

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 1361**

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**AN ACT**

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

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## AN ACT

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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 Year 1996”.

**1 SEC. 2. TABLE OF CONTENTS.**

**2 The table of contents for this Act is as follows:**

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

TITLE I—AUTHORIZATIONS

- Sec. 101. Authorization of appropriations.
- Sec. 102. Authorized levels of military strength and training.
- Sec. 103. Quarterly reports on drug interdiction.
- Sec. 104. Ensuring maritime safety after closure of small boat station or reduction to seasonal status.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

- Sec. 201. Hurricane Andrew relief.
- Sec. 202. Exclude certain reserves from end-of-year strength.
- Sec. 203. Provision of child development services.
- Sec. 204. Access to national driver register information on certain Coast Guard personnel.
- Sec. 205. Officer retention until retirement eligible.

TITLE III—NAVIGATION SAFETY AND WATERWAY SERVICES  
MANAGEMENT

- Sec. 301. Foreign passenger vessel user fees.
- Sec. 302. Florida Avenue Bridge.
- Sec. 303. Renewal of Houston-Galveston Navigation Safety Advisory Committee and Lower Mississippi River Waterway Advisory Committee.
- Sec. 304. Renewal of the Navigation Safety Advisory Council.
- Sec. 305. Renewal of Commercial Fishing Industry Vessel Advisory Committee.
- Sec. 306. Nondisclosure of port security plans.
- Sec. 307. Maritime drug and alcohol testing program civil penalty.
- Sec. 308. Withholding vessel clearance for violation of certain Acts.
- Sec. 309. Increased civil penalties.
- Sec. 310. Amendment to require emergency position indicating radio beacons on the Great Lakes.
- Sec. 311. Extension of Towing Safety Advisory Committee.

TITLE IV—MISCELLANEOUS

- Sec. 401. Transfer of Coast Guard property in Traverse City, Michigan.
- Sec. 402. Transfer of Coast Guard property in Ketchikan, Alaska.
- Sec. 403. Electronic filing of commercial instruments.
- Sec. 404. Board for correction of military records deadline.
- Sec. 405. Judicial sale of certain documented vessels to aliens.
- Sec. 406. Improved authority to sell recyclable material.
- Sec. 407. Recruitment of women and minorities.
- Sec. 408. Limitation of certain State authority over vessels.
- Sec. 409. Vessel financing.
- Sec. 410. Sense of Congress; requirement regarding notice.
- Sec. 411. Special selection boards.
- Sec. 412. Availability of extrajudicial remedies for default on preferred mortgage liens on vessels.
- Sec. 413. Implementation of water pollution laws with respect to vegetable oil.

- Sec. 414. Certain information from marine casualty investigations barred in legal proceedings.
- Sec. 415. Report on LORAN-C requirements.
- Sec. 416. Limited double hull exemptions.
- Sec. 417. Oil spill response vessels.
- Sec. 418. Offshore facility financial responsibility requirements.
- Sec. 419. Manning and watch requirements on towing vessels on the Great Lakes.
- Sec. 420. Limitation on application of certain laws to Lake Texoma.
- Sec. 421. Limitation on consolidation or relocation of Houston and Galveston marine safety offices.
- Sec. 422. Sense of the Congress regarding funding for Coast Guard.
- Sec. 423. Conveyance of Light Station, Montauk Point, New York.
- Sec. 424. Conveyance of Cape Ann Lighthouse, Thachers Island, Massachusetts.
- Sec. 425. Amendments to Johnson Act.
- Sec. 426. Transfer of Coast Guard property in Gosnold, Massachusetts.
- Sec. 427. Transfer of Coast Guard property in New Shoreham, Rhode Island.
- Sec. 428. Vessel deemed to be a recreational vessel.
- Sec. 429. Requirement for procurement of buoy chain.
- Sec. 430. Cruise vessel tort reform.
- Sec. 431. Limitation on fees and charges with respect to ferries.

#### TITLE V—COAST GUARD REGULATORY REFORM

- Sec. 501. Short title.
- Sec. 502. Safety management.
- Sec. 503. Use of reports, documents, records, and examinations of other persons.
- Sec. 504. Equipment approval.
- Sec. 505. Frequency of inspection.
- Sec. 506. Certificate of inspection.
- Sec. 507. Delegation of authority of Secretary to classification societies.

#### TITLE VI—DOCUMENTATION OF VESSELS

- Sec. 601. Authority to issue coastwise endorsements.
- Sec. 602. Vessel documentation for charity cruises.
- Sec. 603. Extension of deadline for conversion of vessel M/V TWIN DRILL.
- Sec. 604. Documentation of vessel RAINBOW'S END.
- Sec. 605. Documentation of vessel GLEAM.
- Sec. 606. Documentation of various vessels.
- Sec. 607. Documentation of 4 barges.
- Sec. 608. Limited waiver for ENCHANTED ISLE and ENCHANTED SEAS.
- Sec. 609. Limited waiver for MV PLATTE.

#### TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

- Sec. 701. Amendment of inland navigation rules.
- Sec. 702. Measurement of vessels.
- Sec. 703. Longshore and harbor workers compensation.
- Sec. 704. Radiotelephone requirements.
- Sec. 705. Vessel operating requirements.
- Sec. 706. Merchant Marine Act, 1920.
- Sec. 707. Merchant Marine Act, 1956.
- Sec. 708. Maritime education and training.

- Sec. 709. General definitions.
- Sec. 710. Authority to exempt certain vessels.
- Sec. 711. Inspection of vessels.
- Sec. 712. Regulations.
- Sec. 713. Penalties—inspection of vessels.
- Sec. 714. Application—tank vessels.
- Sec. 715. Tank vessel construction standards.
- Sec. 716. Tanker minimum standards.
- Sec. 717. Self-propelled tank vessel minimum standards.
- Sec. 718. Definition—abandonment of barges.
- Sec. 719. Application—load lines.
- Sec. 720. Licensing of individuals.
- Sec. 721. Able seamen—limited.
- Sec. 722. Able seamen—offshore supply vessels.
- Sec. 723. Scale of employment—able seamen.
- Sec. 724. General requirements—engine department.
- Sec. 725. Complement of inspected vessels.
- Sec. 726. Watchmen.
- Sec. 727. Citizenship and naval reserve requirements.
- Sec. 728. Watches.
- Sec. 729. Minimum number of licensed individuals.
- Sec. 730. Officers' competency certificates convention.
- Sec. 731. Merchant mariners' documents required.
- Sec. 732. Certain crew requirements.
- Sec. 733. Freight vessels.
- Sec. 734. Exemptions.
- Sec. 735. United States registered pilot service.
- Sec. 736. Definitions—merchant seamen protection.
- Sec. 737. Application—foreign and intercoastal voyages.
- Sec. 738. Application—coastwise voyages.
- Sec. 739. Fishing agreements.
- Sec. 740. Accommodations for seamen.
- Sec. 741. Medicine chests.
- Sec. 742. Logbook and entry requirements.
- Sec. 743. Coastwise endorsements.
- Sec. 744. Fishery endorsements.
- Sec. 745. Clerical amendment.
- Sec. 746. Repeal of Great Lakes endorsements.
- Sec. 747. Convention tonnage for licenses, certificates, and documents.

#### TITLE VIII—COAST GUARD AUXILIARY AMENDMENTS

- Sec. 801. Administration of the Coast Guard Auxiliary.
- Sec. 802. Purpose of the Coast Guard Auxiliary.
- Sec. 803. Members of the Auxiliary; status.
- Sec. 804. Assignment and performance of duties.
- Sec. 805. Cooperation with other agencies, States, territories, and political subdivisions.
- Sec. 806. Vessel deemed public vessel.
- Sec. 807. Aircraft deemed public aircraft.
- Sec. 808. Disposal of certain material.

# 1       **TITLE I—AUTHORIZATIONS**

## 2       **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

3       Funds are authorized to be appropriated for nec-  
4       essary expenses of the Coast Guard for fiscal year 1996,  
5       as follows:

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

10              (2) For the acquisition, construction, rebuild-  
11       ing, and improvement of aids to navigation, shore  
12       and offshore facilities, vessels, and aircraft, includ-  
13       ing equipment related thereto, \$428,200,000, to re-  
14       main available until expended, of which \$32,500,000  
15       shall be derived from the Oil Spill Liability Trust  
16       Fund to carry out the purposes of section  
17       1012(a)(5) of the Oil Pollution Act of 1990.

18              (3) For research, development, test, and evalua-  
19       tion of technologies, materials, and human factors  
20       directly relating to improving the performance of the  
21       Coast Guard's mission in support of search and res-  
22       cue, aids to navigation, marine safety, marine envi-  
23       ronmental protection, enforcement of laws and trea-  
24       ties, ice operations, oceanographic research, and de-  
25       fense readiness, \$22,500,000, to remain available

1       until expended, of which \$3,150,000 shall be derived  
2       from the Oil Spill Liability Trust Fund to carry out  
3       the purposes of section 1012(a)(5) of the Oil Pollu-  
4       tion Act of 1990.

5           (4) For retired pay (including the payment of  
6       obligations otherwise chargeable to lapsed appropria-  
7       tions for this purpose), payments under the Retired  
8       Serviceman's Family Protection and Survivor Bene-  
9       fit Plans, and payments for medical care of retired  
10      personnel and their dependents under chapter 55 of  
11      title 10, United States Code, \$582,022,000.

12          (5) For alteration or removal of bridges over  
13      navigable waters of the United States constituting  
14      obstructions to navigation, and for personnel and  
15      administrative costs associated with the Bridge Al-  
16      teration Program, \$16,200,000, to remain available  
17      until expended.

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

1 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
2 **AND TRAINING.**

3 (a) ACTIVE DUTY STRENGTH.—The Coast Guard is  
4 authorized an end-of-year strength for active duty person-  
5 nel of 38,400 as of September 30, 1996.

6 (b) MILITARY TRAINING STUDENT LOADS.—For fis-  
7 cal year 1996, the Coast Guard is authorized average mili-  
8 tary training student loads as follows:

9 (1) For recruit and special training, 1604 stu-  
10 dent years.

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

12 (3) For professional training in military and  
13 civilian institutions, 330 student years.

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

15 **SEC. 103. QUARTERLY REPORTS ON DRUG INTERDICTION.**

16 Not later than 30 days after the end of each fiscal  
17 year quarter, the Secretary of Transportation shall submit  
18 to the Committee on Transportation and Infrastructure  
19 of the House of Representatives and the Committee on  
20 Commerce, Science, and Transportation of the Senate a  
21 report on all expenditures related to drug interdiction ac-  
22 tivities of the Coast Guard during that quarter.



1 **SEC. 104. ENSURING MARITIME SAFETY AFTER CLOSURE**  
2 **OF SMALL BOAT STATION OR REDUCTION TO**  
3 **SEASONAL STATUS.**

4 (a) MARITIME SAFETY DETERMINATION.—None of  
5 the funds authorized to be appropriated under this Act  
6 may be used to close Coast Guard multimission small boat  
7 stations unless the Secretary of Transportation deter-  
8 mines that maritime safety will not be diminished by the  
9 closures.

10 (b) TRANSITION PLAN REQUIRED.—None of the  
11 funds appropriated under the authority of this Act may  
12 be used to close or reduce to seasonal status a small boat  
13 station, unless the Secretary of Transportation, in co-  
14 operation with the community affected by the closure or  
15 reduction, has developed and implemented a transition  
16 plan to ensure that the maritime safety needs of the com-  
17 munity will continue to be met.

18 **TITLE II—PERSONNEL**  
19 **MANAGEMENT IMPROVEMENT**

20 **SEC. 201. HURRICANE ANDREW RELIEF.**

21 Section 2856 of the National Defense Authorization  
22 Act for Fiscal Year 1993 (Public Law 102-484) applies  
23 to the military personnel of the Coast Guard who were  
24 assigned to, or employed at or in connection with, any  
25 Federal facility or installation in the vicinity of Homestead  
26 Air Force Base, Florida, including the areas of Broward,

1 Collier, Dade, and Monroe Counties, on or before August  
2 24, 1992, except that—

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

5 (2) the Secretary of Transportation shall ad-  
6 minister that section with respect to Coast Guard  
7 personnel.

8 **SEC. 202. EXCLUDE CERTAIN RESERVES FROM END-OF-**  
9 **YEAR STRENGTH.**

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

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

16 **SEC. 203. PROVISION OF CHILD DEVELOPMENT SERVICES.**

17 Section 93 of title 14, United States Code, is amend-  
18 ed by striking “and” after the semicolon at the end of  
19 paragraph (t)(2), by striking the period at the end of para-  
20 graph (u) and inserting “; and”, and by adding at the  
21 end the following new paragraph:

22 “(v) make child development services available  
23 to members of the armed forces and Federal civilian  
24 employees under terms and conditions comparable to

1 those under the Military Child Care Act of 1989 (10  
2 U.S.C. 113 note).”.

3 **SEC. 204. ACCESS TO NATIONAL DRIVER REGISTER INFOR-**  
4 **MATION ON CERTAIN COAST GUARD PERSON-**  
5 **NEL.**

6 (a) AMENDMENT TO TITLE 14.—Section 93 of title  
7 14, United States Code, as amended by section 203, is  
8 further amended—

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

11 (2) by striking the period at the end of para-  
12 graph (v) and inserting “; and”; and

13 (3) by adding at the end the following new  
14 paragraph:

15 “(w) require that any officer, chief warrant offi-  
16 cer, or enlisted member of the Coast Guard or Coast  
17 Guard Reserve (including a cadet or an applicant for  
18 appointment or enlistment to any of the foregoing  
19 and any member of a uniformed service who is as-  
20 signed to the Coast Guard) request that all informa-  
21 tion contained in the National Driver Register per-  
22 taining to the individual, as described in section  
23 30304(a) of title 49, be made available to the Com-  
24 mandant under section 30305(a) of title 49, may re-

1       ceive that information, and upon receipt, shall make  
2       the information available to the individual.”.

3       (b) AMENDMENT TO TITLE 49.—Section 30305(b) of  
4 title 49, United States Code, is amended by redesignating  
5 paragraph (7) as paragraph (8) and inserting after para-  
6 graph (6) the following new paragraph:

7       “(7) An individual who is an officer, chief warrant  
8 officer, or enlisted member of the Coast Guard or Coast  
9 Guard Reserve (including a cadet or an applicant for ap-  
10 pointment or enlistment of any of the foregoing and any  
11 member of a uniformed service who is assigned to the  
12 Coast Guard) may request the chief driver licensing offi-  
13 cial of a State to provide information about the individual  
14 under subsection (a) of this section to the Commandant  
15 of the Coast Guard. The Commandant may receive the  
16 information and shall make the information available to  
17 the individual. Information may not be obtained from the  
18 Register under this paragraph if the information was en-  
19 tered in the Register more than 3 years before the request,  
20 unless the information is about a revocation or suspension  
21 still in effect on the date of the request.”.

22 **SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGI-**  
23 **BLE.**

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

1 (1) by inserting “(1)” after “(b)”;

2 (2) by striking the last sentence; and

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

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

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

10 “(B) in the case of an officer who has com-  
11 pleted at least 18 years of active service on the date  
12 of discharge under subparagraph (A), be retained on  
13 active duty and retired on the last day of the month  
14 in which the officer completes 20 years of active  
15 service, unless earlier removed under another provi-  
16 sion of law; or

17 “(C) if, on the date specified for the officer’s  
18 discharge in this section, the officer has completed  
19 at least 20 years of active service or is eligible for  
20 retirement under any law, be retired on that date.”.

1 **TITLE III—NAVIGATION SAFETY**  
2 **AND WATERWAY SERVICES**  
3 **MANAGEMENT**

4 **SEC. 301. FOREIGN PASSENGER VESSEL USER FEES.**

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

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

9 (2) by striking subsection (b).

10 **SEC. 302. FLORIDA AVENUE BRIDGE.**

11 For purposes of the alteration of the Florida Avenue  
12 Bridge (located approximately 1.63 miles east of the Mis-  
13 sissippi River on the Gulf Intracoastal Waterway in Orle-  
14 ans Parish, Louisiana) ordered by the Secretary of Trans-  
15 portation under the Act of June 21, 1940 (33 U.S.C. 511  
16 et seq.; popularly known as the Truman-Hobbs Act), the  
17 Secretary of Transportation shall treat the drainage si-  
18 phon that is adjacent to the bridge as an appurtenance  
19 of the bridge, including with respect to apportionment and  
20 payment of costs for the removal of the drainage siphon  
21 in accordance with that Act.

1 **SEC. 303. RENEWAL OF HOUSTON-GALVESTON NAVIGATION**  
2 **SAFETY ADVISORY COMMITTEE AND LOWER**  
3 **MISSISSIPPI RIVER WATERWAY ADVISORY**  
4 **COMMITTEE.**

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

7 (1) in section 18 by adding at the end the fol-  
8 lowing:

9 “(h) The Committee shall terminate on October 1,  
10 2000.”; and

11 (2) in section 19 by adding at the end the fol-  
12 lowing:

13 “(g) The Committee shall terminate on October 1,  
14 2000.”.

15 **SEC. 304. RENEWAL OF THE NAVIGATION SAFETY ADVI-**  
16 **SORY COUNCIL.**

17 (a) RENEWAL.—Section 5(d) of the Inland Naviga-  
18 tional Rules Act of 1980 (33 U.S.C. 2073) is amended  
19 by striking “September 30, 1995” and inserting “Septem-  
20 ber 30, 2000”.

21 (b) CLERICAL AMENDMENT.—The section heading  
22 for section 5(d) of the Inland Navigational Rules Act of  
23 1980 (33 U.S.C. 2073) is amended by striking “Rules of  
24 the Road Advisory Council” and inserting “Navigation  
25 Safety Advisory Council”.

1 **SEC. 305. RENEWAL OF COMMERCIAL FISHING INDUSTRY**  
2 **VESSEL ADVISORY COMMITTEE.**

3 Subsection (e)(1) of section 4508 of title 46, United  
4 States Code, is amended by striking “September 30,  
5 1994” and inserting “October 1, 2000”.

6 **SEC. 306. NONDISCLOSURE OF PORT SECURITY PLANS.**

7 Section 7 of the Ports and Waterways Safety Act (33  
8 U.S.C. 1226), is amended by adding at the end the follow-  
9 ing new subsection (c):

10 “(c) NONDISCLOSURE OF PORT SECURITY PLANS.—  
11 Notwithstanding any other provision of law, information  
12 related to security plans, procedures, or programs for pas-  
13 senger vessels or passenger terminals authorized under  
14 this Act is not required to be disclosed to the public.”.

15 **SEC. 307. MARITIME DRUG AND ALCOHOL TESTING PRO-**  
16 **GRAM CIVIL PENALTY.**

17 (a) PENALTY IMPOSED.—Chapter 21 of title 46,  
18 United States Code, is amended by adding at the end the  
19 following new section:

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

22 “Any person who fails to comply with or otherwise  
23 violates the requirements prescribed by the Secretary  
24 under this subtitle for chemical testing for dangerous  
25 drugs or for evidence of alcohol use is liable to the United  
26 States Government for a civil penalty of not more than



1 \$1,000 for each violation. Each day of a continuing viola-  
2 tion shall constitute a separate violation.”.

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

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

7 **SEC. 308. WITHHOLDING VESSEL CLEARANCE FOR VIOLA-**  
8 **TION OF CERTAIN ACTS.**

9 (a) TITLE 49, UNITED STATES CODE.—Section 5122  
10 of title 49, United States Code, is amended by adding at  
11 the end the following new subsection:

12 “(c) WITHHOLDING OF CLEARANCE.—(1) If any  
13 owner, operator, or person in charge of a vessel is liable  
14 for a civil penalty under section 5123 of this title or for  
15 a fine under section 5124 of this title, or if reasonable  
16 cause exists to believe that such owner, operator, or person  
17 in charge may be subject to such a civil penalty or fine,  
18 the Secretary of the Treasury, upon the request of the  
19 Secretary, shall with respect to such vessel refuse or re-  
20 voke any clearance required by section 4197 of the Revised  
21 Statutes of the United States (46 App. U.S.C. 91).

22 “(2) Clearance refused or revoked under this sub-  
23 section may be granted upon the filing of a bond or other  
24 surety satisfactory to the Secretary.”.

1 (b) PORT AND WATERWAYS SAFETY ACT.—Section  
2 13(f) of the Ports and Waterways Safety Act (33 U.S.C.  
3 1232(f)) is amended to read as follows:

4 “(f) WITHHOLDING OF CLEARANCE.—(1) If any  
5 owner, operator, or person in charge of a vessel is liable  
6 for a penalty or fine under this section, or if reasonable  
7 cause exists to believe that the owner, operator, or person  
8 in charge may be subject to a penalty or fine under this  
9 section, the Secretary of the Treasury, upon the request  
10 of the Secretary, shall with respect to such vessel refuse  
11 or revoke any clearance required by section 4197 of the  
12 Revised Statutes of the United States (46 App. U.S.C.  
13 91).

14 “(2) Clearance refused or revoked under this sub-  
15 section may be granted upon filing of a bond or other sur-  
16 ety satisfactory to the Secretary.”.

17 (c) INLAND NAVIGATION RULES ACT OF 1980.—Sec-  
18 tion 4(d) of the Inland Navigational Rules Act of 1980  
19 (33 U.S.C. 2072(d)) is amended to read as follows:

20 “(d) WITHHOLDING OF CLEARANCE.—(1) If any  
21 owner, operator, or person in charge of a vessel is liable  
22 for a penalty under this section, or if reasonable cause  
23 exists to believe that the owner, operator, or person in  
24 charge may be subject to a penalty under this section, the  
25 Secretary of the Treasury, upon the request of the Sec-

1 retary, shall with respect to such vessel refuse or revoke  
2 any clearance required by section 4197 of the Revised  
3 Statutes of the United States (46 App. U.S.C. 91).

4 “(2) Clearance or a permit refused or revoked under  
5 this subsection may be granted upon filing of a bond or  
6 other surety satisfactory to the Secretary.”.

7 (d) TITLE 46, UNITED STATES CODE.—Section  
8 3718(e) of title 46, United States Code, is amended to  
9 read as follows:

10 “(e)(1) If any owner, operator, or person in charge  
11 of a vessel is liable for any penalty or fine under this sec-  
12 tion, or if reasonable cause exists to believe that the  
13 owner, operator, or person in charge may be subject to  
14 any penalty or fine under this section, the Secretary of  
15 the Treasury, upon the request of the Secretary, shall with  
16 respect to such vessel refuse or revoke any clearance re-  
17 quired by section 4197 of the Revised Statutes of the  
18 United States (46 U.S.C. App. 91).

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

22 **SEC. 309. INCREASED CIVIL PENALTIES.**

23 (a) PENALTY FOR FAILURE TO REPORT A CAS-  
24 UALTY.—Section 6103(a) of title 46, United States Code,

1 is amended by striking “\$1,000” and inserting “not more  
2 than \$25,000”.

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

7 **SEC. 310. AMENDMENT TO REQUIRE EMERGENCY POSITION**  
8 **INDICATING RADIO BEACONS ON THE GREAT**  
9 **LAKES.**

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

14 **SEC. 311. EXTENSION OF TOWING SAFETY ADVISORY COM-**  
15 **MITTEE.**

16 Subsection (e) of the Act to establish a Towing Safety  
17 Advisory Committee in the Department of Transportation  
18 (33 U.S.C. 1231a(e)), is amended by striking “September  
19 30, 1995” and inserting “October 1, 2000”.

20 **TITLE IV—MISCELLANEOUS**

21 **SEC. 401. TRANSFER OF COAST GUARD PROPERTY IN TRA-**  
22 **VERSE CITY, MICHIGAN.**

23 (a) REQUIREMENT.—The Secretary of Transpor-  
24 tation (or any other official having control over the prop-  
25 erty described in subsection (b)) shall expeditiously convey

1 to the Traverse City Area Public School District in Tra-  
2 verse City, Michigan, without consideration, all right, title,  
3 and interest of the United States in and to the property  
4 described in subsection (b), subject to all easements and  
5 other interests in the property held by any other person.

6 (b) PROPERTY DESCRIBED.—The property referred  
7 to in subsection (a) is real property located in the city  
8 of Traverse City, Grand Traverse County, Michigan, and  
9 consisting of that part of the southeast  $\frac{1}{4}$  of Section 12,  
10 Township 27 North, Range 11 West, described as: Com-  
11 mencing at the southeast  $\frac{1}{4}$  corner of said Section 12,  
12 thence north 03 degrees 05 minutes 25 seconds east along  
13 the East line of said Section, 1074.04 feet, thence north  
14 86 degrees 36 minutes 50 seconds west 207.66 feet,  
15 thence north 03 degrees 06 minutes 00 seconds east  
16 572.83 feet to the point of beginning, thence north 86 de-  
17 grees 54 minutes 00 seconds west 1,751.04 feet, thence  
18 north 03 degrees 02 minutes 38 seconds east 330.09 feet,  
19 thence north 24 degrees 04 minutes 40 seconds east  
20 439.86 feet, thence south 86 degrees 56 minutes 15 sec-  
21 onds east 116.62 feet, thence north 03 degrees 08 minutes  
22 45 seconds east 200.00 feet, thence south 87 degrees 08  
23 minutes 20 seconds east 68.52 feet, to the southerly right-  
24 of-way of the C & O Railroad, thence south 65 degrees  
25 54 minutes 20 seconds east along said right-of-way

1 1508.75 feet, thence south 03 degrees 06 minutes 00 sec-  
2 onds west 400.61 to the point of beginning, consisting of  
3 27.10 acres of land, and all improvements located on that  
4 property including buildings, structures, and equipment.

5 (c) REVERSIONARY INTEREST.—In addition to any  
6 term or condition established pursuant to subsection (a),  
7 any conveyance of property described in subsection (b)  
8 shall be subject to the condition that all right, title, and  
9 interest in and to the property so conveyed shall imme-  
10 diately revert to the United States if the property, or any  
11 part thereof, ceases to be used by the Traverse City School  
12 District.

13 **SEC. 402. TRANSFER OF COAST GUARD PROPERTY IN**  
14 **KETCHIKAN, ALASKA.**

15 (a) CONVEYANCE REQUIREMENT.—The Secretary of  
16 Transportation shall convey to the Ketchikan Indian Cor-  
17 poration in Ketchikan, Alaska, without reimbursement  
18 and by no later than 120 days after the date of enactment  
19 of this Act, all right, title, and interest of the United  
20 States in and to the property known as the “Former Ma-  
21 rine Safety Detachment” as identified in Report of Excess  
22 Number CG-689 (GSA Control Number 9-U-AK-0747)  
23 and described in subsection (b), for use by the Ketchikan  
24 Indian Corporation as a health or social services facility.

1           (b) PROPERTY DESCRIBED.—The property referred  
2 to in subsection (a) is real property located in the city  
3 of Ketchikan, Township 75 south, range 90 east, Copper  
4 River Meridian, First Judicial District, State of Alaska,  
5 and commencing at corner numbered 10, United States  
6 Survey numbered 1079, the true point of beginning for  
7 this description: Thence north 24 degrees 04 minutes east,  
8 along the 10–11 line of said survey a distance of 89.76  
9 feet to corner numbered 1 of lot 5B; thence south 65 de-  
10 grees 56 minutes east a distance of 345.18 feet to corner  
11 numbered 2 of lot 5B; thence south 24 degrees 04 minutes  
12 west a distance of 101.64 feet to corner numbered 3 of  
13 lot 5B; thence north 64 degrees 01 minute west a distance  
14 of 346.47 feet to corner numbered 10 of said survey, to  
15 the true point of beginning, consisting of 0.76 acres (more  
16 or less), and all improvements located on that property,  
17 including buildings, structures, and equipment.

18           (c) REVERSIONARY INTEREST.—In addition to any  
19 term or condition established pursuant to subsection (a),  
20 any conveyance of property described in subsection (b)  
21 shall be subject to the condition that all right, title, and  
22 interest in and to the property so conveyed shall imme-  
23 diately revert to the United States if the property, or any  
24 part thereof, ceases to be used by the Ketchikan Indian  
25 Corporation as a health or social services facility.

1 **SEC. 403. ELECTRONIC FILING OF COMMERCIAL INSTRU-**  
2 **MENTS.**

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

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

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

13 **SEC. 404. BOARD FOR CORRECTION OF MILITARY RECORDS**  
14 **DEADLINE.**

15 (a) REMEDIES DEEMED EXHAUSTED.—Ten months  
16 after a complete application for correction of military  
17 records is received by the Board for Correction of Military  
18 Records of the Coast Guard, administrative remedies are  
19 deemed to have been exhausted, and—

20 (1) if the Board has rendered a recommended  
21 decision, its recommendation shall be final agency  
22 action and not subject to further review or approval  
23 within the Department of Transportation; or

24 (2) if the Board has not rendered a rec-  
25 ommended decision, agency action is deemed to have



1       been unreasonably delayed or withheld and the ap-  
2       plicant is entitled to—

3               (A) an order under section 706(1) of title  
4               5, United States Code, directing final action be  
5               taken within 30 days from the date the order  
6               is entered; and

7               (B) from amounts appropriated to the De-  
8               partment of Transportation, the costs of obtain-  
9               ing the order, including a reasonable attorney's  
10              fee.

11       (b) EXISTING DEADLINE MANDATORY.—The 10-  
12       month deadline established in section 212 of the Coast  
13       Guard Authorization Act of 1989 (Public Law 101–225,  
14       103 Stat. 1914) is mandatory.

15       (c) APPLICATION.—This section applies to all appli-  
16       cations filed with or pending before the Board or the Sec-  
17       retary of Transportation on or after June 12, 1990. For  
18       applications that were pending on June 12, 1990, the 10-  
19       month deadline referred to in subsection (b) shall be cal-  
20       culated from June 12, 1990.

21       **SEC. 405. JUDICIAL SALE OF CERTAIN DOCUMENTED VES-**  
22                                       **SELS TO ALIENS.**

23       Section 31329 of title 46, United States Code, is  
24       amended by adding at the end the following new sub-  
25       section:

1       “(f) This section does not apply to a documented ves-  
2 sel that has been operated only—

3               “(1) as a fishing vessel, fish processing vessel,  
4 or fish tender vessel; or

5               “(2) for pleasure.”.

6 **SEC. 406. IMPROVED AUTHORITY TO SELL RECYCLABLE**  
7 **MATERIAL.**

8       Section 641(c)(2) of title 14, United States Code, is  
9 amended by inserting before the period the following: “,  
10 except that the Commandant may conduct sales of mate-  
11 rials for which the proceeds of sale will not exceed \$5,000  
12 under regulations prescribed by the Commandant”.

13 **SEC. 407. RECRUITMENT OF WOMEN AND MINORITIES.**

14       Not later than January 31, 1996, the Commandant  
15 of the Coast Guard shall report to the Committee on  
16 Transportation and Infrastructure of the House of Rep-  
17 resentatives and the Committee on Commerce, Science,  
18 and Transportation of the Senate, on the status of and  
19 the problems in recruitment of women and minorities into  
20 the Coast Guard. The report shall contain specific plans  
21 to increase the recruitment of women and minorities and  
22 legislative recommendations needed to increase the re-  
23 cruitment of women and minorities.

1 **SEC. 408. LIMITATION OF CERTAIN STATE AUTHORITY**  
2 **OVER VESSELS.**

3 (a) **SHORT TITLE.**—This section may be cited as the  
4 “California Cruise Industry Revitalization Act”.

5 (b) **LIMITATION.**—Section 5(b)(2) of the Act of Janu-  
6 ary 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred  
7 to as the “Johnson Act”, is amended by adding at the  
8 end the following:

9 “(C) **EXCLUSION OF CERTAIN VOYAGES**  
10 **AND SEGMENTS.**—Except for a voyage or seg-  
11 ment of a voyage that occurs within the bound-  
12 aries of the State of Hawaii, a voyage or seg-  
13 ment of a voyage is not described in subpara-  
14 graph (B) if it includes or consists of a seg-  
15 ment—

16 “(i) that begins and ends in the same  
17 State;

18 “(ii) that is part of a voyage to an-  
19 other State or to a foreign country; and

20 “(iii) in which the vessel reaches the  
21 other State or foreign country within 3  
22 days after leaving the State in which it be-  
23 gins.”.

1 **SEC. 409. VESSEL FINANCING.**

2 (a) DOCUMENTATION CITIZEN ELIGIBLE MORTGA-  
3 GEE.—Section 31322(a)(1)(D) of title 46, United States  
4 Code, is amended—

5 (1) by striking “or” at the end of  
6 31322(a)(1)(D)(v) and inserting “or” at the end of  
7 31322(a)(1)(D)(vi); and

8 (2) by adding at the end a new subparagraph  
9 as follows:

10 “(vii) a person eligible to own a docu-  
11 mented vessel under chapter 121 of this title.”.

12 (b) AMENDMENT TO TRUSTEE RESTRICTIONS.—Sec-  
13 tion 31328(a) of title 46, United States Code, is  
14 amended—

15 (1) by striking “or” at the end of 31328(a)(3)  
16 and inserting “or” at the end of 31328(a)(4); and

17 (2) by adding at the end a new subparagraph  
18 as follows:

19 “(5) is a person eligible to own a documented  
20 vessel under chapter 121 of this title.”.

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

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

1           “(A) the vessel is eligible for documentation  
2           under section 12102;

3           “(B) the person that owns the vessel, a parent  
4           entity of that person, or a subsidiary of a parent en-  
5           tity of that person, is engaged in lease financing;

6           “(C) the vessel is under a demise charter to a  
7           person qualifying as a citizen of the United States  
8           for engaging in the coastwise trade under section 2  
9           of the Shipping Act, 1916;

10          “(D) the demise charter is for—

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

12                 “(ii) a shorter period as may be prescribed  
13                 by the Secretary; and

14          “(E) the vessel is otherwise qualified under this  
15          section to be employed in the coastwise trade.

16          “(2) Upon default by a bareboat charterer of a de-  
17          mise charter required under paragraph (1)(D), the coast-  
18          wise endorsement of the vessel may, in the sole discretion  
19          of the Secretary, be continued after the termination for  
20          default of the demise charter for a period not to exceed  
21          6 months on terms and conditions as the Secretary may  
22          prescribe.

23          “(3) For purposes of section 2 of the Shipping Act,  
24          1916, and section 12102(a) of this title, a vessel meeting

1 the criteria of subsection is deemed to be owned exclusively  
2 by citizens of the United States.”.

3 (d) CONFORMING AMENDMENT.—Section 9(c) of the  
4 Shipping Act, 1916, as amended (46 App. U.S.C. 808(c))  
5 is amended by inserting “12106(e),” after the word “sec-  
6 tions” and before 31322(a)(1)(D).

7 **SEC. 410. SENSE OF CONGRESS; REQUIREMENT REGARD-**  
8 **ING NOTICE.**

9 (a) PURCHASE OF AMERICAN-MADE EQUIPMENT  
10 AND PRODUCTS.—It is the sense of the Congress that, to  
11 the greatest extent practicable, all equipment and products  
12 purchased with funds made available under this Act  
13 should be American-made.

14 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In  
15 providing financial assistance under this Act, the official  
16 responsible for providing the assistance, to the greatest  
17 extent practicable, shall provide to each recipient of the  
18 assistance a notice describing the statement made in sub-  
19 section (a) by the Congress.

20 **SEC. 411. SPECIAL SELECTION BOARDS.**

21 (a) REQUIREMENT.—Chapter 21 of title 14, United  
22 States Code, is amended by adding at the end the follow-  
23 ing new section:

1 **“§ 747. Special selection boards**

2 “(a) The Secretary shall provide for special selection  
3 boards to consider the case of any officer who is eligible  
4 for promotion who—

5 “(1) was not considered for selection for pro-  
6 motion by a selection board because of administra-  
7 tive error; or

8 “(2) was considered for selection for promotion  
9 by a selection board but not selected because—

10 “(A) the action of the board that consid-  
11 ered the officer was contrary to law or involved  
12 a material error of fact or material administra-  
13 tive error; or

14 “(B) the board that considered the officer  
15 did not have before it for its consideration ma-  
16 terial information.

17 “(b) Not later than 6 months after the date of the  
18 enactment of the Coast Guard Authorization Act For Fis-  
19 cal Year 1996, the Secretary shall issue regulations to im-  
20 plement this section. The regulations shall conform, as ap-  
21 propriate, to the regulations and procedures issued by the  
22 Secretary of Defense for special selection boards under  
23 section 628 of title 10, United States Code.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 for chapter 21 of title 14, United States Code, is amended  
3 by adding after the item for section 746 the following:

“747. Special selection boards.”.

4 **SEC. 412. AVAILABILITY OF EXTRAJUDICIAL REMEDIES**  
5 **FOR DEFAULT ON PREFERRED MORTGAGE**  
6 **LIENS ON VESSELS.**

7 (a) AVAILABILITY OF EXTRAJUDICIAL REMEDIES.—  
8 Section 31325(b) of title 46, United States Code, is  
9 amended—

10 (1) in the matter preceding paragraph (1) by  
11 striking “mortgage may” and inserting “mortgagee  
12 may”;

13 (2) in paragraph (1) by—

14 (A) striking “perferred” and inserting  
15 “preferred”; and

16 (B) striking “; and” and inserting a semi-  
17 colon; and

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

19 “(3) enforce the preferred mortgage lien or a  
20 claim for the outstanding indebtedness secured by  
21 the mortgaged vessel, or both, by exercising any  
22 other remedy (including an extrajudicial remedy)  
23 against a documented vessel, a vessel for which an  
24 application for documentation is filed under chapter  
25 121 of this title, a foreign vessel, or a mortgagor,



1 maker, comaker, or guarantor for the amount of the  
2 outstanding indebtedness or any deficiency in full  
3 payment of that indebtedness, if—

4 “(A) the remedy is allowed under applica-  
5 ble law; and

6 “(B) the exercise of the remedy will not re-  
7 sult in a violation of section 9 or 37 of the  
8 Shipping Act, 1916 (46 App. U.S.C. 808,  
9 835).”.

10 (b) NOTICE.—Section 31325 of title 46, United  
11 States Code, is further amended by adding at the end the  
12 following:

13 “(f)(1) Before title to the documented vessel or vessel  
14 for which an application for documentation is filed under  
15 chapter 121 is transferred by an extrajudicial remedy, the  
16 person exercising the remedy shall give notice of the pro-  
17 posed transfer to the Secretary, to the mortgagee of any  
18 mortgage on the vessel filed in substantial compliance with  
19 section 31321 of this title before notice of the proposed  
20 transfer is given to the Secretary, and to any person that  
21 recorded a notice of a claim of an undischarged lien on  
22 the vessel under section 31343(a) or (d) of this title before  
23 notice of the proposed transfer is given to the Secretary.

24 “(2) Failure to give notice as required by this sub-  
25 section shall not affect the transfer of title to a vessel.

1 However, the rights of any holder of a maritime lien or  
2 a preferred mortgage on the vessel shall not be affected  
3 by a transfer of title by an extrajudicial remedy exercised  
4 under this section, regardless of whether notice is required  
5 by this subsection or given.

6 “(3) The Secretary shall prescribe regulations estab-  
7 lishing the time and manner for providing notice under  
8 this subsection.”.

9 (c) **RULE OF CONSTRUCTION.**—The amendments  
10 made by subsections (a) and (b) may not be construed  
11 to imply that remedies other than judicial remedies were  
12 not available before the date of enactment of this section  
13 to enforce claims for outstanding indebtedness secured by  
14 mortgaged vessels.

15 **SEC. 413. IMPLEMENTATION OF WATER POLLUTION LAWS**  
16 **WITH RESPECT TO VEGETABLE OIL.**

17 (a) **DIFFERENTIATION AMONG FATS, OILS, AND**  
18 **GREASES.**—

19 (1) **IN GENERAL.**—In issuing or enforcing a  
20 regulation, an interpretation, or a guideline relating  
21 to a fat, oil, or grease under a Federal law related  
22 to water pollution control, the head of a Federal  
23 agency shall—

24 (A) differentiate between and establish  
25 separate classes for—

- 1 (i)(I) animal fats; and  
2 (II) vegetable oils; and  
3 (ii) other oils, including petroleum oil;  
4 and  
5 (B) apply different standards to different  
6 classes of fat and oil as provided in paragraph  
7 (2).

8 (2) CONSIDERATIONS.—In differentiating be-  
9 tween the classes of animal fats and vegetable oils  
10 referred to in paragraph (1)(A)(i) and the classes of  
11 oils described in paragraph (1)(A)(ii), the head of a  
12 Federal agency shall consider differences in physical,  
13 chemical, biological, and other properties, and in the  
14 environmental effects, of the classes.

15 (b) FINANCIAL RESPONSIBILITY.—

16 (1) LIMITS ON LIABILITY.—Section 1004(a)(1)  
17 of the Oil Pollution Act of 1990 (33 U.S.C.  
18 2704(a)(1)) is amended by striking “for a tank ves-  
19 sel,” and inserting “for a tank vessel carrying oil in  
20 bulk as cargo or cargo residue (except a tank vessel  
21 on which the only oil carried is an animal fat or veg-  
22 etable oil, as those terms are defined in section  
23 413(c) of the Coast Guard Authorization Act for  
24 Fiscal Year 1996),”.

1           (2) FINANCIAL RESPONSIBILITY.—The first  
2 sentence of section 1016(a) of the Act (33 U.S.C.  
3 2716(a)) is amended by striking “, in the case of a  
4 tank vessel, the responsible party could be subject  
5 under section 1004(a)(1) or (d) of this Act, or to  
6 which, in the case of any other vessel, the respon-  
7 sible party could be subjected under section  
8 1004(a)(2) or (d)” and inserting “the responsible  
9 party could be subjected under section 1004(a) or  
10 (d) of this Act”.

11          (c) DEFINITIONS.—In this section, the following defi-  
12 nitions apply:

13           (1) ANIMAL FAT.—The term “animal fat”  
14 means each type of animal fat, oil, or grease, includ-  
15 ing fat, oil, or grease from fish or a marine mammal  
16 and any fat, oil, or grease referred to in section  
17 61(a)(2) of title 13, United States Code.

18           (2) VEGETABLE OIL.—The term “vegetable oil”  
19 means each type of vegetable oil, including vegetable  
20 oil from a seed, nut, or kernel and any vegetable oil  
21 referred to in section 61(a)(1) of title 13, United  
22 States Code.

1 **SEC. 414. CERTAIN INFORMATION FROM MARINE CAS-**  
2 **UALTY INVESTIGATIONS BARRED IN LEGAL**  
3 **PROCEEDINGS.**

4 (a) IN GENERAL.—Title 46, United States Code, is  
5 amended by inserting after section 6307 the following new  
6 section:

7 **“§ 6308. Information barred in legal proceedings**

8 “(a) Notwithstanding any other provision of law, any  
9 opinion, recommendation, deliberation, or conclusion con-  
10 tained in a report of a marine casualty investigation con-  
11 ducted under section 6301 of this title with respect to the  
12 cause of, or factors contributing to, the casualty set forth  
13 in the report of the investigation is not admissible as evi-  
14 dence or subject to discovery in any civil, administrative,  
15 or State criminal proceeding arising from a marine cas-  
16 ualty, other than with the permission and consent of the  
17 Secretary of Transportation, in his or her sole discretion.  
18 Any employee of the United States or military member  
19 of the Coast Guard investigating a marine casualty or as-  
20 sisting in any such investigation conducted pursuant to  
21 section 6301 of this title, shall not be subject to deposition  
22 or other discovery, or otherwise testify or give information  
23 in such proceedings relevant to a marine casualty inves-  
24 tigation, without the permission and consent of the Sec-  
25 retary of Transportation in his or her sole discretion. In  
26 exercising this discretion in cases where the United States

1 is a party, the Secretary shall not withhold permission for  
2 an employee to testify solely on factual matters where the  
3 information is not available elsewhere or is not obtainable  
4 by other means. Nothing in this section prohibits the Unit-  
5 ed States from calling an employee as an expert witness  
6 to testify on its behalf.

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

11 (b) CLERICAL AMENDMENT.—The table of sections  
12 at the beginning of chapter 63 of title 46, United States  
13 Code, is amended by adding after the item related to sec-  
14 tion 6307 the following:

“6308. Information barred in legal proceedings.”.

15 **SEC. 415. REPORT ON LORAN-C REQUIREMENTS.**

16 Not later than 6 months after the date of the enact-  
17 ment of this Act, the Secretary of Transportation shall  
18 submit a report to the Committee on Transportation and  
19 Infrastructure of the House of Representatives, and the  
20 Committee on Commerce, Science and Transportation of  
21 the Senate, prepared in consultation with users of the  
22 LORAN-C radionavigation system, defining the future  
23 use of and funding for operations, maintenance, and up-  
24 grades of the LORAN-C radionavigation system. The re-  
25 port shall address the following:

1           (1) An appropriate timetable for transition  
2 from ground-based radionavigation technology after  
3 it is determined that satellite-based technology is  
4 available as a sole means of safe and efficient navi-  
5 gation.

6           (2) The need to ensure that LORAN-C tech-  
7 nology purchased by the public before the year 2000  
8 has a useful economic life.

9           (3) The benefits of fully utilizing the compat-  
10 abilities of LORAN-C technology and satellite-based  
11 technology by all modes of transportation.

12           (4) The need for all agencies in the Department  
13 of Transportation and other relevant Federal agen-  
14 cies to share the Federal Government's costs related  
15 to LORAN-C technology.

16 **SEC. 416. LIMITED DOUBLE HULL EXEMPTIONS.**

17           Section 3703a(b) of title 46, United States Code, is  
18 amended by—

19           (1) striking “or” at the end of paragraph (2);

20           (2) striking the period at the end of paragraph

21           (3) and inserting a semicolon; and

22           (3) adding at the end the following new para-  
23 graphs:

24           “(4) a vessel equipped with a double hull before  
25 August 12, 1992;

1           “(5) a barge of less than 2,000 gross tons that  
2           is primarily used to carry deck cargo and bulk fuel  
3           to Native villages (as that term is defined in section  
4           3 of the Alaska Native Claims Settlement Act (43  
5           U.S.C. 1601)) located on or adjacent to bays or riv-  
6           ers above 58 degrees north latitude; or

7           “(6) a vessel in the National Defense Reserve  
8           Fleet pursuant to section 11 of the Merchant Ship  
9           Sales Act of 1946 (50 App. U.S.C. 1744).”.

10 **SEC. 417. OIL SPILL RESPONSE VESSELS.**

11           (a) DEFINITION.—Section 2101 of title 46, United  
12 States Code, is amended—

13           (1) by redesignating paragraph (20a) as para-  
14 graph (20b); and

15           (2) by inserting after paragraph (20) the fol-  
16 lowing new paragraph:

17           “(20a) ‘oil spill response vessel’ means a vessel  
18 that is designated in its certificate of inspection as  
19 such a vessel, or that is adapted to respond to a dis-  
20 charge of oil or a hazardous material.”.

21           (b) EXEMPTION FROM LIQUID BULK CARRIAGE RE-  
22 QUIREMENTS.—Section 3702 of title 46, United States  
23 Code, is amended by adding at the end the following new  
24 subsection:



1       “(f) This chapter does not apply to an oil spill re-  
2 sponse vessel if—

3               “(1) the vessel is used only in response-related  
4 activities; or

5               “(2) the vessel is—

6                       “(A) not more than 500 gross tons;

7                       “(B) designated in its certificate of inspec-  
8 tion as an oil spill response vessel; and

9                       “(C) engaged in response-related activi-  
10 ties.”.

11       (c) MANNING.—Section 8104(p) of title 46, United  
12 States Code, is amended to read as follows:

13       “(p) The Secretary may prescribe the watchstanding  
14 requirements for an oil spill response vessel.”.

15       (d) MINIMUM NUMBER OF LICENSED INDIVID-  
16 UALS.—Section 8301(e) of title 46, United States Code,  
17 is amended to read as follows:

18       “(e) The Secretary may prescribe the minimum num-  
19 ber of licensed individuals for an oil spill response vessel.”.

20       (e) MERCHANT MARINER DOCUMENT REQUIRE-  
21 MENTS.—Section 8701(a) of title 46, United States Code,  
22 is amended by striking “and” after the semicolon at the  
23 end of paragraph (7), by striking the period at the end  
24 of paragraph (8) and inserting “; and”, and by adding  
25 at the end the following new paragraph:

1           “(9) the Secretary may prescribe the individuals  
2           required to hold a merchant mariner’s document  
3           serving onboard an oil spill response vessel.”.

4           (f) EXEMPTION FROM TOWING VESSEL REQUIRE-  
5           MENT.—Section 8905 of title 46, United States Code, is  
6           amended by adding at the end the following new sub-  
7           section:

8           “(c) Section 8904 of this title does not apply to an  
9           oil spill response vessel while engaged in oil spill response  
10          or training activities.”.

11          (g) INSPECTION REQUIREMENT.—Section 3301 of  
12          title 46, United States Code, is amended by adding at the  
13          end the following new paragraph:

14                 “(14) oil spill response vessels.”.

15          **SEC. 418. OFFSHORE FACILITY FINANCIAL RESPONSIBILITY**  
16                         **REQUIREMENTS.**

17          (a) DEFINITION OF RESPONSIBLE PARTY.—Section  
18          1001(32)(C) of the Oil Pollution Act of 1990 (33 U.S.C.  
19          2701(32)(C)) is amended by striking “applicable State law  
20          or” and inserting “applicable State law relating to explor-  
21          ing for, producing, or transporting oil on submerged lands  
22          on the Outer Continental Shelf in accordance with a li-  
23          cense or permit issued for such purpose, or under”.

1 (b) AMOUNT OF FINANCIAL RESPONSIBILITY.—Sec-  
2 tion 1016(c)(1) of the Oil Pollution Act of 1990 (33  
3 U.S.C. 2716(c)(1)) is amended to read as follows:

4 “(1) IN GENERAL.—

5 “(A) EVIDENCE OF FINANCIAL RESPON-  
6 SIBILITY REQUIRED.—Except as provided in  
7 paragraph (2), each responsible party with re-  
8 spect to an offshore facility described in section  
9 1001(32)(C) located seaward of the line of ordi-  
10 nary low water along that portion of the coast  
11 that is in direct contact with the open sea and  
12 the line marking the seaward limit of inland  
13 waters that is—

14 “(i) used for exploring for, producing,  
15 or transporting oil; and

16 “(ii) has the capacity to transport,  
17 store, transfer, or otherwise handle more  
18 than 1,000 barrels of oil at any one time,  
19 shall establish and maintain evidence of finan-  
20 cial responsibility in the amount required under  
21 subparagraph (B) or (C), applicable.

22 “(B) AMOUNT REQUIRED GENERALLY.—  
23 Except as provided in subparagraph (C), for  
24 purposes of subparagraph (A) the amount of fi-  
25 nancial responsibility required is \$35,000,000.

1           “(C) GREATER AMOUNT.—If the President  
2 determines that an amount of financial respon-  
3 sibility greater than the amount required by  
4 subparagraph (B) is necessary for an offshore  
5 facility, based on an assessment of the risk  
6 posed by the facility that includes consideration  
7 of the relative operational, environmental,  
8 human health, and other risks posed by the  
9 quantity or quality of oil that is transported,  
10 stored, transferred, or otherwise handled by the  
11 facility, the amount of financial responsibility  
12 required shall not exceed \$150,000,000 deter-  
13 mined by the President on the basis of clear  
14 and convincing evidence that the risks posed  
15 justify the greater amount.

16           “(D) MULTIPLE FACILITIES.—In a case in  
17 which a person is responsible for more than one  
18 facility subject to this subsection, evidence of fi-  
19 nancial responsibility need be established only  
20 to meet the amount applicable to the facility  
21 having the greatest financial responsibility re-  
22 quirement under this subsection.

23           “(E) GUARANTEE METHOD.—Except with  
24 respect of financial responsibility established by

1 the guarantee method, subsection (f) shall not  
2 apply with respect to this subsection.”.

3 **SEC. 419. MANNING AND WATCH REQUIREMENTS ON TOW-**  
4 **ING VESSELS ON THE GREAT LAKES.**

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

7 (1) by striking “or permitted”; and

8 (2) by inserting after “day” the following: “or  
9 permitted to work more than 15 hours in any 24-  
10 hour period, or more than 36 hours in any 72-hour  
11 period”.

12 (b) Section 8104(e) of title 46, United States Code,  
13 is amended by striking “subsections (c) and (d)” and in-  
14 serting “subsection (d)”.

15 (c) Section 8104(g) of title 46, United States Code,  
16 is amended by striking “(except a vessel to which sub-  
17 section (c) of this section applies)”.

18 **SEC. 420. LIMITATION ON APPLICATION OF CERTAIN LAWS**  
19 **TO LAKE TEXOMA.**

20 (a) LIMITATION.—The laws administered by the  
21 Coast Guard relating to documentation or inspection of  
22 vessels or licensing or documentation of vessel operators  
23 do not apply to any small passenger vessel operating on  
24 Lake Texoma.

25 (b) DEFINITIONS.—In this section:

1           (1) The term “Lake Texoma” means the im-  
2           poundment by that name on the Red River, located  
3           on the border between Oklahoma and Texas.

4           (2) The term “small passenger vessel” has the  
5           meaning given that term in section 2101 of title 46,  
6           United States Code.

7   **SEC. 421. LIMITATION ON CONSOLIDATION OR RELOCA-**  
8                           **TION OF HOUSTON AND GALVESTON MARINE**  
9                           **SAFETY OFFICES.**

10          The Secretary of Transportation may not consolidate  
11         or relocate the Coast Guard Marine Safety Offices in Gal-  
12         veston, Texas, and Houston, Texas.

13   **SEC. 422. SENSE OF THE CONGRESS REGARDING FUNDING**  
14                           **FOR COAST GUARD.**

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

21   **SEC. 423. CONVEYANCE OF LIGHT STATION, MONTAUK**  
22                           **POINT, NEW YORK.**

23         (a) CONVEYANCE REQUIREMENT.—

24                 (1) REQUIREMENT.—The Secretary of Trans-  
25         portation shall convey to the Montauk Historical As-

1       society in Montauk, New York, by an appropriate  
2       means of conveyance, all right, title, and interest of  
3       the United States in and to property comprising  
4       Light Station Montauk Point, located at Montauk,  
5       New York.

6               (2) DETERMINATION OF PROPERTY.—The Sec-  
7       retary may identify, describe, and determine the  
8       property to be conveyed pursuant to this section.

9       (b) TERMS OF CONVEYANCE.—

10              (1) IN GENERAL.—A conveyance of property  
11       pursuant to this section shall be made—

12              (A) without the payment of consideration;

13       and

14              (B) subject to the conditions required by  
15       paragraphs (3) and (4) and such other terms  
16       and conditions as the Secretary may consider  
17       appropriate.

18              (2) REVERSIONARY INTEREST.—Any convey-  
19       ance of property pursuant to this section shall be  
20       subject to the condition that all right, title, and in-  
21       terest in the Montauk Light Station shall imme-  
22       diately revert to the United States if the Montauk  
23       Light Station ceases to be maintained as a nonprofit  
24       center for public benefit for the interpretation and  
25       preservation of the material culture of the United

1 States Coast Guard, the maritime history of  
2 Montauk, New York, and Native American and colo-  
3 nial history.

4 (3) MAINTENANCE OF NAVIGATION AND FUNC-  
5 TIONS.—Any conveyance of property pursuant to  
6 this section shall be subject to such conditions as the  
7 Secretary considers to be necessary to assure that—

8 (A) the light, antennas, sound signal, and  
9 associated lighthouse equipment located on the  
10 property conveyed, which are active aids to  
11 navigation, shall continue to be operated and  
12 maintained by the United States for as long as  
13 they are needed for this purpose;

14 (B) the Montauk Historical Association  
15 may not interfere or allow interference in any  
16 manner with such aids to navigation without  
17 express written permission from the United  
18 States;

19 (C) there is reserved to the United States  
20 the right to replace, or add any aids to naviga-  
21 tion, or make any changes to the Montauk  
22 Lighthouse as may be necessary for navigation  
23 purposes;

24 (D) the United States shall have the right,  
25 at any time, to enter the property conveyed



1 without notice for the purpose of maintaining  
2 navigation aids;

3 (E) the United States shall have an ease-  
4 ment of access to such property for the purpose  
5 of maintaining the navigational aids in use on  
6 the property; and

7 (F) the Montauk Light Station shall revert  
8 to the United States at the end of the 30-day  
9 period beginning on any date on which the Sec-  
10 retary of Transportation provides written notice  
11 to the Montauk Historical Association that the  
12 Montauk Light Station is needed for national  
13 security purposes.

14 (4) MAINTENANCE OF LIGHT STATION.—Any  
15 conveyance of property under this section shall be  
16 subject to the condition that the Montauk Historical  
17 Association shall maintain the Montauk Light Sta-  
18 tion in accordance with the provisions of the Na-  
19 tional Historic Preservation Act (16 U.S.C. 470 et  
20 seq.) and other applicable laws.

21 (5) LIMITATION ON OBLIGATIONS OF MONTAUK  
22 HISTORICAL ASSOCIATION.—The Montauk Historical  
23 Association shall not have any obligation to maintain  
24 any active aid to navigation equipment on property  
25 conveyed pursuant to this section.

1 (c) DEFINITIONS.—For purposes of this section—

2 (1) the term “Montauk Light Station” means  
3 the Coast Guard light station known as the Light  
4 Station Montauk Point, located at Montauk, New  
5 York, including the keeper’s dwellings, adjacent  
6 Coast Guard rights-of-way, the World War II sub-  
7 marine spotting tower, the lighthouse tower, and the  
8 paint locker; and

9 (2) the term “Montauk Lighthouse” means the  
10 Coast Guard lighthouse located at the Montauk  
11 Light Station.

12 **SEC. 424. CONVEYANCE OF CAPE ANN LIGHTHOUSE,**  
13 **THACHERS ISLAND, MASSACHUSETTS.**

14 (a) AUTHORITY TO CONVEY.—

15 (1) IN GENERAL.—The Secretary of Transpor-  
16 tation shall convey to the town of Rockport, Massa-  
17 chusetts, by an appropriate means of conveyance, all  
18 right, title, and interest of the United States in and  
19 to the property comprising the Cape Ann Light-  
20 house, located on Thachers Island, Massachusetts.

21 (2) IDENTIFICATION OF PROPERTY.—The Sec-  
22 retary may identify, describe, and determine the  
23 property to be conveyed pursuant to this subsection.

24 (b) TERMS OF CONVEYANCE.—

1           (1) IN GENERAL.—The conveyance of property  
2 pursuant to this section shall be made—

3           (A) without payment of consideration; and

4           (B) subject to the conditions required by  
5 paragraphs (3) and (4) and other terms and  
6 conditions the Secretary may consider appro-  
7 priate.

8           (2) REVERSIONARY INTEREST.—In addition to  
9 any term or condition established pursuant to para-  
10 graph (1), the conveyance of property pursuant to  
11 this section shall be subject to the condition that all  
12 right, title, and interest in the Cape Ann Lighthouse  
13 shall immediately revert to the United States if the  
14 Cape Ann Lighthouse, or any part of the property—

15           (A) ceases to be used as a nonprofit center  
16 for the interpretation and preservation of mari-  
17 time history;

18           (B) ceases to be maintained in a manner  
19 that ensures its present or future use as a  
20 Coast Guard aid to navigation; or

21           (C) ceases to be maintained in a manner  
22 consistent with the provisions of the National  
23 Historic Preservation Act of 1966 (16 U.S.C.  
24 470 et seq.).

1           (3) MAINTENANCE AND NAVIGATION FUNC-  
2           TIONS.—The conveyance of property pursuant to  
3           this section shall be made subject to the conditions  
4           that the Secretary considers to be necessary to as-  
5           sure that—

6                   (A) the lights, antennas, and associated  
7                   equipment located on the property conveyed,  
8                   which are active aids to navigation, shall con-  
9                   tinue to be operated and maintained by the  
10                  United States;

11                  (B) the town of Rockport may not inter-  
12                  fere or allow interference in any manner with  
13                  aids to navigation without express written per-  
14                  mission from the Secretary of Transportation;

15                  (C) there is reserved to the United States  
16                  the right to relocate, replace, or add any aid to  
17                  navigation or make any changes to the Cape  
18                  Ann Lighthouse as may be necessary for navi-  
19                  gational purposes;

20                  (D) the United States shall have the right,  
21                  at any time, to enter the property without no-  
22                  tice for the purpose of maintaining aids to navi-  
23                  gation; and

24                  (E) the United States shall have an ease-  
25                  ment of access to the property for the purpose

1           of maintaining the aids to navigation in use on  
2           the property.

3           (4) OBLIGATION LIMITATION.—The town of  
4           Rockport is not required to maintain any active aid  
5           to navigation equipment on property conveyed pur-  
6           suant to this section.

7           (5) PROPERTY TO BE MAINTAINED IN ACCORD-  
8           ANCE WITH CERTAIN LAWS.—The town of Rockport  
9           shall maintain the Cape Ann Lighthouse in accord-  
10          ance with the National Historic Preservation Act of  
11          1966 (16 U.S.C. 470 et seq.), and other applicable  
12          laws.

13          (c) DEFINITIONS.—For purposes of this section, the  
14          term “Cape Ann Lighthouse” means the Coast Guard  
15          property located on Thachers Island, Massachusetts, ex-  
16          cept any historical artifact, including any lens or lantern,  
17          located on the property at or before the time of convey-  
18          ance.

19          **SEC. 425. AMENDMENTS TO JOHNSON ACT.**

20          For purposes of section 5(b)(1)(A) of the Act of Jan-  
21          uary 2, 1951 (15 U.S.C. 1175(b)(1)(A)), commonly  
22          known as the Johnson Act, a vessel on a voyage that be-  
23          gins in the territorial jurisdiction of the State of Indiana  
24          and that does not leave the territorial jurisdiction of the  
25          State of Indiana shall be considered to be a vessel that

1 is not within the boundaries of any State or possession  
2 of the United States.

3 **SEC. 426. TRANSFER OF COAST GUARD PROPERTY IN**  
4 **GOSNOLD, MASSACHUSETTS.**

5 (a) CONVEYANCE REQUIREMENT.—The Secretary of  
6 Transportation may convey to the town of Gosnold, Mas-  
7 sachusetts, without reimbursement and by no later than  
8 120 days after the date of enactment of this Act, all right,  
9 title, and interest of the United States in and to the prop-  
10 erty known as the “United States Coast Guard Cuttyhunk  
11 Boathouse and Wharf”, as described in subsection (c).

12 (b) CONDITIONS.—Any conveyance of property under  
13 subsection (a) shall be subject to the condition that the  
14 Coast Guard shall retain in perpetuity and at no cost—

15 (1) the right of access to, over, and through the  
16 boathouse, wharf, and land comprising the property  
17 at all times for the purpose of berthing vessels, in-  
18 cluding vessels belonging to members of the Coast  
19 Guard Auxiliary; and

20 (2) the right of ingress to and egress from the  
21 property for purposes of access to Coast Guard fa-  
22 cilities and performance of Coast Guard functions.

23 (c) PROPERTY DESCRIBED.—The property referred  
24 to in subsection (a) is real property located in the town  
25 of Gosnold, Massachusetts (including all buildings, struc-

1 tures, equipment, and other improvements), as determined  
2 by the Secretary of Transportation.

3 **SEC. 427. TRANSFER OF COAST GUARD PROPERTY IN NEW**  
4 **SHOREHAM, RHODE ISLAND.**

5 (a) REQUIREMENT.—The Secretary of Transpor-  
6 tation (or any other official having control over the prop-  
7 erty described in subsection (b)) shall expeditiously convey  
8 to the town of New Shoreham, Rhode Island, without con-  
9 sideration, all right, title, and interest of the United States  
10 in and to the property known as the United States Coast  
11 Guard Station Block Island, as described in subsection  
12 (b), subject to all easements and other interest in the  
13 property held by any other person.

14 (b) PROPERTY DESCRIBED.—The property referred  
15 to in subsection (a) is real property (including buildings  
16 and improvements) located on the west side of Block Is-  
17 land, Rhode Island, at the entrance to the Great Salt Pond  
18 and referred to in the books of the Tax Assessor of the  
19 town of New Shoreham, Rhode Island, as lots 10 and 12,  
20 comprising approximately 10.7 acres.

21 (c) REVERSIONARY INTEREST.—In addition to any  
22 term or condition established pursuant to subsection (a),  
23 any conveyance of property under subsection (a) shall be  
24 subject to the condition that all right, title, and interest  
25 in and to the property so conveyed shall immediately re-

1 vert to the United States if the property, or any part  
2 thereof, ceases to be used by the town of New Shoreham,  
3 Rhode Island.

4 (d) INDEMNIFICATION FOR PREEXISTING ENVIRON-  
5 MENTAL LIABILITIES.—Notwithstanding any conveyance  
6 of property under this section, after such conveyance the  
7 Secretary of Transportation shall indemnify the town of  
8 New Shoreham, Rhode Island, for any environmental li-  
9 ability arising from the property, that existed before the  
10 date of the conveyance.

11 **SEC. 428. VESSEL DEEMED TO BE A RECREATIONAL**  
12 **VESSEL.**

13 The vessel, an approximately 96 meter twin screw  
14 motor yacht for which construction commenced in October  
15 1993 (to be named the LIMITLESS), is deemed to be  
16 a recreational vessel under chapter 43 of title 46, United  
17 States Code.

18 **SEC. 429. REQUIREMENT FOR PROCUREMENT OF BUOY**  
19 **CHAIN.**

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

23 **“§ 96. Procurement of buoy chain**

24 “(a) The Coast Guard may not procure buoy chain—



1           “(1) that is not manufactured in the United  
2 States; or

3           “(2) substantially all of the components of  
4 which are not produced or manufactured in the  
5 United States.

6           “(b) For purposes of subsection (a)(2), substantially  
7 all of the components of a buoy chain shall be considered  
8 to be produced or manufactured in the United States if  
9 the aggregate cost of the components thereof which are  
10 produced or manufactured in the United States is greater  
11 than the aggregate cost of the components thereof which  
12 are produced or manufactured outside the United States.

13          “(c) In this section—

14               “(1) the term ‘buoy chain’ means any chain,  
15 cable, or other device that is—

16                       “(A) used to hold in place, by attachment  
17 to the bottom of a body of water, a floating aid  
18 to navigation; and

19                       “(B) not more than 4 inches in diameter;  
20 and

21               “(2) the term ‘manufacture’ includes cutting,  
22 heat treating, quality control, welding (including the  
23 forging and shot blasting process), and testing.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 for chapter 5 of title 14, United States Code, is amended  
3 by adding at the end the following:

“96. Procurement of buoy chain.”.

4 **SEC. 430. CRUISE VESSEL TORT REFORM.**

5 (a) Section 4283 of the Revised Statutes of the  
6 United States (46 App. 183), is amended by adding a new  
7 subsection (g) to read as follows:

8 “(g) In a suit by any person in which a shipowner,  
9 operator, or employer of a crew member is claimed to have  
10 direct or vicarious liability for medical malpractice or  
11 other tortious conduct occurring at a shoreside facility, or  
12 in which the damages sought are alleged to result from  
13 the referral to or treatment by any shoreside doctor, hos-  
14 pital, medical facility, or other health care provider, the  
15 shipowner, operator, or employer shall be entitled to rely  
16 upon any and all statutory limitations of liability applica-  
17 ble to the doctor, hospital, medical facility, or other health  
18 care provider in the State in which the shoreside medical  
19 care was provided.”.

20 (b) Section 4283b of the Revised Statutes of the  
21 United States (46 App. 183c) is amended by adding a new  
22 subsection to read as follows:

23 “(b) Subsection (a) shall not prohibit provisions or  
24 limitations in contracts, agreements, or ticket conditions  
25 of carriage with passengers which relieve a manager,

1 agent, master, owner, or operator of a vessel from liability  
2 for infliction of emotional distress, mental suffering, or  
3 psychological injury so long as such provisions or limita-  
4 tions do not limit liability if the emotional distress, mental  
5 suffering, or psychological injury was—

6 “(1) the result of substantial physical injury to  
7 the claimant caused by the negligence or fault of the  
8 manager, agent, master, owner, or operator;

9 “(2) the result of the claimant having been at  
10 actual risk of substantial physical injury, which risk  
11 was caused by the negligence or fault of the man-  
12 ager, agent, master, owner, or operator; or

13 “(3) intentionally inflicted by the manager,  
14 agent, master, owner, or operator.”.

15 (c) Section 20 of chapter 153 of the Act of March  
16 4, 1915 (46 App. 688) is amended by adding a new sub-  
17 section to read as follows:

18 “(c) LIMITATION FOR CERTAIN ALIENS IN CASE OF  
19 CONTRACTUAL ALTERNATIVE FORUM.—

20 “(1) No action may be maintained under sub-  
21 section (a) or under any other maritime law of the  
22 United States for maintenance and cure or for dam-  
23 ages for the injury or death of a person who was not  
24 a citizen or permanent legal resident alien of the  
25 United States at the time of the incident giving rise

1 to the action, if the incident giving rise to the action  
2 occurred while the person was employed on board a  
3 vessel documented other than under the laws of the  
4 United States, which vessel was owned by an entity  
5 organized other than under the laws of the United  
6 States or by a person who is not a citizen or perma-  
7 nent legal resident alien.

8 “(2) The provisions of paragraph (1) shall only  
9 apply if—

10 “(A) the incident giving rise to the action  
11 occurred while the person bringing the action  
12 was a party to a contract of employment or was  
13 subject to a collective bargaining agreement  
14 which, by its terms, provided for an exclusive  
15 forum for resolution of all such disputes or ac-  
16 tions in a nation other than the United States,  
17 a remedy is available to the person under the  
18 laws of that nation, and the party seeking to  
19 dismiss an action under paragraph (1) is willing  
20 to stipulate to jurisdiction under the laws of  
21 such nation as to such incident; or

22 “(B) a remedy is available to the person  
23 bringing the action under the laws of the nation  
24 in which the person maintained citizenship or  
25 permanent residency at the time of the incident

1 giving rise to the action and the party seeking  
2 to dismiss an action under paragraph (1) is  
3 willing to stipulate to jurisdiction under the  
4 laws of such nation as to such incident.

5 “(3) The provisions of paragraph (1) of this  
6 subsection shall not be interpreted to require a court  
7 in the United States to accept jurisdiction of any ac-  
8 tions.”.

9 **SEC. 431. LIMITATION ON FEES AND CHARGES WITH RE-**  
10 **SPECT TO FERRIES.**

11 The Secretary of the department in which the Coast  
12 Guard is operating may not assess or collect any fee or  
13 charge with respect to a ferry. Notwithstanding any other  
14 provision of this Act, the Secretary is authorized to reduce  
15 expenditures in an amount equal to the fees or charges  
16 which are not collected or assessed as a result of this sec-  
17 tion.

18 **TITLE V—COAST GUARD**  
19 **REGULATORY REFORM**

20 **SEC. 501. SHORT TITLE.**

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

1 **SEC. 502. SAFETY MANAGEMENT.**

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

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

“Sec.

“3201. Definitions.

“3202. Application.

“3203. Safety management system.

“3204. Implementation of safety management system.

“3205. Certification.

6 **“§ 3201. Definitions**

7 “In this chapter—

8 “(1) ‘International Safety Management Code’  
9 has the same meaning given that term in chapter IX  
10 of the Annex to the International Convention for the  
11 Safety of Life at Sea, 1974;

12 “(2) ‘responsible person’ means—

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

15 “(B) any other person that has—

16 “(i) assumed the responsibility for op-  
17 eration of a vessel to which this chapter  
18 applies from the owner; and

19 “(ii) agreed to assume with respect to  
20 the vessel responsibility for complying with  
21 all the requirements of this chapter and

1 the regulations prescribed under this chap-  
2 ter;

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

5 “(A) arriving at a place under the jurisdic-  
6 tion of the United States from a place in a for-  
7 eign country;

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

10 “(C) departing from a place under the ju-  
11 risdiction of the United States for a place in a  
12 foreign country.

13 **“§ 3202. Application**

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

16 “(1) Beginning July 1, 1998—

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

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

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

1       “(b) VOLUNTARY APPLICATION.—This chapter ap-  
2 plies to a vessel not described in subsection (a) of this  
3 section if the owner of the vessel requests the Secretary  
4 to apply this chapter to the vessel.

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

7           “(1) a barge;

8           “(2) a recreational vessel not engaged in com-  
9 mercial service;

10          “(3) a fishing vessel;

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

13          “(5) a public vessel.

14 **“§ 3203. Safety management system**

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

19           “(1) a safety and environmental protection pol-  
20 icy;

21           “(2) instructions and procedures to ensure safe  
22 operation of those vessels and protection of the envi-  
23 ronment in compliance with international and Unit-  
24 ed States law;



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

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

6           “(5) procedures for preparing for and respond-  
7           ing to emergency situations; and

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

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

14         **“§ 3204. Implementation of safety management sys-**  
15                 **tem**

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

22          “(b) APPROVAL.—Upon receipt of a safety manage-  
23         ment plan submitted under subsection (a), the Secretary  
24         shall review the plan and approve it if the Secretary deter-  
25         mines that it is consistent with and will assist in imple-

1 menting the safety management system established under  
2 section 3203.

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

9 **“§ 3205. Certification**

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

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

22 “(c) VERIFICATION OF COMPLIANCE.—The Secretary  
23 shall—

24 “(1) periodically review whether a responsible  
25 person having a safety management plan approved

1 under section 3204(b) and each vessel to which the  
2 plan applies is complying with the plan; and

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

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

19 (b) CLERICAL AMENDMENT.—The table of chapters  
20 at the beginning of subtitle II of title 46, United States  
21 Code, is amended by inserting after the item relating to  
22 chapter 31 the following:

“**32. Management of vessels** ..... **3201**”.

23 (c) STUDY.—

24 (1) STUDY.—The Secretary of Transportation  
25 shall conduct, in cooperation with the owners,

1 charterers, and managing operators of vessels docu-  
2 mented under chapter 121 of title 46, United States  
3 Code, and other interested persons, a study of the  
4 methods that may be used to implement and enforce  
5 the International Management Code for the Safe  
6 Operation of Ships and for Pollution Prevention  
7 under chapter IX of the Annex to the International  
8 Convention for the Safety of Life at Sea, 1974.

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

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

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

17 **SEC. 503. USE OF REPORTS, DOCUMENTS, RECORDS, AND**  
18 **EXAMINATIONS OF OTHER PERSONS.**

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

22 **“§ 3103. Use of reports, documents, and records**

23 “The Secretary may rely, as evidence of compliance  
24 with this subtitle, on—

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

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

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

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

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

12       **SEC. 504. EQUIPMENT APPROVAL.**

13          (a) IN GENERAL.—Section 3306(b) of title 46, Unit-  
14          ed States Code, is amended to read as follows:

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

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

23                 “(A) the design standards and testing proce-  
24                 dures used by that government meet the require-

1       ments of the International Convention for the Safety  
2       of Life at Sea, 1974;

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

7           “(C) for lifesaving equipment, the foreign gov-  
8       ernment—

9           “(i) has given equivalent treatment to ap-  
10       provals of lifesaving equipment by the Sec-  
11       retary; and

12           “(ii) otherwise ensures that lifesaving  
13       equipment approved by the Secretary may be  
14       used on vessels that are documented and sub-  
15       ject to inspection under the laws of that coun-  
16       try.”.

17       (b) FOREIGN APPROVALS.—The Secretary of Trans-  
18       portation, in consultation with other interested Federal  
19       agencies, shall work with foreign governments to have  
20       those governments approve the use of the same equipment  
21       and materials on vessels documented under the laws of  
22       those countries that the Secretary requires on United  
23       States documented vessels.

24       (c) TECHNICAL AMENDMENT.—Section 3306(a)(4)  
25       of title 46, United States Code, is amended by striking

1 “clauses (1)–(3)” and inserting “paragraphs (1), (2), and  
2 (3)”.

3 **SEC. 505. FREQUENCY OF INSPECTION.**

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

6 (1) in paragraph (1)—

7 (A) by striking “nautical school vessel”  
8 and inserting “, nautical school vessel, and  
9 small passenger vessel allowed to carry more  
10 than 12 passengers on a foreign voyage”; and

11 (B) by adding “and” after the semicolon  
12 at the end;

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

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

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

20 **SEC. 506. CERTIFICATE OF INSPECTION.**

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

1 **SEC. 507. DELEGATION OF AUTHORITY OF SECRETARY TO**  
2 **CLASSIFICATION SOCIETIES.**

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

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

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

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

9 (A) redesignating paragraph (2) as para-  
10 graph (3); and

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

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

19 “(A) review and approve plans required for is-  
20 suing a certificate of inspection required by this  
21 part;

22 “(B) conduct inspections and examinations; and

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

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



1           “(A) to the extent that the government of the  
2 foreign country in which the society is headquartered  
3 delegates authority and provides access to the Amer-  
4 ican Bureau of Shipping to inspect, certify, and pro-  
5 vide related services to vessels documented in that  
6 country; and

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

9           (b) CONFORMING AMENDMENTS.—

10           (1) The heading for section 3316 of title 46,  
11 United States Code, is amended to read as follows:

12 **“§ 3316. Classification societies”.**

13           (2) The table of sections for chapter 33 of title  
14 46, United States Code, is amended by striking the  
15 item relating to section 3316 and inserting the fol-  
16 lowing:

“3316. Classification societies.”.

17 **TITLE VI—DOCUMENTATION OF**  
18 **VESSELS**

19 **SEC. 601. AUTHORITY TO ISSUE COASTWISE ENDORSE-**  
20 **MENTS.**

21           Section 12106 of title 46, United States Code, is fur-  
22 ther amended by adding at the end the following new sub-  
23 section:

24           “(g) A coastwise endorsement may be issued for a  
25 vessel that—

- 1           “(1) is less than 200 gross tons;  
 2           “(2) is eligible for documentation;  
 3           “(3) was built in the United States; and  
 4           “(4) was—  
 5                 “(A) sold foreign in whole or in part; or  
 6                 “(B) placed under foreign registry.”.

7 **SEC. 602. VESSEL DOCUMENTATION FOR CHARITY**  
 8           **CRUISES.**

9           (a) AUTHORITY TO DOCUMENT VESSELS.—

10           (1) IN GENERAL.—Notwithstanding section 27  
 11           of the Merchant Marine Act, 1920 (46 App. U.S.C.  
 12           883), the Act of June 19, 1886 (46 App. U.S.C.  
 13           289), and section 12106 of title 46, United States  
 14           Code, and subject to paragraph (2), the Secretary of  
 15           Transportation may issue a certificate of documenta-  
 16           tion with a coastwise endorsement for each of the  
 17           following vessels:

18                 (A) GALLANT LADY (Feadship hull  
 19                 number 645, approximately 130 feet in length).

20                 (B) GALLANT LADY (Feadship hull  
 21                 number 651, approximately 172 feet in length).

22           (2) LIMITATION ON OPERATION.—Coastwise  
 23           trade authorized under a certificate of documenta-  
 24           tion issued for a vessel under this section shall be  
 25           limited to carriage of passengers in association with

1 contributions to charitable organizations no portion  
2 of which is received, directly or indirectly, by the  
3 owner of the vessel.

4 (3) CONDITION.—The Secretary may not issue  
5 any certificate of documentation under paragraph  
6 (1) unless the owner of the vessel referred to in  
7 paragraph (1)(A) (in this section referred to as the  
8 “owner”), within 90 days after the date of the en-  
9 actment of this Act, submits to the Secretary a let-  
10 ter expressing the intent of the owner to enter into  
11 a contract before October 1, 1996, for construction  
12 in the United States of a passenger vessel of at least  
13 130 feet in length.

14 (4) EFFECTIVE DATE OF CERTIFICATES.—A  
15 certificate of documentation issued under paragraph  
16 (1)—

17 (A) for the vessel referred to in paragraph  
18 (1)(A), shall take effect on the date of issuance  
19 of the certificate; and

20 (B) for the vessel referred to in paragraph  
21 (1)(B), shall take effect on the date of delivery  
22 of the vessel to the owner.

23 (b) TERMINATION OF EFFECTIVENESS OF CERTIFI-  
24 CATES.—A certificate of documentation issued for a vessel  
25 under section (a)(1) shall expire—

1 (1) on the date of the sale of the vessel by the  
2 owner;

3 (2) on October 1, 1996, if the owner has not  
4 entered into a contract for construction of a vessel  
5 in accordance with the letter of intent submitted to  
6 the Secretary under subsection (a)(3); and

7 (3) on any date on which such a contract is  
8 breached, rescinded, or terminated (other than for  
9 completion of performance of the contract) by the  
10 owner.

11 **SEC. 603. EXTENSION OF DEADLINE FOR CONVERSION OF**  
12 **VESSEL M/V TWIN DRILL.**

13 Section 601(d) of Public Law 103–206 (107 Stat.  
14 2445) is amended—

15 (1) in paragraph (3), by striking “1995” and  
16 inserting “1996”; and

17 (2) in paragraph (4), by striking “12” and in-  
18 serting “24”.

19 **SEC. 604. DOCUMENTATION OF VESSEL RAINBOW'S END.**

20 Notwithstanding section 27 of the Merchant Marine  
21 Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886  
22 (46 App. U.S.C. 289), and sections 12106, 12107, and  
23 12108 of title 46, United States Code, the Secretary of  
24 Transportation may issue a certificate of documentation  
25 with appropriate endorsements for employment in the

1 coastwise trade, Great Lakes trade, and the fisheries for  
2 the vessel RAINBOW'S END (official number 1026899;  
3 hull identification number MY13708C787).

4 **SEC. 605. DOCUMENTATION OF VESSEL GLEAM.**

5 Notwithstanding section 27 of the Merchant Marine  
6 Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886  
7 (46 App. U.S.C. 289), and section 12106 of title 46, Unit-  
8 ed States Code, the Secretary of Transportation may issue  
9 a certificate of documentation with appropriate endorse-  
10 ment for employment in the coastwise trade for the vessel  
11 GLEAM (United States official number 921594).

12 **SEC. 606. DOCUMENTATION OF VARIOUS VESSELS.**

13 (a) IN GENERAL.—Notwithstanding section 27 of the  
14 Merchant Marine Act, 1920 (46 App. U.S.C. 883), the  
15 Act of June 19, 1886 (46 App. U.S.C. 289), the Act of  
16 May 28, 1906 (46 App. U.S.C. 292), and sections 12106,  
17 12107, and 12108 of title 46, United States Code, the  
18 Secretary of the department in which the Coast Guard is  
19 operating may issue a certificate of documentation with  
20 appropriate endorsements for each of the vessels listed in  
21 subsection (b).

22 (b) VESSELS DESCRIBED.—The vessels referred to in  
23 subsection (a) are the following:

24 (1) ANNAPOLIS (United States official num-  
25 ber 999008).

1           (2) CHESAPEAKE (United States official  
2           number 999010).

3           (3) CONSORT (United States official number  
4           999005).

5           (4) CURTIS BAY (United States official num-  
6           ber 999007).

7           (5) HAMPTON ROADS (United States official  
8           number 999009).

9           (6) JAMESTOWN (United States official num-  
10          ber 999006).

11          (7) 2 barges owned by Roen Salvage (a cor-  
12          poration organized under the laws of the State of  
13          Wisconsin) and numbered by that company as barge  
14          103 and barge 203.

15          (8) RATTLESNAKE (Canadian registry offi-  
16          cial number 802702).

17          (9) CAROLYN (Tennessee State registration  
18          number TN1765C).

19          (10) SMALLEY (6808 Amphibious Dredge,  
20          Florida State registration number FL1855FF).

21          (11) BEULA LEE (United States official num-  
22          ber 928211).

23          (12) FINESSE (Florida State official number  
24          7148HA).

1           (13) WESTEJORD (Hull Identification Num-  
2           ber X-53-109).

3           (14) MAGIC CARPET (United States official  
4           number 278971).

5           (15) AURA (United States official number  
6           1027807).

7           (16) ABORIGINAL (United States official  
8           number 942118).

9           (17) ISABELLE (United States official num-  
10          ber 600655).

11          (18) 3 barges owned by the Harbor Marine  
12          Corporation (a corporation organized under the laws  
13          of the State of Rhode Island) and referred to by  
14          that company as Harbor 221, Harbor 223, and  
15          Gene Elizabeth.

16          (19) SHAMROCK V (United States official  
17          number 900936).

18          (20) ENDEAVOUR (United States official  
19          number 947869).

20          (21) CHRISSY (State of Maine registration  
21          number 4778B).

22          (22) EAGLE MAR (United States official num-  
23          ber 575349).

1 **SEC. 607. DOCUMENTATION OF 4 BARGES.**

2 (a) IN GENERAL.—Notwithstanding section 27 of the  
3 Merchant Marine Act, 1920 (46 App. U.S.C. 883), section  
4 1 of the Act of May 28, 1906 (46 App. U.S.C. 292), and  
5 section 12106 of title 46, United States Code, the Sec-  
6 retary of Transportation may issue a certificate of docu-  
7 mentation with appropriate endorsements for each of the  
8 vessels listed in subsection (b).

9 (b) VESSELS DESCRIBED.—The vessels referred to in  
10 subsection (a) are 4 barges owned by McLean Contracting  
11 Company (a corporation organized under the laws of the  
12 State of Maryland) and numbered by that company as fol-  
13 lows:

- 14 (1) Barge 76 (official number 1030612).  
15 (2) Barge 77 (official number 1030613).  
16 (3) Barge 78 (official number 1030614).  
17 (4) Barge 100 (official number 1030615).

18 **SEC. 608. LIMITED WAIVER FOR ENCHANTED ISLE AND EN-**  
19 **CHANTED SEAS.**

20 Notwithstanding section 27 of the Merchant Marine  
21 Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886  
22 (46 App. U.S.C. 289), section 12106 of title 46, United  
23 States Code, section 506 of the Merchant Marine Act,  
24 1936 (46 App. U.S.C. 1156), and any agreement with the  
25 United States Government, the Secretary of Transpor-  
26 tation may issue a certificate of documentation with a



1 coastwise endorsement for the vessels ENCHANTED  
2 ISLE (Panamanian official number 14087–84B) and EN-  
3 CHANTED SEAS (Panamanian official number 14064–  
4 84D), except that the vessels may not operate between or  
5 among islands in the State of Hawaii.

6 **SEC. 609. LIMITED WAIVER FOR MV PLATTE.**

7 Notwithstanding any other law or any agreement  
8 with the United States Government, the vessel MV  
9 PLATTE (ex-SPIRIT OF TEXAS) (United States offi-  
10 cial number 653210) may be sold to a person that is not  
11 a citizen of the United States and transferred to or placed  
12 under a foreign registry.

13 **TITLE VII—TECHNICAL AND**  
14 **CONFORMING AMENDMENTS**

15 **SEC. 701. AMENDMENT OF INLAND NAVIGATION RULES.**

16 Section 2 of the Inland Navigational Rules Act of  
17 1980 is amended—

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

20 “(i) In a narrow channel or fairway when overtaking,  
21 the power-driven vessel intending to overtake another  
22 power-driven vessel shall indicate her intention by sound-  
23 ing the appropriate signal prescribed in Rule 34(c) and  
24 take steps to permit safe passing. The power-driven vessel  
25 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) in Rule 15(b) (33 U.S.C. 2015(b)) by in-  
5 serting “power-driven” after “Secretary, a”;

6 (3) in Rule 23(a)(i) (33 U.S.C. 2023(a)(i))  
7 after “masthead light forward”; by striking “except  
8 that a vessel of less than 20 meters in length need  
9 not exhibit this light forward of amidships but shall  
10 exhibit it as far forward as is practicable;”;

11 (4) by amending Rule 24(f) (33 U.S.C.  
12 2024(f)) to read as follows:

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

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

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

22 “(iii) when vessels are towed alongside on both  
23 sides of the towing vessels a stern light shall be ex-  
24 hibited on the stern of the outboard vessel on each  
25 side of the towing vessel, and a single set of

1 sidelights as far forward and as far outboard as is  
2 practicable, and a single special flashing light.”;

3 (5) in Rule 26 (33 U.S.C 2026)—

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

8 (B) by amending subsection (d) to read as  
9 follows:

10 “(d) The additional signals described in Annex II to  
11 these Rules apply to a vessel engaged in fishing in close  
12 proximity to other vessels engaged in fishing.”; and

13 (6) by amending Rule 34(h) (33 U.S.C. 2034)  
14 to read as follows:

15 “(h) A vessel that reaches agreement with another  
16 vessel in a head-on, crossing, or overtaking situation, as  
17 for example, by using the radiotelephone as prescribed by  
18 the Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat.  
19 164; 33 U.S.C. 1201 et seq.), is not obliged to sound the  
20 whistle signals prescribed by this rule, but may do so. If  
21 agreement is not reached, then whistle signals shall be ex-  
22 changed in a timely manner and shall prevail.”.

23 **SEC. 702. MEASUREMENT OF VESSELS.**

24 Section 14104 of title 46, United States Code, is  
25 amended by redesignating the existing text after the sec-

1 tion heading as subsection (a) and by adding at the end  
2 the following new subsection:

3 “(b) If a statute allows for an alternate tonnage to  
4 be prescribed under this section, the Secretary may pre-  
5 scribe it by regulation. The alternate tonnage shall, to the  
6 maximum extent possible, be equivalent to the statutorily  
7 established tonnage. Until an alternate tonnage is pre-  
8 scribed, the statutorily established tonnage shall apply to  
9 vessels measured under chapter 143 or chapter 145 of this  
10 title.”.

11 **SEC. 703. LONGSHORE AND HARBOR WORKERS COMPENSA-**  
12 **TION.**

13 Section 3(d)(3)(B) of the Longshore and Harbor  
14 Workers’ Compensation Act (33 U.S.C. 903(d)(3)(B)) is  
15 amended by inserting after “1,600 tons gross” the follow-  
16 ing: “as measured under section 14502 of title 46, United  
17 States Code, or an alternate tonnage measured under sec-  
18 tion 14302 of that title as prescribed by the Secretary  
19 under section 14104 of that title”.

20 **SEC. 704. RADIOTELEPHONE REQUIREMENTS.**

21 Section 4(a)(2) of the Vessel Bridge-to-Bridge Radio-  
22 telephone Act (33 U.S.C. 1203(a)(2)) is amended by in-  
23 serting after “one hundred gross tons” the following “as  
24 measured under section 14502 of title 46, United States  
25 Code, or an alternate tonnage measured under section

1 14302 of that title as prescribed by the Secretary under  
2 section 14104 of that title.”.

3 **SEC. 705. VESSEL OPERATING REQUIREMENTS.**

4 Section 4(a)(3) of the Ports and Waterways Safety  
5 Act (33 U.S.C. 1223(a)(3)) is amended by inserting after  
6 “300 gross tons” the following: “as measured under sec-  
7 tion 14502 of title 46, United States Code, or an alternate  
8 tonnage measured under section 14302 of that title as pre-  
9 scribed by the Secretary under section 14104 of that  
10 title”.

11 **SEC. 706. MERCHANT MARINE ACT, 1920.**

12 Section 27A of the Merchant Marine Act, 1920 (46  
13 U.S.C. App. 883–1), is amended by inserting after “five  
14 hundred gross tons” the following: “as measured under  
15 section 14502 of title 46, United States Code, or an alter-  
16 nate tonnage measured under section 14302 of that title  
17 as prescribed by the Secretary under section 14104 of that  
18 title.”.

19 **SEC. 707. MERCHANT MARINE ACT, 1956.**

20 Section 2 of the Act of June 14, 1956 (46 U.S.C.  
21 App. 883a), is amended by inserting after “five hundred  
22 gross tons” the following: “as measured under section  
23 14502 of title 46, United States Code, or an alternate ton-  
24 nage measured under section 14302 of that title as pre-

1 scribed by the Secretary under section 14104 of that  
2 title”.

3 **SEC. 708. MARITIME EDUCATION AND TRAINING.**

4 Section 1302(4)(A) of the Merchant Marine Act,  
5 1936 (46 U.S.C. App. 1295a(4)(a)) is amended by insert-  
6 ing after “1,000 gross tons or more” the following: “as  
7 measured under section 14502 of title 46, United States  
8 Code, or an alternate tonnage measured under section  
9 14302 of that title as prescribed by the Secretary under  
10 section 14104 of that title”.

11 **SEC. 709. GENERAL DEFINITIONS.**

12 Section 2101 of title 46, United States Code, is  
13 amended—

14 (1) in paragraph (13), by inserting after “15  
15 gross tons” the following: “as measured under sec-  
16 tion 14502 of title 46, United States Code, or an al-  
17 ternate tonnage measured under section 14302 of  
18 that title as prescribed by the Secretary under sec-  
19 tion 14104 of that title”;

20 (2) in paragraph (13a), by inserting after  
21 “3,500 gross tons” the following: “as measured  
22 under section 14502 of title 46, United States Code,  
23 or an alternate tonnage measured under section  
24 14302 of that title as prescribed by the Secretary  
25 under section 14104 of that title”;

1           (3) in paragraph (19), by inserting after “500  
2 gross tons” the following: “as measured under sec-  
3 tion 14502 of title 46, United States Code, or an al-  
4 ternate tonnage measured under section 14302 of  
5 that title as prescribed by the Secretary under sec-  
6 tion 14104 of that title”;

7           (4) in paragraph (22), by inserting after “100  
8 gross tons” the following: “as measured under sec-  
9 tion 14502 of title 46, United States Code, or an al-  
10 ternate tonnage measured under section 14302 of  
11 that title as prescribed by the Secretary under sec-  
12 tion 14104 of that title”;

13           (5) in paragraph (30)(A), by inserting after  
14 “500 gross tons” the following: “as measured under  
15 section 14502 of title 46, United States Code, or an  
16 alternate tonnage measured under section 14302 of  
17 that title as prescribed by the Secretary under sec-  
18 tion 14104 of that title”;

19           (6) in paragraph (32), by inserting after “100  
20 gross tons” the following: “as measured under sec-  
21 tion 14502 of title 46, United States Code, or an al-  
22 ternate tonnage measured under section 14302 of  
23 that title as prescribed by the Secretary under sec-  
24 tion 14104 of that title”;

1           (7) in paragraph (33), by inserting after “300  
2 gross tons” the following: “as measured under sec-  
3 tion 14502 of title 46, United States Code, or an al-  
4 ternate tonnage measured under section 14302 of  
5 that title as prescribed by the Secretary under sec-  
6 tion 14104 of that title”;

7           (8) in paragraph (35), by inserting after “100  
8 gross tons” the following: “as measured under sec-  
9 tion 14502 of title 46, United States Code, or an al-  
10 ternate tonnage measured under section 14302 of  
11 that title as prescribed by the Secretary under sec-  
12 tion 14104 of that title”; and

13           (9) in paragraph (42), by inserting after “100  
14 gross tons” each place it appears, the following: “as  
15 measured under section 14502 of title 46, United  
16 States Code, or an alternate tonnage measured  
17 under section 14302 of that title as prescribed by  
18 the Secretary under section 14104 of that title”.

19 **SEC. 710. AUTHORITY TO EXEMPT 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 following: “as measured under section 14502 of  
25 title 46, United States Code, or an alternate tonnage



1 measured under section 14302 of that title as pre-  
2 scribed by the Secretary under section 14104 of that  
3 title”; and

4 (2) in paragraph (5), by inserting after “at  
5 least 100 gross tons but less than 500 gross tons”  
6 the following: “as measured under section 14502 of  
7 title 46, United States Code, or an alternate tonnage  
8 measured under section 14302 of that title as pre-  
9 scribed by the Secretary under section 14104 of that  
10 title”.

11 **SEC. 711. INSPECTION OF VESSELS.**

12 Section 3302 of title 46, United States Code, is  
13 amended—

14 (1) in subsection (c)(1), by inserting after  
15 “5,000 gross tons” the following: “as measured  
16 under section 14502 of title 46, United States Code,  
17 or an alternate tonnage measured under section  
18 14302 of that title as prescribed by the Secretary  
19 under section 14104 of that title”;

20 (2) in subsection (c)(2), by inserting after “500  
21 gross tons” the following: “as measured under sec-  
22 tion 14502 of title 46, United States Code, or an al-  
23 ternate tonnage measured under section 14302 of  
24 that title as prescribed by the Secretary under sec-  
25 tion 14104 of that title”;

1           (3) in subsection (c)(3), by inserting after “500  
2 gross tons” the following: “as measured under sec-  
3 tion 14502 of title 46, United States Code, or an al-  
4 ternate tonnage measured under section 14302 of  
5 that title as prescribed by the Secretary under sec-  
6 tion 14104 of that title”;

7           (4) in subsection (c)(4)(A), by inserting after  
8 “500 gross tons” the following: “as measured under  
9 section 14502 of title 46, United States Code, or an  
10 alternate tonnage measured under section 14302 of  
11 that title as prescribed by the Secretary under sec-  
12 tion 14104 of that title”;

13           (5) in subsection (d)(1), by inserting after “150  
14 gross tons” the following: “as measured under sec-  
15 tion 14502 of title 46, United States Code, or an al-  
16 ternate tonnage measured under section 14302 of  
17 that title as prescribed by the Secretary under sec-  
18 tion 14104 of that title”;

19           (6) in subsection (i)(1)(A), by inserting after  
20 “300 gross tons” the following: “as measured under  
21 section 14502 of title 46, United States Code, or an  
22 alternate tonnage measured under section 14302 of  
23 that title as prescribed by the Secretary under sec-  
24 tion 14104 of that title”; and

1           (7) in subsection (j), by inserting after “15  
2 gross tons” the following: “as measured under sec-  
3 tion 14502 of title 46, United States Code, or an al-  
4 ternate tonnage measured under section 14302 of  
5 that title as prescribed by the Secretary under sec-  
6 tion 14104 of that title”.

7 **SEC. 712. REGULATIONS.**

8           Section 3306 of title 46, United States Code, is  
9 amended—

10           (1) in subsection (h), by inserting after “at  
11 least 100 gross tons but less than 300 gross tons”  
12 the following: “as measured under section 14502 of  
13 title 46, United States Code, or an alternate tonnage  
14 measured under section 14302 of that title as pre-  
15 scribed by the Secretary under section 14104 of that  
16 title”; and

17           (2) in subsection (i), by inserting after “at least  
18 100 gross tons but less than 500 gross tons” the fol-  
19 lowing: “as measured under section 14502 of title  
20 46, United States Code, or an alternate tonnage  
21 measured under section 14302 of that title as pre-  
22 scribed by the Secretary under section 14104 of that  
23 title”.

1 **SEC. 713. PENALTIES—INSPECTION OF VESSELS.**

2 Section 3318 of title 46, United States Code, is  
3 amended—

4 (1) in subsection (a), by inserting after “100  
5 gross tons” the following: “as measured under sec-  
6 tion 14502 of title 46, United States Code, or an al-  
7 ternate tonnage measured under section 14302 of  
8 that title as prescribed by the Secretary under sec-  
9 tion 14104 of that title”; and

10 (2) in subsection (j)(1), by inserting after  
11 “1,600 gross tons” the following: “as measured  
12 under section 14502 of title 46, United States Code,  
13 or an alternate tonnage measured under section  
14 14302 of that title as prescribed by the Secretary  
15 under section 14104 of that title”.

16 **SEC. 714. APPLICATION—TANK VESSELS.**

17 Section 3702 of title 46, United States Code, is  
18 amended—

19 (1) in subsection (b)(1), by inserting after “500  
20 gross tons” the following: “as measured under sec-  
21 tion 14502 of title 46, United States Code, or an al-  
22 ternate tonnage measured under section 14302 of  
23 that title as prescribed by the Secretary under sec-  
24 tion 14104 of that title”;

25 (2) in subsection (c), by inserting after “500  
26 gross tons” the following: “as measured under sec-

1 tion 14502 of title 46, United States Code, or an al-  
2 ternate tonnage measured under section 14302 of  
3 that title as prescribed by the Secretary under sec-  
4 tion 14104 of that title”; and

5 (3) in subsection (d), by inserting after “5,000  
6 gross tons” the following: “as measured under sec-  
7 tion 14502 of title 46, United States Code, or an al-  
8 ternate tonnage measured under section 14302 of  
9 that title as prescribed by the Secretary under sec-  
10 tion 14104 of that title”.

11 **SEC. 715. TANK VESSEL CONSTRUCTION STANDARDS.**

12 Section 3703a of title 46, United States Code, is  
13 amended—

14 (1) in subsection (b)(2), by inserting after  
15 “5,000 gross tons” the following: “as measured  
16 under section 14502 of title 46, United States Code,  
17 or an alternate tonnage measured under section  
18 14302 of that title as prescribed by the Secretary  
19 under section 14104 of that title”;

20 (2) in subsection (c)(2), by inserting after  
21 “5,000 gross tons” each place it appears the follow-  
22 ing: “as measured under section 14502 of title 46,  
23 United States Code, or an alternate tonnage meas-  
24 ured under section 14302 of that title as prescribed  
25 by the Secretary under section 14104 of that title”;

1           (3) in subsection (c)(3)(A), by inserting after  
2           “15,000 gross tons” the following: “as measured  
3           under section 14502 of title 46, United States Code,  
4           or an alternate tonnage measured under section  
5           14302 of that title as prescribed by the Secretary  
6           under section 14104 of that title”;

7           (4) in subsection (c)(3)(B), by inserting after  
8           “30,000 gross tons” the following: “as measured  
9           under section 14502 of title 46, United States Code,  
10          or an alternate tonnage measured under section  
11          14302 of that title as prescribed by the Secretary  
12          under section 14104 of that title”; and

13          (5) in subsection (c)(3)(C), by inserting after  
14          “30,000 gross tons” the following: “as measured  
15          under section 14502 of title 46, United States Code,  
16          or an alternate tonnage measured under section  
17          14302 of that title as prescribed by the Secretary  
18          under section 14104 of that title”.

19 **SEC. 716. TANKER MINIMUM STANDARDS.**

20          Section 3707 of title 46, United States Code, is  
21 amended—

22          (1) in subsection (a), by inserting after “10,000  
23          gross tons” the following: “as measured under sec-  
24          tion 14502 of title 46, United States Code, or an al-  
25          ternate tonnage measured under section 14302 of

1 that title as prescribed by the Secretary under sec-  
2 tion 14104 of that title”; and

3 (2) in subsection (b), by inserting after “10,000  
4 gross tons” the following: “as measured under sec-  
5 tion 14502 of title 46, United States Code, or an al-  
6 ternate tonnage measured under section 14302 of  
7 that title as prescribed by the Secretary under sec-  
8 tion 14104 of that title”.

9 **SEC. 717. SELF-PROPELLED TANK VESSEL MINIMUM**  
10 **STANDARDS.**

11 Section 3708 of title 46, United States Code, is  
12 amended by inserting after “10,000 gross tons” the fol-  
13 lowing: “as measured under section 14502 of title 46,  
14 United States Code, or an alternate tonnage measured  
15 under section 14302 of that title as prescribed by the Sec-  
16 retary under section 14104 of that title”.

17 **SEC. 718. DEFINITION—ABANDONMENT OF BARGES.**

18 Section 4701(1) of title 46, United States Code, is  
19 amended by inserting after “100 gross tons” the following:  
20 “as measured under section 14502 of title 46, United  
21 States Code, or an alternate tonnage measured under sec-  
22 tion 14302 of that title as prescribed by the Secretary  
23 under section 14104 of that title”.

1 **SEC. 719. APPLICATION—LOAD LINES.**

2 Section 5102(b) of title 46, United States Code, is  
3 amended—

4 (1) in paragraph (4), by inserting after “5,000  
5 gross tons” the following: “as measured under sec-  
6 tion 14502 of title 46, United States Code, or an al-  
7 ternate tonnage measured under section 14302 of  
8 that title as prescribed by the Secretary under sec-  
9 tion 14104 of that title”;

10 (2) in paragraph (5), by inserting after “500  
11 gross tons” the following: “as measured under sec-  
12 tion 14502 of title 46, United States Code, or an al-  
13 ternate tonnage measured under section 14302 of  
14 that title as prescribed by the Secretary under sec-  
15 tion 14104 of that title”; and

16 (3) in paragraph (10), by inserting after “150  
17 gross tons” the following: “as measured under sec-  
18 tion 14502 of title 46, United States Code, or an al-  
19 ternate tonnage measured under section 14302 of  
20 that title as prescribed by the Secretary under sec-  
21 tion 14104 of that title”.

22 **SEC. 720. LICENSING OF INDIVIDUALS.**

23 Section 7101(e)(3) of title 46, United States Code,  
24 is amended by inserting after “1,600 gross tons” the fol-  
25 lowing: “as measured under section 14502 of title 46,  
26 United States Code, or an alternate tonnage measured



1 under section 14302 of that title as prescribed by the Sec-  
2 retary under section 14104 of that title”.

3 **SEC. 721. ABLE SEAMEN—LIMITED.**

4 Section 7308 of title 46, United States Code, is  
5 amended by inserting after “100 gross tons” the following:  
6 “as measured under section 14502 of title 46, United  
7 States Code, or an alternate tonnage measured under sec-  
8 tion 14302 of that title as prescribed by the Secretary  
9 under section 14104 of that title”.

10 **SEC. 722. ABLE SEAMEN—OFFSHORE SUPPLY VESSELS.**

11 Section 7310 of title 46, United States Code, is  
12 amended by inserting after “500 gross tons” the following:  
13 “as measured under section 14502 of title 46, United  
14 States Code, or an alternate tonnage measured under sec-  
15 tion 14302 of that title as prescribed by the Secretary  
16 under section 14104 of that title”.

17 **SEC. 723. SCALE OF EMPLOYMENT—ABLE SEAMEN.**

18 Section 7312 of title 46, United States Code, is  
19 amended—

20 (1) in subsection (b), by inserting after “1,600  
21 gross tons” the following: “as measured under sec-  
22 tion 14502 of title 46, United States Code, or an al-  
23 ternate tonnage measured under section 14302 of  
24 that title as prescribed by the Secretary under sec-  
25 tion 14104 of that title”;

1           (2) in subsection (c)(1), by inserting after “500  
2 gross tons” the following: “as measured under sec-  
3 tion 14502 of title 46, United States Code, or an al-  
4 ternate tonnage measured under section 14302 of  
5 that title as prescribed by the Secretary under sec-  
6 tion 14104 of that title”;

7           (3) in subsection (d), by inserting after “500  
8 gross tons” the following: “as measured under sec-  
9 tion 14502 of title 46, United States Code, or an al-  
10 ternate tonnage measured under section 14302 of  
11 that title as prescribed by the Secretary under sec-  
12 tion 14104 of that title”;

13           (4) in subsection (f)(1), by inserting after  
14 “5,000 gross tons” the following: “as measured  
15 under section 14502 of title 46, United States Code,  
16 or an alternate tonnage measured under section  
17 14302 of that title as prescribed by the Secretary  
18 under section 14104 of that title”; and

19           (5) in subsection (f)(2), by inserting after  
20 “5,000 gross tons” the following: “as measured  
21 under section 14502 of title 46, United States Code,  
22 or an alternate tonnage measured under section  
23 14302 of that title as prescribed by the Secretary  
24 under section 14104 of that title”.

1 **SEC. 724. GENERAL REQUIREMENTS—ENGINE DEPART-**  
2 **MENT.**

3 Section 7313(a) of title 46, United States Code, is  
4 amended by inserting after “100 gross tons” the following:  
5 “as measured under section 14502 of title 46, United  
6 States Code, or an alternate tonnage measured under sec-  
7 tion 14302 of that title as prescribed by the Secretary  
8 under section 14104 of that title”.

9 **SEC. 725. COMPLEMENT OF INSPECTED VESSELS.**

10 Section 8101(h) of title 46, United States Code, is  
11 amended by inserting after “100 gross tons” the following:  
12 “as measured under section 14502 of title 46, United  
13 States Code, or an alternate tonnage measured under sec-  
14 tion 14302 of that title as prescribed by the Secretary  
15 under section 14104 of that title”.

16 **SEC. 726. WATCHMEN.**

17 Section 8102(b) of title 46, United States Code, is  
18 amended by inserting after “100 gross tons” the following:  
19 “as measured under section 14502 of title 46, United  
20 States Code, or an alternate tonnage measured under sec-  
21 tion 14302 of that title as prescribed by the Secretary  
22 under section 14104 of that title”.

23 **SEC. 727. CITIZENSHIP AND NAVAL RESERVE REQUIRE-**  
24 **MENTS.**

25 Section 8103(b)(3)(A) of title 46, United States  
26 Code, is amended by inserting after “1,600 gross tons”

1 the following: “as measured under section 14502 of title  
2 46, United States Code, or an alternate tonnage measured  
3 under section 14302 of that title as prescribed by the Sec-  
4 retary under section 14104 of that title”.

5 **SEC. 728. WATCHES.**

6 Section 8104 of title 46, United States Code, is  
7 amended—

8 (1) in subsection (b), by inserting after “100  
9 gross tons” the following: “as measured under sec-  
10 tion 14502 of title 46, United States Code, or an al-  
11 ternate tonnage measured under section 14302 of  
12 that title as prescribed by the Secretary under sec-  
13 tion 14104 of that title”;

14 (2) in subsection (d), by inserting after “100  
15 gross tons” and after “5,000 gross tons” the follow-  
16 ing: “as measured under section 14502 of title 46,  
17 United States Code, or an alternate tonnage meas-  
18 ured under section 14302 of that title as prescribed  
19 by the Secretary under section 14104 of that title”;

20 (3) in subsection (l)(1), by inserting after  
21 “1,600 gross tons” the following: “as measured  
22 under section 14502 of title 46, United States Code,  
23 or an alternate tonnage measured under section  
24 14302 of that title as prescribed by the Secretary  
25 under section 14104 of that title”;

1           (4) in subsection (m)(1), by inserting after  
2           “1,600 gross tons” the following: “as measured  
3           under section 14502 of title 46, United States Code,  
4           or an alternate tonnage measured under section  
5           14302 of that title as prescribed by the Secretary  
6           under section 14104 of that title”;

7           (5) in subsection (o)(1), by inserting after “500  
8           gross tons” the following: “as measured under sec-  
9           tion 14502 of title 46, United States Code, or an al-  
10          ternate tonnage measured under section 14302 of  
11          that title as prescribed by the Secretary under sec-  
12          tion 14104 of that title”; and

13          (6) in subsection (o)(2), by inserting after “500  
14          gross tons” the following: “as measured under sec-  
15          tion 14502 of title 46, United States Code, or an al-  
16          ternate tonnage measured under section 14302 of  
17          that title as prescribed by the Secretary under sec-  
18          tion 14104 of that title”.

19 **SEC. 729. MINIMUM NUMBER OF LICENSED INDIVIDUALS.**

20          Section 8301 of title 46, United States Code, is  
21 amended—

22          (1) in subsection (a)(2), by inserting after  
23          “1,000 gross tons” the following: “as measured  
24          under section 14502 of title 46, United States Code,  
25          or an alternate tonnage measured under section

1 14302 of that title as prescribed by the Secretary  
2 under section 14104 of that title”;

3 (2) in subsection (a)(3), by inserting after “at  
4 least 200 gross tons but less than 1,000 gross tons”  
5 the following: “as measured under section 14502 of  
6 title 46, United States Code, or an alternate tonnage  
7 measured under section 14302 of that title as pre-  
8 scribed by the Secretary under section 14104 of that  
9 title”;

10 (3) in subsection (a)(4), by inserting after “at  
11 least 100 gross tons but less than 200 gross tons”  
12 the following: “as measured under section 14502 of  
13 title 46, United States Code, or an alternate tonnage  
14 measured under section 14302 of that title as pre-  
15 scribed by the Secretary under section 14104 of that  
16 title”;

17 (4) in subsection (a)(5), by inserting after “300  
18 gross tons” the following: “as measured under sec-  
19 tion 14502 of title 46, United States Code, or an al-  
20 ternate tonnage measured under section 14302 of  
21 that title as prescribed by the Secretary under sec-  
22 tion 14104 of that title”; and

23 (5) in subsection (b), by inserting after “200  
24 gross tons” the following: “as measured under sec-  
25 tion 14502 of title 46, United States Code, or an al-

1 ternate tonnage measured under section 14302 of  
2 that title as prescribed by the Secretary under sec-  
3 tion 14104 of that title”.

4 **SEC. 730. OFFICERS’ COMPETENCY CERTIFICATES CONVEN-**  
5 **TION.**

6 Section 8304(b)(4) of title 46, United States Code,  
7 is amended by inserting after “200 gross tons” the follow-  
8 ing: “as measured under section 14502 of title 46, United  
9 States Code, or an alternate tonnage measured under sec-  
10 tion 14302 of that title as prescribed by the Secretary  
11 under section 14104 of that title”.

12 **SEC. 731. MERCHANT MARINERS’ DOCUMENTS REQUIRED.**

13 Section 8701 of title 46, United States Code, is  
14 amended—

15 (1) in subsection (a), by inserting after “100  
16 gross tons” the following: “as measured under sec-  
17 tion 14502 of title 46, United States Code, or an al-  
18 ternate tonnage measured under section 14302 of  
19 that title as prescribed by the Secretary under sec-  
20 tion 14104 of that title”; and

21 (2) in subsection (a)(6), by inserting after  
22 “1,600 gross tons” the following: “as measured  
23 under section 14502 of title 46, United States Code,  
24 or an alternate tonnage measured under section

1 14302 of that title as prescribed by the Secretary  
2 under section 14104 of that title”.

3 **SEC. 732. CERTAIN CREW REQUIREMENTS.**

4 Section 8702 of title 46, United States Code, is  
5 amended—

6 (1) in subsection (a), by inserting after “100  
7 gross tons” the following: “as measured under sec-  
8 tion 14502 of title 46, United States Code, or an al-  
9 ternate tonnage measured under section 14302 of  
10 that title as prescribed by the Secretary under sec-  
11 tion 14104 of that title”; and

12 (2) in subsection (a)(6), by inserting after  
13 “1,600 gross tons” the following: “as measured  
14 under section 14502 of title 46, United States Code,  
15 or an alternate tonnage measured under section  
16 14302 of that title as prescribed by the Secretary  
17 under section 14104 of that title”.

18 **SEC. 733. FREIGHT VESSELS.**

19 Section 8901 of title 46, United States Code, is  
20 amended by inserting after “100 gross tons” the following:  
21 “as measured under section 14502 of title 46, United  
22 States Code, or an alternate tonnage measured under sec-  
23 tion 14302 of that title as prescribed by the Secretary  
24 under section 14104 of that title”.



1 **SEC. 734. EXEMPTIONS.**

2 Section 8905(b) of title 46, United States Code, is  
3 amended by inserting after “200 gross tons” the following:  
4 “as measured under section 14502 of title 46, United  
5 States Code, or an alternate tonnage measured under sec-  
6 tion 14302 of that title as prescribed by the Secretary  
7 under section 14104 of that title”.

8 **SEC. 735. UNITED STATES REGISTERED PILOT SERVICE.**

9 Section 9303(a)(2) of title 46, United States Code,  
10 is amended by inserting after “4,000 gross tons” the fol-  
11 lowing: “as measured under section 14502 of title 46,  
12 United States Code, or an alternate tonnage measured  
13 under section 14302 of that title as prescribed by the Sec-  
14 retary under section 14104 of that title”.

15 **SEC. 736. DEFINITIONS—MERCHANT SEAMEN PROTECTION.**

16 Section 10101(4)(B) of title 46, United States Code,  
17 is amended by inserting after “1,600 gross tons” the fol-  
18 lowing: “as measured under section 14502 of title 46,  
19 United States Code, or an alternate tonnage measured  
20 under section 14302 of that title as prescribed by the Sec-  
21 retary under section 14104 of that title”.

22 **SEC. 737. APPLICATION—FOREIGN AND INTERCOASTAL**  
23 **VOYAGES.**

24 Section 10301(a)(2) of title 46, United States Code,  
25 is amended by inserting after “75 gross tons” the follow-  
26 ing: “as measured under section 14502 of title 46, United

1 States Code, or an alternate tonnage measured under sec-  
2 tion 14302 of that title as prescribed by the Secretary  
3 under section 14104 of that title”.

4 **SEC. 738. APPLICATION—COASTWISE VOYAGES.**

5 Section 10501(a) of title 46, United States Code, is  
6 amended by inserting after “50 gross tons” the following:  
7 “as measured under section 14502 of title 46, United  
8 States Code, or an alternate tonnage measured under sec-  
9 tion 14302 of that title as prescribed by the Secretary  
10 under section 14104 of that title”.

11 **SEC. 739. FISHING AGREEMENTS.**

12 Section 10601(a)(1) of title 46, United States Code,  
13 is amended by inserting after “20 gross tons” the follow-  
14 ing: “as measured under section 14502 of title 46, United  
15 States Code, or an alternate tonnage measured under sec-  
16 tion 14302 of that title as prescribed by the Secretary  
17 under section 14104 of that title”.

18 **SEC. 740. ACCOMMODATIONS FOR SEAMEN.**

19 Section 11101(a) of title 46, United States Code, is  
20 amended by inserting after “100 gross tons” the following:  
21 “as measured under section 14502 of title 46, United  
22 States Code, or an alternate tonnage measured under sec-  
23 tion 14302 of that title as prescribed by the Secretary  
24 under section 14104 of that title”.

1 **SEC. 741. MEDICINE CHESTS.**

2 Section 11102(a) of title 46, United States Code, is  
3 amended by inserting after “75 gross tons” the following:  
4 “as measured under section 14502 of title 46, United  
5 States Code, or an alternate tonnage measured under sec-  
6 tion 14302 of that title as prescribed by the Secretary  
7 under section 14104 of that title”.

8 **SEC. 742. LOGBOOK AND ENTRY REQUIREMENTS.**

9 Section 11301(a)(2) of title 46, United States Code,  
10 is amended by inserting after “100 gross tons” the follow-  
11 ing: “as measured under section 14502 of title 46, United  
12 States Code, or an alternate tonnage measured under sec-  
13 tion 14302 of that title as prescribed by the Secretary  
14 under section 14104 of that title”.

15 **SEC. 743. COASTWISE ENDORSEMENTS.**

16 Section 12106(c)(1) of title 46, United States Code,  
17 is amended by striking “two hundred gross tons” and in-  
18 serting “200 gross tons as measured under section 14502  
19 of title 46, United States Code, or an alternate tonnage  
20 measured under section 14302 of that title as prescribed  
21 by the Secretary under section 14104 of that title”.

22 **SEC. 744. FISHERY ENDORSEMENTS.**

23 Section 12108(c)(1) of title 46, United States Code,  
24 is amended by striking “two hundred gross tons” and in-  
25 serting “200 gross tons as measured under section 14502  
26 of title 46, United States Code, or an alternate tonnage

1 measured under section 14302 of that title as prescribed  
2 by the Secretary under section 14104 of that title”.

3 **SEC. 745. CLERICAL AMENDMENT.**

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

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

7 (2) in the table of sections at the beginning of  
8 the chapter by striking the first item relating to sec-  
9 tion 12123.

10 **SEC. 746. REPEAL OF GREAT LAKES ENDORSEMENTS.**

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

13 (b) CONFORMING AMENDMENTS.—

14 (1) The analysis at the beginning of chapter  
15 121 of title 46, United States Code, is amended by  
16 striking the item relating to section 12107.

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

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

22 (4) Section 2793 of the Revised Statutes of  
23 the United States (46 App. U.S.C. 111, 123) is  
24 amended—

1 (A) by striking “coastwise, Great Lakes  
2 endorsement” and all that follows through “for-  
3 eign ports,” and inserting “registry endorse-  
4 ment, engaged in foreign trade on the Great  
5 Lakes or their tributary or connecting waters in  
6 trade with Canada,”; and

7 (B) by striking “, as if from or to foreign  
8 ports”.

9 **SEC. 747. CONVENTION TONNAGE FOR LICENSES, CERTIFI-**  
10 **CATES, AND DOCUMENTS.**

11 (a) **AUTHORITY TO USE CONVENTION TONNAGE.**—  
12 Chapter 75 of title 46, United States Code, is amended  
13 by adding at the end the following:

14 **“§ 7506. Convention tonnage for licenses, certificates,**  
15 **and documents**

16 “Notwithstanding any provision of section 14302(c)  
17 or 14305 of this title, the Secretary may—

18 “(1) evaluate the service of an individual who is  
19 applying for a license, a certificate of registry, or a  
20 merchant mariner’s document by using the tonnage  
21 as measured under chapter 143 of this title for the  
22 vessels on which that service was acquired, and

23 “(2) issue the license, certificate, or document  
24 based on that service.”.

1 (b) CLERICAL AMENDMENT.—The analysis to chap-  
2 ter 75 of title 46, United States Code, is amended by add-  
3 ing a new item as follows:

“7506. Convention tonnage for licenses, certificates, and documents.”.

4 **TITLE VIII—COAST GUARD**  
5 **AUXILIARY AMENDMENTS**

6 **SEC. 801. ADMINISTRATION OF THE COAST GUARD AUXIL-**  
7 **IARY.**

8 (a) IN GENERAL.—Section 821 of title 14, United  
9 States Code, is amended to read as follows:

10 **“§ 821. Administration of the Coast Guard Auxiliary**

11 “(a) The Coast Guard Auxiliary is a nonmilitary or-  
12 ganization administered by the Commandant under the di-  
13 rection of the Secretary. For command, control, and ad-  
14 ministrative purposes, the Auxiliary shall include such or-  
15 ganizational elements and units as are approved by the  
16 Commandant, including but not limited to, a national  
17 board and staff (to be known as the ‘Auxiliary head-  
18 quarters unit’), districts, regions, divisions, flotillas, and  
19 other organizational elements and units. The Auxiliary or-  
20 ganization and its officers shall have such rights, privi-  
21 leges, powers, and duties as may be granted to them by  
22 the Commandant, consistent with this title and other ap-  
23 plicable provisions of law. The Commandant may delegate  
24 to officers of the Auxiliary the authority vested in the  
25 Commandant by this section, in the manner and to the

1 extent the Commandant considers necessary or appro-  
2 priate for the functioning, organization, and internal ad-  
3 ministration of the Auxiliary.

4 “(b) Each organizational element or unit of the Coast  
5 Guard Auxiliary organization (but excluding any corpora-  
6 tion formed by an organizational element or unit of the  
7 Auxiliary under subsection (c) of this section), shall, ex-  
8 cept when acting outside the scope of section 822, at all  
9 times be deemed to be an instrumentality of the United  
10 States, for purposes of—

11 “(1) chapter 26 of title 28 (popularly known as  
12 the Federal Tort Claims Act);

13 “(2) section 2733 of title 10 (popularly known  
14 as the Military Claims Act);

15 “(3) the Act of March 3, 1925 (46 App. U.S.C.  
16 781–790; popularly known as the Public Vessels  
17 Act);

18 “(4) the Act of March 9, 1920 (46 App. U.S.C.  
19 741–752; popularly known as the Suits in Admiralty  
20 Act);

21 “(5) the Act of June 19, 1948 (46 App. U.S.C.  
22 740; popularly known as the Admiralty Extension  
23 Act); and

24 “(6) other matters related to noncontractual  
25 civil liability.

1       “(c) The national board of the Auxiliary, and any  
2 Auxiliary district or region, may form a corporation under  
3 State law in accordance with policies established by the  
4 Commandant.”.

5       (b) CLERICAL AMENDMENT.—The table of sections  
6 at the beginning of chapter 23 of title 14, United States  
7 Code, is amended by striking the item relating to section  
8 821, and inserting the following:

“821. Administration of the Coast Guard Auxiliary.”.

9       **SEC. 802. PURPOSE OF THE COAST GUARD AUXILIARY.**

10       (a) IN GENERAL.—Section 822 of title 14, United  
11 States Code, is amended to read as follows:

12       **“§ 822. Purpose of the Coast Guard Auxiliary**

13       “The purpose of the Auxiliary is to assist the Coast  
14 Guard as authorized by the Commandant, in performing  
15 any Coast Guard function, power, duty, role, mission, or  
16 operation authorized by law.”.

17       (b) CLERICAL AMENDMENT.—The table of sections  
18 at the beginning of chapter 23 of title 14, United States  
19 Code, is amended by striking the item relating to section  
20 822 and inserting the following:

“822. Purpose of the Coast Guard Auxiliary.”.

21       **SEC. 803. MEMBERS OF THE AUXILIARY; STATUS.**

22       (a) IN GENERAL.—Section 823 of title 14, United  
23 States Code, is amended—



1 (1) in the heading by adding “, **and status**”  
2 after “**enrollments**”;

3 (2) by inserting “(a)” before “The Auxiliary”;  
4 and

5 (3) by adding at the end the following new sub-  
6 sections:

7 “(b) A member of the Coast Guard Auxiliary is not  
8 a Federal employee except for the following purposes:

9 “(1) Chapter 26 of title 28 (popularly known as  
10 the Federal Tort Claims Act).

11 “(2) Section 2733 of title 10 (popularly known  
12 as the Military Claims Act).

13 “(3) The Act of March 3, 1925 (46 App.  
14 U.S.C. 781–790; popularly known as the Public Ves-  
15 sel Act).

16 “(4) The Act of March 9, 1920 (46 App.  
17 U.S.C. 741–752; popularly known as the Suits in  
18 Admiralty Act).

19 “(5) The Act of June 19, 1948 (46 App. U.S.C.  
20 740; popularly known as the Admiralty Extension  
21 Act).

22 “(6) Other matters related to noncontractual  
23 civil liability.

24 “(7) Compensation for work injuries under  
25 chapter 81 of title 5.

1           “(8) The resolution of claims relating to dam-  
2           age to or loss of personal property of the member in-  
3           cident to service under section 3721 of title 31 (pop-  
4           ularly known as the Military Personnel and Civilian  
5           Employees’ Claims Act of 1964).

6           “(c) A member of the Auxiliary, while assigned to  
7           duty, shall be deemed to be a person acting under an offi-  
8           cer of the United States or an agency thereof for purposes  
9           of section 1442(a)(1) of title 28.”.

10          (b) CLERICAL AMENDMENT.—The table of sections  
11          at the beginning of chapter 23 of title 14, United States  
12          Code, is amended by striking the item relating to section  
13          823 and inserting the following:

          “823. Eligibility, enrollments, and status.”.

14          **SEC. 804. ASSIGNMENT AND PERFORMANCE OF DUTIES.**

15          (a) TRAVEL AND SUBSISTENCE EXPENSE.—Section  
16          830(a) of title 14, United States Code, is amended by  
17          striking “specific”.

18          (b) ASSIGNMENT OF GENERAL DUTIES.—Section  
19          831 of title 14, United States Code, is amended by strik-  
20          ing “specific” each place it appears.

21          (c) BENEFITS FOR INJURY OR DEATH.—Section 832  
22          of title 14, United States Code, is amended by striking  
23          “specific” each place it appears.

1 **SEC. 805. COOPERATION WITH OTHER AGENCIES, STATES,**  
2 **TERRITORIES, AND POLITICAL SUBDIVI-**  
3 **SIONS.**

4 (a) IN GENERAL.—Section 141 of title 14, United  
5 States Code, is amended—

6 (1) by striking the section heading and insert-  
7 ing the following:

8 **“§ 141. Cooperation with other agencies, States, terri-**  
9 **tories, and political subdivisions”;**

10 (2) in the first sentence of subsection (a), by in-  
11 sserting after “personnel and facilities” the following:  
12 “(including members of the Auxiliary and facilities  
13 governed under chapter 23)”; and

14 (3) by adding at the end of subsection (a) the  
15 following new sentence: “The Commandant may pre-  
16 scribe conditions, including reimbursement, under  
17 which personnel and facilities may be provided under  
18 this subsection.”.

19 (b) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of chapter 7 of title 14, United States  
21 Code, is amended by striking the item relating to section  
22 141 and inserting the following:

“141. Cooperation with other agencies, States, territories, and political subdivi-  
sions.”.

1 **SEC. 806. VESSEL DEEMED PUBLIC VESSEL.**

2 Section 827 of title 14, United States Code, is  
3 amended to read as follows:

4 **“§ 827. Vessel deemed public vessel**

5 “While assigned to authorized Coast Guard duty, any  
6 motorboat or yacht shall be deemed to be a public vessel  
7 of the United States and a vessel of the Coast Guard with-  
8 in the meaning of sections 646 and 647 of this title and  
9 other applicable provisions of law.”.

10 **SEC. 807. AIRCRAFT DEEMED PUBLIC AIRCRAFT.**

11 Section 828 of title 14, United States Code, is  
12 amended to read as follows:

13 **“§ 828. Aircraft deemed public aircraft**

14 “While assigned to authorized Coast Guard duty, any  
15 aircraft shall be deemed to be a Coast Guard aircraft, a  
16 public vessel of the United States, and a vessel of the  
17 Coast Guard within the meaning of sections 646 and 647  
18 of this title and other applicable provisions of law. Subject  
19 to the provisions of sections 823a and 831 of this title,  
20 while assigned to duty, qualified Auxiliary pilots shall be  
21 deemed to be Coast Guard pilots.”.

22 **SEC. 808. DISPOSAL OF CERTAIN MATERIAL.**

23 Section 641(a) of title 14, United States Code, is  
24 amended—

1           (1) by inserting after “with or without charge,”  
2           the following: “to the Coast Guard Auxiliary, includ-  
3           ing any incorporated unit thereof,”; and

4           (2) by striking “to any incorporated unit of the  
5           Coast Guard Auxiliary,”.

Passed the House of Representatives May 9, 1995.

Attest:

*Clerk.*

HR 1361 EH1S—2

HR 1361 EH1S—3

HR 1361 EH1S—4

HR 1361 EH1S—5

HR 1361 EH1S—6

HR 1361 EH1S—7

HR 1361 EH1S—8

HR 1361 EH1S—9