

Public Law 103-206
103d Congress

An Act

To authorize appropriations for fiscal year 1994 for the United States Coast Guard,
and for other purposes.

Dec. 20, 1993
[H.R. 2150]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act
of 1993".

Coast Guard
Authorization
Act of
1993.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses
of the Coast Guard for fiscal year 1994, as follows:

(1) For the operation and maintenance of the Coast Guard,
\$2,612,552,200, of which \$25,000,000 shall be derived from
the Oil Spill Liability Trust Fund, and of which \$35,000,000
shall be expended from the Boat Safety Account.

(2) For the acquisition, construction, rebuilding, and
improvement of aids to navigation, shore and offshore facilities,
vessels, and aircraft, including equipment related thereto,
\$417,996,500, to remain available until expended, of which
\$23,030,000 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 tech-
nologies, 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 trea-
ties, ice operations, and defense readiness, \$25,000,000, to
remain available until expended, of which \$4,457,000 shall
be derived from the Oil Spill Liability Trust Fund.

(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, \$548,774,000.

(5) For alteration or removal of bridges over navigable
waters of the United States constituting obstructions to naviga-
tion associated with the Bridge Alteration Program,
\$12,940,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities, \$23,057,000, to remain available until expended.

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

(a) **AUTHORIZED MILITARY STRENGTH LEVEL.**—The Coast Guard is authorized an end-of-year strength for active duty personnel of 39,138 as of September 30, 1994. 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) **AUTHORIZED LEVEL OF MILITARY TRAINING.**—For fiscal year 1994, the Coast Guard is authorized average military training student loads as follows:

- (1) For recruit and special training, 1,986 student years.
- (2) For flight training, 114 student years.
- (3) For professional training in military and civilian institutions, 338 student years.
- (4) For officer acquisition, 955 student years.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 201. CEILING ON OFFICER CORPS.

Subsection (a) of section 42 of title 14, United States Code, is amended by striking “6,000” and inserting “6,200”.

SEC. 202. VOLUNTEER SERVICES.

Section 93 of title 14, United States Code, is amended by—

- (1) striking “and” at the end of paragraph (r);
- (2) striking the period at the end of paragraph (s) and inserting a comma; and

(3) adding at the end the following new subsection:

“(t) notwithstanding any other law, enter into cooperative agreements with States, local governments, non-governmental organizations, and individuals, to accept and utilize voluntary services for the maintenance and improvement of natural and historic resources on, or to benefit natural and historic research on, Coast Guard facilities, subject to the requirement that—

“(1) the cooperative agreements shall each provide for the parties to contribute funds or services on a matching basis to defray the costs of such programs, projects, and activities under the agreement; and

“(2) a person providing voluntary services under this subsection shall not be considered a Federal employee except for purposes of chapter 81 of title 5, United States Code, with respect to compensation for work-related injuries, and chapter 171 of title 28, United States Code, with respect to tort claims; and”.

SEC. 203. RESERVE RETENTION BOARDS.

Section 741 of title 14, United States Code, is amended—

- (1) in subsection (a) in the first sentence by striking “and are not on active duty and not on an approved list of selectees

for promotion to the next higher grade" and inserting the following: ", except those officers who—

"(1) are on extended active duty;

"(2) are on a list of selectees for promotion;

"(3) will complete 30 years total commissioned service by June 30th following the date that the retention board is convened; or

"(4) have reached age 59 by the date on which the retention board is convened";

(2) in subsection (a) by moving the second sentence so as to begin—

(A) immediately below paragraph (4) (as added by paragraph (1) of this section); and

(B) flush with the left margin of the material preceding paragraph (1);

(3) by designating the third sentence of subsection (a) as subsection (b) by—

(A) inserting "(b)" before "This board shall—"; and

(B) moving the third sentence so as to begin immediately below the second sentence of subsection (a); and

(4) by redesignating the last 2 subsections as subsections (c) and (d), respectively.

SEC. 204. CONTINUITY OF GRADE OF ADMIRALS AND VICE ADMIRALS.

(a) Section 46(a) of title 14, United States Code, is amended to read as follows:

"(a) A Commandant who is not reappointed shall be retired with the grade of admiral at the expiration of the appointed term, except as provided in subsection 51(d) of this title."

(b)(1) Section 47 of title 14, United States Code, is amended—

(A) in the heading by striking "; retirement";

(B) in subsection (a) by—

(i) striking "(a)" at the beginning thereof, and

(ii) striking the last sentence and inserting the following: "The appointment and grade of a Vice Commandant shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in subsection 51(d) of this title."; and

(C) by striking subsections (b), (c), and (d).

(2) The table of sections at the beginning of chapter 3 of title 14, United States Code, is amended by striking the item relating to section 47 and inserting the following:

"47. Vice Commandant; assignment."

(c) Section 50(b) of title 14, United States Code, is amended by striking the last sentence and inserting "The appointment and grade of an area commander shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in subsection 51(d) of this title."

(d) Section 51 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(d) An officer serving in the grade of admiral or vice admiral shall continue to hold that grade—

"(1) while being processed for physical disability retirement, beginning on the day of the processing and ending on the

day that officer is retired, but not for more than 180 days; and

“(2) while awaiting retirement, beginning on the day that officer is relieved from the position of Commandant, Vice Commandant, Area Commander, or Chief of Staff and ending on the day before the officer’s retirement, but not for more than 60 days.”.

SEC. 205. CHIEF OF STAFF.

(a) Section 41a(b) of title 14, United States Code, is amended by striking “, except that the rear admiral serving as Chief of Staff shall be the senior rear admiral for all purposes other than pay” at the end of the second sentence.

(b)(1) Title 14, United States Code, is amended by inserting after section 50 of the following new section:

“§ 50a. Chief of Staff

“(a) The President may appoint, by and with the advice and consent of the Senate, a Chief of Staff of the Coast Guard who shall rank next after the area commanders and who shall perform duties as prescribed by the Commandant. The Chief of Staff shall be appointed from the officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendations for the appointment.

“(b) The Chief of Staff shall have the grade of vice admiral with the pay and allowances of that grade. The appointment and grade of the Chief of Staff shall be effective on the date the officer assumes that duty, and shall terminate on the date the officer is detached from that duty, except as provided in section 51(d) of this title.”.

(2) The table of sections at the beginning of chapter 3 of title 14, United States Code, is amended by inserting after the item relating to section 50 the following:

“50a. Chief of Staff.”.

(c) Section 51 of title 14, United States Code, is amended—

(1) in subsection (a) by striking “as Commander, Atlantic Area, or Commander, Pacific Area” and inserting “in the grade of vice admiral”; and

(2) in subsection (b) by striking “as Commander, Atlantic Area, or Commander, Pacific Area” and inserting “in the grade of vice admiral”.

(d) Section 290 of title 14, United States Code, is amended—

(1) in subsection (a) by striking “or in the position of Chief of Staff” in the second sentence;

(2) in subsection (f)(1) by striking “Chief of Staff or”; and

(3) in subsection (f)(2) by striking “Chief of Staff or”.

**TITLE III—MISCELLANEOUS COAST
GUARD PROVISIONS**

SEC. 301. NORTH ATLANTIC ROUTES.

Sections 3 and 5 of the Act of June 25, 1936 (49 Stat. 1922, 46 App. U.S.C. 738b and 738d), are repealed.

SEC. 302. COAST GUARD FAMILY HOUSING.

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

“§ 670. Procurement authority for family housing

“(a) The Secretary is authorized—

“(1) to acquire, subject to the availability of appropriations sufficient to cover its full obligations, real property or interests therein by purchase, lease for a term not to exceed 5 years, or otherwise, for use as Coast Guard family housing units, including the acquisition of condominium units, which may include the obligation to pay maintenance, repair, and other condominium-related fees; and

“(2) to dispose of by sale, lease, or otherwise, any real property or interest therein used for Coast Guard family housing units for adequate consideration.

“(b)(1) For the purposes of this section, a multiyear contract is a contract to lease Coast Guard family housing units for at least one, but not more than 5, fiscal years.

“(2) The Secretary may enter into multiyear contracts under subsection (a) of this section whenever the Coast Guard finds that—

“(A) the use of a contract will promote the efficiency of the Coast Guard family housing program and will result in reduced total costs under the contract; and

“(B) there are realistic estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract.

“(3) A multiyear contract authorized under subsection (a) of this section shall contain cancellation and termination provisions to the extent necessary to protect the best interests of the United States, and may include consideration of both recurring and non-recurring costs. The contract may provide for a cancellation payment to be made. Amounts that were originally obligated for the cost of the contract may be used for cancellation or termination costs.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 17, United States Code, is amended by adding at the end the following:

“670. Procurement authority for family housing.”.

SEC. 303. AIR STATION CAPE COD IMPROVEMENTS.

(a) **IN GENERAL.**—Chapter 17 of title 14, United States Code, is amended by adding after section 670 (as added by section 302 of this Act) the following new section:

“§ 671. Air Station Cape Cod Improvements

“The Secretary may expend funds for the repair, improvement, restoration, or replacement of those federally or nonfederally owned support buildings, including appurtenances, which are on leased or permitted real property constituting Coast Guard Air Station Cape Cod, located on Massachusetts Military Reservation, Cape Cod, Massachusetts.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 17, United States Code, is amended by adding after the item relating to section 670 (as added by section 302 of this Act) the following:

“671. Air Station Cape Cod Improvements.”.

SEC. 304. LONG-TERM LEASE AUTHORITY FOR AIDS TO NAVIGATION.

(a) Chapter 17 of title 14, United States Code, is amended by adding after section 671 (as added by section 303 of this Act) the following new section:

“§ 672. Long-term lease authority for navigation and communications systems sites

“(a) The Secretary is authorized, subject to the availability of appropriations, to enter into lease agreements to acquire real property or interests therein for a term not to exceed 20 years, inclusive of any automatic renewal clauses, for aids to navigation (hereafter in this section referred to as ‘ATON’) sites, vessel traffic service (hereafter in this section referred to as ‘VTS’) sensor sites, or National Distress System (hereafter in this section referred to as ‘NDS’) high level antenna sites. These lease agreements shall include cancellation and termination provisions to the extent necessary to protect the best interests of the United States. Cancellation payment provisions may include consideration of both recurring and nonrecurring costs associated with the real property interests under the contract. These lease agreements may provide for a cancellation payment to be made. Amounts that were originally obligated for the cost of the contract may be used for cancellation or termination costs.

“(b) The Secretary may enter into multiyear lease agreements under subsection (a) of this section whenever the Secretary finds that—

“(1) the use of such a lease agreement will promote the efficiency of the ATON, VTS, or NDS programs and will result in reduced total costs under the agreement;

“(2) the minimum need for the real property or interest therein to be leased is expected to remain substantially unchanged during the contemplated lease period; and

“(3) the estimates of both the cost of the lease and the anticipated cost avoidance through the use of a multiyear lease are realistic.”.

(b) The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by adding after the item relating to section 671 (as added by section 303 of this Act) the following:

“672. Long-term lease authority for navigation and communications systems sites.”.

SEC. 305. AUTHORITY FOR EDUCATIONAL RESEARCH GRANTS.

(a) **IN GENERAL.**—Chapter 9 of title 14, United States Code, is amended by adding at the end the following new section:

“§ 196. Participation in Federal, State, or other educational research grants

“Notwithstanding any other provision of law, the United States Coast Guard Academy may compete for and accept Federal, State, or other educational research grants, subject to the following limitations:

“(1) No award may be accepted for the acquisition or construction of facilities.

“(2) No award may be accepted for the routine functions of the Academy.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 9 of title 14, United States Code, is amended by adding at the end the following:

“196. Participation in Federal, State, or other educational research grants.”

SEC. 306. PREPOSITIONED OIL SPILL CLEANUP EQUIPMENT.

The Secretary of Transportation is authorized to expend out of amounts appropriated for acquisition, construction, and improvement for fiscal year 1994—

(1) \$890,000 to acquire and preposition oil spill response equipment at Port Arthur, Texas, and

(2) \$890,000 to acquire and preposition oil spill response equipment at Helena, Arkansas, subject to the Secretary determining that adequate storage and maintenance facilities are available.

SEC. 307. SHORE FACILITIES IMPROVEMENTS AT COAST GUARD STATION LITTLE CREEK, VIRGINIA.

(a) The Secretary of Transportation, subject to the availability of appropriations, may at Coast Guard Station Little Creek, Virginia—

(1) construct a 2-story station building with operational, administrative, and living spaces;

(2) construct a 180-foot long pier for Coast Guard patrol boats;

(3) construct a boat ramp; and

(4) strengthen a waterfront bulkhead.

(b) Funds necessary to carry out this section are authorized to be appropriated for fiscal year 1994.

SEC. 308. OIL SPILL TRAINING SIMULATOR.

New York.

The Secretary of Transportation is authorized to expend out of the amounts appropriated for acquisition, construction, and improvement not more than \$1,250,000 to the Maritime College of the State of New York to purchase a marine oil spill management simulator.

SEC. 309. TECHNICAL CLARIFICATION.

Section 4283B of the Revised Statutes (46 App. U.S.C. 183c) is amended by striking “any court” in clause (2) and inserting in lieu thereof “court”.

SEC. 310. OIL SPILL PREVENTION AND RESPONSE TECHNOLOGY TEST AND EVALUATION PROGRAM.

Environmental protection.
46 USC 3703 note.

(a) Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall establish a program to evaluate the technological feasibility and environmental benefits of having tank vessels carry oil spill prevention and response technology. To implement the program the Secretary shall—

(1) publish in the Federal Register an invitation for submission of proposals including plans and procedures for testing; and

(2) review and evaluate technology using, to the maximum extent possible, existing evaluation and performance standards.

(b) The Secretary shall, to the maximum extent possible, incorporate in the program established in subsection (a), the results of existing studies and evaluations of oil spill prevention and response technology carried on tank vessels.

Federal Register, publication.

Reports.

(c) Not later than 2 years after the date of the enactment of this Act, the Secretary shall evaluate the results of the program established in subsection (a) and submit a report to Congress with recommendations on the feasibility and environmental benefits of, and appropriate equipment and utilization standards for, requiring tank vessels to carry oil spill prevention and response equipment.

Reports.

(d) Not later than 6 months after the date of the enactment of this Act, the Secretary shall evaluate and report to the Congress on the feasibility of using segregated ballast tanks for emergency transfer of cargo and storage of recovered oil.

SEC. 311. UNMANNED SEAGOING BARGES.

Section 3302 of title 46, United States Code, is amended by adding at the end the following:

“(m) A seagoing barge is not subject to inspection under section 3301(6) of this title if the vessel is unmanned and does not carry—

“(1) a hazardous material as cargo; or

“(2) a flammable or combustible liquid, including oil, in bulk.”.

SEC. 312. PROHIBITION ON DECOMMISSIONING ICE-BREAKER MACKINAW.

(a) The Secretary of Transportation may not decommission the Coast Guard cutter MACKINAW before December 31, 1994.

(b) There is authorized to be appropriated to the Secretary of Transportation \$1,600,000 for fiscal year 1994, to remain available until expended, for operations and maintenance of the Coast Guard cutter MACKINAW.

SEC. 313. LOWER COLUMBIA RIVER MARINE FIRE AND SAFETY ACTIVITIES.

The Secretary of Transportation is authorized to expend out of the amounts appropriated for the Coast Guard for fiscal year 1994 not more than \$421,700, and for fiscal year 1995 not more than \$358,300, for the lower Columbia River marine, fire, oil, and toxic spill response communications, training, equipment, and program administration activities conducted by the Marine Fire and Safety Association.

SEC. 314. CASS RIVER.

Subtitle II of title 46, United States Code, relating only to vessel inspection and manning, shall not apply to a vessel operating on the date of enactment of this Act on the Cass River above the dam at Frankenmuth, Michigan (locally known as the Hubinger Dam) which is inspected and licensed by the State of Michigan to carry passengers.

SEC. 315. 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. 316. COOPERATIVE AGREEMENT AUTHORITY.

Section 93, of title 14, United States Code, as amended by section 202 of this Act, is further amended by adding at the end the following new subsection:

“(u) enter into cooperative agreements with other Government agencies and the National Academy of Sciences.”.

SEC. 317. REGIONAL FISHERIES LAW ENFORCEMENT TRAINING CENTERS.

(a) **GULF OF MEXICO.**—The Coast Guard shall establish a Gulf of Mexico Regional Fisheries Law Enforcement Training Center in the Eighth Coast Guard District in Southeastern Louisiana.

Louisiana.

(b) **SOUTHEAST ATLANTIC.**—The Coast Guard shall establish a Southeast Regional Fisheries Law Enforcement Training Center in the Seventh Coast Guard District in Charleston, South Carolina.

South Carolina.

(c) **PURPOSE.**—The purpose of the regional fisheries law enforcement training centers shall be to increase the skills and training of Coast Guard fisheries law enforcement personnel and to ensure that such training considers and meets the unique and complex needs and demands of the fisheries of the Gulf of Mexico and the Southeast United States.

SEC. 318. NATIONAL SAFE BOATING WEEK.

(a) The Act of June 4, 1958 (36 U.S.C. 161) is amended by striking “week commencing on the first Sunday in June” and inserting “the seven day period ending on the last Friday before Memorial Day”.

(b) This section is effective January 1, 1995.

Effective date.
36 USC 161
note.
California.

SEC. 319. LOS ANGELES-LONG BEACH VESSEL TRAFFIC SERVICE.

The Coast Guard is authorized to provide personnel support for the interim vessel traffic information service in the Ports of Los Angeles and Long Beach operated on behalf of the State of California by the Marine Exchange of Los Angeles-Long Beach Harbors, Inc., a California nonprofit corporation (hereinafter referred to as “Marine Exchange”). The Coast Guard shall be reimbursed for all costs associated with providing such personnel in accordance with a reimbursable agreement between the Coast Guard and the State of California. Amounts received by the Coast Guard as reimbursements for its costs shall be credited to the appropriation for operating expenses of the Coast Guard. The United States Government assumes no liability for any act or omission of any officer, director, employee, or representative of the Marine Exchange or of the State of California, arising out of the operation of the vessel traffic information service by the Marine Exchange, and the Coast Guard shall have the same protections and limitations on such liability as are afforded to the Marine Exchange under California law.

SEC. 320. FINANCIAL RESPONSIBILITY FOR NONPERFORMANCE.

Section 3(b) of Public Law 89-777 (46 App. U.S.C. 817e(b)) is amended by striking “and such bond or other security shall be in an amount paid equal to the estimated total revenue for the particular transportation.” and inserting a period.

SEC. 321. FISHING AND FISH TENDER VESSELS.

46 USC 2101
note.

(a) In this section, “fish tender vessel”, “fishing vessel”, and “tank vessel” have the meanings given those terms under section 2101 of title 46, United States Code.

(b) A fishing vessel or fish tender vessel of not more than 750 gross tons, when engaged only in the fishing industry, shall not be deemed to be a tank vessel for the purposes of any law.

(c)(1) This section does not affect the authority of the Secretary of Transportation under chapter 33 of title 46, United States Code, to regulate the operation of the vessels listed in subsection (b) to ensure the safe carriage of oil and hazardous substances.

(2) This section does not affect the requirement for fish tender vessels engaged in the Aleutian trade to comply with chapters 33, 45, 51, 81, and 87 of title 46, United States Code, as provided in the Aleutian Trade Act of 1990 (Public Law 101-595).

Hazardous
substances.

SEC. 322. OIL SPILL RECOVERY OPERATIONS.

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

(1) in subsection (g), by striking “a vessel used only to respond to a discharge of oil or a hazardous substance;” and

(2) by adding a new subsection to read as follows:

“(p) On a vessel used only to respond to a discharge of oil or a hazardous substance, the licensed individuals and crewmembers may be divided into at least two watches when the vessel is engaged in an operation less than 12 hours in duration.”

(b) Section 8301 of title 46, United States Code, is amended by adding a new subsection to read as follows:

“(e) A vessel used only to respond to a discharge of oil or a hazardous substance shall have—

“(1) two licensed mates when the vessel is engaged in an operation over 12 hours in duration;

“(2) one licensed mate when the vessel is engaged in an operation less than 12 hours in duration; and

“(3) if the vessel is more than 200 gross tons, a licensed engineer when the vessel is operating.”

SEC. 323. LIMITATIONS ON PERFORMANCE OF LONGSHORE WORK BY ALIEN CREWMEMBERS—ALASKA EXCEPTION.

(a) ALASKA EXCEPTION.—Section 258 of the Immigration and Nationality Act (8 U.S.C. 1288) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) STATE OF ALASKA EXCEPTION.—(1) Subsection (a) shall not apply to a particular activity of longshore work at a particular location in the State of Alaska if an employer of alien crewmen has filed an attestation with the Secretary of Labor at least 30 days before the date of the first performance of the activity (or anytime up to 24 hours before the first performance of the activity, upon a showing that the employer could not have reasonably anticipated the need to file an attestation for that location at that time) setting forth facts and evidence to show that—

“(A) the employer will make a bona fide request for United States longshore workers who are qualified and available in sufficient numbers to perform the activity at the particular time and location from the parties to whom notice has been provided under clauses (ii) and (iii) of subparagraph (D), except that—

“(i) wherever two or more contract stevedoring companies have signed a joint collective bargaining agreement with a single labor organization described in subparagraph (D)(i), the employer may request longshore workers from only one of such contract stevedoring companies, and

“(ii) a request for longshore workers to an operator of a private dock may be made only for longshore work

to be performed at that dock and only if the operator meets the requirements of section 32 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 932);

"(B) the employer will employ all those United States longshore workers made available in response to the request made pursuant to subparagraph (A) who are qualified and available in sufficient numbers and who are needed to perform the longshore activity at the particular time and location;

"(C) the use of alien crewmembers for such activity is not intended or designed to influence an election of a bargaining representative for workers in the State of Alaska; and

"(D) notice of the attestation has been provided by the employer to—

"(i) labor organizations which have been recognized as exclusive bargaining representatives of United States longshore workers within the meaning of the National Labor Relations Act and which make available or intend to make available workers to the particular location where the longshore work is to be performed,

"(ii) contract stevedoring companies which employ or intend to employ United States longshore workers at that location, and

"(iii) operators of private docks at which the employer will use longshore workers.

"(2)(A) An employer filing an attestation under paragraph (1) who seeks to use alien crewmen to perform longshore work shall be responsible while at the attestation is valid to make bona fide requests for United States longshore workers under paragraph (1)(A) and to employ United States longshore workers, as provided in paragraph (1)(B), before using alien crewmen to perform the activity or activities specified in the attestation, except that an employer shall not be required to request longshore workers from a party if that party has notified the employer in writing that it does not intend to make available United States longshore workers to the location at which the longshore work is to be performed.

"(B) If a party that has provided such notice subsequently notifies the employer in writing that it is prepared to make available United States longshore workers who are qualified and available in sufficient numbers to perform the longshore activity to the location at which the longshore work is to be performed, then the employer's obligations to that party under subparagraphs (A) and (B) of paragraph (1) shall begin 60 days following the issuance of such notice.

"(3)(A) In no case shall an employer filing an attestation be required—

"(i) to hire less than a full work unit of United States longshore workers needed to perform the longshore activity;

"(ii) to provide overnight accommodations for the longshore workers while employed; or

"(iii) to provide transportation to the place of work, except where—

"(I) surface transportation is available;

"(II) such transportation may be safely accomplished;

"(III) travel time to the vessel does not exceed one-half hour each way; and

"(IV) travel distance to the vessel from the point of embarkation does not exceed 5 miles.

“(B) In the cases of Wide Bay, Alaska, and Klawock/Craig, Alaska, the travel times and travel distances specified in subclauses (III) and (IV) of subparagraph (A) shall be extended to 45 minutes and 7½ miles, respectively, unless the party responding to the request for longshore workers agrees to the lesser time and distance limitations specified in those subclauses.

“(4) Subject to subparagraphs (A) through (D) of subsection (c)(4), attestations filed under paragraph (1) of this subsection shall—

“(A) expire at the end of the 1-year period beginning on the date the employer anticipates the longshore work to begin, as specified in the attestation filed with the Secretary of Labor, and

“(B) apply to aliens arriving in the United States during such 1-year period if the owner, agent, consignee, master, or commanding officer states in each list under section 251 that it continues to comply with the conditions in the attestation.

“(5)(A) Except as otherwise provided by subparagraph (B), subsection (c)(3) and subparagraphs (A) through (E) of subsection (c)(4) shall apply to attestations filed under this subsection.

“(B) The use of alien crewmen to perform longshore work in Alaska consisting of the use of an automated self-unloading conveyor belt or vacuum-actuated system on a vessel shall be governed by the provisions of subsection (c).

“(6) For purposes of this subsection—

“(A) the term ‘contract stevedoring companies’ means those stevedoring companies licensed to do business in the State of Alaska that meet the requirements of section 32 of the Longshoremen’s and Harbor Workers’ Compensation Act (33 U.S.C. 932);

“(B) the term ‘employer’ includes any agent or representative designated by the employer; and

“(C) the terms ‘qualified’ and ‘available in sufficient numbers’ shall be defined by reference to industry standards in the State of Alaska, including safety considerations.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 258(a) (8 U.S.C. 1288(a)) is amended by striking “subsection (c) or subsection (d)” and inserting “subsection (c), (d), or (e)”.

(2) Section 258(c)(4)(A) (8 U.S.C. 1288(c)(4)(A)) is amended by inserting “or subsection (d)(1)” after “paragraph (1)” each of the two places it appears.

(3) Section 258(c) (8 U.S.C. 1288(c)) is amended by adding at the end the following new paragraph:

“(5) Except as provided in paragraph (5) of subsection (d), this subsection shall not apply to longshore work performed in the State of Alaska.”.

(c) IMPLEMENTATION.—(1) The Secretary of Labor shall prescribe such regulations as may be necessary to carry out this section.

(2) Attestations filed pursuant to section 258(c) (8 U.S.C. 1288(c)) with the Secretary of Labor before the date of enactment of this Act shall remain valid until 60 days after the date of issuance of final regulations by the Secretary under this section.

Regulations.
8 USC 1288
note.

Massachusetts.

SEC. 324. CAPE COD LIGHTHOUSE PLANNING AND DESIGN STUDIES.

(a) COMPLETION OF STUDIES.—

(1) **PLANNING.**—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation and the Secretary of the Interior shall complete the necessary planning studies, including selection of a relocation site, identified in the Coast Guard's strategy document for relocation of the Cape Cod Lighthouse (popularly known as the "Highland Light Station"), located in North Truro, Massachusetts.

(2) **DESIGN.**—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall complete the design studies identified in the Coast Guard's strategy document for relocation of the Cape Cod Lighthouse.

(b) **USE OF AMOUNTS FOR STUDIES.**—Of amounts appropriated under the authority of this Act for acquisition, construction, rebuilding, and improvement, the Secretary of Transportation may use up to \$600,000 for conducting the studies required under subsection (a).

SEC. 325. WASHINGTON STATE LIGHTHOUSES.

(a) **AUTHORITY TO TRANSFER.**—

(1) **IN GENERAL.**—The Secretary may convey by any appropriate means to the Washington State Parks and Recreation Commission all right, title, and interest of the United States in and to property comprising 1 or more of the Cape Disappointment Lighthouse, North Head Lighthouse, and Point Wilson Lighthouse.

(2) **IDENTIFICATION OF PROPERTY.**—The Secretary may identify, describe, and determine property conveyed pursuant to this section.

(b) **TERMS AND CONDITIONS.**—

(1) **IN GENERAL.**—The conveyance of property pursuant to subsection (a) shall be made—

(A) without the payment of consideration; and

(B) subject to such 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 Cape Disappointment Lighthouse, North Head Lighthouse, or Point Wilson Lighthouse pursuant to this section 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 used as a center for public benefit 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) **REQUIRED CONDITIONS.**—Any conveyance of property pursuant to this section shall be made subject to such conditions as 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 Washington State Parks and Recreation Commission may not interfere or allow interference in any manner with such 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 aids to navigation or make any changes on any portion of such property as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter such property without notice for the purpose of maintaining aids to navigation;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the aids to navigation in use on the property; and

(F) the property shall be rehabilitated and maintained by the owner in accordance with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(4) MAINTENANCE OF CERTAIN EQUIPMENT NOT REQUIRED.—The Washington State Parks and Recreation Commission shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) DEFINITIONS.—For purposes of this section, the term—

(1) “Cape Disappointment Lighthouse” means the Coast Guard lighthouse located at Fort Canby State Park, Washington, including—

(A) the lighthouse, excluding any lantern or lens that is the personal property of the Coast Guard; and

(B) such land as may be necessary to enable the Washington State Parks and Recreation Commission to operate at that lighthouse a center for public benefit for the interpretation and preservation of the maritime history;

(2) “North Head Lighthouse” means the Coast Guard lighthouse located at Fort Canby State Park, Washington, including—

(A) the lighthouse, excluding any lantern or lens that is the personal property of the Coast Guard;

(B) ancillary buildings; and

(C) such land as may be necessary to enable the Washington State Parks and Recreation Commission to operate at that lighthouse a center for public benefit for the interpretation and preservation of maritime history;

(3) “Point Wilson Lighthouse” means the Coast Guard lighthouse located at Fort Worden State Park, Washington, including—

(A) the lighthouse, excluding any lantern or lens that is the personal property of the Coast Guard;

(B) 2 ancillary buildings; and

(C) such land as may be necessary to enable the Washington State Parks and Recreation Commission to operate at that lighthouse a center for public benefit for the interpretation and preservation of maritime history; and

(4) “Secretary” means the Secretary of Transportation.

Maine.

SEC. 326. HERON NECK LIGHTHOUSE.

(a) AUTHORITY TO TRANSFER.—

(1) **IN GENERAL.**—The Secretary of Transportation shall convey by any appropriate means to the Island Institute, Rockland, Maine, all right, title, and interest of the United States in and to property comprising the Heron Neck Lighthouse.

(2) **IDENTIFICATION OF PROPERTY.**—The Secretary may identify, describe, and determine property conveyed pursuant to this subsection.

(b) **TERMS AND CONDITIONS.**—

(1) **IN GENERAL.**—The conveyance of property pursuant to subsection (a) shall be made—

(A) without payment of consideration; and

(B) subject to such terms and conditions as the Secretary may consider appropriate.

(2) **USE OF PROPERTY.**—The property conveyed pursuant to subsection (a) may be used for educational, historic, recreational, and cultural programs open to and for the benefit of the general public. Theme displays, museums, gift shops, open exhibits, meeting rooms, and an office and quarters for personnel in connection with security and administration of the property are expressly authorized. Other uses not inconsistent with the foregoing uses are permitted unless the Secretary shall reasonably determine that such uses are incompatible with the historic nature of the property or with other provisions of this section.

(3) **REVISIONARY INTEREST.**—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Heron Neck 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 used as a nonprofit center for educational, historic, recreational, and cultural programs open to and for the benefit of the general public;

(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.).

(4) **REQUIRED CONDITIONS.**—Any conveyance of property pursuant to this section shall be made 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 Government for as long as they are needed for this purpose;

(B) the Island Institute may not interfere or allow interference in any manner with such aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation or make any changes on any property as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter such property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an assessment of access to such property for the purpose of maintaining the aids to navigation in use on the property.

(5) MAINTENANCE OBLIGATION.—The Island Institute shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to subsection (a).

(c) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The Island Institute shall maintain the Heron Neck Lighthouse in accordance with the Provisions of the National Historic Preservation Act of 1966 (16 U.S.C. et seq.) and other applicable laws.

(d) DEFINITIONS.—For purposes of this section, the term “Heron Neck Lighthouse” means the Coast Guard lighthouse located on Green Island, Vinalhaven, Maine, including—

(1) the attached keeper’s dwelling, ancillary buildings, and associated fog signal, and boat ramp; and

(2) such land as may be necessary to enable the Island Institute to operate at that lighthouse a nonprofit center for public benefit.

Maine.

SEC. 327. BURNT COAT HARBOR LIGHTHOUSE.

(a) AUTHORITY TO TRANSFER.—

(1) IN GENERAL.—The Secretary of Transportation shall convey by any appropriate means to the Town of Swan’s Island, Swans Island, Maine, all right, title, and interest of the United States in and to property comprising the Burnt Coat Harbor Lighthouse.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine property conveyed pursuant to this subsection.

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyance of property pursuant to subsection (a) shall be made—

(A) without payment of consideration; and

(B) subject to such terms and conditions as the Secretary may consider appropriate.

(2) USE OF PROPERTY.—The property conveyed pursuant to subsection (a) may be used for educational, historic, recreational, and cultural programs open to and for the benefit of the general public. Theme displays, museums, gift shops, open exhibits, meeting rooms, and an office and quarters for personnel in connection with security and administration of the property are expressly authorized. Other uses not inconsistent with the foregoing uses are permitted unless the Secretary shall reasonably determine that such uses are incompatible with the historic nature of the property or with other provisions of this section.

(3) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Burnt Coat Harbor 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 used 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 the State 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 of 1966 (16 U.S.C. 470 et seq.).

(4) **REQUIRED CONDITIONS.**—Any conveyance of property pursuant to this section shall be made 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 Government for as long as they are needed for this purpose;

(B) the Town of Swan's Island may not interfere or allow interference in any manner with such aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation or make any changes on any property as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter such property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to such property for the purpose of maintaining the aids to navigation in use on the property.

(5) **MAINTENANCE OBLIGATION.**—The Town of Swan's Island shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to subsection (a).

(c) **PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.**—The Town of Swan's Island shall maintain the Burnt Coat Harbor Lighthouse in accordance with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) and other applicable laws.

(d) **DEFINITIONS.**—For purposes of this section, the term "Burnt Coat Harbor Lighthouse" means the Coast Guard lighthouse located on Swans Island, Maine, including the keeper's dwelling, oil house, bell tower and such lands as may be necessary to enable the Swan's Island Educational Society to operate at the lighthouse a nonprofit center for public benefit.

TITLE IV—EMPLOYMENT AND DISCHARGE

SEC. 401. SHIPPING ARTICLES AGREEMENTS.

Section 10302 of title 46, United States Code, is amended—
(1) by amending subsection (a) to read as follows:

"(a) The owner, charterer, managing operator, master, or individual in charge shall make a shipping agreement in writing

with each seaman before the seaman commences employment.”; and

(2) by adding at the end the following new subsections:

“(c) Each shipping agreement must be signed by the master or individual in charge or a representative of the owner, charterer, or managing operator, and by each seaman employed.

“(d) The owner, charterer, managing operator, master, or individual in charge shall maintain the shipping agreement and make the shipping agreement available to the seaman.”.

SEC. 402. FORM OF AGREEMENTS.

Section 10304 of title 46, United States Code, is amended by striking “Shipping commissioner’s signature or initials” from the form.

SEC. 403. MANNER OF SIGNING AGREEMENTS.

Section 10305 of title 46, United States Code, is amended—

(1) in subsection (a)(2), by striking “a shipping commissioner” and inserting in lieu thereof “the master or individual in charge”;

(2) by striking “(a)”;

(3) by striking subsections (b) and (c).

SEC. 404. EXHIBITING MERCHANT MARINERS’ DOCUMENTS.

Section 10306 of title 46, United States Code, is amended by striking “shipping commissioner” and inserting in lieu thereof “master or individual in charge”.

SEC. 405. REPEAL OF PENALTY FOR FAILURE TO POST AGREEMENT.

Section 10307 of title 46, United States Code, is amended by striking the last sentence.

SEC. 406. REPEAL OF PENALTY RELATING TO ENGAGING SEAMEN OUTSIDE UNITED STATES.

Section 10308 of title 46, United States Code, is amended by striking “(a)” and by striking subsection (b).

SEC. 407. REPEAL OF PENALTY RELATING TO ENGAGING REPLACEMENT SEAMEN; APPLICATION OF REQUIREMENTS.

Section 10309 of title 46, United States Code, is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

SEC. 408. ACCOUNTING OF WAGES AND DEDUCTIONS AT PAYOFF OR DISCHARGE.

Section 10310 of title 46, United States Code, is amended by striking “or a shipping commissioner” in the first sentence and by striking the last sentence.

SEC. 409. CERTIFICATES OF DISCHARGE.

Section 10311 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “shipping commissioner” and inserting in lieu thereof “master or individual in charge”;

(2) in subsection (b), by striking the last sentence and inserting in lieu thereof “The certificate shall be signed by the master and the seaman.”;

(3) in subsection (d)(1), by striking “Secretary” and inserting in lieu thereof “owner, charterer, managing operator, master, or individual in charge”; and

(4) in subsection (d)(2), by striking “at a cost prescribed by regulation” and inserting in lieu thereof “at the request of the seaman”.

SEC. 410. SETTLEMENTS ON DISCHARGE.

Section 10312 of title 46, United States Code, is amended to read as follows:

“§ 10312. Settlements on discharge

“When discharge and settlement are completed, the master, individual in charge, or owner and each seaman shall sign the agreement required by section 10302 of this title.”.

SEC. 411. RECORDS OF SEAMEN.

Section 10320 of title 46, United States Code, is amended to read as follows:

“§ 10320. Records of seamen

“The Secretary shall prescribe regulations requiring vessel owners to maintain records of seamen on matters of engagement, discharge, and service. A vessel owner shall make these records available to the seaman and the Coast Guard on request.”.

Regulations.

SEC. 412. GENERAL PENALTY.

Section 10321 of title 46, United States Code, is amended to read as follows:

“§ 10321. General penalty

“(a) A person violating any provision of this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of not more than \$5,000.

“(b) The vessel is liable in rem for any penalty assessed under this section.”.

SEC. 413. SHIPPING ARTICLES AGREEMENTS.

Section 10502 of title 46, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

“(a) The owner, charterer, managing operator, master, or individual in charge shall make a shipping agreement in writing with each seaman before the seaman commences employment.”; and

(2) by adding at the end the following new subsections:

“(d) Each shipping agreement must be signed by the master or individual in charge or a representative of the owner, charterer, or managing operator, and by each seaman employed.

“(e) The owner, charterer, managing operator, master, or individual in charge shall maintain the shipping agreement and make the shipping agreement available to the seaman.

“(f) The Secretary shall prescribe regulations requiring shipping companies to maintain records of seamen on matters of engagement, discharge, and service. The shipping companies shall make these records available to the seaman and the Coast Guard on request.”.

Regulations.
Records.

SEC. 414. ADVANCES.

Section 10505 of title 46, United States Code, is amended—

(1) in subsection (a)(2), by striking “\$100” and inserting in lieu thereof “\$5,000”; and

(2) in subsection (b), by striking “\$500” and inserting in lieu thereof “\$5,000”.

SEC. 415. DUTIES OF SHIPPING COMMISSIONERS.

(a) **REPEAL.**—Section 10507 of title 46, United States Code, is repealed.

(b) **CONFORMING AMENDMENT.**—The analysis at the beginning of chapter 105 of title 46, United States Code, is amended by striking the item relating to section 10507.

SEC. 416. GENERAL PENALTIES.

Section 10508(b) is amended by striking “\$20” and inserting in lieu thereof “not more than \$5,000”.

SEC. 417. GENERAL REPORT REQUIREMENT.

Section 10103(a) of title 46, United States Code, is amended—

(1) by striking “without a shipping commissioner being present”; and

(2) by inserting “to the vessel owner” immediately after “shall submit reports”.

SEC. 418. PROCEDURES OF MASTERS REGARDING SEAMAN'S EFFECTS.

Section 10703 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “by regulations prescribed by the Secretary” and inserting in lieu thereof “in section 10706 of this title”;

(2) in subsection (b), by striking “as prescribed by regulations” and inserting in lieu thereof “to a district court of the United States”; and

(3) in subsection (c), by striking “subsection (a) of this section” and inserting in lieu thereof “section 10706 of this title”.

SEC. 419. SEAMEN DYING IN UNITED STATES.

Section 10706 of title 46, United States Code, is amended by striking at the end “as provided by regulations prescribed by the Secretary.” and inserting in lieu thereof “to a district court of the United States within one week of the seaman's death. If the seaman's death occurs at sea, such money, property, or wages shall be delivered to a district court or a consular officer within one week of the vessel's arrival at the first port call after the seaman's death.”.

SEC. 420. DELIVERY TO DISTRICT COURT.

(a) **REPEAL.**—Section 10707 of title 46, United States Code, is repealed.

(b) **AMENDMENT TO CHAPTER ANALYSIS.**—The analysis at the beginning of chapter 107 of title 46, United States Code, is amended by striking the item relating to section 10707.

SEC. 421. DISPOSAL OF FORFEITURES.

Section 11505 of title 46, United States Code, is amended—

(1) in subsection (a), by striking the last sentence and inserting in lieu thereof “The balance shall be transferred to the appropriate district court of the United States when the voyage is completed.”; and

(2) in subsection (b), by striking the first sentence.

SEC. 422. CONFORMING AMENDMENTS.

(a) **DUTIES OF MASTERS.**—Section 10702(b) of title 46, United States Code, is amended by striking “a shipping commissioner” and inserting in lieu thereof “the consular officer or court clerk”.

(b) **COMPLAINTS OF UNFITNESS.**—Section 10902(b) of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “Secretary,” immediately after “The complaint may be made to the”;

(B) by striking “Coast Guard shipping commissioner,”; and

(2) in paragraphs (2) and (3), by striking “The officer, commissioner,” each place it appears and inserting in lieu thereof “The Secretary, officer,”.

(c) **SHIPPING COMMISSIONER DESIGNATIONS AND DUTIES.**—(1) Section 10102 of title 46, United States Code, is repealed.

(2) The analysis at the beginning of chapter 101 is amended by striking the item relating to section 10102.

TITLE V—PASSENGER VESSEL SAFETY

Passenger
Vessel
Safety Act
of 1993.
46 USC 2101
note.

SEC. 501. SHORT TITLE.

This title may be cited as the “Passenger Vessel Safety Act of 1993”.

SEC. 502. PASSENGER.

Section 2101(21) of title 46, United States Code, is amended to read as follows:

“(21) ‘passenger’—

“(A) means an individual carried on the vessel except—

“(i) the owner or an individual representative of the owner or, in the case of a vessel under charter, an individual charterer or individual representative of the charterer;

“(ii) the master; or

“(iii) a member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for on board services;

“(B) on an offshore supply vessel, means an individual carried on the vessel except—

“(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

“(ii) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner;

“(iii) an employee of the charterer, or of a subcontractor to the charterer, engaged in the business of the charterer; or

“(iv) an individual employed in a phase of exploration, exploitation, or production of offshore mineral or energy resources served by the vessel;

“(C) on a fishing vessel, fish processing vessel, or fish tender vessel, means an individual carried on the vessel except—

“(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

“(ii) a managing operator;

“(iii) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner;

“(iv) an employee of the charterer, or of a subcontractor to the charterer, engaged in the business of the charterer; or

“(v) an observer or sea sampler on board the vessel pursuant to a requirement of State or Federal law; or

“(D) on a sailing school vessel, means an individual carried on the vessel except—

“(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

“(ii) an employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a demise charter;

“(iii) an employee of the demise charterer of the vessel engaged in the business of the demise charterer; or

“(iv) a sailing school instructor or sailing school student.”.

SEC. 503. PASSENGER VESSEL.

Section 2101(22) of title 46, United States Code, is amended to read as follows:

“(22) ‘passenger vessel’ means a vessel of at least 100 gross tons—

“(A) carrying more than 12 passengers, including at least one passenger for hire;

“(B) that is chartered and carrying more than 12 passengers; or

“(C) that is a submersible vessel carrying at least one passenger for hire.”.

SEC. 504. SMALL PASSENGER VESSEL.

Section 2101(35) of title 46, United States Code, is amended to read as follows:

“(35) ‘small passenger vessel’ means a vessel of less than 100 gross tons—

“(A) carrying more than 6 passengers, including at least one passenger for hire;

“(B) that is chartered with the crew provided or specified by the owner or the owner’s representative and carrying more than 6 passengers;

“(C) that is chartered with no crew provided or specified by the owner or the owner’s representative and carrying more than 12 passengers; or

“(D) that is a submersible vessel carrying at least one passenger for hire.”.

SEC. 505. UNINSPECTED PASSENGER VESSEL.

Section 2101(42) of title 46, United States Code, is amended to read as follows:

“(42) ‘uninspected passenger vessel’ means an uninspected vessel—

“(A) of at least 100 gross tons—

“(i) carrying not more than 12 passengers, including at least one passenger for hire; or

“(ii) that is chartered with the crew provided or specified by the owner or the owner’s representative and carrying not more than 12 passengers; and

“(B) of less than 100 gross tons—

“(i) carrying not more than 6 passengers, including at least one passenger for hire; or

“(ii) that is chartered with the crew provided or specified by the owner or the owner’s representative and carrying not more than 6 passengers.”.

SEC. 506. PASSENGER FOR HIRE.

Section 2101 of title 46, United States Code, is amended by inserting between paragraphs (21) and (22) a new paragraph (21a) to read as follows:

“(21a) ‘passenger for hire’ means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.”.

SEC. 507. CONSIDERATION.

Section 2101 of title 46, United States Code, is amended by inserting between paragraphs (5) and (6) a new paragraph (5a) to read as follows:

“(5a) ‘consideration’ means an economic benefit, inducement, right, or profit including pecuniary payment accruing to an individual, person, or entity, but not including a voluntary sharing of the actual expenses of the voyage, by monetary contribution or donation of fuel, food, beverage, or other supplies.”.

SEC. 508. OFFSHORE SUPPLY VESSEL.

Section 2101(19) of title 46, United States Code, is amended by inserting “individuals in addition to the crew,” immediately after “supplies,” and by striking everything after “resources” to the period at the end.

SEC. 509. SAILING SCHOOL VESSEL.

Section 2101(30) of title 46, United States Code, is amended in subparagraph (B) by striking “at least 6” and substituting “more than 6”.

SEC. 510. SUBMERSIBLE VESSEL.

Section 2101 of title 46, United States Code, is amended by inserting between paragraphs (37) and (38) a new paragraph (37a) to read as follows:

“(37a) ‘submersible vessel’ means a vessel that is capable of operating below the surface of the water.”.

SEC. 511. GENERAL PROVISION.

(a) Section 2113 of title 46, United States Code, is amended to read as follows:

“§ 2113. Authority to exempt certain vessels

“If the Secretary decides that the application of a provision of part B, C, F, or G of this subtitle is not necessary in performing the mission of the vessel engaged in excursions or an oceanographic research vessel, or not necessary for the safe operation of certain vessels carrying passengers, the Secretary by regulation may—

“(1) for a vessel, issue a special permit specifying the conditions of operation and equipment;

“(2) exempt an oceanographic research vessel from that provision under conditions the Secretary may specify;

“(3) establish different operating and equipment requirements for vessels defined in section 2101(42)(A) of this title;

“(4) establish different structural fire protection, manning, operating, and equipment requirements for vessels of at least 100 gross tons but less than 300 gross tons carrying not more than 150 passengers on domestic voyages if the owner of the vessel—

“(A) makes application for inspection to the Coast Guard within 6 months of the date of enactment of the Passenger Vessel Safety Act of 1993; and

“(B) provides satisfactory documentation that the vessel was chartered at least once within the previous 12 months prior to the date of enactment of that Act; and

“(5) establish different structural fire protection, manning, operating, and equipment requirements for former public vessels of the United States of at least 100 gross tons but less than 500 gross tons, carrying not more than 150 passengers on domestic voyages, if the owner of the vessel—

“(A) makes application for inspection to the Coast Guard within 6 months of the date of enactment of the Passenger Vessel Safety Act of 1993; and

“(B) provides satisfactory documentation that the vessel was chartered at least once within the previous 12 months prior to the date of enactment of that Act.”

(b) Section 4105 of title 46, United States Code, is amended—

(1) by inserting “(a)” before the text; and

(2) by adding a new subsection (b) to read as follows:

“(b) Within twenty-four months of the date of enactment of this subsection, the Secretary shall, by regulation, require certain additional equipment which may include liferafts or other lifesaving equipment, construction standards, or specify additional operating standards for those uninspected passenger vessels defined in section 2101(42)(A) of this title.”

SEC. 512. EQUIPMENT AND STANDARDS FOR CERTAIN PASSENGER VESSELS.

(a) Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsections:

“(h) The Secretary shall establish appropriate structural fire protection, manning, operating, and equipment requirements for vessels of at least 100 gross tons but less than 300 gross tons carrying not more than 150 passengers on domestic voyages, which meet the eligibility criteria of section 2113(4) of this title.

“(i) The Secretary shall establish appropriate structural fire protection, manning, operating, and equipment requirements for former public vessels of the United States of at least 100 gross tons but less than 500 gross tons carrying not more than 150 passengers on domestic voyages, which meet the eligibility criteria of section 2113(5) of this title.”

(b) The Secretary of Transportation shall, within twenty-four months of the date of enactment of this Act, prescribe regulations establishing the structural fire protection, manning, operating, and equipment requirements for vessels which meet the requirements of subsections (h) and (i) of section 3306 of title 46, United States Code, as amended by this Act.

Regulations.

Regulations.
46 USC 3306
note.

(c) Before the Secretary of Transportation prescribes regulations under subsections (h) and (i) of section 3306 of title 46, United States Code, as amended by this Act, the Secretary may prescribe the route, service, manning, and equipment for those vessels based on existing passenger vessel and small passenger vessel regulations.

SEC. 513. APPLICABILITY DATE FOR REVISED REGULATIONS.

42 USC 2101
note.

(a) **APPLICABILITY DATE FOR CERTAIN CHARTERED VESSELS.**—Revised regulations governing small passenger vessels and passenger vessels (as the definitions of those terms in section 2101 of title 46, United States Code, are amended by this Act) shall not, before the date that is 6 months after the date of enactment of this Act, apply to such vessels when chartered with no crew provided.

(b) **EXTENSION OF PERIOD.**—The Secretary of the department in which the Coast Guard is operating shall extend for up to 30 additional months or until issuance of a certificate of inspection, whichever occurs first, the period of inapplicability specified in subsection (a) if the owner of the vessel concerned carries out the provisions of subsection (c) to the satisfaction of the Secretary.

(c) **CONDITIONS FOR EXTENSION.**—To receive an extension authorized by subsection (b), the owner of the vessel shall—

(1) make application for inspection with the Coast Guard within 6 months after the date of enactment of this Act;

(2) make the vessel available for examination by the Coast Guard prior to the carriage of passengers;

(3)(A) correct especially any hazardous conditions involving the vessel's structure, electrical system, and machinery installation, such as (i) grossly inadequate, missing, unsound, or severely deteriorated frames or major structural members; (ii) wiring systems or electrical appliances without proper grounding or overcurrent protection; and (iii) significant fuel or exhaust system leaks;

(B) equip the vessel with lifesaving and fire fighting equipment, or the portable equivalent, required for the route and number of persons carried; and

(C) verify through stability tests, calculations, or other practical means (which may include a history of safe operations) that the vessel's stability is satisfactory for the size, route, and number of passengers; and

(4) develop a work plan approved by the Coast Guard to complete in a good faith effort all requirements necessary for issuance of a certificate of inspection as soon as practicable.

(d) **OPERATION OF VESSEL DURING EXTENSION PERIOD.**—The owner of a vessel receiving an extension under this section shall operate the vessel under the conditions of route, service, number of passengers, manning, and equipment as may be prescribed by the Coast Guard for the extension period.

TITLE VI—DOCUMENTATION OF VESSELS

SEC. 601. DOCUMENTATION OF VESSELS.

(a) 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 Transportation may issue certificates of documentation with a coastwise endorsement for the following vessels:

- (1) ABORIGINAL (United States official number 942118).
- (2) AFTERSAIL (United States official number 689427).
- (3) ALEXANDRIA (United States official number 586490).
- (4) AMANDA (Michigan registration number MC-1125-FR).
- (5) ARBITRAGE II (United States official number 962861).
- (6) ARIEL (United States official number 954762).
- (7) BRANDARIS (former United States official number 263174).
- (8) COMPASS ROSE (United States official number 695865).
- (9) DIXIE (United States official number 513159).
- (10) ELISSA (United States official number 697285).
- (11) EMERALD PRINCESS (former United States official number 530095).
- (12) ENTERPRISE (United States official number 692956).
- (13) EUROPA STAR (former United States official number 588270).
- (14) EUROPA SUN (former United States official number 596656).
- (15) GAZELA OF PHILADELPHIA (Pennsylvania registration number PA-4339-AF).
- (16) GUSTO (United States official number 624951).
- (17) GRAY (Connecticut registration number CT-5944-AJ).
- (18) GRIZZLY PROCESSOR (Canadian official number 369183).
- (19) GYPSY COWBOY (United States official number 550771).
- (20) IMPATIENT LADY (United States official number 553952).
- (21) INTREPID DRAGON II (United States official number 548109).
- (22) ISLAND GIRL (United States official number 674840).
- (23) JULIET (Michigan registration number MC-1669-LM).
- (24) KALENA (Hawaii registration number HA-1923-E).
- (25) LAURISA (United States official number 924052).
- (26) LIBBY ROSE (United States official number 236976).
- (27) LISERON (United States official number 971339).
- (28) MARINE STAR (United States official number 248329).
- (29) MARINER (United States official number 285452).
- (30) MARY B (Kentucky registration number KY-0098-HX).
- (31) MOONSHINE (United States official number 974226).
- (32) MYSTIQUE (United States official number 921194).
- (33) NORTHERN LIGHT (United States official number 237510).
- (34) PAI NUI (Hawaii registration number HA-6949-D).
- (35) PANDACEA (United States official number 665892).
- (36) PELICAN (United States official number 234959).
- (37) PLAY PRETTY (United States official number 975346).
- (38) PRINCE OF TIDES II (United States official number 903858).

(39) RANGOON RUBY (Hawaii registration number HA-5636-B).

(40) RBOAT (United States official number 563955).

(41) SABLE (Massachusetts registration number MS-1841-AM).

(42) SERENA (United States official number 965317).

(43) SHILOH (United States official number 902675).

(44) SIDEWINDER (United States official number 991719).

(45) SWELL DANCER (United States official number 622046).

(46) TESSA (United States official number 675130).

(47) TOP DUCK (United States official number 990973).

(48) VIKING (United States official number 286080).

(49) WHIT CON TIKI (United States official number 663823).

(b) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) or any other law restricting a foreign-flag vessel from operating in the coastwise trade, the foreign-flag vessel H851 may engage in the coastwise trade to transport an offshore drilling platform jacket from a place near Aransas Pass, Texas, to a site on the Outer Continental Shelf known as Viosca Knoll 989.

(c) 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 certificates of documentation with a coastwise and Great Lakes endorsement for the vessels LADY CHARL II (United States official number 541399) and LINETTE (United States official number 654318).

(d) 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 Transportation may issue a certificate of documentation with a coastwise endorsement for the vessel M/V TWIN DRILL (Panama official number 8536-PEXT-2) if—

(1) the vessel undergoes a major conversion (as defined in section 2101 of title 46, United States Code) in a United States shipyard;

(2) the cost of the major conversion is more than three times the purchase value of the vessel before the major conversion;

(3) the major conversion is completed and the vessel is documented under chapter 121 of title 46, United States Code, with a coastwise endorsement before June 30, 1995;

(4) the person documenting the vessel contracts with a United States shipyard to construct an additional vessel of equal or greater capacity within 12 months of the date of enactment of this Act, for delivery within 36 months of the date of such contract; and

(5) the additional vessel is documented under chapter 121 of title 46, United States Code, immediately after it is constructed.

(e) Notwithstanding sections 12106 and 12108 of title 46, United States Code, the Act of June 19, 1886 (46 App. U.S.C. 289), and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation with a coastwise and fishery endorsement for

the vessel REEL CLASS (Hawaii registration number HA-6566-E).

(f) Notwithstanding section 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with a fishery endorsement for the vessel DA WARRIOR (United States official number 962231).

(g) Notwithstanding any other law or any agreement with the United States Government, the vessels UST ATLANTIC (United States official number 601437) and UST PACIFIC (United States official number 613131) may be sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

(h) Notwithstanding any other law, the vessel AMY CHOUEST (United States official number 995631) is deemed to be less than 500 gross tons, as measured under chapter 145 of title 46, United States Code, for purposes of the maritime laws of the United States.

(i) 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 Transportation may issue a certificate of documentation for the following vessels:

- (1) PRINCESS XANADU OF MONACO (United States official number 660847).
- (2) INSPIRATION (United States official number 277099).
- (3) VENUS (United States official number 547419).
- (4) LATER (United States official number 615732).
- (5) MATCH MAKER (United States official number 908725).

TITLE VII—MISCELLANEOUS FISHERY PROVISIONS

16 USC 1823
note.

SEC. 701. GOVERNING INTERNATIONAL FISHERIES AGREEMENT.

The Agreement between the Government of the United States of America and the Government of the Russian Federation on Mutual Fisheries Relations which was entered into on May 31, 1988, and which expired by its terms on October 28, 1993, may be brought into force again for the United States through an exchange of notes between the United States of America and the Russian Federation and may remain in force and effect on the part of the United States until May 1, 1994, and may be amended or extended by a subsequent agreement to which section 203 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1823) applies.

SEC. 702. SHRIMP TRAWL FISHERY.

Section 304(g)(6)(B) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1854(g)(6)(B)) is amended by striking "January 1, 1994" and inserting "April 1, 1994".

SEC. 703. INTERNATIONAL FISHERY CONSERVATION IN THE CENTRAL BERING SEA.

It is the sense of the Congress that—

- (1) the United States should take appropriate measures to conserve the resources of the Doughnut Hole, a small enclave of international waters in the central Bering Sea, encircled

by the Exclusive Economic Zones of the United States and the Russian Federation;

(2) the United States should continue its pursuit of an international agreement, consistent with its rights as a coastal state, to ensure proper management for future commercial viability of these natural resources;

(3) the United States, working closely with the Russian Federation should, in accordance with international law and through multilateral consultations or through other means, promote effective international programs for the implementation and enforcement of regulations of the fisheries by those nations that fish in the Doughnut Hole;

(4) the United States nonetheless should be mindful of its management responsibility in this regard and of its rights in accordance with international law to fully utilize the stock within its own exclusive economic zone;

(5) the United States should accept as an urgent duty the need to conserve for future generations the Aleutian Basin pollock stock and should carry out that duty by taking all necessary measures, in accordance with international law; and

(6) the United States should foster further multilateral cooperation leading to international consensus on management of the Doughnut Hole resources through the fullest use of diplomatic channels and appropriate domestic and international law and should explore all other available options and means for conservation and management of these living marine resources.

SEC. 704. NOAA FACILITIES IN KODIAK.

(a) Notwithstanding any other provision of law, the Secretary of Commerce may enter into an agreement with the University of Alaska under which the University may contract for the engineering and design specifications of a facility on Near Island in Kodiak, Alaska, that meets the long-term space needs of National Oceanic and Atmospheric Administration personnel currently located in Alaska.

(b) The Secretary may transfer available funds to the University of Alaska to pay for such engineering and design work if additional funds in an equal or greater amount are made available from non-Federal sources for such work.

TITLE VIII—ATLANTIC COASTAL FISHERIES

SEC. 801. SHORT TITLE.

This title may be cited as the “Atlantic Coastal Fisheries Cooperative Management Act”.

SEC. 802. FINDINGS AND PURPOSE.

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

(1) Coastal fishery resources that migrate, or are widely distributed, across the jurisdictional boundaries of two or more of the Atlantic States and of the Federal Government are of substantial commercial and recreational importance and economic benefit to the Atlantic coastal region and the Nation.

Atlantic
Coastal
Fisheries
Cooperative
Management
Act.
Conservation.
Inter-
governmental
relations.
16 USC 5101
note.
16 USC 5101.

(2) Increased fishing pressure, environmental pollution, and the loss and alteration of habitat have reduced severely certain Atlantic coastal fishery resources.

(3) Because no single governmental entity has exclusive management authority for Atlantic coastal fishery resources, harvesting of such resources in frequently subject to disparate, inconsistent, and intermittent State and Federal regulation that has been detrimental to the conservation and sustainable use of such resources and to the interests of fishermen and the Nation as a whole.

(4) The responsibility for managing Atlantic coastal fisheries rests with the States, which carry out a cooperative program of fishery oversight and management through the Atlantic States Marine Fisheries Commission. It is the responsibility of the Federal Government to support such cooperative interstate management of coastal fishery resources.

(5) The failure by one or more Atlantic States to fully implement a coastal fishery management plan can affect the status of Atlantic coastal fisheries, and can discourage other States from fully implementing coastal fishery management plans.

(6) It is in the national interest to provide for more effective Atlantic State fishery resource conservation and management.

(b) PURPOSE.—The purpose of this title is to support and encourage the development, implementation, and enforcement of effective interstate conservation and management of Atlantic coastal fishery resources.

16 USC 5102.

SEC. 803. DEFINITIONS.

In this title, the following definitions apply:

(1) The term "coastal fishery management plan" means a plan for managing a coastal fishery resource, or an amendment to such plan, prepared and adopted by the Commission, that—

(A) contains information regarding the status of the resource and related fisheries;

(B) specifies conservation and management actions to be taken by the States; and

(C) recommends actions to be taken by the Secretary in the exclusive economic zone to conserve and manage the fishery.

(2) The term "coastal fishery resource" means any fishery, any species of fish, or any stock of fish that moves among, or is broadly distributed across, waters under the jurisdiction of two or more States or waters under the jurisdiction of one or more States and the exclusive economic zone.

(3) The term "Commission" means the Atlantic States Marine Fisheries Commission established under the interstate compact consented to and approved by the Congress in Public Laws 77-539 and 81-721.

(4) The term "conservation" means the restoring, rebuilding, and maintaining of any coastal fishery resource and the marine environment, in order to assure the availability of coastal fishery resources on a long-term basis.

(5) The term "Councils" means Regional Fishery Management Councils established under section 302 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1852).

(6) The term “exclusive economic zone” means the exclusive economic zone of the United States established by Proclamation Number 5030, dated March 10, 1983. For the purposes of this title, the inner boundary of that zone is a line coterminous with the seaward boundary of each of the coastal States, and the outer boundary of that zone is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

(7) The term “fish” means finfish, mollusks, crustaceans, and all other forms of marine animal life other than marine mammals and birds.

(8) The term “fishery” means—

(A) one or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, commercial, recreational, or economic characteristics; or

(B) any fishing for such stocks.

(9) The term “fishing” means—

(A) the catching, taking, or harvesting of fish;

(B) the attempted catching, taking, or harvesting of fish;

(C) any other activity that can be reasonably expected to result in the catching, taking, or harvesting of fish; or

(D) any operations at sea in support of, or in preparation for, any activity described in subparagraphs (A) through (C).

Such term does not include any scientific research activity or the catching, taking, or harvesting of fish in an aquaculture operation.

(10) The term “implement and enforce” means to enact and implement laws or regulations as required to conform with the provisions of a coastal fishery management plan and to assure compliance with such laws or regulations by persons participating in a fishery that is subject to such plan.

(11) The term “person” means any individual (whether or not a citizen 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.

(12) The term “Secretary” means the Secretary of Commerce.

(13) The term “State” means Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, the District of Columbia, or the Potomac River Fisheries Commission.

SEC. 804. STATE-FEDERAL COOPERATION IN ATLANTIC COASTAL FISHERY MANAGEMENT. 16 USC 5103.

(a) **FEDERAL SUPPORT FOR STATE COASTAL FISHERIES PROGRAMS.**—The Secretary in cooperation with the Secretary of the Interior shall develop and implement a program to support the interstate fishery management efforts of the Commission. The program shall include activities to support and enhance State coopera-

tion in collection, management, and analysis of fishery data; law enforcement; habitat conservation; fishery research, including biological and socioeconomic research; and fishery management planning.

(b) **FEDERAL REGULATION IN EXCLUSIVE ECONOMIC ZONE.**—(1) In the absence of an approved and implemented fishery management plan under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and after consultation with the appropriate Councils, the Secretary may implement regulations to govern fishing in the exclusive economic zone that are—

(A) necessary to support the effective implementation of a coastal fishery management plan; and

(B) consistent with the national standards set forth in section 301 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1851).

The regulations may include measures recommended by the Commission to the Secretary that are necessary to support the provisions of the coastal fishery management plan. Regulations issued by the Secretary to implement an approved fishery management plan prepared by the appropriate Councils or the Secretary under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) shall supersede any conflicting regulations issued by the Secretary under this subsection.

(2) The provisions of sections 307, 308, 309, 310, and 311 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1857, 1858, 1859, 1860, and 1861) regarding prohibited acts, civil penalties, criminal offenses, civil forfeitures, and enforcement shall apply with respect to regulations issued under this subsection as if such regulations were issued under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

16 USC 5104.

SEC. 805. STATE IMPLEMENTATION OF COASTAL FISHERY MANAGEMENT PLANS.

(a) **COASTAL FISHERY MANAGEMENT PLANS.**—(1) The Commission shall prepare and adopt coastal fishery management plans to provide for the conservation of coastal fishery resources. In preparing a coastal fishery management plan for a fishery that is located in both State waters and the exclusive economic zone, the Commission shall consult with appropriate Councils to determine areas where such coastal fishery management plan may complement Council fishery management plans. The coastal fishery management plan shall specify the requirements necessary for States to be in compliance with the plan. Upon adoption of a coastal fishery management plan, the Commission shall identify each State that is required to implement and enforce that plan.

(2) Within 1 year after the date of enactment of this Act, the Commission shall establish standards and procedures to govern the preparation of coastal fishery management plans under this title, including standards and procedures to ensure that—

(A) such plans promote the conservation of fish stocks throughout their ranges and are based on the best scientific information available; and

(B) the Commission provides adequate opportunity for public participation in the plan preparation process, including at least four public hearings and procedures for the submission of written comments to the Commission.

(b) **STATE IMPLEMENTATION AND ENFORCEMENT.**—(1) Each State identified under subsection (a) with respect to a coastal fishery management plan shall implement and enforce the measures of such plan within the timeframe established in the plan.

(2) Within 90 days after the date of enactment of this Act, the Commission shall establish a schedule of timeframes within which States shall implement and enforce the measures of coastal fishery management plans in existence before such date of enactment. No such timeframe shall exceed 12 months after the date on which the schedule is adopted.

(c) **COMMISSION MONITORING OF STATE IMPLEMENTATION AND ENFORCEMENT.**—The Commission shall, at least annually, review each State's implementation and enforcement of coastal fishery management plans for the purpose of determining whether such State is effectively implementing and enforcing each such plan. Upon completion of such reviews, the Commission shall report the results of the reviews to the Secretaries.

Reports.

SEC. 806. STATE NONCOMPLIANCE WITH COASTAL FISHERY MANAGEMENT PLANS.

16 USC 5105.

(a) **NONCOMPLIANCE DETERMINATION.**—The Commission shall determine that a State is not in compliance with the provisions of a coastal fishery management plan if it finds that the State has not implemented and enforced such plan within the timeframes established under the plan or under section 805.

(b) **NOTIFICATION.**—Upon making any determination under subsection (a), the Commission shall within 10 working days notify the Secretaries of such determination. Such notification shall include the reasons for making the determination and an explicit list of actions that the affected State must take to comply with the coastal fishery management plan. The Commission shall provide a copy of the notification to the affected State.

(c) **WITHDRAWAL OF NONCOMPLIANCE DETERMINATION.**—After making a determination under subsection (a), the Commission shall continue to monitor State implementation and enforcement. Upon finding that a State has complied with the actions required under subsection (b), the Commission shall immediately withdraw its determination of noncompliance. The Commission shall promptly notify the Secretaries of such withdrawal.

SEC. 807. SECRETARIAL ACTION.

16 USC 5106.

(a) **SECRETARIAL REVIEW OF COMMISSION DETERMINATION OF NONCOMPLIANCE.**—Within 30 days after receiving a notification from the Commission under section 806(b) and after review of the Commission's determination of noncompliance, the Secretary shall make a finding on—

(1) whether the State in question has failed to carry out its responsibility under section 805; and

(2) if so, whether the measures that the State has failed to implement and enforce are necessary for the conservation of the fishery in question.

(b) **CONSIDERATION OF COMMENTS.**—In making a finding under subsection (a), the Secretary shall—

(A) give careful consideration to the comments of the State that the Commission has determined under section 806(a) is not in compliance with a coastal fishery management plan, and provide such State, upon request, with the opportunity

to meet with and present its comments directly to the Secretary; and

(B) solicit and consider the comments of the Commission and the appropriate Councils.

(c) **MORATORIUM.**—(1) Upon making a finding under subsection (a) that a State has failed to carry out its responsibility under section 805 and that the measures it failed to implement and enforce are necessary for conservation, the Secretary shall declare a moratorium on fishing in the fishery in question within the waters of the noncomplying State. The Secretary shall specify the moratorium's effective date, which shall be any date within 6 months after declaration of the moratorium.

(2) If after a moratorium is declared under paragraph (1) the Secretary is notified by the Commission that the Commission is withdrawing under section 806(c) the determination of noncompliance, the Secretary shall immediately determine whether the State is in compliance with the applicable plan. If so, the moratorium shall be terminated.

(d) **IMPLEMENTING REGULATIONS.**—The Secretary may issue regulations necessary to implement this section. Such regulations—

(1) may provide for the possession and use of fish which have been produced in an aquaculture operation, subject to applicable State regulations; and

(2) shall allow for retention of fish that are subject to a moratorium declared under this section and unavoidably taken as incidental catch in fisheries directed toward menhaden if—

(A) discarding the retained fish is impracticable;

(B) the retained fish do not constitute a significant portion of the catch of the vessel; and

(C) retention of the fish will not, in the judgment of the Secretary, adversely affect the conservation of the species of fish retained.

(e) **PROHIBITED ACTS DURING MORATORIUM.**—During the time in which a moratorium under this section is in effect, it is unlawful for any person to—

(1) violate the terms of the moratorium or of any implementing regulation issued under subsection (d);

(2) engage in fishing for any species of fish to which the moratorium applies within the waters of the State subject to the moratorium;

(3) land, attempt to land, or possess fish that are caught, taken, or harvested in violation of the moratorium or of any implementing regulation issued under subsection (d);

(4) fail to return to the water immediately, with a minimum of injury, any fish to which the moratorium applies that are taken incidental to fishing for species other than those to which the moratorium applies, except as provided by regulations issued under subsection (d);

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

(6) forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search or inspection under this title;

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

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

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

(f) CIVIL AND CRIMINAL PENALTIES.—(1) Any person who commits any act that is unlawful under subsection (e) shall be liable to the United States for a civil penalty as provided by section 308 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858).

(2) Any person who commits an act prohibited by paragraph (5), (6), (7), or (9) of subsection (e) is guilty of an offense punishable as provided by section 309 (a)(1) and (b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1859 (a)(1) and (b)).

(g) CIVIL FORFEITURES.—(1) Any vessel (including its gear, equipment, appurtenances, stores, and cargo) used, and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with, or as the result of, the commission of any act that is unlawful under subsection (e), shall be subject to forfeiture to the United States as provided in section 310 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1860).

(2) 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 in regulation.

(h) ENFORCEMENT.—A person authorized by the Secretary or the Secretary of the department in which the Coast Guard is operating may take any action to enforce a moratorium declared under subsection (c) of this section that an officer authorized by the Secretary under section 311(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1861(b)) may take to enforce that Act. The Secretary may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal department or agency and of any agency of a State in carrying out that enforcement.

SEC. 808. FINANCIAL ASSISTANCE.

16 USC 5107.

The Secretary and the Secretary of the Interior may provide financial assistance to the Commission and to the States to carry out their respective responsibilities under this title, including—

(1) the preparation, implementation, and enforcement of coastal fishery management plans; and

(2) State activities that are specifically required within such plans.

SEC. 809. AUTHORIZATION OF APPROPRIATIONS.

16 USC 5108.

To carry out the provisions of this title, there are authorized to be appropriated \$3,000,000 for fiscal year 1994, \$5,000,000 for fiscal year 1995, and \$7,000,000 for fiscal year 1996.

SEC. 810. ATLANTIC STRIPED BASS CONSERVATION ACT.

Section 9 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is repealed.

SEC. 811. INTERJURISDICTIONAL FISHERIES ACT OF 1986.

Section 308(c) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(c)) is amended by inserting “, and \$600,000 for each of the fiscal years 1994 and 1995,” immediately after “and 1993”.

Liberty
Memorial
Act of 1993.

TITLE IX—LIBERTY MEMORIAL**SEC. 901. SHORT TITLE.**

This title may be cited as the “Liberty Memorial Act of 1993”.

SEC. 902. CONVEYANCE VESSELS.

(a) **AUTHORITY TO CONVEY.**—The Secretary of Transportation may convey without consideration all right, title, and interest of the United States in two vessels described in subsection (b) to any nonprofit organization that operates and maintains a Liberty Ship or Victory Ship as a memorial to merchant mariners.

(b) **VESSELS DESCRIBED.**—Vessels that may be conveyed under subsection (a) are vessels that—

- (1) are in the National Defense Reserve Fleet on the date of the enactment of this Act;
- (2) are not less than 4,000 displacement tons;
- (3) have no usefulness to the Government; and
- (4) are scheduled to be scrapped.

(c) **CONDITIONS OF CONVEYANCE.**—As a condition of conveying any vessel to an organization under subsection (a), the Secretary of Transportation shall require that before the date of the conveyance, the organization shall enter into an agreement under which the organization shall—

- (1) sell the vessel for scrap purposes;
- (2) use the proceeds of that scrapping for the purpose of refurbishing and making seaworthy a Liberty Ship or Victory Ship that the organization maintains as a memorial to merchant mariners, to enable the vessel to participate in 1994 in commemorative activities in conjunction with the 50th anniversary of the Normandy invasion; and
- (3) return to the United States any proceeds of scrapping carried out pursuant to paragraph (1) that are not used in accordance with paragraph (2).

(d) **DEPOSIT OF AMOUNTS RETURNED.**—Amounts returned to the United States pursuant to subsection (c)(3) shall be deposited in the Vessel Operations Revolving Fund established under the Act of June 2, 1951 (46 App. U.S.C. 1241a).

(e) **DELIVERY OF VESSELS.**—The Secretary of Transportation shall deliver each vessel conveyed under this section—

- (1) at the place where the vessel is located on the date of the approval of the conveyance by the Secretary of Transportation;
- (2) in its condition on that date; and
- (3) without cost to the Government.

(f) **EXPIRATION OF AUTHORITY TO CONVEY.**—The authority of the Secretary of Transportation under this section to convey vessels shall expire on the date that is 2 years after the date of enactment of this Act.

Approved December 20, 1993.

LEGISLATIVE HISTORY—H.R. 2150 (S. 1052):

HOUSE REPORTS: No. 103-146 (Comm. on Merchant Marine and Fisheries).

SENATE REPORTS: No. 103-198 accompanying S. 1052 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 139 (1993):

July 30, considered and passed House.

Nov. 22, considered and passed Senate, amended, in lieu of S. 1052. House concurred in Senate amendment.