

104TH CONGRESS  
1ST SESSION

# S. 1004

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## AN ACT

To authorize appropriations for the United States 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 of 1995”.

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

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

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- Sec. 2. Table of contents.

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### TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

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- Sec. 202. Hurricane Andrew relief.
- Sec. 203. Dissemination of results of 0–6 continuation boards.
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- Sec. 303. Maritime drug and alcohol testing program civil penalty.
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- Sec. 307. Amendment to require EPIRBS on the Great Lakes.
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- Sec. 1120. Documentation of certain vessels.
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- Sec. 1123. Commonwealth of the Northern Mariana Islands fishing.
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- Sec. 1125. Offshore facility financial responsibility requirements.
- Sec. 1126. Deauthorization of navigation project, Cohasset Harbor, Massachusetts.

## 1           **TITLE I—AUTHORIZATION**

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

3           (a) FISCAL YEAR 1996.—Funds are authorized to be  
 4 appropriated for necessary expenses of the Coast Guard  
 5 for fiscal year 1996, 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 1012(a)(5)  
 17 of the Oil Pollution Act of 1990.

1           (3) For research, development, test, and evalua-  
2           tion of technologies, materials, and human factors  
3           directly relating to improving the performance of the  
4           Coast Guard's mission in support of search and res-  
5           cue, aids to navigation, marine safety, marine envi-  
6           ronmental protection, enforcement of laws and trea-  
7           ties, ice operations, oceanographic research, and de-  
8           fense readiness, \$22,500,000, to remain available  
9           until expended, of which \$3,150,000 shall be derived  
10          from the Oil Spill Liability Trust Fund.

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

18          (5) For alteration or removal of bridges over  
19          navigable waters of the United States constituting  
20          obstructions to navigation, and for personnel and  
21          administrative costs associated with the Bridge Al-  
22          teration Program—

23                 (A) \$16,200,000, to remain available until  
24                 expended, of which up to \$14,200,000 may be

1           made available under section 104(e) of title 49,  
2           United States Code; and

3                   (B) for fiscal year 1995, \$12,880,000,  
4           which may be made available under that sec-  
5           tion.

6           (6) For environmental compliance and restora-  
7           tion at Coast Guard facilities (other than parts and  
8           equipment associated with operations and mainte-  
9           nance), \$25,000,000, to remain available until ex-  
10          pended.

11          (b) AMOUNTS FROM THE DISCRETIONARY BRIDGE  
12 PROGRAM.—Section 104 of title 49, United States Code,  
13 is amended by adding at the end thereof the following:

14          “(e) Notwithstanding the provisions of sections  
15 101(d) and 144 of title 23, highway bridges determined  
16 to be unreasonable obstructions to navigation under the  
17 Truman-Hobbs Act may be funded from amounts set aside  
18 from the discretionary bridge program. The Secretary  
19 shall transfer these allocations and the responsibility for  
20 administration of these funds to the United States Coast  
21 Guard.”.

22 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
23 **AND TRAINING.**

24          (a) AUTHORIZED MILITARY STRENGTH LEVEL.—  
25 The Coast Guard is authorized an end-of-year strength for

1 active duty personnel of 38,400 as of September 30, 1996.  
 2 The authorized strength does not include members of the  
 3 Ready Reserve called to active duty for special or emer-  
 4 gency augmentation of regular Coast Guard forces for pe-  
 5 riods of 180 days or less.

6 (b) AUTHORIZED LEVEL OF MILITARY TRAINING.—  
 7 The Coast Guard is authorized average military training  
 8 study loads for fiscal year 1996 as follows:

9 (1) For recruit and special training, 1,604 stu-  
 10 dent years.

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

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

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

## 15 **TITLE II—PERSONNEL**

## 16 **MANAGEMENT IMPROVEMENT**

### 17 **SEC. 201. PROVISION OF CHILD DEVELOPMENT SERVICES.**

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

#### 21 **“§ 515. Child development services**

22 “(a) The Commandant may make child development  
 23 services available for members and civilian employees of  
 24 the Coast Guard, and thereafter as space is available for  
 25 members of the Armed Forces and Federal civilian em-



1 ployees. Child development service benefits provided under  
2 the authority of this section shall be in addition to benefits  
3 provided under other laws.

4 “(b)(1) Except as provided in paragraph (2), the  
5 Commandant may require that amounts received as fees  
6 for the provision of services under this section at Coast  
7 Guard child development centers be used only for com-  
8 pensation of employees at those centers who are directly  
9 involved in providing child care.

10 “(2) If the Commandant determines that compliance  
11 with the limitation in paragraph (1) would result in an  
12 uneconomical and inefficient use of such fee receipts, the  
13 Commandant may (to the extent that such compliance  
14 would be uneconomical and inefficient) use such receipts—

15 “(A) for the purchase of consumable or dispos-  
16 able items for Coast Guard child development cen-  
17 ters; and

18 “(B) if the requirements of such centers for  
19 consumable or disposable items for a given fiscal  
20 year have been met, for other expenses of those cen-  
21 ters.

22 “(c) The Commandant shall provide for regular and  
23 unannounced inspections of each child development center  
24 under this section and may use Department of Defense  
25 or other training programs to ensure that all child develop-

1 ment center employees under this section meet minimum  
2 standards of training with respect to early childhood devel-  
3 opment, activities and disciplinary techniques appropriate  
4 to children of different ages, child abuse prevention and  
5 detection, and appropriate emergency medical procedures.

6 “(d) Of the amounts available to the Coast Guard  
7 each fiscal year for operating expenses (and in addition  
8 to amounts received as fees), the Secretary may use for  
9 child development services under this section an amount  
10 not to exceed the total amount the Commandant estimates  
11 will be received by the Coast Guard in the fiscal year as  
12 fees for the provision of those services.

13 “(e) The Commandant may use appropriated funds  
14 available to the Coast Guard to provide assistance to fam-  
15 ily home day care providers so that family home day care  
16 services can be provided to uniformed service members  
17 and civilian employees of the Coast Guard at a cost com-  
18 parable to the cost of services provided by Coast Guard  
19 child development centers.

20 “(f) The Secretary shall promulgate regulations to  
21 implement this section. The regulations shall establish fees  
22 to be charged for child development services provided  
23 under this section which take into consideration total fam-  
24 ily income.

1       “(g) For purposes of this section, the term ‘child de-  
 2       velopment center’ does not include a child care services  
 3       facility for which space is allotted under section 616 of  
 4       the Act of December 22, 1987 (40 U.S.C. 490b).”.

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

“515. Child development services.”.

9       **SEC. 202. HURRICANE ANDREW RELIEF.**

10       Section 2856 of the National Defense Authorization  
 11       Act for Fiscal Year 1993 (Pub. L. 102–484) applies to  
 12       the military personnel of the Coast Guard who were as-  
 13       signed to, or employed at or in connection with, any Fed-  
 14       eral facility or installation in the vicinity of Homestead  
 15       Air Force Base, Florida, including the areas of Broward,  
 16       Collier, Dade, and Monroe Counties, on or before August  
 17       24, 1992, except that funds available to the Coast Guard,  
 18       not to exceed \$25,000, shall be used. The Secretary of  
 19       Transportation shall administer the provisions of section  
 20       2856 for the Coast Guard.

21       **SEC. 203. DISSEMINATION OF RESULTS OF 0-6 CONTINU-**  
 22       **ATION BOARDS.**

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

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

3 **SEC. 204. EXCLUDE CERTAIN RESERVES FROM END-OF-**  
 4 **YEAR STRENGTH.**

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

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

12 **SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGI-**  
 13 **BLE.**

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

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

17 (2) by striking the last sentence; and

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

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

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

1           “(B) in the case of an officer who has com-  
 2           pleted at least 18 years of active service on the date  
 3           of discharge under subparagraph (A), be retained on  
 4           active duty and retired on the last day of the month  
 5           in which the officer completes 20 years of active  
 6           service, unless earlier removed under another provi-  
 7           sion of law; or

8           “(C) if, on the date specified for the officer’s  
 9           discharge under this section, the officer has com-  
 10          pleted at least 20 years of active service or is eligible  
 11          for retirement under any law, be retired on that  
 12          date.”.

13 **SEC. 206. CONTRACTS FOR HEALTH CARE SERVICES.**

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

17 **“§644a. Contracts for health care services**

18          “(a) Subject to the availability of appropriations for  
 19          this purpose; the Commandant may enter into personal  
 20          services and other contracts to carry out health care re-  
 21          sponsibilities pursuant to section 93 of this title and other  
 22          applicable provisions of law pertaining to the provision of  
 23          health care services to Coast Guard personnel and covered  
 24          beneficiaries. The authority provided in this subsection is  
 25          in addition to any other contract authorities of the Com-

1 mandant provided by law or as delegated to the Com-  
2 mandant from time to time by the Secretary, including  
3 but not limited to authority relating to the management  
4 of health care facilities and furnishing of health care serv-  
5 ices pursuant to title 10 and this title.

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

12 “(c)(1) The Secretary shall promulgate regulations to  
13 assure—

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

17 “(B) consideration of interested individuals  
18 solely on the basis of the qualifications established  
19 for the contract and the proposed contract price.

20 “(2) Upon establishment of the procedures under  
21 paragraph (1), the Secretary may exempt personal serv-  
22 ices contracts covered by this section from the competitive  
23 contracting requirements specified in section 2304 of title  
24 10, or any other similar requirements of law.

1 “(d) The procedures and exemptions provided under  
 2 subsection (c) shall not apply to personal services con-  
 3 tracts entered into under subsection (a) with entities other  
 4 than individuals or to any contract that is not an author-  
 5 ized personal services contract under subsection (a).”.

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

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

9 (c) The amendments made by this section shall take  
 10 effect on the date of enactment of this Act. Any personal  
 11 services contract entered into on behalf of the Coast  
 12 Guard in reliance upon the authority of section 1091 of  
 13 title 10 before that date is confirmed and ratified and shall  
 14 remain in effect in accordance with the terms of the con-  
 15 tract.

16 **SEC. 207. RECRUITING.**

17 (a) CAMPUS RECRUITING.—Section 558 of the Na-  
 18 tional Defense Authorization Act for Fiscal Year 1995  
 19 (108 Stat. 2776) is amended—

20 (1) by inserting “or the Department of Trans-  
 21 portation” in subsection (a)(1) after “the Depart-  
 22 ment of Defense”;

23 (2) by inserting “or the Secretary of Transpor-  
 24 tation” after “the Secretary of Defense” in sub-  
 25 section (a)(1); and

1           (3) by inserting “and the Secretary of Trans-  
2           portation” after “the Secretary of Education” in  
3           subsection (b).

4           (b) FUNDS FOR RECRUITING.—The text of section  
5           468 of title 14, United States Code, is amended to read  
6           as follows:

7           “The Coast Guard may expend operating expense  
8           funds for recruiting activities, including but not limited  
9           to advertising and entertainment, in order to—

10           “(1) obtain recruits for the Service and cadet  
11           applicants; and

12           “(2) gain support of recruiting objectives from  
13           those who may assist in the recruiting effort.”.

14           (c) SPECIAL RECRUITING AUTHORITY.—Section 93  
15           of title 14, United States Code, is amended—

16           (1) by striking “and” at the end of paragraph  
17           (t);

18           (2) by striking the period at the end of para-  
19           graph (u) and inserting a semicolon and the word  
20           “and”; and

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

22           “(v) employ special recruiting programs, includ-  
23           ing, subject to appropriations Acts, the provision of  
24           financial assistance by grant, cooperative agreement,  
25           or contract to public or private associations, organi-



1 zations, and individuals (including academic scholar-  
 2 ships for individuals), to meet identified personnel  
 3 resource requirements.”.

4 **SEC. 208. ACCESS TO NATIONAL DRIVER REGISTER INFOR-**  
 5 **MATION ON CERTAIN COAST GUARD PERSON-**  
 6 **NEL.**

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

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

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

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

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

23       (a) IN GENERAL.—Part I of title 14, United States  
24 Code, is amended by inserting after chapter 17 the follow-  
25 ing new chapter:

1       “CHAPTER 18—COAST GUARD HOUSING  
2                                   AUTHORITIES

                                  “SUBCHAPTER A

“Section

“671. Definitions.

“672. General Authority.

“673. Direct loans and loan guarantees.

“674. Leasing of housing to be constructed.

“675. Investments in nongovernmental entities.

“676. Rental guarantees.

“677. Differential lease payments.

“678. Conveyance or lease of existing property and facilities.

“679. Interim leases.

“680. Unit size and type.

“681. Support facilities.

“682. Assignment of members of the armed forces to housing units.

“683. Coast Guard Housing Improvement Fund.

“684. Reports.

“685. Expiration of authority.

                                  “SUBCHAPTER B

“691. Conveyance of damaged or deteriorated military family housing; use of  
                                  proceeds.

“692. Limited partnerships with private developers of housing.

3                                   **“SUBCHAPTER A**

4       **“§ 671. Definitions**

5       “In this subchapter the term ‘support facilities’  
6 means facilities relating to military housing units, includ-  
7 ing child care centers, day care centers, community cen-  
8 ters, housing offices, maintenance complexes, dining facili-  
9 ties, unit offices, fitness centers, parks, and other similar  
10 facilities for the support of military housing.

11       **“§ 672. General authority**

12       “In addition to any other authority provided for the  
13 acquisition, construction, or improvement of military fam-  
14 ily housing or military unaccompanied housing, the Sec-

1   retary may exercise any authority or any combination of  
2   authorities provided under this subchapter in order to pro-  
3   vide for the acquisition, construction, improvement or re-  
4   habilitation by private persons of the following:

5           “(1) Family housing units on or near Coast  
6       Guard installations within the United States and its  
7       territories and possessions.

8           “(2) Unaccompanied housing units on or near  
9       such Coast Guard installations.

10   **“§ 673. Direct loans and loan guarantees**

11       “(a) DIRECT LOANS.—(1) Subject to subsection (c),  
12   the Secretary may make direct loans to persons in the pri-  
13   vate sector in order to provide funds to such persons for  
14   the acquisition, construction, improvement, or rehabilita-  
15   tion of housing units that the Secretary determines are  
16   suitable for use as military family housing or as military  
17   unaccompanied housing.

18       “(2) The Secretary shall establish such terms and  
19   conditions with respect to loans made under this sub-  
20   section as the Secretary considers appropriate to protect  
21   the interests of the United States, including the period  
22   and frequency for repayment of such loans and the obliga-  
23   tions of the obligors on such loans upon default.

24       “(b) LOAN GUARANTEES.—(1) Subject to subsection  
25   (c), the Secretary may guarantee a loan made to any per-

1 son in the private sector if the proceeds of the loan are  
2 to be used by the person to acquire, construct, improve,  
3 or rehabilitate housing units that the Secretary determines  
4 are suitable for use as military family housing or as mili-  
5 tary unaccompanied housing.

6 “(2) The amount of a guarantee on a loan that may  
7 be provided under paragraph (1) may not exceed the  
8 amount equal to the lesser of—

9 “(A) the amount equal to 80 percent of the  
10 value of the project; or

11 “(B) the amount of the outstanding principal of  
12 the loan.

13 “(3) The Secretary shall establish such terms and  
14 conditions with respect to guarantees of loans under this  
15 subsection as the Secretary considers appropriate to pro-  
16 tect the interests of the United States, including the rights  
17 and obligations of obligors of such loans and the rights  
18 and obligations of the United States with respect to such  
19 guarantees.

20 “(c) LIMITATION ON DIRECT LOAN AND GUARANTEE  
21 AUTHORITY.—Direct loans and loan guarantees may be  
22 made under this section only to the extent that appropria-  
23 tions of budget authority to cover their cost (as defined  
24 in section 502(5) of the Federal Credit Reform Act of  
25 1990 (2 U.S.C. 661a(5)) are made in advance, or author-

1 ity is otherwise provided in appropriations Acts. If such  
2 appropriation or other authority is provided, there may be  
3 established a financing account (as defined in section  
4 502(7) of such Act (2 U.S.C. 661a(7)) which shall be  
5 available for the disbursement of direct loans or payment  
6 of claims for payment on loan guarantees under this sec-  
7 tion and for all other cash flows to and from the Govern-  
8 ment as a result of direct loans and guarantees made  
9 under this section.

10 **“§ 674. Leasing of housing to be constructed**

11 “(a) BUILD AND LEASE AUTHORIZED.—The Sec-  
12 retary may enter into contracts for the lease of family  
13 housing units or unaccompanied housing units to be con-  
14 structed, improved, or rehabilitated under this subchapter.

15 “(b) LEASE TERMS.—A contract under this section  
16 may be for any period that the Secretary determines ap-  
17 propriate.

18 **“§ 675. Investments in nongovernmental entities**

19 “(a) INVESTMENTS AUTHORIZED.—The Secretary  
20 may make investments in nongovernmental entities carry-  
21 ing out projects for the acquisition, construction, improve-  
22 ment, or rehabilitation of housing units suitable for use  
23 as military family housing or as military unaccompanied  
24 housing.

1       “(b) FORMS OF INVESTMENT.—An investment under  
2 this section may take the form of a direct investment by  
3 the United States, an acquisition of a limited partnership  
4 interest by the United States, a purchase of stock or other  
5 equity instruments by the United States, a purchase of  
6 bonds or other debt instruments by the United States, or  
7 any combination of such forms of investment.

8       “(c) LIMITATION ON VALUE OF INVESTMENT.—(1)  
9 The cash amount of an investment under this section in  
10 a nongovernmental entity may not exceed an amount equal  
11 to 35 percent of the capital cost (as determined by the  
12 Secretary) of the project or projects that the entity pro-  
13 poses to carry out under this section with the investment.

14       “(2) If the Secretary conveys land or facilities to a  
15 nongovernmental entity as all or part of an investment in  
16 the entity under this section, the total value of the invest-  
17 ment by the Secretary under this section may not exceed  
18 an amount equal to 45 percent of the capital cost (as de-  
19 termined by the Secretary) of the project or projects that  
20 the entity proposes to carry out under this section with  
21 the investment.

22       “(3) In this subsection, the term ‘capital cost’, with  
23 respect to a project for the acquisition, construction, im-  
24 provement, or rehabilitation of housing, means the total

1 amount of the costs included in the basis of the housing  
2 for Federal income tax purposes.

3 “(d) COLLATERAL INCENTIVE AGREEMENTS.—The  
4 Secretary may enter into collateral incentive agreements  
5 with nongovernmental entities in which the Secretary  
6 makes an investment under this section to ensure that a  
7 suitable preference will be afforded members of the armed  
8 forces in the lease or purchase, as the case may be, of  
9 a reasonable number of the housing units covered by the  
10 investment.

11 **“§ 676. Rental guarantees**

12 “The Secretary may enter into agreements with pri-  
13 vate persons that acquire, construct, improve, or rehabili-  
14 tate family housing units or unaccompanied housing units  
15 under this subchapter in order to assure—

16 “(1) the occupancy of such units at levels speci-  
17 fied in the agreements; or

18 “(2) rental income derived from rental of such  
19 units at levels specified in the agreements.

20 **“§ 677. Differential lease payments**

21 “The Secretary, pursuant to an agreement entered  
22 into by the Secretary and a private lessor of family hous-  
23 ing or unaccompanied housing to members of the armed  
24 forces, may pay the lessor an amount in addition to the  
25 rental payments for the housing made by the members as



1 the Secretary determines appropriate to encourage the les-  
2 sor to make the housing available to members of the  
3 armed forces as family housing or as unaccompanied hous-  
4 ing.

5 **“§ 678. Conveyance or lease of existing property and**  
6 **facilities**

7 “(a) CONVEYANCE OR LEASE AUTHORIZED.—The  
8 Secretary may convey or lease property or facilities (in-  
9 cluding support facilities) to private persons for purposes  
10 of using the proceeds of such conveyance or lease to carry  
11 out activities under this subchapter.

12 “(b) TERMS AND CONDITIONS.—(1) The conveyance  
13 or lease of property or facilities under this section shall  
14 be for such consideration and upon such terms and condi-  
15 tions as the Secretary considers appropriate for the pur-  
16 poses of this subchapter and to protect the interests of  
17 the United States.

18 “(2) As part or all of the consideration for a convey-  
19 ance or lease under this section, the purchaser or lessor  
20 (as the case may be) may enter into an agreement with  
21 the Secretary to ensure that a suitable preference will be  
22 afforded members of the armed forces in the lease or sub-  
23 lease of a reasonable number of the housing units covered  
24 by the conveyance or lease, as the case may be, or in the

1 lease of other suitable housing units made available by the  
 2 purchaser or lessee.

3 “(c) INAPPLICABILITY OF CERTAIN PROPERTY MAN-  
 4 AGEMENT LAWS.—The conveyance or lease of property or  
 5 facilities under this section shall not be subject to the fol-  
 6 lowing provisions of law:

7 “(1) The Federal Property and Administrative  
 8 Services Act of 1949 (40 U.S.C. 471 et seq.).

9 “(2) Section 321 of the Act of June 30, 1932  
 10 (commonly known as the Economy Act) (47 Stat.  
 11 412, chapter 314; 40 U.S.C. 303b).

12 “(3) The Stewart B. McKinney Homeless As-  
 13 sistance Act (42 U.S.C. 11301 et seq.).

14 **“§ 679. Interim leases**

15 “Pending completion of a project to acquire, con-  
 16 struct, improve, or rehabilitate family housing units or un-  
 17 accompanied housing units under this subchapter, the Sec-  
 18 retary may provide for the interim lease of such units of  
 19 the project as are complete. The term of a lease under  
 20 this section may not extend beyond the date of the comple-  
 21 tion of the project concerned.

22 **“§ 680. Unit size and type**

23 “The Secretary shall ensure that the room patterns  
 24 and floor areas of family housing units and unaccom-  
 25 panied housing units acquired, constructed, improved, or

1 rehabilitated under this subchapter are generally com-  
2 parable to the room patterns and floor areas of similar  
3 housing units in the locality concerned.

4 **“§ 681. Support facilities**

5 “Any project for the acquisition, construction, im-  
6 provement, or rehabilitation of family housing units or un-  
7 accompanied housing units under this subchapter may in-  
8 clude the acquisition, construction, or improvement of sup-  
9 port facilities for the housing units concerned.

10 **“§ 682. Assignment of members of the armed forces to**  
11 **housing units**

12 “(a) IN GENERAL.—The Secretary may assign mem-  
13 bers of the armed forces to housing units acquired, con-  
14 structed, improved, or rehabilitated under this subchapter.

15 “(b) EFFECT OF CERTAIN ASSIGNMENTS ON ENTI-  
16 TLEMENT TO HOUSING ALLOWANCES.—(1) Except as  
17 provided in paragraph (2), housing referred to in sub-  
18 section (a) shall be considered as quarters of the United  
19 States or a housing facility under the jurisdiction of a uni-  
20 formed service for purposes of section 403(b) of title 37.

21 “(2) A member of the armed forces who is assigned  
22 in accordance with subsection (a) to a housing unit not  
23 owned or leased by the United States shall be entitled to  
24 a basic allowance for quarters under section 403 of title

1 37 and, if in a high housing cost area, a variable housing  
 2 allowance under section 403a of that title.

3 “(c) LEASE PAYMENTS THROUGH PAY ALLOT-  
 4 MENTS.—The Secretary may require members of the  
 5 armed forces who lease housing in housing units acquired,  
 6 constructed, improved, or rehabilitated under this sub-  
 7 chapter to make lease payments for such housing pursuant  
 8 to allotments of the pay of such members under section  
 9 701 of title 37.

10 **“§ 683. Coast Guard Housing Improvement Fund**

11 “(a) ESTABLISHMENT.—There is hereby established  
 12 on the books of the Treasury an account to be known as  
 13 the Coast Guard Housing Improvement Fund (in this sec-  
 14 tion referred to as the ‘Fund’).

15 “(b) CREDITS TO FUND.—There shall be credited to  
 16 the Fund the following:

17 “(1) Funds appropriated to the Fund.

18 “(2) Any funds that the Secretary may, to the  
 19 extent provided in appropriation Acts, transfer to  
 20 the Fund from funds appropriated to the Depart-  
 21 ment of Transportation or Coast Guard for family  
 22 housing, except that such funds may be transferred  
 23 only after the Secretary transmits written notice of,  
 24 and justification for, such transfer to the appro-  
 25 priate committees of Congress.

1           “(3) Any funds that the Secretary may, to the  
2           extent provided in appropriations Acts, transfer to  
3           the Fund from funds appropriated to the Depart-  
4           ment of Transportation or Coast Guard for military  
5           unaccompanied housing or for the operation and  
6           maintenance of military unaccompanied housing, ex-  
7           cept that such funds may be transferred only after  
8           the Secretary transmits written notice of, and jus-  
9           tification for, such transfer to the appropriate com-  
10          mittees of Congress.

11           “(4) Proceeds from the conveyance or lease of  
12          property or facilities under section 678 of this title.

13           “(5) Income from any activities under this sub-  
14          chapter, including interest on loans made under sec-  
15          tion 673 of this title, income and gains realized from  
16          investments under section 675 of this title, and any  
17          return of capital invested as part of such invest-  
18          ments.

19          “(c) USE OF FUNDS.—(1) To the extent provided in  
20          appropriations Acts and except as provided in paragraphs  
21          (2) and (3), the Secretary may use amounts in the Fund  
22          to carry out activities under this subchapter (including ac-  
23          tivities required in connection with the planning, execu-  
24          tion, and administration of contracts or agreements en-  
25          tered into under the authority of this subchapter).

1       “(2)(A) Funds in the Fund that are derived from ap-  
2       propriations or transfers of funds for military family hous-  
3       ing, or from income from activities under this subchapter  
4       with respect to such housing, may be used in accordance  
5       with paragraph (1) only to carry out activities under this  
6       subchapter with respect to military family housing.

7       “(B) Funds in the Fund that are derived from appro-  
8       priations or transfers of funds for military unaccompanied  
9       housing, or from income from activities under this sub-  
10      chapter with respect to such housing, may be used in ac-  
11      cordance with paragraph (1) only to carry out activities  
12      under this subchapter with respect to military unaccom-  
13      panied housing.

14      “(3) The Secretary may not enter into a contract or  
15      agreement to carry out activities under this subchapter  
16      unless the Fund contains sufficient amounts, as of the  
17      time the contract or agreement is entered into, to satisfy  
18      the total obligations to be incurred by the United States  
19      under the contract or agreement.

20      “(d) LIMITATION ON AMOUNT OF BUDGET AUTHOR-  
21      ITY.—The total value in budget authority of all contracts,  
22      agreements, and investments undertaken using the au-  
23      thorities provided in this subchapter shall not exceed  
24      \$60,000,000.

1   **“§ 684. Reports**

2           The Secretary shall include each year in the materials  
3 the Secretary submits to the Congress in support of the  
4 budget submitted by the President pursuant to section  
5 1105 of title 31, United States Code, the following:

6           “(1) A report on the amount and nature of the  
7 deposits into, and the expenditures from, the Coast  
8 Guard Housing Improvement Fund established  
9 under section 683 of this title during the preceding  
10 fiscal year.

11          “(2) A report on each contract or agreement  
12 for a project for the acquisition, construction, im-  
13 provement, or rehabilitation of family housing units  
14 or unaccompanied housing units that the Secretary  
15 proposes to solicit under this subchapter, describing  
16 the project and the method of participation of the  
17 United States in the project and providing justifica-  
18 tion of such method of participation.

19          “(3) A methodology for evaluating the extent  
20 and effectiveness of the use of the authorities under  
21 this subchapter during such preceding fiscal year.

22          “(4) A description of the objectives of the De-  
23 partment of Transportation for providing military  
24 family housing and military unaccompanied housing  
25 for members of the Coast Guard.

1 **“§ 685. Expiration of authority**

2 “The authority to enter into a transaction under this  
3 subchapter shall expire 5 years after the date of the enact-  
4 ment of the Coast Guard Authorization Act of 1995.

5 “SUBCHAPTER B

6 **“§ 691. Conveyance of damaged or deteriorated mili-**  
7 **tary family housing; use of proceeds**

8 “(a) AUTHORITY TO CONVEY.—

9 “(1) Subject to paragraph (2), the Secretary  
10 may convey any family housing facility that, due to  
11 damage or deterioration, is in a condition that is un-  
12 economical to repair. Any conveyance of a family  
13 housing facility under this section may include a  
14 conveyance of the real property associated with the  
15 facility conveyed.

16 “(2) The aggregate total value of the family  
17 housing facilities conveyed by the Secretary under  
18 the authority in this subsection in any fiscal year  
19 may not exceed \$5,000,000.

20 “(3) For purposes of this subsection, a family  
21 housing facility is in a condition that is uneco-  
22 nomical to repair if the cost of the necessary repairs  
23 for the facility would exceed the amount equal to 70  
24 percent of the cost of constructing a family housing  
25 facility to replace such a facility.

26 “(b) CONSIDERATION.—



1           “(1) As consideration for the conveyance of a  
2           family housing facility under subsection (a), the per-  
3           son to whom the facility is conveyed shall pay the  
4           United States an amount equal to the fair market  
5           value of the facility conveyed, including any real  
6           property conveyed along with the facility.

7           “(2) The Secretary shall determine the fair  
8           market value of any family housing facility and asso-  
9           ciated real property that is conveyed under sub-  
10          section (a). Such determinations shall be final.

11          “(c) NOTICE AND WAIT REQUIREMENTS.—The Sec-  
12       retary may not enter into an agreement to convey a family  
13       housing facility under this section until—

14               “(1) the Secretary submits to the appropriate  
15               committees of Congress, in writing, a justification  
16               for the conveyance under the agreement, including—

17                       “(A) an estimate of the consideration to be  
18                       provided the United States under the agree-  
19                       ment;

20                       “(B) an estimate of the cost of repairing  
21                       the family housing facility to be conveyed; and

22                       “(C) an estimate of the cost of replacing  
23                       the family housing facility to be conveyed; and

1           “(2) a period of 21 calendar days has elapsed  
2           after the date on which the justification is received  
3           by the committees.

4           “(d) INAPPLICABILITY OF CERTAIN PROPERTY DIS-  
5   POSAL LAWS.—The following provisions of law do not  
6   apply to the conveyance of a family housing facility under  
7   this section:

8           “(1) The provisions of the Federal Property  
9           and Administrative Services Act of 1949 (40 U.S.C.  
10          471 et seq.).

11          “(2) The provisions of the Stewart B. McKin-  
12          ney Homeless Assistance Act (42 U.S.C. 11301 et  
13          seq.).

14          “(e) USE OF PROCEEDS.—(1) The proceeds of any  
15   conveyance of a family housing facility under this section  
16   shall be credited to the Coast Guard Housing Improve-  
17   ment Fund (Fund) established under section 683 of this  
18   title and available for the purposes described in paragraph  
19   (2).

20          “(2) The proceeds of a conveyance of a family hous-  
21   ing facility under this section may be used for the follow-  
22   ing purposes:

23               “(A) To construct family housing units to re-  
24               place the family housing facility conveyed under this  
25               section, but only to the extent that the number of

1 units constructed with such proceeds does not exceed  
2 the number of units of military family housing of the  
3 facility conveyed.

4 “(B) To repair or restore existing military fam-  
5 ily housing.

6 “(C) To reimburse the Secretary for the costs  
7 incurred by the Secretary in conveying the family  
8 housing facility.

9 “(3) Notwithstanding section 683(c) of this title, pro-  
10 ceeds in the account under this subsection shall be avail-  
11 able under paragraph (1) for purposes described in para-  
12 graph (2) without any further appropriation.

13 “(f) DESCRIPTION OF PROPERTY.—The exact acre-  
14 age and legal description of any family housing facility  
15 conveyed under this section, including any real property  
16 associated with such facility, shall be determined by such  
17 means as the Secretary considers satisfactory, including  
18 by survey in the case of real property.

19 “(g) ADDITIONAL TERMS AND CONDITIONS.—The  
20 Secretary may require such additional terms and condi-  
21 tions in connection with the conveyance of family housing  
22 facilities under this section as the Secretary considers ap-  
23 propriate to protect the interests of the United States.

1   **“§ 692. Limited partnerships with private developers**  
2                   **of housing**

3           “(a) LIMITED PARTNERSHIPS.—(1) In order to meet  
4 the housing requirements of members of the Coast Guard,  
5 and the dependents of such members, at a military instal-  
6 lation described in paragraph (2), the Secretary of Trans-  
7 portation may enter into a limited partnership with one  
8 or more private developers to encourage the construction  
9 of housing and accessory structures within commuting dis-  
10 tance of the installation. The Secretary may contribute not  
11 more than 35 percent of the development costs under a  
12 limited partnership.

13           “(2) Paragraph (1) applies to a military installation  
14 under the jurisdiction of the Secretary at which there is  
15 a shortage of suitable housing to meet the requirements  
16 of members and dependents referred to in such paragraph.

17           “(b) COLLATERAL INCENTIVE AGREEMENTS.—The  
18 Secretary may also enter into collateral incentive agree-  
19 ments with private developers who enter into a limited  
20 partnership under subsection (a) to ensure that, where ap-  
21 propriate—

22                   “(1) a suitable preference will be afforded mem-  
23 bers of the Coast Guard in the lease or purchase, as  
24 the case may be, of a reasonable number of the  
25 housing units covered by the limited partnership; or

1           “(2) the rental rates or sale prices, as the case  
2           may be, for some or all of such units will be afford-  
3           able for such members.

4           “(c) SELECTION OF INVESTMENT OPPORTUNITIES.—

5           “(1) The Secretary shall use publicly adver-  
6           tised, competitively bid or competitively negotiated,  
7           contracting procedures, as provided in chapter 137  
8           of title 10, United States Code, to enter into limited  
9           partnerships under subsection (a).

10          “(2) When a decision is made to enter into a  
11          limited partnership under subsection (a), the Sec-  
12          retary shall submit a report in writing to the appro-  
13          priate committees of Congress on that decision.  
14          Each such report shall include the justification for  
15          the limited partnership, the terms and conditions of  
16          the limited partnership, a description of the develop-  
17          ment costs for projects under the limited partner-  
18          ship, and a description of the share of such costs to  
19          be incurred by the Secretary. The Secretary may  
20          then enter into the limited partnership only after the  
21          end of the 21-day period beginning on the date the  
22          report is received by such committees.

23          “(d) FUNDS.—(1) Any proceeds received by the Sec-  
24          retary from the repayment of investments or profits on  
25          investments of the Secretary under subsection (a) shall be

1 deposited into the Coast Guard Housing Improvement  
2 Fund established under section 683 of this title.

3 “(2) From such amounts as is provided in advance  
4 in appropriation Acts, funds in the Coast Guard Housing  
5 Improvement Fund shall be available to the Secretary for  
6 contracts, investments, and expenses necessary for the im-  
7 plementation of this section.

8 “(3) The Secretary may not enter into a contract in  
9 connection with a limited partnership under subsection (a)  
10 or a collateral incentive agreement under subsection (b)  
11 unless a sufficient amount of the unobligated balance of  
12 the funds in the Coast Guard Housing Improvement Fund  
13 is available to the Secretary, as of the time the contract  
14 is entered into, to satisfy the total obligations to be in-  
15 curred by the United States under the contract.

16 “(e) TRANSFER OF LANDS PROHIBITED.—Nothing  
17 in this section shall be construed to permit the Secretary,  
18 as part of a limited partnership entered into under this  
19 section, to transfer the right, title, or interest of the Unit-  
20 ed States in any real property under the jurisdiction of  
21 the Secretary.

22 “(f) EXPIRATION AND TERMINATION OF AUTHORI-  
23 TIES.—The authority to enter into a transaction under  
24 this section shall expire 5 years after the date of the enact-  
25 ment of the Coast Guard Authorization Act of 1995.”.

1 (b) FINAL REPORT.—Not later than March 1, 2000,  
 2 the Secretary shall submit to Congress a report on the  
 3 use by the Secretary of the authorities provided by sub-  
 4 chapter A of chapter 18 of title 14, United States Code,  
 5 as added by subsection (a) of this section. The report shall  
 6 assess the effectiveness of such authority in providing for  
 7 the construction and improvement of military family hous-  
 8 ing and military unaccompanied housing.

9 (c) CLERICAL AMENDMENT.—The table of chapters  
 10 at the beginning of part I of title 14, is amended by insert-  
 11 ing after the item relating to chapter 17 the following:

“18. Coast Guard Housing Authorities ..... 671.”.

12 **SEC. 210. BOARD FOR CORRECTION OF MILITARY**  
 13 **RECORDS DEADLINE.**

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

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

23 (2) if the Board has not rendered a rec-  
 24 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) SPECIAL RIGHT OF APPLICATIONS UNDER THIS  
16        SECTION.—This section applies to any applicant who had  
17        an application filed with or pending before the Board or  
18        the Secretary of Transportation on or after June 12,  
19        1990, who files with the board an application for relief  
20        under this section. If a recommended decision was modi-  
21        fied or reversed on review with final agency action occur-  
22        ring after expiration of the 10-month deadline, an appli-  
23        cant who so requests shall have the order in the final deci-  
24        sion vacated and receive the relief granted in the rec-  
25        ommended decision if the Coast Guard has the legal au-



1 thority to grant such relief. The recommended decision  
2 shall otherwise have no effect as precedent.

3 **TITLE III—MARINE SAFETY AND**  
4 **WATERWAY SERVICES MAN-**  
5 **AGEMENT**

6 **SEC. 301. INCREASED PENALTIES FOR DOCUMENTATION**  
7 **VIOLATIONS.**

8 (a) CIVIL PENALTY.— Section 12122(a) of title 46,  
9 United States Code, is amended by striking “\$500” and  
10 inserting “\$10,000”.

11 (b) SEIZURE AND FORFEITURE.—

12 (1) IN GENERAL.— Section 12122(b) of title  
13 46, United States Code, is amended to read as fol-  
14 lows:

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

17 “(1) when the owner of a vessel or the rep-  
18 resentative or agent of the owner knowingly falsifies  
19 or conceals a material fact, or knowingly makes a  
20 false statement or representation about the docu-  
21 mentation or when applying for documentation of  
22 the vessel;

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

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

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

6           “(5) when a documented vessel with only a rec-  
 7           reational endorsement is operated other than for  
 8           pleasure; or

9           “(6) when a documented vessel, other than a  
 10          vessel with only a recreational endorsement operat-  
 11          ing within the territorial waters of the United  
 12          States, is placed under the command of a person not  
 13          a citizen of the United States.”.

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

17          (c) LIMITATION ON OPERATION OF VESSEL WITH  
 18          ONLY RECREATIONAL ENDORSEMENT.—Section 12110(c)  
 19          of title 46, United States Code, is amended to read as  
 20          follows:

21          “(c) A vessel with only a recreational endorsement  
 22          may not be operated other than for pleasure.”.

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

1           (1) TERMINATION OF RESTRICTION.—Sub-  
 2           section (d) of section 12110 of title 46, United  
 3           States Code, is amended by inserting “, other than  
 4           a vessel with only a recreational endorsement operat-  
 5           ing within the territorial waters of the United  
 6           States,” after “A documented vessel”; and

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

11 **SEC. 302. NONDISCLOSURE OF PORT SECURITY PLANS.**

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

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

20 **SEC. 303. MARITIME DRUG AND ALCOHOL TESTING PRO-**  
 21 **GRAM CIVIL PENALTY.**

22          (a) IN GENERAL.—Chapter 21 of title 46, United  
 23          States Code, is amended by adding at the end a new sec-  
 24          tion 2115 to read as follows:

1 **“§2115. Civil penalty to enforce alcohol and dan-**  
 2 **gerous drug testing**

3 “Any person who fails to implement or conduct, or  
 4 who otherwise fails to comply with the requirements pre-  
 5 scribed by the Secretary for, chemical testing for dan-  
 6 gerous drugs or for evidence of alcohol use, as prescribed  
 7 under this subtitle or a regulation prescribed by the Sec-  
 8 retary to carry out the provisions of this subtitle, is liable  
 9 to the United States Government for a civil penalty of not  
 10 more than \$1,000 for each violation. Each day of a con-  
 11 tinuing violation shall constitute a separate violation.”.

12 (b) CONFORMING AMENDMENT.—The table of sec-  
 13 tions at the beginning of chapter 21 of title 46, United  
 14 States Code, is amended by inserting after the item relat-  
 15 ing to section 2114 the following:

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

16 **SEC. 304. RENEWAL OF ADVISORY GROUPS.**

17 (a) NAVIGATION SAFETY ADVISORY COUNCIL.—Sec-  
 18 tion 5(d) of the Inland Navigational Rules Act of 1980  
 19 (33 U.S.C. 2073) is amended by striking “September 30,  
 20 1995” and inserting “September 30, 2000”.

21 (b) COMMERCIAL FISHING INDUSTRY VESSEL ADVI-  
 22 SORY COMMITTEE.—Subsection (e)(1) of section 4508 of  
 23 title 46, United States Code, is amended by striking “Sep-  
 24 tember 30, 1994” and inserting “September 30, 2000”.

1 (c) TOWING SAFETY ADVISORY COMMITTEE.—Sub-  
 2 section (e) of the Act to Establish A Towing Safety Advi-  
 3 sory Committee in the Department of Transportation (33  
 4 U.S.C. 1231a(e)) is amended by striking “September 30,  
 5 1995” and inserting “September 30, 2000”.

6 (d) HOUSTON-GALVESTON NAVIGATION SAFETY AD-  
 7 VISORY COMMITTEE.—The Coast Guard Authorization  
 8 Act of 1991 (Public Law 102–241, 105 Stat. 2208–2235)  
 9 is amended by adding at the end of section 18 the follow-  
 10 ing:

11 “(h) The Committee shall terminate on September  
 12 30, 2000.”.

13 (e) LOWER MISSISSIPPI RIVER WATERWAY ADVI-  
 14 SORY COMMITTEE.—The Coast Guard Authorization Act  
 15 of 1991 (Public Law 102–241, 105 Stat. 2208–2235) is  
 16 amended by adding at the end of section 19 the following:

17 “(g) The Committee shall terminate on September  
 18 30, 2000.”.

19 **SEC. 305. ELECTRONIC FILING OF COMMERCIAL INSTRU-**  
 20 **MENTS.**

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

24 “(4)(A) A bill of sale, conveyance, mortgage,  
 25 assignment, or related instrument may be filed elec-

1       tronicallly under regulations prescribed by the Sec-  
2       retary.

3               “(B) A filing made electronically under sub-  
4       paragraph (A) shall not be effective after the 10-day  
5       period beginning on the date of the filing unless the  
6       original instrument is provided to the Secretary  
7       within that 10-day period.”.

8       **SEC. 306. CIVIL PENALTIES.**

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

13      (b) OPERATION OF UNINSPECTED TOWING VESSEL  
14      IN VIOLATION OF MANNING REQUIREMENTS.—Section  
15      8906 of title 46, United States Code, is amended by strik-  
16      ing “\$1,000” and inserting “not more than \$25,000”.

17      **SEC. 307. AMENDMENT TO REQUIRE EPIRBS ON THE**  
18                               **GREAT LAKES.**

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

23      **SEC. 308. REPORT ON LORAN-C REQUIREMENTS.**

24      Not later than 6 months after the date of enactment  
25      of this Act, the Secretary of Transportation, in coopera-

tion with the Secretary of Commerce, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan prepared in consultation with users of the LORAN-C radio-navigation system defining the future use of and funding for operations, maintenance, and upgrades of the LORAN-C radionavigation system. The plan shall provide for—

(1) mechanisms to make full use of compatible satellite and LORAN-C technology by all modes of transportation, the telecommunications industry, and the National Weather Service;

(2) an appropriate timetable for transition from ground-based radionavigation technology after it is determined that satellite-based technology is available as a sole means of safe and efficient navigation and taking into consideration the need to ensure that LORAN-C technology purchased by the public before the year 2000 has a useful economic life; and

(3) agencies in the Department of Transportation and other relevant Federal agencies to share the Federal government's costs related to LORAN-C technology.

1 **SEC. 309. RESTRICTIONS ON CLOSURE OF SMALL BOAT**  
2 **STATIONS.**

3 (a) PROHIBITION.— The Secretary of Transportation  
4 (hereinafter in this section referred to as the “Secretary”)  
5 shall not close any Coast Guard multi-mission small boat  
6 station or subunit before October 1, 1996.

7 (b) CLOSURE REQUIREMENTS.—After October 1,  
8 1996, the Secretary shall not close any Coast Guard multi-  
9 mission small boat station or subunit unless the following  
10 requirements have been met:

11 (1) The Secretary shall determine that—

12 (A) adequate search-and-rescue capabilities  
13 will maintain the safety of the maritime public  
14 in the area of the station or subunit; and

15 (B) the closure will not result in degrada-  
16 tion of services (including but not limited to  
17 search and rescue, enforcement of fisheries and  
18 other laws and treaties, recreational boating  
19 safety, port safety and security, aids to naviga-  
20 tion, and military readiness) that would cause  
21 significant increased threat to life, property, en-  
22 vironment, public safety or national security.

23 (2) In making the decision to close a station or  
24 subunit, the Secretary shall assess—



1 (A) the benefit of the station or subunit in  
2 deterring or preventing violations of applicable  
3 laws and regulations;

4 (B) unique regional or local prevailing  
5 weather and marine conditions including water  
6 temperature and unusual tide and current con-  
7 ditions; and

8 (C) other Federal, State, and local govern-  
9 ment capabilities which could fully or partially  
10 substitute for services provided by such station  
11 or subunit.

12 (4) The Secretary shall develop a transition  
13 plan for the area affected by the closure to ensure  
14 the Coast Guard service needs of the area continue  
15 to be met.

16 (5) The Secretary shall implement a process  
17 to—

18 (A) notify the public of the intended clo-  
19 sure;

20 (B) make available to the public informa-  
21 tion used in making the determination and as-  
22 sessment under this section; and

23 (C) provide an opportunity for public par-  
24 ticipation, including public meetings and the  
25 submission of and summary response to written

1           comments, with regard to the decision to close  
2           the station or subunit and the development of  
3           a transition plan.

4           (c) NOTIFICATION.—If, after the requirements of  
5           subsection (b) are met and after consideration of public  
6           comment, the Secretary decides to close a small-boat sta-  
7           tion or subunit, the Secretary shall provide notification of  
8           that decision, at least 60 days before the closure is ef-  
9           fected, to the public, the Committee on Commerce, Science  
10          and Transportation of the Senate and the Committee on  
11          Transportation and Infrastructure of the House of Rep-  
12          resentatives.

13          (d) OPERATIONAL FLEXIBILITY.—Notwithstanding  
14          the requirements of this section, the Secretary may imple-  
15          ment any management efficiencies within the small boat  
16          system, such as modifying the operational posture of units  
17          or reallocating resources as necessary to ensure the safety  
18          of the maritime public nationwide, provided that no sta-  
19          tions or subunits are closed.

20       **SEC. 310. PENALTY FOR ALTERATION OF MARINE SAFETY**  
21                               **EQUIPMENT.**

22          Section 3318(b) of title 46, United States Code, is  
23          amended—

24               (1) by inserting “(1)” before “A person”; and

25               (2) by adding at the end thereof the following:

1           “(2) A person that knowingly alters lifesaving,  
 2           fire safety, or any other equipment subject to this  
 3           part, so that the equipment altered is so defective as  
 4           to be insufficient to accomplish the purpose for  
 5           which it is intended, commits a class D felony.”.

6 **SEC. 311. PROHIBITION ON OVERHAUL, REPAIR, AND**  
 7 **MAINTENANCE OF COAST GUARD VESSELS IN**  
 8 **FOREIGN SHIPYARDS.**

9           (a) PROHIBITION.—Chapter 5 of title 14, United  
 10 States Code, is amended by adding at the end the follow-  
 11 ing:

12 **“§ 96. Prohibition on overhaul, repair, and mainte-**  
 13 **nance of Coast Guard vessels in foreign**  
 14 **shipyards**

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

19           (b) CLERICAL AMENDMENT.—The chapter analysis  
 20 for chapter 5 of title 14, United States Code, is amended  
 21 by adding at the end the following:

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

1 **SEC. 312. WITHHOLDING VESSEL CLEARANCE FOR VIOLA-**  
2 **TION OF CERTAIN ACTS.**

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

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

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

19 (b) PORT AND WATERWAYS SAFETY ACT.—Section  
20 13(f) of the Ports and Waterways Safety Act (33 U.S.C.  
21 1232(f)) is amended to read as follows:

22 “(f) WITHHOLDING OF CLEARANCE.—(1) If any  
23 owner, operator, or person in charge of a vessel is liable  
24 for a penalty or fine under this section, or if reasonable  
25 cause exists to believe that the owner, operator, or person  
26 in charge may be subject to a penalty or fine under this

1 section, the Secretary of the Treasury, upon the request  
2 of the Secretary, shall with respect to such vessel refuse  
3 or revoke any clearance required by section 4197 of the  
4 Revised Statutes of the United States (46 U.S.C. App.  
5 91).

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

9 (c) INLAND NAVIGATION RULES ACT OF 1980.—Sec-  
10 tion 4(d) of the Inland Navigational Rules Act of 1980  
11 (33 U.S.C. 2072(d)) is amended to read as follows:

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

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

1 (d) TITLE 46, UNITED STATES CODE.—Section  
 2 3718(e) of title 46, United States Code, is amended to  
 3 read as follows:

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

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

## 16 **TITLE IV—COAST GUARD**

### 17 **AUXILIARY**

#### 18 **SEC. 401. ADMINISTRATION OF THE COAST GUARD AUXIL-**

#### 19 **IARY.**

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

22 “(a) The Coast Guard Auxiliary is a nonmilitary or-  
 23 ganization administered by the Commandant under the di-  
 24 rection of the Secretary. For command, control, and ad-  
 25 ministrative purposes, the Auxiliary shall include such or-

ganizational elements and units as are approved by the Commandant, including but not limited to, a national board and staff (Auxiliary headquarters unit), districts, regions, divisions, flotillas, and other organizational elements and units. The Auxiliary organization and its officers shall have such rights, privileges, powers, and duties as may be granted to them by the Commandant, consistent with this title and other applicable provisions of law. The Commandant may delegate to officers of the Auxiliary the authority vested in the Commandant by this section, in the manner and to the extent the Commandant considers necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

“(b) Each organizational element or unit of the Coast Guard Auxiliary organization (but excluding any corporation formed by an organizational element or unit of the Auxiliary under subsection (c) of this section), shall, except when acting outside the scope of section 822, at all times be deemed to be an instrumentality of the United States, for purposes of the Federal Tort Claims Act (28 U.S.C. 2671, et seq.), the Military Claims Act (10 U.S.C. 2733), the Public Vessels Act (46 U.S.C. App. 781–790), the Suits in Admiralty Act (46 U.S.C. App. 741–752), the Admiralty Extension Act (46 U.S.C. App. 740), and for other noncontractual civil liability purposes.

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

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

9       (c) The table of sections at the beginning of chapter  
10 23 of title 14, United States Code, is amended in the item  
11 relating to section 821, after “Administration” by insert-  
12 ing “of the Coast Guard Auxiliary”.

13 **SEC. 402. PURPOSE OF THE COAST GUARD AUXILIARY.**

14       (a) Section 822 of title 14, United States Code, is  
15 amended by striking the entire text and inserting:

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

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

23       (c) The table of sections at the beginning of chapter  
24 23 of title 14, United States Code, is amended in the item



1 relating to section 822, after “Purpose” by inserting “of  
2 the Coast Guard Auxiliary”.

3 **SEC. 403. MEMBERS OF THE AUXILIARY; STATUS.**

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

6 **“§ 823a. Members of the Auxiliary; status**

7 “(a) Except as otherwise provided in this chapter, a  
8 member of the Coast Guard Auxiliary shall not be deemed  
9 to be a Federal employee and shall not be subject to the  
10 provisions of law relating to Federal employment, includ-  
11 ing those relating to hours of work, rates of compensation,  
12 leave, unemployment compensation, Federal employee  
13 benefits, ethics, conflicts of interest, and other similar  
14 criminal or civil statutes and regulations governing the  
15 conduct of Federal employees. However, nothing in this  
16 subsection shall constrain the Commandant from prescrib-  
17 ing standards for the conduct and behavior of members  
18 of the Auxiliary.

19 “(b) A member of the Auxiliary while assigned to  
20 duty shall be deemed to be a Federal employee only for  
21 the purposes of the following:

22 “(1) the Federal Tort Claims Act (28 U.S.C.  
23 2671 et seq.), the Military Claims Act (10 U.S.C.  
24 2733), the Public Vessels Act (46 U.S.C. App. 781–  
25 790), the Suits in Admiralty Act (46 U.S.C. App.

1       741–752), the Admiralty Extension Act (46 U.S.C.  
 2       App. 740), and for other noncontractual civil liabil-  
 3       ity purposes;

4           “(2) compensation for work injuries under  
 5       chapter 81 of title 5, United States Code; and

6           “(3) the resolution of claims relating to damage  
 7       to or loss of personal property of the member inci-  
 8       dent to service under the Military Personnel and Ci-  
 9       vilian Employees’ Claims Act of 1964 (31 U.S.C.  
 10       3721).

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

15       (b) The table of sections for chapter 23 of title 14,  
 16       United States Code, is amended by inserting the following  
 17       new item after the item relating to section 823:

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

18       **SEC. 404. ASSIGNMENT AND PERFORMANCE OF DUTIES.**

19       Title 14, United States Code, is amended by striking  
 20       “specific” each place it appears in sections 830, 831, and  
 21       832.

1 **SEC. 405. COOPERATION WITH OTHER AGENCIES, STATES,**  
2 **TERRITORIES, AND POLITICAL SUBDIVI-**  
3 **SIONS.**

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

6 (1) by striking “General” in the section caption  
7 and inserting “Cooperation with other agencies,  
8 States, Territories, and political subdivisions”;

9 (2) by inserting “(which include members of the  
10 Auxiliary and facilities governed under chapter 23)”  
11 after “personnel and facilities” in the first sentence  
12 of subsection (a); and

13 (3) by adding at the end of subsection (a) the  
14 following: “The Commandant may prescribe condi-  
15 tions, including reimbursement, under which person-  
16 nel and facilities may be provided under this sub-  
17 section.”.

18 (b) The table of sections for chapter 7 of title 14,  
19 United States Code, is amended by striking “General” in  
20 the item relating to section 141 and inserting “Coopera-  
21 tion with other agencies, States, Territories, and political  
22 subdivisions.”.

23 **SEC. 406. VESSEL DEEMED PUBLIC VESSEL.**

24 The text of section 827 of title 14, United States  
25 Code, is amended to read as follows:

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

6 **SEC. 407. AIRCRAFT DEEMED PUBLIC AIRCRAFT.**

7       The text of section 828 of title 14, United States  
8 Code, is amended to read as follows:

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

17 **SEC. 408. DISPOSAL OF CERTAIN MATERIAL.**

18       Section 641(a) of title 14, United States Code, is  
19 amended—

20           (1) by inserting “to the Coast Guard Auxiliary,  
21 including any incorporated unit thereof,” after “with  
22 or without charge,”; and

23           (2) by striking “to any incorporated unit of the  
24 Coast Guard Auxiliary,” after “America,”.

1 **TITLE V—RECREATIONAL BOAT-**  
2 **ING SAFETY IMPROVEMENT**

3 **SEC. 501. STATE RECREATIONAL BOATING SAFETY**  
4 **GRANTS.**

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

7 (1) TRANSFERS.—Section 4(b) of the Act of  
8 August 9, 1950 (16 U.S.C. 777c(b); commonly re-  
9 ferred to as the “Dingell-Johnson Sport Fish Res-  
10 toration Act”) is amended to read as follows:

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

18 “(A) A sum equal to \$7,500,000 of the amount  
19 available for fiscal year 1995, and a sum equal to  
20 \$10,000,000 of the amount available for each of fis-  
21 cal years 1996 and 1997, shall be available for use  
22 by the Secretary of the Interior for grants under  
23 section 5604(c) of the Clean Vessel Act of 1992.  
24 Any portion of such a sum available for a fiscal year  
25 that is not obligated for those grants before the end

1 of the following fiscal year shall be transferred to  
2 the Secretary of Transportation and shall be ex-  
3 pended by the Secretary of Transportation for State  
4 recreational boating safety programs under section  
5 13106 of title 46, United States Code.

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

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

20 “(i) grants under section 502(e) of the  
21 Coast Guard Authorization Act of 1995; and

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

24 Any portion of such a sum available for a fiscal year that  
25 is not obligated for those grants before the end of the fol-

1 lowing fiscal year shall be transferred to the Secretary of  
 2 Transportation and shall be expended by the Secretary of  
 3 Transportation for State recreational boating safety pro-  
 4 grams under section 13106 of title 46, United States  
 5 Code.

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

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

15 “(ii) \$35,000,000.

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

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

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

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

3 (b) EXPENDITURE OF AMOUNTS FOR STATE REC-  
4 REATIONAL BOATING SAFETY PROGRAMS.—Section  
5 13106 of title 46, United States Code, is amended—

6 (1) by striking the first sentence of subsection  
7 (a)(1) and inserting the following: “Subject to para-  
8 graph (2), the Secretary shall expend under con-  
9 tracts with States under this chapter in each fiscal  
10 year for State recreational boating safety programs  
11 an amount equal to the sum of the amount appro-  
12 priated from the Boat Safety Account for that fiscal  
13 year plus the amount transferred to the Secretary  
14 under section 4(b)(1) of the Act of August 9, 1950  
15 (16 U.S.C. 777c(b)(1)) for that fiscal year.”; and

16 (2) by amending subsection (c) to read as fol-  
17 lows:

18 “(c) For expenditure under this chapter for State rec-  
19 reational boating safety programs there are authorized to  
20 be appropriated to the Secretary of Transportation from  
21 the Boat Safety Account established under section 9504  
22 of the Internal Revenue Code of 1986 (26 U.S.C. 9504)  
23 not more than \$35,000,000 each fiscal year.”.

24 (c) EXCESS FY 1995 BOAT SAFETY ACCOUNT  
25 FUNDS TRANSFER.—Notwithstanding any other provision



1 of law, \$20,000,000 of the annual appropriation from the  
2 Sport Fish Restoration Account in fiscal year 1996 made  
3 in accordance with the provisions of section 3 of the Act  
4 of August 9, 1950 (16 U.S.C. 777b) shall be excluded  
5 from the calculation of amounts to be distributed under  
6 section 4(a) of such Act (16 U.S.C. 777c(a)).

7 **SEC. 502. BOATING ACCESS.**

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

10 (1) Nontrailerable recreational motorboats con-  
11 tribute 15 percent of the gasoline taxes deposited in  
12 the Aquatic Resources Trust Fund while constitut-  
13 ing less than 5 percent of the recreational vessels in  
14 the United States.

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

18 (3) More Aquatic Resources Trust Fund mon-  
19 eys should be spent on recreational vessel access fa-  
20 cilities that benefit recreational vessels that are  
21 nontrailerable vessels.

22 (b) PURPOSE.—The purpose of this section is to pro-  
23 vide funds to States for the development of public facilities  
24 for transient nontrailerable vessels.

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

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

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

10       (d) PLAN.—Within 6 months after submitting a sur-  
11 vey to the Secretary of the Interior in accordance with  
12 subsection (c), an eligible State may develop and submit  
13 to the Secretary of the Interior a plan for the construction  
14 and renovation of public facilities for transient  
15 nontrailerable vessels to meet the needs of nontrailerable  
16 vessels operating on navigable waters in the State.

17       (e) GRANT PROGRAM.—

18           (1) MATCHING GRANTS.—The Secretary of the  
19 Interior shall obligate not less than one-half of the  
20 amount made available for each of fiscal years 1998  
21 and 1999 under section 4(b)(1)(C) of the Act of Au-  
22 gust 9, 1950, as amended by section 501(a)(1) of  
23 this Act, to make grants to any eligible State to pay  
24 not more than 75 percent of the cost of constructing

1 or renovating public facilities for transient  
2 nontrailerable vessels.

3 (2) PRIORITY.—

4 (A) IN GENERAL.—In awarding grants  
5 under this subsection, the Secretary of the Inte-  
6 rior shall give priority to projects that consist  
7 of the construction or renovation of public fa-  
8 cilities for transient nontrailerable vessels in ac-  
9 cordance with a plan submitted by a State sub-  
10 mitted under subsection (d).

11 (B) WITHIN STATE.—In awarding grants  
12 under this subsection for projects in a particu-  
13 lar State, the Secretary of the Interior shall  
14 give priority to projects that are likely to serve  
15 the greatest number of nontrailerable vessels.

16 (f) DEFINITIONS.—For the purpose of this section  
17 and section 501 of this Act the term—

18 (1) “Act of August 9, 1950” means the Act en-  
19 titled “An Act to provide that the United States  
20 shall aid the States in fish restoration and manage-  
21 ment projects, and for other purposes”, approved  
22 August 9, 1950 (16 U.S.C. 777a et seq.);

23 (2) “nontrailerable vessel” means a recreational  
24 vessel greater than 26 feet in length;

1           (3) “public facilities for transient nontrailerable  
2           vessels” means mooring buoys, day-docks, seasonal  
3           slips or similar structures located on navigable wa-  
4           ters, that are available to the general public and de-  
5           signed for temporary use by nontrailerable vessels;

6           (4) “recreational vessel” means a vessel—

7                   (A) operated primarily for pleasure; or

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

10          (5) “State” means each of the several States of  
11          the United States, the District of Columbia, the  
12          Commonwealth of Puerto Rico, Guam, American  
13          Samoa, the United States Virgin Islands, and the  
14          Commonwealth of the Northern Marianas.

15   **SEC. 503. PERSONAL FLOTATION DEVICES REQUIRED FOR**  
16                   **CHILDREN.**

17          (a) PROHIBITION.—Section 4307(a) of title 46, Unit-  
18   ed States Code, is amended—

19               (1) by striking “or” after the semicolon in  
20          paragraph (2);

21               (2) by striking the period at the end of para-  
22          graph (3) and inserting a semicolon and “or”; and

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

24                   “(4) operate a recreational vessel under 26 feet  
25          in length unless each individual 6 years of age or

1       younger wears a Coast Guard approved personal flo-  
2       tation device when the individual is on an open deck  
3       of the vessel.”.

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

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

12      (c) PENALTY.—Section 4311 of title 46, United  
13      States Code, is amended by adding at the end the follow-  
14      ing new subsection:

15      “(h) Notwithstanding any other provision of this sec-  
16      tion, in the case of a person violating section 4307(a)(4)  
17      of this title—

18              “(1) the maximum penalty assessable under  
19      subsection (a) is a fine of \$100 with no imprison-  
20      ment; and

21              “(2) the maximum civil penalty assessable  
22      under subsection (c) is \$100.”.

23      **SEC. 504. MARINE CASUALTY REPORTING.**

24      (a) SUBMISSION OF PLAN.—Not later than one year  
25      after enactment of this Act, the Secretary of Transpor-

1 tation shall, in consultation with appropriate State agen-  
 2 cies, submit to the Committee on Resources of the House  
 3 of Representatives and the Committee on Commerce,  
 4 Science, and Transportation of the Senate a plan to in-  
 5 crease reporting of vessel accidents to appropriate State  
 6 law enforcement officials.

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

## 11 **TITLE VI—COAST GUARD** 12 **REGULATORY REFORM**

### 13 **SEC. 601. SHORT TITLE.**

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

### 16 **SEC. 602. SAFETY MANAGEMENT.**

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

#### “CHAPTER 32—MANAGEMENT OF VESSELS

“Sec.

“3201. Definitions.

“3202. Application.

“3203. Safety management system.

“3204. Implementation of safety management system.

“3205. Certification.

### 20 **“§ 3201. Definitions**

21 “In this chapter—

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

5           “(2) ‘responsible person’ means—

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

8                   “(B) any other person that has—

9                           “(i) assumed the responsibility for op-  
10                   eration of a vessel to which this chapter  
11                   applies from the owner; and

12                           “(ii) agreed to assume with respect to  
13                   the vessel responsibility for complying with  
14                   all the requirements of this chapter and  
15                   the regulations prescribed under this chap-  
16                   ter.

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

19                   “(A) arriving at a place under the jurisdic-  
20                   tion of the United States from a place in a for-  
21                   eign country;

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

1           “(C) departing from a place under the ju-  
2           risdiction of the United States for a place in a  
3           foreign country.

4   **“§ 3202. Application**

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

7           “(1) Beginning July 1, 1998—

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

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

13          “(2) Beginning July 1, 2002, a freight vessel  
14          and a self-propelled mobile offshore drilling unit of  
15          at least 500 gross tons.

16          “(b) VOLUNTARY APPLICATION.—This chapter ap-  
17   plies to a vessel not described in subsection (a) of this  
18   section if the owner of the vessel requests the Secretary  
19   to apply this chapter to the vessel.

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

22          “(1) a barge;

23          “(2) a recreational vessel not engaged in com-  
24          mercial service;

25          “(3) a fishing vessel;



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

3           “(5) a public vessel.

4   **“§ 3203. Safety management system**

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

9           “(1) a safety and environmental protection pol-  
10          icy;

11          “(2) instructions and procedures to ensure safe  
12 operation of those vessels and protection of the envi-  
13 ronment in compliance with international and Unit-  
14 ed States law;

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

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

20          “(5) procedures for preparing for and respond-  
21 ing to emergency situations; and

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

24          “(b) COMPLIANCE WITH CODE.—Regulations pre-  
25 scribed under this section shall be consistent with the

1 International Safety Management Code with respect to  
2 vessels engaged on a foreign voyage.

3 **“§ 3204. Implementation of safety management sys-**  
4 **tem**

5 “(a) SAFETY MANAGEMENT PLAN.—Each respon-  
6 sible person shall establish and submit to the Secretary  
7 for approval a safety management plan describing how  
8 that person and vessels of the person to which this chapter  
9 applies will comply with the regulations prescribed under  
10 section 3203(a) of this title.

11 “(b) APPROVAL.—Upon receipt of a safety manage-  
12 ment plan submitted under subsection (a), the Secretary  
13 shall review the plan and approve it if the Secretary deter-  
14 mines that it is consistent with and will assist in imple-  
15 menting the safety management system established under  
16 section 3203.

17 “(c) PROHIBITION ON VESSEL OPERATION.—A ves-  
18 sel to which this chapter applies under section 3202(a)  
19 may not be operated without having on board a Safety  
20 Management Certificate and a copy of a Document of  
21 Compliance issued for the vessel under section 3205 of  
22 this title.

23 **“§3205. Certification**

24 “(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—  
25 After verifying that the responsible person for a vessel to

1 which this chapter applies and the vessel comply with the  
2 applicable requirements under this chapter, the Secretary  
3 shall issue for the vessel, on request of the responsible per-  
4 son, a Safety Management Certificate and a Document of  
5 Compliance.

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

11 “(c) VERIFICATION OF COMPLIANCE.—The Secretary  
12 shall—

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

17 “(2) revoke the Secretary’s approval of the plan  
18 and each Safety Management Certificate and Docu-  
19 ment of Compliance issued to the person for a vessel  
20 to which the plan applies, if the Secretary deter-  
21 mines that the person or a vessel to which the plan  
22 applies has not complied with the plan.

23 “(d) ENFORCEMENT.—At the request of the Sec-  
24 retary, the Secretary of the Treasury shall withhold or re-  
25 voke the clearance required by section 4197 of the Revised

1 Statutes (46 U.S.C. App. 91) of a vessel that is subject  
 2 to this chapter under section 3202(a) of this title or to  
 3 the International Safety Management Code, if the vessel  
 4 does not have on board a Safety Management Certificate  
 5 and a copy of a Document of Compliance for the vessel.  
 6 Clearance may be granted on filing a bond or other surety  
 7 satisfactory to the Secretary.”.

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

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

12 (c) STUDY.—

13 (1) IN GENERAL.—The Secretary of the depart-  
 14 ment in which the Coast Guard is operating shall  
 15 conduct, in cooperation with the owners, charterers,  
 16 and managing operators of vessels documented  
 17 under chapter 121 of title 46, United States Code,  
 18 and other interested persons, a study of the methods  
 19 that may be used to implement and enforce the  
 20 International Management Code for the Safe Oper-  
 21 ation of Ships and for Pollution Prevention under  
 22 chapter IX of the Annex to the International Con-  
 23 vention for the Safety of Life at Sea, 1974.

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

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

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

9   **SEC. 603. USE OF REPORTS, DOCUMENTS, RECORDS, AND**  
 10                   **EXAMINATIONS OF OTHER PERSONS.**

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

14   **“§ 3103. Use of reports, documents, and records**

15           “The Secretary may rely, as evidence of compliance  
 16           with this subtitle, on—

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

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

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

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

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

4 **SEC. 604. EQUIPMENT APPROVAL.**

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

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

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

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

18               “(B) the approval of the equipment or material  
19 by the foreign government will secure the safety of  
20 individuals and property on board vessels subject to  
21 inspection; and  
22

23               “(C) for lifesaving equipment, the foreign government—  
24

1           “(i) has given equivalent treatment to ap-  
 2           provals of lifesaving equipment by the Sec-  
 3           retary; and

4           “(ii) otherwise ensures that lifesaving  
 5           equipment approved by the Secretary may be  
 6           used on vessels that are documented and sub-  
 7           ject to inspection under the laws of that coun-  
 8           try.”.

9           (b) FOREIGN APPROVALS.—The Secretary of Trans-  
 10          portation, in consultation with other interested Federal  
 11          agencies, shall work with foreign governments to have  
 12          those governments approve the use of the same equipment  
 13          and materials on vessels documented under the laws of  
 14          those countries that the Secretary requires on United  
 15          States documented vessels.

16          (c) TECHNICAL AMENDMENT.—Section 3306(a)(4)  
 17          of title 46, United States Code, is amended by striking  
 18          “clauses (1)–(3)” and inserting “paragraphs (1), (2), and  
 19          (3)”.

20       **SEC. 605. FREQUENCY OF INSPECTION.**

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

23               (1) in paragraph (1)—

24                       (A) by striking “nautical school vessel”  
 25                       and inserting “, nautical school vessel, and

1 small passenger vessel allowed to carry more  
 2 than 12 passengers on a foreign voyage”; and

3 (B) by adding “and” after the semicolon  
 4 at the end;

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

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

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

12 **SEC. 606. CERTIFICATE OF INSPECTION.**

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

15 **SEC. 607. DELEGATION OF AUTHORITY OF SECRETARY TO**  
 16 **CLASSIFICATION SOCIETIES.**

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

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

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

22 (3) by striking “Bureau” in subsection (a), as  
 23 redesignated, and inserting “American Bureau of  
 24 Shipping”; and

25 (4) in subsection (b), as so redesignated, by—



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

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

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

11 “(A) review and approve plans required for is-  
12 suing a certificate of inspection required by this  
13 part;

14 “(B) conduct inspections and examinations; and

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

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

19 “(A) to the extent that the government of the  
20 foreign country in which the society is headquartered  
21 delegates authority and provides access to the Amer-  
22 ican Bureau of Shipping to inspect, certify, and pro-  
23 vide related services to vessels documented in that  
24 country; and

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

3 (b) CONFORMING AMENDMENTS.—

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

6 **“§ 3316. Classification societies”.**

7 (2) The table of sections for chapter 33 of title  
 8 46, United States Code, is amended by striking the  
 9 item relating to section 3316 and inserting the fol-  
 10 lowing:

“3316. Classification societies.”.

## 11 **TITLE VII—TECHNICAL AND** 12 **CONFORMING AMENDMENTS**

### 13 **SEC. 701. AMENDMENT OF INLAND NAVIGATION RULES.**

14 Section 2 of the Inland Navigational Rules Act of  
 15 1980 is amended—

16 (1) by amending Rule 9(e)(i) (33 U.S.C.  
 17 2009(e)(i)) to read as follows:

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

1 safe passing. If in doubt she shall sound the danger signal  
2 prescribed in Rule 34(d).”;

3 (2) in Rule 15(b) (33 U.S.C. 2015(b)) by in-  
4 serting “power-driven” after “Secretary, a”;

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

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

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

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

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

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

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

“(b) If a statute allows for an alternate tonnage to be prescribed under this section, the Secretary may prescribe it by regulation. Any such regulation shall be considered to be an interpretive regulation for purposes of section 553 of title 5. Until an alternate tonnage is prescribed, the statutorily established tonnage shall apply to vessels measured under chapter 143 or chapter 145 of this title.”.

**SEC. 703. LONGSHORE AND HARBOR WORKERS COMPENSATION.**

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

**SEC. 704. RADIOTELEPHONE REQUIREMENTS.**

Section 4(a)(2) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(a)(2)) is amended by inserting after “one hundred gross tons” the following “as measured under section 14502 of title 46, United States 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 this title, or an alternate tonnage  
17 measured under section 14302 of this title as pre-  
18 scribed by the Secretary under section 14104 of this  
19 title”;

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

1           (3) in paragraph (19), by inserting after “500  
2       gross tons” the following: “as measured under sec-  
3       tion 14502 of this title, or an alternate tonnage  
4       measured under section 14302 of this title as pre-  
5       scribed by the Secretary under section 14104 of this  
6       title”;

7           (4) in paragraph (22), by inserting after “100  
8       gross tons” the following: “as measured under sec-  
9       tion 14502 of this title, or an alternate tonnage  
10      measured under section 14302 of this title as pre-  
11      scribed by the Secretary under section 14104 of this  
12      title”;

13          (5) in paragraph (30)(A), by inserting after  
14      “500 gross tons” the following: “as measured under  
15      section 14502 of this title, or an alternate tonnage  
16      measured under section 14302 of this title as pre-  
17      scribed by the Secretary under section 14104 of this  
18      title”;

19          (6) in paragraph (32), by inserting after “100  
20      gross tons” the following: “as measured under sec-  
21      tion 14502 of this title, or an alternate tonnage  
22      measured under section 14302 of this title as pre-  
23      scribed by the Secretary under section 14104 of this  
24      title”;



1           (7) in paragraph (33), by inserting after “300  
 2       gross tons” the following: “as measured under sec-  
 3       tion 14502 of this title, or an alternate tonnage  
 4       measured under section 14302 of this title as pre-  
 5       scribed by the Secretary under section 14104 of this  
 6       title”;

7           (8) in paragraph (35), by inserting after “100  
 8       gross tons” the following: “as measured under sec-  
 9       tion 14502 of this title, or an alternate tonnage  
 10      measured under section 14302 of this title as pre-  
 11      scribed by the Secretary under section 14104 of this  
 12      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 this title, or an al-  
 16      ternate tonnage measured under section 14302 of  
 17      this title as prescribed by the Secretary under sec-  
 18      tion 14104 of this 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      this title, or an alternate tonnage measured under

1 section 14302 of this title as prescribed by the Sec-  
 2 retary under section 14104 of this title”; and

3 (2) in paragraph (5), by inserting after “at  
 4 least 100 gross tons but less than 500 gross tons”  
 5 the following: “as measured under section 14502 of  
 6 this title, or an alternate tonnage measured under  
 7 section 14302 of this title as prescribed by the Sec-  
 8 retary under section 14104 of this title”.

9 **SEC. 711. INSPECTION OF VESSELS.**

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

12 (1) in subsection (c)(1), by inserting after  
 13 “5,000 gross tons” the following: “as measured  
 14 under section 14502 of this title, or an alternate  
 15 tonnage measured under section 14302 of this title  
 16 as prescribed by the Secretary under section 14104  
 17 of this title”;

18 (2) in subsection (c)(2), by inserting after “500  
 19 gross tons” the following: “as measured under sec-  
 20 tion 14502 of this title, or an alternate tonnage  
 21 measured under section 14302 of this title as pre-  
 22 scribed by the Secretary under section 14104 of this  
 23 title”;

24 (3) in subsection (c)(3), by inserting after “500  
 25 gross tons” the following: “as measured under sec-

1       tion 14502 of this title, or an alternate tonnage  
2       measured under section 14302 of this title as pre-  
3       scribed by the Secretary under section 14104 of this  
4       title”;

5           (4) in subsection (c)(4)(A), by inserting after  
6       “500 gross tons” the following: “as measured under  
7       section 14502 of this title, or an alternate tonnage  
8       measured under section 14302 of this title as pre-  
9       scribed by the Secretary under section 14104 of this  
10      title”;

11          (5) in subsection (d)(1), by inserting after “150  
12      gross tons” the following: “as measured under sec-  
13      tion 14502 of this title, or an alternate tonnage  
14      measured under section 14302 of this title as pre-  
15      scribed by the Secretary under section 14104 of this  
16      title”;

17          (6) in subsection (i)(1)(A), by inserting after  
18      “300 gross tons” the following: “as measured under  
19      section 14502 of this title, or an alternate tonnage  
20      measured under section 14302 of this title as pre-  
21      scribed by the Secretary under section 14104 of this  
22      title”; and

23          (7) in subsection (j), by inserting after “15  
24      gross tons” the following: “as measured under sec-  
25      tion 14502 of this title, or an alternate tonnage

1 measured under section 14302 of this title as pre-  
2 scribed by the Secretary under section 14104 of this  
3 title”.

4 **SEC. 712. REGULATIONS.**

5 Section 3306 of title 46, United States Code, is  
6 amended—

7 (1) in subsection (h), by inserting after “at  
8 least 100 gross tons but less than 300 gross tons”  
9 the following: “as measured under section 14502 of  
10 this title, or an alternate tonnage measured under  
11 section 14302 of this title as prescribed by the Sec-  
12 retary under section 14104 of this title”; and

13 (2) in subsection (i), by inserting after “at least  
14 100 gross tons but less than 500 gross tons” the fol-  
15 lowing: “as measured under section 14502 of this  
16 title, or an alternate tonnage measured under sec-  
17 tion 14302 of this title as prescribed by the Sec-  
18 retary under section 14104 of this title”.

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

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

22 (1) in subsection (a), by inserting after “100  
23 gross tons” the following: “as measured under sec-  
24 tion 14502 of this title, or an alternate tonnage  
25 measured under section 14302 of this title as pre-

1 scribed by the Secretary under section 14104 of this  
 2 title”; and

3 (2) in subsection (j)(1), by inserting after  
 4 “1,600 gross tons” the following: “as measured  
 5 under section 14502 of this title, or an alternate  
 6 tonnage measured under section 14302 of this title  
 7 as prescribed by the Secretary under section 14104  
 8 of this title”.

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

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

12 (1) in subsection (b)(1), by inserting after “500  
 13 gross tons” the following: “as measured under sec-  
 14 tion 14502 of this title, or an alternate tonnage  
 15 measured under section 14302 of this title as pre-  
 16 scribed by the Secretary under section 14104 of this  
 17 title”;

18 (2) in subsection (c), by inserting after “500  
 19 gross tons” the following: “as measured under sec-  
 20 tion 14502 of this title, or an alternate tonnage  
 21 measured under section 14302 of this title as pre-  
 22 scribed by the Secretary under section 14104 of this  
 23 title”; and

24 (3) in subsection (d), by inserting after “5,000  
 25 gross tons” the following: “as measured under sec-

1       tion 14502 of this title, or an alternate tonnage  
2       measured under section 14302 of this title as pre-  
3       scribed by the Secretary under section 14104 of this  
4       title”.

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

6       Section 3703a of title 46, United States Code, is  
7   amended—

8           (1) in subsection (b)(2), by inserting after  
9       “5,000 gross tons” the following: “as measured  
10      under section 14502 of this title, or an alternate  
11      tonnage measured under section 14302 of this title  
12      as prescribed by the Secretary under section 14104  
13      of this title”;

14          (2) in subsection (c)(2), by inserting after  
15      “5,000 gross tons” each place it appears the follow-  
16      ing: “as measured under section 14502 of this title,  
17      or an alternate tonnage measured under section  
18      14302 of this title as prescribed by the Secretary  
19      under section 14104 of this title”;

20          (3) in subsection (c)(3)(A), by inserting after  
21      “15,000 gross tons” the following: “as measured  
22      under section 14502 of this title, or an alternate  
23      tonnage measured under section 14302 of this title  
24      as prescribed by the Secretary under section 14104  
25      of this title”;

1           (4) in subsection (c)(3)(B), by inserting after  
2           “30,000 gross tons” the following: “as measured  
3           under section 14502 of this title, or an alternate  
4           tonnage measured under section 14302 of this title  
5           as prescribed by the Secretary under section 14104  
6           of this title”; and

7           (5) in subsection (c)(3)(C), by inserting after  
8           “30,000 gross tons” the following: “as measured  
9           under section 14502 of this title, or an alternate  
10          tonnage measured under section 14302 of this title  
11          as prescribed by the Secretary under section 14104  
12          of this title”.

13 **SEC. 716. TANKER MINIMUM STANDARDS.**

14          Section 3707 of title 46, United States Code, is  
15 amended—

16           (1) in subsection (a), by inserting after “10,000  
17           gross tons” the following: “as measured under sec-  
18           tion 14502 of this title, or an alternate tonnage  
19           measured under section 14302 of this title as pre-  
20           scribed by the Secretary under section 14104 of this  
21           title”; and

22           (2) in subsection (b), by inserting after “10,000  
23           gross tons” the following: “as measured under sec-  
24           tion 14502 of this title, or an alternate tonnage  
25           measured under section 14302 of this title as pre-

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

3 **SEC. 717. SELF-PROPELLED TANK VESSEL MINIMUM**  
4 **STANDARDS.**

5 Section 3708 of title 46, United States Code, is  
6 amended by inserting after “10,000 gross tons” the fol-  
7 lowing: “as measured under section 14502 of this title,  
8 or an alternate tonnage measured under section 14302 of  
9 this title as prescribed by the Secretary under section  
10 14104 of this title”.

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

12 Section 4701(1) of title 46, United States Code, is  
13 amended by inserting after “100 gross tons” the following:  
14 “as measured under section 14502 of this title, or an al-  
15 ternate tonnage measured under section 14302 of this title  
16 as prescribed by the Secretary under section 14104 of this  
17 title”.

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

19 Section 5102(b) of title 46, United States Code, is  
20 amended—

21 (1) in paragraph (4), by inserting after “5,000  
22 gross tons” the following: “as measured under sec-  
23 tion 14502 of this title, or an alternate tonnage  
24 measured under section 14302 of this title as pre-



1 scribed by the Secretary under section 14104 of this  
2 title”;

3 (2) in paragraph (5), by inserting after “500  
4 gross tons” the following: “as measured under sec-  
5 tion 14502 of this title, or an alternate tonnage  
6 measured under section 14302 of this title as pre-  
7 scribed by the Secretary under section 14104 of this  
8 title”; and

9 (3) in paragraph (10), by inserting after “150  
10 gross tons” the following: “as measured under sec-  
11 tion 14502 of this title, or an alternate tonnage  
12 measured under section 14302 of this title as pre-  
13 scribed by the Secretary under section 14104 of this  
14 title”.

15 **SEC. 720. LICENSING OF INDIVIDUALS.**

16 Section 7101(e)(3) 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 this title,  
19 or an alternate tonnage measured under section 14302 of  
20 this title as prescribed by the Secretary under section  
21 14104 of this title”.

22 **SEC. 721. ABLE SEAMEN—LIMITED.**

23 Section 7308 of title 46, United States Code, is  
24 amended by inserting after “100 gross tons” the following:  
25 “as measured under section 14502 of this title, or an al-

1 ternate tonnage measured under section 14302 of this title  
 2 as prescribed by the Secretary under section 14104 of this  
 3 title”.

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

5 Section 7310 of title 46, United States Code, is  
 6 amended by inserting after “500 gross tons” the following:  
 7 “as measured under section 14502 of this title, or an al-  
 8 ternate tonnage measured under section 14302 of this title  
 9 as prescribed by the Secretary under section 14104 of this  
 10 title”.

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

12 Section 7312 of title 46, United States Code, is  
 13 amended—

14 (1) in subsection (b), by inserting after “1,600  
 15 gross tons” the following: “as measured under sec-  
 16 tion 14502 of this title, or an alternate tonnage  
 17 measured under section 14302 of this title as pre-  
 18 scribed by the Secretary under section 14104 of this  
 19 title”;

20 (2) in subsection (c)(1), by inserting after “500  
 21 gross tons” the following: “as measured under sec-  
 22 tion 14502 of this title, or an alternate tonnage  
 23 measured under section 14302 of this title as pre-  
 24 scribed by the Secretary under section 14104 of this  
 25 title”;

1           (3) in subsection (d), by inserting after “500  
 2       gross tons” the following: “as measured under sec-  
 3       tion 14502 of this title, or an alternate tonnage  
 4       measured under section 14302 of this title as pre-  
 5       scribed by the Secretary under section 14104 of this  
 6       title”;

7           (4) in subsection (f)(1), by inserting after  
 8       “5,000 gross tons” the following: “as measured  
 9       under section 14502 of this title, or an alternate  
 10      tonnage measured under section 14302 of this title  
 11      as prescribed by the Secretary under section 14104  
 12      of this title”; and

13          (5) in subsection (f)(2), by inserting after  
 14      “5,000 gross tons” the following: “as measured  
 15      under section 14502 of this title, or an alternate  
 16      tonnage measured under section 14302 of this title  
 17      as prescribed by the Secretary under section 14104  
 18      of this title”.

19 **SEC. 724. GENERAL REQUIREMENTS—ENGINE DEPART-**  
 20 **MENT.**

21       Section 7313(a) of title 46, United States Code, is  
 22   amended by inserting after “100 gross tons” the following:  
 23   “as measured under section 14502 of this title, or an al-  
 24   ternate tonnage measured under section 14302 of this title

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

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

4 Section 8101(h) of title 46, United States Code, is  
5 amended by inserting after “100 gross tons” the following:  
6 “as measured under section 14502 of this title, or an al-  
7 ternate tonnage measured under section 14302 of this title  
8 as prescribed by the Secretary under section 14104 of this  
9 title”.

10 **SEC. 726. WATCHMEN.**

11 Section 8102(b) of title 46, United States Code, is  
12 amended by inserting after “100 gross tons” the following:  
13 “as measured under section 14502 of this title, or an al-  
14 ternate tonnage measured under section 14302 of this title  
15 as prescribed by the Secretary under section 14104 of this  
16 title”.

17 **SEC. 727. CITIZENSHIP AND NAVAL RESERVE REQUIRE-**  
18 **MENTS.**

19 Section 8103(b)(3)(A) of title 46, United States  
20 Code, is amended by inserting after “1,600 gross tons”  
21 the following: “as measured under section 14502 of this  
22 title, or an alternate tonnage measured under section  
23 14302 of this title as prescribed by the Secretary under  
24 section 14104 of this title”.

1 **SEC. 728. WATCHES.**

2 Section 8104 of title 46, United States Code, is  
3 amended—

4 (1) in subsection (b), by inserting after “100  
5 gross tons” the following: “as measured under sec-  
6 tion 14502 of this title, or an alternate tonnage  
7 measured under section 14302 of this title as pre-  
8 scribed by the Secretary under section 14104 of this  
9 title”;

10 (2) in subsection (d), by inserting after “100  
11 gross tons” and after “5,000 gross tons” the follow-  
12 ing: “as measured under section 14502 of this title,  
13 or an alternate tonnage measured under section  
14 14302 of this title as prescribed by the Secretary  
15 under section 14104 of this title”;

16 (3) in subsection (l)(1), by inserting after  
17 “1,600 gross tons” the following: “as measured  
18 under section 14502 of this title, or an alternate  
19 tonnage measured under section 14302 of this title  
20 as prescribed by the Secretary under section 14104  
21 of this title”;

22 (4) in subsection (m)(1), by inserting after  
23 “1,600 gross tons” the following: “as measured  
24 under section 14502 of this title, or an alternate  
25 tonnage measured under section 14302 of this title

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

3 (5) in subsection (o)(1), by inserting after “500  
4 gross tons” the following: “as measured under sec-  
5 tion 14502 of this title, or an alternate tonnage  
6 measured under section 14302 of this title as pre-  
7 scribed by the Secretary under section 14104 of this  
8 title”; and

9 (6) in subsection (o)(2), by inserting after “500  
10 gross tons” the following: “as measured under sec-  
11 tion 14502 of this title, or an alternate tonnage  
12 measured under section 14302 of this title as pre-  
13 scribed by the Secretary under section 14104 of this  
14 title”.

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

16 Section 8301 of title 46, United States Code, is  
17 amended—

18 (1) in subsection (a)(2), by inserting after  
19 “1,000 gross tons” the following: “as measured  
20 under section 14502 of this title, or an alternate  
21 tonnage measured under section 14302 of this title  
22 as prescribed by the Secretary under section 14104  
23 of this title”;

24 (2) in subsection (a)(3), by inserting after “at  
25 least 200 gross tons but less than 1,000 gross tons”

1 the following: “as measured under section 14502 of  
2 this title, or an alternate tonnage measured under  
3 section 14302 of this title as prescribed by the Sec-  
4 retary under section 14104 of this title”;

5 (3) in subsection (a)(4), by inserting after “at  
6 least 100 gross tons but less than 200 gross tons”  
7 the following: “as measured under section 14502 of  
8 this title, or an alternate tonnage measured under  
9 section 14302 of this title as prescribed by the Sec-  
10 retary under section 14104 of this title”;

11 (4) in subsection (a)(5), by inserting after “300  
12 gross tons” the following: “as measured under sec-  
13 tion 14502 of this title, or an alternate tonnage  
14 measured under section 14302 of this title as pre-  
15 scribed by the Secretary under section 14104 of this  
16 title”;

17 (5) in subsection (b), by inserting after “200  
18 gross tons” the following: “as measured under sec-  
19 tion 14502 of this title, or an alternate tonnage  
20 measured under section 14302 of this title as pre-  
21 scribed by the Secretary under section 14104 of this  
22 title”; and

23 (6) by inserting “as measured under section  
24 14502 of this title, or an alternate tonnage meas-  
25 ured under section 14302 of this title as prescribed

1 by the Secretary under section 14104 of this title”  
2 after “200 gross tons” in subsection (e)(3).

3 **SEC. 730. OFFICERS’ COMPETENCY CERTIFICATES CON-**  
4 **VENTION.**

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

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

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

14 (1) in subsection (a), by inserting after “100  
15 gross tons” the following: “as measured under sec-  
16 tion 14502 of this title, or an alternate tonnage  
17 measured under section 14302 of this title as pre-  
18 scribed by the Secretary under section 14104 of this  
19 title”; and

20 (2) in subsection (a)(6), by inserting after  
21 “1,600 gross tons” the following: “as measured  
22 under section 14502 of this title, or an alternate  
23 tonnage measured under section 14302 of this title  
24 as prescribed by the Secretary under section 14104  
25 of this title”.



1 **SEC. 732. CERTAIN CREW REQUIREMENTS.**

2 Section 8702 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 this title, or an alternate tonnage  
7 measured under section 14302 of this title as pre-  
8 scribed by the Secretary under section 14104 of this  
9 title”; and

10 (2) in subsection (a)(6), by inserting after  
11 “1,600 gross tons” the following: “as measured  
12 under section 14502 of this title, or an alternate  
13 tonnage measured under section 14302 of this title  
14 as prescribed by the Secretary under section 14104  
15 of this title”.

16 **SEC. 733. FREIGHT VESSELS.**

17 Section 8901 of title 46, United States Code, is  
18 amended by inserting after “100 gross tons” the following:  
19 “as measured under section 14502 of this title, or an al-  
20 ternate tonnage measured under section 14302 of this title  
21 as prescribed by the Secretary under section 14104 of this  
22 title”.

23 **SEC. 734. EXEMPTIONS.**

24 Section 8905(b) of title 46, United States Code, is  
25 amended by inserting after “200 gross tons” the following:  
26 “as measured under section 14502 of this title, or an al-

1 ternate tonnage measured under section 14302 of this title  
2 as prescribed by the Secretary under section 14104 of this  
3 title”.

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

5 Section 9303(a)(2) of title 46, United States Code,  
6 is amended by inserting after “4,000 gross tons” the fol-  
7 lowing: “as measured under section 14502 of this title,  
8 or an alternate tonnage measured under section 14302 of  
9 this title as prescribed by the Secretary under section  
10 14104 of this title”.

11 **SEC. 736. DEFINITIONS—MERCHANT SEAMEN PROTEC-**  
12 **TION.**

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

19 **SEC. 737. APPLICATION—FOREIGN AND INTERCOASTAL**  
20 **VOYAGES.**

21 Section 10301(a)(2) of title 46, United States Code,  
22 is amended by inserting after “75 gross tons” the follow-  
23 ing: “as measured under section 14502 of this title, or  
24 an alternate tonnage measured under section 14302 of

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

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

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

10 **SEC. 739. FISHING AGREEMENTS.**

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

17 **SEC. 740. ACCOMMODATIONS FOR SEAMEN.**

18 Section 11101(a) of title 46, United States Code, is  
19 amended by inserting after “100 gross tons” the following:  
20 “as measured under section 14502 of this title, or an al-  
21 ternate tonnage measured under section 14302 of this title  
22 as prescribed by the Secretary under section 14104 of this  
23 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 this title, or an al-  
5 ternate tonnage measured under section 14302 of this title  
6 as prescribed by the Secretary under section 14104 of this  
7 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 this title, or  
12 an alternate tonnage measured under section 14302 of  
13 this title as prescribed by the Secretary under section  
14 14104 of this 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 this title, or an alternate tonnage measured under sec-  
20 tion 14302 of this title as prescribed by the Secretary  
21 under section 14104 of this 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 this title, or an alternate tonnage measured under sec-

tion 14302 of this title as prescribed by the Secretary  
under section 14104 of this title”.

**SEC. 745. CONVENTION TONNAGE FOR LICENSES, CERTIFICATES, AND DOCUMENTS.**

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

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

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

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

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

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

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

**SEC. 746. TECHNICAL CORRECTIONS.**

(a) Title 46, United States Code, is amended—

(1) by striking the first section 12123 in chap-  
ter 121;

1 (2) by striking the first item relating to section  
2 12123 in the table of sections for such chapter 121;

3 (3) by striking “proceeding” in section  
4 13108(a)(1) and inserting “preceding”; and

5 (4) by striking “Secertary” in section  
6 13108(a)(1) and inserting “Secretary”.

7 (b) Section 645 of title 14, United States Code, is  
8 amended by redesignating the second subsection (d) and  
9 subsections (e) through (h) as subsection (e) and sub-  
10 sections (f) through (i), respectively.

## 11 **TITLE VIII—POLLUTION FROM** 12 **SHIPS**

### 13 **SEC. 801. PREVENTION OF POLLUTION FROM SHIPS.**

14 (a) IN GENERAL.—Section 6 of the Act to Prevent  
15 Pollution From Ships (33 U.S.C. 1905) is amended—

16 (1) by striking “(2) If” in subsection (c)(2) and  
17 inserting “(2)(A) Subject to subparagraph (B), if”;  
18 and

19 (2) by adding at the end of subsection (c)(2)  
20 the following:

21 “(B) The Secretary may not issue a certifi-  
22 cate attesting to the adequacy of reception fa-  
23 cilities under this paragraph unless, prior to the  
24 issuance of the certificate, the Secretary con-  
25 ducts an inspection of the reception facilities of

1 the port or terminal that is the subject of the  
2 certificate.

3 “(C) The Secretary may, with respect to  
4 certificates issued under this paragraph prior to  
5 the date of enactment of the Coast Guard Au-  
6 thorization Act of 1995, prescribe by regulation  
7 differing periods of validity for such certifi-  
8 cates.”;

9 (3) by striking subsection (c)(3)(A) and insert-  
10 ing the following:

11 “(A) is valid for the 5-year period begin-  
12 ning on the date of issuance of the certificate,  
13 except that if—

14 “(i) the charge for operation of the  
15 port or terminal is transferred to a person  
16 or entity other than the person or entity  
17 that is the operator on the date of issuance  
18 of the certificate—

19 “(I) the certificate shall expire on  
20 the date that is 30 days after the date  
21 of the transfer; and

22 “(II) the new operator shall be  
23 required to submit an application for  
24 a certificate before a certificate may  
25 be issued for the port or terminal; or

1 “(ii) the certificate is suspended or re-  
2 voked by the Secretary, the certificate shall  
3 cease to be valid; and”; and

4 (4) by striking subsection (d) and inserting the  
5 following:

6 “(d)(1) The Secretary shall maintain a list of ports  
7 or terminals with respect to which a certificate issued  
8 under this section—

9 “(A) is in effect; or

10 “(B) has been revoked or suspended.

11 “(2) The Secretary shall make the list referred to in  
12 paragraph (1) available to the general public.”.

13 (b) RECEPTION FACILITY PLACARDS.—Section 6(f)  
14 of the Act to Prevent Pollution From Ships (33 U.S.C.  
15 1905(f)) is amended—

16 (1) by inserting “(1)” before “The Secretary”;  
17 and

18 (2) by adding at the end the following new  
19 paragraph:

20 “(2)(A) Not later than 18 months after the  
21 date of enactment of the Coast Guard Authorization  
22 Act of 1995, the Secretary shall promulgate regula-  
23 tions that require the operator of each port or termi-  
24 nal that is subject to any requirement of the  
25 MARPOL Protocol relating to reception facilities to



1 post a placard in a location that can easily be seen  
2 by port and terminal users. The placard shall state,  
3 at a minimum, that a user of a reception facility of  
4 the port or terminal should report to the Secretary  
5 any inadequacy of the reception facility.”.

6 **SEC. 802. MARINE PLASTIC POLLUTION RESEARCH AND**  
7 **CONTROL.**

8 (a) COMPLIANCE REPORTS.—Section 2201(a) of the  
9 Marine Plastic Pollution Research and Control Act of  
10 1987 (33 U.S.C. 1902 note) is amended—

11 (1) by striking “for a period of 6 years”; and  
12 (2) by inserting before the period at the end the  
13 following: “and, not later than 1 year after the date  
14 of enactment of the Coast Guard Authorization Act  
15 of 1995, and annually thereafter, shall publish in the  
16 Federal Register a list of the enforcement actions  
17 taken against any domestic or foreign ship (includ-  
18 ing any commercial or recreational ship) pursuant to  
19 the Act to Prevent Pollution from Ships (33 U.S.C.  
20 1901 et seq.)”.

21 (b) COORDINATION.—Section 2203 of the Marine  
22 Protection, Research, and Sanctuaries Act of 1972 (33  
23 U.S.C. 2803) is amended to read as follows:

1   **“SEC. 2203. COORDINATION.**

2           “(a) ESTABLISHMENT OF MARINE DEBRIS COORDI-  
3   NATING COMMITTEE.—The Secretary of Commerce shall  
4   establish a Marine Debris Coordinating Committee.

5           “(b) MEMBERSHIP.—The Committee shall include a  
6   senior official from—

7               “(1) the National Oceanic and Atmospheric Ad-  
8           ministration, who shall serve as the Chairperson of  
9           the Committee;

10               “(2) the Environmental Protection Agency;

11               “(3) the United States Coast Guard;

12               “(4) the United States Navy; and

13               “(5) such other Federal agencies that have an  
14           interest in ocean issues or water pollution prevention  
15           and control as the Secretary of Commerce deter-  
16           mines appropriate.

17           “(c) MEETINGS.—The Committee shall meet at least  
18   twice a year to provide a forum to ensure the coordination  
19   of national and international research, monitoring, edu-  
20   cation, and regulatory actions addressing the persistent  
21   marine debris problem.

22           “(d) MONITORING.—The Secretary of Commerce,  
23   acting through the Administrator of the National Oceanic  
24   and Atmospheric Administration, in cooperation with the  
25   Administrator of the Environmental Protection Agency,  
26   shall utilize the marine debris data derived under title V

1 of the Marine Protection, Research, and Sanctuaries Act  
2 of 1972 (33 U.S.C. 2801 et seq.) to assist—

3 “(1) the Committee in ensuring coordination of  
4 research, monitoring, education and regulatory ac-  
5 tions; and

6 “(2) the United States Coast Guard in assess-  
7 ing the effectiveness of this Act and the Act to Pre-  
8 vent Pollution from Ships in ensuring compliance  
9 under section 2201.”.

10 (c) PUBLIC OUTREACH PROGRAM.—Section 2204(a)  
11 of the Marine Plastic Pollution Research and Control Act  
12 (42 U.S.C. 6981 note) is amended—

13 (1) by striking “for a period of at least 3  
14 years,” in the matter preceding paragraph (1)(A)—

15 (2) by striking “and” at the end of paragraph  
16 (1)(C);

17 (3) by striking the period at the end of sub-  
18 paragraph (1)(D) and inserting “; and”;

19 (4) by adding at the end of paragraph (1) the  
20 following:

21 “(E) the requirements under this Act and  
22 the Act to Prevent Pollution from Ships (33  
23 U.S.C. 1901 et seq.) with respect to ships and  
24 ports, and the authority of citizens to report  
25 violations of this Act and the Act to Prevent

1 Pollution from Ships (33 U.S.C. 1901 et  
2 seq.).”; and

3 (5) by striking paragraph (2) and inserting the  
4 following:

5 “(2) AUTHORIZED ACTIVITIES.—

6 “(A) PUBLIC OUTREACH PROGRAM.—A  
7 public outreach program under paragraph (1)  
8 may include—

9 “(i) developing and implementing a  
10 voluntary boaters’ pledge program;

11 “(ii) workshops with interested  
12 groups;

13 “(iii) public service announcements;

14 “(iv) distribution of leaflets and post-  
15 ers; and

16 “(v) any other means appropriate to  
17 educating the public.

18 “(B) GRANTS AND COOPERATIVE AGREE-  
19 MENTS.—To carry out this section, the Sec-  
20 retary of the department in which the Coast  
21 Guard is operating, the Secretary of Commerce,  
22 and the Administrator of the Environmental  
23 Protection Agency are authorized to award  
24 grants, enter into cooperative agreements with  
25 appropriate officials of other Federal agencies

1 and agencies of States and political subdivisions  
2 of States and with public and private entities,  
3 and provide other financial assistance to eligible  
4 recipients.

5 “(C) CONSULTATION.—In developing out-  
6 reach initiatives for groups that are subject to  
7 the requirements of this title and the Act to  
8 Prevent Pollution from Ships (33 U.S.C. 1901  
9 et seq.), the Secretary of the department in  
10 which the Coast Guard is operating, in con-  
11 sultation with the Secretary of Commerce, act-  
12 ing through the Administrator of the National  
13 Oceanic and Atmospheric Administration, and  
14 the Administrator of the Environmental Protec-  
15 tion Agency, shall consult with—

16 “(i) the heads of State agencies re-  
17 sponsible for implementing State boating  
18 laws; and

19 “(ii) the heads of other enforcement  
20 agencies that regulate boaters or commer-  
21 cial fishermen.”.

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

3     **SEC. 901. SANCTIONS FOR FAILURE TO LAND OR TO BRING**  
4                     **TO; SANCTIONS FOR OBSTRUCTION OF**  
5                     **BOARDING AND PROVIDING FALSE INFORMA-**  
6                     **TION.**

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

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

13             “(a)(1) It shall be unlawful for the pilot, operator,  
14 or person in charge of an aircraft which has crossed the  
15 border of the United States, or an aircraft subject to the  
16 jurisdiction of the United States operating outside the  
17 United States, to knowingly fail to obey an order to land  
18 by an authorized Federal law enforcement officer who is  
19 enforcing the laws of the United States relating to con-  
20 trolled substances, as that term is defined in section  
21 102(6) of the Controlled Substances Act (21 U.S.C.  
22 802(6)), or relating to money laundering (sections 1956–  
23 57 of this title).

24             “(2) The Administrator of the Federal Aviation Ad-  
25 ministration, in consultation with the Commissioner of

1 Customs and the Attorney General, shall prescribe regula-  
2 tions governing the means by, and circumstances under  
3 which a Federal law enforcement officer may communicate  
4 an order to land to a pilot, operator, or person in charge  
5 of an aircraft. Such regulations shall ensure that any such  
6 order is clearly communicated in accordance with applica-  
7 ble international standards. Further, such regulations  
8 shall establish guidelines based on observed conduct, prior  
9 information, or other circumstances for determining when  
10 an officer may use the authority granted under paragraph  
11 (1).

12 “(b)(1) It shall be unlawful for the master, operator,  
13 or person in charge of a vessel of the United States or  
14 a vessel subject to the jurisdiction of the United States,  
15 to knowingly fail to obey an order to bring to that vessel  
16 on being ordered to do so by an authorized Federal law  
17 enforcement officer.

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

21 “(A) forcibly assault, resist, oppose, prevent,  
22 impede, intimidate, or interfere with a boarding or  
23 other law enforcement action authorized by any Fed-  
24 eral law, or to resist a lawful arrest; or

1           “(B) provide information to a Federal law en-  
2           forcement officer during a boarding of a vessel re-  
3           garding the vessel’s destination, origin, ownership,  
4           registration, nationality, cargo, or crew, which that  
5           person knows is false.

6           “(c) This section does not limit in any way the pre-  
7           existing authority of a customs officer under section 581  
8           of the Tariff Act of 1930 or any other provision of law  
9           enforced or administered by the Customs Service, or the  
10          preexisting authority of any Federal law enforcement offi-  
11          cer under any law of the United States to order an aircraft  
12          to land or a vessel to bring to.

13          “(d) A foreign nation may consent or waive objection  
14          to the enforcement of United States law by the United  
15          States under this section by radio, telephone, or similar  
16          oral or electronic means. Consent or waiver may be proven  
17          by certification of the Secretary of State or the Secretary’s  
18          designee.

19          “(e) For purposes of this section—

20                 “(1) A ‘vessel of the United States’ and a ‘ves-  
21                 sel subject to the jurisdiction of the United States’  
22                 have the meaning set forth for these terms in the  
23                 Maritime Drug Law Enforcement Act (46 App.  
24                 U.S.C. 1903);



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

3           “(A) an aircraft located over the United  
4       States or the customs waters of the United  
5       States;

6           “(B) an aircraft located in the airspace of  
7       a foreign nation, where that nation consents to  
8       the enforcement of United States law by the  
9       United States; and

10          “(C) over the high seas, an aircraft with-  
11       out nationality, an aircraft of United States  
12       registry, or an aircraft registered in a foreign  
13       nation that has consented or waived objection  
14       to the enforcement of United States law by the  
15       United States;

16          “(3) an aircraft ‘without nationality’ includes—

17          “(A) an aircraft aboard which the pilot,  
18       operator, or person in charge makes a claim of  
19       registry, which claim is denied by the nation  
20       whose registry is claimed; and

21          “(B) an aircraft aboard which the pilot,  
22       operator, or person in charge fails, upon re-  
23       quest of an officer of the United States empow-  
24       ered to enforce applicable provisions of United

1 States law, to make a claim of registry for that  
2 aircraft.

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

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

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

12 “(1) imprisonment for not more than 1 year;  
13 and

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

15 “(g) An aircraft that is used in violation of this sec-  
16 tion may be seized and forfeited. A vessel that is used in  
17 violation of subsection (b)(1) or subsection (b)(2)(A) may  
18 be seized and forfeited. The laws relating to the seizure,  
19 summary and judicial forfeiture, and condemnation of  
20 property for violation of the customs laws, the disposition  
21 of such property or the proceeds from the sale thereof,  
22 the remission or mitigation of such forfeitures, and the  
23 compromise of claims, shall apply to seizures and forfeit-  
24 ures undertaken, or alleged to have been undertaken,  
25 under any of the provisions of this section; except that

1 such duties as are imposed upon the customs officer or  
 2 any other person with respect to the seizure and forfeiture  
 3 of property under the customs laws shall be performed  
 4 with respect to seizures and forfeitures of property under  
 5 this section by such officers, agents, or other persons as  
 6 may be authorized or designated for that purpose. A vessel  
 7 or aircraft that is used in violation of this section is also  
 8 liable in rem for any fine or civil penalty imposed under  
 9 this section.”.

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

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

14 **SEC. 902. FAA SUMMARY REVOCATION AUTHORITY.**

15 (a) Title 49, United States Code, is amended by add-  
 16 ing after section 44106 the following new section:

17 **“§44106a. Summary revocation of aircraft certificate**

18 “(a) The registration of an aircraft shall be imme-  
 19 diately revoked upon the knowing failure of the pilot, oper-  
 20 ator, or person in charge of the aircraft to follow the order  
 21 of a Federal law enforcement officer to land an aircraft,  
 22 as provided in section 2237 of title 18, United States  
 23 Code. The Administrator shall as soon as possible notify

1 the owner of the aircraft that the owner no longer holds  
 2 United States registration for that aircraft.

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

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

7 “(2) why circumstances existed pursuant to  
 8 which the Administrator should determine that, not-  
 9 withstanding subsection (a), it would be in the pub-  
 10 lic interest to issue a new certificate of registration  
 11 to the owner to be effective concurrent with the rev-  
 12 ocation occasioned by operation of subsection (a).”.

13 (b) The table of sections at the beginning of chapter  
 14 441 of title 49, United States Code, is amended by insert-  
 15 ing after the item relating to section 44106 the following:

“44106a. Summary revocation of aircraft certificate.”.

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

18 **“§ 44710a. Failure to follow order to land aircraft**

19 “(a) The Administrator shall issue an order revoking  
 20 the airman certificate of any person if the Administrator  
 21 finds that—

22 “(1) such person, while acting as the pilot, op-  
 23 erator, or person in charge of an aircraft knowingly  
 24 failed to follow the order of a Federal law enforce-

1       ment officer to land the aircraft as provided in sec-  
2       tion 2237 of title 18, United States Code, and

3               “(2) such person knew that he had been or-  
4       dered to land the aircraft.

5       “(b) If the Administrator determines that extenuat-  
6       ing circumstances existed, such as safety of flight, which  
7       justified a deviation by the airman from the order to land,  
8       the provisions of subsection (a) of this section shall not  
9       apply.

10       “(c) The provisions of subsections (c) and (d) of sec-  
11       tion 44710 shall apply to any revocation of the airman  
12       certificate of any person for failing to follow the order of  
13       a Federal law enforcement officer to land an aircraft.”.

14       (d) The table of sections at the beginning of chapter  
15       447 of title 49, United States Code, is amended by insert-  
16       ing after the item relating to section 44710 the following:

      “44710a. Failure to follow order to land aircraft.”.

17       **SEC. 903. COAST GUARD AIR INTERDICTION AUTHORITY.**

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

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

22             “The Coast Guard may issue orders and make inquir-  
23       ies, searches, seizures, and arrests with respect to viola-  
24       tions of laws of the United States occurring aboard any  
25       aircraft subject to the jurisdiction of the United States

1 in accordance with section 2237 of title 18, United States  
 2 Code. Any order issued under this section to land an air-  
 3 craft shall be communicated pursuant to regulations pro-  
 4 mulgated pursuant to section 2237 of title 18, United  
 5 States Code.”.

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

“96. Air interdiction authority.”.

9 **SEC. 904. COAST GUARD CIVIL PENALTY PROVISIONS.**

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

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

16 “(a) The master, operator, or person in charge of a  
 17 vessel, or the pilot, operator, or person in charge of an  
 18 aircraft who knowingly fails to comply with an order of  
 19 a Coast Guard commissioned officer, warrant officer, or  
 20 petty officer under the authority of section 2237 of title  
 21 18, United States Code, or section 96 of this title, and  
 22 communicated according to regulations promulgated  
 23 under section 2237 of title 18, United States Code, or,  
 24 in the case of a vessel, according to any applicable, inter-  
 25 nationally recognized standards, or other manner reason-

ably calculated to be received and understood, shall be liable for a civil penalty of not more than \$15,000.

“(b) A vessel or aircraft used to knowingly violate an order relating to the boarding of a vessel or landing of an aircraft issued under the authority of section 2237 of title 18, United States Code, or Section 96 of this Title, is also liable in rem and may be seized, forfeited, and sold in accordance with Customs law, specifically section 1594 of Title 19, United States Code.”.

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

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

### **SEC. 905. CUSTOMS ORDERS.**

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

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

“(1) with respect to a vehicle, a location in a foreign country at which United States customs officers are permitted to conduct inspections, examinations, or searches; and

“(2) with respect to aircraft to which this section applies by virtue of section 644 of this Act (19

1 U.S.C. 1644), or regulations issued thereunder, or  
2 section 2237 of title 18, United States Code, any lo-  
3 cation outside of the United States, including a for-  
4 eign country at which United States customs officers  
5 are permitted to conduct inspections, examinations,  
6 or searches.”.

7 **SEC. 906. CUSTOMS CIVIL PENALTY PROVISIONS.**

8 Part V of title IV of the Tariff Act of 1930 (19  
9 U.S.C. 1581 et seq.) is amended by adding a new section  
10 591 (19 U.S.C. 1591) as follows:

11 **“SEC. 591. CIVIL PENALTY FOR FAILURE TO OBEY AN**  
12 **ORDER TO LAND.**

13 “(a) The pilot, operator, or person in charge of an  
14 aircraft who knowingly fails to comply with an order of  
15 an authorized Federal law enforcement officer relating to  
16 the landing of an aircraft issued under the authority of  
17 section 581 of this Act, or section 2237 of title 18, United  
18 States Code, and communicated according to regulations  
19 promulgated under section 2237 of title 18, United States  
20 Code, shall be liable for a civil penalty of not more than  
21 \$15,000.

22 “(b) An aircraft used to knowingly violate an order  
23 relating to the landing of an aircraft issued under the au-  
24 thority of section 581 of this Act, or section 2237 of title  
25 18, United States Code, is also liable in rem and may be



1 seized, forfeited, and sold in accordance with Customs law,  
 2 specifically section 1594 of Title 19, United States Code.”.

### 3 **TITLE X—CONVEYANCES**

#### 4 **SEC. 1001. CONVEYANCE OF PROPERTY IN MASSACHU-** 5 **SETTS.**

6 (a) **AUTHORITY TO CONVEY.**—

7 (1) **IN GENERAL.**—The Secretary shall convey,  
 8 by an appropriate means of conveyance, all right,  
 9 title, and interest of the United States in and to the  
 10 properties described in paragraph (3) to the persons  
 11 to whom each such property is to be conveyed under  
 12 that paragraph.

13 (2) **IDENTIFICATION OF PROPERTY.**—The Sec-  
 14 retary may identify, describe, and determine each  
 15 property to be conveyed pursuant to this subsection.

16 (3) **PROPERTIES CONVEYED.**—

17 (A) **CAPE ANN LIGHTHOUSE.**—The Sec-  
 18 retary shall convey to the town of Rockport,  
 19 Massachusetts, by an appropriate means of con-  
 20 veyance, all right, title, and interest of the  
 21 United States in and to the property comprising  
 22 the Cape Ann Lighthouse, located on Thacher  
 23 Island, Massachusetts.

24 (B) **COAST GUARD PROPERTY IN GOSNOLD,**  
 25 **MASSACHUSETTS.**—The Secretary may convey

1 to the town of Gosnold, Massachusetts, without  
2 reimbursement and by no later than 120 days  
3 after the date of enactment of this Act, all  
4 right, title, and interest of the United States in  
5 and to the property known as the “United  
6 States Coast Guard Cuttyhunk Boathouse and  
7 Wharf” located in the town of Gosnold, Massa-  
8 chusetts.

9 (b) TERMS OF CONVEYANCE.—

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

12 (A) without payment of consideration; and

13 (B) subject to the conditions required by  
14 paragraphs (3), (4), and (5) and other terms  
15 and conditions the Secretary may consider ap-  
16 propriate.

17 (2) REVERSIONARY INTEREST.—In addition to  
18 any term or condition established pursuant to para-  
19 graph (1), the conveyance of property pursuant to  
20 this section shall be subject to the condition that all  
21 right, title, and interest in the property conveyed  
22 shall immediately revert to the United States if the  
23 property, or any part of the property

1 (A) ceases to be maintained in a manner  
2 that ensures its present or future use as a  
3 Coast Guard aid to navigation; or

4 (B) ceases to be maintained in a manner  
5 consistent with the provisions of the National  
6 Historic Preservation Act of 1966 (16 U.S.C.  
7 470 et seq.).

8 (3) MAINTENANCE OF NAVIGATION FUNC-  
9 TIONS.—The conveyance of property pursuant to  
10 this section shall be made subject to the conditions  
11 that the Secretary considers to be necessary to as-  
12 sure that—

13 (A) the lights, antennas, and associated  
14 equipment located on the property conveyed,  
15 which are active aids to navigation, shall con-  
16 tinue to be operated and maintained by the  
17 United States;

18 (B) the person to which the property is  
19 conveyed may not interfere or allow interference  
20 in any manner with aids to navigation without  
21 express written permission from the Secretary;

22 (C) there is reserved to the United States  
23 the right to relocate, replace, or add any aid to  
24 navigation or make any changes to the property

1 conveyed as may be necessary for navigational  
2 purposes;

3 (D) the United States shall have the right,  
4 at any time, to enter the property without no-  
5 tice for the purpose of maintaining aids to navi-  
6 gation; and

7 (E) the United States shall have an ease-  
8 ment of access to the property for the purpose  
9 of maintaining the aids to navigation in use on  
10 the property.

11 (4) OBLIGATION LIMITATION.—The person to  
12 which the property is conveyed is not required to  
13 maintain any active aid to navigation equipment on  
14 property conveyed pursuant to this section.

15 (5) MAINTENANCE OF PROPERTY.—The person  
16 to which the property is conveyed shall maintain the  
17 property in accordance with the National Historic  
18 Preservation Act of 1966 (16 U.S.C. 470 et seq.),  
19 and other applicable laws.

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

21 (1) the term “Cape Ann Lighthouse” means the  
22 Coast Guard property located on Thacher Island,  
23 Massachusetts, except any historical artifact, includ-  
24 ing any lens or lantern, located on the property at  
25 or before the time of the conveyance;

1           (2) the term “United States Coast Guard  
2           Cuttyhunk Boathouse and Wharf” means real prop-  
3           erty located in the town of Gosnold, Massachusetts  
4           (including all buildings, structures, equipment, and  
5           other improvements), as determined by the Secretary  
6           of Transportation; and

7           (3) the term “Secretary” means the Secretary  
8           of Transportation.

9   **SEC. 1002. CONVEYANCE OF CERTAIN LIGHTHOUSES LO-**  
10                           **CATED IN MAINE.**

11           (a) AUTHORITY TO CONVEY.—

12           (1) IN GENERAL.—The Secretary of Transpor-  
13           tation (in this section referred to as the “Sec-  
14           retary”) may convey to the Island Institute, Rock-  
15           land, Maine, (in this section referred to as the “In-  
16           stitute”), by an appropriate means of conveyance, all  
17           right, title, and interest of the United States in and  
18           to any of the facilities and real property and im-  
19           provements described in paragraph (2).

20           (2) IDENTIFICATION OF PROPERTIES.—Para-  
21           graph (1) applies to lighthouses, together with any  
22           real property and other improvements associated  
23           therewith, located in the State of Maine as follows:

24                   (A) Whitehead Island Light.

- 1 (B) Deer Island Thorofare (Mark Island)
- 2 Light.
- 3 (C) Burnt Island Light.
- 4 (D) Rockland Harbor Breakwater Light.
- 5 (E) Monhegan Island Light.
- 6 (F) Eagle Island Light.
- 7 (G) Curtis Island Light.
- 8 (H) Moose Peak Light.
- 9 (I) Great Duck Island Light.
- 10 (J) Goose Rocks Light.
- 11 (K) Isle au Haut Light.
- 12 (L) Goat Island Light.
- 13 (M) Wood Island Light.
- 14 (N) Doubling Point Light.
- 15 (O) Doubling Point Front Range Light.
- 16 (P) Doubling Point Rear Range Light.
- 17 (Q) Little River Light.
- 18 (R) Spring Point Ledge Light.
- 19 (S) Ram Island Light (Boothbay).
- 20 (T) Seguin Island Light.
- 21 (U) Marshall Point Light.
- 22 (V) Fort Point Light.
- 23 (W) West Quoddy Head Light.
- 24 (X) Brown's Head Light.
- 25 (Y) Cape Neddick Light.

1 (Z) Halfway Rock Light.

2 (AA) Ram Island Ledge Light.

3 (BB) Mount Desert Rock Light.

4 (CC) Whitlock's Mill Light.

5 (DD) Nash Island Light.

6 (EE) Manana Island Fog Signal Station.

7 (3) DEADLINE FOR CONVEYANCE.—The convey-  
 8 ances authorized by this subsection shall take place  
 9 not later than 5 years after the date of the enact-  
 10 ment of this Act.

11 (4) ADDITIONAL CONVEYANCES TO UNITED  
 12 STATES FISH AND WILDLIFE SERVICE.—The Sec-  
 13 retary may transfer, in accordance with the terms  
 14 and conditions of subsection (b), the following light-  
 15 houses, together with any real property and improve-  
 16 ments associated therewith, directly to the United  
 17 States Fish and Wildlife Service:

18 (A) Two Bush Island Light.

19 (B) Egg Rock Light.

20 (C) Libby Island Light.

21 (D) Matinicus Rock Light.

22 (b) TERMS OF CONVEYANCE.—

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

25 (A) without payment of consideration; and

1 (B) subject to the conditions required by  
2 paragraphs (2) and (3) and other terms and  
3 conditions the Secretary may consider appro-  
4 priate.

5 (2) MAINTENANCE OF NAVIGATION FUNC-  
6 TION.—The conveyance of property pursuant to this  
7 section shall be made subject to the conditions that  
8 the Secretary considers necessary to assure that—

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

14 (B) the Institute, the United States Fish  
15 and Wildlife Service, and an entity to which  
16 property is conveyed under this section may not  
17 interfere or allow interference in any manner  
18 with aids to navigation without express written  
19 permission from the Secretary;

20 (C) there is reserved to the United States  
21 the right to relocate, replace, or add any aid to  
22 navigation or make any changes to property  
23 conveyed under this section as may be nec-  
24 essary for navigational purposes;



1 (D) the United States shall have the right,  
2 at any time, to enter property conveyed under  
3 this section without notice for the purpose of  
4 maintaining aids to navigation; and

5 (E) the United States shall have an ease-  
6 ment of access to property conveyed under this  
7 section for the purpose of maintaining the aids  
8 to navigation in use on the property.

9 (3) OBLIGATION LIMITATION.—The Institute,  
10 or any entity to which the Institute conveys a light-  
11 house under subsection (d), is not required to main-  
12 tain any active aid to navigation equipment on a  
13 property conveyed under this section.

14 (4) REVERSIONARY INTEREST.—In addition to  
15 any term or condition established pursuant to para-  
16 graph (1), the conveyance of property pursuant to  
17 this section shall be subject to the condition that all  
18 right, title, and interest in such property shall imme-  
19 diately revert to the United States if—

20 (A) such property or any part of such  
21 property ceases to be used for educational, his-  
22 toric, recreational, cultural, and wildlife con-  
23 servation programs for the general public and  
24 for such other uses as the Secretary determines

1 to be not inconsistent or incompatible with such  
2 uses;

3 (B) such property or any part of such  
4 property ceases to be maintained in a manner  
5 that ensures its present or future use as a  
6 Coast Guard aid to navigation;

7 (C) such property or any part of such  
8 property ceases to be maintained in a manner  
9 consistent with the provisions of the National  
10 Historic Preservation Act of 1966 (16 U.S.C.  
11 470 et seq.); or

12 (D) the Secretary determines that—

13 (i) the Institute is unable to identify  
14 an entity eligible for the conveyance of the  
15 lighthouse under subsection (d) within the  
16 3-year period beginning on the date of the  
17 conveyance of the lighthouse to the Insti-  
18 tute under subsection (a); or

19 (ii) in the event that the Institute  
20 identifies an entity eligible for the convey-  
21 ance within that period—

22 (I) the entity is unable or unwill-  
23 ing to accept the conveyance and the  
24 Institute is unable to identify another

1                   entity eligible for the conveyance with-  
2                   in that period; or

3                   (II) the Maine Lighthouse Selec-  
4                   tion Committee established under sub-  
5                   section (d)(3)(A) disapproves of the  
6                   entity identified by the Institute and  
7                   the Institute is unable to identify an-  
8                   other entity eligible for the conveyance  
9                   within that period.

10       (c) INSPECTION.—The State Historic Preservation  
11 Officer of the State of Maine may inspect any lighthouse,  
12 and any real property and improvements associated there-  
13 with, that is conveyed under this section at any time, with-  
14 out notice, for purposes of ensuring that the lighthouse  
15 is being maintained in the manner required under sub-  
16 section (b). The Institute, and any subsequent conveyee  
17 of the Institute under subsection (d), shall cooperate with  
18 the official referred to in the preceding sentence in the  
19 inspections of that official under this subsection.

20       (d) SUBSEQUENT CONVEYANCE.—

21           (1) REQUIREMENT.—

22           (A) IN GENERAL.—Except as provided in  
23 subparagraph (B), the Institute shall convey,  
24 without consideration, all right, title, and inter-  
25 est of the Institute in and to the lighthouses

1 conveyed to the Institute under subsection (a),  
 2 together with any real property and improve-  
 3 ments associated therewith, to one or more enti-  
 4 ties identified under paragraph (2) and ap-  
 5 proved by the committee established under  
 6 paragraph (3) in accordance with the provisions  
 7 of such paragraph (3).

8 (B) EXCEPTION.—The Institute, with the  
 9 concurrence of the Maine Lighthouse Selection  
 10 Committee and in accordance with the terms  
 11 and conditions of subsection (b), may retain  
 12 right, title, and interest in and to the following  
 13 lighthouses conveyed to the Institute:

14 (i) Whitehead Island Light.

15 (ii) Deer Island Thorofare (Mark Is-  
 16 land) Light.

17 (2) IDENTIFICATION OF ELIGIBLE ENTITIES.—

18 (A) IN GENERAL.—Subject to subpara-  
 19 graph (B), the Institute shall identify entities  
 20 eligible for the conveyance of a lighthouse under  
 21 this subsection. Such entities shall include any  
 22 department or agency of the Federal Govern-  
 23 ment, any department or agency of the Govern-  
 24 ment of the State of Maine, any local govern-  
 25 ment in that State, or any nonprofit corpora-

tion, educational agency, or community development organization that—

(i) is financially able to maintain the lighthouse (and any real property and improvements conveyed therewith) in accordance with the conditions set forth in subsection (b);

(ii) has agreed to permit the inspections referred to in subsection (c); and

(iii) has agreed to comply with the conditions set forth in subsection (b); and to have such conditions recorded with the deed of title to the lighthouse and any real property and improvements that may be conveyed therewith.

(B) ORDER OF PRIORITY.—In identifying entities eligible for the conveyance of a lighthouse under this paragraph, the Institute shall give priority to entities in the following order, which are also the exclusive entities eligible for the conveyance of a lighthouse under this section:

(i) Agencies of the Federal Government.

1 (ii) Entities of the Government of the  
2 State of Maine.

3 (iii) Entities of local governments in  
4 the State of Maine.

5 (iv) Nonprofit corporations, edu-  
6 cational agencies, and community develop-  
7 ment organizations.

8 (3) SELECTION OF CONVEYEES AMONG ELIGI-  
9 BLE ENTITIES.—

10 (A) COMMITTEE.—

11 (i) IN GENERAL.—There is hereby es-  
12 tablished a committee to be known as the  
13 Maine Lighthouse Selection Committee (in  
14 this paragraph referred to as the “Com-  
15 mittee”).

16 (ii) MEMBERSHIP.—The Committee  
17 shall consist of five members appointed by  
18 the Secretary as follows:

19 (I) One member, who shall serve  
20 as the Chairman of the Committee,  
21 shall be appointed from among indi-  
22 viduals recommended by the Governor  
23 of the State of Maine.

24 (II) One member shall be the  
25 State Historic Preservation Officer of

1 the State of Maine, with the consent  
2 of that official, or a designee of that  
3 official.

4 (III) One member shall be ap-  
5 pointed from among individuals rec-  
6 ommended by State and local organi-  
7 zations in the State of Maine that are  
8 concerned with lighthouse preserva-  
9 tion or maritime heritage matters.

10 (IV) One member shall be ap-  
11 pointed from among individuals rec-  
12 ommended by officials of local govern-  
13 ments of the municipalities in which  
14 the lighthouses are located.

15 (V) One member shall be ap-  
16 pointed from among individuals rec-  
17 ommended by the Secretary of the In-  
18 terior.

19 (iii) APPOINTMENT DEADLINE.—The  
20 Secretary shall appoint the members of the  
21 Committee not later than 90 days after the  
22 date of the enactment of this Act.

23 (iv) MEMBERSHIP TERM.—

24 (I) Members of the Committee  
25 shall serve for such terms not longer

1 than 3 years as the Secretary shall  
2 provide. The Secretary may stagger  
3 the terms of initial members of the  
4 Committee in order to ensure continu-  
5 ous activity by the Committee.

6 (II) Any member of the Commit-  
7 tee may serve after the expiration of  
8 the term of the member until a suc-  
9 cessor to the member is appointed. A  
10 vacancy in the Committee shall be  
11 filled in the same manner in which the  
12 original appointment was made.

13 (v) VOTING.—The Committee shall  
14 act by an affirmative vote of a majority of  
15 the members of the Committee.

16 (B) RESPONSIBILITIES.—

17 (i) IN GENERAL.—The Committee  
18 shall—

19 (I) review the entities identified  
20 by the Institute under paragraph (2)  
21 as entities eligible for the conveyance  
22 of a lighthouse; and

23 (II) approve one such entity, or  
24 disapprove all such entities, as entities  
25 to which the Institute may make the



1 conveyance of the lighthouse under  
2 this subsection.

3 (ii) APPROVAL.—If the Committee ap-  
4 proves an entity for the conveyance of a  
5 lighthouse, the Committee shall notify the  
6 Institute of such approval.

7 (iii) DISAPPROVAL.—If the Committee  
8 disapproves of the entities, the Committee  
9 shall notify the Institute and, subject to  
10 subsection (b)(4)(D)(ii), the Institute shall  
11 identify other entities eligible for the con-  
12 veyance of the lighthouse under paragraph  
13 (2). The Committee shall review and ap-  
14 prove or disapprove entities identified pur-  
15 suant to the preceding sentence in accord-  
16 ance with this subparagraph and the cri-  
17 teria set forth in subsection (b).

18 (C) EXEMPTION FROM FACa.—The Fed-  
19 eral Advisory Committee Act (5 U.S.C. App.)  
20 shall not apply to the Committee, however, all  
21 meetings of the Committee shall be open to the  
22 public and preceded by appropriate public no-  
23 tice.

1 (D) TERMINATION.—The Committee shall  
2 terminate 8 years from the date of the enact-  
3 ment of this Act.

4 (4) CONVEYANCE.—Upon notification under  
5 paragraph (3)(B)(ii) of the approval of an identified  
6 entity for conveyance of a lighthouse under this sub-  
7 section, the Institute shall, with the consent of the  
8 entity, convey the lighthouse to the entity.

9 (5) RESPONSIBILITIES OF CONVEYEEES.—Each  
10 entity to which the Institute conveys a lighthouse  
11 under this subsection, or any successor or assign of  
12 such entity in perpetuity, shall—

13 (A) use and maintain the lighthouse in ac-  
14 cordance with subsection (b) and have such  
15 terms and conditions recorded with the deed of  
16 title to the lighthouse and any real property  
17 conveyed therewith; and

18 (B) permit the inspections referred to in  
19 subsection (c).

20 (e) DESCRIPTION OF PROPERTY.—The legal descrip-  
21 tion of any lighthouse, and any real property and improve-  
22 ments associated therewith, conveyed under subsection (a)  
23 shall be determined by the Secretary. The Secretary shall  
24 retain all right, title, and interest of the United States  
25 in and to any historical artifact, including any lens or lan-

1 tern, that is associated with the lighthouses conveyed  
 2 under this subsection, whether located at the lighthouse  
 3 or elsewhere. The Secretary shall identify any equipment,  
 4 system, or object covered by this paragraph.

5 (f) REPORT.—Not later than 1 year after the date  
 6 of the enactment of this Act, and annually thereafter for  
 7 the next 7 years, the Secretary shall submit to Congress  
 8 a report on the conveyance of lighthouses under this sec-  
 9 tion. The report shall include a description of the imple-  
 10 mentation of the provisions of this section, and the re-  
 11 quirements arising under such provisions, in—

12 (1) providing for the use and maintenance of  
 13 the lighthouses conveyed under this section in ac-  
 14 cordance with subsection (b);

15 (2) providing for public access to such light-  
 16 houses; and

17 (3) achieving the conveyance of lighthouses to  
 18 appropriate entities under subsection (d).

19 **SEC. 1003. CONVEYANCE OF SQUIRREL POINT LIGHT.**

20 (a) AUTHORITY TO CONVEY.—

21 (1) IN GENERAL.—The Secretary of Transpor-  
 22 tation (in this section referred to as the “Sec-  
 23 retary”) shall convey to Squirrel Point Associates,  
 24 Incorporated, by an appropriate means of convey-  
 25 ance, all right, title, and interest of the United

1 States in and to the property comprising the Squir-  
2 rel Point Light, located in the town of Arrowsic,  
3 Maine.

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

7 (b) TERMS OF CONVEYANCE.—

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

10 (A) without payment of consideration; and

11 (B) subject to the conditions required by  
12 paragraphs (3) and (4) and other terms and  
13 conditions the Secretary may consider appro-  
14 priate.

15 (2) REVERSIONARY INTEREST.—In addition to  
16 any term or condition established pursuant to para-  
17 graph (1), the conveyance of property pursuant to  
18 this section shall be subject to the condition that all  
19 right, title, and interest in the Squirrel Point Light  
20 shall immediately revert to the United States if the  
21 Squirrel Point Light, or any part of the property—

22 (A) ceases to be used as a nonprofit center  
23 for the interpretation and preservation of mari-  
24 time history;

1 (B) ceases to be maintained in a manner  
2 that ensures its present or future use as a  
3 Coast Guard aid to navigation; or

4 (C) ceases to be maintained in a manner  
5 consistent with the provisions of the National  
6 Historic Preservation Act of 1966 (16 U.S.C.  
7 470 et seq.).

8 (3) MAINTENANCE OF NAVIGATION FUNC-  
9 TION.—The conveyance of property pursuant to this  
10 section shall be made subject to the conditions that  
11 the Secretary considers to be necessary to assure  
12 that—

13 (A) the lights, antennas, and associated  
14 equipment located on the property conveyed,  
15 which are active aids to navigation, shall con-  
16 tinue to be operated and maintained by the  
17 United States;

18 (B) Squirrel Point Associates, Incor-  
19 porated, or any successor or assign, may not  
20 interfere or allow interference in any manner  
21 with aids to navigation without express written  
22 permission from the Secretary;

23 (C) there is reserved to the United States  
24 the right to relocate, replace, or add any aid to  
25 navigation or make any changes to the Squirrel

1 Point Light as may be necessary for naviga-  
2 tional purposes;

3 (D) the United States shall have the right,  
4 at any time, to enter the property without no-  
5 tice for the purpose of maintaining aids to navi-  
6 gation; and

7 (E) the United States shall have an ease-  
8 ment of access to the property for the purpose  
9 of maintaining the aids to navigation in use on  
10 the property.

11 (4) OBLIGATION LIMITATION.—The Squirrel  
12 Point Associates, Incorporated, or any successor or  
13 assign, is not required to maintain any active aid to  
14 navigation equipment on property conveyed pursuant  
15 to this section.

16 (5) MAINTENANCE OF PROPERTY.—The Squir-  
17 rel Point Associates, Incorporated, or any successor  
18 or assign, shall maintain the Squirrel Point Light in  
19 accordance with the National Historic Preservation  
20 Act of 1966 (16 U.S.C. 470 et seq.), and other ap-  
21 plicable laws.

22 (c) DEFINITIONS.—For purposes of this section, the  
23 term “Squirrel Point Light” means the Coast Guard light  
24 station located in the town of Arrowsic, Sagadahoc Coun-  
25 ty, Maine—

1           (1) including the light tower, dwelling, boat  
 2           house, oil house, barn, any other ancillary buildings  
 3           and such land as may be necessary to enable Squir-  
 4           rel Point Associates, Incorporated, or any successor  
 5           or assign, to operate a non-profit center for public  
 6           benefit; and

7           (2) except any historical artifact, including any  
 8           lens or lantern, located on the property at or before  
 9           the time of the conveyance.

10 **SEC. 1004. CONVEYANCE OF MONTAUK LIGHT STATION,**  
 11 **NEW YORK.**

12           (a) **AUTHORITY TO CONVEY.**—

13           (1) **IN GENERAL.**—The Secretary of Transpor-  
 14           tation (in this section referred to as the “Sec-  
 15           retary”) shall convey to the Montauk Historical As-  
 16           sociation in Montauk, New York, by an appropriate  
 17           means of conveyance, all right, title, and interest of  
 18           the United States in and to property comprising  
 19           Montauk Light Station, located at Montauk, New  
 20           York.

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

24           (b) **TERMS OF CONVEYANCE.**—

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

3                   (A) without the payment of consideration;  
4                   and

5                   (B) subject to the conditions required by  
6 paragraphs (3) and (4) and such other terms  
7 and conditions as the Secretary may consider  
8 appropriate.

9           (2) REVERSIONARY INTEREST.—In addition to  
10 any term or condition established pursuant to para-  
11 graph (1), any conveyance of property comprising  
12 the Montauk Light Station pursuant to subsection  
13 (a) shall be subject to the condition that all right,  
14 title, and interest in and to the property so conveyed  
15 shall immediately revert to the United States if the  
16 property, or any part thereof—

17                   (A) ceases to be maintained as a nonprofit  
18 center for public benefit for the interpretation  
19 and preservation of the material culture of the  
20 United States Coast Guard, the maritime his-  
21 tory of Montauk, New York, and Native Amer-  
22 ican and colonial history;

23                   (B) ceases to be maintained in a manner  
24 that ensures its present or future use as a  
25 Coast Guard aid to navigation; or



1           (C) ceases to be maintained in a manner  
2           consistent with the provisions of the National  
3           Historic Preservation Act (16 U.S.C. 470 et  
4           seq.).

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

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

16          (B) the Montauk Historical Association, or  
17          any successor or assign, may not interfere or  
18          allow interference in any manner with such aids  
19          to navigation without express written permis-  
20          sion from the United States;

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

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

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

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

16 (4) MAINTENANCE OF PROPERTY.—Any convey-  
17 ance of property under this section shall be subject  
18 to the condition that the Montauk Historical Asso-  
19 ciation, or any successor or assign, shall maintain  
20 the Montauk Light Station in accordance with the  
21 provisions of the National Historic Preservation Act  
22 (16 U.S.C. 470 et seq.) and other applicable laws.

23 (5) OBLIGATION LIMITATION.—The Montauk  
24 Historical Association, or any successor or assign,  
25 shall not have any obligation to maintain any active

1 aid to navigation equipment on property conveyed  
2 pursuant to this section.

3 (c) MONTAUK LIGHT STATION DEFINED.—For pur-  
4 poses of this section, the term “Montauk Light Station”  
5 means the Coast Guard light station known as Light Sta-  
6 tion Montauk Point, located at Montauk, New York, in-  
7 cluding the lighthouse, the keeper’s dwellings, adjacent  
8 Coast Guard rights of way, the World War II submarine  
9 spotting tower, the lighthouse tower, and the paint locker,  
10 except any historical artifact, including any lens or lan-  
11 tern, located on the property at or before the time of con-  
12 veyance.

13 **SEC. 1005. CONVEYANCE OF POINT ARENA LIGHT STATION.**

14 (a) AUTHORITY TO CONVEY.—

15 (1) IN GENERAL.—At such time as the Sec-  
16 retary of Transportation (referred to in this section  
17 as the “Secretary”) determines the Point Arena  
18 Light Station to be excess to the needs of the Coast  
19 Guard, the Secretary shall convey to the Point  
20 Arena Lighthouse Keepers, Inc., by an appropriate  
21 means of conveyance, all right, title, and interest of  
22 the United States in and to The Point Arena Light-  
23 house, located in Mendocino County, California, ex-  
24 cept that the Coast Guard shall retain all right, title,  
25 and interest in any historical artifact, including any

1 lens or lantern, on the property conveyed pursuant  
 2 to this section, or belonging to the property, whether  
 3 located on the property or elsewhere, except that  
 4 such lens must be retained within the boundary of  
 5 the State of California.

6 (2) IDENTIFICATION 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 such terms and conditions  
 15 as the Secretary may consider appropriate.

16 (2) REVERSIONARY INTEREST.—In addition to  
 17 any term or condition established pursuant to para-  
 18 graph (1), any conveyance of property comprising  
 19 the Point Arena Light Station pursuant to sub-  
 20 section (a) shall be subject to the condition that all  
 21 right, title, and interest in and to the property so  
 22 conveyed shall immediately revert to the United  
 23 States if the property, or any part thereof ceases to  
 24 be maintained as a nonprofit center for public bene-

1 fit for the interpretation and preservation of the  
2 maritime history of Point Arena, California.

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

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

13 (B) the Point Arena Lighthouse Keepers,  
14 Inc., or any successors or assigns, may not  
15 interfere or allow interference in any manner  
16 with such aids to navigation without express  
17 written permission from the United States;

18 (C) there is reserved to the United States  
19 the right to relocate, replace, or add any aids  
20 to navigation, or make any changes to the Point  
21 Arena Light Station as may be necessary for  
22 navigation purposes;

23 (D) the United States shall have the right,  
24 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 Point Arena Light Station shall re-  
8 vert to the United States at the end of the 30-  
9 day period beginning on any date on which the  
10 Secretary of Transportation provides written  
11 notice to the Point Arena Lighthouse Keepers,  
12 Inc., or any successor or assign, that the Point  
13 Arena Light Station is needed for national se-  
14 curity purposes.

15 (4) MAINTENANCE OF PROPERTY.—Any convey-  
16 ance of property under this section shall be subject  
17 to the condition that the Point Arena Lighthouse  
18 Keepers, Inc., or any successor or assign, shall  
19 maintain the Point Arena Light Station in accord-  
20 ance with the provisions of the National Historic  
21 Preservation Act (16 U.S.C. 470 et seq.) and other  
22 applicable laws.

23 (5) OBLIGATION LIMITATION.—The Point  
24 Arena Lighthouse Keepers, Inc., or any successors  
25 or assigns, shall not have any obligation to maintain

1       any active aid to navigation equipment on property  
2       conveyed pursuant to this section.

3       (c) MAINTENANCE STANDARD.—The Point Arena  
4 Lighthouse Keepers, Inc., or any successor or assign, at  
5 its own cost and expense, shall maintain, in a proper, sub-  
6 stantial and workmanlike manner, all properties conveyed.

7       (d) POINT ARENA LIGHT STATION DEFINED.—For  
8 purposes of this section, the term “Point Arena Light Sta-  
9 tion” means the Coast Guard property and improvements  
10 located at Point Arena, California, including the light  
11 tower building, fog signal building, 2 small shelters, 4 resi-  
12 dential quarters, and a restroom facility.

13 **SEC. 1006. CONVEYANCE OF PROPERTY IN KETCHIKAN,**  
14 **ALASKA.**

15       (a) AUTHORITY TO CONVEY.—The Secretary of  
16 Transportation (referred to in this section as the “Sec-  
17 retary”), in cooperation with the Administrator of the  
18 General Services Administration, shall convey to the  
19 Ketchikan Indian Corporation in Ketchikan, Alaska, with-  
20 out reimbursement and by no later than 120 days after  
21 the date of enactment of this Act, all right, title, and inter-  
22 est of the United States in and to the property known  
23 as the “Former Marine Safety Detachment” as identified  
24 in Report of Excess Number CG–689 (GSA Control Num-

ber 9–U–AK–0747) and described in subsection (b), for use as a health or social services facility.

(b) IDENTIFICATION OF PROPERTY.—The Secretary shall identify, describe, and determine the property to be conveyed pursuant to this section.

(c) REVERSIONARY INTEREST.—The conveyance of property described in subsection (b) shall be subject to the condition that such property, and all right, title and interest in such property, shall transfer to the City of Ketchikan if, within 18 months of the date of enactment of this Act, the Ketchikan Indian Corporation has not completed design and construction plans for a health and social services facility and received approval from the City of Ketchikan for such plans or the written consent of the City to exceed this period.

(d) In the event that the property described in subsection (b) is transferred to the City of Ketchikan under subsection (c), the transfer shall be subject to the condition that all right, title, and interest in and to the property shall immediately revert to the United States if the property ceases to be used by the City of Ketchikan.

**SEC. 1007. CONVEYANCE OF PROPERTY IN TRAVERSE CITY, MICHIGAN.**

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation (or any other official having control over



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

8 (b) IDENTIFICATION OF PROPERTY.—The Secretary  
9 shall identify, describe, and determine the property to be  
10 conveyed pursuant to this section.

11 (c) REVERSIONARY INTEREST.—In addition to any  
12 term or condition established pursuant to subsection (a)  
13 or (d), any conveyance of property described in subsection  
14 (b) shall be subject to the condition that all right, title,  
15 and interest in and to the property so conveyed shall im-  
16 mediately revert to the United States if the property, or  
17 any part thereof, ceases to be used by the Traverse City  
18 Area Public School District.

19 (d) TERMS OF CONVEYANCE.—The conveyance of  
20 property under this section shall be subject to such condi-  
21 tions as the Secretary considers to be necessary to assure  
22 that—

23 (1) the pump room located on the property  
24 shall continue to be operated and maintained by the

1 United States for as long as it is needed for this  
2 purpose;

3 (2) the United States shall have an easement of  
4 access to the property for the purpose of operating  
5 and maintaining the pump room; and

6 (3) the United States shall have the right, at  
7 any time, to enter the property without notice for  
8 the purpose of operating and maintaining the pump  
9 room.

10 **SEC. 1008. TRANSFER OF COAST GUARD PROPERTY IN**  
11 **NEW SHOREHAM, RHODE ISLAND.**

12 (a) REQUIREMENT.—The Secretary of Transpor-  
13 tation (or any other official having control over the prop-  
14 erty described in subsection (b)) may convey to the town  
15 of New Shoreham, Rhode Island, without consideration,  
16 all right, title, and interest of the United States in and  
17 to the property known as the United States Coast Guard  
18 Station Block Island, as described in subsection (b), sub-  
19 ject to all easements and other interest in the property  
20 held by any other person.

21 (b) PROPERTY DESCRIBED.—The property referred  
22 to in subsection (a) is real property (including buildings  
23 and improvements) located on the west side of Block Is-  
24 land, Rhode Island, at the entrance to the Great Salt Pond  
25 and referred to in the books of the Tax Assessor of the

1 town of New Shoreham, Rhode Island, as lots 10 and 12,  
2 comprising approximately 10.7 acres.

3 (c) REVERSIONARY INTEREST.—In addition to any  
4 term or condition established pursuant to subsection (a),  
5 any conveyance of property under subsection (a) shall be  
6 subject to the condition that all right, title, and interest  
7 in and to the property so conveyed shall immediately re-  
8 vert to the United States if the property, or any part  
9 thereof, ceases to be used by the town of New Shoreham,  
10 Rhode Island.

11 **SEC. 1009. CONVEYANCE OF PROPERTY IN SANTA CRUZ,**  
12 **CALIFORNIA.**

13 (a) AUTHORITY TO CONVEY.—

14 (1) IN GENERAL.—The Secretary of Transpor-  
15 tation (referred to in this section as the “Sec-  
16 retary”) may convey to the Santa Cruz Port District  
17 by an appropriate means of conveyance, all right,  
18 title, and interest of the United States in and to the  
19 property described in paragraph (2).

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

23 (b) CONSIDERATION.—Any conveyance of property  
24 pursuant to this section shall be made without payment  
25 of consideration.

1       (c) CONDITION.—The conveyance provided for in  
2 subsection (a) may be made contingent upon agreement  
3 by the Port District that—

4           (1) the utility systems, building spaces, and fa-  
5 cilities or any alternate, suitable facilities and build-  
6 ings on the harbor premises would be available for  
7 joint use by the Port District and the Coast Guard  
8 when deemed necessary by the Coast Guard; and

9           (2) the Port District would be responsible for  
10 paying the cost of maintaining, operating, and re-  
11 placing (as necessary) the utility systems and any  
12 buildings and facilities located on the property as de-  
13 scribed in subsection (a) or on any alternate, suit-  
14 able property on the harbor premises set aside for  
15 use by the Coast Guard.

16       (d) REVERSIONARY INTEREST.—Any conveyance of  
17 property pursuant to this section shall be subject to the  
18 condition that all right, title, and interest in Subunit  
19 Santa Cruz shall immediately revert to the United  
20 States—

21           (1) if Subunit Santa Cruz ceases to be main-  
22 tained as a nonprofit center for education, training,  
23 administration, and other public service to include  
24 use by the Coast Guard; or

1           (2) at the end of the thirty day period begin-  
 2           ning on any date on which the Secretary provides  
 3           written notice to the Santa Cruz Port District that  
 4           Subunit Santa Cruz is needed for national security  
 5           purposes.

6           (e) ADDITIONAL TERMS AND CONDITIONS.—The  
 7           Secretary may require such additional terms and condi-  
 8           tions in connection with the conveyance under subsection  
 9           (a) as the Secretary considers appropriate to protect the  
 10          interests of the United States.

11          (f) DEFINITIONS.—For purposes of this section—

12           (1) “Subunit Santa Cruz” means the Coast  
 13           Guard property and improvements located at Santa  
 14           Cruz, California;

15           (2) “Secretary” means the Secretary of the de-  
 16           partment in which the Coast Guard is operating;  
 17           and

18           (3) “Port District” means the Santa Cruz Port  
 19           District, or any successor or assign.

20   **SEC. 1010. CONVEYANCE OF VESSEL S/S RED OAK VIC-**  
 21                           **TORY.**

22           (a) IN GENERAL.—Notwithstanding any other law,  
 23           the Secretary of Transportation (referred to in this section  
 24           as the “Secretary”) may convey the right, title, and inter-  
 25           est of the United States Government in and to the vessel

1 S/S RED OAK VICTORY (Victory Ship VCS-AP2; Unit-  
2 ed States Navy Hull No. AK235) to the City of Richmond  
3 Museum Association, Inc., located in Richmond, California  
4 (in this section referred to as “the recipient”), if—

5 (1) the recipient agrees to use the vessel for the  
6 purposes of a monument to the wartime accomplish-  
7 ments of the City of Richmond;

8 (2) the vessel is not used for commercial trans-  
9 portation purposes;

10 (3) the recipient agrees to make the vessel  
11 available to the Government if the Secretary requires  
12 use of the vessel by the Government for war or a na-  
13 tional emergency;

14 (4) the recipient agrees to hold the Government  
15 harmless for any claims arising from exposure to as-  
16 bestos after conveyance of the vessel, except for  
17 claims arising from use by the Government under  
18 paragraph (3); and

19 (5) the recipient has available, for use to re-  
20 store the vessel, in the form of cash, liquid assets,  
21 or a written loan commitment, financial resources of  
22 at least \$100,000.

23 (b) DELIVERY OF VESSEL.—If a conveyance is made  
24 under this section, the Secretary shall deliver the vessel  
25 at the place where the vessel is located on the date of en-

1 actment of this Act, in its present condition, without cost  
2 to the Government.

3 (c) OTHER UNNEEDED EQUIPMENT.—The Secretary  
4 may convey to the recipient any unneeded equipment from  
5 other vessels in the National Defense Reserve Fleet for  
6 use to restore the S/S RED OAK VICTORY to museum  
7 quality.

8 (d) RETENTION OF VESSEL IN NDRF.—The Sec-  
9 retary shall retain in the National Defense Reserve Fleet  
10 the vessel authorized to be conveyed under subsection (a),  
11 until the earlier of—

12 (1) 2 years after the date of the enactment of  
13 this Act; or

14 (2) the date of conveyance of the vessel under  
15 subsection (a).

16 **SEC. 1011. CONVEYANCE OF EQUIPMENT.**

17 The Secretary of Transportation may convey any  
18 unneeded equipment from other vessels in the National  
19 Defense Reserve Fleet to the JOHN W. BROWN and  
20 other qualified United States memorial ships in order to  
21 maintain their operating condition.

22 **SEC. 1012. PROPERTY EXCHANGE.**

23 (a) PROPERTY ACQUISITION.—The Secretary may,  
24 by means of an exchange of property, acceptance as a gift,  
25 or other means that does not require the use of appro-

1 priated funds, acquire all right, title, and interest in and  
 2 to a parcel or parcels of real property and any improve-  
 3 ments thereto located within the limits of the City and  
 4 Borough of Juneau, Alaska.

5 (b) ACQUISITION THROUGH EXCHANGE.—For the  
 6 purposes of acquiring property under subsection (a) by  
 7 means of an exchange, the Secretary may convey all right,  
 8 title, and interest of the United States in and to a parcel  
 9 or parcels of real property and any improvements thereto  
 10 located within the limits of the City and Borough of Ju-  
 11 neau, Alaska and in the control of the Coast Guard if the  
 12 Secretary determines that the exchange is in the best in-  
 13 terest of the Coast Guard.

14 (c) TERMS AND CONDITIONS.—The Secretary may  
 15 require such terms and conditions under this section as  
 16 the Secretary considers appropriate to protect the inter-  
 17 ests of the United States.

## 18 **TITLE XI—MISCELLANEOUS**

### 19 **SEC. 1101. FLORIDA AVENUE BRIDGE.**

20 For purposes of the alteration of the Florida Avenue  
 21 Bridge (located approximately 1.63 miles east of the Mis-  
 22 sissippi River on the Gulf Intracoastal Waterway in Orle-  
 23 ans Parish, Louisiana) ordered by the Secretary of Trans-  
 24 portation under the Act of June 21, 1940 (33 U.S.C. 511  
 25 et seq.), the Secretary shall treat the drainage siphon that



1 is adjacent to the bridge as an appurtenance of the bridge,  
2 including with respect to apportionment and payment of  
3 costs for the removal of the drainage siphon in accordance  
4 with that Act.

5 **SEC. 1102. OIL SPILL RECOVERY INSTITUTE.**

6 (a) ADVISORY BOARD AND EXECUTIVE COMMIT-  
7 TEE.—Section 5001 of the Oil Pollution Act of 1990 (33  
8 U.S.C. 2731) is amended—

9 (1) by striking “to be administered by the Sec-  
10 retary of Commerce” in subsection (a);

11 (2) by striking “and located” in subsection (a)  
12 and inserting “located”;

13 (3) by striking “the EXXON VALDEZ oil  
14 spill” each place it appears in subsection (b)(2) and  
15 inserting “Arctic or Subarctic oil spills”;

16 (4) by striking “18” in subsection (c)(1) and  
17 inserting “16”;

18 (5) by striking “, Natural Resources, and Com-  
19 merce and Economic Development” in subsection  
20 (c)(2)(A) and inserting a comma and “and Natural  
21 Resources”;

22 (6) by striking subsection (c)(1) (B), (C), and  
23 (D);

1           (7) by redesignating subparagraphs (E) and  
2           (F) of subsection (c)(1) as subparagraphs (G) and  
3           (H), respectively;

4           (8) by inserting after subparagraph (A) of sub-  
5           section (c)(1) the following:

6                   “(B) One representative appointed by each  
7                   of the Secretaries of Commerce, the Interior,  
8                   and Transportation, who shall be Federal em-  
9                   ployees.

10                   “(C) Two representatives from the fishing  
11                   industry appointed by the Governor of the State  
12                   of Alaska from among residents of communities  
13                   in Alaska that were affected by the EXXON  
14                   VALDEZ oil spill, who shall serve terms of 2  
15                   years each. Interested organizations from with-  
16                   in the fishing industry may submit the names  
17                   of qualified individuals for consideration by the  
18                   Governor.

19                   “(D) Two Alaska Natives who represent  
20                   Native entities affected by the EXXON  
21                   VALDEZ oil spill, at least one of whom rep-  
22                   resents an entity located in Prince William  
23                   Sound, appointed by the Governor of Alaska  
24                   from a list of 4 qualified individuals submitted

1 by the Alaska Federation of Natives, who shall  
2 serve terms of 2 years each.

3 “(E) Two representatives from the oil and  
4 gas industry to be appointed by the Governor of  
5 the State of Alaska who shall serve terms of 2  
6 years each. Interested organizations from with-  
7 in the oil and gas industry may submit the  
8 names of qualified individuals for consideration  
9 by the Governor.

10 “(F) Two at-large representatives from  
11 among residents of communities in Alaska that  
12 were affected by the EXXON VALDEZ oil spill  
13 who are knowledgeable about the marine envi-  
14 ronment and wildlife within Prince William  
15 Sound, and who shall serve terms of 2 years  
16 each, appointed by the remaining members of  
17 the Advisory Board. Interested parties may  
18 submit the names of qualified individuals for  
19 consideration by the Advisory Board.”;

20 (9) adding at the end of subsection (c) the fol-  
21 lowing:

22 “(4) SCIENTIFIC REVIEW.—The Advisory Board  
23 may request a scientific review of the research pro-  
24 gram every five years by the National Academy of  
25 Sciences which shall perform the review, if re-

1 requested, as part of its responsibilities under section  
2 7001(b)(2).”;

3 (10) by striking “the EXXON VALDEZ oil  
4 spill” in subsection (d)(2) and inserting “Arctic or  
5 Subarctic oil spills”;

6 (11) by striking “Secretary of Commerce” in  
7 subsection (e) and inserting “Advisory Board”;

8 (12) by striking “, the Advisory Board,” in the  
9 second sentence of subsection (e);

10 (13) by striking “Secretary’s” in subsection (e)  
11 and inserting “Advisory Board’s”;

12 (14) by inserting “authorization in section  
13 5006(b) providing funding for the” in subsection (i)  
14 after “The”;

15 (15) by striking “this Act” in subsection (i) and  
16 inserting “the Coast Guard Authorization Act of  
17 1995”; and

18 (16) by inserting “The Advisory Board may  
19 compensate its Federal representatives for their rea-  
20 sonable travel costs.” in subsection (j) after “Insti-  
21 tute.”.

22 (b) FUNDING.—Section 5006 of the Oil Pollution Act  
23 of 1990 (33 U.S.C. 2736) is amended by—

24 (1) striking subsection (a), redesignating sub-  
25 section (b) as subsection “(a)”;

1           (2) striking “5003” in the caption of subsection  
2           (a), as redesignated, and inserting “5001, 5003,”;

3           (3) inserting “to carry out section 5001 in the  
4           amount as determined in section 5006(b), and” after  
5           “limitation,” in the text of subsection (a), as rededesignated;  
6           and

7           (4) adding at the end thereof the following:

8           “(b) USE OF INTEREST ONLY.—The amount of funding  
9           to be made available annually to carry out section  
10          5001 shall be the interest produced by the Fund’s investment  
11          of the \$22,500,000 remaining funding authorized for  
12          the Prince William Sound Oil Spill Recovery Institute and  
13          currently deposited in the Fund and invested by the Secretary  
14          of the Treasury in income producing securities  
15          along with other funds comprising the Fund.

16          “(c) USE FOR SECTION 1012.—Beginning with the  
17          eleventh year following the date of enactment of the Coast  
18          Guard Authorization Act of 1995, the funding authorized  
19          for the Prince William Sound Oil Spill Recovery Institute  
20          and deposited in the Fund shall thereafter be made available  
21          for purposes of section 1012 in Alaska.”.

22          (c) CONFORMING AMENDMENTS.—

23                 (1) Section 6002(b) of the Oil Pollution Act of  
24                 1990 (33 U.S.C. 2752(b)) is amended by striking  
25                 “5006(b)” and inserting “5006”.

1           (2) Section 7001(c)(9) the Oil Pollution Act of  
2           1990 (33 U.S.C. 2761(c)(9)) is amended by striking  
3           the period at the end thereof and inserting “until  
4           the authorization for funding under section 5006(b)  
5           expires”.

6 **SEC. 1103. LIMITED DOUBLE HULL EXEMPTIONS.**

7           (a) IN GENERAL.—The double hull construction re-  
8           quirements of section 3703a of title 46, United States  
9           Code, do not apply to—

10           (1) a vessel documented under chapter 121 of  
11           title 46, United States Code, that was equipped with  
12           a double hull before August 12, 1992;

13           (2) a barge of less than 1,500 gross tons carry-  
14           ing refined petroleum product in bulk as cargo in or  
15           adjacent to waters of the Bering Sea, Chukchi Sea,  
16           and Arctic Ocean and waters tributary thereto and  
17           in the waters of the Aleutian Islands and the Alas-  
18           kan Peninsula west of 155 degrees west longitude;  
19           or

20           (3) a vessel in the National Defense Reserve  
21           Fleet pursuant to section 11 of the Merchant Ship  
22           Sales Act of 1946 (50 U.S.C. App. 1744).

23           (b) AUTHORITY OF THE SECRETARY OF TRANSPOR-  
24           TATION.—

1           (1) OPERATION OF BARGES IN OTHER WA-  
2           TERS.—The operation of barges described in sub-  
3           section (a)(2) outside waters described in that sub-  
4           section shall be on such conditions as the Secretary  
5           of Transportation may require.

6           (2) NO EFFECT ON OTHER AUTHORITY OF THE  
7           SECRETARY.—Except as provided in subsection (a),  
8           nothing in this section affects the authority of the  
9           Secretary of Transportation to regulate the con-  
10          struction, operation, or manning of barges and ves-  
11          sels in accordance with applicable laws and regula-  
12          tions.

13          (c) BARGE DEFINED.—For purposes of this section,  
14          the term “barge” has the meaning given that term in sec-  
15          tion 2101 of title 46, United States Code.

16   **SEC. 1104. OIL SPILL RESPONSE VESSELS.**

17          (a) DESCRIPTION.—Section 2101 of title 46, United  
18          States Code, is amended—

19                (1) by redesignating paragraph (20a) as (20b);  
20                and

21                (2) by inserting after paragraph (20) the fol-  
22          lowing new paragraph:

23                       “(20a) ‘oil spill response vessel’ means a vessel  
24          that is designated in its certificate of inspection as

1       such a vessel, or that is adapted to respond to a dis-  
2       charge of oil or a hazardous material.”.

3       (b) EXEMPTION FROM LIQUID BULK CARRIAGE RE-  
4       QUIREMENTS.—Section 3702 of title 46, United States  
5       Code, is amended by adding at the end thereof the follow-  
6       ing:

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

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

11              “(2) the vessel is—

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

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

15                      “(C) engaged in response-related activi-  
16       ties.”.

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

19       “(p) The Secretary may prescribe the watchstanding  
20       and work hours requirements for an oil spill response ves-  
21       sel.”.

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



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

3       (e) MERCHANT MARINER DOCUMENT REQUIRE-  
4 MENTS.—Section 8701(a) of title 46, United States Code,  
5 is amended—

6           (1) by striking “and” after the semicolon at the  
7 end of paragraph (7),

8           (2) by striking the period at the end of para-  
9 graph (8) and inserting a semicolon and “and”; and

10          (3) by adding at the end thereof the following  
11 new paragraph:

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

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

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

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

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

1 **SEC. 1105. SENSE OF THE CONGRESS REGARDING PAS-**  
 2 **SENGERS ABOARD COMMERCIAL VESSELS.**

3 It is the sense of the Congress that section 521(a)(1)  
 4 of Public Law 103–182 (19 U.S.C. 58c(a)(5)) was in-  
 5 tended to require the collection and remission of a fee from  
 6 each passenger only one time in the course of a single voy-  
 7 age aboard a commercial vessel.

8 **SEC. 1106. CALIFORNIA CRUISE INDUSTRY REVITALIZA-**  
 9 **TION.**

10 Section 5(b)(2) of the Act of January 2, 1951 (15  
 11 U.S.C. 1175(b)(2)), commonly referred to as the “John-  
 12 son Act”, is amended by adding at the end thereof the  
 13 following:

14 “(C) EXCLUSION OF CERTAIN VOYAGES  
 15 AND SEGMENTS.—Except for a voyage or seg-  
 16 ment of a voyage that occurs within the bound-  
 17 aries of the State of Hawaii, a voyage or seg-  
 18 ment of a voyage is not described in subpara-  
 19 graph (B) if it includes or consists of a seg-  
 20 ment—

21 “(i) that begins and ends in the same  
 22 State;

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

25 “(iii) in which the vessel reaches the  
 26 other State or foreign country within 3

1                   days after leaving the State in which it be-  
2                   gins.”.

3 **SEC. 1107. LOWER COLUMBIA RIVER MARINE FIRE AND**  
4 **SAFETY ACTIVITIES.**

5       The Secretary of Transportation is authorized to ex-  
6 pend out of the amounts appropriated for the Coast Guard  
7 for fiscal year 1996 not more than \$491,000 for lower  
8 Columbia River marine, fire, oil, and toxic spill response  
9 communications, training, equipment, and program ad-  
10 ministration activities conducted by the Marine Fire and  
11 Safety Association.

12 **SEC. 1108. OIL POLLUTION RESEARCH TRAINING.**

13       Section 7001(c)(2)(D) of the Oil Pollution Act of  
14 1990 (33 U.S.C. 2761(c)(2)(D)) is amended by striking  
15 “Texas;” and inserting “Texas, and the Center for Marine  
16 Training and Safety in Galveston, Texas;”.

17 **SEC. 1109. LIMITATION ON RELOCATION OF HOUSTON AND**  
18 **GALVESTON MARINE SAFETY OFFICES.**

19       The Secretary of Transportation may not relocate the  
20 Coast Guard Marine Safety Offices in Galveston, Texas,  
21 and Houston, Texas. Nothing in this section prevents the  
22 consolidation of management functions of these Coast  
23 Guard authorities.

1 **SEC. 1110. UNINSPECTED FISH TENDER VESSELS.**

2 Section 3302 of Title 46, United States Code, is  
3 amended in subsection (c)(3)(A) by adding “(including  
4 fishery-related products)” after the word “cargo”.

5 **SEC. 1111. FOREIGN PASSENGER VESSEL USER FEES.**

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

8 (1) by striking “(a)” in subsection (a); and

9 (2) by striking subsection (b).

10 **SEC. 1112. COAST GUARD USER FEES.**

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

12 (1) The Secretary of Transportation is author-  
13 ized under subsection 10401(g) of the Omnibus  
14 Budget Reconciliation Act of 1990 (46 U.S.C.  
15 2110(g)) to exempt persons from the requirement to  
16 pay Coast Guard inspection user fees if it is in the  
17 public interest to do so.

18 (2) Publicly-owned ferries serve the public in-  
19 terest by providing necessary, and in many cases,  
20 the only available, transportation between locations  
21 divided by bodies of water.

22 (3) Small passenger vessels serve the public in-  
23 terest by providing vital small business opportunities  
24 in virtually every coastal city of the United States  
25 and by providing important passenger vessels serv-  
26 ices.

1           (4) During the Coast Guard inspection user fee  
2       rulemaking process, small passenger vessel operators  
3       informed the Coast Guard that proposed user fees  
4       were excessive and would force small passenger oper-  
5       ators out of business, leaving many areas without  
6       small passenger vessel services required by the pub-  
7       lic.

8           (5) The Secretary of Transportation failed to  
9       adequately protect the public interest and failed to  
10      follow Congressional intent by establishing Coast  
11      Guard inspection user fees for small passenger ves-  
12      sels which exceed the ability of these small busi-  
13      nesses to pay the fees and by establishing Coast  
14      Guard inspection user fees for publicly-owned fer-  
15      ries.

16      (b) LIMITS ON USER FEES.—Section 10401(g) of the  
17      Omnibus Budget Reconciliation Act of 1990 (46 U.S.C.  
18      2110(a)(2)) is amended by adding after “annually.” the  
19      following: “The Secretary may not establish a fee or  
20      charge under paragraph (1) for inspection or examination  
21      of a small passenger vessel under this title that is more  
22      than \$300 annually for such vessels under 65 feet in  
23      length, or more than \$600 annually for such vessels 65  
24      feet in length and greater. The Secretary may not estab-  
25      lish a fee or charge under paragraph (1) for inspection

1 or examination under this title for any publicly-owned  
 2 ferry.”.

3 **SEC. 1113. VESSEL FINANCING.**

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

7 (1) by striking “or” at the end of clause (v);

8 (2) by striking the period at the end of clause  
 9 (vi) and inserting “; or”; and

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

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

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

16 (1) by striking “or” at the end of paragraph  
 17 (3);

18 (2) by striking the period at the end of para-  
 19 graph (4) and inserting “; or”; and

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

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

23 (c) LEASING.—Section 12106 of title 46, United  
 24 States Code, is amended by adding at the end the follow-  
 25 ing:

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

3           “(A) 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 primarily engaged in leasing  
6 or other financing transactions;

7           “(B) the vessel is under a demise charter to a  
8 person qualifying as a citizen of the United States  
9 for engaging in the coastwise trade under section 2  
10 of the Shipping Act, 1916, and it is certified that  
11 there are no other agreements, arrangements, or un-  
12 derstandings between the vessel owner and the de-  
13 mise charterer with respect to the operation or man-  
14 agement of the vessel;

15           “(C) the demise charter—

16               “(i) is for a period of at least 3 years or  
17 a shorter period as may be prescribed by the  
18 Secretary; and

19               “(ii) charter hire is not significantly great-  
20 er than that prevailing in the commercial mar-  
21 ket; and

22           “(D) the vessel is otherwise eligible for docu-  
23 mentation under section 12102.

24       “(2) The demise charter and any amendments to that  
25 charter shall be filed with the certificate required by this

1 subsection, or within 10 days following the filing of an  
 2 amendment to the charter, and such charter and amend-  
 3 ments shall be made available to the public.

4 “(3) Upon default by a demise charterer required  
 5 under paragraph (1)(C), the coastwise endorsement of the  
 6 vessel may, in the sole discretion of the Secretary, be con-  
 7 tinued after the termination for default of the demise  
 8 charter for a period not to exceed 6 months on such terms  
 9 and conditions as the Secretary may prescribe.

10 “(4) For purposes of section 2 of the Shipping Act,  
 11 1916, and section 12102(a) of this title, a vessel meeting  
 12 the criteria of this subsection is deemed to be owned exclu-  
 13 sively by citizens of the United States.

14 “(5) A vessel eligible for documentation or to be en-  
 15 dorsed with a coastwise endorsement under this subsection  
 16 is not eligible for a fishery endorsement under section  
 17 12108.”.

18 (d) CONFORMING AMENDMENT.—Section 9(c) of the  
 19 Shipping Act, 1916, as amended (46 U.S.C. App. 808(c))  
 20 is amended by striking “sections 31322(a)(1)(D)” and in-  
 21 serting “sections 12106(e), 31322(a)(1)(D),”.

22 **SEC. 1114. MANNING AND WATCH REQUIREMENTS ON**  
 23 **TOWING VESSELS ON THE GREAT LAKES.**

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



1 (1) by striking “or permitted”; and

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

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

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

12 **SEC. 1115. REPEAL OF GREAT LAKES ENDORSEMENTS.**

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

15 (b) CONFORMING AMENDMENTS.—

16 (1) The analysis at the beginning of chapter  
17 121 of title 46, United States Code, is amended by  
18 striking the item relating to section 12107.

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

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

1           (4) Section 2793 of the Revised Statutes of the  
2       United States (46 App. U.S.C. 111, 123) is amend-  
3       ed—

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

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

12          (5) Section 9302(a)(1) of title 46, United  
13       States Code, is amended by striking “subsections (d)  
14       and (e)” and inserting “subsections (d), (e) and  
15       (f)”.

16          (6) Section 9302(e) of title 46, United States  
17       Code, is amended by striking “subsections (a) and  
18       (b)” and inserting “subsection (a)”.

19          (7) Section 9302 of title 46, United States  
20       Code, is amended by adding at the end the following  
21       new subsection:

22       “(f) A United States vessel operating between ports  
23       on the Great Lakes or between ports on the Great Lakes  
24       and the St. Lawrence River carrying no cargo obtained  
25       from a foreign port outside of the Great Lakes or carrying

1 no cargo bound for a foreign port outside of the Great  
2 Lakes, is exempt from the requirements of subsection (a)  
3 of this section.”.

4 **SEC. 1116. RELIEF FROM UNITED STATES DOCUMENTA-**  
5 **TION REQUIREMENTS.**

6 (a) IN GENERAL.—Notwithstanding any other law or  
7 any agreement with the United States Government, a ves-  
8 sel described in subsection (b) may be transferred to or  
9 placed under a foreign registry or sold to a person that  
10 is not a citizen of the United States and transferred to  
11 or placed under a foreign registry.

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

14 (1) RAINBOW HOPE (United States official  
15 number 622178).

16 (2) IOWA TRADER (United States official  
17 number 642934).

18 (3) KANSAS TRADER (United States official  
19 number 634621).

20 (4) MV PLATTE (United States official num-  
21 ber number 653210).

22 (5) SOUTHERN (United States official num-  
23 ber 591902).

24 (6) ARZEW (United States official number  
25 598727).

1           (7) LAKE CHARLES (United States official  
2       number 619531).

3           (8) LOUISIANA (United States official num-  
4       ber 619532).

5           (9) GAMMA (United States official number  
6       598730).

7       **SEC. 1117. USE OF CANADIAN OIL SPILL RESPONSE AND**  
8               **RECOVERY VESSELS.**

9       Notwithstanding any other provision of law, oil spill  
10   response and recovery vessels of Canadian registry may  
11   operate in waters of the United States adjacent to the bor-  
12   der between Canada and the State of Maine, on an emer-  
13   gency and temporary basis, for the purpose of recovering,  
14   transporting, and unloading in a United States port oil  
15   discharged as a result of an oil spill in or near such wa-  
16   ters, if an adequate number and type of oil spill response  
17   and recovery vessels documented under the laws of the  
18   United States cannot be engaged to recover oil from an  
19   oil spill in or near those waters in a timely manner, as  
20   determined by the Federal On-Scene Coordinator for a  
21   discharge or threat of a discharge of oil.

1 **SEC. 1118. JUDICIAL SALE OF CERTAIN DOCUMENTED VES-**  
2 **SELS TO ALIENS.**

3 Section 31329 of title 46, United States Code, is  
4 amended by adding at the end the following new sub-  
5 section:

6 “(f) This section does not apply to a documented ves-  
7 sel that has been operated only for pleasure.”.

8 **SEC. 1119. IMPROVED AUTHORITY TO SELL RECYCLABLE**  
9 **MATERIAL.**

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

15 **SEC. 1120. DOCUMENTATION OF CERTAIN VESSELS.**

16 (a) GENERAL CERTIFICATES.—Notwithstanding sec-  
17 tions 12106, 12107, and 12108 of title 46, United States  
18 Code, and section 27 of the Merchant Marine Act, 1920  
19 (46 U.S.C. App. 883), as applicable on the date of enact-  
20 ment of this Act, the Secretary of Transportation may  
21 issue a certificate of documentation with appropriate en-  
22 dorsement for employment in the coastwise trade for the  
23 following vessels:

24 (1) ALPHA TANGO (United States official  
25 number 945782).

1           (2) AURA (United States official number  
2   1027807).

3           (3) BABS (United States official number  
4   1030028).

5           (4) BAGGER (State of Hawaii registration  
6   number HA1809E).

7           (5) BILLY BUCK (United States official num-  
8   ber 939064).

9           (6) CAPTAIN DARYL (United States official  
10   number 580125).

11          (7) CHRISSY (State of Maine registration  
12   number 4778B).

13          (8) CONSORTIUM (United States official  
14   number 303328).

15          (9) DRAGONESSA (United States official  
16   number 646512).

17          (10) EMERALD AYES (United States official  
18   number 986099).

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

21          (12) EVENING STAR (Hull identification  
22   number HA2833700774 and State of Hawaii reg-  
23   istration number HA8337D).

24          (13) EXPLORER (United States official num-  
25   ber 918080).

1           (14) FOCUS (United States official number  
2   909293).

3           (15) FREJA VIKING (Danish registration  
4   number A395).

5           (16) GLEAM (United States official number  
6   921594).

7           (17) GOD'S GRACE II (State of Alaska reg-  
8   istration number AK5916B).

9           (18) HALCYON (United States official number  
10   690219).

11          (19) IDUN VIKING (Danish registration num-  
12   ber A433).

13          (20) INTREPID (United States official number  
14   508185).

15          (21) ISABELLE (United States official num-  
16   ber 600655).

17          (22) JAJO (Hull identification number  
18   R1Z200207H280 and State of Rhode Island reg-  
19   istration number 388133).

20          (23) LADY HAWK (United States official  
21   number 961095).

22          (24) LIV VIKING (Danish registration number  
23   A394).

24          (25) MAGIC CARPET (United States official  
25   number 278971).

1           (26) MARANTHA (United States official num-  
2       ber 638787).

3           (27) OLD HAT (United States official number  
4       508299).

5           (28) ONRUST (United States official number  
6       515058).

7           (29)    PERSEVERANCE    (Serial    number  
8       77NS8901).

9           (30) PRIME TIME (United States official  
10      number 660944).

11          (31) QUIETLY (United States official number  
12      658315).

13          (32)    RESOLUTION    (Serial    number  
14      77NS8701).

15          (33) ROYAL AFFAIRE (United States official  
16      number 649292).

17          (34) SARAH-CHRISTEN (United States offi-  
18      cial number 542195).

19          (35) SEA MISTRESS (United States official  
20      number 696806).

21          (36) SERENITY (United States official num-  
22      ber 1021393).

23          (37) SHAMROCK V (United States official  
24      number 900936).



1           (38) SHOOTER (United States official number  
2   623333).

3           (39) SISU (United States official number  
4   293648).

5           (40) SUNRISE (United States official number  
6   950381).

7           (41) TOO MUCH FUN (United States official  
8   number 936565).

9           (42) TRIAD (United States official number  
10  988602).

11          (43) WEST FJORD (Hull identification num-  
12  ber X-53-109).

13          (44) WHY NOT (United States official number  
14  688570).

15          (45) WOLF GANG II (United States official  
16  number 984934).

17          (46) YES DEAR (United States official num-  
18  ber 578550).

19          (47) 14 former United States Army hovercraft  
20  with serial numbers LACV-30-04, LACV-30-05,  
21  LACV 30-07, LACV-30-09, LACV-30-10, LACV-  
22  30-13, LACV-30-14, LACV-30-15, LACV-30-16,  
23  LACV-30-22, LACV-30-23, LACV-30-24, LACV-  
24  30-25, and LACV-30-26.

1 (b) M/V TWIN DRILL.—Section 601(d) of the Coast  
 2 Guard Authorization Act of 1993 (Public Law 103–206,  
 3 107 Stat. 2445) is amended—

4 (1) by striking “June 30, 1995” in paragraph  
 5 (3) and inserting “June 30, 1996”; and

6 (2) by striking “12 months” in paragraph (4)  
 7 and inserting “24 months”.

8 (c) CERTIFICATES OF DOCUMENTATION FOR GAL-  
 9 LANT LADY.—

10 (1) IN GENERAL.—Notwithstanding section 27  
 11 of the Merchant Marine Act, 1920 (46 U.S.C. App.  
 12 883), section 8 of the Act of June 19, 1886 (24  
 13 Stat. 81, chapter 421; 46 U.S.C. App. 289), and  
 14 section 12106 of title 46, United States Code, and  
 15 subject to paragraph (2), the Secretary of Transpor-  
 16 tation may issue a certificate of documentation with  
 17 an appropriate endorsement for employment in  
 18 coastwise trade for each of the following vessels:

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

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

23 (2) LIMITATION ON OPERATION.—Coastwise  
 24 trade authorized under a certificate of documenta-  
 25 tion issued for a vessel under this section shall be

1 limited to the carriage of passengers in association  
2 with contributions to charitable organizations no  
3 portion of which is received, directly or indirectly, by  
4 the owner of the vessel.

5 (3) CONDITION.—The Secretary may not issue  
6 a certificate of documentation for a vessel under  
7 paragraph (1) unless, not later than 90 days after  
8 the date of enactment of this Act, the owner of the  
9 vessel referred to in paragraph (1)(B) submits to the  
10 Secretary a letter expressing the intent of the owner  
11 to, before April 1, 1997, enter into a contract for the  
12 construction in the United States of a passenger ves-  
13 sel of at least 130 feet in length.

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

17 (A) for the vessel referred to in paragraph  
18 (1)(A), on the date of the issuance of the cer-  
19 tificate; and

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

23 (5) TERMINATION OF EFFECTIVENESS OF CER-  
24 TIFICATES.—A certificate of documentation issued  
25 for a vessel under paragraph (1) shall expire—

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

3 (B) on April 1, 1997, if the owner of the  
4 vessel referred to in paragraph (1)(B) has not  
5 entered into a contract for construction of a  
6 vessel in accordance with the letter of intent  
7 submitted to the Secretary under paragraph  
8 (3); or

9 (C) on such date as a contract referred to  
10 in paragraph (2) is breached, rescinded, or ter-  
11 minated (other than for completion of perform-  
12 ance of the contract) by the owner of the vessel  
13 referred to in paragraph (1)(B).

14 (d) CERTIFICATES OF DOCUMENTATION FOR EN-  
15 CHANTED ISLE AND ENCHANTED SEAS.—Notwithstand-  
16 ing section 27 of the Merchant Marine Act, 1920 (46  
17 U.S.C. App. 883), the Act of June 19, 1886 (46 U.S.C.  
18 App. 289), section 12106 of title 46, United States Code,  
19 section 506 of the Merchant Marine Act, 1936 (46 U.S.C.  
20 App. 1156), and any agreement with the United States  
21 Government, the Secretary of Transportation may issue  
22 certificates of documentation with a coastwise endorse-  
23 ment for the vessels ENCHANTED ISLES (Panamanian  
24 official number 14087–84B) and ENCHANTED SEAS  
25 (Panamanian official number 14064–84D), except that

1 the vessels may not operate between or among islands in  
2 the State of Hawaii.

3 **SEC. 1121. VESSEL DEEMED TO BE A RECREATIONAL VES-**  
4 **SEL.**

5 The vessel, an approximately 96 meter twin screw  
6 motor yacht for which construction commenced in Octo-  
7 ber, 1993, and which has been assigned the builder's num-  
8 ber 13583 (to be named the LIMITLESS), is deemed for  
9 all purposes, including title 46, United States Code, and  
10 all regulations thereunder, to be a recreational vessel of  
11 less than 300 gross tons if it does not—

12 (1) carry cargo or passengers for hire; or

13 (2) engage in commercial fisheries or oceano-  
14 graphic research.

15 **SEC. 1122. SMALL PASSENGER VESSEL PILOT INSPECTION**  
16 **PROGRAM WITH THE STATE OF MINNESOTA.**

17 (a) IN GENERAL.—The Secretary may enter into an  
18 agreement with the State under which the State may in-  
19 spect small passenger vessels operating in waters of that  
20 State designated by the Secretary, if—

21 (1) the State plan for the inspection of small  
22 passenger vessels meets such requirements as the  
23 Secretary may require to ensure the safety and oper-  
24 ation of such vessels in accordance with the stand-

1        ards that would apply if the Coast Guard were in-  
2        specting such vessels; and

3            (2) the State will provide such information ob-  
4        tained through the inspection program to the Sec-  
5        retary annually in such form and in such detail as  
6        the Secretary may require.

7        (b) FEES.—The Secretary may adjust or waive the  
8        user fee imposed under section 3317 of title 46, United  
9        States Code, for the inspection of small passenger vessels  
10       inspected under the State program.

11       (c) TERMINATION.—The authority provided by sub-  
12       section (a) terminates on December 31, 1998.

13       (d) DEFINITIONS.—For purposes of this section—

14            (1) SECRETARY.—The term “Secretary” means  
15        the Secretary of the department in which the Coast  
16        Guard is operating.

17            (2) STATE.—The term “State” means the State  
18        of Minnesota.

19            (3) SMALL PASSENGER VESSEL.—The term  
20        “small passenger vessel” means a small passenger  
21        vessel (as defined in section 2101(35) of title 46,  
22        United States Code) of not more than 40 feet overall  
23        in length.

1 **SEC. 1123. COMMONWEALTH OF THE NORTHERN MARIANA**  
2 **ISLANDS FISHING.**

3 Section 8103(i)(1) of title 46, United States Code,  
4 is amended—

5 (1) by striking “or” in subparagraph (B);

6 (2) by striking the period at the end of sub-  
7 paragraph (C) and inserting a semicolon and “or”;  
8 and

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

10 “(D) an alien allowed to be employed under the  
11 immigration laws of the Commonwealth of the  
12 Northern Mariana Islands if the vessel is perma-  
13 nently stationed at a port within the Commonwealth  
14 and the vessel is engaged in the fisheries within the  
15 exclusive economic zone surrounding the Common-  
16 wealth or another United States territory or posses-  
17 sion.

18 **SEC. 1124. AVAILABILITY OF EXTRAJUDICIAL REMEDIES**  
19 **FOR DEFAULT ON PREFERRED MORTGAGE**  
20 **LIENS ON VESSELS.**

21 (a) AVAILABILITY OF EXTRAJUDICIAL REMEDIES.—  
22 Section 31325(b) of title 46, United States Code, is  
23 amended—

24 (1) in the matter preceding paragraph (1) by  
25 striking “mortgage may” and inserting “mortgagee  
26 may”;

1 (2) in paragraph (1) by—

2 (A) striking “perferred” and inserting  
3 “preferred”; and

4 (B) striking “; and” and inserting a semi-  
5 colon; and

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

7 “(3) enforce the preferred mortgage lien or a  
8 claim for the outstanding indebtedness secured by  
9 the mortgaged vessel, or both, by exercising any  
10 other remedy (including an extrajudicial remedy)  
11 against a documented vessel, a vessel for which an  
12 application for documentation is filed under chapter  
13 121 of this title, a foreign vessel, or a mortgagor,  
14 maker, comaker, or guarantor for the amount of the  
15 outstanding indebtedness or any deficiency in full  
16 payment of that indebtedness, if—

17 “(A) the remedy is allowed under applica-  
18 ble law; and

19 “(B) the exercise of the remedy will not re-  
20 sult in a violation of section 9 or 37 of the  
21 Shipping Act, 1916 (46 U.S.C. App. 808,  
22 835).”.

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



1       “(f)(1) Before title to the documented vessel or vessel  
2 for which an application for documentation is filed under  
3 chapter 121 is transferred by an extrajudicial remedy, the  
4 person exercising the remedy shall give notice of the pro-  
5 posed transfer to the Secretary, to the mortgagee of any  
6 mortgage on the vessel filed in substantial compliance with  
7 section 31321 of this title before notice of the proposed  
8 transfer is given to the Secretary, and to any person that  
9 recorded a notice of a claim of an undischarged lien on  
10 the vessel under section 31343(a) or (d) of this title before  
11 notice of the proposed transfer is given to the Secretary.

12       “(2) Failure to give notice as required by this sub-  
13 section shall not affect the transfer of title to a vessel.  
14 However, the rights of any holder of a maritime lien or  
15 a preferred mortgage on the vessel shall not be affected  
16 by a transfer of title by an extrajudicial remedy exercised  
17 under this section, regardless of whether notice is required  
18 by this subsection or given.

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

22       (c) RULE OF CONSTRUCTION.—The amendments  
23 made by subsections (a) and (b) may not be construed  
24 to imply that remedies other than judicial remedies were  
25 not available before the date of enactment of this section

1 to enforce claims for outstanding indebtedness secured by  
2 mortgaged vessels.

3 **SEC. 1125. OFFSHORE FACILITY FINANCIAL RESPONSIBIL-**  
4 **ITY REQUIREMENTS.**

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

8 “(1) IN GENERAL.—

9 “(A) EVIDENCE OF FINANCIAL RESPON-  
10 SIBILITY REQUIRED.—Except as provided in  
11 paragraph (2), a responsible party with respect  
12 to an offshore facility that—

13 “(i)(I) is located seaward of the line  
14 of ordinary low water along that portion of  
15 the coast that is in direct contact with the  
16 open sea and the line marking the seaward  
17 limit of inland waters; or

18 “(II) is located in inland waters, such  
19 as coastal bays or estuaries, seaward of the  
20 line of ordinary low water along that por-  
21 tion of the coast that is not in direct con-  
22 tact with the open sea;

23 “(ii) is used for exploring for, drilling  
24 for, or producing oil, or for transporting oil

1 from facilities engaged in oil exploration,  
2 drilling, or production; and

3 “(iii) has a worst-case oil spill dis-  
4 charge potential of more than 1,000 bar-  
5 rels of oil (or a lesser amount if the Presi-  
6 dent determines that the risks posed by  
7 such facility justify it),

8 shall establish and maintain evidence of finan-  
9 cial responsibility in the amount required under  
10 subparagraph (B) or (C), as applicable.

11 “(B) AMOUNT REQUIRED GENERALLY.—  
12 Except as provided in subparagraph (C), the  
13 amount of financial responsibility for offshore  
14 facilities that meet the criteria in subparagraph  
15 (A) is—

16 “(i) \$35,000,000 for offshore facilities  
17 located seaward of the seaward boundary  
18 of a State; or

19 “(ii) \$10,000,000 for offshore facili-  
20 ties located landward of the seaward  
21 boundary of a State.

22 “(C) GREATER AMOUNT.—If the President  
23 determines that an amount of financial respon-  
24 sibility for a responsible party greater than the  
25 amount required by subparagraphs (B) and (D)

1 is justified by the relative operational, environ-  
2 mental, human health, and other risks posed by  
3 the quantity or quality of oil that is explored  
4 for, drilled for, produced, stored, handled,  
5 transferred, processed or transported by the re-  
6 sponsible party, the evidence of financial re-  
7 sponsibility required shall be for an amount de-  
8 termined by the President not exceeding  
9 \$150,000,000.

10 “(D) MULTIPLE FACILITIES.—In the case  
11 in which a person is a responsible party for  
12 more than one facility subject to this sub-  
13 section, evidence of financial responsibility need  
14 be established only to meet the amount applica-  
15 ble to the facility having the greatest financial  
16 responsibility requirement under this sub-  
17 section.

18 “(E) STATE JURISDICTION.—The require-  
19 ments of this paragraph shall not apply if an  
20 offshore facility located landward of the sea-  
21 ward boundary of a State is required by such  
22 State to establish and maintain evidence of fi-  
23 nancial responsibility in a manner comparable  
24 to, and in an amount equal to or greater than,  
25 the requirements of this paragraph.

1           “(F) DEFINITION.—For the purpose of  
 2           this paragraph, the phrase “seaward boundary  
 3           of a State” shall mean the boundaries described  
 4           in section 2(b) of the Submerged Lands Act (43  
 5           U.S.C. 1301(b)).”.

6 **SEC. 1126. DEAUTHORIZATION OF NAVIGATION PROJECT,**  
 7 **COHASSET HARBOR, MASSACHUSETTS.**

8           The following portions of the project for navigation,  
 9 Cohasset Harbor, Massachusetts, authorized by section 2  
 10 of the Act entitled “An Act authorizing the construction,  
 11 repair, and preservation of certain public works on rivers  
 12 and harbors, and for other purposes”, approved March 2,  
 13 1945 (59 Stat. 12), or carried out pursuant to section 107  
 14 of the River and Harbor Act of 1960 (33 U.S.C. 577),  
 15 are deauthorized: A 7-foot deep anchorage and a 6-foot  
 16 deep anchorage; beginning at site 1, starting at a point  
 17 N453510.15, E792664.63, thence running south 53 de-  
 18 grees 07 minutes 05.4 seconds west 307.00 feet to a point  
 19 N453325.90, E792419.07, thence running north 57 de-  
 20 grees 56 minutes 36.8 seconds west 201.00 feet to a point  
 21 N453432.58, E792248.72, thence running south 88 de-  
 22 grees 57 minutes 25.6 seconds west 50.00 feet to a point  
 23 N453431.67, E792198.73, thence running north 01 de-  
 24 gree 02 minutes 52.3 seconds west 66.71 feet to a point  
 25 N453498.37, E792197.51, thence running north 69 de-

1 grees 12 minutes 52.3 seconds east 332.32 feet to a point  
2 N453616.30, E792508.20, thence running south 55 de-  
3 grees 50 minutes 24.1 seconds east 189.05 feet to point  
4 of origin; then site 2, starting at a point, N452886.64,  
5 E791287.83, thence running south 00 degrees 00 minutes  
6 00.0 seconds west 56.04 feet to a point, N452830.60,  
7 E791287.83, thence running north 90 degrees 00 minutes  
8 00.0 seconds west 101.92 feet to a point, N452830.60,  
9 E791185.91, thence running north 52 degrees 12 minutes  
10 49.7 seconds east 89.42 feet to a point, N452885.39,  
11 E791256.58, thence running north 87 degrees 42 minutes  
12 33.8 seconds east 31.28 feet to point of origin; and site  
13 3, starting at a point, N452261.08, E792040.24, thence  
14 running north 89 degrees 07 minutes 19.5 seconds east  
15 118.78 feet to a point, N452262.90, E792159.01, thence  
16 running south 43 degrees 39 minutes 06.8 seconds west  
17 40.27 feet to a point, N452233.76, E792131.21, thence  
18 running north 74 degrees 33 minutes 29.1 seconds west  
19 94.42 feet to a point, N452258.90, E792040.20, thence

- 1 running north 01 degree 03 minutes 04.3 seconds east
- 2 2.18 feet to point of origin.

Passed the Senate November 17 (legislative day, November 16), 1995.

Attest:

*Secretary.*

104TH CONGRESS  
1ST SESSION

# S. 1004

## AN ACT

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



S 1004 ES—2  
S 1004 ES—3  
S 1004 ES—4  
S 1004 ES—5  
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S 1004 ES—8  
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