

104TH CONGRESS  
1ST SESSION

# S. 1004

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

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## IN THE SENATE OF THE UNITED STATES

JUNE 29 (legislative day, JUNE 19), 1995

Mr. STEVENS (for himself, Mr. PRESSLER, Mr. HOLLINGS, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

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”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

### TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

## TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

- Sec. 201. Provision of child development services.
- Sec. 202. Hurricane Andrew relief.
- Sec. 203. Dissemination of results of 0–6 continuation boards.
- Sec. 204. Exclude certain reserves from end-of-year strength.
- Sec. 205. Officer retention until retirement eligible.
- Sec. 206. Contracts for health care services.

TITLE III—MARINE SAFETY AND WATERWAY SERVICES  
MANAGEMENT

- Sec. 301. Increased penalties for documentation violations.
- Sec. 302. Clerical amendment.
- Sec. 303. Maritime Drug and Alcohol Testing Program civil penalty.
- Sec. 304. Renewal of the Navigation Safety Advisory Council.
- Sec. 305. Renewal of the Commercial Fishing Industry Vessel Advisory Committee.
- Sec. 306. Renewal of Towing Safety Advisory Committee.
- Sec. 307. Electronic filing of commercial instruments.
- Sec. 308. Civil penalties.

## TITLE IV—COAST GUARD AUXILIARY AMENDMENTS

- Sec. 401. Administration of the Coast Guard Auxiliary.
- Sec. 402. Purpose of the Coast Guard Auxiliary.
- Sec. 403. Members of the Auxiliary; status.
- Sec. 404. Assignment and performance of duties.
- Sec. 405. Cooperation with other agencies, States, territories, and political subdivisions.
- Sec. 406. Vessel deemed public vessel.
- Sec. 407. Aircraft deemed public aircraft.
- Sec. 408. Disposal of certain material.

## TITLE V—RECREATIONAL BOATING SAFETY IMPROVEMENT

- Sec. 501. State recreational boating safety grants.
- Sec. 502. Boating access.

## TITLE VI—COAST GUARD REGULATORY REFORM

- Sec. 601. Short title.
- Sec. 602. Safety management.
- Sec. 603. Use of reports, documents, records, and examinations of other persons.
- Sec. 604. Equipment approval.
- Sec. 605. Frequency of inspection.
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- Sec. 607. Delegation of authority of Secretary to classification societies.

## TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

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

- Sec. 707. Merchant Marine Act, 1956.
- Sec. 708. Maritime education and training.
- Sec. 709. General definitions.
- Sec. 710. Authority to exempt certain vessels.
- Sec. 711. Inspection of vessels.
- Sec. 712. Regulations.
- Sec. 713. Penalties—inspection of vessels.
- Sec. 714. Application—tank vessels.
- Sec. 715. Tank vessel construction standards.
- Sec. 716. Tanker minimum standards.
- Sec. 717. Self-propelled tank vessel minimum standards.
- Sec. 718. Definition—abandonment of barges.
- Sec. 719. Application—load lines.
- Sec. 720. Licensing of individuals.
- Sec. 721. Able seamen—limited.
- Sec. 722. Able seamen—offshore supply vessels.
- Sec. 723. Scale of employment—able seamen.
- Sec. 724. General requirements—engine department.
- Sec. 725. Complement of inspected vessels.
- Sec. 726. Watchmen.
- Sec. 727. Citizenship and naval reserve requirements.
- Sec. 728. Watches.
- Sec. 729. Minimum number of licensed individuals.
- Sec. 730. Officers' competency certificates convention.
- Sec. 731. Merchant mariners' documents required.
- Sec. 732. Certain crew requirements.
- Sec. 733. Freight vessels.
- Sec. 734. Exemptions.
- Sec. 735. United States registered pilot service.
- Sec. 736. Definitions—merchant seamen protection.
- Sec. 737. Application—foreign and intercoastal voyages.
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- Sec. 739. Fishing agreements.
- Sec. 740. Accommodations for seamen.
- Sec. 741. Medicine chests.
- Sec. 742. Logbook and entry requirements.
- Sec. 743. Coastwise endorsements.
- Sec. 744. Fishery endorsements.
- Sec. 745. Convention tonnage for licenses, certificates, and documents.

## 1                   **TITLE I—AUTHORIZATION**

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

3           (a) FISCAL YEAR 1995.—Funds are authorized to be  
 4 appropriated for necessary expenses of the Coast Guard  
 5 for fiscal year 1995, as follows:

6           (1) For the operation and maintenance of the  
 7       Coast Guard, \$2,630,505,000, of which \$25,000,000

1 shall be derived from the Oil Spill Liability Trust  
2 Fund.

3 (2) For the acquisition, construction, rebuild-  
4 ing, and improvement of aids to navigation, shore  
5 and offshore facilities, vessels, and aircraft, includ-  
6 ing equipment related thereto, \$439,200,000, to re-  
7 main available until expended, of which \$32,500,000  
8 shall be derived from the Oil Spill Liability Trust  
9 Fund to carry out the purposes of section  
10 1012(a)(5) of the Oil Pollution Act of 1990.

11 (3) For research, development, test, and evalua-  
12 tion of technologies, materials, and human factors  
13 directly relating to improving the performance of the  
14 Coast Guard's mission in support of search and res-  
15 cue, aids to navigation, marine environmental pro-  
16 tection, enforcement of laws and treaties, ice oper-  
17 ations, oceanographic research, and defense readi-  
18 ness, \$20,310,000, to remain available until ex-  
19 pended, of which \$3,150,000 shall be derived from  
20 the Oil Spill Liability Trust Fund.

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

1 personnel and their dependents under chapter 55 of  
2 title 10, United States Code, \$562,585,000.

3 (5) For alteration or removal of bridges over  
4 navigable waters of the United States constituting  
5 obstructions to navigation, and for personnel and  
6 administrative costs associated with the Bridge Al-  
7 teration Program, \$12,880,000, to remain available  
8 until expended, which may be made available under  
9 section 104(e) of title 49, United States Code.

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

15 (b) FISCAL YEAR 1996.—Funds are authorized to be  
16 appropriated for necessary expenses of the Coast Guard  
17 for fiscal year 1996, as follows:

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

22 (2) For the acquisition, construction, rebuild-  
23 ing, and improvement of aids to navigation, shore  
24 and offshore facilities, vessels, and aircraft, includ-  
25 ing equipment related thereto, \$428,200,000, to re-

1 main available until expended, of which \$32,500,000  
2 shall be derived from the Oil Spill Liability Trust  
3 fund to carry out the purposes of section 1012(a)(5)  
4 of the Oil Pollution Act of 1990.

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

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

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

1        teration Program, \$16,200,000, to remain available  
2        until expended, of which up to \$14,200,000 may be  
3        made available under section 104(e) of title 49,  
4        United States Code.

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

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

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

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

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

1 (1) 39,000 as of September 30, 1995.

2 (2) 38,400 as of September 30, 1996.

3 The authorized strength does not include members of the  
4 Ready Reserve called to action duty for special or emer-  
5 gency augmentation of regular Coast Guard forces for pe-  
6 riods of 180 days or less.

7 (b) AUTHORIZED LEVEL OF MILITARY TRAINING.—  
8 The Coast Guard is authorized average military training  
9 student loads as follows:

10 (1) For recruit and special training—

11 (A) 2,000 student years for fiscal year  
12 1995; and

13 (B) 1,604 student years for fiscal year  
14 1996.

15 (2) For flight training—

16 (A) 133 student years for fiscal year 1995;  
17 and

18 (B) 85 student years for fiscal year 1996.

19 (3) For professional training in military and ci-  
20 vilian institutions—

21 (A) 344 student years for fiscal year 1995;  
22 and

23 (B) 330 student years for fiscal year 1996.

24 (4) For officer acquisition—



1 (A) 955 student years for fiscal year 1995;

2 and

3 (B) 874 student years for fiscal year 1996.

4 **TITLE II—PERSONNEL MANAGEMENT**  
5 **IMPROVEMENT**

6 **SEC. 201. PROVISION OF CHILD DEVELOPMENT SERVICES.**

7 (A) IN GENERAL.—Title 24, United States Code, is  
8 amended by inserting after section 514 the following new  
9 section:

10 **“§ 515. Child development services**

11 “(a) The Commandant may make child development  
12 services available for members and civilian employees of  
13 the Coast Guard, and thereafter as space is available for  
14 members of the Armed Forces and Federal civilian em-  
15 ployees. Child development service benefits provided under  
16 the authority of this section shall be in addition to benefits  
17 provided under other laws.

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

24 “(2) If the Commandant determines that compliance  
25 with the limitation in paragraph (1) would result in an

1 uneconomical and inefficient use of such fee receipts, the  
2 Commandant may (to the extent that such compliance  
3 would be uneconomical and inefficient) use such receipts—

4           “(A) for the purchase of consumable or dispos-  
5       able items for Coast Guard child development cen-  
6       ters; and

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

11       “(c) The Commandant shall provide for regular and  
12 unannounced inspections of each child development center  
13 under this section and may use Department of Defense  
14 or other training programs to ensure that all child develop-  
15 ment center employees under this section meet minimum  
16 standards of training with respect to early childhood devel-  
17 opment, activities and disciplinary techniques appropriate  
18 to children of different ages, child abuse prevention and  
19 detection, and appropriate emergency medical procedures.

20       “(d) Of the amounts available to the Coast Guard  
21 each fiscal year for operating expenses (and in addition  
22 to amounts received as fees), the Secretary shall use for  
23 child development services under this section an amount  
24 equal to the total amount the Commandant estimates will

1 be received by the Coast Guard in the fiscal year as fees  
2 for the provision of those services.

3 “(e) The Commandant may use appropriated funds  
4 available to the Coast Guard to provide assistance to fam-  
5 ily home day care providers so that family home day care  
6 services can be provided to uniformed service members  
7 and civilian employees of the Coast Guard at a cost com-  
8 parable to the cost of services provided by Coast Guard  
9 child development centers.

10 “(f) The Secretary shall promulgate regulations to  
11 implement this section. The regulations shall establish fees  
12 to be charged for child development services provided  
13 under this section which take into consideration total fam-  
14 ily income.

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

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

“515. Child development services.”.

23 **SEC. 202. HURRICANE ANDREW RELIEF.**

24 Section 2856 of the National Defense Authorization  
25 Act for fiscal year 1993 (P.L. 102–484) applies to the

1 military personnel of the Coast Guard who were assigned  
2 to, or employed at or in connection with, any Federal facil-  
3 ity or installation in the vicinity of Homestead Air Force  
4 Base, Florida, including the areas of Broward, Collier,  
5 Dade, and Monroe Counties, on or before August 24,  
6 1992, except that funds available to the Coast Guard, not  
7 to exceed \$25,000, shall be used. The Secretary of Trans-  
8 portation shall administer the provisions of section 2856  
9 for the Coast Guard.

10 **SEC. 203. DISSEMINATION OF RESULTS OF 0-6 CONTINU-**  
11 **ATION BOARDS.**

12 Section 289(f) of title 14, United States Code, is  
13 amended by striking “Upon approval by the President, the  
14 names of the officers selected for continuation on active  
15 duty by the board shall be promptly disseminated to the  
16 service at large.”.

17 **SEC. 204. EXCLUDE CERTAIN RESERVES FROM END-OF-**  
18 **YEAR STRENGTH.**

19 Section 712 of title 14, United States Code, is  
20 amended by adding at the end the following new sub-  
21 section:

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

1 **SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGI-**  
2 **BLE.**

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

5 (1) by inserting “(1)” after “(b)”;

6 (2) by striking the last sentence; and

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

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

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

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

21 “(C) if eligible for retirement under any law, be  
22 retired.”.

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

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

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

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

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

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

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

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

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

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

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

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

17          (c) The amendments made by this section shall take  
18          effect on the date of enactment of this Act. Any personal  
19          services contract entered into on behalf of the Coast  
20          Guard in reliance upon the authority of section 1091 of  
21          title 10 before that date is confirmed and ratified and shall  
22          remain in effect in accordance with the terms of the con-  
23          tract.

1           **TITLE III—MARINE SAFETY AND**  
2           **WATERWAY SERVICES MANAGEMENT**  
3   **SEC. 301 INCREASED PENALTIES FOR DOCUMENTATION**  
4           **VIOLATIONS.**

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

8           (b) SEIZURE AND FORFEITURE.—

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

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

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

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

21               “(3) when a vessel is operated after its endorse-  
22 ment has been denied or revoked under section  
23 12123 of this title;

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



1           “(5) when a documented vessel with only a rec-  
2       reational endorsement is operated other than for  
3       pleasure; or

4           “(6) when a documented vessel, other than a  
5       vessel with only a recreational endorsement operat-  
6       ing within the territorial waters of the United  
7       States, is placed under the command of a person not  
8       a citizen of the United States.”.

9           (2)     CONFORMING     AMENDMENT.—Section  
10       12122(c) of title 46, United States Code, is re-  
11       pealed.

12       (c) LIMITATION ON OPERATION OF VESSEL WITH  
13       ONLY RECREATIONAL ENDORSEMENT.—Section 12110(c)  
14       of title 46, United States Code, is amended to read as  
15       follows:

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

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

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

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

5 **SEC. 302. CLERICAL AMENDMENT.**

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

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

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

12 **SEC. 303. MARITIME DRUG AND ALCOHOL TESTING PRO-**  
 13 **GRAM CIVIL PENALTY.**

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

17 **“§2115. Civil penalty to enforce alcohol and dan-**  
 18 **gerous drug testing**

19       “Any person who fails to implement or conduct, or  
 20       who otherwise fails to comply with the requirements pre-  
 21       scribed by the Secretary for, chemical testing for dan-  
 22       gerous drugs or for evidence of alcohol use, as prescribed  
 23       under this subtitle or a regulation prescribed by the Sec-  
 24       retary to carry out the provisions of this subtitle, is liable  
 25       to the United States Government for a civil penalty of not

1 more than \$1,000 for each violation. Each day of a con-  
 2 tinuing violation shall constitute a separate violation.”.

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

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

7 **SEC. 304. RENEWAL OF THE NAVIGATION SAFETY ADVI-**  
 8 **SORY COUNCIL.**

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

12 **SEC. 305. RENEWAL OF THE COMMERCIAL FISHING INDUS-**  
 13 **TRY ADVISORY COMMITTEE.**

14 Subsection (e)(1) of section 4508 of title 46, United  
 15 States Code, is amended by striking “September 30,  
 16 1994” and inserting “September 30, 2000”.

17 **SEC. 306. RENEWAL OF TOWING SAFETY ADVISORY COM-**  
 18 **MITTEE.**

19 Subsection (e) of the Act to Establish a Towing Safe-  
 20 ty Advisory Committee in the Department of Transpor-  
 21 tation (33 U.S.C. 1231a(e)) is amended by striking “Sep-  
 22 tember 30, 1995” and inserting “September 30, 2000”.

1 **SEC. 307. ELECTRONIC FILING OF COMMERCIAL INSTRU-**  
2 **MENTS.**

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

6 “(4)(A) A bill of sale, conveyance, mortgage,  
7 assignment, or related instrument may be filed elec-  
8 tronically under regulations prescribed by the Sec-  
9 retary.

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

15 **SEC. 308. CIVIL PENALTIES.**

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

20 (b) **OPERATION OF UNINSPECTED TOWING VESSEL**  
21 **IN VIOLATION OF MANNING REQUIREMENTS.**—Section  
22 8906 of title 46, United States Code, is amended by strik-  
23 ing “\$1,000” and inserting “not more than \$25,000”.

1       **TITLE IV—COAST GUARD AUXILIARY**

2       **SEC. 401. ADMINISTRATION OF THE COAST GUARD AUXIL-**  
3                               **IARY.**

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

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

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

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

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

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

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

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

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

1       “The purpose of the Auxiliary is to assist the Coast  
2 Guard, as authorized by the Commandant, in performing  
3 any Coast Guard function, power, duty, role, mission, or  
4 operation authorized by law.”.

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

8       (c) The table of sections at the beginning of chapter  
9 23 of title 14, United States Code, is amended in the item  
10 relating to section 822, after “Purpose” by inserting “of  
11 the Coast Guard Auxiliary”.

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

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

15 **“§ 823a. Members of the Auxiliary; status**

16       “(a) Except as otherwise provided in this chapter, a  
17 member of the Coast Guard Auxiliary shall not be deemed  
18 to be a Federal employee and shall not be subject to the  
19 provisions of law relating to Federal employment, includ-  
20 ing those relating to hours of work, rates of compensation,  
21 leave, unemployment compensation, Federal employee  
22 benefits, ethics, conflicts of interest, and other similar  
23 criminal or civil statutes and regulations governing the  
24 conduct of Federal employees. However, nothing in this  
25 subsection shall constrain the Commandant from prescrib-

1 ing standards for the conduct and behavior of members  
2 of the Auxiliary.

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

6 “(1) The Federal Tort Claims Act (28 U.S.C.  
7 2671 et seq.), the Military Claims Act (10 U.S.C.  
8 2733), the Public Vessels Act (46 U.S.C. App. 781–  
9 790), the Suits in Admiralty Act (46 U.S.C. App.  
10 741–752), the Admiralty Extension Act (46 U.S.C.  
11 App. 740), and for other noncontractual civil liabil-  
12 ity purposes.

13 “(2) Compensation for work injuries under  
14 chapter 81 of title 5, United States Code.

15 “(3) The resolution of claims relating to dam-  
16 age to or loss of personal property of the member in-  
17 cident to service under the Military Personnel and  
18 Civilian Employees’ Claims Act of 1964 (31 U.S.C.  
19 3721).

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



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

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

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

5 Title 14, United States Code, is amended by striking  
 6 “specific” each place it appears in sections 830, 831, and  
 7 832.

8 **SEC. 405. COOPERATION WITH OTHER AGENCIES, STATES,**  
 9 **TERRITORIES, AND POLITICAL SUBDIVI-**  
 10 **SIONS.**

11 (a) Section 141 of title 14, United States Code, is  
 12 amended—

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

16 (2) by inserting “(which include members of the  
 17 Auxiliary and facilities governed under chapter 23)”  
 18 after “personnel and facilities” in the first sentence  
 19 of subsection (a); and

20 (3) by adding at the end of subsection (a) the  
 21 following: “The Commandant may prescribe condi-  
 22 tions, including reimbursement, under which person-  
 23 nel and facilities may be provided under this sub-  
 24 section.”.

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

6 **SEC. 406. VESSEL DEEMED PUBLIC VESSEL.**

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

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

14 **SEC. 407. AIRCRAFT DEEMED PUBLIC AIRCRAFT.**

15 The text of section 828 of title 14, United States  
16 Code, is amended to read as follows: “While assigned to  
17 authorized Coast Guard duty, any aircraft shall be deemed  
18 to be a Coast Guard aircraft, a public vessel of the United  
19 States, and a vessel of the Coast Guard within the mean-  
20 ing of sections 646 and 647 of this title and other applica-  
21 ble provisions of law. Subject to the provisions of sections  
22 823a and 831 of this title, while assigned to duty, quali-  
23 fied Auxiliary pilots shall be deemed to be Coast Guard  
24 pilots.”.

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

2 Section 641(a) of title 14, United States Code, is  
3 amended—

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

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

9 **TITLE V—RECREATIONAL BOATING**

10 **SAFETY IMPROVEMENT**

11 **SEC. 501. STATE RECREATIONAL BOATING SAFETY GRANTS.**

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

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

18 “(b)(1) Of the balance of each annual appropriation  
19 remaining after making the distribution under subsection  
20 (a), an amount equal to \$15,000,000 for fiscal year 1995,  
21 \$40,000,000 for fiscal year 1996, \$55,000,000 for fiscal  
22 year 1997, and \$69,000,000 for each of fiscal years 1998  
23 and 1999, shall, subject to paragraph (2), be used as fol-  
24 lows:

25 “(A) A sum equal to \$7,500,000 of the amount  
26 available for fiscal year 1995, and a sum equal to

1       \$10,000,000 of the amount available for each of fis-  
2       cal years 1996 and 1997, shall be available for use  
3       by the Secretary of the Interior for grants under  
4       section 5604(c) of the Clean Vessel Act of 1992.  
5       Any portion of such a sum available for a fiscal year  
6       that is not obligated for those grants before the end  
7       of the following fiscal year shall be transferred to  
8       the Secretary of Transportation and shall be ex-  
9       pended by the Secretary of Transportation for State  
10      recreational boating safety programs under section  
11      13106 of title 46, United States Code.

12           “(B) A sum equal to \$7,500,000 of the amount  
13      available for fiscal year 1995, \$30,000,000 of the  
14      amount available for fiscal year 1996, \$45,000,000  
15      of the amount available for fiscal year 1997, and  
16      \$59,000,000 of the amount available for each of fis-  
17      cal years 1998 and 1999, shall be transferred to the  
18      Secretary of Transportation and shall be expended  
19      by the Secretary of Transportation for recreational  
20      boating safety programs under section 13106 of title  
21      46, United States Code.

22           “(C) A sum equal to \$10,000,000 of the  
23      amount available for each of fiscal years 1998 and  
24      1999 shall be available for use by the Secretary of  
25      the Interior for—

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

3                   “(ii) grants under section 5604(c) of the  
4                   Clean Vessel Act of 1992

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

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

15                   “(i) the amount appropriated for that fiscal  
16                   year from the Boat Safety Account in the Aquatic  
17                   Resources Trust Fund established under section  
18                   9504 of the Internal Revenue Code of 1986 to carry  
19                   out the purposes of section 13106 of title 46, United  
20                   States Code; or

21                   “(ii) \$35,000,000;

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

23           “(B) The amount of any reduction under subpara-  
24 graph (A) shall be apportioned among the several States

1 under subsection (d) of this section by the Secretary of  
2 the Interior.”.

3 (2) CONFORMING AMENDMENT.—Section  
4 5604(c)(1) of the Clean Vessel Act of 1992 (33  
5 U.S.C. 1322 note) is amended by striking “section  
6 4(b)(2) of the Act of August 9, 1950 (16 U.S.C.  
7 777c(b)(2), as amended by this Act)” and inserting  
8 “section 4(b)(1) of the Act of August 9, 1950 (16  
9 U.S.C. 777c(b)(1))”.

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

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

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

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

7       (c) EXCESS FISCAL YEAR 1995 BOAT SAFETY AC-  
8 COUNT FUNDS TRANSFER.—Notwithstanding any other  
9 provision of law, \$20,000,000 of the annual appropriation  
10 from the Sport Fish Restoration Account in fiscal year  
11 1996 made in accordance with the provisions of section  
12 3 of the Act of August 9, 1950 (16 U.S.C. 777b) shall  
13 be excluded from the calculation of amounts to be distrib-  
14 uted under section 4(a) of such Act (16 U.S.C. 777c(a)).

15 **SEC. 502. BOATING ACCESS.**

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

18           (1) Nontrailerable recreational motorboats con-  
19 tribute 15 percent of the gasoline taxes deposited in  
20 the Aquatic Resources Trust Fund while constitut-  
21 ing less than 5 percent of the recreational vessels in  
22 the United States.

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

1           (3) More Aquatic Resources Trust Fund mon-  
2       eys should be spent on recreational vessel access fa-  
3       cilities that benefit recreational vessels that are  
4       nottrailerable vessels.

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

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

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

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

17      (d) PLAN.—Within 6 months after submitting a sur-  
18      vey to the Secretary of the Interior in accordance with  
19      subsection (c), an eligible State may develop and submit  
20      to the Secretary of the Interior a plan for the construction  
21      and renovation of public facilities for transient  
22      nontrailerable vessels to meet the needs of nontrailerable  
23      vessels operating on navigable waters in the State.

24      (e) GRANT PROGRAM.—



1           (1) MATCHING GRANTS.—The Secretary of the  
2 Interior shall obligate not less than one-half of the  
3 amount made available for each of fiscal years 1998  
4 and 1999 under section 4(b)(1)(C) of the Act of Au-  
5 gust 9, 1950, as amended by section 501(a)(1) of  
6 this Act, to make grants to any eligible State to pay  
7 not more than 75 percent of the cost of constructing  
8 or renovating public facilities for transient  
9 nontrailerable vessels.

10          (2) PRIORITY.—

11           (A) IN GENERAL.—In awarding grants  
12 under this subsection, the Secretary of the Inte-  
13 rior shall give priority to projects that consist  
14 of the construction or renovation of public fa-  
15 cilities for transient nontrailerable vessels in ac-  
16 cordance with a plan submitted by a State sub-  
17 mitted under subsection (b).

18           (B) WITHIN STATE.—In awarding grants  
19 under this subsection for projects in a particu-  
20 lar State, the Secretary of the Interior shall  
21 give priority to projects that are likely to serve  
22 the greatest number of nontrailerable vessels.

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

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

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

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

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

14                (A) operated primarily for pleasure; or

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

17          (5) “State” means each of the several States of  
18          the United States, the District of Columbia, the  
19          Commonwealth of Puerto Rico, Guam, American  
20          Samoa, the United States Virgin Islands, and the  
21          Commonwealth of the Northern Marianas.

1     **TITLE VI—COAST GUARD REGULATORY**  
 2                                   **REFORM**

3     **SEC. 601 SHORT TITLE.**

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

6     **SEC. 602 SAFETY MANAGEMENT.**

7         (a) MANAGEMENT OF VESSELS.—Title 46, United  
 8     States Code, is amended by adding after chapter 31 the  
 9     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.

10    **“§ 3201. Definitions**

11         “In this chapter—

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

16                 “(2) ‘responsible person’ means—

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

19                         “(B) any other person that has—

20                                 “(i) assumed the responsibility for op-  
 21         eration of a vessel to which this chapter  
 22         applies from the owner; and

1           “(ii) agreed to assume with respect to  
2           the vessel responsibility for complying with  
3           all the requirements of this chapter and  
4           the regulations prescribed under this chap-  
5           ter.

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

8           “(A) arriving at a place under the jurisdic-  
9           tion of the United States from a place in a for-  
10          eign country;

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

13          “(C) departing from a place under the ju-  
14          risdiction of the United States for a place in a  
15          foreign country.

16   **“§ 3202. Application**

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

19          “(1) Beginning July 1, 1998—

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

23               “(B) a tanker, bulk freight vessel, or  
24               highspeed freight vessel, of at least 500 gross  
25               tons.

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

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

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

10           “(1) a barge;

11           “(2) a recreational vessel not engaged in com-  
12           mercial service;

13           “(3) a fishing vessel;

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

16           “(5) a public vessel.

17   **“§ 3203. Safety management system**

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

22           “(1) a safety and environmental protection pol-  
23           icy;

24           “(2) instructions and procedures to ensure safe  
25           operation of those vessels and protection of the envi-

1       ronment in compliance with international and  
2       United States law;

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

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

8           “(5) procedures for preparing for and respond-  
9       ing to emergency situations; and

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

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

16   **§ 3204. Implementation of safety management system**

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

23       “(b) APPROVAL.—Upon receipt of a safety manage-  
24       ment plan submitted under subsection (a), the Secretary  
25       shall review the plan and approve it if the Secretary deter-

1 mines that it is consistent with and will assist in imple-  
2 menting the safety management system established under  
3 section 3203.

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

10 **§ 3205. Certification**

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

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

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

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

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

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

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

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

25          (c) STUDY.—



1           (1) IN GENERAL.—The Secretary of the depart-  
2           ment in which the Coast Guard is operating shall  
3           conduct, in cooperation with the owners, charterers,  
4           and managing operators of vessels documented  
5           under chapter 121 of title 46, United States Code,  
6           and other interested persons, a study of the methods  
7           that may be used to implement and enforce the  
8           International Management Code for the Safe Oper-  
9           ation of Ships and for Pollution Prevention under  
10          chapter IX of the Annex to the International Con-  
11          vention for the Safety of Life at Sea, 1974.

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

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

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

20   **SEC. 603. USE OF REPORTS, DOCUMENTS, RECORDS, AND**  
21               **EXAMINATIONS OF OTHER PERSONS.**

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

1 **“§ 3103. Use of reports, documents, and records**

2 “The Secretary may rely, as evidence of compliance  
3 with this subtitle, on—

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

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

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

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

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

15 **SEC. 604. EQUIPMENT APPROVAL.**

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

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

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

1           “(A) the design standards and testing proce-  
2           dures used by that government meet the require-  
3           ments of the International Convention for the Safety  
4           of Life at Sea, 1974;

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

9           “(C) for lifesaving equipment, the foreign gov-  
10          ernment—

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

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

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

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

5 **SEC. 605. FREQUENCY OF INSPECTION.**

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

8 (1) in paragraph (1)—

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

13 (B) by adding “and” after the semicolon  
14 at the end;

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

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

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

22 **SEC. 606. CERTIFICATE OF INSPECTION.**

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

1 **SEC. 607. DELEGATION OF AUTHORITY OF SECRETARY TO**  
2 **CLASSIFICATION SOCIETIES.**

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

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

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

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

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

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

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

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

22 “(B) conduct inspections and examinations; and

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

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

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

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

9           (b) CONFORMING AMENDMENTS.—

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

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

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

          “3316. Classification societies.”.

## 17   **TITLE VII—TECHNICAL AND CONFORMING** 18           **AMENDMENTS**

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

20           Section 2 of the Inland Navigational Rules Act of  
 21           1980 is amended—

22           (1) by amending Rule 9(e)(i) (33 U.S.C.  
 23           2009(e)(i)) to read as follows:

24           “(i) In a narrow channel or fairway when overtaking,  
 25           the power-driven vessel intending to overtake another

1 power-driven vessel shall indicate her intention by sound-  
2 ing the appropriate signal prescribed in Rule 34(c) and  
3 take steps to permit safe passing. The power-driven vessel  
4 being overtaken, if in agreement, shall sound the same sig-  
5 nal and may, if specifically agreed to take steps to permit  
6 safe passing. If in doubt she shall sound the danger signal  
7 prescribed in Rule 34(d).”;

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

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

15 (4) by amending Rule 24(f) (33 U.S.C.  
16 2024(f)) to read as follows:

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

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

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

1           “(iii) when vessels are towed alongside on both  
2           sides of the towing vessels a stern light shall be ex-  
3           hibited on the stern of the outboard vessel on each  
4           side of the towing vessel, and a single set of  
5           sidelights as far forward and as far outboard as is  
6           practicable, and a single special flashing light.”;

7           (5) in Rule 26 (33 U.S.C. 2026)—

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

12                   (B) by amending subsection (d) to read as  
13          follows:

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

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

19          “(h) A vessel that reaches agreement with another  
20          vessel in a head-on, crossing, or overtaking situation, as  
21          for example, by using the radiotelephone as prescribed by  
22          the Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat.  
23          164; 33 U.S.C. 1201 et seq.), is not obliged to sound the  
24          whistle signals prescribed by this rule, but may do so. If



1 agreement is not reached, then whistle signals shall be ex-  
2 changed in a timely manner and shall prevail.”.

3 **SEC. 702. MEASUREMENT OF VESSELS.**

4 Section 14104 of title 46, United States Code, is  
5 amended by redesignating the existing text after the sec-  
6 tion heading as subsection (a) and by adding at the end  
7 the following new subsection:

8 “(b) If a statute allows for an alternate tonnage to  
9 be prescribed under this section, the Secretary may pre-  
10 scribe it by regulation. Until an alternate tonnage is pre-  
11 scribed, the statutorily established tonnage shall apply to  
12 vessels measured under chapter 143 or chapter 145 of this  
13 title.”.

14 **SEC. 703. LONGSHORE AND HARBOR WORKERS COMPENSA-**  
15 **TION.**

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

23 **SEC. 704. RADIOTELEPHONE REQUIREMENTS.**

24 Section 4(a)(2) of the Vessel Bridge-to-Bridge Radio-  
25 telephone Act (33 U.S.C. 1203(a)(2)) is amended by in-

1   serting after “one hundred gross tons” the following “as  
2   measured under section 14502 of title 46, United States  
3   Code, or an alternate tonnage measured under section  
4   14302 of that title as prescribed by the Secretary under  
5   section 14104 of that title.”.

6   **SEC. 705. VESSEL OPERATING REQUIREMENTS.**

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

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

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

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

23       Section 2 of the Act of June 14, 1956 (46 U.S.C.  
24   App. 883a), is amended by inserting after “five hundred  
25   gross tons” the following: “as measured under section

1 14502 of title 46, United States Code, or an alternate ton-  
2 nage measured under section 14302 of that title as pre-  
3 scribed by the Secretary under section 14104 of that  
4 title”.

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

6 Section 1302(4)(A) of the Merchant Marine Act,  
7 1936 (46 U.S.C. App. 1295a(4)(a)) is amended by insert-  
8 ing after “1,000 gross tons or more” the following: “as  
9 measured under section 14502 of title 46, United States  
10 Code, or an alternate tonnage measured under section  
11 14302 of that title as prescribed by the Secretary under  
12 section 14104 of that title”.

13 **SEC. 709. GENERAL DEFINITIONS.**

14 Section 2101 of title 46, United States Code, is  
15 amended—

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

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

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

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

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

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

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

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

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

9           (8) in paragraph (35), by inserting after “100  
10      gross tons” the following: “as measured under sec-  
11      tion 14502 of title 46, United States Code, or an al-  
12      ternate tonnage measured under section 14032 of  
13      that title as prescribed by the Secretary under sec-  
14      tion 14104 of that title”; and

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

21   **SEC. 710. AUTHORITY TO EXEMPT CERTAIN VESSELS.**

22      Section 2113 of title 46, United States Code, is  
23   amended—

24          (1) in paragraph (4), by inserting after “at  
25      least 100 gross tons but less than 300 gross tons”

1 the following: “as measured under section 14502 of  
2 title 46, United States Code, or an alternate tonnage  
3 measured under section 14302 of that title as pre-  
4 scribed by the Secretary under section 14104 of that  
5 title”; and

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

13 **SEC. 711. INSPECTION OF VESSELS.**

14 Section 3302 of title 46, United States Code, is  
15 amended—

16 (1) in subsection (c)(1), by inserting after  
17 “5,000 gross tons” the following: “as measured  
18 under section 14502 of title 46, United States Code,  
19 or an alternate tonnage measured under section  
20 14302 of that title as prescribed by the Secretary  
21 under section 14104 of that title”;

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

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

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

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

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

21          (6) in subsection (i)(1)(A), by inserting after  
22      “300 gross tons” the following: “as measured under  
23      section 14502 of title 46, United States Code, or an  
24      alternate tonnage measured under section 14302 of

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

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

9       **SEC. 712. REGULATIONS.**

10       Section 3306 of title 46, United States Code, is  
11       amended—

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 **SEC. 721. ABLE SEAMEN—LIMITED.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 **SEC. 726. WATCHMEN.**

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

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

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



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

5 **SEC. 728. WATCHES.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18   **SEC. 733. FREIGHT VESSELS.**

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

1 **SEC. 734. EXEMPTIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

3 **SEC. 745. CONVENTION TONNAGE FOR LICENSES, CERTIFI-**  
 4 **CATES, AND DOCUMENTS.**

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

8 **“§ 7506. Convention tonnage for licenses, certificates,**  
 9 **and documents**

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

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

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

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

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



S 1004 IS——2

S 1004 IS——3

S 1004 IS——4

S 1004 IS——5

S 1004 IS——6