITIES OF CONVEYEES.—Each entity to which the Institute conveys a lighthouse under this subsection, or any successor or assign of such entity in perpetuity, shall—

(A) use and maintain the lighthouse in accordance with subsection (b) and have such terms and conditions recorded with the deed of title to the lighthouse and any real property conveyed therewith; and

(B) permit the inspections referred to in subsection (f).

(h) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any lighthouse, and any real property and improvements associated therewith, conveyed under subsection (a) shall be determined by the Secretary.

(i) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for

the next 7 years, the Secretary shall submit to Congress a report on the conveyance of lighthouses under this section. The report shall include a description of the implementation of the provisions of this section, and the requirements arising under such provisions, in—

(1) providing for the use and maintenance of the lighthouses conveyed under this section in accordance with subsection (b);

(2) providing for public access to such lighthouses; and

(3) achieving the conveyance of lighthouses to appropriate entities under subsection (g).

(j) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with a conveyance under subsection (a) that the Secretary considers appropriate in order to protect the interests of the United States.

TITLE XVIII—BALLAST WATER MANAGEMENT

SEC. 1801. SHORT TITLE.

This title may be cited as the ''Ballast Water Management Act''.

SEC. 1802. EVALUATION.

(a) Subsection 1102(a) of Public Law 101–646 (16 U.S.C. 4712(a)) is amended by adding the following new paragraph at the end:

''(4) NATIONAL BALLAST WATER MANAGEMENT EVALUATION.—

''(A) Subject to the availability of appropriations, the Task Force shall contract with the Marine Board of the National Research Council to identify and evaluate ballast water management technologies and practices that prevent the introduction and spread of nonindigenous species through ballast water discharged into United States waters.

''(B) In conducting the evaluation, the Marine Board shall consider, at a minimum, ballast water management technologies and practices identified in the study prepared under paragraph (3).

''(C) In conducting the evaluation, the Marine Board shall identify, at a minimum, ballast water management technologies and practices that—

''(i) may be retrofitted on existing vessels or incorporated in new vessel designs;

''(ii) are operationally practical;

''(iii) are safe for vessel and crew;

''(iv) are environmentally sound;

''(v) are cost effective;

''(vi) the vessel operator can monitor; and

''(vii) are effective against a broad range of nuisance organisms.''.

(b) Subsection 1102(c) of Public Law 101–646 (16 U.S.C. 4712(c)) is amended by adding the following new paragraph at the end:

''(3) NATIONAL BALLAST WATER MANAGEMENT EVALUATION REPORT.—Not later than 1 year after the date of enactment of the Ballast Water Management Act, the Task Force shall submit to the appropriate Committees a report on the results of the evaluation conducted under paragraph (4) of subsection (a).''.

SEC. 1803. NATIONAL BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.

(a) Section 1202 of Public Law 101–646 (16 U.S.C. 4722) is amended by—

(1) redesignating subsection (k) as subsection (l); and

(2) inserting after subsection (j) the following:

''(k) NATIONAL BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.—

''(1) AUTHORIZATION.—Following the submission of the evaluation authorized under section 1102(a)(4) and subject to the availability of appropriations under section 1301(e), the Secretary of Transportation, in consultation with the Task Force, shall conduct a national ballast water management demonstration program to test and evaluate ballast water management technologies and practices, including those identified in the evaluation authorized under paragraph 1102(a)(4), to prevent the introduction and spread of nonindigenous species through ballast water discharged into United States waters.

''(2) CRITERIA.—In carrying out the demonstration program authorized under this subsection, the Secretary of Transportation shall use vessels that are documented under chapter 121 of title 46, United States Code, including vessels operating on the Great Lakes. Any necessary ballast water management technology installation or construction on a vessel used in the demonstration program shall be performed by a United States shipyard or ship repair facility.

''(3) AUTHORITIES.—In conducting the demonstration program under this subsection, the Task Force and the Secretary of Transportation may accept donations of property and services.''.

(b) Subsection 1202(l), as redesignated by this Act, is amended by adding the following new paragraph at the end:

''(3) Not later than 1 year after the submission of the evaluation authorized under section 1102(a)(4) and periodically as necessary to report new findings, the Secretary of Transportation, in consultation with the Task Force, shall submit to the appropriate Committees a report on the results of the demonstration program conducted under subsection (k).''.

SEC. 1804. AUTHORIZATION OF APPROPRIATIONS.

Section 1301 of Public Law 101–646 (16 U.S.C. 4741) is amended by adding the following new subsection at the end:

''(e) NATIONAL BALLAST WATER MANAGEMENT EVALUATION AND DEMONSTRATION PROGRAM.—There are authorized to be appropriated to the Director and the Under Secretary $150,000 for fiscal year 1995 and to the Secretary of Transportation $1,850,000 for fiscal year 1996, to remain available until expended, to carry out the

evaluation authorized under section 1102(a)(4) and the demonstration program authorized under section 1202(k).''.

TITLE XIX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND GOVERNING ACT OF 1994

SEC. 1901. SHORT TITLE.

This Title may be cited as the ''National Oceanic and Atmospheric Administration Authorization and Governing Act of 1994''.

SEC. 1902. DEFINITIONS.

For the purposes of this title, the term—

(1) ''Act of 1890'' means the Act entitled ''An Act to increase the efficiency of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture'', approved October 1, 1890 (26 Stat. 653);

(2) ''Act of 1947'' means the Act entitled ''An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes'', approved August 6, 1947 (33 U.S.C. 883a et seq.); and

(3) ''Act of 1970'' means the Act entitled ''An Act to clarify the status and benefits of commis-

sioned officers of the National Oceanic and Atmospheric Administration, and for other purposes'', approved December 31, 1970 (33 U.S.C. 857–1 et seq.).

SEC. 1903. NATIONAL OCEAN SERVICE.

(a) MAPPING AND CHARTING.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out mapping and charting activities under the Act of 1947 and any other law involving those activities, $31,000,000 for fiscal year 1995 and $32,116,000 for fiscal year 1996. Of the sums authorized under this paragraph, a total of $1,950,000 is available until expended to deploy in Galveston Bay and the Houston Ship Channel a Physical Ocean Real Time System consisting, at a minimum, of current, wind, tide, salinity, and water level measuring devices and necessary computer links.

(2) AUTOMATED NAUTICAL CHARTING.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to develop and im-

plement an automated nautical charting system, $1,250,000 for fiscal year 1995 and $1,295,000 for fiscal year 1996.

(b) GEODESY.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out geodesy activities under the Act of 1947 and any other law involving those activities, $20,762,000 for fiscal year 1995 and $21,509,000 for fiscal year 1996.

(c) OBSERVATION AND PREDICTION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out observation and prediction activities under the Act of 1947 and any other law involving those activities, $12,423,000 for fiscal year 1995 and $12,870,000 for fiscal year 1996.

(2) CIRCULATORY SURVEY PROGRAM.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out the Circulatory Survey Program, $700,000 for fiscal year 1995 and $725,000 for fiscal year 1996.

(3) OCEAN AND EARTH SCIENCES.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out ocean and earth science activities, $4,442,000 for fiscal year 1995 and $4,602,000 for fiscal year 1996.

(4) OBSERVATION BUOYS.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to operate and maintain observation buoys in the Chesapeake Bay, $400,000 for fiscal year 1995 and $414,000 for fiscal year 1996.

(d) ESTUARINE AND COASTAL ASSESSMENT.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to support estuarine and coastal assessment activities under the Act of 1947 and any other law involving those activities, $2,753,000 for fiscal year 1995 and $2,852,000 for fiscal year 1996.

(2) OCEAN ASSESSMENT.—In addition to amounts authorized under paragraph (1), there are

authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out the National Status and Trends Program, the Strategic Environmental Assessment Program, and the Hazardous Materials Response Program, $24,528,000 for fiscal year 1995 and $25,411,000 for fiscal year 1996.

(3) DAMAGE ASSESSMENT PROGRAM.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out the Damage Assessment Program, $1,200,000 for fiscal year 1995 and $1,243,000 for fiscal year 1996.

(4) COASTAL OCEAN PROGRAM.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out the Coastal Ocean Program, $11,000,000 for fiscal year 1995 and $11,396,000 for fiscal year 1996. Of the amounts authorized under this paragraph, a total of $120,000 is available to study the use of oceanographic data obtained from satellite imagery and

other sources to determine and predict the presence of endangered sea turtles in the Gulf of Mexico.

(e) OCEAN MANAGEMENT.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out deep ocean mineral and ocean energy activities, $500,000 for each of fiscal years 1995 and 1996.

SEC. 1904. OCEAN AND GREAT LAKES RESEARCH.

(a) MARINE PREDICTION RESEARCH.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out marine prediction research activities under the Act of 1947, the Act of 1890, and any other law involving those activities, $9,572,000 for fiscal year 1995 and $9,917,000 for fiscal year 1996.

(2) GREAT LAKES ENVIRONMENTAL RESEARCH LABORATORY.—

(A) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, for the operation and maintenance of the Great Lakes Environmental Research Laboratory, $4,558,000 for fiscal year 1995 and $4,722,000 for fiscal year 1996.

(B) GREAT LAKES NEARSHORE RESEARCH.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out nearshore research activities of the Great Lakes Environmental Research Laboratory, $200,000 for fiscal year 1995 and $207,000 for fiscal year 1996.

(C) ZEBRA MUSSEL RESEARCH.—In addition to amounts authorized under subparagraph (A), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out zebra mussel research activities of the Great Lakes Environmental Research Laboratory under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.), $911,000 for fiscal year 1995 and $1,125,000 for fiscal year 1996.

(3) SOUTHEAST FLORIDA AND CARIBBEAN RECRUITMENT PROGRAM.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce $450,000 for fiscal year 1995 and $466,000 for fiscal year 1996 to enable the National Oceanic and

Atmospheric Administration to carry out, through the Cooperative Institute for Marine and Atmospheric Studies, collaborative investigations to examine the physical and biological processes which—

(A) occur in tropical marine environments in coastal waters of the United States, Florida, and the Caribbean; and

(B) impact variability and development of fisheries resources.

(b) CLIMATE AND GLOBAL CHANGE RESEARCH.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out climate and global change research activities, $71,000,000 for fiscal year 1995 and $73,556,000 for fiscal year 1996.

(2) ENVIRONMENTAL OBSERVATIONS.—In addition to amounts authorized to be appropriated under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce $7,000,000 for fiscal year 1995 and $12,000,000 for fiscal year 1996 for a program to increase scientific understanding of the earth by using a network of schools to collect environmental observations. Beginning in fiscal year 1996, amounts appropriated for such pro-

gram may be obligated only to the extent that an equal or greater amount of non-Federal funding is provided for such program.

(3) IMPLEMENTATION OF LANDSAT AGREEMENT.—Section 103 of the Land and Remote Sensing Policy Act of 1992 is amended by adding at the end the following new subsection:

''(c) IMPLEMENTATION OF AGREEMENT.—If negotiations under subsection (a) result in an agreement that the Landsat Program Management determines generally achieves the goals stated in subsection (a) (1) through (8), the Landsat Program Management shall award an extension, until the practical demise of Landsat 4 or Landsat 5, whichever occurs later, of the existing contract with the Landsat 6 contractor incorporating the terms of such agreement.''.

SEC. 1905. AUTHORIZATION OF APPROPRIATIONS FOR FISHERIES PROGRAMS.

The National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98–210; 97 Stat. 1409) is amended—

(1) in section 2(a) by—

(A) striking ''1992 and'' and inserting ''1992,'' and

(B) inserting after ''1993'' the following: '', $49,618,000 for fiscal year 1995, and $51,404,000 for fiscal year 1996'';

(2) in section 3(a) by—

(A) striking ''1992 and'' and inserting ''1992,''; and

(B) inserting after ''1993'' the following: '', $28,348,000 for fiscal year 1995, and $29,369,000 for fiscal year 1996''; and

(3) in section 4(a) by—

(A) striking ''1992 and'' and inserting ''1992,''; and

(B) inserting after ''1993'' the following: '', $20,550,000 for fiscal year 1995, and $21,290,000 for fiscal year 1996''.

SEC. 1906. SCALLOP RESTORATION PROGRAM.

There are authorized to be appropriated to the Secretary of Commerce $200,000 for each of fiscal years 1995 and 1996, for the establishment and maintenance of a scallop restoration program for Long Island Sound.

SEC. 1907. SALTONSTALL-KENNEDY PROGRAM AMENDMENTS.

(a) IN GENERAL.—Section 2 of the Act of August 11, 1939 (15 U.S.C. 713c–3), popularly known as the ''Saltonstall-Kennedy Act'', is amended—

(1) by striking ''SEC. 2.'' the second place it appears;

(2) in subsection (b)(1) by—

(A) striking subparagraph (B);

(B) striking ''only for—'' and all that follows through ''the Secretary—'' and inserting ''only for use by the Secretary—'';

(C) redesignating clauses (i), (ii), and (iii) in order as subparagraphs (A), (B), and (C); and

(D) moving subparagraphs (A), (B), and (C), as redesignated by subparagraph (C) of this paragraph, 2 ems to the left so that the left margin of those subparagraphs is aligned with the left margin of section 2(a)(5) of that Act (15 U.S.C. 713c–3(a)(5)); and

(3) by striking the designation and heading for subsection (c) and all that follows through paragraph (4) of that subsection, and inserting the following:

''(c) FISHERIES RESEARCH AND DEVELOPMENT PROJECTS.—

''(1) IN GENERAL.—The Secretary shall make grants from the fund established under subsection (b) for the purpose of assisting persons in carrying

out research and development projects to promote the sustainable use and development of United States fisheries, including harvesting, processing, aquaculture, marketing, and associated infrastructures.

''(2) SECRETARY'S DUTIES.—The Secretary shall each fiscal year—

''(A) receive at least once, during a 60-day period specified by the Secretary, applications for grants under this subsection pursuant to a Request for Proposals published in the Federal Register;

''(B) prescribe in that Request for Proposals the form and manner in which applications for grants under this subsection must be made, including the specification of the information which must accompany applications to ensure that the proposed projects comply with Federal law and can be properly evaluated under paragraph (3);

''(C) include in that Request for Proposals a list of priorities for grants under this subsection that is based on the priorities recommended for the fiscal year under paragraph (3)(F); and

''(D) approve or disapprove each such application—

''(i) based primarily on the recommendations of the grants review panel established under paragraph (3) for the fiscal year; and

''(ii) before the end of the 90-day period beginning on the day after the last day of the application period specified in the Request for Proposals under subparagraph (A); and

''(E) to the extent amounts are available, obligate funds for grants for approved applications before the end of the fiscal year for which the funds are available, except that up to 15 percent of funds available for fiscal year may be obligated in the next fiscal year.

''(3) EVALUATION AND APPROVAL OF PROPOSALS.—

''(A) SUITABILITY FOR EVALUATION.—For each application received under paragraph (2) in a fiscal year, the Secretary shall—

''(i) make a determination whether the project proposed in the application meets the requirements of this subsection

and is consistent with the priorities recommended for the fiscal year under subparagraph (F); and

''(ii) if so, forward the proposal to the grants review panel established for the fiscal year under subparagraph (B).

''(B) GRANTS REVIEW PANEL.—Each fiscal year, the Secretary shall establish a grants review panel that consists of individuals with expertise in fisheries research, development, harvesting, processing, marketing, or management, that represents a balance among those disciplines, that is balanced in the representation of those disciplines, and that is balanced in the representation of the geographic regions of the United States. No more than one third of the members of the panel may be employees of the Federal Government. Each grants review panel shall review each proposal forwarded by the Secretary under subparagraph (A)(ii) and make recommendations to the Secretary for awarding grants under this subsection among those proposals for the fiscal year, subject to the criteria described in subparagraph (C) and consistent with the funding available for the fis-

cal year. The Federal Advisory Committee Act (5 U.S.C. App. 1) shall not apply to any grants review panel established under this subparagraph.

''(C) CRITERIA FOR EVALUATION OF PROPOSALS.—Each grants review panel shall evaluate each proposal as to—

''(i) the value of the proposal in promoting the purpose described in paragraph (1) in general and in fulfilling the applicable regional priorities recommended under subparagraph (F);

''(ii) the soundness of its design (including the likelihood of securing useful results, and the organization and management of the proposal);

''(iii) the minimization of duplication within fisheries research and development activities; and

''(iv) based on the criteria in clauses (i), (ii), and (iii), the overall quality and rank of the proposal relative to the other proposals under review.

''(D) INDUSTRIAL PARTNERS.—In evaluating and ranking proposals under this subsection

that are of equivalent overall quality and rank based on the criteria set forth in subparagraph (C), a grants review panel and the Secretary shall give preference to proposals in which at least one of the persons that would be a principal grantee under the proposal receives a substantial portion of income from seafood harvesting, processing, marketing, or propagation.

''(E) NOTICE OF DECISION BY THE SECRETARY.—If the Secretary approves or disapproves an application for a proposal contrary to the recommendations of a grants review panel, the Secretary shall notify the panel in writing of that decision, including the reasons for that decision.

''(F) RECOMMENDATIONS FOR FUTURE FUNDING PRIORITIES.—Each grants review panel shall, after evaluating proposals and making grants recommendations, and after consulting with interested parties, recommend to the Secretary for the next fiscal year national and regional priorities for grants under this subsection.

''(4) TERMS AND CONDITIONS.—Each grant made under this subsection shall be subject to such

terms and conditions as the Secretary may require to protect the interests of the United States, including the following:

''(A) RECORDS.—The recipient of the grant—

''(i) must keep such records as the Secretary shall require as being necessary and appropriate for disclosing the use made of grant funds; and

''(ii) shall allow the Secretary and the Comptroller General of the United States, or any of their authorized representatives, access to such records for purposes of audit and examination.

''(B) AMOUNT OF GRANT.—The amount of a grant may not be less than 50 percent of the estimated cost of the project.

''(C) PERIOD OF GRANT.—A grant may not provide funding for more than two years from the date of the release of the funds to the grantee.

''(D) STATUS REPORT.—The recipient of a grant shall submit to the Secretary periodic project status reports as specified by the Secretary. The Secretary may not release funds to

the recipient for any subsequent period of funding for that grant or for any other grant to that recipient made by the Secretary under this subsection until the Secretary receives that report.''.

(b) APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section apply to fiscal years beginning after the date of the enactment of this title.

(2) LIST OF REGIONAL PRIORITIES.—Notwithstanding section 2(c)(2)(C) of the Act of August 11, 1939, as amended by subsection (a)(2) of this section, the list of priorities referred to in that section for the first fiscal year beginning after the date of the enactment of this Title is not required to be based on priorities recommended under paragraph (3)(F) of that section.

SEC. 1908. PROGRAM SUPPORT.

(a) EXECUTIVE DIRECTION AND ADMINISTRATIVE ACTIVITIES.—

(1) There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out executive direction and administration activities

under the Act of 1970 and any other law involving those activities, $25,500,000 for fiscal year 1995 and $26,418,000 for fiscal year 1996.

(2) Of the sums authorized under this subsection, $600,000 is authorized to be appropriated for the purpose of conducting the study of the National Oceanic and Atmospheric Administration Corps authorized under this Title.

(b) SYSTEMS ACQUISITION OFFICE.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to operate and maintain a Systems Acquisition Office under the Act of 1970, $1,800,000 for fiscal year 1995 and $1,865,000 for fiscal year 1996.

(c) CENTRAL ADMINISTRATIVE SUPPORT.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out central administrative support activities under the Act of 1970 and any other law involving these activities, $31,898,000 for fiscal year 1995 and $33,046,000 for fiscal year 1996.

(d) RETIRED PAY.—There are authorized to be appropriated to the Secretary of Commerce, for retired pay for retired commissioned officers of the National Oceanic and Atmospheric Administration under the Act of 1970,

$7,706,000 for fiscal year 1995 and $7,983,000 for fiscal year 1996.

(e) MARINE SERVICES.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out marine service activities (including ship operations, maintenance, and support) under the Act of 1947 and any other law involving those activities, $62,599,000 for fiscal year 1995 and $64,853,000 for fiscal year 1996.

(f) AIRCRAFT SERVICES.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out aircraft services activities (including aircraft operations, maintenance, and support) under the Act of 1980 and any other law involving those activities, $13,180,000 for fiscal year 1995.

SEC. 1909. USE OF OCEAN RESEARCH RESOURCES OF OTHER FEDERAL AGENCIES.

(a) FINDINGS.—Congress finds the following:

(1) Changes in the defense needs of the United States have redefined the status of many defense-related assets.

(2) Observing, monitoring, and predicting the ocean environment has been a high priority for the defense community to support ocean operations.

(3) Many advances in ocean research have been made by the defense community which could be shared with civilian researchers.

(4) The National Oceanic and Atmospheric Administration's missions to describe and predict the ocean environment, manage the Nation's ocean and coastal resources, and promote stewardship of the world's oceans would benefit from increased cooperation with defense agencies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the National Oceanic and Atmospheric Administration should expand its efforts to develop interagency agreements to further the use of defense-related technologies, data, and other resources to support is oceanic missions.

(c) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the feasibility of expanding the use of defense-related technologies, data, and other resources to sup-

port and enhance the oceanic missions of the National Oceanic and Atmospheric Administration.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) a detailed listing of defense-related resources currently available to the National Oceanic and Atmospheric Administration and the National Oceanic and Atmospheric Administration missions which utilize those resources;

(B) detailed findings and recommendations, including funding requirements, on the potential for expanding the use of available defense-related resources;

(C) a detailed listing and funding history of the National Oceanic and Atmospheric Administration resources, including data and technology, which could be supplemented by defense-related resources;

(D) a listing of currently unavailable defense-related resources, including data and technology, which if made available would enhance the National Oceanic and Atmospheric Administration mission performance;

(E) recommendations on the regulatory and legislative structures needed to maximize the use of defense-related resources;

(F) an assessment of the respective roles in the use of defense-related resources of the Corps, data centers, operational centers, and research facilities of the National Oceanic and Atmospheric Administration;

(G) recommendations on how to provide access to relevant defense-related data for non-federal scientific users; and

(H) an assessment of the defense-related resources that could be used to assist in the identification of, and where consistent with international law, enforcement actions against, vessels fishing in violation of the United Nations Resolutions numbered 44–225, 45–197, and 46–215 calling for the worldwide moratorium on all high seas driftnet fishing, or to assist the Secretary of Commerce in carrying out the responsibilities of the United States under other international fisheries obligations.

SEC. 1910. NAUTICAL CHARTING MODERNIZATION AND IMPROVEMENT.

(a) STUDY.—Not later than 270 days after the date of the enactment of this Title, the Secretary of Commerce shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of National Oceanic and Atmospheric Administration programs related to marine navigation safety.

(b) CONTENTS.—The study under subsection (a) shall include the funding history of navigation-related programs of the National Oceanic and Atmospheric Administration, adjusted for inflation, over at least the last 10 fiscal years, and detailed findings and recommendations on the following:

(1) The missions and objectives of the National Oceanic and Atmospheric Administration's navigation-related programs, including the statutory or other authorities that enable or require the National Oceanic and Atmospheric Administration to conduct those programs.

(2) The technological, financial, or other factors that limit the National Oceanic and Atmospheric Administration's ability to modernize its navigation-related programs.

(3) Near-term actions, without regard to financial constraints, that are required to enable the National Oceanic and Atmospheric Administration to address critical deficiencies in its navigation-related programs.

(4) Actions that need to be taken to allow the National Oceanic and Atmospheric Administration to fulfill its navigation-related responsibilities into the 21st century.

(5) A comparison of the resources and activities of National Oceanic and Atmospheric Administration's navigation-related programs with those of other federal agencies supporting the United States maritime infrastructure.

(6) Past organizational changes within the National Oceanic and Atmospheric Administration and foreseeable future organizational changes that have affected, or would affect, the ability of the National Oceanic and Atmospheric Administration to provide navigation-related services.

SEC. 1911. WEST COAST GROUNDFISH LABORATORY.

(a) In selecting a site for placement of a replacement for the National Marine Fisheries Service Laboratory at Tiburon, California, the Secretary of Commerce shall take into account the following factors:

(1) The proximity of sites considered to—

(A) groundfish fisheries, salmon fisheries, and other unique marine study areas;

(B) academic and private research institutions which conduct relevant marine habitat and environmental research;

(C) other National Oceanic and Atmospheric Administration research and management elements; and

(D) other Federal, State, and private marine research facilities.

(2) The ability of the National Oceanic and Atmospheric Administration to retain current staff.

(3) The relative construction and operation costs, including the potential for collocation with other federal facilities.

(b) AUTHORIZATION FOR ARCHITECTURE AND ENGINEERING STUDIES.—In addition to amounts otherwise authorized by this Title, there are authorized to be appropriated to the Secretary of Commerce, for architecture and engineering studies regarding the replacement for the National Marine Fisheries Service Laboratory at Tiburon, California, $1,500,000 for fiscal year 1995.

SEC. 1912. FUNDS FOR OPERATION AND CONTRACTUAL PURPOSES.

Notwithstanding any other statutory provision, funds in the amount of $40,000 allocated for operations and contractual purposes under the 1993 Charleston Harbor Project grant may be used to pay the nonfederal share required by other federal programs undertaken in connection with the Charleston Harbor Project.

SEC. 1913. CONVEYANCE OF NATIONAL MARINE FISHERIES SERVICE LABORATORY AT GLOUCESTER, MASSACHUSETTS.

(a) CONVEYANCE REQUIRED.—

(1) IN GENERAL.—The Secretary of Commerce shall convey to the Commonwealth of Massachusetts, all right, title, and interest of the United States in and to the property compromising the National Marine Fisheries Service Laboratory located on Emerson Avenue in Gloucester, Massachusetts.

(2) TERMS.—A conveyance of property under paragraph (1) shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions specified under subsections (b) and (c).

(b) CONDITIONS FOR TRANSFER.—

(1) IN GENERAL.—As a condition of any conveyance of property under this section, the Common-

wealth of Massachusetts shall assume full responsibility for maintenance of the property for as long as the Commonwealth retains the right and title to that property.

(2) CONTINUED USE OF PROPERTY.—The Secretary may enter into a Memorandum of Understanding with the Commonwealth of Massachusetts under which the National Marine Fisheries Service is authorized to occupy existing laboratory space on the property conveyed under this section, if—

(A) the term of the Memorandum of Understanding is for a period of not longer than five years beginning on the date of enactment of this title; and

(B) the square footage of the space to be occupied by the National Marine Fisheries Service does not conflict with the needs of, and is agreeable to, the Commonwealth of Massachusetts.

(c) REVERSIONARY INTEREST.—All right, title, and interest in and to all property conveyed under this section shall revert to the United States on the date on which the Commonwealth of Massachusetts uses any of the property for any purpose other than the Commonwealth of

Massachusetts Division of Marine Fisheries resource management program.

SEC. 1914. REIMBURSEMENT OF EXPENSES.

(a) IN GENERAL.—Notwithstanding subsections 3302(b) and (c) of title 31, United States Code, and subject to subsection (b) of this section, all amounts received by the United States in settlement of, or judgment for, damage claims arising from the October 9, 1992, allision of the vessel ZACHERY into the National Oceanic and Atmospheric Administration research vessel DISCOVERER—

(1) shall be retained as an offsetting collection in the Fleet Modernization, Shipbuilding, and Conversion account of the National Oceanic and Atmospheric Administration;

(2) shall be deposited in that account upon receipt by the United States Government; and

(3) shall be available only for obligation for National Oceanic and Atmospheric Administration vessel repairs.

(b) LIMITATION.—Not more than $518,757.09 of the amounts referred to in subsection (a) may be deposited into the Fleet Modernization, Shipbuilding, and Conversion account pursuant to subsection (a).

SEC. 1915. STUDY OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION CORPS.

Within 90 days of enactment of this title, the Secretary of Commerce shall contract with the National Research Council to examine and report to the Secretary and Congress on the implications for the National Oceanic and Atmospheric Administration Corps of the changing roles and missions of National Oceanic and Atmospheric Administration in the context of rapidly changing technologies. In particular, the study shall—

(1) assess the impact of changing technologies for conducting ocean and atmospheric data acquisition and providing environmental services on National Oceanic and Atmospheric Administration's program requirements, and describe their implications for the role of the National Oceanic and Atmospheric Administration Corps;

(2) assess the impact of changing programmatic requirements in such areas as scheduling, maintaining, operating and modernizing oceanographic ships and meteorological research aircraft; planning and conducting hydrographic surveys and, in general, implementing the nations's nautical charting program; managing national marine sanctuaries; conducting and supporting oceanic and atmospheric research and fisheries management; and in general carrying

out and facilitating the responsibilities and activities of National Oceanic and Atmospheric Administration; and describe their implications for the role of the National Oceanic and Atmospheric Administration Corps; and

(3) develop and analyze alternative models of meeting NOAA's operational requirements, considering, at a minimum: the use of a uniformed service and/or civil service personnel in the operation of government owned and/or contracted ships, planes and data acquisition instrumentation. The analysis of the models shall encompass both economic and human resources perspectives.

SEC. 1916. PROMOTION AND COORDINATION OF NATIONAL ESTUARINE RESEARCH RESERVES.

The Secretary of Commerce shall take such action as is necessary and reasonable to promote and coordinate the use of National Estuarine Research Reserves for research, monitoring, and education purposes. Such action may include consulting with federal agencies, States, local governments, regional agencies, interstate agencies, or other persons to promote use of one or more such reserves for research, monitoring, and education, including coordination with the National Marine Sanctuaries Program.

SEC. 1917. FLOWER GARDEN BANKS BOUNDARY MODIFICATION.

(a) MODIFICATION.—Notwithstanding section 304 of the National Marine Sanctuaries Act (16 U.S.C. 1434), the boundaries of the Flower Garden Banks National Marine Sanctuary, as designated by Public Law 102–251, are amended to include the area described in subsection (d), popularly known as Stetson Bank. This area shall be part of the Flower Garden Banks National Marine Sanctuary and shall be managed and regulated as though it had been designated by the Secretary of Commerce under the National Marine Sanctuaries Act.

(b) DEPICTION OF SANCTUARY BOUNDARIES.—The Secretary of Commerce shall—

(1) prepare a chart depicting the boundaries of the Flower Garden Banks National Marine Sanctuary, as modified by this section; and

(2) submit copies of this chart to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate.

(c) APPLICATION OF REGULATIONS.—Regulations issued by the Secretary of Commerce to implement the designation of the Flower Garden Banks National Marine Sanctuary shall apply to the area described in subsection (d), unless modified by the Secretary. This subsection

shall take effect 45 days after the date of enactment of this title.

(d) AREA DESCRIBED.—

(1) IN GENERAL.—Except as provided in paragraph (2), the area referred to in subsections (a), (b), and (c) is the area that is—

(A) generally depicted on the Department of the Interior, Minerals Management Service map titled ''Western Gulf of Mexico, Lease Sale 143, September 1993, Biologically Sensitive Areas, Map 3 of 3, Final'';

(B) labeled ''Stetson'' on the High Island Area South Addition diagram on that map; and

(C) within the 52 meter isobath.

(2) MINOR BOUNDARY ADJUSTMENTS.—The Secretary of Commerce may make minor adjustments to the boundaries of the area described in paragraph (1) as necessary to protect the living coral resources of Stetson Bank or to simplify administration of the Flower Garden Banks National Marine Sanctuary.

(e) PUBLICATION OF NOTICE.—

(1) IN GENERAL.—The Secretary of Commerce shall, as soon as practicable after the date of the en-

actment of this Title, publish in the Federal Register a notice describing—

(A) the boundaries of the Flower Garden Banks National Marine Sanctuary, as modified by this section, and

(B) any modification of regulations applicable to that Sanctuary that are necessary to implement that modification of the boundaries of the Sanctuary.

(2) TREATMENT AS NOTICE REQUIRED UNDER NATIONAL MARINE SANCTUARIES ACT.—A notice published under paragraph (1) shall be considered to be the notice required to be published under section 304(b)(1) of the National Marine Sanctuaries Act (16 U.S.C. 1434(b)(1)).

SEC. 1918. CHESAPEAKE BAY.

(a) REPEAL.—If by December 1, 1994, the Secretary of Commerce fails to obligate all funds appropriated to the Secretary of Commerce by Public Law 103–121 for oyster disease research, section 307 of the National Oceanic and Atmospheric Administration Act of 1992 (15 U.S.C. 1511d), requiring the establishment of a National Oceanic and Atmospheric Administration Chesapeake Bay Estuarine Resources Office, is repealed.

(b) ASSIGNMENT OF FUNCTIONS.—If section 307 of the National Oceanic and Atmospheric Administration Act of 1992 (15 U.S.C. 1511d) is repealed by subsection (a), the Secretary of Commerce shall immediately—

(1) enter into a cooperative agreement with the directors of the Maryland and Virginia Sea Grant colleges to administer all funds appropriated to the Secretary of Commerce under any law for oyster disease research and Chesapeake Bay studies; and

(2) transfer the functions of the former National Oceanic and Atmospheric Administration Chesapeake Bay Estuarine Resources Office to the Director of the Coastal Ocean Program.

The Director may delegate any of the functions transferred under paragraph (2) to the Directors of the Maryland and Virginia Sea Grant colleges under the cooperative agreement required under paragraph (1).

(c) REPEAL AND AUTHORIZATION OF APPROPRIATIONS.—

(1) REPEAL.—Section 2(e) of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98-210, 97 Stat. 1409) is repealed.

(2) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of Commerce to im-

plement section 307 of the National Oceanic and Atmospheric Administration Act of 1992 (15 U.S.C. 1511d) and this section, $2,500,000 for each of fiscal years 1995 and 1996, to remain available until expended.

SEC. 1919. WEATHER REPORTING STATIONS FOR PRINCE WILLIAM SOUND.

(a) INSTALLATION.—To provide more comprehensive weather information to ensure the safety of fishermen and tank vessels and to protect the resources of Prince William Sound from potential oil spills, the Secretary of Commerce may expend $340,000 to acquire, construct, and install weather reporting stations in Prince William Sound Alaska, as follows:

(1) In the vicinity of Seal Rocks, to acquire and install a weather buoy capable of measuring and reporting wind speed and direction, barometric pressure, wave height and period, and air temperature.

(2) On the existing tower at Bligh Reef, to acquire and install a weather instrument capable of measuring and reporting wind speed and direction.

(3) At Potato Point, to relocate the existing anemometer to a more exposed location in order to provide more accurate information.

(4) At the Hinchinbrook Lighthouse site, to acquire and install an anemometer.

(b) MAINTENANCE.—The Secretary of Commerce may expend $160,000 in each of fiscal years 1995 and 1996 to maintain the equipment identified in subsection (a).

SEC. 1920. CLEANUP OF FACILITIES.

(a) To the maximum extent practicable, the Secretary may carry out duties under the Fur Seal Act of 1966 (16 U.S.C. 1161) as amended, or obligation under applicable Federal and State laws, through contracts, grants or cooperative agreements with the entities on the Pribilof Islands entitled to receive conveyance of lands by the Fur Seal Act of 1966 (16 U.S.C. 1161), as amended, and with residents of the Pribilof Islands.

(b) In fulfilling any obligations under the Fur Seal Act of 1966 (16 U.S.C. 1161), as amended, or other Federal and State laws, the Secretary is authorized to clean up such dumps, debris, storage tanks, property, hazardous conditions, and contaminants, as the Secretary deems appropriate.

(c) Subject to the availability of appropriations, the Secretary is authorized to execute contracts or agreements, including agreements on a reimbursable basis with the State of Alaska or local governments, and to provide

technical and financial assistance and training requested by said entities, in order to obtain their services in carrying out this section.

SEC. 1921. PURCHASE OF REMOTELY SENSED SCIENCE DATA.

(a) IN GENERAL.—To the maximum extent possible, the Secretary of Commerce shall purchase from the private sector remotely sensed science data. Examples of such data include scientific data concerning the impact of oceans worldwide on global climate change and concerning the condition of the oceans.

(b) COMPETITIVE BIDDING.—

(1) Contracts for the purchase of remotely sensed data under this section shall be awarded in a process of full, fair, and open competitive bidding.

(2) Submission of cost data, either for the purposes of supporting the bid or fulfillment of the contract, shall not be required of bidders.

(3) Conformance with military specification (Milspec) or Department of Commerce specifications systems with respect to the design, construction, or operation of equipment used in obtaining remotely sensed data under contracts entered into under this section shall not be a requirement for a commercial provider bidding to provide such services.

(4) Contracts under this section shall not provide for the Federal Government to obtain ownership of data not specifically sought by the Federal Government.

SEC. 1922. CONTRACTOR ACTIVITIES.

Activities of the contractor including the purchase, transportation, receiving, and installation of property and materials, on behalf of the National Oceanic and Atmospheric Administration pursuant to the modernization of the National Weather Service as set forth in Public Law 102–567, are hereby expressly exempted from taxation in any manner or form by any State, county, municipality, or any subdivision thereof.

SEC. 1923. COOPERATIVE AGREEMENTS REGARDING ADMINISTRATIVE LAW JUDGES.

The National Oceanic and Atmospheric Administration is authorized to enter into reimbursable cooperative agreements with federal agencies that employ administrative law judges at locations convenient to the places where NOAA civil penalty hearings are usually held. The agreements shall provide for the conduct of formal hearings by administrative law judges selected by the cooperating agency from its pool of administrative law judges in accordance with its customary practice.

SEC. 1924. HYDROGRAPHIC SURVEYING AND MAPPING SERVICES.

The Secretary of Commerce shall award contracts for hydrographic surveying and mapping services in accordance with Title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 1925. EDUCATION PROGRAM TO REDUCE THE RISK ASSOCIATED WITH CONSUMING RAW MOLLUSCAN SHELLFISH.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $500,000 for a comprehensive education program to reduce and prevent illness and deaths associated with the consumption of raw molluscan shellfish.

(b) TRANSFER OF AUTHORITY.—The Secretary of Commerce is authorized to transfer up to $500,000 of amounts authorized to be appropriated under subsection (a) to another federal agency to carry out the purposes of this section.

(c) LIMITATION.—The Secretary of Commerce, or the head of a federal agency to which the Secretary transfers funds under this section, may not use more than five percent of amounts authorized under this section for administrative expenses.

SEC. 1926. FEASIBILITY STUDY.

No later than 180 days after the date of enactment of this Title, the Secretary of Commerce shall submit to the Committee on Merchant Marine and Fisheries and the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a study on the feasibility and desirability of converting the offshore gas production platform known as High Island A389A, owned by Mobil Exploration and Production U.S., Inc., into a marine research station for the purpose of supporting investigations of the northern Gulf of Mexico and for use as a field laboratory for training students and marine science professionals in technologies related to the exploration and study of the Gulf of Mexico. The study shall include—

(1) an assessment of the need for such a research platform, including consultations with National Oceanic and Atmospheric Administration line and program offices, other relevant Federal and State agencies with research and management responsibilities in the Gulf of Mexico, and academic institutions involved in the study of the Gulf of Mexico ecosystem;

(2) an assessment of the financial feasibility of converting the platform, including the cost of conversion from a gas production facility into a marine

research station, the cost of operation of the platform as a marine science field station, the cost of removal of the platform at the end of its functional life span, and the potential costs to users of the platform;

(3) an assessment of the possible liability to the National Oceanic and Atmospheric Administration of converting and maintaining the platform; and

(4) a description of potential users of the platform, potential funding strategies, permit requirements, and time schedules and constraints.

SEC. 1927. FLEET MODERNIZATION.

(a) AUTHORITY TO CONTRACT.—

(1) IN GENERAL.—The Secretary may enter into only the following contracts in fiscal years 1995 and 1996 to implement the Plan—

(A) repairs to extend the service life of the R/V DISCOVERER.

(B) construction of a medium endurance oceanographic research vessel.

(C) a service life extension of the R/V DELAWARE II.

(D) conversion of a T-AGOS vessel for oceanographic research.

(E) construction of a coastal/low endurance vessel for living marine research.

(F) leasing to fulfill any NOAA mission requirements.

(G) necessary repairs to and maintenance of any vessel in the NOAA fleet.

(H) necessary requirements, designs, and specifications for future vessel repair, conversion, construction, or lease.

(2) CONTRACT DEFINED.—Section 602 of the NOAA Fleet Modernization Act (33 U.S.C. 891) is amended by adding at the end the following:

''(6) 'contract' means any contract or other agreement for the construction, conversion, lease, chartering, service life extension, or repair or maintenance of any vessel of the NOAA fleet, and provision of related equipment, including the development of any necessary requirement, design, or specification. The term includes contracts entered into on behalf of the Secretary by another federal department, agency, or instrumentality, if the vessel which is the subject of the contract will be operated by or for the benefit of the Department of Commerce.''.

(b) LEASING AND CONTRACTS.—

(1) IN GENERAL.—The Secretary shall for each of fiscal year 1995 and 1996, enter into contracts or service contracts under the NOAA Fleet Modernization Act (33 U.S.C. 891 et seq.) to use University-National Oceanographic Laboratory System or non-federal vessels.

(2) AMOUNT SUBJECT TO OBLIGATION.—Amounts subject to obligation under paragraph (1) shall be, for each fiscal year, at least 10 percent of the amounts appropriated to the Fleet Modernization, Shipbuilding, and Conversion account for fiscal years 1995 and 1996.

(c) DEFINITIONS.—In this section each of the terms ''contract'', ''NOAA'', ''NOAA fleet'', ''Plan'', and ''Secretary'' has the meaning given to that term in section 602 of the NOAA Fleet Modernization Act (33 U.S.C. 891), as amended by this section.

SEC. 1928. SCIENTIFIC PROGRAMS FOR RELEASE OF MARINE MAMMALS.

(a) PROTOCOLS.—In general, the release to the wild of a marine mammal held for purposes of public display shall be prohibited unless authorized under a scientific research permit issued by the Secretary of Commerce under the appropriate statutory authority. In the case of a marine mammal previously held by the Secretary of the Navy,

the Secretary of Commerce shall only issue a research permit for release of the marine mammal to an applicant which submits with its permit application a program of bona fide scientific research specifically related to the release.

(b) REPORT.—The Secretary of Commerce shall report in accordance with section 103(f) of the Marine Mammal Protection Act (16 U.S.C. 1373) on any release to the wild or proposed release program for a marine mammal held for purposes of public display or previously held by the Secretary of the Navy.

SEC. 1929. AUTHORIZATION OF EDUCATIONAL PROGRAMS.

The Secretary of Commerce is authorized and directed to enter into agreements establishing Cooperative Marine Education and Research programs with Kingsborough Community College, a branch of the City University of New York, and the State University of New York at Stony Brook, New York. The agreement shall provide for the cooperative use of the James J. Howard Laboratory located at Sandy Hook, New Jersey.

SEC. 1930. UNDERSEA RESEARCH PROGRAM.

(a) ESTABLISHMENT.—There is established in the National Oceanic and Atmospheric Administration a program to be known as the National Undersea Research Program.

(b) CENTER FOR GULF OF MEXICO REGION.—Not later than 30 days after the date of enactment of this Act, the Secretary of Commerce shall establish and maintain at a public institution or consortium of public institutions of higher education located in a state bordering the Gulf of Mexico, a National Undersea Research Program Center for the Gulf of Mexico to carry out the National Undersea Research Program for the Gulf of Mexico region.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out the National Undersea Research Program, $18,000,000 for fiscal year 1995 and $18,648,000 for fiscal year 1996.

TITLE XX—ADDITIONAL MISCELLANEOUS PROVISIONS

SEC. 2001. AMENDMENT TO REQUIRE EPIRBS ON THE GREAT LAKES.

Paragraph (7) of section 4502(a) of title 46, United States Code, is amended by inserting ''or beyond 3 nautical miles from the coastline of the Great Lakes'' after ''high seas''.

SEC. 2002. IMPLEMENTATION OF OIL POLLUTION REQUIREMENTS WITH RESPECT TO VEGETABLE OIL.

In implementing the Oil Pollution Act of 1990 (Public Law 101–380), the Coast Guard and other agencies shall differentiate between animal fats or oils of vegetable origin and other oils, including petroleum oils, on the basis of their physical, chemical, biological, and other properties, and their environmental effects.

SEC. 2003. DUAL PURPOSE VESSEL.

Subject to the availability of appropriations, the Secretary of Transportation is authorized to expend up to $10,000,000 in fiscal year 1996 for the design and construction of a passenger ferry to be owned and operated by the State of Alaska, provided that—

(1) any amounts expended under this provision by the Secretary for such ferry are matched by an equal or greater amount from the State of Alaska or other sources;

(2) such ferry shall, when completed, be used by the State of Alaska as part of the National Contingency Plan in accordance with section 311(d)(2)(H) of the Federal Water Pollution Control Act (33 U.S.C. 1321(d)(2)(H)), in the event of a worst case discharge of crude oil off Alaska;

(3) the State of Alaska shall agree to use such ferry in cooperation with the Federal On-Scene Co-

ordinator in the event of a worst case discharge of crude oil off Alaska; and

(4) such ferry shall be made available by the State of Alaska to be included on the list of equipment available in an Area Contingency Plan off Alaska under section 311(j)(4)(C)(iv) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)(C)(iv)).

SEC. 2004. EQUITABLE TREATMENT OF UNITED STATES OCEAN FREIGHT FORWARDERS BY OCEAN CARRIER CONFERENCES.

(a) INDEPENDENT ACTION.—Section 5(b) of the Shipping Act of 1984 (46 U.S.C. App. 1704(b)) is amended by striking paragraph (8) and inserting the following:

''(8) provide that—

''(A) any member of the conference may take independent action on any rate, service item, or level of ocean freight forwarder compensation required to be filed in a tariff under section 8(a) upon not more than 10 calendar days notice to the conference; and

''(B) the conference will include the new rate, service item, or level of ocean freight forwarder compensation in its tariff for use by that member, effective no later than 10 cal-

endar days after receipt of the notice, and by any other member that notifies the conference that it elects to adopt the independent rate, service item, or level of ocean freight forwarder compensation on or after its effective date, in lieu of the existing conference tariff provision for that rate, service item, or level of ocean freight forwarder compensation;''.

(b) PROHIBITION ON DENYING COMPENSATION.—Section 10(c) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)), is amended by striking paragraph (5) and inserting the following:

''(5) deny in the export foreign commerce of the United States compensation to an ocean freight forwarder, or limit that compensation to less than 1.25 percent of the aggregate of all of the rates and charges applicable under the tariff assessed against the cargo on which the forwarding services are provided; or''.

SEC. 2005. FLORIDA AVENUE BRIDGE.

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511

et seq.; popularly known as the Truman-Hobbs Act), the Secretary shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

SEC. 2006. LIMITATION ON CONSOLIDATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not consolidate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas.

SEC. 2007. BUY AMERICAN REQUIREMENT FOR SURFACE SEARCH RADAR SYSTEMS AND MULTIBEAM SONAR.

Notwithstanding any other law, at least 51 percent of the components of surface search radar systems and multibeam sonar systems for Coast Guard vessels shall be manufactured in the United States, provided the United States manufacturer offers the Coast Guard a competitive price and such requirement is consistent with United States international obligations.

SEC. 2008. SPECIAL RECRUITING AUTHORITY TO ACHIEVE DIVERSITY.

(a) FINDINGS.—The Congress makes the following findings:

(1) Women and minorities have historically been underrepresented in the Coast Guard officer corps and at the United States Coast Guard Academy.

(2) Notwithstanding application of traditional recruiting programs, the Coast Guard has not been able to rectify the historic underrepresentation of women and minorities in the service and at the Academy.

(3) The education and professional training provided at the United States Coast Guard Academy will be enhanced by the benefits that flow from a diverse student body.

(b) NEW AUTHORITY.—Section 93 of title 14, United States Code, is amended—

(1) in paragraph (t)(2) by striking ''and'' after the semicolon;

(2) in paragraph (u) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(v) for the purposes of rectifying underrepresentation or underutilization of women and minorities in the Coast Guard and meeting identified personnel resource requirements and training needs—

''(1) conduct studies and analyses on Coast Guard personnel resource and training needs; and

''(2) employ special programs for recruiting women and minorities, including, subject to appropriations, provision of financial assistance by grant, cooperative agreement, contract, or otherwise, to public or private associations, organizations, or individuals to implement national or local outreach programs.''.

SEC. 2009. RECOMMENDATIONS ON ACTIONS FOR THE PROTECTION OF THE NORTH ATLANTIC RIGHT WHALE.

(a) RECOMMENDATIONS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall recommend to the Secretary of Commerce actions that could be undertaken by the Coast Guard and the International Maritime Organization to prevent mortalities of the northern right whale from vessel collisions in the Great South Channel off Cape Cod, Massachusetts. Such recommendations may include—

(1) the designation of 1 or more areas to be avoided;

(2) the shifting of the traffic separation scheme in the Great South Channel; or

(3) other measures the Secretary considers appropriate.

(b) INTERNATIONAL MARITIME ORGANIZATION.—The Secretary of Transportation, in consultation with the Secretary of Commerce, shall submit the appropriate recommendations under subsection (a) to the International Maritime Organization for consideration.

(c) REPORT.—The Secretary of Commerce shall report in accordance with section 103(f) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1373(f)) on any actions taken by the Secretary of Commerce and the Secretary of Transportation pursuant to this section.

SEC. 2010. PROHIBITION ON DIVERSION OF DRUG INTERDICTION FUNDS.

The Secretary of Transportation may not reduce the level of Coast Guard drug interdiction activities during fiscal year 1995 below the level proposed by the President in the fiscal year 1995 budget.

SEC. 2011. LIMITATION ON AUTHORITY OF STATES TO REGULATE GAMBLING DEVICES ON VESSELS.

Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the ''Johnson Act'', is amended by adding at the end the following:

''(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or seg-

ment of a voyage that occurs within the boundaries of the State of Hawaii or the State of Alaska, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

''(i) that begins and ends in the same State;

''(ii) that is part of a voyage to another State or to a foreign country; and

''(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.''.

SEC. 2012. POLLUTION FROM SHIPS.

(a) PREVENTION OF POLLUTION FROM SHIPS.—Section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) is amended—

(1) in subsection (c)—

(A) in paragraph (2)—

(i) by striking ''(2) If'' and inserting the following: ''(2)(A) Subject to subparagraph (B), if''; and

(ii) by adding at the end the following new subparagraphs:

''(B) The Secretary may issue a certificate attesting to the adequacy of reception facilities under this paragraph only if, prior to the issuance of the certificate, the Secretary conducts an inspection of the reception facilities of the port or terminal that is the subject of the certificate.

''(C) The Secretary may, with respect to certificates issued under this paragraph prior to the date of enactment of the Oceans Act of 1994, prescribe by regulation differing periods of validity for such certificates.''; and

(B) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

''(A) is valid for the 5-year period beginning on the date of issuance of the certificate, except that if—

''(i) the charge for operation of the port or terminal is transferred to a person or entity other than the person or entity that is the operator on the date of issuance of the certificate—

''(I) the certificate shall expire on the date that is 30 days after the date of the transfer; and

''(II) the new operator shall be required to submit an application for a cer-

tificate before a certificate may be issued for the port or terminal; or

''(ii) the certificate is suspended or revoked by the Secretary, the certificate shall cease to be valid; and''; and

(2) by striking subsection (d) and inserting the following new subsection:

''(d)(1) The Secretary shall maintain a list of ports or terminals with respect to which a certificate issued under this section—

''(A) is in effect; or

''(B) has been revoked or suspended.

''(2) The Secretary shall make the list referred to in paragraph (1) available to the general public.''.

(b) RECEPTION FACILITY PLACARDS.—Section 6(f) of the Act to Prevent Pollution from Ships (33 U.S.C. 1905(f)) is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

(2) by adding at the end the following new paragraph:

''(2)(A) Not later than 18 months after the date of enactment of this paragraph, the Secretary shall promulgate regulations that require the operator of each port or terminal that is subject to any requirement of the

MARPOL Protocol relating to reception facilities to post a placard in a location that can easily be seen by port and terminal users. The placard shall state, at a minimum, that a user of a reception facility of the port or terminal should report to the Secretary any inadequacy of the reception facility.''.

(c) COMPLIANCE REPORTS.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (Public Law 100–220; 33 U.S.C. 1902 note) is amended—

(1) by striking ''for a period of 6 years''; and

(2) by inserting before the period at the end the following: ''and, not later than 1 year after the date of enactment of the Oceans Act of 1994, and annually thereafter, shall publish in the Federal Register a list of the enforcement actions taken against any domestic or foreign ship (including any commercial or recreational ship) pursuant to the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)''.

(d) MARINE PLASTIC POLLUTION RESEARCH AND CONTROL PUBLIC OUTREACH PROGRAM.—Section 2204(a) of the Marine Plastic Pollution Research and Control Act of 1987 (Public Law 100–220; 42 U.S.C. 6981 note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''for a period of at least 3 years,'';

(B) in subparagraph (C), by striking ''and'' at the end;

(C) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following new subparagraph:

''(E) the requirements under this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to ships and ports, and the authority of citizens to report violations of this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).''; and

(2) by striking paragraph (2) and inserting the following new paragraph:

''(2) AUTHORIZED ACTIVITIES.—

''(A) PUBLIC OUTREACH PROGRAM.—A public outreach program under paragraph (1) may include—

''(i) developing and implementing a voluntary boaters' pledge program;

''(ii) workshops with interested groups;

''(iii) public service announcements;

''(iv) distribution of leaflets and posters; and

''(v) any other means appropriate to educating the public.

''(B) GRANTS AND COOPERATIVE AGREEMENTS.—To carry out this section, the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency are authorized to award grants, enter into cooperative agreements with appropriate officials of other Federal agencies and agencies of States and political subdivisions of States, and provide other financial assistance to eligible recipients.

''(C) CONSULTATION.—In developing outreach initiatives targeted at the interested groups that are subject to the requirements of this title and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of

Commerce and the Administrator of the Environmental Protection Agency, shall consult with—

''(i) the heads of State agencies responsible for implementing State boating laws; and

''(ii) the heads of other enforcement agencies that regulate boaters or commercial fishermen.''.

(e) COORDINATION.—

(1) ESTABLISHMENT OF MARINE DEBRIS COORDINATING COMMITTEE.—The Secretary of Commerce shall establish a Marine Debris Coordinating Committee (referred to in this section as the ''Committee'').

(2) MEMBERSHIP.—The Committee shall include a senior official from—

(A) the National Oceanic and Atmospheric Administration, who shall serve as the Chairperson of the Committee;

(B) the Environmental Protection Agency;

(C) the United States Coast Guard;

(D) the United States Navy; and

(E) such other Federal agencies that have an interest in ocean issues or water pollution

prevention and control as the Secretary of Commerce determines appropriate.

(3) MEETINGS.—The Committee shall meet at least twice a year to provide a forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

(f) MONITORING.—The Secretary of Commerce, in cooperation with the Administrator of the Environmental Protection Agency, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist the United States Coast Guard in assessing the effectiveness of this section.

SEC. 2013. COST ACCOUNTING FOR HAITIAN OPERATIONS.

(a) No later than 30 days after the enactment of this Act, the Secretary of Transportation shall submit a full accounting of all Coast Guard costs related to Haiti during fiscal year 1994 to the Committee on Merchant Marine and Fisheries in the House of Representatives and to the Committee on Commerce, Science, and Transportation in the Senate. This accounting shall include numbers of Coast Guard personnel involved, the numbers of Coast Guard vessels involved, and the amount of funds diverted from other Coast Guard missions.

(b) Until all United States military operations in Haiti cease, the Secretary of Transportation shall submit monthly reports on all Coast Guard costs related to Haiti to the Committee on Merchant Marine and Fisheries in the House of Representatives and to the Committee on Commerce, Science, and Transportation in the Senate.

SEC. 2014. PLAN FOR RESCUE OF PASSENGERS ON THE CHESAPEAKE BAY.

(a) The Secretary of the department in which the Coast Guard is operating, in consultation with officials of the States of Maryland and Virginia, and other interested persons, shall develop and submit to Congress by March 30, 1995, a plan for the rescue of persons transported on passenger vessels or small passenger vessels on the Chesapeake Bay.

(b) The plan developed in subsection (a) shall include—

(1) a protocol for command, control, and communications among Federal, State, and local authorities;

(2) a protocol for training exercises to prepare for an emergency rescue on the Chesapeake Bay;

(3) an identification of emergency medical personnel that would be available for an emergency rescue on the Chesapeake Bay; and

(4) an identification of procedures to be followed and equipment that would be needed in the event of weather that could result in hypothermia of the passengers.

SEC. 2015. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE.

(a) Ten months after a complete application for correction of military records is received by the Board for Correction of Military Records of the Coast Guard, administrative remedies are deemed to have been exhausted, and—

(1) if the Board has rendered a recommended decision, its recommendation shall be final agency action and not subject to further review or approval within the Department of Transportation; or

(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

(A) an order under section 706(1) of title 5, United States Code, directing final action be taken within 30 days from the date the order is entered; and

(B) from amounts appropriated to the Department of Transportation, the costs of obtain-

ing the order, including a reasonable attorney's fee.

(b) The 10-month deadline established in section 212 of the Coast Guard Authorization Act of 1989 (Public Law 101–225, 103 Stat. 1914) is mandatory, and applies to any application pending before the Board or the Secretary of Transportation on June 12, 1990.

TITLE XXI—MARINE BIOTECHNOLOGY INVESTMENT ACT OF 1993

SEC. 2101. SHORT TITLE.

This Title may be cited as the ''Marine Biotechnology Investment Act of 1993''.

SEC. 2102. FINDINGS.

Congress finds and declares the following:

(1) Throughout human history, the oceans and Great Lakes have been an important source of food and a wealth of other natural products.

(2) Marine biotechnology holds tremendous promise for expanding the range and increasing the utility of products from the oceans, understanding and treating human illness, and enhancing the quality and quantity of seafood.

(3) Marine biotechnology offers opportunities to improve the stewardship of marine resources

through the development and application of effective methods to restore and protect marine ecosystems, to manage fisheries, to promote the economic growth of coastal economies (particularly those which rely substantially on income from traditional fisheries), and to monitor marine biological and geochemical processes.

(4) The United States currently is a world leader in marine biotechnology, a position with the potential for contributing to business and manufacturing innovations, creation of new jobs, and stimulation of private sector investment.

(5) Maintaining national leadership in the face of growing foreign competition will require federal investment in a well-defined and coordinated national program of research, development and private sector partnership, based on the existing responsibilities and expertise of the National Oceanic and Atmospheric Administration and other federal agencies.

(6) In particular, the National Sea Grant College Program should play a leading role in the development of marine biotechnology in the United States, building on proven capabilities in research, technology transfer, and education.

SEC. 2103. DEFINITIONS.

As used in this Title—

(1) The term ''Council'' means the Federal Coordinating Council on Science, Engineering, and Technology or any successor organization responsible for the coordination of scientific research among federal agencies and departments.

(2) The term ''Director'' means the Director of the Office of Science and Technology Policy.

(3) The term ''marine biotechnology'' means the application of molecular and cellular techniques to marine or other aquatic organisms for the purposes of—

(A) identifying, isolating, developing, and enhancing products that are derived from the aquatic environment;

(B) developing new techniques and processes that may be applied to marine and coastal resources; and

(C) monitoring human health and treating disease.

(4) The term ''release of organisms'' means—

(A) the intentional release; or

(B) the accidental release from a contained research facility;

into the surrounding environment, of a living marine or other aquatic organism in which the genetic material has been purposely altered at the molecular or cellular level in a way that could not result from the natural reproductive process of that species.

(5) The term ''Sea Grant director'' means director of a college, program, or regional consortium designated under the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

(6) The term ''Secretary'' means the Secretary of Commerce.

(7) The term ''Strategy'' means the National Marine Biotechnology Strategy developed under section 2104, or any revision thereof.

SEC. 2104. NATIONAL MARINE BIOTECHNOLOGY STRATEGY.

(a) IN GENERAL.—The Director shall develop a National Marine Biotechnology Strategy for the establishment and implementation of a comprehensive research and development effort to assist the nation in understanding and using marine biotechnology. The Director shall submit the Strategy to the President and Congress within one year after the date of enactment of this Title and shall submit a revised Strategy at least once every three years thereafter.

(b) ELEMENTS OF THE STRATEGY.—The Strategy shall—

(1) establish, for the five-year period beginning in the year the Strategy is submitted, goals and priorities for a coordinated Federal effort in marine biotechnology;

(2) describe specific activities to achieve such goals and priorities, including—

(A) basic and applied research initiatives;

(B) essential infrastructure development;

(C) education and training programs;

(D) development of partnerships among government agencies, industry, and academia to translate research findings into practical use;

(E) applications of marine biotechnology which can be used to contribute to the economic stability and vitality of economies based on traditional fisheries.

(3) set forth the role of each participation federal agency and department, identifying and addressing (consistent with the responsibilities established in this Title) relevant programs and activities of such agencies and departments that would contribute to the effort;

(4) estimate, to the extent practicable, funding requirements for the federal marine biotechnology effort described in the Strategy; and

(5) provide for, which respect to federally funded activities that may involve release of organisms, coordinated oversight by Federal departments and agencies, including development of—

(A) guidelines and performance standards that are necessary for the safe conduct of such activities and for preventing significant environmental risk; and

(B) procedures to ensure compliance with such guidelines and performance standards.

(c) CONSULTATION.—In developing and revising the Strategy, the Director—

(1) shall consult with Federal, State, academic, commercial, and environmental entities involved in marine biotechnology; and

(2) may convene meetings and workshops, in consultation with the National Academy of Sciences and the Sea Grant directors.

SEC. 2105. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) IN GENERAL.—The Secretary, in consultation with the council, shall, within the National Oceanic and

Atmospheric Administration, maintain a balanced program of marine biotechnology activities, comprised of—

(1) the program established by section 206 of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), as added by section 2106 of this Title;

(2) research conducted under agreements with academic institutions for the purposes of developing and applying marine biotechnology to the management, conservation, and use of living marine resources; and

(3) marine forensics, biotoxins, and microbiological research on new methods for ensuring the safety of seafood, implementing and enforcing marine environmental statutes, and addressing coastal pollution.

(b) RESTRICTION RELATING TO RELEASE OF ORGANISMS.—

(1) IN GENERAL.—The Secretary shall not conduct activities (either directly or through the award of a grant or contract) that may involve release of organisms, unless such activities—

(A) have been reviewed and approved under other applicable Federal law; or

(B) are found by the Secretary, based on the Secretary's written assessment, to pose no significant environmental risk.

(2) CONDITIONS FOR MAKING A FINDING.—The Secretary may make a finding under subparagraph (1)(B)—

(A) in the case of an intentional release of organisms, only after providing notice and an opportunity for public comment;

(B) within 18 months after the date of the enactment of this Title only, if the Secretary includes with the finding a brief but complete description of the basis for that finding; and

(C) after 18 months after the date of the enactment of this Title, only after guidelines, performance standards, and procedures necessary for the safe conduct of activities by the Department of Commerce that may involve the release of organisms have been developed.

(c) TERMINATION OF AWARD.—The Secretary shall promptly withdraw any award made under this Title if the Secretary determines that the grantee or contractee in question has failed to abide by the applicable guidelines, performance standards, and procedures referred to in this section or section 2104 of this Title.

(d) RESTRICTION ON PACIFIC SALMON.—The Secretary shall only conduct research or award a grant or contract for marine biotechnology applications intended to promote or enhance farming, ranching, or other forms of captive cultivation (other than stock identification or hatchery enhancement of wild stocks) of any species of Pacific salmon upon making a written finding that such award, grant, or contract will not be detrimental to the economic stability and responsible development of traditional coastal economies which rely substantially on the harvest of wild stocks of Pacific salmon for a significant portion of their livelihood.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to the sums authorized to be appropriated under section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out this Title, $12,000,000 for each of fiscal years 1994, 1995, 1996, and 1997.

SEC. 2106. SEA GRANT MARINE BIOTECHNOLOGY PROGRAM.

(a) ESTABLISHMENT.—The National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) is amended

by inserting immediately after section 205 the following new section:

"SECTION 206. MARINE BIOTECHNOLOGY PROGRAM.

''(a) MARINE BIOTECHNOLOGY PROGRAM.—Subject to the availability of appropriations under section 212(c), the national sea grant college program provided for under section 204 shall include a marine biotechnology program under which the Secretary, acting through the Director, shall—

''(1) make grants and enter into contracts in accordance with this section; and

''(2) engage in other activities authorized under this Act; to further research, development, education, technology transfer, and risk assessment in marine biotechnology.

''(b) ADMINISTRATION.—In carrying out the marine biotechnology program, the Secretary shall—

''(1) coordinate the relevant activities of the directors of the sea grant colleges and the Marine Biotechnology Review Panel established under subsection (d); and

''(2) provide general oversight of the review process under subsection (d)(1) to ensure that the marine biotechnology program produces the highest

quality research, development, education, and technology transfer.

''(c) GRANTS AND CONTRACTS.—

''(1) APPLICATIONS.—Applications for grants and contracts under this section shall be—

''(A) made in such form and manner, and include such content and submissions, as the Secretary shall by advance notice prescribe;

''(B) forwarded by the appropriate directors of sea grant colleges, along with an evaluation by those directors of merit and programmatic relevance, to the National Sea Grant Office; and

''(C) reviewed by the Marine Biotechnology Review Panel in accordance with subsection (d).

''(2) TERMS AND CONDITIONS.—Any reference in subsection (d) of section 205 or in the last sentence of subsection (a) of section 205 to grants and contracts provided for under that section shall be treated, as the context requires, as including any grant applied for or made, or contract applied for or entered into, under this section.

''(3) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall award grants and contracts under this section on the basis of the recommenda-

tions for award made by the Marine Biotechnology Review Panel under subsection (d).

''(d) MARINE BIOTECHNOLOGY REVIEW PANEL.—

''(1) ESTABLISHMENT AND DUTIES.—Subject to the availability of appropriations under section 212(c), the Director, in consultation with the directors of the sea grant colleges, shall convene a panel, to be known as the Marine Biotechnology Review Panel, that shall—

''(A) review, on a competitive basis, the applications made under this section for grants and contracts to determine their respective scientific, technical, educational, and commercial merits and likely contributions toward achieving the purposes of this section; and

''(B) on the basis of the review under subparagraph (A), and with due regard for the overall balance and coordination of the marine biotechnology program, make recommendations to the Secretary regarding the awarding of grants and contracts under this section.

''(2) MEMBERSHIP.—The Marine Biotechnology Review Panel shall—

''(A) consist of not more than 15 individuals with scientific or technical expertise in ma-

rine biotechnology or relevant related fields, including at least two qualified individuals with expertise in marine or freshwater ecological risk assessment;

''(B) reflect a balance among areas of expertise consistent with the purposes of this section;

''(C) include not more than two federal employees, none of which may be employees of the National Oceanic and Atmospheric Administration;

''(D) not include directors of sea grant colleges; and

''(E) reflect geographic balance, consistent with the primary objectives of a high level of expertise and balance among areas of expertise.

''(3) ALLOWANCES.—Each member of the Marine Biotechnology Review panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.''.

(b) DEFINITIONS.—(1) Section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122) is amended by redesignating paragraphs (6) through (15) as

paragraphs (7) through (16), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) The term 'marine biotechnology' means the application of molecular and cellular techniques to marine and other aquatic organisms for the purposes of—

''(A) identifying, isolating, developing and enhancing products that are derived from the aquatic environment;

''(B) developing new techniques and processes that may be applied to marine and coastal resources; and

''(C) monitoring human health and treating diseases.''.

(2) Section 203(4) of the National Sea Grant College Program Act (33 U.S.C. 1122(4) is amended by inserting ''marine biotechnology,'' immediately after ''marine technology,''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) is amended—

(1) in subsection (b), by inserting ''but not including section 206'' immediately after ''section 209'';

(2) by redesignating subsections (c), (d), and (e) as subsection (d), (e) and (f) respectively; and

(3) by inserting immediately after subsection (b) the following new subsection:

''(c) MARINE BIOTECHNOLOGY PROGRAM.—

''(1) GRANTS AND CONTRACTS.—There is authorized to be appropriated to carry out the provisions of section 206 (other than for administration) an amount —

''(A) for each of fiscal years 1994 and 1995, not to exceed $20,000,000; and

''(B) for each of fiscal years 1996 and 1997, not to exceed $25,000,000.

''(2) ADMINISTRATION.—There is authorized to be appropriated for the administration of section 206, an amount—

''(A) for each of fiscal years 1994 and 1995, not to exceed $200,000; and

''(B) for each of fiscal years 1996 and 1997, not to exceed $250,000.''.

TITLE XXII—MERCHANT MARINER BENEFITS

SEC. 2201. MERCHANT MARINER BENEFITS.

(a) Part G of subtitle II, title 46, United States Code, is amended by adding the following new chapter:

''CHAPTER 112—MERCHANT MARINER BENEFITS

''Sec.
''11201. Qualified service.
''11202. Qualified service benefits.

''§ 11201. Qualified service

''An individual who was in training for, or who served as a member of, the United States merchant marine during World War II, including the Army Transport Service and the Naval Transportation Service, or who received a notice of induction, before September 2, 1945, is deemed to have been engaged in qualified service for purposes of this chapter.

''§ 11202. Qualified service benefits

''(a) An individual who believes that individual performed qualified service under section 11201 of this chapter may apply to the Secretary. Not later than 180 days after the Secretary receives an application under this section, the Secretary shall determine whether the individual performed qualified service.

''(b) The Secretary shall issue an honorable discharge to an individual who performed qualified service as determined by the Secretary under subsection (a). The Secretary shall issue the discharge subject to the standards that apply to honorable discharges issued under section 401(a)(1)(b) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

''(c) The qualified service of an individual who—

''(1) receives an honorable discharge under subsection (b); and

''(2) is not eligible for benefits under a law administered by the Secretary of Veterans Affairs—

shall be treated as active duty in the armed forces during a period of war for purposes of eligibility for benefits under chapters 23 and 24 of title 38, United States Code.

''(d) The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits provided to an individual by reason of eligibility under this chapter.

''(e) An individual is not entitled to, and may not receive, benefits under this chapter for any period before the date of enactment of this chapter.''.

(b) The analysis at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 111 the following:

''112. Merchant mariners benefits .....11201.''.

TITLE XXIII—DOCUMENTATION OF VESSELS

SEC. 2301. AUTHORIZATION OF DOCUMENTATION FOR VARIOUS VESSELS.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), the Act of May 28, 1906 (46 App. U.S.C. 292), and sections 12106, 12107, and 12108 of title 46, United States Code, the

Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsements for the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) ABORIGINAL (United States official number 942118).

(2) ALPHA TANGO (United States official number 945782).

(3) ANNAPOLIS (United States official number 999008).

(4) ARTHUR ATKINSON (former United States official number 214656).

(5) ATTITUDE (North Carolina registration number NC3607AN).

(6) BAGGER (Hawaii registration number HI1809E).

(7) BIG DAD (United States official number 565022).

(8) BIG GUY (United States official number 939310).

(9) BROKEN PROMISE (United States official number 904435).

(10) CHESAPEAKE (United States official number 999010).

(11) CHRISSY (Maine registration number ME4778B).

(12) CONSORT (United States official number 999005).

(13) CURTIS BAY (United States official number 999007).

(14) EAGLE MAR (United States official number 575349).

(15) EMERALD AYES (United States official number 986099).

(16) EMPRESS (United States official number 975018).

(17) ENDEAVOR (United States official number 947869).

(18) FIFTY ONE (United States official number 1020419).

(19) FIREBIRD (United States official number 253656).

(20) GIBRALTAR (United States official number 668634).

(21) HAMPTON ROADS (United States official number 999009).

(22) INTREPID (United States official number 508185).

(23) ISABELLE (United States official number 600655).

(24) JAMESTOWN (United States official number 999006).

(25) JOAN MARIE (North Carolina official number NC2319AV).

(26) KLIPPER (New York registration number NY8166AN).

(27) L.R. BEATTIE (United States official number 904161).

(28) LADY ANGELA (United States official number 933045).

(29) LADY HAWK (United States official number 961095).

(30) LADY HELEN (United States official number 527746).

(31) MANDIRAN (United States official number 939915).

(32) MEMORY MAKER (Maryland registration number MD8867AW, hull number 3151059).

(33) OLD HAT (United States official number 508299).

(34) ORCA (United States official number 504279).

(35) REEL TOY (United States official number 698383).

(36) RENDEZVOUS (United States official number 924140).

(37) SALLIE D (Maryland registration number MD2655A).

(38) SEAHAWK (United States official number 673537).

(39) SEAHAWK III (United States official number 996375).

(40) SEA MISTRESS (United States official number 696806).

(41) SERENITY (United States official number 1021393).

(42) SHAMROCK V (United States official number 900936).

(43) SILENT WINGS (United States official number 969182).

(44) SUNSHINE (United States official number 974320).

(45) TECUMSEH (United States official number 668633).

(46) VIKING (former United States official number 224430).

(47) WHY KNOT (United States official number 688570).

(48) WOLF GANG II (United States official number 984934).

(49) A hopper barge owned by Foley & Foley Marine Contractors, Inc. (United States official number 264959).

(50) Each of 2 barges owned by Roen Salvage Co., numbered 103 and 203.

(51) Each of 3 spud barges owned by Dan's Excavating, Inc., as follows:

(A) Spud barge 102 (United States official number 1021958).

(B) Spud barge 103 (United States official number 1021960).

(C) Spud barge 968 (United States official number 1021959).

(52) Each of 3 barges owned by Harbor Marine Corporation of Rhode Island, as follows:

(A) HARBOR 223 (approximately 110 feet in length).

(B) GENE ELIZABETH (approximately 200 feet in length).

(C) HARBOR 221 (approximately 90 feet in length).

(53) SMALLEY 6808 Amphibious Dredge (Florida registration number FL1855FF).

(54) TOO MUCH FUN (United States official number 936565).

SEC. 2302. AUTHORIZATION OF DOCUMENTATION FOR THE ATLANTIS III.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate coastwise endorsement for employment in the coastwise trade in Alaska during the period beginning May 1, 1995, and ending October 31, 1996, for the vessel ATLANTIS III (Coast Guard MSIS number CG006455).

SEC. 2303. AUTHORIZATION OF SALE AND REREGISTRATION.

Notwithstanding any other law or agreement with the United States Government, the vessels SS LAKE CHARLES (United States official number 619531) and SS LOUISIANA (United States official number 619532) may be sold to a person that is not a citizen of the United

States and transferred to or placed under a foreign registry if an application to authorize payment of operating-differential subsidy to the vessels is not approved by December 15, 1994.

SEC. 2304. VESSEL DOCUMENTATION FOR CHARITY CRUISES.

(a) AUTHORITY TO DOCUMENT VESSELS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the vessels—

(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length); and

(B) GALLANT LADY (Feadship hull number 651, approximately 172 feet in length).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to carriage of passengers in association with contributions to charitable organizations no portion

of which is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue any certificate of documentation under paragraph (1) unless the owner of the vessel referred to in paragraph (1)(A) (in this section referred to as the ''owner''), within 90 days after the date of the enactment of this Act, submits to the Secretary a letter expressing the intent of the owner to enter into a contract before October 1, 1996, for construction in the United States of a passenger vessel of at least 130 feet in length.

(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1)—

(A) for the vessel referred to in paragraph (1)(A), shall take effect on the date of issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), shall take effect on the date of delivery of the vessel to the owner.

(b) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under subsection (a)(1) shall expire—

(1) on the date of the sale of the vessel by the owner;

(2) on October 1, 1996, if the owner has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under subsection (a)(3); and

(3) on any date on which such a contract is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner.

SEC. 2305. EXTENSION OF DEADLINE FOR THE M/V TWIN DRILL.

Section 601(d) of Public Law 103–206 is amended by striking ''June 30'' in subpart (3) and inserting ''December 31'' and by striking ''12'' in subpart (4) and inserting ''18''.

SEC. 2306. COASTWISE TRADE AUTHORIZATION FOR HOVERCRAFT.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106 and 12107 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for each of the vessels IDUN VIKING (Danish Registration number A433), LIV VIKING

(Danish Registration number A394), and FREJA VIKING (Danish Registration number A395) if—

(1) all repair and alteration work on the vessels necessary to their operation under this section is performed in the United States;

(2) a binding contract for the construction in the United States of at least 3 similar vessels for the coastwise trade is executed by the owner of the vessels within 6 months after the date of enactment of this Act; and

(3) the vessels constructed under the contract entered into under paragraph (1) are to be delivered within 3 years after the date of entering into that contract.

SEC. 2307. WRECKED VESSEL.

The M/V SPIRIT OF THE PACIFIC NORTHWEST (Bahamian official number 725338) shall be considered to have met the requirements of the section 4136 of the Revised Statutes of the United States (46 App. U.S.C. 14), if the Secretary of Transportation determines—

(1) that the vessel was purchased or salvaged by a United States corporation and subsequently repaired in a shipyard in the United States; and

(2) that repairs to the vessel were equal to or greater than three times the appraised salved value of the vessel.

Passed the House of Representatives October 7, 1994.

Attest: DONNALD K. ANDERSON,

Clerk.

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