

104TH CONGRESS
1ST SESSION

H. R. 1151

To authorize appropriations for fiscal years 1996 and 1997 for the Coast Guard, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 1995

Mr. TRAFICANT introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To authorize appropriations for fiscal years 1996 and 1997 for the Coast Guard, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coast Guard Author-
5 ization Act for Fiscal Years 1996 and 1997”.

6 **TITLE I—AUTHORIZATIONS**

7 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) Funds are authorized to be appropriated for nec-
9 essary expenses of the Coast Guard for fiscal year 1996,
10 as follows:

1 (1) For the operation and maintenance of the
2 Coast Guard, \$2,618,316,000 of which \$25,000,000
3 shall be derived from the Oil Spill Liability Trust
4 Fund.

5 (2) For the acquisition, construction, renova-
6 tion, and improvement of aids to navigation, shore
7 and offshore facilities, vessels, and aircraft, includ-
8 ing equipment related thereto, \$428,200,000, to re-
9 main available until expended, of which \$32,500,000
10 shall be derived from the Oil Spill Liability Trust
11 Fund to carry out the purposes of section
12 1012(a)(5) of the Oil Pollution Act of 1990.

13 (3) For research, development, test, and evalua-
14 tion of technologies, materials, and human factors
15 directly relating to improving the performance of the
16 Coast Guard's mission in support of search and res-
17 cue, aids to navigation, marine safety, marine envi-
18 ronmental protection, enforcement of laws and trea-
19 ties, ice operations, oceanographic research, and de-
20 fense readiness, \$22,500,000 to remain available
21 until expended, of which \$3,150,000 shall be derived
22 from the Oil Spill Liability Trust Fund.

23 (4) For retired pay, including the payment of
24 obligations otherwise chargeable to lapsed appropria-
25 tions for this purpose, and payments under the Re-

1 tired Serviceman's Family Protection and Survivor
2 Benefit Plans, and payments for medical care of re-
3 tired personnel and their dependents under chapter
4 55 of title 10, United States Code, \$582,022,000.

5 (5) For alteration or removal of railroad and
6 railroad/highway bridges over navigable waters of
7 the United States constituting obstructions to navi-
8 gation associated with the Bridge Alteration Pro-
9 gram, \$2,000,000, to remain available until ex-
10 pended.

11 (6) For necessary expenses to carry out the
12 Coast Guard's environmental compliance and res-
13 toration functions, other than parts and equipment
14 associated with operations and maintenance, under
15 chapter 19 of title 14, United States Code, at Coast
16 Guard facilities, \$25,000,000, to remain available
17 until expended.

18 (b) Funds are authorized to be appropriated for nec-
19 essary expenses of the Coast Guard for fiscal year 1997,
20 as follows:

21 (1) For the operation and maintenance of the
22 Coast Guard, such sums as may be necessary, of
23 which such sums as may be necessary shall be de-
24 rived from the Oil Spill Liability Trust Fund.

1 (2) For the acquisition, construction, renova-
2 tion, and improvement of aids to navigation, shore
3 and offshore facilities, vessels, and aircraft, includ-
4 ing equipment related thereto, such sums as may be
5 necessary, to remain available until expended, of
6 which such sums as may be necessary shall be de-
7 rived from the Oil Spill Liability Trust Fund to
8 carry out the purposes of section 1012(a)(5) of the
9 Oil Pollution Act of 1990.

10 (3) For research, development, test, and evalua-
11 tion of technologies, materials, and human factors
12 directly relating to improving the performance of the
13 Coast Guard's mission in support of search and res-
14 cue, aids to navigation, marine safety, marine envi-
15 ronmental protection, enforcement of laws and trea-
16 ties, ice operations, oceanographic research, and de-
17 fense readiness, such sums as may be necessary to
18 remain available until expended, of which such sums
19 as may be necessary shall be derived from the Oil
20 Spill Liability Trust Fund.

21 (4) For retired pay, including the payment of
22 obligations otherwise chargeable to lapsed appropria-
23 tions for this purpose, and payments under the Re-
24 tired Serviceman's Family Protection and Survivor
25 Benefit Plans, and payments for medical care of re-

1 tired personnel and their dependents under chapter
2 55 of title 10, United States Code, such sums as
3 may be necessary.

4 (5) For alteration or removal of railroad and
5 railroad/highway bridges over navigable waters of
6 the United States constituting obstructions to navi-
7 gation associated with the Bridge Alteration Pro-
8 gram, such sums as may be necessary, to remain
9 available until expended.

10 (6) For necessary expenses to carry out the
11 Coast Guard's environmental compliance and res-
12 toration functions, other than parts and equipment
13 associated with operations and maintenance, under
14 chapter 19 of title 14, United States Code, at Coast
15 Guard facilities, such sums as may be necessary, to
16 remain available until expended.

17 (c) Section 104 of title 49, United States Code, is
18 amended by adding at the end thereof the following:

19 “(e) Notwithstanding the provisions of sections
20 101(d) and 144 of title 23, United States Code, highway
21 bridges determined to be unreasonable obstructions to
22 navigation under the Truman-Hobbs Act may be funded
23 from amounts set aside from the discretionary bridge pro-
24 gram. Of the amount authorized for each fiscal year for
25 the discretionary bridge program, not more than

1 \$12,880,000 in the case of fiscal year 1995, \$14,200,000
2 in the case of fiscal year 1996, and not more than
3 \$17,250,000 in the case of fiscal year 1997 shall be avail-
4 able for such highway bridge projects. The Secretary shall
5 transfer these allocations and the responsibility for admin-
6 istration of these funds to the United States Coast
7 Guard.”.

8 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
9 **AND TRAINING.**

10 (a) The Coast Guard is authorized an end-of-year
11 strength for active duty personnel of 38,400 as of Septem-
12 ber 30, 1996. The authorized strength does not include
13 members of the Ready Reserve called to active duty for
14 special or emergency augmentation of regular Coast
15 Guard forces for periods of 180 days or less.

16 (b) For fiscal year 1996, the Coast Guard is author-
17 ized average military training student loads as follows:

18 (1) For recruit and special training, 1,604 stu-
19 dent years.

20 (2) For flight training, 85 student years.

21 (3) For professional training in military and ci-
22 vilian institutions, 330 student years.

23 (4) For officer acquisition, 874 student years.

24 (c) The Coast Guard is authorized an end-of-year
25 strength for active duty personnel of 38,400 as of Septem-

ber 30, 1997. 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.

(d) For fiscal year 1997, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,642 student years.

(2) For flight training, 103 student years.

(3) For professional training in military and civilian institutions, 303 student years.

(4) For officer acquisition, 870 student years.

TITLE II—PERSONNEL MANAGEMENT

AMENDMENTS

SEC. 201. ACCESS TO NATIONAL DRIVER REGISTER INFORMATION ON CERTAIN COAST GUARD PERSONNEL.

(a) Section 93 of title 14, United States Code, is amended—

(1) by striking “and” after the semicolon at the end of paragraph (t)(2);

(2) by striking the period at the end of paragraph (u) and inserting a semicolon and the word “and”; and

1 (3) by adding at the end the following new sub-
2 section:

3 “(v) require that any officer, chief warrant officer,
4 or enlisted member of the Coast Guard or Coast Guard
5 Reserve (including a cadet or an applicant for appoint-
6 ment or enlistment to any of the foregoing and including
7 any member of a uniformed service who is assigned to the
8 Coast Guard) request that all information contained in the
9 National Driver Register pertaining to the individual, as
10 described in section 30304(a) of title 49, United States
11 Code, be made available to the Commandant under section
12 30305(a) of title 49, United States Code. The Com-
13 mandant may receive the information and, upon receipt,
14 shall make the information available to the individual.”.

15 (b) Section 30305(b) of title 49, United States Code,
16 is amended following paragraph (6) by redesignating para-
17 graph (7) as paragraph (8) and inserting the following:

18 “(7) An individual who is an officer, chief warrant
19 officer, or enlisted member of the Coast Guard or Coast
20 Guard Reserve (including a cadet or an applicant for ap-
21 pointment or enlistment to any of the foregoing and in-
22 cluding any member of a uniformed service who is as-
23 signed to the Coast Guard) may request the chief driver
24 licensing official of a State to provide information about
25 the individual under subsection (a) of this section to the

1 Commandant. The Commandant may receive the informa-
2 tion and shall make the information available to the indi-
3 vidual. Information may not be obtained from the Register
4 under this paragraph if the information was entered in
5 the Register more than three years before the request, un-
6 less the information is about a revocation or suspension
7 still in effect on the date of the request.”.

8 **SEC. 202. CONFIDENTIALITY OF COAST GUARD MEDICAL**
9 **QUALITY ASSURANCE RECORDS.**

10 Section 645 of title 14, United States Code, is
11 amended—

12 (1) in subsection (a)(1), by inserting “before,
13 on, or after November 4, 1992” after “carried out”;

14 (2) following subsection (d)(2), by redesignating
15 the remaining subsections (d) through (h) as (e)
16 through (i); and

17 (3) in subsection (g), as redesignated, by strik-
18 ing “provides information to an individual” and in-
19 serting “provides information to a person” in its
20 place.

21 **SEC. 203. CONTRACTS FOR HEALTH CARE SERVICES.**

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

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

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

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

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

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

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

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

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

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

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

18 (c) This section shall take effect on October 1, 1995,
19 or upon enactment, whichever is sooner. Any personal
20 services contract entered into on behalf of the Coast
21 Guard in reliance upon the authority of section 1091 of
22 title 10, United States Code, before the effective date of
23 this section, is confirmed and ratified and shall remain
24 in effect in accordance with the terms of the contract.

1 **SEC. 204. CAMPUS RECRUITING.**

2 Section 558 of the National Defense Authorization
3 Act for Fiscal Year 1995, Public Law 103–337, is amend-
4 ed—

5 (1) in subsection (a)(1) by inserting “or the
6 Department of Transportation” immediately after
7 “the Department of Defense”;

8 (2) in subsection (a)(1) by inserting “or the
9 Secretary of Transportation,” immediately after
10 “the Secretary of Defense”; and

11 (3) in subsection (b) by inserting “and the Sec-
12 retary of Transportation” immediately after “the
13 Secretary of Education”.

14 **TITLE III—NAVIGATION SAFETY AND**
15 **WATERWAY SERVICES MANAGEMENT**

16 **SEC. 301. AMENDMENT OF INLAND NAVIGATION RULES.**

17 The Inland Navigational Rules (33 U.S.C. 2001, et
18 seq.) are amended—

19 (1) by amending rule 9(e)(i) (33 U.S.C.
20 2009(e)(i)) to read as follows:

21 “(i) In a narrow channel or fairway when overtaking,
22 the power-driven vessel intending to overtake another
23 power-driven vessel shall indicate her intention by sound-
24 ing the appropriate signal prescribed in rule 34(c) and
25 take steps to permit safe passing. The power-driven vessel
26 being overtaken, if in agreement, shall sound the same sig-

1 nal and may, if specifically agreed to, take steps to permit
2 safe passing. If in doubt she shall sound the danger signal
3 prescribed in rule 34(d),”;

4 (2) by amending rule 15(b) (33 U.S.C.
5 2015(b)) after “Secretary, a” by inserting “power-
6 driven”;

7 (3) by amending rule 23(a)(i) (33 U.S.C.
8 2023(a)(i)) after “masthead light forward;” by strik-
9 ing “except that a vessel of less than 20 meters in
10 length need not exhibit this light forward of amid-
11 ships but shall exhibit it as far forward as is prac-
12 ticable;”;

13 (4) by amending rule 24(f) (33 U.S.C. 2024(f))
14 after the section heading, to read as follows:

15 “Provided that any number of vessels being towed
16 alongside or pushed in a group shall be lighted as one ves-
17 sel, except as provided in paragraph (iii)—

18 “(i) a vessel being pushed ahead, not being part
19 of a composite unit, shall exhibit at the forward end,
20 sidelights and a special flashing light;

21 “(ii) a vessel being towed alongside shall exhibit
22 a sternlight and at the forward end, sidelights and
23 a special flashing light; and

24 “(iii) when vessels are towed alongside on both
25 sides of the towing vessel a stern light shall be ex-

1 hibited on the stern of the outboard vessel on each
2 side of the towing vessel, and a single set of
3 sidelights as far forward and as far outboard as is
4 practicable, and a single special flashing light.”;

5 (5) by amending rule 26 (33 U.S.C. 2026)—

6 (A) in subsections (b)(i) and (c)(i) by
7 striking “a vessel of less than 20 meters in
8 length may instead of this shape exhibit a bas-
9 ket;”; and

10 (B) in subsection (d), by striking “A vessel
11 engaged in fishing in close proximity to other
12 vessels engaged in fishing may exhibit the addi-
13 tional signals described in Annex II to these
14 Rules.” and substituting “The additional sig-
15 nals described in annex II to these rules apply
16 to a vessel engaged in fishing in close proximity
17 to other vessels engaged in fishing.”; and

18 (6) by amending rule 34(h) (33 U.S.C. 2034)

19 to read as follows:

20 “(h) ‘Agreement between vessels using radiotelephone
21 or other communications’ means a vessel that reaches
22 agreement with another vessel in a head-on, crossing, or
23 overtaking situation, as for example, by using the radio-
24 telephone as prescribed by the Vessel Bridge-to-Bridge
25 Radiotelephone Act (85 Stat. 164; 33 U.S.C. 1201 et

1 seq.), is not obliged to sound the whistle signals prescribed
2 by this rule, but may do so. If agreement is not reached,
3 then whistle signals shall be exchanged in a timely manner
4 and shall prevail.”.

5 **SEC. 302. NUMBERING OF UNDOCUMENTED BARGES.**

6 (a) Section 12301(b) of title 46, United States Code,
7 is amended by adding at the end of the subsection “chap-
8 ter 131 does not apply to an undocumented vessel number-
9 ing system established under this subsection.”; and

10 (b) Section 12302(b) of title 46, United States Code,
11 is amended—

12 (1) in the first sentence by adding “for vessels
13 required to be numbered under section 12301(a)”
14 after “chapter”; and

15 (2) by adding at the end of the section: “How-
16 ever, for vessels required to be numbered under sec-
17 tion 12301(b), the numbering system and the issu-
18 ing authority for that numbering system, within the
19 meaning of this chapter, shall be determined by reg-
20 ulations promulgated by the Secretary, notwith-
21 standing any other provisions of this chapter.”.

1 **SEC. 303. RENEWAL OF THE NAVIGATION SAFETY ADVI-**
2 **SORY COUNCIL.**

3 (a) Section 5(d) of the Inland Navigational Rules Act
4 of 1980 (33 U.S.C. 2073) is amended by striking “Sep-
5 tember 30, 1995” and inserting “September 30, 2000”.

6 (b) The section heading for section 5(d) of the Inland
7 Navigational Rules Act of 1980 (33 U.S.C. 2073) is
8 amended by striking “Rules of the Road Advisory Coun-
9 cil” and inserting “Navigation Safety Advisory Council”.

10 **SEC. 304. RENEWAL OF COMMERCIAL FISHING INDUSTRY**
11 **VESSEL ADVISORY COMMITTEE.**

12 Subsection (e)(1) of section 4508 of title 46, United
13 States Code, is amended by striking “September 30,
14 1994” and inserting “October 1, 1999”.

15 **TITLE IV—MARINE SAFETY AND**
16 **ENVIRONMENTAL PROTECTION**

17 **SEC. 401. PROVIDE FOR JUDICIAL SALE OF CERTAIN DOCU-**
18 **MENTED VESSELS TO ALIENS.**

19 Section 31329 of title 46, United States Code, is
20 amended by adding a new subsection (f) to read as follows:

21 “(f) This section does not apply to a documented ves-
22 sel that has been operated only as a fishing vessel, fish
23 processing vessel, fish tender vessel (as defined in section
24 2101 of this title) or a documented vessel that has been
25 operated only for pleasure.”.

1 **SEC. 402. FOIA EXCEPTION FOR PORT SECURITY PLANS.**

2 Section 7 of the Ports and Waterways Safety Act,
3 as amended (33 U.S.C. 1226), is amended by adding a
4 new subsection (c) to read as follows:

5 “(c)(1) Notwithstanding any other provision of law,
6 no information obtained or developed regarding the estab-
7 lishment, implementation, review, inspection, or alteration
8 of security plans, procedures, or programs for passenger
9 vessels or passenger terminals authorized under this Act
10 shall be available for general or public disclosure or inspec-
11 tion.

12 “(2) Nothing in this subsection shall be construed to
13 authorize the withholding of information from the duly au-
14 thorized committees of Congress.”.

15 **SEC. 403. MARITIME DRUG AND ALCOHOL TESTING PRO-**
16 **GRAM CIVIL PENALTY.**

17 (a) Chapter 21 of title 46, United States Code, is
18 amended by adding at the end a new section 2115 to read
19 as follows:

20 **“§2115. Civil penalty to enforce alcohol and dan-**
21 **gerous drug testing**

22 “Any person who fails to implement or conduct, or
23 who otherwise fails to comply with the requirements pre-
24 scribed by the Secretary for, chemical testing for dan-
25 gerous drugs or for evidence of alcohol use, as prescribed
26 under this subtitle or a regulation prescribed by the Sec-

1 retary to carry out the provisions of this subtitle, is liable
2 to the United States Government for a civil penalty of not
3 more than \$1,000 for each violation. Each day of a con-
4 tinuing violation shall constitute a separate violation.”.

5 (b) The table of sections at the beginning of chapter
6 21 of title 46, United States Code, is amended by inserting
7 after the item relating to section 2114 the following:

“2115. Civil penalty to enforce alcohol and dangerous drug testing.”.

8 **SEC. 404. WITHHOLDING VESSEL CLEARANCE FOR VIOLA-**
9 **TION OF CERTAIN ACTS.**

10 (a) Section 5122 of title 49 is amended by adding
11 a new subsection (c) to read as follows:

12 “(c) WITHHOLDING OF CLEARANCE.—If any owner,
13 operator, or person in charge of a vessel is liable for a
14 civil penalty under section 5123 of this title or for a fine
15 under section 5124 of this title, or if reasonable cause ex-
16 ists to believe that such owner, operator, or person in
17 charge may be subject to such a civil penalty or fine, the
18 Secretary of the Treasury, upon the request of the Sec-
19 retary, shall with respect to such vessel refuse or revoke—

20 “(1) the clearance required by section 4197 of
21 the Revised Statutes of the United States (46 App.
22 U.S.C. 91); or

23 “(2) a permit to depart required under section
24 443 of the Tariff Act of 1930 (19 U.S.C. 1443);

1 as applicable. Clearance or a permit refused or revoked
2 under this subsection may be granted upon the filing of
3 a bond or other surety satisfactory to the Secretary.”.

4 (b) Section 13(f) of the Ports and Waterways Safety
5 Act (33 U.S.C. 1232(f)) is amended to read as follows:

6 “(f) WITHHOLDING OF CLEARANCE.—If any owner,
7 operator, or person in charge of a vessel is liable for any
8 of the penalties or fines in this section, or if reasonable
9 cause exists to believe that the owner, operator, or person
10 in charge may be subject to any penalty or fine in this
11 section, the Secretary of the Treasury, upon the request
12 of the Secretary, shall with respect to such vessel refuse
13 or revoke—

14 “(1) the clearance required by section 4197 of
15 the Revised Statutes of the United States (46 App.
16 U.S.C. 91); or

17 “(2) a permit to depart required under section
18 443 of the Tariff Act of 1930 (19 U.S.C. 1443);

19 as applicable. Clearance or a permit refused or revoked
20 under this subsection may be granted upon filing of a bond
21 or other surety satisfactory to the Secretary.”.

22 (c) Section 4(d) of the Inland Navigational Rules Act
23 (33 U.S.C. 2072(d)) is amended to read as follows:

24 “(d) WITHHOLDING OF CLEARANCE.—If any owner,
25 operator, or person in charge of a vessel is liable for any

1 of the penalties in this section, or if reasonable cause ex-
2 ists to believe that the owner, operator, or person in
3 charge may be subject to any of the penalties in this sec-
4 tion, the Secretary of the Treasury, upon the request of
5 the Secretary, shall with respect to such vessel refuse or
6 revoke—

7 “(1) the clearance required by section 4197 of
8 the Revised Statutes of the United States (46 App.
9 U.S.C. 91); or

10 “(2) a permit to depart required under section
11 443 of the Tariff Act of 1930 (19 U.S.C. 1443);
12 as applicable. Clearance or a permit refused or revoked
13 under this subsection may be granted upon filing of a bond
14 or other surety satisfactory to the Secretary.”.

15 (d) Section 3718(e) of title 46, United States Code,
16 is amended to read as follows:

17 “(e) If any owner, operator, or person in charge of
18 a vessel is liable for any penalty or fine in this section,
19 or if reasonable cause exists to believe that the owner, op-
20 erator, or person in charge may be subject to any penalty
21 or fine in this section, the Secretary of the Treasury, upon
22 the request of the Secretary, shall with respect to such
23 vessel refuse or revoke—

1 **SEC. 406. INCREASED CIVIL PENALTIES.**

2 (a) PENALTY FOR FAILURE TO REPORT A CAS-
3 UALTY.—Section 6103(a) of title 46, United States Code,
4 is amended by striking “\$1,000” and inserting “not more
5 than \$25,000”.

6 (b) OPERATION OF UNINSPECTED VESSEL IN VIOLA-
7 TION OF MANNING REQUIREMENTS.—Section 8906 of
8 title 46, United States Code, is amended by striking
9 “\$1,000” and inserting “not more than \$25,000”.

10 **TITLE V—ESTABLISHMENT OF ALTER-**
11 **NATE CONVENTION TONNAGE (ITC)**
12 **THRESHOLDS**

13 **SEC. 501. MEASUREMENT OF VESSELS.**

14 Section 14104 of title 46, United States Code, is
15 amended by redesignating the existing section as a sub-
16 section (a) and adding a new subsection (b) to read as
17 follows:

18 “(b) Where a statute allows for an alternate tonnage
19 to be prescribed under this section, the Secretary may pre-
20 scribe it by regulation. The alternate tonnage shall, to the
21 maximum extent possible, be equivalent to the statutorily
22 established tonnage. Until an alternate tonnage is pre-
23 scribed, the statutorily established tonnage shall apply to
24 vessels measured under chapter 143 or chapter 145 of this
25 title.”.

1 **SEC. 502. LONGSHORE AND HARBOR WORKERS COMPENSA-**
2 **TION.**

3 Section 3(d) of the Longshore and Harbor Workers
4 Act (33 U.S.C. 903) is amended by inserting in subpara-
5 graph (3)(B) after “1,600 tons gross” the words “as
6 measured under section 14502 of title 46, United States
7 Code, or an alternate tonnage measured under section
8 14302 of title 46, United States Code as prescribed by
9 the Secretary under section 14104 of title 46, United
10 States Code”.

11 **SEC. 503. RADIOTELEPHONE REQUIREMENTS.**

12 Section 4(a)(2) of the Vessel Bridge-to-Bridge Radio-
13 telephone Act (33 U.S.C. 1203(a)(2)) is amended by in-
14 serting after “one hundred gross tons” the words “as
15 measured under 46 U.S.C. 14502 or an alternate tonnage
16 measured under 46 U.S.C. 14302 as prescribed by the
17 Secretary under 46 U.S.C. 14104”.

18 **SEC. 504. VESSEL OPERATING REQUIREMENTS.**

19 Section 4(a)(3) of the Port and Tanker Safety Act
20 (33 U.S.C. 1223(a)(3)) is amended by inserting after
21 “300 gross tons” the words “as measured under 46
22 U.S.C. 14502 or an alternate tonnage measured under 46
23 U.S.C. 14302 as prescribed by the Secretary under 46
24 U.S.C. 14104”.

1 **SEC. 505. MERCHANT MARINE ACT, 1920.**

2 Section 27A of the Act of June 5, 1920, (46 U.S.C.
3 App. 883-1), as amended, is further amended by inserting
4 after “five hundred gross tons” the words “as measured
5 under 46 U.S.C. 14502 or an alternate tonnage measured
6 under 46 U.S.C. 14302 as prescribed by the Secretary
7 under 46 U.S.C. 14104”.

8 **SEC. 506. MERCHANT MARINE ACT, 1920.**

9 Section 2 of the Act of June 14, 1956, (46 U.S.C.
10 App. 883a) is amended by inserting after “five hundred
11 gross tons” the words “as measured under 46 U.S.C.
12 14502 or an alternate tonnage measured under 46 U.S.C.
13 14302 as prescribed by the Secretary under 46 U.S.C.
14 14104”.

15 **SEC. 507. MARITIME EDUCATION AND TRAINING.**

16 Section 1302(4)(A) of the Maritime Education and
17 Training Act of 1980 (46 U.S.C. App. 1295a(4)(a)) is
18 amended by inserting after “1,000 gross tons or more”
19 the words “as measured under 46 U.S.C. 14502 or an
20 alternate tonnage measured under 46 U.S.C. 14302 as
21 prescribed by the Secretary under 46 U.S.C. 14104”.

22 **SEC. 508. GENERAL DEFINITIONS.**

23 Section 2101 of title 46, United States Code, is
24 amended—

25 (1) in paragraph (13), by inserting after “15
26 gross tons” the words “as measured under 46

1 U.S.C. 14502 or an alternate tonnage measured
2 under 46 U.S.C. 14302 as prescribed by the Sec-
3 retary under 46 U.S.C. 14104”;

4 (2) in paragraph (13a), by inserting after
5 “3,500 gross tons” the words “as measured under
6 46 U.S.C. 14502 or an alternate tonnage measured
7 under 46 U.S.C. 14302 as prescribed by the Sec-
8 retary under 46 U.S.C. 14104”;

9 (3) in paragraph (19), by inserting after “500
10 gross tons” the words “as measured under 46
11 U.S.C. 14502 or an alternate tonnage measured
12 under 46 U.S.C. 14302 as prescribed by the Sec-
13 retary under 46 U.S.C. 14104”;

14 (4) in paragraph (22), by inserting after “100
15 gross tons” the words “as measured under 46
16 U.S.C. 14502 or an alternate tonnage measured
17 under 46 U.S.C. 14302 as prescribed by the Sec-
18 retary under 46 U.S.C. 14104”;

19 (5) in paragraph (30)(A), by inserting after
20 “500 gross tons” the words “as measured under 46
21 U.S.C. 14502 or an alternate tonnage measured
22 under 46 U.S.C. 14302 as prescribed by the Sec-
23 retary under 46 U.S.C. 14104”;

24 (6) in paragraph (32), by inserting after “100
25 gross tons” the words “as measured under 46

1 U.S.C. 14502 or an alternate tonnage measured
2 under 46 U.S.C. 14302 as prescribed by the Sec-
3 retary under 46 U.S.C. 14104”;

4 (7) in paragraph (33), by inserting after “300
5 gross tons” the words “as measured under 46
6 U.S.C. 14502 or an alternate tonnage measured
7 under 46 U.S.C. 14302 as prescribed by the Sec-
8 retary under 46 U.S.C. 14104”;

9 (8) in paragraph (35), by inserting after “100
10 gross tons” the words “as measured under 46
11 U.S.C. 14502 or an alternate tonnage measured
12 under 46 U.S.C. 14302 as prescribed by the Sec-
13 retary under 46 U.S.C. 14104”; and

14 (9) in paragraph (42), by inserting after “100
15 gross tons”, each time it appears, the words “as
16 measured under 46 U.S.C. 14502 or an alternate
17 tonnage measured under 46 U.S.C. 14302 as pre-
18 scribed by the Secretary under 46 U.S.C. 14104”.

19 **SEC. 509. AUTHORITY TO EXCEPT CERTAIN VESSELS.**

20 Section 2113 of title 46, United States Code, is
21 amended—

22 (1) in paragraph (4), by inserting after “at
23 least 100 gross tons but less than 300 gross tons”
24 the words “as measured under 46 U.S.C. 14502 or
25 an alternate tonnage measured under 46 U.S.C.

1 14302 as prescribed by the Secretary under 46
2 U.S.C. 14104”; and

3 (2) in paragraph (5), by inserting after “at
4 least 100 gross tons but less than 500 gross tons”
5 the words “as measured under 46 U.S.C. 14502 or
6 an alternate tonnage measured under 46 U.S.C.
7 14302 as prescribed by the Secretary under 46
8 U.S.C. 14104”.

9 **SEC. 510. INSPECTION OF VESSELS.**

10 Section 3302 of title 46, United States Code, is
11 amended—

12 (1) in subsection (c)(1), by inserting after
13 “5,000 gross tons” the words “as measured under
14 46 U.S.C. 14502 or an alternate tonnage measured
15 under 46 U.S.C. 14302 as prescribed by the Sec-
16 retary under 46 U.S.C. 14104”;

17 (2) in subsection (c)(2), by inserting after “500
18 gross tons” the words “as measured under 46
19 U.S.C. 14502 or an alternate tonnage measured
20 under 46 U.S.C. 14302 as prescribed by the Sec-
21 retary under 46 U.S.C. 14104”;

22 (3) in subsection (c)(3), by inserting after “500
23 gross tons” the words “as measured under 46
24 U.S.C. 14502 or an alternate tonnage measured

1 under 46 U.S.C. 14302 as prescribed by the Sec-
2 retary under 46 U.S.C. 14104”;

3 (4) in subsection (c)(4)(A), by inserting after
4 “500 gross tons” the words “as measured under 46
5 U.S.C. 14502 or an alternate tonnage measured
6 under 46 U.S.C. 14302 as prescribed by the Sec-
7 retary under 46 U.S.C. 14104”;

8 (5) in subsection (d)(1), by inserting after “150
9 gross tons” the words “as measured under 46
10 U.S.C. 14502 or an alternate tonnage measured
11 under 46 U.S.C. 14302 as prescribed by the Sec-
12 retary under 46 U.S.C. 14104”;

13 (6) in subsection (i)(1)(A), by inserting after
14 “300 gross tons” the words “as measured under 46
15 U.S.C. 14502 or an alternate tonnage measured
16 under 46 U.S.C. 14302 as prescribed by the Sec-
17 retary under 46 U.S.C. 14104”; and

18 (7) in subsection (j), by inserting after “15
19 gross tons” the words “as measured under 46
20 U.S.C. 14502 or an alternate tonnage measured
21 under 46 U.S.C. 14302 as prescribed by the Sec-
22 retary under 46 U.S.C. 14104”.

23 **SEC. 511. REGULATIONS.**

24 Section 3306 of title 46, United States Code, is
25 amended—

1 (1) in subsection (h), by inserting after “at
2 least 100 gross tons but less than 300 gross tons”
3 the words “as measured under 46 U.S.C. 14502 or
4 an alternate tonnage measured under 46 U.S.C.
5 14302 as prescribed by the Secretary under 46
6 U.S.C. 14104”; and

7 (2) in subsection (i), by inserting after “at least
8 100 gross tons but less than 500 gross tons” the
9 words “as measured under 46 U.S.C. 14502 or an
10 alternate tonnage measured under 46 U.S.C. 14302
11 as prescribed by the Secretary under 46 U.S.C.
12 14104”.

13 **SEC. 512. FREQUENCY OF INSPECTION.**

14 Section 3307(2) of title 46, United States Code, is
15 amended by inserting after “100 gross tons” the words
16 “as measured under 46 U.S.C. 14502 or an alternate ton-
17 nage measured under 46 U.S.C. 14302 as prescribed by
18 the Secretary under 46 U.S.C. 14104”.

19 **SEC. 513. PENALTIES—INSPECTION OF VESSELS.**

20 Section 3318 of title 46, United States Code, is
21 amended—

22 (1) in subsection (a), by inserting after “100
23 gross tons” the words “as measured under 46
24 U.S.C. 14502 or an alternate tonnage measured

1 under 46 U.S.C. 14302 as prescribed by the Sec-
2 retary under 46 U.S.C. 14104”; and

3 (2) in subsection (j)(1), by inserting after
4 “1,600 gross tons” the words “as measured under
5 46 U.S.C. 14502 or an alternate tonnage measured
6 under 46 U.S.C. 14302 as prescribed by the Sec-
7 retary under 46 U.S.C. 14104”.

8 **SEC. 514. APPLICATION—TANK VESSELS.**

9 Section 3702 of title 46, United States Code, is
10 amended—

11 (1) in subsection (b)(1), by inserting after “500
12 gross tons” the words “as measured under 46
13 U.S.C. 14502 or an alternate tonnage measured
14 under 46 U.S.C. 14302 as prescribed by the Sec-
15 retary under 46 U.S.C. 14104”;

16 (2) in subsection (c), by inserting after “500
17 gross tons” the words “as measured under 46
18 U.S.C. 14502 or an alternate tonnage measured
19 under 46 U.S.C. 14302 as prescribed by the Sec-
20 retary under 46 U.S.C. 14104”; and

21 (3) in subsection (d), by inserting after “5,000
22 gross tons” the words “as measured under 46
23 U.S.C. 14502 or an alternate tonnage measured
24 under 46 U.S.C. 14302 as prescribed by the Sec-
25 retary under 46 U.S.C. 14104”.

1 **SEC. 515. TANK VESSEL CONSTRUCTION STANDARDS.**

2 Section 3703a of title 46, United States Code, is
3 amended—

4 (1) in subsection (b)(2), by inserting after
5 “5,000 gross tons” the words “as measured under
6 46 U.S.C. 14502 or an alternate tonnage measured
7 under 46 U.S.C. 14302 as prescribed by the Sec-
8 retary under 46 U.S.C. 14104”;

9 (2) in subsection (c)(2), by inserting after
10 “5,000 gross tons” each place they occur, the words
11 “as measured under 46 U.S.C. 14502 or an alter-
12 nate tonnage measured under 46 U.S.C. 14302 as
13 prescribed by the Secretary under 46 U.S.C.
14 14104”;

15 (3) in subsection (c)(3)(A), by inserting after
16 “15,000 gross tons” the words “as measured under
17 46 U.S.C. 14502 or an alternate tonnage measured
18 under 46 U.S.C. 14302 as prescribed by the Sec-
19 retary under 46 U.S.C. 14104”;

20 (4) in subsection (c)(3)(B), by inserting after
21 “30,000 gross tons” the words “as measured under
22 46 U.S.C. 14502 or an alternate tonnage measured
23 under 46 U.S.C. 14302 as prescribed by the Sec-
24 retary under 46 U.S.C. 14104”; and

25 (5) in subsection (c)(3)(C), by inserting after
26 “30,000 gross tons” the words “as measured under

1 46 U.S.C. 14502 or an alternate tonnage measured
2 under 46 U.S.C. 14302 as prescribed by the Sec-
3 retary under 46 U.S.C. 14104”.

4 **SEC. 516. TANKER MINIMUM STANDARDS.**

5 Section 3707 of title 46, United States Code, is
6 amended—

7 (1) in subsection (a), by inserting after “10,000
8 gross tons” the words “as measured under 46
9 U.S.C. 14502 or an alternate tonnage measured
10 under 46 U.S.C. 14302 as prescribed by the Sec-
11 retary under 46 U.S.C. 14104”; and

12 (2) in subsection (b), by inserting after “10,000
13 gross tons” the words “as measured under 46
14 U.S.C. 14502 or an alternate tonnage measured
15 under 46 U.S.C. 14302 as prescribed by the Sec-
16 retary under 46 U.S.C. 14104”.

17 **SEC. 517. SELF-PROPELLED TANK VESSEL MINIMUM**
18 **STANDARDS.**

19 Section 3708 of title 46, United States Code, is
20 amended by inserting after “10,000 gross tons” the words
21 “as measured under 46 U.S.C. 14502 or an alternate ton-
22 nage measured under 46 U.S.C. 14302 as prescribed by
23 the Secretary under 46 U.S.C. 14104”.

1 **SEC. 518. DEFINITION—ABANDONMENT OF BARGES.**

2 Section 4701(l) of title 46, United States Code, is
3 amended by inserting after “100 gross tons” the words
4 “as measured under 46 U.S.C. 14502 or an alternate ton-
5 nage measured under 46 U.S.C. 14302 as prescribed by
6 the Secretary under 46 U.S.C. 14104”.

7 **SEC. 519. APPLICATION—LOAD LINES.**

8 Section 5102(b) of title 46, United States Code, is
9 amended—

10 (1) in paragraph (4), by inserting after “5,000
11 gross tons” the words “as measured under 46
12 U.S.C. 14502 or an alternate tonnage measured
13 under 46 U.S.C. 14302 as prescribed by the Sec-
14 retary under 46 U.S.C. 14104”;

15 (2) in paragraph (5), by inserting after “500
16 gross tons” the words “as measured under 46
17 U.S.C. 14502 or an alternate tonnage measured
18 under 46 U.S.C. 14302 as prescribed by the Sec-
19 retary under 46 U.S.C. 14104”; and

20 (3) in paragraph (10), by inserting after “150
21 gross tons” the words “as measured under 46
22 U.S.C. 14502 or an alternate tonnage measured
23 under 46 U.S.C. 14302 as prescribed by the Sec-
24 retary under 46 U.S.C. 14104”.

1 **SEC. 520. LICENSING OF INDIVIDUALS.**

2 Section 7101(e)(3) of title 46, United States Code,
3 is amended by inserting after “1,600 gross tons” the
4 words “as measured under 46 U.S.C. 14502 or an alter-
5 nate tonnage measured under 46 U.S.C. 14302 as pre-
6 scribed by the Secretary under 46 U.S.C. 14104”.

7 **SEC. 521. ABLE SEAMEN—LIMITED.**

8 Section 7308 of title 46, United States Code, is
9 amended by inserting after “100 gross tons” the words
10 “as measured under 46 U.S.C. 14502 or an alternate ton-
11 nage measured under 46 U.S.C. 14302 as prescribed by
12 the Secretary under 46 U.S.C. 14104”.

13 **SEC. 522. ABLE SEAMEN—OFFSHORE SUPPLY VESSELS.**

14 Section 7310 of title 46, United States Code, is
15 amended by inserting after “500 gross tons” the words
16 “as measured under 46 U.S.C. 14502 or an alternate ton-
17 nage measured under 46 U.S.C. 14302 as prescribed by
18 the Secretary under 46 U.S.C. 14104”.

19 **SEC. 523. SCALE OF EMPLOYMENT—ABLE SEAMEN.**

20 Section 7312 of title 46, United States Code, is
21 amended—

22 (1) in subsection (b), by inserting after “1,600
23 gross tons” the words “as measured under 46
24 U.S.C. 14502 or an alternate tonnage measured
25 under 46 U.S.C. 14302 as prescribed by the Sec-
26 retary under 46 U.S.C. 14104”;

1 (2) in subsection (c)(1), by inserting after “500
2 gross tons” the words “as measured under 46
3 U.S.C. 14502 or an alternate tonnage measured
4 under 46 U.S.C. 14302 as prescribed by the Sec-
5 retary under 46 U.S.C. 14104”;

6 (3) in subsection (d), by inserting after “500
7 gross tons” the words “as measured under 46
8 U.S.C. 14502 or an alternate tonnage measured
9 under 46 U.S.C. 14302 as prescribed by the Sec-
10 retary under 46 U.S.C. 14104”;

11 (4) in subsection (f)(1), by inserting after
12 “5,000 gross tons” the words “as measured under
13 46 U.S.C. 14502 or an alternate tonnage measured
14 under 46 U.S.C. 14302 as prescribed by the Sec-
15 retary under 46 U.S.C. 14104”; and

16 (5) in subsection (f)(2), by inserting after
17 “5,000 gross tons” the words “as measured under
18 46 U.S.C. 14502 or an alternate tonnage measured
19 under 46 U.S.C. 14302 as prescribed by the Sec-
20 retary under 46 U.S.C. 14104”.

21 **SEC. 524. GENERAL REQUIREMENTS—ENGINE DEPART-**
22 **MENT.**

23 Section 7313(a) of title 46, United States Code, is
24 amended by inserting after “100 gross tons” the words
25 “as measured under 46 U.S.C. 14502 or an alternate ton-

1 nage measured under 46 U.S.C. 14302 as prescribed by
2 the Secretary under 46 U.S.C. 14104”.

3 **SEC. 525. COMPLEMENT OF INSPECTED VESSELS.**

4 Section 8101(h) of title 46, United States Code, is
5 amended by inserting after “100 gross tons” the words
6 “as measured under 46 U.S.C. 14502 or an alternate ton-
7 nage measured under 46 U.S.C. 14302 as prescribed by
8 the Secretary under 46 U.S.C. 14104”.

9 **SEC. 526. WATCHMEN.**

10 Section 8102(b) of title 46, United States Code, is
11 amended by inserting after “100 gross tons” the words
12 “as measured under 46 U.S.C. 14502 or an alternate ton-
13 nage measured under 46 U.S.C. 14302 as prescribed by
14 the Secretary under 46 U.S.C. 14104”.

15 **SEC. 527. CITIZENSHIP AND NAVAL RESERVE REQUIRE-**
16 **MENTS.**

17 Section 8103(b)(3)(A) of title 46, United States
18 Code, is amended by inserting after “1,600 gross tons”
19 the words “as measured under 46 U.S.C. 14502 or an
20 alternate tonnage measured under 46 U.S.C. 14302 as
21 prescribed by the Secretary under 46 U.S.C. 14104”.

22 **SEC. 528. WATCHES.**

23 Section 8104 of title 46, United States Code, is
24 amended—

1 (1) in subsection (b), by inserting after “100
2 gross tons” the words “as measured under 46
3 U.S.C. 14502 or an alternate tonnage measured
4 under 46 U.S.C. 14302 as prescribed by the Sec-
5 retary under 46 U.S.C. 14104”;

6 (2) in subsection (d), by inserting after “100
7 gross tons” and after “5,000 gross tons” respec-
8 tively, each place they appear, the words “as meas-
9 ured under 46 U.S.C. 14502 or an alternate tonnage
10 measured under 46 U.S.C. 14302 as prescribed by
11 the Secretary under 46 U.S.C. 14104”;

12 (3) in subsection (l)(1), by inserting after
13 “1,600 gross tons” the words “as measured under
14 46 U.S.C. 14502 or an alternate tonnage measured
15 under 46 U.S.C. 14302 as prescribed by the Sec-
16 retary under 46 U.S.C. 14104”;

17 (4) in subsection (m)(1), by inserting after
18 “1,600 gross tons” the words “as measured under
19 46 U.S.C. 14502 or an alternate tonnage measured
20 under 46 U.S.C. 14302 as prescribed by the Sec-
21 retary under 46 U.S.C. 14104”;

22 (5) in subsection (o)(1), by inserting after “500
23 gross tons” the words “as measured under 46
24 U.S.C. 14502 or an alternate tonnage measured

1 under 46 U.S.C. 14302 as prescribed by the Sec-
2 retary under 46 U.S.C. 14104”; and

3 (6) in subsection (o)(2), by inserting after “500
4 gross tons” the words “as measured under 46
5 U.S.C. 14502 or an alternate tonnage measured
6 under 46 U.S.C. 14302 as prescribed by the Sec-
7 retary under 46 U.S.C. 14104”.

8 **SEC. 529. MINIMUM NUMBER OF LICENSED INDIVIDUALS.**

9 Section 8301 of title 46, United States Code, is
10 amended—

11 (1) in subsection (a)(2), by inserting after
12 “1,000 gross tons” the words “as measured under
13 46 U.S.C. 14502 or an alternate tonnage measured
14 under 46 U.S.C. 14302 as prescribed by the Sec-
15 retary under 46 U.S.C. 14104”;

16 (2) in subsection (a)(3), by inserting after “at
17 least 200 gross tons but less than 1,000 gross tons”
18 the words “as measured under 46 U.S.C. 14502 or
19 an alternate tonnage measured under 46 U.S.C.
20 14302 as prescribed by the Secretary under 46
21 U.S.C. 14104”;

22 (3) in subsection (a)(4), by inserting after “at
23 least 100 gross tons but less than 200 gross tons”
24 the words “as measured under 46 U.S.C. 14502 or
25 an alternate tonnage measured under 46 U.S.C.

1 14302 as prescribed by the Secretary under 46
2 U.S.C. 14104”;

3 (4) in subsection (a)(5), by inserting after “300
4 gross tons” the words “as measured under 46
5 U.S.C. 14502 or an alternate tonnage measured
6 under 46 U.S.C. 14302 as prescribed by the Sec-
7 retary under 46 U.S.C. 14104”;

8 (5) in subsection (b), by inserting after “200
9 gross tons” the words “as measured under 46
10 U.S.C. 14502 or an alternate tonnage measured
11 under 46 U.S.C. 14302 as prescribed by the Sec-
12 retary under 46 U.S.C. 14104”; and

13 (6) in subsection (e)(3), by inserting after “200
14 gross tons” the words “as measured under 46
15 U.S.C. 14502 or an alternate tonnage measured
16 under 46 U.S.C. 14302 as prescribed by the Sec-
17 retary under 46 U.S.C. 14104”.

18 **SEC. 530. OFFICERS’ COMPETENCY CERTIFICATE CONVEN-**
19 **TION.**

20 Section 3304(b)(4) of title 46, United States Code,
21 is amended by inserting after “200 gross tons” the words
22 “as measured under 46 U.S.C. 14502 or an alternate ton-
23 nage measured under 46 U.S.C. 14302 as prescribed by
24 the Secretary under 46 U.S.C. 14104”.

1 **SEC. 531. MERCHANT MARINERS' DOCUMENTS REQUIRED.**

2 Section 8701 of title 46, United States Code, is
3 amended—

4 (1) in subsection (a), by inserting after “100
5 gross tons” the words “as measured under 46
6 U.S.C. 14502 or an alternate tonnage measured
7 under 46 U.S.C. 14302 as prescribed by the Sec-
8 retary under 46 U.S.C. 14104”; and

9 (2) in subsection (a)(6), by inserting after
10 “1,600 gross tons” the words “as measured under
11 46 U.S.C. 14502 or an alternate tonnage measured
12 under 46 U.S.C. 14302 as prescribed by the Sec-
13 retary under 46 U.S.C. 14104”.

14 **SEC. 532. CERTAIN CREW REQUIREMENTS.**

15 Section 8702 of title 46, United States Code, is
16 amended—

17 (1) in subsection (a), by inserting after “100
18 gross tons” the words “as measured under 46
19 U.S.C. 14502 or an alternate tonnage measured
20 under 46 U.S.C. 14302 as prescribed by the Sec-
21 retary under 46 U.S.C. 14104”; and

22 (2) in subsection (a)(6), by inserting after
23 “1,600 gross tons” the words “as measured under
24 46 U.S.C. 14502 or an alternate tonnage measured
25 under 46 U.S.C. 14302 as prescribed by the Sec-
26 retary under 46 U.S.C. 14104”.

1 **SEC. 533. FREIGHT VESSELS.**

2 Section 8901 of title 46, United States Code, is
3 amended by inserting after “100 gross tons” the words
4 “as measured under 46 U.S.C. 14502 or an alternate ton-
5 nage measured under 46 U.S.C. 14302 as prescribed by
6 the Secretary under 46 U.S.C. 14104”.

7 **SEC. 534. EXEMPTIONS.**

8 Section 8905(b) of title 46, United States Code, is
9 amended by inserting after “200 gross tons” the words
10 “as measured under 46 U.S.C. 14502 or an alternate ton-
11 nage measured under 46 U.S.C. 14302 as prescribed by
12 the Secretary under 46 U.S.C. 14104”.

13 **SEC. 535. UNITED STATES REGISTERED PILOT SERVICE.**

14 Section 9303(a)(2) of title 46, United States Code,
15 is amended by inserting after “4,000 gross tons” the
16 words “as measured under 46 U.S.C. 14502 or an alter-
17 nate tonnage measured under 46 U.S.C. 14302 as pre-
18 scribed by the Secretary under 46 U.S.C. 14104”.

19 **SEC. 536. DEFINITIONS—MERCHANT SEAMEN PROTECTION.**

20 Section 10101(1)(B) of title 46, United States Code,
21 is amended by inserting after “1,600 gross tons” the
22 words “as measured under 46 U.S.C. 14502 or an alter-
23 nate tonnage measured under 46 U.S.C. 14302 as pre-
24 scribed by the Secretary under 46 U.S.C. 14104”.

1 **SEC. 537. APPLICATION—FOREIGN AND INTERCOASTAL**
2 **VOYAGES.**

3 Section 10301(a)(2) of title 46, United States Code,
4 is amended by inserting after “75 gross tons” the words
5 “as measured under 46 U.S.C. 14502 or an alternate ton-
6 nage measured under 46 U.S.C. 14302 as prescribed by
7 the Secretary under 46 U.S.C. 14104”.

8 **SEC. 538. APPLICATION—COASTWISE VOYAGES.**

9 Section 10501(a) of title 46, United States Code, is
10 amended by inserting after “50 gross tons” the words “as
11 measured under 46 U.S.C. 14502 or an alternate tonnage
12 measured under 46 U.S.C. 14302 as prescribed by the
13 Secretary under 46 U.S.C. 14104”.

14 **SEC. 539. FISHING AGREEMENTS.**

15 Section 10601(a)(1) of title 46, United States Code,
16 is amended by inserting after “20 gross tons” the words
17 “as measured under 46 U.S.C. 14502 or an alternate ton-
18 nage measured under 46 U.S.C. 14302 as prescribed by
19 the Secretary under 46 U.S.C. 14104”.

20 **SEC. 540. ACCOMMODATIONS FOR SEAMEN.**

21 Section 11101(a) of title 46, United States Code, is
22 amended by inserting after “100 gross tons” the words
23 “as measured under 46 U.S.C. 14502 or an alternate ton-
24 nage measured under 46 U.S.C. 14302 as prescribed by
25 the Secretary under 46 U.S.C. 14104”.

1 **SEC. 541. MEDICINE CHESTS.**

2 Section 11102(a) of title 46, United States Code, is
3 amended by inserting after “75 gross tons” the words “as
4 measured under 46 U.S.C. 14502 or an alternate tonnage
5 measured under 46 U.S.C. 14302 as prescribed by the
6 Secretary under 46 U.S.C. 14104”.

7 **SEC. 542. LOGBOOK AND ENTRY REQUIREMENTS.**

8 Section 11301(a)(2) of title 46, United States Code,
9 is amended by inserting after “75 gross tons” the words
10 “as measured under 46 U.S.C. 14502 or an alternate ton-
11 nage measured under 46 U.S.C. 14302 as prescribed by
12 the Secretary under 46 U.S.C. 14104”.

13 **SEC. 543. COASTWISE ENDORSEMENTS.**

14 Section 12106(c)(1) of title 46, United States Code,
15 is amended by inserting after “two hundred gross tons”
16 the words “as measured under 46 U.S.C. 14502 or an
17 alternate tonnage measured under 46 U.S.C. 14302 as
18 prescribed by the Secretary under 46 U.S.C. 14104”.

19 **SEC. 544. FISHERY ENDORSEMENTS.**

20 Section 12108(c)(1) of title 46, United States Code,
21 is amended by inserting after “two hundred gross tons”
22 the words “as measured under 46 U.S.C. 14502 or an
23 alternate tonnage measured under 46 U.S.C. 14302 as
24 prescribed by the Secretary under 46 U.S.C. 14104”

1 **TITLE VI—MISCELLANEOUS**
2 **AMENDMENTS**

3 **SEC. 601. JURISDICTION OVER VESSELS ENGAGED IN**
4 **DRIFTNET FISHING ON THE HIGH SEAS.**

5 (a) Section 1802(32) of title 16, United States Code,
6 is amended by adding the following new subsection:

7 “(32) The term ‘vessel subject to the jurisdiction of
8 the United States’ has the meaning given the term in the
9 Maritime Drug Law Enforcement Act (46 U.S.C. App.
10 1903(c));”

11 and by renumbering the existing paragraph (32) as para-
12 graph (33).

13 (b) Section 1857(1)(M) of title 16, United States
14 Code, is amended by deleting the existing subsection and
15 substituting the following:

16 “(M) on board a vessel of the United States or
17 a vessel subject to the jurisdiction of the United
18 States, to engage in large-scale driftnet fishing upon
19 the high seas beyond the Exclusive Economic Zone
20 of any nation or within the Exclusive Economic
21 Zone of the United States. It shall be a rebuttable
22 presumption that any vessel that is shoreward of the
23 outer boundary of the exclusive economic zone of the
24 United States or beyond the exclusive economic zone
25 of any nation, and that has on board gear that is

1 capable of use for large-scale driftnet fishing, is en-
2 gaged in such fishing; or”.

3 **SEC. 602. IMPROVED AUTHORITY TO SELL RECYCLABLE**
4 **MATERIAL.**

5 (a) Section 641(c)(2) of title 14, United States Code,
6 is amended to read as follows:

7 “(2) Notwithstanding any other law, where the esti-
8 mated proceeds from a sale will not exceed \$5,000, recy-
9 clable materials may be sold by a modified negotiated sale
10 by Coast Guard units having qualified recycling programs.
11 All other sales of recyclable materials shall be governed
12 by section 203 of the Federal Property and Administrative
13 Services Act of 1949 (40 U.S.C. 484).”

14 (b) Section 641 of title 14, United States Code, is
15 amended by redesignating subsection (e) as subsection (f),
16 and inserting after (d) the following new subsection:

17 “(e) The following definitions apply to subsections (c)
18 and (d) of this section:

19 “(1) ‘Recyclable materials’ means those mate-
20 rials that—

21 “(A) have no value other than the intrinsic
22 value of their raw materials;

23 “(B) require physical or chemical process-
24 ing to be reused; and

1 “(C) would be discarded to become part of
2 the waste stream unless recycled.

3 “(2) ‘Modified negotiated sale’ means a sale in-
4 volving oral or written solicitation of bidders, with
5 the award going to the highest bidder. The Com-
6 mandant shall prescribe regulations governing these
7 sales.”.

8 **SEC. 603. SHIP RADIO INSTALLATIONS FOR PASSENGER**
9 **AND CARGO VESSELS.**

10 The Communications Act of 1934 (47 U.S.C. 151,
11 et seq.) is amended—

12 (1) by amending the heading for Subchapter
13 III, Part II of the Communications Act of 1934 in
14 the table of sections at the beginning of chapter 5
15 of title 47, United States Code, by striking “RADIO
16 EQUIPMENT AND RADIO OPERATORS ON BOARD
17 SHIP” and inserting “SHIP RADIO INSTALLATIONS
18 FOR PASSENGER AND CARGO VESSELS”;

19 (2) by amending section 351 (47 U.S.C. 351)
20 to read as follows:

21 “(a) Except as provided for in section 352 hereof, it
22 shall be unlawful for any United States passenger vessel,
23 or for any United States cargo vessel three hundred gross
24 tons or over, to operate in the open sea outside of a harbor
25 or port, or for any such ship of the United States or any

1 foreign country, to leave or attempt to leave any harbor
2 or port of the United States to operate in the open sea,
3 unless such ship is equipped with an efficient radio station
4 installation that complies with the radio communications
5 provisions of the Safety Convention as specified by the
6 Commission.

7 “(b) The radio station installation and watch require-
8 ments shall be sufficient—

9 “(1) to alert other ships and shore-based facili-
10 ties by at least two separate and independent sys-
11 tems;

12 “(2) to receive distress alerts from other ships
13 and from shore;

14 “(3) to communicate with other ships and with
15 shore; and

16 “(4) to receive transmissions of maritime safety
17 information.

18 “(c) Each vessel equipped with a radio station instal-
19 lation in accordance with this part shall have on board
20 two persons who are knowledgeable in the operation of the
21 radio equipment and are licensed by the Commission in
22 a manner the Commission deems appropriate.

23 “(d) Radio equipment required by this part shall be
24 maintained in a manner consistent with the provisions of
25 the Safety Convention, by one or a combination of the fol-

1 lowing methods, as specified by the Commission: duplica-
2 tion of equipment, shore-based maintenance, or at-sea
3 electronic maintenance capability.”;

4 (3) by amending the section heading for section
5 351 by striking “Ship radio stations and oper-
6 ations.” and inserting “Vessels subject to this
7 part.”;

8 (4) by amending the item relating to section
9 351 in the table of sections at the beginning of chap-
10 ter 5 of title 47, United States Code, by striking
11 “Ship radio stations and operations.” and inserting
12 “Vessels subject to this part.”;

13 (5) by amending section 352(a)(2) (47 U.S.C.
14 352(a)(2)) by striking the balance of the subpara-
15 graph after the words “by the Government”;

16 (6) by amending section 352(b) (47 U.S.C.
17 352(b)) to read as follows:

18 “Except for nuclear ships, the Commission may ex-
19 empt from the radio station provisions of this part any
20 ship or any class of ships that complies with the functional
21 requirements of section 351(b) if the conditions affecting
22 safety are such as to render full application of the provi-
23 sions of this part unreasonable or unnecessary. When de-
24 ciding whether to grant such an exemption, the Commis-
25 sion shall have regard for the effect that such exemption

1 might have on the general efficiency of the service for the
2 safety of all ships.”;

3 (7) by striking sections 352(c) and (d) (47
4 U.S.C. 352(c), (d));

5 (8) by amending section 353 (47 U.S.C. 353)
6 to read as follows:

7 “The Commission shall have authority with respect
8 to any vessel subject to this part—

9 (a) to specify radio operator qualifications,
10 radio installation operating, technical, and environ-
11 mental characteristic, including frequencies,
12 emmissions, power, receiver characteristics, commu-
13 nications capability, and range;

14 (b) to approve installations, apparatus, and
15 spare parts necessary to comply with the purposes
16 and requirements of this part;

17 (c) to prescribe any additional equipment nec-
18 essary for the proper functioning of the radio equip-
19 ment installed in accordance with this part or for
20 the proper conduct of radio communications in time
21 of emergency or distress; and

22 (d) to approve the details concerning the loca-
23 tion and manner of installation of equipment nec-
24 essary to meet the purposes and requirements of this
25 part.”;

1 (9) by amending the section heading for section
2 353 by striking “Radio equipment and operators.”
3 and inserting “Ship radio station installation oper-
4 ation.”;

5 (10) by amending the item relating to section
6 353 in the table of sections at the beginning of chap-
7 ter 5 of title 47, United States Code, by striking
8 “Radio equipment and operators.” and inserting
9 “Ship radio station installation operation.”;

10 (11) by striking sections 354–358 (47 U.S.C.
11 354–358); and

12 (12) the table of sections at the beginning of
13 chapter 5 of title 47, United States Code, is amend-
14 ed by striking all items relating to sections 354–358.

15 **TITLE VII—STATE RECREATIONAL**

16 **BOATING SAFETY FUNDING**

17 **SEC. 701. BOATING SAFETY GRANTS.**

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

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

23 “(b)(1) Of the balance of each annual appropriation
24 remaining after making the distribution under subsection
25 (a), an amount equal to \$40,000,000 for fiscal year 1996,

1 \$55,000,000 for fiscal year 1997, and \$69,000,000 for
2 each of fiscal years 1998 and 1999, shall, subject to para-
3 graph (2), be used as follows:

4 “(A) A sum equal to \$10,000,000 of the
5 amount available for each of fiscal years 1996
6 through 1999 shall be available for use by the Sec-
7 retary of the Interior for grants under section
8 5604(c) of the Clean Vessel Act of 1992. Any por-
9 tion of such a sum available for a fiscal year that
10 is not obligated for those grants before the end of
11 the following fiscal year shall be transferred to the
12 Secretary of Transportation and shall be expended
13 by the Secretary of Transportation for State rec-
14 reational boating safety programs under section
15 13106 of title 46, United States Code.

16 “(B) A sum equal to \$30,000,000 of the
17 amount available for fiscal year 1996, \$45,000,000
18 of the amount available for fiscal year 1997, and
19 \$59,000,000 of the amount available for each of fis-
20 cal years 1998 and 1999, shall be transferred to the
21 Secretary of Transportation and shall be expended
22 by the Secretary of Transportation for State rec-
23 reational boating safety programs under section
24 13106 of title 46, United States Code.

1 Any portion of such a sum available for a fiscal year that
2 is not obligated for those grants before the end of the fol-
3 lowing fiscal year shall be transferred to the Secretary of
4 Transportation and shall be expended by the Secretary of
5 Transportation for State recreational boating safety pro-
6 grams under section 13106 of title 46, United States
7 Code.

8 “(2)(A) The amount transferred under paragraph
9 (1)(B) for a fiscal year shall be reduced by the lesser of—

10 “(i) the amount appropriated to the Secretary
11 of Transportation for the fiscal year to carry out the
12 purposes of section 13106 of title 46, United States
13 Code, from the Boat Safety Account in the Aquatic
14 Resources Trust Fund established under section
15 9504 of the Internal Revenue Code of 1986; or

16 “(ii) \$35,000,000; or

17 “(iii) for fiscal year 1996 only, \$30,000,000.

18 “(B) The amount of any reduction under subpara-
19 graph (A) shall be apportioned among the several States
20 under subsection (d) by the Secretary of the Interior.”.

21 (2) CONFORMING AMENDMENT.—Section
22 5604(c)(1) of the Clean Vessel Act of 1992 (33
23 U.S.C. 1322 note) is amended by striking “section
24 4(b)(2) of the Act of August 9, 1950 (16 U.S.C.
25 777c(b)(2), as amended by this Act)” and inserting

1 “section 4(b)(1) of the Act of August 9, 1950 (16
2 U.S.C. 777c(b)(1))”.

3 (3) LIMITATION ON OTHER DISTRIBUTION.—
4 Notwithstanding any other provision of law, for fis-
5 cal year 1996, of the amount appropriated in ac-
6 cordance with section 3 of the Act of August 9,
7 1950 (16 U.S.C. 777b), \$20,000,000 shall be ex-
8 cluded from the total amount subject to the eighteen
9 percent calculation of section 4(a) of such Act (16
10 U.S.C. 777c(a)).

11 (b) EXPENDITURE OF AMOUNTS FOR STATE REC-
12 REATIONAL BOATING SAFETY PROGRAMS.—Section
13 13106 of title 46, United States Code, is amended—

14 (1) in subsection (a)(1) by striking the first
15 sentence and inserting the following: “Subject to
16 paragraph (2), the Secretary may expend under con-
17 tracts with States under this chapter in each fiscal
18 year for State recreational boating safety programs
19 an amount equal to the sum of the amount appro-
20 priated from the Boat Safety Account for that fiscal
21 year plus the amount transferred to the Secretary
22 under section 4(b)(1) of the Act of August 9, 1950
23 (16 U.S.C. 777c(b)(1)) for that fiscal year.”; and

24 (2) by amending subsection (c) to read as fol-
25 lows:

1 department in which the Coast Guard is operating, such
2 sums may be expended as are necessary to carry out this
3 program. Child development service benefits provided
4 under the authority of this section shall be in addition to
5 benefits provided under existing programs.

6 “(b) For purposes of this section, the term ‘Coast
7 Guard child development center’ includes a ‘military child
8 development center’, as that term is defined by section
9 1501(b)(1) of the Military Child Care Act of 1989 (10
10 U.S.C. 113 note), but does not include contractor operated
11 centers or government/contractor cooperatives established
12 under section 490b of title 40, United States Code. The
13 term ‘child care fee receipts’ shall have the same meaning
14 as defined by section 1501(b)(4) of the Military Child
15 Care Act of 1989.

16 “(c)(1) Except as provided in paragraph (2) as, the
17 Secretary may require child care fee receipts to be used
18 only for compensation of child development center employ-
19 ees who are directly involved in providing child care.

20 “(2) If the Secretary determines that compliance with
21 the limitation in paragraph (1) would result in an uneco-
22 nomical and inefficient use of such fee receipts, the Sec-
23 retary may (to the extent that such compliance would be
24 uneconomical and inefficient) use such receipts—

1 “(A) for the purchase of consumable or dispos-
2 able items for Coast Guard child development cen-
3 ters; and

4 “(B) if the requirements of such centers for
5 consumable or disposable items for a given fiscal
6 year have been met, for other expenses of those cen-
7 ters.

8 “(d) The Secretary shall prescribe regulations for es-
9 tablishing and collecting fees to be charged parents for
10 the attendance of children at Coast Guard child develop-
11 ment centers. Those regulations shall require that, in the
12 case of children who attend the centers on a regular basis,
13 the fees shall be based on family income.

14 “(e)(1) The Secretary shall establish a training pro-
15 gram for child development center employees. Subject to
16 paragraph (2), satisfactory completion of the training pro-
17 gram shall be a condition of employment of any person
18 as a child development center employee.

19 “(2) The Secretary shall require that each child de-
20 velopment center employee complete the training program
21 not later than six months after the date on which the em-
22 ployee is employed as a child development center employee
23 (except that, in the case of a child development center em-
24 ployee hired before the date on which the training program

1 is established, the employee shall complete the program
2 not later than six months after that date).

3 “(3) The training program established under this
4 subsection shall cover, at a minimum, training in the fol-
5 lowing:

6 “(A) Early childhood development.

7 “(B) Activities and disciplinary techniques ap-
8 propriate to children of different ages.

9 “(C) Child abuse prevention and detection.

10 “(D) Cardiopulmonary resuscitation and other
11 appropriate emergency medical procedures.

12 “(f) The Secretary may use funds available to the
13 Coast Guard for operating expenses for Coast Guard child
14 development centers. Such funds shall not be less than the
15 amount of child care fee receipts that are estimated to
16 be received by the Coast Guard during the fiscal year.

17 “(g) The Secretary may use appropriated funds avail-
18 able to the Coast Guard to provide assistance to family
19 home day care providers so that family home day care
20 services can be provided to uniformed service members
21 and civilian employees of the Coast Guard at a cost com-
22 parable to the cost of services provided by Coast Guard
23 child development centers.

24 “(h) The Secretary shall require that each Coast
25 Guard child development center be inspected not less often

1 than four times a year. Each such inspection shall be un-
2 announced.

3 “(i) The Secretary shall promulgate regulations to
4 implement this section.”.

5 (b) The table of sections at the beginning of chapter
6 13 of title 14, United States Code, is amended by inserting
7 after the item related to section 514 the following:

“515. Child development services.”.

8 **SEC. 803. HURRICANE ANDREW RELIEF.**

9 Section 2856 of the National Defense Authorization
10 Act for Fiscal Year 1993 (Public Law 102-484) applies
11 to the military personnel of the Coast Guard who were
12 assigned to, or employed at or in connection with, any
13 Federal facility or installation in the vicinity of Homestead
14 Air Force Base, Florida, including the areas of Broward,
15 Collier, Dade, and Monroe Counties, on or before August
16 24, 1992, except that funds available to the Coast Guard,
17 not to exceed \$25,000, shall be used. The Secretary of
18 Transportation shall administer the provisions of section
19 2856 for the Coast Guard.

20 **SEC. 804. DISSEMINATION OF RESULTS OF 0-6 CONTINU-**
21 **ATION BOARDS.**

22 Section 289(f) of title 14, United States Code, is
23 amended by deleting “Upon approval by the President, the
24 names of the officers selected for continuation on active

1 duty by the board shall be promptly disseminated to the
2 service at large.”.

3 **SEC. 805. EXCLUDE CERTAIN RESERVES FROM END-OF-**
4 **YEAR STRENGTH.**

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

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

12 **SEC. 806. OFFICER RETENTION UNTIL RETIREMENT**
13 **ELIGIBLE.**

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

16 (1) by striking “he” and inserting “that offi-
17 cer”; and

18 (2) by adding the following new sentence at the
19 end: “However, if one the date specified for dis-
20 charge under this subsection, an officer has com-
21 pleted at least eighteen years of active service, the
22 officer shall be retained on active duty and retired
23 on the last day of the month in which the officer
24 completes twenty years of active service, unless ear-
25 lier removed under another provision of law.”.

1 **SEC. 807. SPECIAL RECRUITING AUTHORITY TO ACHIEVE**
2 **DIVERSITY.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) The ability of the United States Coast
6 Guard to perform its functions and duties will be en-
7 hanced if the representation of women and minori-
8 ties in its workforce is increased.

9 (2) Women and minorities have historically
10 been under represented in the Coast Guard officer
11 corps.

12 (3) The number of women and minorities occu-
13 pying leadership positions in the United States
14 Coast Guard should reflect the proportion of women
15 and minorities in the total workforce.

16 (4) Women and minorities have historically
17 been under represented at the United States Coast
18 Guard Academy.

19 (5) Notwithstanding intensive application of
20 traditional recruiting programs, the Coast Guard
21 has not been able to rectify the historic under rep-
22 resentation or under utilization of women and mi-
23 norities in the Service and at the Academy and ad-
24 vance beyond the current minority and women re-
25 cruitment plateau.

1 (6) The education and professional training
2 provided at the United States Coast Guard Academy
3 will be enhanced by the benefits that flow from a di-
4 verse student body.

5 (7) Women and minorities in the United States
6 Coast Guard should be assigned to positions of re-
7 sponsibility that fully utilize their technical, profes-
8 sional, and leadership skills.

9 (8) Because traditional recruiting methods have
10 failed to rectify the historical under representation
11 of women and minorities in the United States Coast
12 Guard, it is necessary and appropriate to authorize
13 the use of the special programs for recruiting women
14 and minorities into the United States Coast Guard.

15 (b) NEW AUTHORITY.—Section 93 of title 14, United
16 States Code, as amended by section 202 of this Act, is
17 further amended—

18 (1) by striking “and” after the semicolon at the
19 end of paragraph (u);

20 (2) by striking the period at the end of para-
21 graph (v) and inserting a semicolon and the word
22 “and”; and

23 (3) by adding at the end of the following:

24 “(w) for the purposes of rectifying under representa-
25 tion of women and minorities in the Coast Guard and to

1 meet identified personnel resource requirements and train-
2 ing needs—

3 “(1) obtain research on Coast Guard personnel
4 resource and training needs; and

5 “(2) employ special programs for recruiting
6 women and minorities, including the provision of fi-
7 nancial assistance by grant, cooperative agreement,
8 contract, or otherwise, to public or private associa-
9 tions, organizations, or individuals (including aca-
10 demic scholarships for individuals), to implement na-
11 tional or local outreach programs.”.

12 (c) EXPIRATION OF NEW AUTHORITY.—The special
13 recruiting authority provided in this section shall expire
14 on December 31, 2000. Prior to any extension of this au-
15 thority beyond December 31, 2000, the Secretary of the
16 Department in which the Coast Guard is operating shall
17 submit a report to Congress providing information on the
18 funds expended for programs under this authority and the
19 effectiveness of those programs in increasing the represen-
20 tation of women and minorities in the Coast Guard.

21 **TITLE IX—NAVIGATION SAFETY AND**
22 **WATERWAY SERVICES MANAGEMENT**

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

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

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

3 (2) by striking subsection (b).

4 **SEC. 902. INCREASED PENALTIES FOR DOCUMENTATION**
5 **VIOLATIONS.**

6 (a) Section 12122(a) of title 46, United States Code,
7 is amended by striking “\$500” and inserting in its place,
8 “\$25,000”.

9 (b) Section 12122(b) of title 46, United States Code,
10 is amended to read as follows:

11 “(b) A vessel and its equipment are liable to seizure
12 by and forfeiture to the United States Government—

13 “(1) when the owner of a vessel or the rep-
14 resentative or agent of the owner knowingly falsifies
15 or conceals a material fact, or makes a false state-
16 ment or representation about the documentation or
17 when applying for documentation of the vessel;

18 “(2) when a certificate of documentation is
19 knowingly and fraudulently used for a vessel;

20 “(3) when a vessel is operated after its endorse-
21 ment has been denied or revoked under section
22 12123 of this title;

23 “(4) when a vessel is employed in a trade with-
24 out an appropriate trade endorsement;

1 in the list after the item “8904. Towing vessels.” the fol-
2 lowing new item:

“8904a. Uninspected fishing industry vessels.”.

3 **SEC. 904. OUTER CONTINENTAL SHELF CIVIL PENALTIES.**

4 Section 24(b) of the Outer Continental Shelf Lands
5 Act, as added by section 208 of the Outer Continental
6 Shelf Lands Act Amendments of 1978, Public Law 95-
7 372 (43 U.S.C. 1350(b)), and as amended by section 8201
8 of the Oil Pollution Act of 1990, Public Law 101-380,
9 is further amended—

10 (1) in paragraph (1) by deleting “paragraph
11 (2),” and substituting “paragraphs (2) and (3),”;
12 and

13 (2) by adding a new paragraph (3) to read as
14 follows:

15 “(3)(A) If a person fails to comply with or violates
16 a regulation issued under this Act by the Secretary of the
17 department in which the Coast Guard is operating, that
18 person is liable, without regard to the requirement of the
19 expiration of a period allowed for corrective action, to the
20 United States Government for a civil penalty of not more
21 than the amount provided in paragraph (1) for each day
22 of the continuance of that failure or violation.

23 “(B) The Secretary of the department in which the
24 Coast Guard is operating is authorized to assess the
25 amount of the civil penalty for which a person is liable

1 for failure to comply with or for violating a regulation is-
2 sued under this Act by the Secretary of the department
3 in which the Coast Guard is operating. The assessment
4 of the civil penalty shall be by written notice and after
5 an opportunity for a hearing.

6 “(C) In determining the amount of the penalty, the
7 Secretary of the department in which the Coast Guard is
8 operating shall consider the nature, circumstances, extent,
9 and gravity of the prohibited acts committed and, with re-
10 spect to the violator the degree of culpability, any history
11 of prior offenses, ability to pay, and other matters that
12 justice requires.

13 “(D) The Secretary of the department in which the
14 Coast Guard is operating may compromise, modify, or
15 remit, with or without consideration, a civil penalty under
16 this Act until referring the assessment to the Attorney
17 General.

18 “(E) If a person fails to pay an assessment of a civil
19 penalty after it has become final, the Secretary of the de-
20 partment in which the Coast Guard is operating may refer
21 the matter to the Attorney General for collection in an
22 appropriate district court of the United States.”.

23 **SEC. 905. MARINE CASUALTY INVESTIGATIONS.**

24 (a)(1) Title 46, United States Code, is amended by
25 inserting after section 6301 the following new section:

1 **“§ 6301a. Informal marine casualty investigations**

2 “(a) The Secretary is authorized to conduct informal
3 investigations of marine casualties.

4 “(b) Notwithstanding sections 6302 and 6303 of this
5 title, the Secretary is not required to hold an informal in-
6 vestigation open to the public or to grant to an individual
7 listed in section 6303 the rights provided by that section,
8 except for the right to be represented by counsel when tes-
9 timony or attendance is compelled pursuant to section
10 6304.”.

11 (2) The table of sections at the beginning of chapter
12 63 of title 46, United States Code, is amended by inserting
13 after the item related to section 6301 the following:

“6301a. Informal marine casualty investigations.”.

14 (b)(1) Title 46, United States Code, is amended by
15 inserting after section 6307 the following new section:

16 **“§ 6308. Information barred in legal proceedings**

17 “(a) Any opinion, recommendation, deliberation, or
18 conclusion contained in a report of a marine casualty in-
19 vestigation conducted under section 6301 or section 6301a
20 of this title with respect to the cause of, or factors contrib-
21 uting to, the casualty set forth in the report of the inves-
22 tigation is not admissible as evidence or subject to discov-
23 ery in any civil, administrative, or state criminal proceed-
24 ing arising from a marine casualty, other than with the
25 permission and consent of the Secretary of Transpor-

1 tation, in his or her sole discretion. Any employee of the
2 United States investigating a marine casualty or assisting
3 in any such investigation conducted pursuant to section
4 6301 or 6301a of this title, shall not be subject to deposi-
5 tion or other discovery, or otherwise testify or give infor-
6 mation in such proceedings relevant to a marine casualty
7 investigation, without the permission and consent of the
8 Secretary of Transportation in his or her sole discretion.
9 In exercising this discretion, in cases where the United
10 States is a party, the Secretary shall not withhold permis-
11 sion for an employee to testify solely on factual matters
12 where the information is not available elsewhere or is not
13 obtainable by other means. Nothing in this section pro-
14 hibits the United States from calling an employee as an
15 expert witness to testify on its behalf.

16 “(b) The information referred to in subsection (a) of
17 this section shall not be considered an admission of liabil-
18 ity by the United States or by any person referred to in
19 those conclusions or statements.”.

20 (2) The table of sections at the beginning of chapter
21 63 of title 46, United States Code, is amended by inserting
22 after the item related to section 6307 the following:

“6308. Information barred in legal proceedings.”.

1 **TITLE X—MARINE SAFETY MANAGEMENT**
2 **IMPROVEMENTS**

3 **SEC. 1001. AMENDMENT TO REQUIRE EPIRBs ON THE**
4 **GREAT LAKES.**

5 Paragraph (7) of section 4502(a) of title 46, United
6 States Code, is amended by inserting “or beyond three
7 nautical miles from the coastline of the Great Lakes” after
8 “high seas”.

9 **SEC. 1002. PENALTIES FOR DEFECTIVE SERVICING OR AL-**
10 **TERATION OF MARINE SAFETY EQUIPMENT.**

11 Section 3318 of title 46, United States Code, is
12 amended—

13 (1) by redesignating subsection (b) as para-
14 graph (b)(1); and

15 (2) by adding a new paragraph (b)(2) to read
16 as follows:

17 “(2) A person that services or alters lifesaving, fire
18 safety, or any other equipment subject to this part, so that
19 the equipment serviced or altered is so defective as to be
20 insufficient to accomplish the purpose for which it is in-
21 tended, commits a class D felony.”.

1 **SEC. 1003. LENGTH LIMITATION ON ELIGIBILITY FOR DOC-**
2 **UMENTATION.**

3 (a) Subsection (a) of section 12102 of title 46, United
4 States Code, is amended by inserting after “5 net tons”
5 the words “and at least 32 feet overall in length”.

6 (b) Notwithstanding section 12102(a) of title 46,
7 United States Code, (as amended by section 1303 of this
8 section), a vessel less than 32 feet overall in length that
9 is a documented vessel on the date of enactment of this
10 title continues to be eligible for documentation until own-
11 ership of that vessel is transferred or the certificate of doc-
12 umentation is surrendered or invalidated under the provi-
13 sions of 46 U.S.C. 12111. Being less than 32 feet overall
14 in length does not constitute a basis for surrender or in-
15 validation of a document under 46 U.S.C. 12111.

16 **TITLE XI—COAST GUARD REGULATORY**
17 **REFORM**

18 **SEC. 1101. SHORT TITLE.**

19 This title may be cited as the “Coast Guard Regu-
20 latory Reform Act of 1995”.

21 **SEC. 1102. SAFETY MANAGEMENT AND ALTERNATIVE COM-**
22 **PLIANCE.**

23 (a) Chapter 21 of title 46, United States Code, is
24 amended by adding a new section 2103a to read as fol-
25 lows:

1 **“§2103a. Safety management and alternative**
2 **compliance**

3 “(a) To implement the International Management
4 Code for the Safe Operation of Ships and for Pollution
5 Prevention adopted by the International Maritime Organi-
6 zation and to establish voluntary alternative compliance
7 programs, the Secretary may prescribe regulations govern-
8 ing the merchant marine of the United States, merchant
9 marine personnel, and shore-based management of vessels
10 that affect the safety of vessels and personnel subject to
11 this subtitle and marine pollution prevention. Compliance
12 with regulations implementing the International Manage-
13 ment Code for the Safe Operation of Ships and for Pollu-
14 tion Prevention shall be voluntary until the dates for man-
15 datory compliance provided for in the International Con-
16 vention for the Safety of Life at Sea.

17 “(b) In implementing the International Management
18 Code for the Safe Operation of Ships and for Pollution
19 Prevention and alternative compliance programs estab-
20 lished pursuant to this section, the Secretary may estab-
21 lish optional regulatory requirements commensurate with
22 the level of quality control adopted by the shipowner or
23 operator, provided that an equivalent level of safety is
24 maintained.

25 “(c) The Secretary may require vessel owners and op-
26 erators to maintain records and submit reports and other

1 information which the Secretary deems necessary to carry
2 out the objectives of this section.”.

3 (b) The table of sections for chapter 21 of title 46,
4 United States Code, is amended by inserting between the
5 items relating to section 2103 and section 2104 the follow-
6 ing:

“2103a. Safety management and alternative compliance.”.

7 **SEC. 1103. USE OF REPORTS, DOCUMENTS, AND CERTIFI-**
8 **CATES.**

9 (a) Chapter 31 of title 46, United States Code, is
10 amended by adding a new section 3103 to read as follows:

11 **“§ 3103. Use of reports, documents, and certificates**

12 “In carrying out this part, the Secretary may use re-
13 ports, documents, and certificates issued by persons who
14 the Secretary determines may be relied upon with regard
15 to marine safety, security, and environmental protection.”.

16 (b) The table of sections for chapter 31 of title 46,
17 United States Code, is amended by adding at the end the
18 following:

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

19 **SEC. 1104. EQUIPMENT APPROVAL.**

20 Section 3306(b) of title 46, United States Code, is
21 amended to read as follows:

22 “(b)(1) Equipment subject to regulation under this
23 section may not be used on any vessel without prior ap-
24 proval as prescribed by regulation.

1 “(2) Except as otherwise provided in paragraph (3)
2 of this subsection, the Secretary may accept approvals of
3 fire and life safety equipment and materials by foreign
4 governments which the Secretary determines utilize design
5 and testing standards that meet the requirements of the
6 International Convention for the Safety of Life at Sea to
7 which the United States is a party, and its associated
8 International Maritime Organization guidance documents.

9 “(3) In determining whether to accept approvals is-
10 sued by foreign governments, the Secretary shall give due
11 regard to whether adherence to standards promulgated by
12 regulation under this subsection is necessary in order to
13 preserve higher levels of safety.”.

14 **SEC. 1105. FREQUENCY OF INSPECTION.**

15 (a) Section 3307 of title 46, United States Code, is
16 amended as follows:

17 (1) In paragraph (1)—

18 (A) by striking “and” after “passenger
19 vessel” and inserting a comma in its place;

20 (B) by inserting after “nautical school ves-
21 sel” “, and small passenger vessel carrying
22 more than 12 passengers on an international
23 voyage”; and

24 (C) by adding “and” after the semicolon at
25 the end.

1 (2) By striking paragraph (2).

2 (3) In paragraph (3)—

3 (A) by changing the designation of para-
4 graph (3) to paragraph (2); and

5 (B) by striking “2 years” and inserting “5
6 years” in its place.

7 (b) Section 3710(b) of title 46, United States Code,
8 is amended by striking “24 months” and inserting “5
9 years”.

10 **SEC. 1106. CERTIFICATE OF INSPECTION.**

11 Section 3309(c) of title 46, United States Code, is
12 amended by striking “(but not more than 60 days)” after
13 “At least 30 days”.

14 **SEC. 1107. CLASSIFICATION SOCIETIES.**

15 (a) Section 3316 of title 46, United States Code, is
16 amended—

17 (1) by amending subsection (a) to read as fol-
18 lows:

19 **“§ 3316. Classification societies**

20 “(a) In carrying out this part, the Secretary may rely
21 on reports, documents, and certificates issued by the
22 American Bureau of Shipping or other classification soci-
23 ety recognized by the Secretary as meeting acceptable
24 standards for such a society, or an agent of the Bureau
25 or society.”;

1 (2) by amending subsection (c)(1) to read as
2 follows:

3 “(c)(1) To the maximum extent practicable, the Sec-
4 retary may delegate to the Bureau or other classification
5 society recognized by the Secretary as meeting acceptable
6 standards for such a society, or an agent of the Bureau
7 or society, the inspection or examination, in the United
8 States or in a foreign country, of a vessel documented or
9 to be documented as a vessel of the United States. The
10 Bureau, society, or agent may issue the certificate of in-
11 spection required by this part and other certificates essen-
12 tial to documentation.”; and

13 (3) by amending subsection (d) to read as fol-
14 lows:

15 “(d) The Secretary also may make an agreement with
16 or use the Bureau or other classification society recognized
17 by the Secretary as meeting acceptable standards for such
18 a society, or an agent of the Bureau or society, for review-
19 ing and approving plans required for issuing a certificate
20 of inspection.”.

21 (b) The item for section 3316 of the table of sections
22 for chapter 33 of title 46, United States Code, is amended
23 to read as follows:

“3316. Classification societies.”.

1 **TITLE XII—LAW ENFORCEMENT**
2 **ENHANCEMENT**

3 **SEC. 1201. SANCTIONS FOR FAILURE TO LAND OR TO BRING**
4 **TO; SANCTIONS FOR OBSTRUCTION OF**
5 **BOARDING AND PROVIDING FALSE**
6 **INFORMATION.**

7 (a) IN GENERAL.—Chapter 109 of title 18, United
8 States Code, is amended by adding at the end new section
9 2237 to read as follows:

10 **“§2237. Sanctions for failure to land or to bring to;**
11 **sanctions for obstruction of boarding and**
12 **providing false information**

13 “(a)(1) It shall be unlawful for the pilot, operator,
14 or person in charge of an aircraft which has crossed the
15 border of the United States, or an aircraft subject to the
16 jurisdiction of the United States operating outside the
17 United States, to fail to obey an order to land by an au-
18 thorized Federal law enforcement officer who is enforcing
19 the laws of the United States relating to controlled sub-
20 stances, as that term is defined in section 102(6) of the
21 Controlled Substances Act (21 U.S.C. 802(6)), or relating
22 to money laundering (sections 1956–57 of this title).

23 “(2) The Administrator of the Federal Aviation Ad-
24 ministration, in consultation with the Commissioner of
25 Customs and the Attorney General, shall prescribe regula-

1 tions governing the means by which a Federal law enforce-
2 ment officer may communicate an order to land to a pilot,
3 operator, or person in charge of an aircraft.

4 “(b)(1) It shall be unlawful for the master, operator,
5 or person in charge of a vessel of the United States or
6 a vessel subject to the jurisdiction of the United States,
7 to fail to obey an order to bring to that vessel on being
8 ordered to do so by an authorized Federal law enforcement
9 officer.

10 “(2) It shall be unlawful for any person on board a
11 vessel of the United States or a vessel subject to the juris-
12 diction of the United States to—

13 “(A) fail to comply with an order of an author-
14 ized Federal law enforcement officer in connection
15 with the boarding of the vessel;

16 “(B) impede or obstruct a boarding or arrest;
17 or other law enforcement action authorized by any
18 Federal law; or

19 “(C) provide information to a Federal law en-
20 forcement officer during a boarding of a vessel re-
21 garding the vessel’s destination, origin, ownership,
22 registration, nationality, cargo, or crew, which that
23 person knows or has reason to know is false.

24 “(c) This section does not limit in any way the pre-
25 existing authority of a customs officer under section 581

1 of the Tariff Act of 1930 or any other provision of law
2 enforced or administered by the Customs Service, or the
3 preexisting authority of any Federal law enforcement offi-
4 cer under any law of the United States to order an aircraft
5 to land or a vessel to bring to.

6 “(d) A foreign nation may consent or waive objection
7 to the enforcement of United States law by the United
8 States under this section by radio, telephone, or similar
9 oral or electronic means. Consent or waiver may be proven
10 by certification of the Secretary of State or the Secretary’s
11 designee.

12 “(e) For purposes of this section—

13 “(1) a ‘vessel of the United States’, and a ‘ves-
14 sel subject to the jurisdiction of the United States’
15 have the meaning set forth for these terms in the
16 Maritime Drug Law Enforcement Act (46 App.
17 U.S.C. 1903);

18 “(2) an aircraft ‘subject to the jurisdiction of
19 the United States’ includes—

20 “(A) an aircraft located over the United
21 States or the customs waters of the United
22 States;

23 “(B) an aircraft located in the airspace of
24 a foreign nation, where that nation consents to

1 the enforcement of United States law by the
2 United States; and

3 “(C) over the high seas, an aircraft with-
4 out nationality an aircraft of United States reg-
5 istry, or an aircraft registered in a foreign na-
6 tion that has consented or waived objection to
7 the enforcement of United States law by the
8 United States;

9 “(3) an aircraft ‘without nationality’ include—

10 “(A) an aircraft aboard which the pilot,
11 operator, or person in charge makes a claim of
12 registry, which claim is denied by the nation
13 whose registry is claimed; and

14 “(B) an aircraft aboard which the pilot,
15 operator, or person in charge fails, upon re-
16 quest of an officer of the United States empow-
17 ered to enforce applicable provisions of United
18 States law, to make a claim of registry for that
19 aircraft.

20 “(4) the term ‘bring to’ means to cause a vessel
21 to slow or come to a stop to facilitate a law enforce-
22 ment boarding by adjusting the course and speed of
23 the vessel to account for the weather conditions and
24 sea state; and

1 “(5) the term ‘Federal law enforcement officer’
2 has the meaning set forth in section 115 of this title.

3 “(f) Any person who intentionally violates the provi-
4 sions of this section shall be subject to—

5 “(1) imprisonment for not more than five years;
6 and

7 “(2) a fine as provided in this title.

8 “(g) An aircraft or vessel that is used in violation
9 of this section may be seized and forfeited. The laws relat-
10 ing to the seizure, summary and judicial forfeiture, and
11 condemnation of property for violation of the customs
12 laws, the disposition of such property or the proceeds from
13 the sale thereof, the remission or mitigation of such for-
14 feitures, and the compromise of claim, shall apply to sei-
15 zures and forfeitures undertaken, or alleged to have been
16 undertaken, under any of the provisions of this section;
17 except that such duties as are imposed upon the customs
18 officer or any other person with respect to the seizure and
19 forfeiture of property under the customs laws shall be per-
20 formed with respect to seizures and forfeitures of property
21 under this section by such officers, agents, or other per-
22 sons as may be authorized or designated for that purpose.
23 A vessel or aircraft that is used in violation of this section
24 is also liable in rem for any fine or civil penalty imposed
25 under this section.”.

1 (b) CLERICAL AMENDMENT.—The analysis at the be-
2 ginning of chapter 109, title 18, United States Code, is
3 amended by inserting the following new item after the
4 item for section 2236:

“2237. Sanctions for failure to land or to bring to; sanctions for obstruction of
boarding or providing false information.”.

5 **SEC. 1202. FAA SUMMARY REVOCATION AUTHORITY.**

6 “(a) Title 49, United States Code, is amended by
7 adding after section 44106 the following new section:

8 **“§ 44106a. Summary revocation of aircraft certificate**

9 “(a) The registration of an aircraft shall be imme-
10 diately revoked upon the failure of the pilot, operator, or
11 person in charge of the aircraft to follow the order of a
12 Federal law enforcement officer to land an aircraft, as
13 provided in section 2237 of title 18, United States Code.
14 The Administrator shall as soon as possible notify the
15 owner of the aircraft that the owner no longer holds Unit-
16 ed States registration for that aircraft.

17 “(b) The Administrator shall establish procedures for
18 the owner of the aircraft to show cause—

19 “(1) why the registration was not revoked, as a
20 matter of law, by operation of subsection (a); or

21 “(2) why circumstances existed pursuant to
22 which the Administrator should determine that, not-
23 withstanding subsection (a), it would be in the pub-
24 lic interest to issue a new certificate of registration

1 to the owner to be effective concurrent with the rev-
2 ocation occasioned by operation of subsection (a).”.

3 (b) The table of sections at the beginning of chapter
4 441 of title 49, United States Code, is amended by insert-
5 ing after the item relating to section 44106 the following:
“44106a. Summary revocation of aircraft certificate.”.

6 (c) Title 49, United States Code, is amended by add-
7 ing after section 44710 the following new section:

8 **“§ 44710a. Failure to follow order to land aircraft**

9 “(a) The Administrator shall issue an order revoking
10 the airman certificate of any person if the Administrator
11 finds that—

12 “(1) such person, while acting as the pilot, op-
13 erator, or person in charge of an aircraft failed to
14 follow the order of a Federal law enforcement officer
15 to land the aircraft as provided in section 2237 of
16 title 18, United States Code, and

17 “(2) that such person knew or had reason to
18 know that he had been ordered to land the aircraft.

19 “(b) If the Administrator determines that extenuat-
20 ing circumstances existed, such as safety of flight, which
21 justified a deviation by the airman from the order to land,
22 the provisions of subsection (a) of this section shall not
23 apply.

24 “(c) The provisions of subsections (c) and (d) of sec-
25 tion 44710 shall apply to any revocation of the airman

1 certificate of any person for failing to follow the order of
2 a Federal law enforcement officer to land an aircraft.”.

3 (d) The table of sections at the beginning of chapter
4 447 of title 49, United States Code, is amended by insert-
5 ing after the item relating to section 44710 the following:
“44710a. Failure to follow order to land aircraft.”.

6 **SEC. 1203. COAST GUARD AIR INTERDICTION AUTHORITY.**

7 “(a) IN GENERAL.—Chapter 5 of title 14, United
8 States Code, is amended by adding at the end the follow-
9 ing new section:

10 **“§ 96. Air interdiction authority**

11 “The Coast Guard may issue orders and make inquir-
12 ies, searches, seizures, and arrests with respect to viola-
13 tions of laws of the United States occurring aboard any
14 aircraft subject to the jurisdiction of the United States
15 as defined in section 2237 of title 18, United States Code.
16 Any order issued under this section to land an aircraft
17 shall be communicated pursuant to regulations promul-
18 gated pursuant to section 2237 of title 18, United States
19 Code.”.

20 (b) CLERICAL AMENDMENT.—The analysis at the be-
21 ginning of chapter 5 of title 14, United States Code, is
22 amended by adding at the end of the following new item:

“96. Air interdiction authority.”.

1 **SEC. 1204. COAST GUARD CIVIL PENALTY PROVISIONS.**

2 (a) IN GENERAL.—Chapter 17 of title 14, United
3 States Code, is amended by adding at the end the follow-
4 ing new section:

5 **“§ 673. Civil penalty for failure to comply with a law-
6 ful boarding, order to land, obstruction of
7 boarding, or providing false information**

8 “(a) The master, operator, or person in charge of a
9 vessel, or the pilot, operator, or person in charge of an
10 aircraft who fails to comply with an order of a Coast
11 Guard commissioned officer, warrant officer, or petty offi-
12 cer relating to the boarding of a vessel or landing of an
13 aircraft issued under the authority of section 2237 of title
14 18, United States Code, or section 96 of this title, and
15 communicated according to regulations promulgated
16 under section 2237 of title 18, United States Code, or ac-
17 cording to any applicable, internationally recognized
18 standards, or in any other manner reasonably calculated
19 to be received and understood, shall be liable for a civil
20 penalty of not more than \$15,000. For intentional viola-
21 tions of this section, a civil penalty of not more than
22 \$25,000 shall be assessed.

23 “(b) A vessel or aircraft used to violate an order re-
24 lating to the boarding of a vessel or landing of an aircraft
25 issued under the authority of section 2237 of title 18,
26 United States Code, or section 96 of this title, is also liable

1 in rem and may be seized, forfeited, and sold in accord-
2 ance with customs law, specifically section 1594 of title
3 19, United States Code.”.

4 (b) CLERICAL AMENDMENT.—The analysis at the be-
5 ginning of chapter 17 of title 14, United States Code, is
6 amended by adding at the end of the following new item:

“673. Civil penalty for failure to comply with a lawful boarding, order to land,
obstruction of boarding, or providing false information.”.

7 **SEC. 1205. CUSTOMS ORDERS.**

8 Section 581 of the Tariff Act of 1930 (19 U.S.C.
9 1581) is amended by adding at the end the following new
10 subsection:

11 “(i) As used in this section, the term ‘authorized
12 place’ includes—

13 “(1) with respect to a vehicle, a location in a
14 foreign country at which United States customs offi-
15 cers are permitted to conduct inspections, examina-
16 tions, or searches; and

17 “(2) with respect to aircraft to which this sec-
18 tion applies by virtue of section 644 of this Act (19
19 U.S.C. 1644), or regulations issued thereunder, or
20 section 2237 of title 18, United States Code, any lo-
21 cation outside of the United States, including a for-
22 eign country at which United States customs officers
23 are permitted to conduct inspections, examinations,
24 or searches.”.

1 **SEC. 1206. CUSTOMS CIVIL PENALTY PROVISIONS.**

2 Part V of title IV of the Tariff Act of 1930 (19
3 U.S.C. 1581 et seq.) is amended by adding a new section
4 591 (19 U.S.C. 1591) as follows:

5 **“§591. Civil penalty for failure to obey an order to**
6 **land**

7 “(a) The pilot, operator, or person in charge of an
8 aircraft who fails to comply with an order of an authorized
9 Federal law enforcement officer relating to the landing of
10 an aircraft issued under the authority of section 581 of
11 this Act, or section 2237 of title 18, United States Code,
12 and communicated according to regulations promulgated
13 under section 2237 of title 18, United States Code, or ac-
14 cording to any applicable internationally recognized stand-
15 ards, or in any other manner reasonably calculated to be
16 received and understood, shall be liable for a civil penalty
17 of not more than \$15,000. For intentional violations of
18 this section, a civil penalty of not more than \$25,000 shall
19 be assessed.

20 “(b) An aircraft used to violate an order relating to
21 the landing of an aircraft issued under the authority of
22 section 581 of this Act, or section 2237 of title 18, United
23 States Code, is also liable in rem and may be seized, for-
24 feited, and sold in accordance with Customs law, specifi-
25 cally section 1594 of title 19, United States Code.”.

“591. Civil penalty for failure to obey and order to land.”.

1 **TITLE XIII—COAST GUARD AUXILIARY**
2 **AMENDMENTS**

3 **SEC. 1301. ADMINISTRATION OF THE COAST GUARD**
4 **AUXILIARY.**

5 (a) Section 821, title 14, United States Code, is
6 amended to read as follows:

7 “(a) The Coast Guard Auxiliary is a nonmilitary or-
8 ganization administered by the Commandant under the di-
9 rection of the Secretary. For command, control, and ad-
10 ministrative purposes, the Auxiliary shall include such or-
11 ganizational elements and units as are approved by the
12 Commandant, including but not limited to, a national
13 board and staff (Auxiliary headquarters unit), districts,
14 regions, divisions, flotillas, and other organizational ele-
15 ments and units. The Auxiliary organization and its offi-
16 cers shall have such rights, privileges, powers, and duties
17 as may be granted to them by the Commandant, consist-
18 ent with this title and other applicable provisions of law.
19 The Commandant may delegate to officers of the Auxiliary
20 the authority vested in the Commandant by this section,
21 in the manner and to the extent the Commandant consid-
22 ers necessary or appropriate for the functioning, organiza-
23 tion, and internal administration of the Auxiliary.

24 “(b) Each organizational element or unit of the Coast
25 Guard Auxiliary organization (but excluding any corpora-

1 tion formed by an organizational element or unit of the
2 Auxiliary under subsection (c) of this section), shall, ex-
3 cept when acting outside the scope of section 822, at all
4 times be deemed to be an instrumentality of the United
5 States, for purposes of the Federal Tort Claims Act (28
6 U.S.C. 2671, et seq.); the Military Claims Act, 10 U.S.C.
7 2733; the Public Vessels Act (46 App. U.S.C. 781–790);
8 the Suits in Admiralty Act (46 App. U.S.C. 741–752); the
9 Admiralty Extension Act (46 App. U.S.C. 740); and for
10 other noncontractual civil liability purposes.

11 “(c) The national board of the Auxiliary, and any
12 Auxiliary district or region, may form a corporation under
13 State law, provided that the formation of such a corpora-
14 tion is in accordance with policies established by the Com-
15 mandant.”.

16 (b) The section heading for section 821 of title 14,
17 United States Code, is amended after “Administration”
18 by inserting “of the Coast Guard Auxiliary”.

19 (c) The table of sections at the beginning of chapter
20 23 of title 14, United States Code, is amended in the item
21 relating to section 821, after “Administration” by insert-
22 ing “of the Coast Guard Auxiliary”.

1 **SEC. 1302. PURPOSE OF THE COAST GUARD AUXILIARY.**

2 (a) Section 822 of title 14, United States Code, is
3 amended by striking the entire text and inserting the fol-
4 lowing:

5 “The purpose of the Auxiliary is to assist the Coast
6 Guard, as authorized by the Commandant, in performing
7 any Coast Guard function, power, duty, role, mission, or
8 operation authorized by law.”.

9 (b) The section heading for section 822 of title 14,
10 United States Code, is amended after “Purpose” by in-
11 serting “of the Coast Guard Auxiliary”.

12 (c) The table of sections at the beginning of chapter
13 23 of title 14, United States Code, is amended in the item
14 relating to section 822, after “Purpose” by inserting “of
15 the Coast Guard Auxiliary”.

16 **SEC. 1403. MEMBERS OF THE AUXILIARY; STATUS.**

17 (a) Title 14, United States Code, is amended by in-
18 serting after section 823 the following new section:

19 **“§ 823a. Members of the Auxiliary; status**

20 “(a) Except as otherwise provided in this chapter, a
21 member of the Coast Guard Auxiliary shall not be deemed
22 to be a Federal employee and shall not be subject to the
23 provisions of law relating to Federal employment, includ-
24 ing those relating to hours of work, rates of compensation,
25 leave, unemployment compensation, Federal employee
26 benefits, ethics, conflicts of interest, and other similar

1 criminal or civil statutes and regulations governing the
2 conduct of Federal employees. However, nothing in this
3 subsection shall constrain the Commandant from prescrib-
4 ing standards for the conduct and behavior of members
5 of the Auxiliary.

6 “(b) A member of the Auxiliary while assigned to
7 duty shall be deemed to be a Federal employee only for
8 the purpose of the following:

9 “(1) The Federal Tort Claims Act (28 U.S.C.
10 2671, et seq.); the Military Claims Act (10 U.S.C.
11 2733); the Public Vessels Act (46 App. U.S.C. 781–
12 790); the Suits in Admiralty Act (46 App. U.S.C.
13 741–752); the Admiralty Extension Act (46 App.
14 U.S.C. 740); and for other noncontractual civil li-
15 ability purposes;

16 “(2) compensation for work injuries under sec-
17 tion 8101 and the following of title 5, United States
18 Code; and

19 “(3) the resolution of claims relating to damage
20 to or loss of personal property of the member inci-
21 dent to service under the Military Personnel and Ci-
22 vilian Employees’ Claim Act of 1964 (31 U.S.C.
23 3721).

24 “(c) A member of the Auxiliary, while assigned to
25 duty, shall be deemed to be a person acting under an offi-

1 cer of the United States or an agency thereof for purposes
2 of the Federal Officer Removal Statute (28 U.S.C.
3 1442(a)(1)).”.

4 (b) The table of sections at the beginning of chapter
5 23 of title 14, United States Code, is amended after the
6 item relating to section 823, by inserting the following new
7 item:

“823a. Members of the Auxiliary; status.”.

8 **SEC. 1304. ASSIGNMENT AND PERFORMANCE OF DUTIES.**

9 (a) Section 830 of title 14, United States Code, is
10 amended by striking the word “specific” from each place
11 in which it appears;

12 (b) Section 831 of title 14, United States Code, is
13 amended by striking the word “specific” from each place
14 in which it appears; and

15 (c) Section 831 of title 14, United States Code, is
16 amended by striking the word “specific” from each place
17 in which it appears.

18 **SEC. 1305. COOPERATION WITH OTHER AGENCIES, STATES,**
19 **TERRITORIES, AND POLITICAL SUBDIVI-**
20 **SIONS.**

21 (a) Section 141 of title 14, United States Code, is
22 amended—

23 (1) in the section heading by striking “General”
24 and inserting “Cooperation with other agencies,
25 States, Territories, and political subdivisions”;

1 (2) in the first sentence of subsection (a), after
2 “personnel and facilities” by inserting “(which in-
3 clude members of the Auxiliary and facilities gov-
4 erned under chapter 23)”;

5 (3) at the end of subsection (a), by inserting
6 “The Commandant may prescribe conditions, includ-
7 ing reimbursement, under which personnel and fa-
8 cilities may be provided under this subsection.”; and

9 (4) in the table of sections at the beginning of
10 chapter 7 of title 14, United States Code, by strik-
11 ing “General” from the item relating to section 141
12 and inserting “Cooperation with other agencies,
13 States, Territories, and political subdivisions.”.

14 **SEC. 1306. VESSEL DEEMED PUBLIC VESSEL.**

15 Section 827 of title 14, United States Code, is
16 amended by striking out the text and inserting in its place
17 the following:

18 “While assigned to authorized Coast Guard duty, any
19 motorboat or yacht shall be deemed to be a public vessel
20 of the United States and a vessel of the Coast Guard with-
21 in the meaning of sections 646 and 647 of this title and
22 other applicable provisions of law.”.

1 **SEC. 1307. AIRCRAFT DEEMED PUBLIC AIRCRAFT.**

2 Section 828 of title 14, United States Code, is
3 amended by striking out the text and inserting in its place
4 the following:

5 “While assigned to authorized Coast Guard duty, any
6 aircraft shall be deemed to be a Coast Guard aircraft, a
7 public vessel of the United States, and a vessel of the
8 Coast Guard within the meaning of sections 646 and 647
9 of this title and other applicable provisions of law. Subject
10 to the provisions of sections 823a and 831 of this title,
11 while assigned to duty, qualified Auxiliary pilots shall be
12 deemed to be Coast Guard pilots.”.

13 **SEC. 1308. DISPOSAL OF CERTAIN MATERIAL.**

14 Section 641 of title 14, United States Code, is
15 amended in subsection (a)—

16 (1) after “with or without charge,” by inserting
17 “to the Coast Guard Auxiliary, including any incor-
18 porated unit thereof,”; and

19 (2) after “America,” by striking “to any incor-
20 porated unit of the Coast Guard Auxiliary.”.

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