

Calendar No. 210

104TH CONGRESS
1ST SESSION

S. 1004

[Report No. 104-160]

A BILL

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

OCTOBER 19 (legislative day, OCTOBER 18), 1995
Reported with an amendment in the nature of a
substitute

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[Report No. 104-160]

To authorize appropriations for the United States Coast Guard, and for
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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, Mr. KERRY, and
Mr. BREAUX) introduced the following bill; which was read twice and re-
ferred to the Committee on Commerce, Science, and Transportation

OCTOBER 19 (legislative day, OCTOBER 18), 1995

Reported by Mr. PRESSLER, with an amendment in the nature of a substitute
[Strike out all after the enacting clause and insert the part printed in italic]

 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”.

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

2 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.

Sec. 606. Certificate of inspection.

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.
 Sec. 738. Application—coastwise voyages.
 Sec. 739. Fishing agreements.
 Sec. 740. Accommodations for seamen.
 Sec. 741. Medicine chests.
 Sec. 742. Logbook and entry requirements.
 Sec. 743. Coastwise endorsements.
 Sec. 744. Fishery endorsements.
 Sec. 745. 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:

1 (1) For the operation and maintenance of the
2 Coast Guard, \$2,630,505,000, of which \$25,000,000
3 shall be derived from the Oil Spill Liability Trust
4 Fund.

5 (2) For the acquisition, construction, rebuild-
6 ing, and improvement of aids to navigation, shore
7 and offshore facilities, vessels, and aircraft, includ-
8 ing equipment related thereto, \$439,200,000, to re-
9 main available until expended, of which \$32,500,000
10 shall be derived from the Oil Spill Liability Trust
11 Fund to carry out the purposes of section
12 1012(a)(5) of the Oil Pollution Act of 1990.

13 (3) For research, development, test, and evalua-
14 tion of technologies, materials, and human factors
15 directly relating to improving the performance of the
16 Coast Guard's mission in support of search and res-
17 cue, aids to navigation, marine safety, marine envi-
18 ronmental protection, enforcement of laws and trea-
19 ties, ice operations, oceanographic research, and de-
20 fense readiness, \$20,310,000, to remain available
21 until expended, of which \$3,150,000 shall be derived
22 from the Oil Spill Liability Trust Fund.

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

1 Serviceman's Family Protection and Survivor Bene-
2 fit Plans, and payments for medical care of retired
3 personnel and their dependents under chapter 55 of
4 title 10, United States Code, \$562,585,000.

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

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

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

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

24 (2) For the acquisition, construction, rebuild-
25 ing, and improvement of aids to navigation, shore

1 and offshore facilities, vessels, and aircraft, includ-
2 ing equipment related thereto, \$428,200,000, to re-
3 main available until expended, of which \$32,500,000
4 shall be derived from the Oil Spill Liability Trust
5 fund to carry out the purposes of section 1012(a)(5)
6 of the Oil Pollution Act of 1990.

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

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

24 (5) For alteration or removal of bridges over
25 navigable waters of the United States constituting

1 obstructions to navigation, and for personnel and
2 administrative costs associated with the Bridge Al-
3 teration Program, \$16,200,000, to remain available
4 until expended, of which up to \$14,200,000 may be
5 made available under section 104(e) of title 49,
6 United States Code.

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

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

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

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

3 (a) **AUTHORIZED MILITARY STRENGTH LEVEL.—**

4 The Coast Guard is authorized an end-of-year strength for
5 active duty personnel of—

6 (1) 39,000 as of September 30, 1995.

7 (2) 38,400 as of September 30, 1996.

8 The authorized strength does not include members of the
9 Ready Reserve called to active duty for special or emer-
10 gency augmentation of regular Coast Guard forces for pe-
11 riods of 180 days or less.

12 (b) **AUTHORIZED LEVEL OF MILITARY TRAINING.—**

13 The Coast Guard is authorized average military training
14 student loads as follows:

15 (1) For recruit and special training—

16 (A) 2,000 student years for fiscal year
17 1995; and

18 (B) 1,604 student years for fiscal year
19 1996.

20 (2) For flight training—

21 (A) 133 student years for fiscal year 1995;
22 and

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

24 (3) For professional training in military and ci-
25 vilian institutions—

1 (A) 344 student years for fiscal year 1995;

2 and

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

4 (4) For officer acquisition—

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

6 and

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

8 **TITLE II—PERSONNEL**

9 **MANAGEMENT IMPROVEMENT**

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

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

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

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

22 “(b)(1) Except as provided in paragraph (2), the
 23 Commandant may require that amounts received as fees
 24 for the provision of services under this section at Coast
 25 Guard child development centers be used only for com-

1 pensionation of employees at those centers who are directly
2 involved in providing child care.

3 ~~“(2) If the Commandant determines that com-~~
4 ~~pliance with the limitation in paragraph (1) would~~
5 ~~result in an uneconomical and inefficient use of such~~
6 ~~fee receipts, the Commandant may (to the extent~~
7 ~~that such compliance would be uneconomical and in-~~
8 ~~efficient) use such receipts—~~

9 ~~“(A) for the purchase of consumable or~~
10 ~~disposable items for Coast Guard child develop-~~
11 ~~ment centers; and~~

12 ~~“(B) if the requirements of such centers~~
13 ~~for consumable or disposable items for a given~~
14 ~~fiscal year have been met, for other expenses of~~
15 ~~those centers.~~

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

1 “(d) Of the amounts available to the Coast Guard
2 each fiscal year for operating expenses (and in addition
3 to amounts received as fees), the Secretary shall use for
4 child development services under this section an amount
5 equal to the total amount the Commandant estimates will
6 be received by the Coast Guard in the fiscal year as fees
7 for the provision of those services.

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

15 “(f) The Secretary shall promulgate regulations to
16 implement this section. The regulations shall establish fees
17 to be charged for child development services provided
18 under this section which take into consideration total fam-
19 ily income.

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

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of chapter 13 of title 14, United States

1 Code, is amended by inserting after the item related to
2 section 514 the following:

“515. Child development services.”.

3 **SEC. 202. HURRICANE ANDREW RELIEF.**

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

15 **SEC. 203. DISSEMINATION OF RESULTS OF 0-6 CONTINU-**
16 **ATION BOARDS.**

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

1 **SEC. 204. EXCLUDE CERTAIN RESERVES FROM END-OF-**
2 **YEAR STRENGTH.**

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

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

10 **SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGI-**
11 **BLE.**

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

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

15 (2) by striking the last sentence; and

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

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

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

23 “(B) in the case of an officer who has com-
24 pleted at least 18 years of active service on the date
25 of discharge under subparagraph (A), be retained on
26 active duty and retired on the last day of the month

1 in which the officer completes 20 years of active
2 service, unless earlier removed under another provi-
3 sion of law; or

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

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

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

10 **“§ 644a. Contracts for health care services**

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

24 “(b) The total amount of compensation paid to an
25 individual in any year under a personal services contract

1 entered into under subsection (a) shall not exceed the
2 amount of annual compensation (excluding allowances for
3 expenses) allowable for such contracts entered into by the
4 Secretary of Defense pursuant to section 1091 of title 10.

5 “(c)(1) The Secretary shall promulgate regulations to
6 assure—

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

10 “(B) consideration of interested individuals
11 solely on the basis of the qualifications established
12 for the contract and the proposed contract price.

13 “(2) Upon establishment of the procedures under
14 paragraph (1), the Secretary may exempt personal serv-
15 ices contracts covered by this section from the competitive
16 contracting requirements specified in section 2304 of title
17 10, or any other similar requirements of law.

18 “(d) The procedures and exemptions provided under
19 subsection (c) shall not apply to personal services con-
20 tracts entered into under subsection (a) with entities other
21 than individuals or to any contract that is not an author-
22 ized personal services contract under subsection (a).”.

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

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

1 (c) The amendments made by this section shall take
 2 effect on the date of enactment of this Act. Any personal
 3 services contract entered into on behalf of the Coast
 4 Guard in reliance upon the authority of section 1091 of
 5 title 10 before that date is confirmed and ratified and shall
 6 remain in effect in accordance with the terms of the con-
 7 tract.

8 **TITLE III—MARINE SAFETY AND**
 9 **WATERWAY SERVICES MAN-**
 10 **AGEMENT**

11 **SEC. 301. INCREASED PENALTIES FOR DOCUMENTATION**
 12 **VIOLATIONS.**

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

16 (b) SEIZURE AND FORFEITURE.—

17 (1) IN GENERAL.— Section 12122(b) of title
 18 46, United States Code, is amended to read as fol-
 19 lows:

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

22 “(1) when the owner of a vessel or the rep-
 23 resentative or agent of the owner knowingly falsifies
 24 or conceals a material fact, or knowingly makes a
 25 false statement or representation about the docu-

1 mentation or when applying for documentation of
2 the vessel;

3 ~~“(2) when a certificate of documentation is~~
4 ~~knowingly and fraudulently used for a vessel;~~

5 ~~“(3) when a vessel is operated after its endorse-~~
6 ~~ment has been denied or revoked under section~~
7 ~~12123 of this title;~~

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

10 ~~“(5) when a documented vessel with only a rec-~~
11 ~~reational endorsement is operated other than for~~
12 ~~pleasure; or~~

13 ~~“(6) when a documented vessel, other than a~~
14 ~~vessel with only a recreational endorsement operat-~~
15 ~~ing within the territorial waters of the United~~
16 ~~States, is placed under the command of a person not~~
17 ~~a citizen of the United States.”.~~

18 ~~(2) CONFORMING AMENDMENT.—Section~~
19 ~~12122(c) of title 46, United States Code, is re-~~
20 ~~pealed.~~

21 ~~(c) LIMITATION ON OPERATION OF VESSEL WITH~~
22 ~~ONLY RECREATIONAL ENDORSEMENT.—Section 12110(c)~~
23 ~~of title 46, United States Code, is amended to read as~~
24 ~~follows:~~

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

3 (d) TERMINATION OF RESTRICTION ON COMMAND
4 OF RECREATIONAL VESSELS.—

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

11 (2) CONFORMING AMENDMENT.—Section
12 12111(a)(2) of title 46, United States Code, is
13 amended by inserting before the period the follow-
14 ing: “in violation of section 12110(d) of this title”.

15 **SEC. 302. CLERICAL AMENDMENT.**

16 Chapter 121 of title 46, United States Code, is
17 amended—

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

19 (2) in the table of sections at the beginning of
20 the chapter by striking the first item relating to sec-
21 tion 12123.

1 **SEC. 303. MARITIME DRUG AND ALCOHOL TESTING PRO-**
 2 **GRAM CIVIL PENALTY.**

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

6 “§2115. Civil penalty to enforce alcohol and dangerous drug
 7 testing

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

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

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

21 **SEC. 304. RENEWAL OF THE NAVIGATION SAFETY ADVI-**
 22 **SORY COUNCIL.**

23 Section 5(d) of the Inland Navigational Rules Act of
 24 1980 (33 U.S.C. 2073) is amended by striking “Septem-
 25 ber 30, 1995” and inserting “September 30, 2000”.

1 **SEC. 305. RENEWAL OF THE COMMERCIAL FISHING INDUS-**
2 **TRY VESSEL ADVISORY COMMITTEE.**

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

6 **SEC. 306. RENEWAL OF TOWING SAFETY ADVISORY COM-**
7 **MITTEE.**

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

12 **SEC. 307. ELECTRONIC FILING OF COMMERCIAL INSTRU-**
13 **MENTS.**

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

17 “(4)(A) A bill of sale, conveyance, mortgage,
18 assignment, or related instrument may be filed elec-
19 tronically under regulations prescribed by the Sec-
20 retary.

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

1 **SEC. 308. CIVIL PENALTIES.**

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

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

10 **TITLE IV—COAST GUARD**
11 **AUXILIARY**

12 **SEC. 401. ADMINISTRATION OF THE COAST GUARD AUXIL-**
13 **IARY.**

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

16 “(a) The Coast Guard Auxiliary is a nonmilitary or-
17 ganization administered by the Commandant under the di-
18 rection of the Secretary. For command, control, and ad-
19 ministrative purposes, the Auxiliary shall include such or-
20 ganizational elements and units as are approved by the
21 Commandant, including but not limited to, a national
22 board and staff (Auxiliary headquarters unit), districts,
23 regions, divisions, flotillas, and other organizational ele-
24 ments and units. The Auxiliary organization and its offi-
25 cers shall have such rights, privileges, powers, and duties
26 as may be granted to them by the Commandant, consist-

1 ent with this title and other applicable provisions of law.
2 The Commandant may delegate to officers of the Auxiliary
3 the authority vested in the Commandant by this section,
4 in the manner and to the extent the Commandant consid-
5 ers necessary or appropriate for the functioning, organiza-
6 tion, and internal administration of the Auxiliary.

7 “(b) Each organizational element or unit of the Coast
8 Guard Auxiliary organization (but excluding any corpora-
9 tion formed by an organizational element or unit of the
10 Auxiliary under subsection (c) of this section), shall, ex-
11 cept when acting outside the scope of section 822, at all
12 times be deemed to be an instrumentality of the United
13 States, for purposes of the Federal Tort Claims Act (28
14 U.S.C. 2671, et seq.), the Military Claims Act (10 U.S.C.
15 2733), the Public Vessels Act (46 U.S.C. App. 781-790),
16 the Suits in Admiralty Act (46 U.S.C. App. 741-752), the
17 Admiralty Extension Act (46 U.S.C. App. 740), and for
18 other noncontractual civil liability purposes.

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

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

4 (c) The table of sections at the beginning of chapter
5 23 of title 14, United States Code, is amended in the item
6 relating to section 821, after “Administration” by insert-
7 ing “of the Coast Guard Auxiliary”.

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

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

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

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

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

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

1 **“§823a. Members of the Auxiliary; status**

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

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

17 “(1) the Federal Tort Claims Act (28 U.S.C.
18 2671 et seq.), the Military Claims Act (10 U.S.C.
19 2733), the Public Vessels Act (46 U.S.C. App. 781-
20 790), the Suits in Admiralty Act (46 U.S.C. App.
21 741-752), the Admiralty Extension Act (46 U.S.C.
22 App. 740), and for other noncontractual civil liabil-
23 ity purposes;

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

1 “(3) the resolution of claims relating to damage
2 to or loss of personal property of the member inci-
3 dent to service under the Military Personnel and Ci-
4 vilian Employees’ Claims Act of 1964 (31 U.S.C.
5 3721).

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

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

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

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

14 Title 14, United States Code, is amended by striking
15 “specific” each place it appears in sections 830, 831, and
16 832.

17 **SEC. 405. COOPERATION WITH OTHER AGENCIES, STATES,
18 TERRITORIES, AND POLITICAL SUBDIVI-
19 SIONS.**

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

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

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

5 (3) by adding at the end of subsection (a) the
6 following: “The Commandant may prescribe condi-
7 tions, including reimbursement, under which person-
8 nel and facilities may be provided under this sub-
9 section.”.

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

15 **SEC. 406. VESSEL DEEMED PUBLIC VESSEL.**

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

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

23 **SEC. 407. AIRCRAFT DEEMED PUBLIC AIRCRAFT.**

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

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

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

10 Section 641(a) of title 14, United States Code, is
 11 amended—

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

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

17 **TITLE V—RECREATIONAL BOATING SAFETY**
 18 **IMPROVEMENT**

19 **SEC. 501. STATE RECREATIONAL BOATING SAFETY**
 20 **GRANTS.—**

21 (a) **TRANSFER OF AMOUNTS FOR STATE BOATING**
 22 **SAFETY PROGRAMS.—**

23 (1) **TRANSFERS.—**Section 4(b) of the Act of
 24 August 9, 1950 (16 U.S.C. 777c(b); commonly re-

1 ferred to as the “Dingell-Johnson Sport Fish Res-
2 toration Act”) is amended to read as follows:

3 ~~“(b)(1) Of the balance of each annual appropriation~~
4 ~~remaining after making the distribution under subsection~~
5 ~~(a), an amount equal to \$15,000,000 for fiscal year 1995,~~
6 ~~\$40,000,000 for fiscal year 1996, \$55,000,000 for fiscal~~
7 ~~year 1997, and \$69,000,000 for each of fiscal years 1998~~
8 ~~and 1999, shall, subject to paragraph (2), be used as fol-~~
9 ~~lows:~~

10 ~~“(A) A sum equal to \$7,500,000 of the amount~~
11 ~~available for fiscal year 1995, and a sum equal to~~
12 ~~\$10,000,000 of the amount available for each of fis-~~
13 ~~cal years 1996 and 1997, shall be available for use~~
14 ~~by the Secretary of the Interior for grants under~~
15 ~~section 5604(c) of the Clean Vessel Act of 1992.~~
16 ~~Any portion of such a sum available for a fiscal year~~
17 ~~that is not obligated for those grants before the end~~
18 ~~of the following fiscal year shall be transferred to~~
19 ~~the Secretary of Transportation and shall be ex-~~
20 ~~pended by the Secretary of Transportation for State~~
21 ~~recreational boating safety programs under section~~
22 ~~13106 of title 46, United States Code.~~

23 ~~“(B) A sum equal to \$7,500,000 of the amount~~
24 ~~available for fiscal year 1995, \$30,000,000 of the~~
25 ~~amount available for fiscal year 1996, \$45,000,000~~

1 of the amount available for fiscal year 1997, and
2 \$59,000,000 of the amount available for each of fis-
3 cal years 1998 and 1999, shall be transferred to the
4 Secretary of Transportation and shall be expended
5 by the Secretary of Transportation for recreational
6 boating safety programs under section 13106 of title
7 46, United States Code.

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

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

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

16 Any portion of such a sum available for a fiscal year that
17 is not obligated for those grants before the end of the fol-
18 lowing fiscal year shall be transferred to the Secretary of
19 Transportation and shall be expended by the Secretary of
20 Transportation for State recreational boating safety pro-
21 grams under section 13106 of title 46, United States
22 Code.

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

1 “(i) the amount appropriated for that fiscal
 2 year from the Boat Safety Account in the Aquatic
 3 Resources Trust Fund established under section
 4 9504 of the Internal Revenue Code of 1986 to carry
 5 out the purposes of section 13106 of title 46, United
 6 States Code; or

7 “(ii) \$35,000,000.

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

9 “(B) The amount of any reduction under subpara-
 10 graph (A) shall be apportioned among the several States
 11 under subsection (d) of this section by the Secretary of
 12 the Interior.”.

13 (2) CONFORMING AMENDMENT.—Section
 14 5604(c)(1) of the Clean Vessel Act of 1992 (33
 15 U.S.C. 1322 note) is amended by striking “section
 16 4(b)(2) of the Act of August 9, 1950 (16 U.S.C.
 17 777c(b)(2), as amended by this Act)” and inserting
 18 “section 4(b)(1) of the Act of August 9, 1950 (16
 19 U.S.C. 777c(b)(1))”.

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

23 (1) by striking the first sentence of subsection
 24 (a)(1) and inserting the following: “Subject to para-
 25 graph (2), the Secretary shall expend under con-

1 tracts with States under this chapter in each fiscal
2 year for State recreational boating safety programs
3 an amount equal to the sum of the amount appro-
4 priated from the Boat Safety Account for that fiscal
5 year plus the amount transferred to the Secretary
6 under section 4(b)(1) of the Act of August 9, 1950
7 (16 U.S.C. 777c(b)(1)) for that fiscal year.”; and

8 (2) by amending subsection (c) to read as fol-
9 lows:

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

16 (c) EXCESS FY 1995 BOAT SAFETY ACCOUNT
17 FUNDS TRANSFER.—Notwithstanding any other provision
18 of law, \$20,000,000 of the annual appropriation from the
19 Sport Fish Restoration Account in fiscal year 1996 made
20 in accordance with the provisions of section 3 of the Act
21 of August 9, 1950 (16 U.S.C. 777b) shall be excluded
22 from the calculation of amounts to be distributed under
23 section 4(a) of such Act (16 U.S.C. 777c(a)).

1 **SEC. 502. BOATING ACCESS.**

2 (a) FINDINGS.—The Congress makes the following
3 findings:

4 (1) Nontrailerable recreational motorboats con-
5 tribute 15 percent of the gasoline taxes deposited in
6 the Aquatic Resources Trust Fund while constitut-
7 ing less than 5 percent of the recreational vessels in
8 the United States.

9 (2) The majority of recreational vessel access
10 facilities constructed with Aquatic Resources Trust
11 Fund moneys benefit trailerable recreational vessels.

12 (3) More Aquatic Resources Trust Fund mon-
13 eys should be spent on recreational vessel access fa-
14 cilities that benefit recreational vessels that are
15 nontrailerable vessels.

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

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

22 (1) the number and location in the State of all
23 public facilities for transient nontrailerable vessels;
24 and

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

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

11 (e) GRANT PROGRAM.—

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

21 (2) PRIORITY.—

22 (A) IN GENERAL.—In awarding grants
23 under this subsection, the Secretary of the Inte-
24 rior shall give priority to projects that consist
25 of the construction or renovation of public fa-

1 ilities for transient nontrailerable vessels in ac-
2 cordance with a plan submitted by a State sub-
3 mitted under subsection (b).

4 (B) WITHIN STATE.—In awarding grants
5 under this subsection for projects in a particu-
6 lar State, the Secretary of the Interior shall
7 give priority to projects that are likely to serve
8 the greatest number of nontrailerable vessels.

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

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

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

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

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

24 (A) operated primarily for pleasure; or

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

3 (5) “State” means each of the several States of
 4 the United States, the District of Columbia, the
 5 Commonwealth of Puerto Rico, Guam, American
 6 Samoa, the United States Virgin Islands, and the
 7 Commonwealth of the Northern Marianas.

8 TITLE VI—COAST GUARD REGULATORY
 9 REFORM

10 **SEC. 601. SHORT TITLE.**

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

13 **SEC. 602. SAFETY MANAGEMENT.**

14 (a) MANAGEMENT OF VESSELS.—Title 46, United
 15 States Code, is amended by adding after chapter 31 the
 16 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.

17 **“§3201. Definitions**

18 “‘In this chapter—

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

1 “(2) ‘responsible person’ means—

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

4 “(B) any other person that has—

5 “(i) assumed the responsibility for op-
6 eration of a vessel to which this chapter
7 applies from the owner; and

8 “(ii) agreed to assume with respect to
9 the vessel responsibility for complying with
10 all the requirements of this chapter and
11 the regulations prescribed under this chap-
12 ter.

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

15 “(A) arriving at a place under the jurisdic-
16 tion of the United States from a place in a for-
17 eign country;

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

20 “(C) departing from a place under the ju-
21 risdiction of the United States for a place in a
22 foreign country.

23 **“§3202. Application**

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

1 ~~“(1) Beginning July 1, 1998—~~

2 ~~“(A) a vessel transporting more than 12~~
3 ~~passengers described in section 2101(21)(A) of~~
4 ~~this title; and~~

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

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

10 ~~“(b) VOLUNTARY APPLICATION.—This chapter ap-~~
11 ~~plies to a vessel not described in subsection (a) of this~~
12 ~~section if the owner of the vessel requests the Secretary~~
13 ~~to apply this chapter to the vessel.~~

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

16 ~~“(1) a barge;~~

17 ~~“(2) a recreational vessel not engaged in com-~~
18 ~~mmercial service;~~

19 ~~“(3) a fishing vessel;~~

20 ~~“(4) a vessel operating on the Great Lakes or~~
21 ~~its tributary and connecting waters; or~~

22 ~~“(5) a public vessel.~~

23 **§3203. Safety management system**

24 ~~“(a) IN GENERAL.—The Secretary shall prescribe~~
25 ~~regulations which establish a safety management system~~

1 for responsible persons and vessels to which this chapter
2 applies, including—

3 ~~“(1) a safety and environmental protection pol-~~
4 ~~icy;~~

5 ~~“(2) instructions and procedures to ensure safe~~
6 ~~operation of those vessels and protection of the envi-~~
7 ~~ronment in compliance with international and Unit-~~
8 ~~ed States law;~~

9 ~~“(3) defined levels of authority and lines of~~
10 ~~communications between, and among, personnel on~~
11 ~~shore and on the vessel;~~

12 ~~“(4) procedures for reporting accidents and~~
13 ~~nonconformities with this chapter;~~

14 ~~“(5) procedures for preparing for and respond-~~
15 ~~ing to emergency situations; and~~

16 ~~“(6) procedures for internal audits and man-~~
17 ~~agement reviews of the system.~~

18 ~~“(b) COMPLIANCE WITH CODE.—Regulations pre-~~
19 ~~scribed under this section shall be consistent with the~~
20 ~~International Safety Management Code with respect to~~
21 ~~vessels engaged on a foreign voyage.~~

22 **~~“§3204. Implementation of safety management system~~**

23 ~~“(a) SAFETY MANAGEMENT PLAN.—Each respon-~~
24 ~~sible person shall establish and submit to the Secretary~~
25 ~~for approval a safety management plan describing how~~

1 that person and vessels of the person to which this chapter
2 applies will comply with the regulations prescribed under
3 section 3203(a) of this title.

4 “(b) APPROVAL.—Upon receipt of a safety manage-
5 ment plan submitted under subsection (a), the Secretary
6 shall review the plan and approve it if the Secretary deter-
7 mines that it is consistent with and will assist in imple-
8 menting the safety management system established under
9 section 3203.

10 “(c) PROHIBITION ON VESSEL OPERATION.—A ves-
11 sel to which this chapter applies under section 3202(a)
12 may not be operated without having on board a Safety
13 Management Certificate and a copy of a Document of
14 Compliance issued for the vessel under section 3205 of
15 this title.

16 **“§3205. Certification**

17 “(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—
18 After verifying that the responsible person for a vessel to
19 which this chapter applies and the vessel comply with the
20 applicable requirements under this chapter, the Secretary
21 shall issue for the vessel, on request of the responsible per-
22 son, a Safety Management Certificate and a Document of
23 Compliance.

24 “(b) MAINTENANCE OF CERTIFICATE AND DOCU-
25 MENT.—A Safety Management Certificate and a Docu-

1 ment of Compliance issued for a vessel under this section
 2 shall be maintained by the responsible person for the ves-
 3 sel as required by the Secretary.

4 “(c) VERIFICATION OF COMPLIANCE.—The Secretary
 5 shall—

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

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

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

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

“32. Management of vessels 3201”.

5 (c) STUDY.—

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

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

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

23 (B) the date that is 1 year after the date
 24 of enactment of this Act.

1 **SEC. 603. USE OF REPORTS, DOCUMENTS, RECORDS, AND**
2 **EXAMINATIONS OF OTHER PERSONS.**

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

6 **“§3103. Use of reports, documents, and records**

7 “The Secretary may rely, as evidence of compliance
8 with this subtitle, on—

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

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

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

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

17 (c) ~~EXAMINATIONS.~~—Section 3308 of title 46, United
18 States Code, is amended by inserting “or have examined”
19 after “examine”.

20 **SEC. 604. EQUIPMENT APPROVAL.**

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

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

1 ~~“(2) Except with respect to use on a public ves-~~
 2 ~~sel, the Secretary may treat an approval of equip-~~
 3 ~~ment or materials by a foreign government as ap-~~
 4 ~~proval by the Secretary for purposes of paragraph~~
 5 ~~(1) if the Secretary determines that—~~

6 ~~“(A) the design standards and testing pro-~~
 7 ~~cedures used by that government meet the re-~~
 8 ~~quirements of the International Convention for~~
 9 ~~the Safety of Life at Sea, 1974;~~

10 ~~“(B) the approval of the equipment or ma-~~
 11 ~~terial by the foreign government will secure the~~
 12 ~~safety of individuals and property on board ves-~~
 13 ~~sels subject to inspection; and~~

14 ~~“(C) for lifesaving equipment, the foreign~~
 15 ~~government—~~

16 ~~“(i) has given equivalent treatment to~~
 17 ~~approvals of lifesaving equipment by the~~
 18 ~~Secretary; and~~

19 ~~“(ii) otherwise ensures that lifesaving~~
 20 ~~equipment approved by the Secretary may~~
 21 ~~be used on vessels that are documented~~
 22 ~~and subject to inspection under the laws of~~
 23 ~~that country.”.~~

24 ~~(b) FOREIGN APPROVALS.—The Secretary of Trans-~~
 25 ~~portation, in consultation with other interested Federal~~

1 agencies, shall work with foreign governments to have
2 those governments approve the use of the same equipment
3 and materials on vessels documented under the laws of
4 those countries that the Secretary requires on United
5 States documented vessels.

6 ~~(c) TECHNICAL AMENDMENT.—Section 3306(a)(4)~~
7 ~~of title 46, United States Code, is amended by striking~~
8 ~~“clauses (1)–(3)” and inserting “paragraphs (1), (2), and~~
9 ~~(3)”.~~

10 **SEC. 605. FREQUENCY OF INSPECTION.**

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

13 ~~(1) in paragraph (1)—~~

14 ~~(A) by striking “nautical school vessel”~~
15 ~~and inserting “, nautical school vessel, and~~
16 ~~small passenger vessel allowed to carry more~~
17 ~~than 12 passengers on a foreign voyage”;~~ and

18 ~~(B) by adding “and” after the semicolon~~
19 ~~at the end;~~

20 ~~(2) by striking paragraph (2) and redesignating~~
21 ~~paragraph (3) as paragraph (2); and~~

22 ~~(3) in paragraph (2) (as so redesignated), by~~
23 ~~striking “2 years” and inserting “5 years”.~~

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

4 **SEC. 606. CERTIFICATE OF INSPECTION.**

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

7 **SEC. 607. DELEGATION OF AUTHORITY OF SECRETARY TO**
 8 **CLASSIFICATION SOCIETIES.**

9 ~~(a) AUTHORITY TO DELEGATE.~~—Section 3316 of
 10 title 46, United States Code, is amended—

11 ~~(1) by striking subsections (a) and (d);~~

12 ~~(2) by redesignating subsections (b) and (c) as~~
 13 ~~subsections (a) and (b), respectively; and~~

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

15 ~~(A) redesignating paragraph (2) as para-~~
 16 ~~graph (3); and~~

17 ~~(B) striking so much of the subsection as~~

18 ~~precedes paragraph (3), as so redesignated, and~~

19 ~~inserting the following:~~

20 ~~“(b)(1) The Secretary may delegate to the American~~

21 ~~Bureau of Shipping or another classification society recog-~~

22 ~~nized by the Secretary as meeting acceptable standards~~

23 ~~for such a society, for a vessel documented or to be docu-~~

24 ~~mented under chapter 121 of this title, the authority to—~~

1 “(A) review and approve plans required for
2 issuing a certificate of inspection required by
3 this part;

4 “(B) conduct inspections and examina-
5 tions; and

6 “(C) issue a certificate of inspection re-
7 quired by this part and other related docu-
8 ments.

9 “(2) The Secretary may make a delegation
10 under paragraph (1) to a foreign classification soci-
11 ety only—

12 “(A) to the extent that the government of
13 the foreign country in which the society is
14 headquartered delegates authority and provides
15 access to the American Bureau of Shipping to
16 inspect, certify, and provide related services to
17 vessels documented in that country; and

18 “(B) if the foreign classification society
19 has offices and maintains records in the United
20 States.”.

21 (b) CONFORMING AMENDMENTS.—

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

1 ~~“§3316. Classification societies”.~~

2 (2) The table of sections for chapter 33 of title
3 46, United States Code, is amended by striking the
4 item relating to section 3316 and inserting the fol-
5 lowing:

~~“3316. Classification societies.”.~~

6 **TITLE VII—TECHNICAL AND**
7 **CONFORMING AMENDMENTS**

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

9 Section 2 of the Inland Navigational Rules Act of
10 1980 is amended—

11 (1) by amending Rule 9(e)(i) (33 U.S.C.
12 2009(e)(i)) to read as follows:

13 “(i) In a narrow channel or fairway when overtaking,
14 the power-driven vessel intending to overtake another
15 power-driven vessel shall indicate her intention by sound-
16 ing the appropriate signal prescribed in Rule 34(e) and
17 take steps to permit safe passing. The power-driven vessel
18 being overtaken, if in agreement, shall sound the same sig-
19 nal and may, if specifically agreed to take steps to permit
20 safe passing. If in doubt she shall sound the danger signal
21 prescribed in Rule 34(d).”;

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

24 (3) in Rule 23(a)(i) (33 U.S.C. 2023(a)(i))
25 after “masthead light forward”; by striking “except

1 that a vessel of less than 20 meters in length need
2 not exhibit this light forward of amidships but shall
3 exhibit it as far forward as is practicable;”;

4 (4) by amending Rule 24(f) (33 U.S.C.
5 2024(f)) to read as follows:

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

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

12 “(ii) a vessel being towed alongside shall exhibit
13 a sternlight and at the forward end, sidelights and
14 a special flashing light; and

15 “(iii) when vessels are towed alongside on both
16 sides of the towing vessels a stern light shall be ex-
17 hibited on the stern of the outboard vessel on each
18 side of the towing vessel, and a single set of
19 sidelights as far forward and as far outboard as is
20 practicable, and a single special flashing light.”;

21 (5) in Rule 26 (33 U.S.C 2026)—

22 (A) in each of subsections (b)(i) and (c)(i)
23 by striking “a vessel of less than 20 meters in
24 length may instead of this shape exhibit a bas-
25 ket;”;

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

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

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

8 “(h) A vessel that reaches agreement with another
9 vessel in a head-on, crossing, or overtaking situation, as
10 for example, by using the radiotelephone as prescribed by
11 the Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat.
12 164; 33 U.S.C. 1201 et seq.), is not obliged to sound the
13 whistle signals prescribed by this rule, but may do so. If
14 agreement is not reached, then whistle signals shall be ex-
15 changed in a timely manner and shall prevail.”.

16 **SEC. 702. MEASUREMENT OF VESSELS.**

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

21 “(b) If a statute allows for an alternate tonnage to
22 be prescribed under this section, the Secretary may pre-
23 scribe it by regulation. Until an alternate tonnage is pre-
24 scribed, the statutorily established tonnage shall apply to

1 vessels measured under chapter 143 or chapter 145 of this
2 title.”.

3 **SEC. 703. LONGSHORE AND HARBOR WORKERS COMPENSA-**
4 **TION.**

5 Section 3(d)(3)(B) of the Longshore and Harbor
6 Workers' Compensation Act (33 U.S.C. 903(d)(3)(B)) is
7 amended by inserting after “1,600 tons gross” 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. 704. RADIOTELEPHONE REQUIREMENTS.**

13 Section 4(a)(2) of the Vessel Bridge-to-Bridge Radio-
14 telephone Act (33 U.S.C. 1203(a)(2)) is amended by in-
15 serting after “one hundred gross tons” the following “as
16 measured under section 14502 of title 46, United States
17 Code, or an alternate tonnage measured under section
18 14302 of that title as prescribed by the Secretary under
19 section 14104 of that title.”.

20 **SEC. 705. VESSEL OPERATING REQUIREMENTS.**

21 Section 4(a)(3) of the Ports and Waterways Safety
22 Act (33 U.S.C. 1223(a)(3)) is amended by inserting after
23 “300 gross tons” the following: “as measured under sec-
24 tion 14502 of title 46, United States Code, or an alternate
25 tonnage measured under section 14302 of that title as pre-

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

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

4 Section 27A of the Merchant Marine Act, 1920 (46
5 U.S.C. App. 883–1), is amended by inserting after “five
6 hundred gross tons” the following: “as measured under
7 section 14502 of title 46, United States Code, or an alter-
8 nate tonnage measured under section 14302 of that title
9 as prescribed by the Secretary under section 14104 of that
10 title.”.

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

12 Section 2 of the Act of June 14, 1956 (46 U.S.C.
13 App. 883a), is amended by inserting after “five hundred
14 gross tons” the following: “as measured under section
15 14502 of title 46, United States Code, or an alternate ton-
16 nage measured under section 14302 of that title as pre-
17 scribed by the Secretary under section 14104 of that
18 title”.

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

20 Section 1302(4)(A) of the Merchant Marine Act,
21 1936 (46 U.S.C. App. 1295a(4)(a)) is amended by insert-
22 ing after “1,000 gross tons or more” the following: “as
23 measured under section 14502 of title 46, United States
24 Code, or an alternate tonnage measured under section

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

3 **SEC. 709. GENERAL DEFINITIONS.**

4 Section 2101 of title 46, United States Code, is
5 amended—

6 (1) in paragraph (13), by inserting after “15
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”;

12 (2) in paragraph (13a), by inserting after
13 “3,500 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 (3) in paragraph (19), by inserting after “500
19 gross tons” the following: “as measured under sec-
20 tion 14502 of title 46, United States Code, or an al-
21 ternate tonnage measured under section 14302 of
22 that title as prescribed by the Secretary under sec-
23 tion 14104 of that title”;

24 (4) in paragraph (22), by inserting after “100
25 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”;

5 (5) in paragraph (30)(A), by inserting after
6 “500 gross tons” the following: “as measured under
7 section 14502 of title 46, United States Code, or an
8 alternate tonnage measured under section 14302 of
9 that title as prescribed by the Secretary under sec-
10 tion 14104 of that title”;

11 (6) in paragraph (32), by inserting after “100
12 gross tons” the following: “as measured under sec-
13 tion 14502 of title 46, United States Code, or an al-
14 ternate tonnage measured under section 14302 of
15 that title as prescribed by the Secretary under sec-
16 tion 14104 of that title”;

17 (7) in paragraph (33), 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”;

23 (8) in paragraph (35), by inserting after “100
24 gross tons” the following: “as measured under sec-
25 tion 14502 of title 46, United States Code, or an al-

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

4 (9) in paragraph (42), by inserting after “100
5 gross tons” each place it appears, the following: “as
6 measured under section 14502 of title 46, United
7 States Code, or an alternate tonnage measured
8 under section 14302 of that title as prescribed by
9 the Secretary under section 14104 of that title”.

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

11 Section 2113 of title 46, United States Code, is
12 amended—

13 (1) in paragraph (4), by inserting after “at
14 least 100 gross tons but less than 300 gross tons”
15 the following: “as measured under section 14502 of
16 title 46, United States Code, or an alternate tonnage
17 measured under section 14302 of that title as pre-
18 scribed by the Secretary under section 14104 of that
19 title”; and

20 (2) in paragraph (5), by inserting after “at
21 least 100 gross tons but less than 500 gross tons”
22 the following: “as measured under section 14502 of
23 title 46, United States Code, or an alternate tonnage
24 measured under section 14302 of that title as pre-

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

3 **SEC. 711. INSPECTION OF VESSELS.**

4 Section 3302 of title 46, United States Code, is
5 amended—

6 (1) in subsection (c)(1), by inserting after
7 “5,000 gross tons” the following: “as measured
8 under section 14502 of title 46, United States Code,
9 or an alternate tonnage measured under section
10 14302 of that title as prescribed by the Secretary
11 under section 14104 of that title”;

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

18 (3) in subsection (c)(3), by inserting after “500
19 gross tons” the following: “as measured under sec-
20 tion 14502 of title 46, United States Code, or an al-
21 ternate tonnage measured under section 14302 of
22 that title as prescribed by the Secretary under sec-
23 tion 14104 of that title”;

24 (4) in subsection (c)(4)(A), by inserting after
25 “500 gross tons” the following: “as measured under

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

5 (5) in subsection (d)(1), by inserting after “150
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 (6) in subsection (i)(1)(A), by inserting after
12 “300 gross tons” the following: “as measured under
13 section 14502 of title 46, United States Code, or an
14 alternate tonnage measured under section 14302 of
15 that title as prescribed by the Secretary under sec-
16 tion 14104 of that title”; and

17 (7) in subsection (j), by inserting after “15
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”.

23 **SEC. 712. REGULATIONS.**

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

1 (1) in subsection (h), by inserting after “at
2 least 100 gross tons but less than 300 gross tons”
3 the following: “as measured under section 14502 of
4 title 46, United States Code, or an alternate tonnage
5 measured under section 14302 of that title as pre-
6 scribed by the Secretary under section 14104 of that
7 title”; and

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

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

16 Section 3318 of title 46, United States Code, is
17 amended—

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

24 (2) in subsection (j)(1), by inserting after
25 “1,600 gross tons” the following: “as measured

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

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

6 Section 3702 of title 46, United States Code, is
7 amended—

8 (1) in subsection (b)(1), by inserting after “500
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 (c), by inserting after “500
15 gross tons” the following: “as measured under sec-
16 tion 14502 of title 46, United States Code, or an al-
17 ternate tonnage measured under section 14302 of
18 that title as prescribed by the Secretary under sec-
19 tion 14104 of that title”; and

20 (3) in subsection (d), by inserting after “5,000
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 **SEC. 715. TANK VESSEL CONSTRUCTION STANDARDS.**

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

4 (1) in subsection (b)(2), by inserting after
5 “5,000 gross tons” the following: “as measured
6 under section 14502 of title 46, United States Code,
7 or an alternate tonnage measured under section
8 14302 of that title as prescribed by the Secretary
9 under section 14104 of that title”;

10 (2) in subsection (c)(2), by inserting after
11 “5,000 gross tons” each place it appears the follow-
12 ing: “as measured under section 14502 of title 46,
13 United States Code, or an alternate tonnage meas-
14 ured under section 14302 of that title as prescribed
15 by the Secretary under section 14104 of that title”;

16 (3) in subsection (c)(3)(A), by inserting after
17 “15,000 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 (4) in subsection (c)(3)(B), by inserting after
23 “30,000 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''; and

3 (5) in subsection (c)(3)(C), by inserting after
4 "30,000 gross tons" the following: "as measured
5 under section 14502 of title 46, United States Code,
6 or an alternate tonnage measured under section
7 14302 of that title as prescribed by the Secretary
8 under section 14104 of that title''.

9 **SEC. 716. TANKER MINIMUM STANDARDS.**

10 Section 3707 of title 46, United States Code, is
11 amended—

12 (1) in subsection (a), by inserting after "10,000
13 gross tons" the following: "as measured under sec-
14 tion 14502 of title 46, United States Code, or an al-
15 ternate tonnage measured under section 14302 of
16 that title as prescribed by the Secretary under sec-
17 tion 14104 of that title''; and

18 (2) in subsection (b), by inserting after "10,000
19 gross tons" the following: "as measured under sec-
20 tion 14502 of title 46, United States Code, or an al-
21 ternate tonnage measured under section 14302 of
22 that title as prescribed by the Secretary under sec-
23 tion 14104 of that title''.

1 **SEC. 717. SELF-PROPELLED TANK VESSEL MINIMUM**
 2 **STANDARDS.**

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

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

10 Section 4701(1) 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. 719. APPLICATION—LOAD LINES.**

17 Section 5102(b) of title 46, United States Code, is
 18 amended—

19 (1) in paragraph (4), by inserting after “5,000
 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 paragraph (5), 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 paragraph (10), by inserting after “150
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. 720. LICENSING OF INDIVIDUALS.**

12 Section 7101(e)(3) of title 46, United States Code,
13 is amended by inserting after “1,600 gross tons” the fol-
14 lowing: “as measured under section 14502 of title 46,
15 United States Code, or an alternate tonnage measured
16 under section 14302 of that title as prescribed by the Sec-
17 retary under section 14104 of that title”.

18 **SEC. 721. ABLE SEAMEN—LIMITED.**

19 Section 7308 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. 722. ABLE SEAMEN—OFFSHORE SUPPLY VESSELS.**

2 Section 7310 of title 46, United States Code, is
3 amended by inserting after “500 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. 723. SCALE OF EMPLOYMENT—ABLE SEAMEN.**

9 Section 7312 of title 46, United States Code, is
10 amended—

11 (1) in subsection (b), by inserting after “1,600
12 gross tons” the following: “as measured under sec-
13 tion 14502 of title 46, United States Code, or an al-
14 ternate tonnage measured under section 14302 of
15 that title as prescribed by the Secretary under sec-
16 tion 14104 of that title”;

17 (2) in subsection (c)(1), by inserting after “500
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”;

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

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

3 (4) in subsection (f)(1), by inserting after
4 “5,000 gross tons” the following: “as measured
5 under section 14502 of title 46, United States Code,
6 or an alternate tonnage measured under section
7 14302 of that title as prescribed by the Secretary
8 under section 14104 of that title”; and

9 (5) in subsection (f)(2), by inserting after
10 “5,000 gross tons” the following: “as measured
11 under section 14502 of title 46, United States Code,
12 or an alternate tonnage measured under section
13 14302 of that title as prescribed by the Secretary
14 under section 14104 of that title”.

15 **SEC. 724. GENERAL REQUIREMENTS—ENGINE DEPART-**
16 **MENT.**

17 Section 7313(a) 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. 725. COMPLEMENT OF INSPECTED VESSELS.**

24 Section 8101(h) of title 46, United States Code, is
25 amended by inserting after “100 gross tons” the following:

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

5 **SEC. 726. WATCHMEN.**

6 Section 8102(b) of title 46, United States Code, is
 7 amended by inserting after “100 gross tons” the following:
 8 “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. 727. CITIZENSHIP AND NAVAL RESERVE REQUIRE-**
 13 **MENTS.**

14 Section 8103(b)(3)(A) of title 46, United States
 15 Code, is amended by inserting after “1,600 gross tons”
 16 the following: “as measured under section 14502 of title
 17 46, United States Code, or an alternate tonnage measured
 18 under section 14302 of that title as prescribed by the Sec-
 19 retary under section 14104 of that title”.

20 **SEC. 728. WATCHES.**

21 Section 8104 of title 46, United States Code, is
 22 amended—

23 (1) in subsection (b), by inserting after “100
 24 gross tons” the following: “as measured under sec-
 25 tion 14502 of title 46, United States Code, or an al-

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

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

10 (3) in subsection (l)(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 (4) in subsection (m)(1), by inserting after
17 “1,600 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 (5) in subsection (o)(1), 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”; and

3 (6) in subsection (o)(2), 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 **SEC. 729. MINIMUM NUMBER OF LICENSED INDIVIDUALS.**

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

12 (1) in subsection (a)(2), by inserting after
13 “1,000 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 (2) in subsection (a)(3), by inserting after “at
19 least 200 gross tons but less than 1,000 gross tons”
20 the following: “as measured under section 14502 of
21 title 46, United States Code, or an alternate tonnage
22 measured under section 14302 of that title as pre-
23 scribed by the Secretary under section 14104 of that
24 title”;

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

8 (4) in subsection (a)(5), by inserting after “300
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”; and

14 (5) in subsection (b), by inserting after “200
15 gross tons” the following: “as measured under sec-
16 tion 14502 of title 46, United States Code, or an al-
17 ternate tonnage measured under section 14302 of
18 that title as prescribed by the Secretary under sec-
19 tion 14104 of that title”.

20 **SEC. 730. OFFICERS’ COMPETENCY CERTIFICATES CONVEN-**
21 **TION.**

22 Section 8304(b)(4) of title 46, United States Code,
23 is amended by inserting after “200 gross tons” the follow-
24 ing: “as measured under section 14502 of title 46, United
25 States Code, or an alternate tonnage measured under sec-

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

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

4 Section 8701 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. 732. CERTAIN CREW REQUIREMENTS.**

19 Section 8702 of title 46, United States Code, is
20 amended—

21 (1) in subsection (a), 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”; and

3 (2) in subsection (a)(6), by inserting after
4 “1,600 gross tons” the following: “as measured
5 under section 14502 of title 46, United States Code,
6 or an alternate tonnage measured under section
7 14302 of that title as prescribed by the Secretary
8 under section 14104 of that title”.

9 **SEC. 733. FREIGHT VESSELS.**

10 Section 8901 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. 734. EXEMPTIONS.**

17 Section 8905(b) of title 46, United States Code, is
18 amended by inserting after “200 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. 735. UNITED STATES REGISTERED PILOT SERVICE.**

24 Section 9303(a)(2) of title 46, United States Code,
25 is amended by inserting after “4,000 gross tons” the fol-

1 lowing: “as measured under section 14502 of title 46,
2 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. 736. DEFINITIONS—MERCHANT SEAMEN PROTECTION.**

6 Section 10101(4)(B) of title 46, United States Code,
7 is amended by inserting after “1,600 gross tons” the fol-
8 lowing: “as measured under section 14502 of title 46,
9 United States Code, or an alternate tonnage measured
10 under section 14302 of that title as prescribed by the Sec-
11 retary under section 14104 of that title”.

12 **SEC. 737. APPLICATION—FOREIGN AND INTERCOASTAL**
13 **VOYAGES.**

14 Section 10301(a)(2) of title 46, United States Code,
15 is amended by inserting after “75 gross tons” the follow-
16 ing: “as measured under section 14502 of title 46, United
17 States Code, or an alternate tonnage measured under sec-
18 tion 14302 of that title as prescribed by the Secretary
19 under section 14104 of that title”.

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

21 Section 10501(a) of title 46, United States Code, is
22 amended by inserting after “50 gross tons” the following:
23 “as measured under section 14502 of title 46, United
24 States Code, or an alternate tonnage measured under sec-

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

3 **SEC. 739. FISHING AGREEMENTS.**

4 Section 10601(a)(1) of title 46, United States Code,
5 is amended by inserting after “20 gross tons” the follow-
6 ing: “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. 740. ACCOMMODATIONS FOR SEAMEN.**

11 Section 11101(a) of title 46, United States Code, is
12 amended by inserting after “100 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. 741. MEDICINE CHESTS.**

18 Section 11102(a) of title 46, United States Code, is
19 amended by inserting after “75 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. 742. LOGBOOK AND ENTRY REQUIREMENTS.**

2 Section 11301(a)(2) of title 46, United States Code,
3 is amended by inserting after “100 gross tons” the follow-
4 ing: “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. 743. COASTWISE ENDORSEMENTS.**

9 Section 12106(c)(1) of title 46, United States Code,
10 is amended by striking “two hundred gross tons” and in-
11 serting “200 gross tons as measured under section 14502
12 of title 46, United States Code, or an alternate tonnage
13 measured under section 14302 of that title as prescribed
14 by the Secretary under section 14104 of that title”.

15 **SEC. 744. FISHERY ENDORSEMENTS.**

16 Section 12108(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. 745. CONVENTION TONNAGE FOR LICENSES, CERTIFI-**
23 **CATES, AND DOCUMENTS.**

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

1 **“§ 7506. Convention tonnage for licenses, certificates,**
 2 **and documents**

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

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

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

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

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

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “Coast Guard Authoriza-*
 17 *tion Act of 1995”.*

18 **SEC. 2. TABLE OF CONTENTS.**

19 *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.*
Sec. 207. Recruiting.

*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 advisory groups.
Sec. 305. Electronic filing of commercial instruments.
Sec. 306. Civil penalties.
Sec. 307. Amendment to require EPIRBs on the Great Lakes.
Sec. 308. Report on Loran-C requirements.
Sec. 309. Restrictions on closure of small boat stations.
Sec. 310. Penalty for alteration of marine safety equipment.
Sec. 311. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards.

TITLE IV—COAST GUARD AUXILIARY

- 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.
Sec. 503. Personal flotation devices required for children.
Sec. 504. Marine Casualty Reporting.

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.
Sec. 606. Certificate of inspection.
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.*
- Sec. 738. Application—coastwise voyages.*
- Sec. 739. Fishing agreements.*
- Sec. 740. Accommodations for seamen.*
- Sec. 741. Medicine chests.*
- Sec. 742. Logbook and entry requirements.*
- Sec. 743. Coastwise endorsements.*
- Sec. 744. Fishery endorsements.*
- Sec. 745. Convention tonnage for licenses, certificates, and documents.*
- Sec. 746. Technical corrections.*

TITLE VIII—POLLUTION FROM SHIPS

- Sec. 801. Prevention of pollution from ships.*
- Sec. 802. Marine plastic pollution research and control.*

TITLE IX—LAW ENFORCEMENT ENHANCEMENT

- Sec. 901. Sanctions for failure to land or to bring to; sanctions for obstruction of boarding and providing false information.*
- Sec. 902. FAA summary revocation authority.*
- Sec. 903. Coast Guard air interdiction authority.*
- Sec. 904. Coast Guard civil penalty provisions.*
- Sec. 905. Customs orders.*
- Sec. 906. Customs civil penalty provisions.*

TITLE X—CONVEYANCES

- Sec. 1001. Conveyance of property in Massachusetts.
Sec. 1002. Conveyance of certain lighthouses located in Maine.
Sec. 1003. Conveyance of Squirrel Point Light.
Sec. 1004. Conveyance of Montauk Light Station, New York.
Sec. 1005. Conveyance of Point Arena Light Station.
Sec. 1006. Conveyance of property in Ketchikan, Alaska.
Sec. 1007. Conveyance of property in Traverse City, Michigan.
Sec. 1008. Conveyance of property in New Shoreham, Rhode Island.
Sec. 1009. Conveyance of property in Santa Cruz, California.
Sec. 1010. Conveyance of vessel S/S RED OAK VICTORY.

TITLE XI—MISCELLANEOUS

- Sec. 1101. Florida Avenue bridge.
Sec. 1102. Oil Spill Recovery Institute.
Sec. 1103. Limited double hull exemptions.
Sec. 1104. Oil spill response vessels.
Sec. 1105. Sense of the Congress regarding passengers aboard commercial vessels.
Sec. 1106. California cruise industry revitalization.
Sec. 1107. Lower Columbia River marine fire and safety activities.
Sec. 1108. Oil pollution research and training.
Sec. 1109. Limitation on consolidation or relocation of Houston and Galveston
Marine Safety Offices.
Sec. 1110. Uninspected fish-tender vessels.
Sec. 1111. Foreign passenger vessel user fees.
Sec. 1112. Coast Guard user fees.
Sec. 1113. Vessel financing.
Sec. 1114. Manning and watch requirements on towing vessels on the Great
Lakes.
Sec. 1115. Repeal of Great Lakes endorsements.
Sec. 1116. Relief from U.S. documentation requirements.

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 for
5 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
8 shall be derived from the Oil Spill Liability Trust
9 Fund.

1 (2) For the acquisition, construction, rebuilding,
2 and improvement of aids to navigation, shore and off-
3 shore facilities, vessels, and aircraft, including equip-
4 ment related thereto, \$439,200,000, to remain avail-
5 able until expended, of which—

6 (A) \$32,500,000 shall be derived from the
7 Oil Spill Liability Trust Fund to carry out the
8 purposes of section 1012(a)(5) of the Oil Pollu-
9 tion Act of 1990; and

10 (B) \$880,000 is authorized to carry out de-
11 sign and engineering work on the John F.
12 Limehouse Memorial Bridge.

13 (3) For research, development, test, and evalua-
14 tion of technologies, materials, and human factors di-
15 rectly relating to improving the performance of the
16 Coast Guard’s mission in support of search and res-
17 cue, aids to navigation, marine safety, marine envi-
18 ronmental protection, enforcement of laws and trea-
19 ties, ice operations, oceanographic research, and de-
20 fense readiness, \$20,310,000, to remain available
21 until expended, of which \$3,150,000 shall be derived
22 from the Oil Spill Liability Trust Fund.

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

1 *Serviceman's Family Protection and Survivor Benefit*
 2 *Plans, and payments for medical care of retired per-*
 3 *sonnel and their dependents under chapter 55 of title*
 4 *10, United States Code, \$562,585,000.*

5 (5) *For alteration or removal of bridges over*
 6 *navigable waters of the United States constituting ob-*
 7 *structions to navigation, and for personnel and ad-*
 8 *ministrative costs associated with the Bridge Alter-*
 9 *ation Program, \$12,880,000, to remain available*
 10 *until expended, which may be made available under*
 11 *section 104(e) of title 49, United States Code.*

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

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

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

24 (2) *For the acquisition, construction, rebuilding,*
 25 *and improvement of aids to navigation, shore and off-*

1 *shore facilities, vessels, and aircraft, including equip-*
2 *ment related thereto, \$428,200,000, to remain avail-*
3 *able until expended, of which \$32,500,000 shall be de-*
4 *derived from the Oil Spill Liability Trust fund to carry*
5 *out the purposes of section 1012(a)(5) of the Oil Pol-*
6 *lution Act of 1990.*

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

17 *(4) For retired pay (including the payment of*
18 *obligations otherwise chargeable to lapsed appropria-*
19 *tions for this purpose), payments under the Retired*
20 *Serviceman's Family Protection and Survivor Benefit*
21 *Plans, and payments for medical care of retired per-*
22 *sonnel and their dependents under chapter 55 of title*
23 *10, United States Code, \$582,022,000.*

24 *(5) For alteration or removal of bridges over*
25 *navigable waters of the United States constituting ob-*

1 *structions to navigation, and for personnel and ad-*
2 *ministrative costs associated with the Bridge Alter-*
3 *ation Program, \$16,200,000, to remain available*
4 *until expended, of which up to \$14,200,000 may be*
5 *made available under section 104(e) of title 49, Unit-*
6 *ed States Code.*

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

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

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

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

3 (a) *AUTHORIZED MILITARY STRENGTH LEVEL.*—The
4 *Coast Guard is authorized an end-of-year strength for ac-*
5 *tive duty personnel of—*

6 (1) *39,000 as of September 30, 1995.*

7 (2) *38,400 as of September 30, 1996.*

8 *The authorized strength does not include members of the*
9 *Ready Reserve called to active duty for special or emergency*
10 *augmentation of regular Coast Guard forces for periods of*
11 *180 days or less.*

12 (b) *AUTHORIZED LEVEL OF MILITARY TRAINING.*—
13 *The Coast Guard is authorized average military training*
14 *student loads as follows:*

15 (1) *For recruit and special training—*

16 (A) *2,000 student years for fiscal year 1995;*

17 *and*

18 (B) *1,604 student years for fiscal year 1996.*

19 (2) *For flight training—*

20 (A) *133 student years for fiscal year 1995;*

21 *and*

22 (B) *85 student years for fiscal year 1996.*

23 (3) *For professional training in military and ci-*
24 *vilian institutions—*

25 (A) *344 student years for fiscal year 1995;*

26 *and*

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

2 (4) For officer acquisition—

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

4 and

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

6 **TITLE II—PERSONNEL**
7 **MANAGEMENT IMPROVEMENT**

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

9 (a) *IN GENERAL.*—Title 14, United States Code, is
10 amended by inserting after section 514 the following new
11 section:

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

13 “(a) The Commandant may make child development
14 services available for members and civilian employees of the
15 Coast Guard, and thereafter as space is available for mem-
16 bers of the Armed Forces and Federal civilian employees.
17 Child development service benefits provided under the au-
18 thority of this section shall be in addition to benefits pro-
19 vided under other laws.

20 “(b)(1) Except as provided in paragraph (2), the Com-
21 mandant may require that amounts received as fees for the
22 provision of services under this section at Coast Guard child
23 development centers be used only for compensation of em-
24 ployees at those centers who are directly involved in provid-
25 ing child care.

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

6 “(A) for the purchase of consumable or dispos-
7 able items for Coast Guard child development centers;
8 and

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

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

21 “(d) Of the amounts available to the Coast Guard each
22 fiscal year for operating expenses (and in addition to
23 amounts received as fees), the Secretary may use for child
24 development services under this section an amount not to
25 exceed the total amount the Commandant estimates will be

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

3 “(e) The Commandant may use appropriated funds
4 available to the Coast Guard to provide assistance to family
5 home day care providers so that family home day care serv-
6 ices can be provided to uniformed service members and ci-
7 vilian employees of the Coast Guard at a cost comparable
8 to the cost of services provided by Coast Guard child devel-
9 opment centers.

10 “(f) The Secretary shall promulgate regulations to im-
11 plement this section. The regulations shall establish fees to
12 be charged for child development services provided under
13 this section which take into consideration total family in-
14 come.

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

19 (b) *CLERICAL AMENDMENT.*—The table of sections at
20 the beginning of chapter 13 of title 14, United States Code,
21 is amended by inserting after the item related to section
22 514 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 (Pub. 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, 1992,*
6 *except that funds available to the Coast Guard, not to exceed*
7 *\$25,000, shall be used. The Secretary of Transportation*
8 *shall administer the provisions of section 2856 for the Coast*
9 *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 duty*
15 *by the board shall be promptly disseminated to the service*
16 *at large."*

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

19 *Section 712 of title 14, United States Code, is amended*
20 *by adding at the end the following new subsection:*

21 *"(d) Members ordered to active duty under this section*
22 *shall not be counted in computing authorized strength in*
23 *members on active duty or members in grade under this*
24 *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), be*
12 *honorably discharged with severance pay computed*
13 *under section 286 of this title;*

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

21 *“(C) if, on the date specified for the officer’s dis-*
22 *charge under this section, the officer has completed at*
23 *least 20 years of active service or is eligible for retire-*
24 *ment under any law, be retired on that date.”.*

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

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

5 **“§644a. Contracts for health care services**

6 “(a) Subject to the availability of appropriations for
7 this purpose; the Commandant may enter into personal
8 services and other contracts to carry out health care respon-
9 sibilities pursuant to section 93 of this title and other appli-
10 cable provisions of law pertaining to the provision of health
11 care services to Coast Guard personnel and covered bene-
12 ficiaries. The authority provided in this subsection is in
13 addition to any other contract authorities of the Com-
14 mandant provided by law or as delegated to the Com-
15 mandant from time to time by the Secretary, including but
16 not limited to authority relating to the management of
17 health care facilities and furnishing of health care services
18 pursuant to title 10 and this title.

19 “(b) The total amount of compensation paid to an in-
20 dividual in any year under a personal services contract en-
21 tered into under subsection (a) shall not exceed the amount
22 of annual compensation (excluding allowances for expenses)
23 allowable for such contracts entered into by the Secretary
24 of Defense pursuant to section 1091 of title 10.

25 “(c)(1) The Secretary shall promulgate regulations to
26 assure—

1 “(A) the provision of adequate notice of contract
2 opportunities to individuals residing in the area of a
3 medical treatment facility involved; and

4 “(B) consideration of interested individuals sole-
5 ly on the basis of the qualifications established for the
6 contract and the proposed contract price.

7 “(2) Upon establishment of the procedures under para-
8 graph (1), the Secretary may exempt personal services con-
9 tracts covered by this section from the competitive contract-
10 ing requirements specified in section 2304 of title 10, or
11 any other similar requirements of law.

12 “(d) The procedures and exemptions provided under
13 subsection (c) shall not apply to personal services contracts
14 entered into under subsection (a) with entities other than
15 individuals or to any contract that is not an authorized
16 personal services contract under subsection (a).”.

17 (b) The table of sections for chapter 17 of title 14, Unit-
18 ed States Code, is amended by inserting after the item relat-
19 ing to section 644 the following:

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

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

1 **SEC. 207. RECRUITING.**

2 (a) *CAMPUS RECRUITING.*—Section 558 of the Na-
3 tional Defense Authorization Act for Fiscal Year 1995 (108
4 Stat. 2776) is amended—

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

8 (2) by inserting “or the Secretary of Transpor-
9 tation” after “the Secretary of Defense” in subsection
10 (a)(1); and

11 (3) by inserting “and the Secretary of Transpor-
12 tation” after “the Secretary of Education” in sub-
13 section (b).

14 (b) *FUNDS FOR RECRUITING.*—The text of section 468
15 of title 14, United States Code, is amended to read as fol-
16 lows:

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

20 “(1) obtain recruits for the Service and cadet ap-
21 plicants; and

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

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

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

3 (2) by striking the period at the end of para-
4 graph (u) and inserting a semicolon and the word
5 “and”; and

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

7 “(v) employ special recruiting programs, includ-
8 ing, subject to appropriations Acts, the provision of
9 financial assistance by grant, cooperative agreement,
10 or contract to public or private associations, organi-
11 zations, and individuals (including academic scholar-
12 ships for individuals), to meet identified personnel re-
13 source requirements.”.

14 **TITLE III—MARINE SAFETY AND**
15 **WATERWAY SERVICES MAN-**
16 **AGEMENT**

17 **SEC. 301. INCREASED PENALTIES FOR DOCUMENTATION**
18 **VIOLATIONS.**

19 (a) *CIVIL PENALTY.*— Section 12122(a) of title 46,
20 United States Code, is amended by striking “\$500” and in-
21 serting “\$10,000.”

22 (b) *SEIZURE AND FORFEITURE.*—

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

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

3 “(1) when the owner of a vessel or the represent-
4 ative or agent of the owner knowingly falsifies or con-
5 ceals a material fact, or knowingly makes a false
6 statement or representation about the documentation
7 or when applying for documentation of the vessel;

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

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

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

15 “(5) when a documented vessel with only a rec-
16 reational endorsement is operated other than for
17 pleasure; or

18 “(6) when a documented vessel, other than a ves-
19 sel with only a recreational endorsement operating
20 within the territorial waters of the United States, is
21 placed under the command of a person not a citizen
22 of the United States.”.

23 (2) CONFORMING AMENDMENT.—Section
24 12122(c) of title 46, United States Code, is repealed.

1 (c) *LIMITATION ON OPERATION OF VESSEL WITH*
 2 *ONLY RECREATIONAL ENDORSEMENT.*—Section 12110(c) of
 3 *title 46, United States Code, is amended to read as follows:*

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

6 (d) *TERMINATION OF RESTRICTION ON COMMAND OF*
 7 *RECREATIONAL VESSELS.*—

8 (1) *TERMINATION OF RESTRICTION.*—Subsection
 9 *(d) of section 12110 of title 46, United States Code,*
 10 *is amended by inserting “; other than a vessel with*
 11 *only a recreational endorsement operating within the*
 12 *territorial waters of the United States,” after “A doc-*
 13 *umented vessel”; and*

14 (2) *CONFORMING AMENDMENT.*—Section
 15 *12111(a)(2) of title 46, United States Code, is amend-*
 16 *ed by inserting before the period the following: “in*
 17 *violation of section 12110(d) of this title”.*

18 **SEC. 302. CLERICAL AMENDMENT.**

19 *Chapter 121 of title 46, United States Code, is amend-*
 20 *ed—*

21 (1) *by striking the first section 12123; and*

22 (2) *in the table of sections at the beginning of the*
 23 *chapter by striking the first item relating to section*
 24 *12123.*

1 **SEC. 303. MARITIME DRUG AND ALCOHOL TESTING PRO-**
2 **GRAM CIVIL PENALTY.**

3 (a) *IN GENERAL.*—Chapter 21 of title 46, United
4 States Code, is amended by adding at the end a new section
5 2115 to read as follows:

6 **“§2115. Civil penalty to enforce alcohol and dan-**
7 **gerous drug testing**

8 “Any person who fails to implement or conduct, or
9 who otherwise fails to comply with the requirements pre-
10 scribed by the Secretary for, chemical testing for dangerous
11 drugs or for evidence of alcohol use, as prescribed under this
12 subtitle or a regulation prescribed by the Secretary to carry
13 out the provisions of this subtitle, is liable to the United
14 States Government for a civil penalty of not more than
15 \$1,000 for each violation. Each day of a continuing viola-
16 tion shall constitute a separate violation.”

17 (b) *CONFORMING AMENDMENT.*—The table of sections
18 at the beginning of chapter 21 of title 46, United States
19 Code, is amended by inserting after the item relating to
20 section 2114 the following:

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

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

22 (a) *NAVIGATION SAFETY ADVISORY COUNCIL.*—Section
23 5(d) of the Inland Navigational Rules Act of 1980 (33
24 U.S.C. 2073) is amended by striking “September 30, 1995”
25 and inserting “September 30, 2000”.

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

5 (c) *TOWING SAFETY ADVISORY COMMITTEE.*—Sub-
 6 *section (e) of the Act to Establish A Towing Safety Advisory*
 7 *Committee in the Department of Transportation (33 U.S.C.*
 8 *1231a(e)) is amended by striking “September 30, 1995”*
 9 *and inserting “September 30, 2000”.*

10 (d) *HOUSTON-GALVESTON NAVIGATION SAFETY ADVI-*
 11 *SORY COMMITTEE.*—The Coast Guard Authorization Act of
 12 1991 (Public Law 102–241, 105 Stat. 2208–2235) is
 13 amended by adding at the end of section 18 the following:

14 “(h) The Committee shall terminate on September 30,
 15 2000.”.

16 (e) *LOWER MISSISSIPPI RIVER WATERWAY ADVISORY*
 17 *COMMITTEE.*—The Coast Guard Authorization Act of 1991
 18 (Public Law 102–241, 105 Stat. 2208–2235) is amended
 19 by adding at the end of section 19 the following:

20 “(g) The Committee shall terminate on September 30,
 21 2000.”.

22 **SEC. 305. ELECTRONIC FILING OF COMMERCIAL INSTRU-**
 23 **MENTS.**

24 Section 31321(a) of title 46, United States Code, is
 25 amended by adding at the end the following new paragraph:

1 “(4)(A) A bill of sale, conveyance, mortgage, as-
2 signment, or related instrument may be filed elec-
3 tronically under regulations prescribed by the Sec-
4 retary.

5 “(B) A filing made electronically under subpara-
6 graph (A) shall not be effective after the 10-day pe-
7 riod beginning on the date of the filing unless the
8 original instrument is provided to the Secretary with-
9 in that 10-day period.”.

10 **SEC. 306. CIVIL PENALTIES.**

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

15 (b) *OPERATION OF UNINSPECTED TOWING VESSEL IN*
16 *VIOLATION OF MANNING REQUIREMENTS.*—Section 8906 of
17 *title 46, United States Code, is amended by striking*
18 *“\$1,000” and inserting “not more than \$25,000”.*

19 **SEC. 307. AMENDMENT TO REQUIRE EPIRBS ON THE GREAT**
20 **LAKES.**

21 Paragraph (7) of section 4502(a) of title 46, United
22 *States Code, is amended by inserting “or beyond three nau-*
23 *tical miles from the coastline of the Great Lakes” after*
24 *“high seas”.*

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

2 *Not later than 6 months after the date of enactment*
3 *of this Act, the Secretary of Transportation, in cooperation*
4 *with the Secretary of Commerce, shall submit to the Com-*
5 *mittee on Commerce, Science, and Transportation of the*
6 *Senate and the Committee on Transportation and Infra-*
7 *structure of the House of Representatives a plan prepared*
8 *in consultation with users of the LORAN-C radionavigation*
9 *system defining the future use of and funding for oper-*
10 *ations, maintenance, and upgrades of the LORAN-C radio-*
11 *navigation system. The plan shall provide for—*

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

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

23 *(3) agencies in the Department of Transpor-*
24 *tation and other relevant Federal agencies to share*
25 *the Federal government's costs related to LORAN-C*
26 *technology.*

1 **SEC. 309. RESTRICTIONS ON CLOSURE OF SMALL BOAT STA-**
2 **TIONS.**

3 (a) *CERTIFICATION.*—*The Secretary of Transportation*
4 *shall not close, consolidate, or reduce to seasonal status any*
5 *Coast Guard multi-mission small boat station unless the*
6 *Secretary has certified that such action will not result in*
7 *degradation of services that would cause significant in-*
8 *creased threat to life, property, environment, public safety*
9 *or national security. The certification shall include—*

10 (1) *a description of regional or local weather and*
11 *marine conditions that could affect the need for Coast*
12 *Guard Services including water temperature, prevail-*
13 *ing weather conditions, and unusual tide and current*
14 *conditions;*

15 (2) *an evaluation of the level and type of water-*
16 *borne activities, including activities involving rec-*
17 *reational boaters, commercial vessels, and commercial*
18 *fishermen which was considered in reaching the con-*
19 *clusion that such action will not result in degradation*
20 *of services that would cause a significant increased*
21 *threat to life, property, environment, public safety, or*
22 *national security;*

23 (3) *a detailed comparison of the services pro-*
24 *vided within the service area and the services to be*
25 *provided after such action, including but not limited*
26 *to services related to search and rescue, recreational*

1 *boating safety, enforcement of laws and treaties, ma-*
2 *rine environmental safety, port safety and security,*
3 *aids to navigation, and military readiness; and*

4 (4) *a transition plan, developed in consultation*
5 *with State and local officials and members of the pub-*
6 *lic for the areas affected by the closure to ensure that*
7 *the Coast Guard service needs of the area, and the*
8 *two-hour standard of the Coast Guard for responding*
9 *to search and rescue requests, continue to be met.*

10 (b) *PUBLIC REVIEW.*—*Each certification decision shall*
11 *be preceded by—*

12 (1) *publication in the Federal Register of a pro-*
13 *posed certification; and*

14 (2) *a 60-day period after such publication dur-*
15 *ing which the public may provide comments to the*
16 *Secretary on the proposed certification.*

17 (c) *FINAL DECISION.*—*If after consideration of the*
18 *public comment received under subsection (b) the Secretary*
19 *decides to close, consolidate, or reduce to seasonal status any*
20 *such small-boat station, the Secretary shall publish a final*
21 *certification in the Federal Register and submit the certifi-*
22 *cation to the Committee on Commerce, Science, and Trans-*
23 *portation of the Senate and the Committee on Transpor-*
24 *tation and Infrastructure of the House of Representatives.*

1 **SEC. 310. PENALTY FOR ALTERATION OF MARINE SAFETY**
2 **EQUIPMENT.**

3 *Section 3318(b) of title 46, United States Code, is*
4 *amended—*

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

6 *(2) by adding at the end thereof the following:*

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

12 **SEC. 311. PROHIBITION ON OVERHAUL, REPAIR, AND MAIN-**
13 **TENANCE OF COAST GUARD VESSELS IN FOR-**
14 **EIGN SHIPYARDS.**

15 *(a) PROHIBITION.—Chapter 5 of title 14, United*
16 *States Code, is amended by adding at the end the following:*

17 **“§ 96. Prohibition on overhaul, repair, and mainte-**
18 **nance of Coast Guard vessels in foreign**
19 **shipyards**

20 *“A Coast Guard vessel may not be overhauled, re-*
21 *paired, or maintained in any shipyard located outside the*
22 *United States, except that this section does not apply to*
23 *emergency repairs.”.*

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

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

4 **TITLE IV—COAST GUARD**
5 **AUXILIARY**

6 **SEC. 401. ADMINISTRATION OF THE COAST GUARD AUXIL-**
7 **IARY.**

8 (a) *Section 821, title 14, United States Code, is*
9 *amended to read as follows:*

10 “(a) *The Coast Guard Auxiliary is a nonmilitary or-*
11 *ganization administered by the Commandant under the di-*
12 *rection of the Secretary. For command, control, and admin-*
13 *istrative purposes, the Auxiliary shall include such organi-*
14 *zational elements and units as are approved by the Com-*
15 *mandant, including but not limited to, a national board*
16 *and staff (Auxiliary headquarters unit), districts, regions,*
17 *divisions, flotillas, and other organizational elements and*
18 *units. The Auxiliary organization and its officers shall have*
19 *such rights, privileges, powers, and duties as may be grant-*
20 *ed to them by the Commandant, consistent with this title*
21 *and other applicable provisions of law. The Commandant*
22 *may delegate to officers of the Auxiliary the authority vested*
23 *in the Commandant by this section, in the manner and to*
24 *the extent the Commandant considers necessary or appro-*

1 *priate for the functioning, organization, and internal ad-*
2 *ministration of the Auxiliary.*

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

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

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

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

1 *relating to section 821, after “Administration” by inserting*
2 *“of the Coast Guard Auxiliary”.*

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

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

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

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

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

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

18 *(a) Title 14, United States Code, is amended by insert-*
19 *ing after section 823 the following new section:*

20 **“§ 823a. Members of the Auxiliary; status**

21 *“(a) Except as otherwise provided in this chapter, a*
22 *member of the Coast Guard Auxiliary shall not be deemed*
23 *to be a Federal employee and shall not be subject to the*
24 *provisions of law relating to Federal employment, including*
25 *those relating to hours of work, rates of compensation, leave,*

1 *unemployment compensation, Federal employee benefits,*
2 *ethics, conflicts of interest, and other similar criminal or*
3 *civil statutes and regulations governing the conduct of Fed-*
4 *eral employees. However, nothing in this subsection shall*
5 *constrain the Commandant from prescribing standards for*
6 *the conduct and behavior of members of the Auxiliary.*

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

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

17 “(2) compensation for work injuries under chap-
18 ter 81 of title 5, United States Code; and

19 “(3) the resolution of claims relating to damage
20 to or loss of personal property of the member incident
21 to service under the Military Personnel and Civilian
22 Employees’ Claims Act of 1964 (31 U.S.C. 3721).

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

1 *of the United States or an agency thereof for purposes of*
2 *section 1442(a)(1) of title 28, United States Code.”.*

3 *(b) The table of sections for chapter 23 of title 14, Unit-*
4 *ed States Code, is amended by inserting the following new*
5 *item after the item relating to section 823:*

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

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

7 *Title 14, United States Code, is amended by striking*
8 *“specific” each place it appears in sections 830, 831, and*
9 *832.*

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

13 *(a) Section 141 of title 14, United States Code, is*
14 *amended —*

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

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

22 *(3) by adding at the end of subsection (a) the fol-*
23 *lowing: “The Commandant may prescribe conditions,*
24 *including reimbursement, under which personnel and*
25 *facilities may be provided under this subsection.”.*

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

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

7 *The text of section 827 of title 14, United States Code,*
8 *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 within*
12 *the meaning of sections 646 and 647 of this title and other*
13 *applicable provisions of law.”.*

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

15 *The text of section 828 of title 14, United States Code,*
16 *is amended to read as follows:*

17 *“While assigned to authorized Coast Guard duty, any*
18 *aircraft shall be deemed to be a Coast Guard aircraft, a*
19 *public vessel of the United States, and a vessel of the Coast*
20 *Guard within the meaning of sections 646 and 647 of this*
21 *title and other applicable provisions of law. Subject to the*
22 *provisions of sections 823a and 831 of this title, while as-*
23 *signed to duty, qualified Auxiliary pilots shall be deemed*
24 *to be Coast Guard 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**
 10 **BOATING 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 Au-*
 15 *gust 9, 1950 (16 U.S.C. 777c(b); commonly referred*
 16 *to as the “Dingell-Johnson Sport Fish Restoration*
 17 *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 year*
 22 *1997, and \$69,000,000 for each of fiscal years 1998 and*
 23 *1999, shall, subject to paragraph (2), be used as follows:*

24 *“(A) A sum equal to \$7,500,000 of the amount*
 25 *available for fiscal year 1995, and a sum equal to*
 26 *\$10,000,000 of the amount available for each of fiscal*

1 *years 1996 and 1997, shall be available for use by the*
2 *Secretary of the Interior for grants under section*
3 *5604(c) of the Clean Vessel Act of 1992. Any portion*
4 *of such a sum available for a fiscal year that is not*
5 *obligated for those grants before the end of the follow-*
6 *ing fiscal year shall be transferred to the Secretary of*
7 *Transportation and shall be expended by the Sec-*
8 *retary of Transportation for State recreational boat-*
9 *ing safety programs under section 13106 of title 46,*
10 *United States Code.*

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

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

1 “(i) grants under section 502(e) of the Coast
2 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 follow-
7 ing 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 Code.

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

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

20 “(ii) \$35,000,000.

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

22 “(B) The amount of any reduction under subpara-
23 graph (A) shall be apportioned among the several States
24 under subsection (d) of this section by the Secretary of the
25 Interior.”.

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

7 (b) *EXPENDITURE OF AMOUNTS FOR STATE REC-*
8 *REATIONAL BOATING SAFETY PROGRAMS.*—Section 13106
9 of title 46, United States Code, is amended—

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

20 (2) by amending subsection (c) to read as fol-
21 lows:

22 “(c) For expenditure under this chapter for State rec-
23 reational boating safety programs there are authorized to
24 be appropriated to the Secretary of Transportation from
25 the Boat Safety Account established under section 9504 of

1 *the Internal Revenue Code of 1986 (26 U.S.C. 9504) not*
2 *more than \$35,000,000 each fiscal year.”.*

3 (c) *EXCESS FY 1995 BOAT SAFETY ACCOUNT FUNDS*
4 *TRANSFER.—Notwithstanding any other provision of law,*
5 *\$20,000,000 of the annual appropriation from the Sport*
6 *Fish Restoration Account in fiscal year 1996 made in ac-*
7 *cordance with the provisions of section 3 of the Act of Au-*
8 *gust 9, 1950 (16 U.S.C. 777b) shall be excluded from the*
9 *calculation of amounts to be distributed under section 4(a)*
10 *of such Act (16 U.S.C. 777c(a)).*

11 **SEC. 502. BOATING ACCESS.**

12 (a) *FINDINGS.—The Congress makes the following*
13 *findings:*

14 (1) *Nontrailerable recreational motorboats con-*
15 *tribute 15 percent of the gasoline taxes deposited in*
16 *the Aquatic Resources Trust Fund while constituting*
17 *less than 5 percent of the recreational vessels in the*
18 *United States.*

19 (2) *The majority of recreational vessel access fa-*
20 *ilities constructed with Aquatic Resources Trust*
21 *Fund moneys benefit trailerable recreational vessels.*

22 (3) *More Aquatic Resources Trust Fund moneys*
23 *should be spent on recreational vessel access facilities*
24 *that benefit recreational vessels that are*
25 *nontrailerable vessels.*

1 (b) *PURPOSE.*—*The purpose of this section is to pro-*
2 *vide funds to States for the development of public facilities*
3 *for transient nontrailerable vessels.*

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

7 (1) *the number and location in the State of all*
8 *public facilities for transient nontrailerable vessels;*
9 *and*

10 (2) *the number and areas of operation in the*
11 *State of all nontrailerable vessels that operate on nav-*
12 *igable waters in the State.*

13 (d) *PLAN.*—*Within 6 months after submitting a survey*
14 *to the Secretary of the Interior in accordance with sub-*
15 *section (c), an eligible State may develop and submit to*
16 *the Secretary of the Interior a plan for the construction and*
17 *renovation of public facilities for transient nontrailerable*
18 *vessels to meet the needs of nontrailerable vessels operating*
19 *on navigable waters in the State.*

20 (e) *GRANT PROGRAM.*—

21 (1) *MATCHING GRANTS.*—*The Secretary of the*
22 *Interior shall obligate not less than one-half of the*
23 *amount made available for each of fiscal years 1998*
24 *and 1999 under section 4(b)(1)(C) of the Act of Au-*
25 *gust 9, 1950, as amended by section 501(a)(1) of this*

1 *Act, to make grants to any eligible State to pay not*
2 *more than 75 percent of the cost of constructing or*
3 *renovating public facilities for transient*
4 *nontrailerable vessels.*

5 (2) *PRIORITY.—*

6 (A) *IN GENERAL.—In awarding grants*
7 *under this subsection, the Secretary of the Inte-*
8 *rior shall give priority to projects that consist of*
9 *the construction or renovation of public facilities*
10 *for transient nontrailerable vessels in accordance*
11 *with a plan submitted by a State submitted*
12 *under subsection (b).*

13 (B) *WITHIN STATE.—In awarding grants*
14 *under this subsection for projects in a particular*
15 *State, the Secretary of the Interior shall give pri-*
16 *ority to projects that are likely to serve the great-*
17 *est number of nontrailerable vessels.*

18 (f) *DEFINITIONS.—For the purpose of this section and*
19 *section 501 of this Act the term—*

20 (1) *“Act of August 9, 1950” means the Act enti-*
21 *tled “An Act to provide that the United States shall*
22 *aid the States in fish restoration and management*
23 *projects, and for other purposes”, approved August 9,*
24 *1950 (16 U.S.C. 777a et seq.);*

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

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

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

9 (A) operated primarily for pleasure; or

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

12 (5) “State” means each of the several States of
13 the United States, the District of Columbia, the Com-
14 monwealth of Puerto Rico, Guam, American Samoa,
15 the United States Virgin Islands, and the Common-
16 wealth of the Northern Marianas.

17 **SEC. 503. PERSONAL FLOTATION DEVICES REQUIRED FOR**
18 **CHILDREN.**

19 (a) *PROHIBITION.*—Section 4307(a) of title 46, United
20 States Code, is amended—

21 (1) by striking “or” after the semicolon in para-
22 graph (2);

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

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

1 “(4) operate a recreational vessel under 26 feet
2 in length unless each individual 6 years of age or
3 younger wears a Coast Guard approved personal flo-
4 tation device when the individual is on an open deck
5 of the vessel.”.

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

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

14 (c) *PENALTY.*—Section 4311 of title 46, United States
15 Code, is amended by adding at the end the following new
16 subsection:

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

20 “(1) the maximum penalty assessable under sub-
21 section (a) is a fine of \$100 with no imprisonment;
22 and

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

1 **SEC. 504. MARINE CASUALTY REPORTING.**

2 (a) *SUBMISSION OF PLAN.*—Not later than one year
 3 after enactment of this Act, the Secretary of Transportation
 4 shall, in consultation with appropriate State agencies, sub-
 5 mit to the Committee on Resources of the House of Rep-
 6 resentatives and the Committee on Commerce, Science, and
 7 Transportation of the Senate a plan to increase reporting
 8 of vessel accidents to appropriate State law enforcement of-
 9 ficials.

10 (b) *PENALTIES FOR VIOLATING REPORTING REQUIRE-*
 11 *MENTS.*—Section 6103(a) of title 46, United States Code,
 12 is amended by inserting “or 6102” after “6101” the second
 13 place it appears.

14 **TITLE VI—COAST GUARD**
 15 **REGULATORY REFORM**

16 **SEC. 601. SHORT TITLE.**

17 This title may be cited as the “Coast Guard Regulatory
 18 Reform Act of 1995”.

19 **SEC. 602. SAFETY MANAGEMENT.**

20 (a) *MANAGEMENT OF VESSELS.*—Title 46, United
 21 States Code, is amended by adding after chapter 31 the fol-
 22 lowing new chapter:

“CHAPTER 32—MANAGEMENT OF VESSELS

“Sec.

“3201. Definitions.

“3202. Application.

“3203. Safety management system.

“3204. Implementation of safety management system.

“3205. Certification.

1 **“§ 3201. Definitions**

2 *“In this chapter—*

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

7 *“(2) ‘responsible person’ means—*

8 *“(A) the owner of a vessel to which this*
9 *chapter applies; or*

10 *“(B) any other person that has—*

11 *“(i) assumed the responsibility for op-*
12 *eration of a vessel to which this chapter ap-*
13 *plies from the owner; and*

14 *“(ii) agreed to assume with respect to*
15 *the vessel responsibility for complying with*
16 *all the requirements of this chapter and the*
17 *regulations prescribed under this chapter.*

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

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

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

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

4 **“§ 3202. Application**

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

7 “(1) Beginning July 1, 1998—

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

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

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

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

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

22 “(1) a barge;

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

25 “(3) a fishing vessel;

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

3 “(5) a public vessel.

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

5 “(a) *IN GENERAL.*—The Secretary shall prescribe reg-
6 ulations which establish a safety management system for
7 responsible persons and vessels to which this chapter ap-
8 plies, including—

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

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

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

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

20 “(5) procedures for preparing for and responding
21 to emergency situations; and

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

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

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

3 **“§ 3204. Implementation of safety management system**

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

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

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

21 **“§3205. Certification**

22 “(a) *ISSUANCE OF CERTIFICATE AND DOCUMENT.*—
23 *After verifying that the responsible person for a vessel to*
24 *which this chapter applies and the vessel comply with the*
25 *applicable requirements under this chapter, the Secretary*

1 *shall issue for the vessel, on request of the responsible person,*
2 *a Safety Management Certificate and a Document of Com-*
3 *pliance.*

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

9 “(c) *VERIFICATION OF COMPLIANCE.—The Secretary*
10 *shall—*

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

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

21 “(d) *ENFORCEMENT.—At the request of the Secretary,*
22 *the Secretary of the Treasury shall withhold or revoke the*
23 *clearance required by section 4197 of the Revised Statutes*
24 *(46 U.S.C. App. 91) of a vessel that is subject to this chapter*
25 *under section 3202(a) of this title or to the International*

1 *Safety Management Code, if the vessel does not have on*
 2 *board a Safety Management Certificate and a copy of a*
 3 *Document of Compliance for the vessel. Clearance may be*
 4 *granted on filing a bond or other surety satisfactory to the*
 5 *Secretary.”.*

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

“32. Management of vessels 3201”.

10 (c) *STUDY.—*

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

22 (2) *REPORT.—The Secretary shall submit to the*
 23 *Congress a report of the results of the study required*
 24 *under paragraph (1) before the earlier of—*

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

4 (B) the date that is 1 year after the date of
5 enactment of this Act.

6 **SEC. 603. USE OF REPORTS, DOCUMENTS, RECORDS, AND**
7 **EXAMINATIONS OF OTHER PERSONS.**

8 (a) *REPORTS, DOCUMENTS, AND RECORDS.*—Chapter
9 31 of title 46, United States Code, is amended by adding
10 *the following new section:*

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

12 *“The Secretary may rely, as evidence of compliance*
13 *with this subtitle, on—*

14 *“(1) reports, documents, and records of other*
15 *persons who have been determined by the Secretary to*
16 *be reliable; and*

17 *“(2) other methods the Secretary has determined*
18 *to be reliable.”.*

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

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

22 (c) *EXAMINATIONS.*—Section 3308 of title 46, United
23 States Code, is amended by inserting “or have examined”
24 *after “examine”.*

1 **SEC. 604. EQUIPMENT APPROVAL.**

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

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

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

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

16 “(B) *the approval of the equipment or material*
17 *by the foreign government will secure the safety of in-*
18 *dividuals and property on board vessels subject to in-*
19 *spection; and*

20 “(C) *for lifesaving equipment, the foreign govern-*
21 *ment—*

22 “(i) *has given equivalent treatment to ap-*
23 *provals of lifesaving equipment by the Secretary;*
24 *and*

25 “(ii) *otherwise ensures that lifesaving*
26 *equipment approved by the Secretary may be*

1 *used on vessels that are documented and subject*
2 *to inspection under the laws of that country.”.*

3 **(b) FOREIGN APPROVALS.**—*The Secretary of Trans-*
4 *portation, in consultation with other interested Federal*
5 *agencies, shall work with foreign governments to have those*
6 *governments approve the use of the same equipment and*
7 *materials on vessels documented under the laws of those*
8 *countries that the Secretary requires on United States docu-*
9 *mented vessels.*

10 **(c) TECHNICAL AMENDMENT.**—*Section 3306(a)(4) of*
11 *title 46, United States Code, is amended by striking*
12 *“clauses (1)–(3)” and inserting “paragraphs (1), (2), and*
13 *(3)”.*

14 **SEC. 605. FREQUENCY OF INSPECTION.**

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

17 **(1) in paragraph (1)—**

18 **(A) by striking “nautical school vessel” and**
19 *inserting “, nautical school vessel, and small*
20 *passenger vessel allowed to carry more than 12*
21 *passengers on a foreign voyage”;* and

22 **(B) by adding “and” after the semicolon at**
23 *the end;*

24 **(2) by striking paragraph (2) and redesignating**
25 *paragraph (3) as paragraph (2); and*

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

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

6 **SEC. 606. CERTIFICATE OF INSPECTION.**

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

9 **SEC. 607. DELEGATION OF AUTHORITY OF SECRETARY TO**
10 **CLASSIFICATION SOCIETIES.**

11 (a) *AUTHORITY TO DELEGATE.*—Section 3316 of title
12 46, United States Code, is amended—

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

14 (2) by redesignating subsections (b) and (c) as
15 subsections (a) and (b), respectively; and

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

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

19 (B) striking so much of the subsection as
20 precedes paragraph (3), as so redesignated, and
21 inserting the following:

22 “(b)(1) The Secretary may delegate to the American
23 Bureau of Shipping or another classification society recog-
24 nized by the Secretary as meeting acceptable standards for

1 *such a society, for a vessel documented or to be documented*
 2 *under chapter 121 of this title, the authority to—*

3 *“(A) review and approve plans required for issu-*
 4 *ing a certificate of inspection required by this part;*

5 *“(B) conduct inspections and examinations; and*

6 *“(C) issue a certificate of inspection required by*
 7 *this part and other related documents.*

8 *“(2) The Secretary may make a delegation under*
 9 *paragraph (1) to a foreign classification society only—*

10 *“(A) to the extent that the government of the for-*
 11 *ign country in which the society is headquartered*
 12 *delegates authority and provides access to the Amer-*
 13 *ican Bureau of Shipping to inspect, certify, and pro-*
 14 *vide related services to vessels documented in that*
 15 *country; and*

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

18 *(b) CONFORMING AMENDMENTS.—*

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

21 ***“§ 3316. Classification societies”.***

22 *(2) The table of sections for chapter 33 of title*
 23 *46, United States Code, is amended by striking the*
 24 *item relating to section 3316 and inserting the follow-*
 25 *ing:*

“3316. Classification societies.”.

1 **TITLE VII—TECHNICAL AND**
2 **CONFORMING AMENDMENTS**

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

4 *Section 2 of the Inland Navigational Rules Act of 1980*
5 *is amended—*

6 (1) *by amending Rule 9(e)(i) (33 U.S.C.*
7 *2009(e)(i)) to read as follows:*

8 “(i) *In a narrow channel or fairway when overtaking,*
9 *the power-driven vessel intending to overtake another*
10 *power-driven vessel shall indicate her intention by sounding*
11 *the appropriate signal prescribed in Rule 34(c) and take*
12 *steps to permit safe passing. The power-driven vessel being*
13 *overtaken, if in agreement, shall sound the same signal and*
14 *may, if specifically agreed to take steps to permit safe pass-*
15 *ing. If in doubt she shall sound the danger signal prescribed*
16 *in Rule 34(d).”;*

17 (2) *in Rule 15(b) (33 U.S.C. 2015(b)) by insert-*
18 *ing “power-driven” after “Secretary, a”;*

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

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

1 “(f) Provided that any number of vessels being towed
2 alongside or pushed in a group shall be lighted as one vessel,
3 except as provided in paragraph (iii)—

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

7 “(ii) a vessel being towed alongside shall exhibit
8 a sternlight and at the forward end, sidelights and a
9 special flashing light; and

10 “(iii) when vessels are towed alongside on both
11 sides of the towing vessels a stern light shall be exhib-
12 ited on the stern of the outboard vessel on each side
13 of the towing vessel, and a single set of sidelights as
14 far forward and as far outboard as is practicable,
15 and a single special flashing light.”;

16 (5) in Rule 26 (33 U.S.C. 2026)—

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

21 (B) by amending subsection (d) to read as
22 follows:

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

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

3 “(h) A vessel that reaches agreement with another ves-
4 sel in a head-on, crossing, or overtaking situation, as for
5 example, by using the radiotelephone as prescribed by the
6 Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat. 164;
7 33 U.S.C. 1201 et seq.), is not obliged to sound the whistle
8 signals prescribed by this rule, but may do so. If agreement
9 is not reached, then whistle signals shall be exchanged in
10 a timely manner and shall prevail.”.

11 **SEC. 702. MEASUREMENT OF VESSELS.**

12 Section 14104 of title 46, United States Code, is
13 amended by redesignating the existing text after the section
14 heading as subsection (a) and by adding at the end the fol-
15 lowing new subsection:

16 “(b) If a statute allows for an alternate tonnage to be
17 prescribed under this section, the Secretary may prescribe
18 it by regulation. Until an alternate tonnage is prescribed,
19 the statutorily established tonnage shall apply to vessels
20 measured under chapter 143 or chapter 145 of this title.”.

21 **SEC. 703. LONGSHORE AND HARBOR WORKERS COMPENSA-**
22 **TION.**

23 Section 3(d)(3)(B) of the Longshore and Harbor Work-
24 ers' Compensation Act (33 U.S.C. 903(d)(3)(B)) is amended
25 by inserting after “1,600 tons gross” the following: “as

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

5 **SEC. 704. RADIOTELEPHONE REQUIREMENTS.**

6 *Section 4(a)(2) of the Vessel Bridge-to-Bridge Radio-*
7 *telephone Act (33 U.S.C. 1203(a)(2)) is amended by insert-*
8 *ing after “one hundred gross tons” the following “as meas-*
9 *ured under section 14502 of title 46, United States Code,*
10 *or an alternate tonnage measured under section 14302 of*
11 *that title as prescribed by the Secretary under section 14104*
12 *of that title,”.*

13 **SEC. 705. VESSEL OPERATING REQUIREMENTS.**

14 *Section 4(a)(3) of the Ports and Waterways Safety Act*
15 *(33 U.S.C. 1223(a)(3)) is amended by inserting after “300*
16 *gross tons” the following: “as measured under section 14502*
17 *of title 46, United States Code, or an alternate tonnage*
18 *measured under section 14302 of that title as prescribed by*
19 *the Secretary under section 14104 of that title”.*

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

21 *Section 27A of the Merchant Marine Act, 1920 (46*
22 *U.S.C. App. 883–1), is amended by inserting after “five*
23 *hundred gross tons” the following: “as measured under sec-*
24 *tion 14502 of title 46, United States Code, or an alternate*

1 *tonnage measured under section 14302 of that title as pre-*
2 *scribed by the Secretary under section 14104 of that title.”.*

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

4 *Section 2 of the Act of June 14, 1956 (46 U.S.C. App.*
5 *883a), is amended by inserting after “five hundred gross*
6 *tons” the following: “as measured under section 14502 of*
7 *title 46, United States Code, or an alternate tonnage meas-*
8 *ured under section 14302 of that title as prescribed by the*
9 *Secretary under section 14104 of that title”.*

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

11 *Section 1302(4)(A) of the Merchant Marine Act, 1936*
12 *(46 U.S.C. App. 1295a(4)(a)) is amended by inserting after*
13 *“1,000 gross tons or more” the following: “as measured*
14 *under section 14502 of title 46, United States Code, or an*
15 *alternate tonnage measured under section 14302 of that title*
16 *as prescribed by the Secretary under section 14104 of that*
17 *title”.*

18 **SEC. 709. GENERAL DEFINITIONS.**

19 *Section 2101 of title 46, United States Code, is amend-*
20 *ed—*

21 *(1) in paragraph (13), by inserting after “15*
22 *gross tons” the following: “as measured under section*
23 *14502 of this title, or an alternate tonnage measured*
24 *under section 14302 of this title as prescribed by the*
25 *Secretary under section 14104 of this title”;*

1 (2) in paragraph (13a), by inserting after
2 “3,500 gross tons” the following: “as measured under
3 section 14502 of this title, or an alternate tonnage
4 measured under section 14302 of this title as pre-
5 scribed by the Secretary under section 14104 of this
6 title”;

7 (3) in paragraph (19), by inserting after “500
8 gross tons” the following: “as measured under section
9 14502 of this title, or an alternate tonnage measured
10 under section 14302 of this title as prescribed by the
11 Secretary under section 14104 of this title”;

12 (4) in paragraph (22), by inserting after “100
13 gross tons” the following: “as measured under section
14 14502 of this title, or an alternate tonnage measured
15 under section 14302 of this title as prescribed by the
16 Secretary under section 14104 of this title”;

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

23 (6) in paragraph (32), by inserting after “100
24 gross tons” the following: “as measured under section
25 14502 of this title, or an alternate tonnage measured

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

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

8 *(8) in paragraph (35), by inserting after “100*
9 *gross tons” the following: “as measured under section*
10 *14502 of this title, or an alternate tonnage measured*
11 *under section 14302 of this title as prescribed by the*
12 *Secretary under section 14104 of this title”;* and

13 *(9) in paragraph (42), by inserting after “100*
14 *gross tons” each place it appears, the following: “as*
15 *measured under section 14502 of this title, or an al-*
16 *ternate tonnage measured under section 14302 of this*
17 *title as prescribed by the Secretary under section*
18 *14104 of this title”.*

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

20 *Section 2113 of title 46, United States Code, is amend-*
21 *ed—*

22 *(1) in paragraph (4), by inserting after “at least*
23 *100 gross tons but less than 300 gross tons” the fol-*
24 *lowing: “as measured under section 14502 of this*
25 *title, or an alternate tonnage measured under section*

1 *14302 of this title as prescribed by the Secretary*
2 *under section 14104 of this title”; and*

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

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

10 *Section 3302 of title 46, United States Code, is amend-*
11 *ed—*

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

17 *(2) in subsection (c)(2), by inserting after “500*
18 *gross tons” the following: “as measured under section*
19 *14502 of this title, or an alternate tonnage measured*
20 *under section 14302 of this title as prescribed by the*
21 *Secretary under section 14104 of this title”;*

22 *(3) in subsection (c)(3), by inserting after “500*
23 *gross tons” the following: “as measured under section*
24 *14502 of this title, or an alternate tonnage measured*

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

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

9 (5) *in subsection (d)(1), by inserting after “150*
10 *gross tons” the following: “as measured under section*
11 *14502 of this title, or an alternate tonnage measured*
12 *under section 14302 of this title as prescribed by the*
13 *Secretary under section 14104 of this title”;*

14 (6) *in subsection (i)(1)(A), by inserting after*
15 *“300 gross tons” the following: “as measured under*
16 *section 14502 of this title, or an alternate tonnage*
17 *measured under section 14302 of this title as pre-*
18 *scribed by the Secretary under section 14104 of this*
19 *title”; and*

20 (7) *in subsection (j), by inserting after “15 gross*
21 *tons” the following: “as measured under section 14502*
22 *of this title, or an alternate tonnage measured under*
23 *section 14302 of this title as prescribed by the Sec-*
24 *retary under section 14104 of this title”.*

1 **SEC. 712. REGULATIONS.**

2 *Section 3306 of title 46, United States Code, is amend-*
3 *ed—*

4 *(1) in subsection (h), by inserting after “at least*
5 *100 gross tons but less than 300 gross tons” the fol-*
6 *lowing: “as measured under section 14502 of this*
7 *title, or an alternate tonnage measured under section*
8 *14302 of this title as prescribed by the Secretary*
9 *under section 14104 of this title”; and*

10 *(2) in subsection (i), by inserting after “at least*
11 *100 gross tons but less than 500 gross tons” the fol-*
12 *lowing: “as measured under section 14502 of this*
13 *title, or an alternate tonnage measured under section*
14 *14302 of this title as prescribed by the Secretary*
15 *under section 14104 of this title”.*

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

17 *Section 3318 of title 46, United States Code, is amend-*
18 *ed—*

19 *(1) in subsection (a), by inserting after “100*
20 *gross tons” the following: “as measured under section*
21 *14502 of this title, or an alternate tonnage measured*
22 *under section 14302 of this title as prescribed by the*
23 *Secretary under section 14104 of this title”; and*

24 *(2) in subsection (j)(1), by inserting after “1,600*
25 *gross tons” the following: “as measured under section*
26 *14502 of this title, or an alternate tonnage measured*

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

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

4 *Section 3702 of title 46, United States Code, is amend-*
5 *ed—*

6 (1) *in subsection (b)(1), by inserting after “500*
7 *gross tons” the following: “as measured under section*
8 *14502 of this title, or an alternate tonnage measured*
9 *under section 14302 of this title as prescribed by the*
10 *Secretary under section 14104 of this title”;*

11 (2) *in subsection (c), by inserting after “500*
12 *gross tons” the following: “as measured under section*
13 *14502 of this title, or an alternate tonnage measured*
14 *under section 14302 of this title as prescribed by the*
15 *Secretary under section 14104 of this title”;* and

16 (3) *in subsection (d), by inserting after “5,000*
17 *gross tons” the following: “as measured under section*
18 *14502 of this title, or an alternate tonnage measured*
19 *under section 14302 of this title as prescribed by the*
20 *Secretary under section 14104 of this title”.*

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

22 *Section 3703a of title 46, United States Code, is*
23 *amended—*

24 (1) *in subsection (b)(2), by inserting after “5,000*
25 *gross tons” the following: “as measured under section*

1 *14502 of this title, or an alternate tonnage measured*
2 *under section 14302 of this title as prescribed by the*
3 *Secretary under section 14104 of this title”;*

4 *(2) in subsection (c)(2), by inserting after “5,000*
5 *gross tons” each place it appears the following: “as*
6 *measured under section 14502 of this title, or an al-*
7 *ternate tonnage measured under section 14302 of this*
8 *title as prescribed by the Secretary under section*
9 *14104 of this title”;*

10 *(3) in subsection (c)(3)(A), by inserting after*
11 *“15,000 gross tons” the following: “as measured under*
12 *section 14502 of this title, or an alternate tonnage*
13 *measured under section 14302 of this title as pre-*
14 *scribed by the Secretary under section 14104 of this*
15 *title”;*

16 *(4) in subsection (c)(3)(B), by inserting after*
17 *“30,000 gross tons” the following: “as measured under*
18 *section 14502 of this title, or an alternate tonnage*
19 *measured under section 14302 of this title as pre-*
20 *scribed by the Secretary under section 14104 of this*
21 *title”;* and

22 *(5) in subsection (c)(3)(C), by inserting after*
23 *“30,000 gross tons” the following: “as measured under*
24 *section 14502 of this title, or an alternate tonnage*
25 *measured under section 14302 of this title as pre-*

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

3 **SEC. 716. TANKER MINIMUM STANDARDS.**

4 Section 3707 of title 46, United States Code, is amend-
5 ed—

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

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

16 **SEC. 717. SELF-PROPELLED TANK VESSEL MINIMUM STAND-**
17 **ARDS.**

18 Section 3708 of title 46, United States Code, is amend-
19 ed by inserting after “10,000 gross tons” the following: “as
20 measured under section 14502 of this title, or an alternate
21 tonnage measured under section 14302 of this title as pre-
22 scribed by the Secretary under section 14104 of this title”.

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

24 Section 4701(1) of title 46, United States Code, is
25 amended by inserting after “100 gross tons” the following:

1 “as measured under section 14502 of this title, or an alter-
2 nate tonnage measured under section 14302 of this title as
3 prescribed by the Secretary under section 14104 of this
4 title”.

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

6 Section 5102(b) of title 46, United States Code, is
7 amended—

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

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

18 (3) in paragraph (10), by inserting after “150
19 gross tons” the following: “as measured under section
20 14502 of this title, or an alternate tonnage measured
21 under section 14302 of this title as prescribed by the
22 Secretary under section 14104 of this title”.

23 **SEC. 720. LICENSING OF INDIVIDUALS.**

24 Section 7101(e)(3) of title 46, United States Code, is
25 amended by inserting after “1,600 gross tons” the following:

1 “as measured under section 14502 of this title, or an alter-
2 nate tonnage measured under section 14302 of this title as
3 prescribed by the Secretary under section 14104 of this
4 title”.

5 **SEC. 721. ABLE SEAMEN—LIMITED.**

6 Section 7308 of title 46, United States Code, is amend-
7 ed by inserting after “100 gross tons” the following: “as
8 measured under section 14502 of this title, or an alternate
9 tonnage measured under section 14302 of this title as pre-
10 scribed by the Secretary under section 14104 of this title”.

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

12 Section 7310 of title 46, United States Code, is amend-
13 ed by inserting after “500 gross tons” the following: “as
14 measured under section 14502 of this title, or an alternate
15 tonnage measured under section 14302 of this title as pre-
16 scribed by the Secretary under section 14104 of this title”.

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

18 Section 7312 of title 46, United States Code, is amend-
19 ed—

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

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

6 (3) in subsection (d), by inserting after “500
7 gross tons” the following: “as measured under section
8 14502 of this title, or an alternate tonnage measured
9 under section 14302 of this title as prescribed by the
10 Secretary under section 14104 of this title”;

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

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

21 **SEC. 724. GENERAL REQUIREMENTS—ENGINE DEPART-**
22 **MENT.**

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

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

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

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

11 **SEC. 726. WATCHMEN.**

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

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

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

1 **SEC. 728. WATCHES.**

2 *Section 8104 of title 46, United States Code, is amend-*
3 *ed—*

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

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

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

20 *(4) in subsection (m)(1), by inserting after*
21 *“1,600 gross tons” the following: “as measured under*
22 *section 14502 of this title, or an alternate tonnage*
23 *measured under section 14302 of this title as pre-*
24 *scribed by the Secretary under section 14104 of this*
25 *title”;*

1 (5) in subsection (o)(1), by inserting after “500
2 gross tons” the following: “as measured under section
3 14502 of this title, or an alternate tonnage measured
4 under section 14302 of this title as prescribed by the
5 Secretary under section 14104 of this title”; and

6 (6) in subsection (o)(2), by inserting after “500
7 gross tons” the following: “as measured under section
8 14502 of this title, or an alternate tonnage measured
9 under section 14302 of this title as prescribed by the
10 Secretary under section 14104 of this title”.

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

12 Section 8301 of title 46, United States Code, is amend-
13 ed—

14 (1) in subsection (a)(2), by inserting after “1,000
15 gross tons” the following: “as measured under section
16 14502 of this title, or an alternate tonnage measured
17 under section 14302 of this title as prescribed by the
18 Secretary under section 14104 of this title”;

19 (2) in subsection (a)(3), by inserting after “at
20 least 200 gross tons but less than 1,000 gross tons” the
21 following: “as measured under section 14502 of this
22 title, or an alternate tonnage measured under section
23 14302 of this title as prescribed by the Secretary
24 under section 14104 of this title”;

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

7 (4) in subsection (a)(5), by inserting after “300
8 gross tons” the following: “as measured under section
9 14502 of this title, or an alternate tonnage measured
10 under section 14302 of this title as prescribed by the
11 Secretary under section 14104 of this title”; and

12 (5) in subsection (b), by inserting after “200
13 gross tons” the following: “as measured under section
14 14502 of this title, or an alternate tonnage measured
15 under section 14302 of this title as prescribed by the
16 Secretary under section 14104 of this title”.

17 **SEC. 730. OFFICERS' COMPETENCY CERTIFICATES CONVEN-**
18 **TION.**

19 Section 8304(b)(4) of title 46, United States Code, is
20 amended by inserting after “200 gross tons” the following:
21 “as measured under section 14502 of this title, or an alter-
22 nate tonnage measured under section 14302 of this title as
23 prescribed by the Secretary under section 14104 of this
24 title”.

1 **SEC. 731. MERCHANT MARINERS' DOCUMENTS REQUIRED.**

2 *Section 8701 of title 46, United States Code, is amend-*
3 *ed—*

4 (1) *in subsection (a), by inserting after “100*
5 *gross tons” the following: “as measured under section*
6 *14502 of this title, or an alternate tonnage measured*
7 *under section 14302 of this title as prescribed by the*
8 *Secretary under section 14104 of this title”;* and

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

14 **SEC. 732. CERTAIN CREW REQUIREMENTS.**

15 *Section 8702 of title 46, United States Code, is amend-*
16 *ed—*

17 (1) *in subsection (a), by inserting after “100*
18 *gross tons” the following: “as measured under section*
19 *14502 of this title, or an alternate tonnage measured*
20 *under section 14302 of this title as prescribed by the*
21 *Secretary under section 14104 of this title”;* and

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

1 **SEC. 733. FREIGHT VESSELS.**

2 *Section 8901 of title 46, United States Code, is amend-*
3 *ed by inserting after “100 gross tons” the following: “as*
4 *measured under section 14502 of this title, or an alternate*
5 *tonnage measured under section 14302 of this title as pre-*
6 *scribed by the Secretary under section 14104 of this title”.*

7 **SEC. 734. EXEMPTIONS.**

8 *Section 8905(b) of title 46, United States Code, is*
9 *amended by inserting after “200 gross tons” the following:*
10 *“as measured under section 14502 of this title, or an alter-*
11 *nate tonnage measured under section 14302 of this title as*
12 *prescribed by the Secretary under section 14104 of this*
13 *title”.*

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

15 *Section 9303(a)(2) of title 46, United States Code, is*
16 *amended by inserting after “4,000 gross tons” the following:*
17 *“as measured under section 14502 of this title, or an alter-*
18 *nate tonnage measured under section 14302 of this title as*
19 *prescribed by the Secretary under section 14104 of this*
20 *title”.*

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

22 *Section 10101(4)(B) of title 46, United States Code,*
23 *is amended by inserting after “1,600 gross tons” the follow-*
24 *ing: “as measured under section 14502 of this title, or an*
25 *alternate tonnage measured under section 14302 of this title*

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

3 **SEC. 737. APPLICATION—FOREIGN AND INTERCOASTAL**
4 **VOYAGES.**

5 *Section 10301(a)(2) of title 46, United States Code,*
6 *is amended by inserting after “75 gross tons” the following:*
7 *“as measured under section 14502 of this title, or an alter-*
8 *nate tonnage measured under section 14302 of this title as*
9 *prescribed by the Secretary under section 14104 of this*
10 *title”.*

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

12 *Section 10501(a) of title 46, United States Code, is*
13 *amended by inserting after “50 gross tons” the following:*
14 *“as measured under section 14502 of this title, or an alter-*
15 *nate tonnage measured under section 14302 of this title as*
16 *prescribed by the Secretary under section 14104 of this*
17 *title”.*

18 **SEC. 739. FISHING AGREEMENTS.**

19 *Section 10601(a)(1) of title 46, United States Code,*
20 *is amended by inserting after “20 gross tons” the following:*
21 *“as measured under section 14502 of this title, or an alter-*
22 *nate tonnage measured under section 14302 of this title as*
23 *prescribed by the Secretary under section 14104 of this*
24 *title”.*

1 **SEC. 740. ACCOMMODATIONS FOR SEAMEN.**

2 *Section 11101(a) of title 46, United States Code, is*
3 *amended by inserting after “100 gross tons” the following:*
4 *“as measured under section 14502 of this title, or an alter-*
5 *nate tonnage measured under section 14302 of this title as*
6 *prescribed by the Secretary under section 14104 of this*
7 *title”.*

8 **SEC. 741. MEDICINE CHESTS.**

9 *Section 11102(a) of title 46, United States Code, is*
10 *amended by inserting after “75 gross tons” the following:*
11 *“as measured under section 14502 of this title, or an alter-*
12 *nate tonnage measured under section 14302 of this title as*
13 *prescribed by the Secretary under section 14104 of this*
14 *title”.*

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

16 *Section 11301(a)(2) of title 46, United States Code,*
17 *is amended by inserting after “100 gross tons” the follow-*
18 *ing: “as measured under section 14502 of this title, or an*
19 *alternate tonnage measured under section 14302 of this title*
20 *as prescribed by the Secretary under section 14104 of this*
21 *title”.*

22 **SEC. 743. COASTWISE ENDORSEMENTS.**

23 *Section 12106(c)(1) of title 46, United States Code, is*
24 *amended by striking “two hundred gross tons” and insert-*
25 *ing “200 gross tons as measured under section 14502 of*
26 *this title, or an alternate tonnage measured under section*

1 14302 of this title as prescribed by the Secretary under sec-
2 tion 14104 of this title”.

3 **SEC. 744. FISHERY ENDORSEMENTS.**

4 Section 12108(c)(1) of title 46, United States Code, is
5 amended by striking “two hundred gross tons” and insert-
6 ing “200 gross tons as measured under section 14502 of
7 this title, or an alternate tonnage measured under section
8 14302 of this title as prescribed by the Secretary under sec-
9 tion 14104 of this title”.

10 **SEC. 745. CONVENTION TONNAGE FOR LICENSES, CERTIFI-**
11 **CATES, AND DOCUMENTS.**

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

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

17 “Notwithstanding any provision of section 14302(c) or
18 14305 of this title, the Secretary may—

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

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

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

3 “(B) The Secretary may not issue a certifi-
4 cate attesting to the adequacy of reception facili-
5 ties under this paragraph unless, prior to the is-
6 suance of the certificate, the Secretary conducts
7 an inspection of the reception facilities of the
8 port or terminal that is the subject of the certifi-
9 cate.

10 “(C) The Secretary may, with respect to
11 certificates issued under this paragraph prior to
12 the date of enactment of the Coast Guard Au-
13 thorization Act of 1995, prescribe by regulation
14 differing periods of validity for such certifi-
15 cates.”;

16 (3) by striking subsection (c)(3)(A) and inserting
17 the following:

18 “(A) is valid for the 5-year period begin-
19 ning on the date of issuance of the certificate, ex-
20 cept that if—

21 “(i) the charge for operation of the port
22 or terminal is transferred to a person or en-
23 tity other than the person or entity that is
24 the operator on the date of issuance of the
25 certificate—

1 “(I) the certificate shall expire on
2 the date that is 30 days after the date
3 of the transfer; and

4 “(II) the new operator shall be re-
5 quired to submit an application for a
6 certificate before a certificate may be
7 issued for the port or terminal; or

8 “(ii) the certificate is suspended or re-
9 voked by the Secretary, the certificate shall
10 cease to be valid; and”; and

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

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

16 “(A) is in effect; or

17 “(B) has been revoked or suspended.

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

20 (b) RECEPTION FACILITY PLACARDS.—Section 6(f) of
21 the Act to Prevent Pollution From Ships (33 U.S.C.
22 1905(f)) is amended—

23 (1) by inserting “(1)” before “The Secretary”;

24 and

1 (2) by adding at the end the following new para-
2 graph:

3 “(2)(A) Not later than 18 months after the date
4 of enactment of the Coast Guard Authorization Act of
5 1995, the Secretary shall promulgate regulations that
6 require the operator of each port or terminal that is
7 subject to any requirement of the MARPOL Protocol
8 relating to reception facilities to post a placard in a
9 location that can easily be seen by port and terminal
10 users. The placard shall state, at a minimum, that a
11 user of a reception facility of the port or terminal
12 should report to the Secretary any inadequacy of the
13 reception facility.”.

14 **SEC. 802. MARINE PLASTIC POLLUTION RESEARCH AND**
15 **CONTROL.**

16 (a) *COMPLIANCE REPORTS.*—Section 2201(a) of the
17 *Marine Plastic Pollution Research and Control Act of 1987*
18 *(33 U.S.C. 1902 note)* is amended—

19 (1) by striking “for a period of 6 years”; and

20 (2) by inserting before the period at the end the
21 following: “and, not later than 1 year after the date
22 of enactment of the Coast Guard Authorization Act of
23 1995, and annually thereafter, shall publish in the
24 *Federal Register* a list of the enforcement actions
25 taken against any domestic or foreign ship (including

1 *any commercial or recreational ship) pursuant to the*
2 *Act to Prevent Pollution from Ships (33 U.S.C. 1901*
3 *et seq.)”.*

4 ***(b) COORDINATION.***—*Section 2203 of the Marine Pro-*
5 *tection, Research, and Sanctuaries Act of 1972 (33 U.S.C.*
6 *2803) is amended to read as follows:*

7 ***“SEC. 2203. COORDINATION.***

8 ***“(a) ESTABLISHMENT OF MARINE DEBRIS COORDI-***
9 ***NATING COMMITTEE.***—*The Secretary of Commerce shall es-*
10 *tablish a Marine Debris Coordinating Committee.*

11 ***“(b) MEMBERSHIP.***—*The Committee shall include a*
12 *senior official from—*

13 ***“(1) the National Oceanic and Atmospheric Ad-***
14 ***ministration, who shall serve as the Chairperson of***
15 ***the Committee;***

16 ***“(2) the Environmental Protection Agency;;***

17 ***“(3) the United States Coast Guard;***

18 ***“(4) the United States Navy; and***

19 ***“(5) such other Federal agencies that have an in-***
20 ***terest in ocean issues or water pollution prevention***
21 ***and control as the Secretary of Commerce determines***
22 ***appropriate.***

23 ***“(c) MEETINGS.***—*The Committee shall meet at least*
24 *twice a year to provide a forum to ensure the coordination*
25 *of national and international research, monitoring, edu-*

1 *ction, and regulatory actions addressing the persistent ma-*
2 *rine debris problem.*

3 “(d) *MONITORING.*—*The Secretary of Commerce, act-*
4 *ing through the Administrator of the National Oceanic and*
5 *Atmospheric Administration, in cooperation with the Ad-*
6 *ministrator of the Environmental Protection Agency, shall*
7 *utilize the marine debris data derived under title V of the*
8 *Marine Protection, Research, and Sanctuaries Act of 1972*
9 *(33 U.S.C. 2801 et seq.) to assist—*

10 “(1) *the Committee in ensuring coordination of*
11 *research, monitoring, education and regulatory ac-*
12 *tions; and*

13 “(2) *the United States Coast Guard in assessing*
14 *the effectiveness of this Act and the Act to Prevent*
15 *Pollution from Ships in ensuring compliance under*
16 *section 2201.”.*

17 “(c) *PUBLIC OUTREACH PROGRAM.*—*Section 2204(a) of*
18 *the Marine Plastic Pollution Research and Control Act (42*
19 *U.S.C. 6981 note) is amended—*

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

22 (2) *by striking “and” at the end of paragraph*
23 *(1)(C);*

24 (3) *by striking the period at the end of subpara-*
25 *graph (1)(D) and inserting “; and”;*

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

3 “(E) the requirements under this Act and
4 the Act to Prevent Pollution from Ships (33
5 U.S.C. 1901 et seq.) with respect to ships and
6 ports, and the authority of citizens to report vio-
7 lations of this Act and the Act to Prevent Pollu-
8 tion from Ships (33 U.S.C. 1901 et seq.).”;

9 (5) by striking paragraph (2) and inserting the
10 following:

11 “(2) AUTHORIZED ACTIVITIES.—

12 “(A) PUBLIC OUTREACH PROGRAM.—A pub-
13 lic outreach program under paragraph (1) may
14 include—

15 “(i) developing and implementing a
16 voluntary boaters’ pledge program;

17 “(ii) workshops with interested groups;

18 “(iii) public service announcements;

19 “(iv) distribution of leaflets and post-
20 ers; and

21 “(v) any other means appropriate to
22 educating the public.

23 “(B) GRANTS AND COOPERATIVE AGREE-
24 MENTS.—To carry out this section, the Secretary
25 of the department in which the Coast Guard is

1 *operating, the Secretary of Commerce, and the*
2 *Administrator of the Environmental Protection*
3 *Agency are authorized to award grants, enter*
4 *into cooperative agreements with appropriate of-*
5 *icials of other Federal agencies and agencies of*
6 *States and political subdivisions of States and*
7 *with public and private entities, and provide*
8 *other financial assistance to eligible recipients.*

9 “(C) *CONSULTATION.*—*In developing out-*
10 *reach initiatives for groups that are subject to*
11 *the requirements of this title and the Act to Pre-*
12 *vent Pollution from Ships (33 U.S.C. 1901 et*
13 *seq.), the Secretary of the department in which*
14 *the Coast Guard is operating, in consultation*
15 *with the Secretary of Commerce, acting through*
16 *the Administrator of the National Oceanic and*
17 *Atmospheric Administration, and the Adminis-*
18 *trator of the Environmental Protection Agency,*
19 *shall consult with—*

20 “(i) *the heads of State agencies respon-*
21 *sible for implementing State boating laws;*
22 *and*

23 “(ii) *the heads of other enforcement*
24 *agencies that regulate boaters or commercial*
25 *fishermen.”.*

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

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

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

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

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

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

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

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

9 “(2) *It shall be unlawful for any person on board a*
10 *vessel of the United States or a vessel subject to the jurisdic-*
11 *tion of the United States to—*

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

15 “(B) *impede or obstruct a boarding or arrest, or*
16 *other law enforcement action authorized by any Fed-*
17 *eral law; or*

18 “(C) *provide information to a Federal law en-*
19 *forcement officer during a boarding of a vessel regard-*
20 *ing the vessel’s destination, origin, ownership, reg-*
21 *istration, nationality, cargo, or crew, which that per-*
22 *son knows or has reason to know is false.*

23 “(c) *This section does not limit in any way the pre-*
24 *existing authority of a customs officer under section 581*
25 *of the Tariff Act of 1930 or any other provision of law en-*

1 *forced or administered by the Customs Service, or the pre-*
2 *existing authority of any Federal law enforcement officer*
3 *under any law of the United States to order an aircraft*
4 *to land or a vessel to bring to.*

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

11 “(e) For purposes of this section—

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

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

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

21 “(B) an aircraft located in the airspace of
22 a foreign nation, where that nation consents to
23 the enforcement of United States law by the
24 United States; and

1 “(C) over the high seas, an aircraft without
2 nationality, an aircraft of United States reg-
3 istry, or an aircraft registered in a foreign na-
4 tion that has consented or waived objection to the
5 enforcement of United States law by the United
6 States;

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

8 “(A) an aircraft aboard which the pilot, op-
9 erator, or person in charge makes a claim of reg-
10 istry, which claim is denied by the nation whose
11 registry is claimed; and

12 “(B) an aircraft aboard which the pilot, op-
13 erator, or person in charge fails, upon request of
14 an officer of the United States empowered to en-
15 force applicable provisions of United States law,
16 to make a claim of registry for that aircraft.

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

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

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

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

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

4 “(g) An aircraft or vessel that is used in violation of
5 this section may be seized and forfeited. The laws relating
6 to the seizure, summary and judicial forfeiture, and con-
7 demnation of property for violation of the customs laws,
8 the disposition of such property or the proceeds from the
9 sale thereof, the remission or mitigation of such forfeitures,
10 and the compromise of claims, shall apply to seizures and
11 forfeitures undertaken, or alleged to have been undertaken,
12 under any of the provisions of this section; except that such
13 duties as are imposed upon the customs officer or any other
14 person with respect to the seizure and forfeiture of property
15 under the customs laws shall be performed with respect to
16 seizures and forfeitures of property under this section by
17 such officers, agents, or other persons as may be authorized
18 or designated for that purpose. A vessel or aircraft that is
19 used in violation of this section is also liable in rem for
20 any fine or civil penalty imposed under this section.”.

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

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

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

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

4 **“§ 44106a. Summary revocation of aircraft certificate**

5 “(a) The registration of an aircraft shall be imme-
6 diately revoked upon the failure of the pilot, operator, or
7 person in charge of the aircraft to follow the order of a Fed-
8 eral law enforcement officer to land an aircraft, as provided
9 in section 2237 of title 18, United States Code. The Admin-
10 istrator shall as soon as possible notify the owner of the
11 aircraft that the owner no longer holds United States reg-
12 istration for that aircraft.

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

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

17 “(2) why circumstances existed pursuant to
18 which the Administrator should determine that, not-
19 withstanding subsection (a), it would be in the public
20 interest to issue a new certificate of registration to the
21 owner to be effective concurrent with the revocation
22 occasioned by operation of subsection (a).”.

23 (b) The table of sections at the beginning of chapter
24 441 of title 49, United States Code, is amended by inserting
25 after the item relating to section 44106 the following:

“44106a. Summary revocation of aircraft certificate.”

1 (c) Title 49, United States Code, is amended by adding
2 after section 44710 the following new section:

3 **“§ 44710a. Failure to follow order to land aircraft**

4 “(a) The Administrator shall issue an order revoking
5 the airman certificate of any person if the Administrator
6 finds that—

7 “(1) such person, while acting as the pilot, oper-
8 ator, or person in charge of an aircraft failed to fol-
9 low the order of a Federal law enforcement officer to
10 land the aircraft as provided in section 2237 of title
11 18, United States Code, and

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

14 “(b) If the Administrator determines that extenuating
15 circumstances existed, such as safety of flight, which justi-
16 fied a deviation by the airman from the order to land, the
17 provisions of subsection (a) of this section shall not apply.

18 “(c) The provisions of subsections (c) and (d) of section
19 44710 shall apply to any revocation of the airman certifi-
20 cate of any person for failing to follow the order of a Federal
21 law enforcement officer to land an aircraft.”.

22 (d) The table of sections at the beginning of chapter
23 447 of title 49, United States Code, is amended by inserting
24 after the item relating to section 44710 the following:

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

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

2 (a) *IN GENERAL.*—Chapter 5 of title 14, United States
3 Code, is amended by adding at the end the following new
4 section:

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

6 “The Coast Guard may issue orders and make inquir-
7 ies, searches, seizures, and arrests with respect to violations
8 of laws of the United States occurring aboard any aircraft
9 subject to the jurisdiction of the United States as defined
10 in section 2237 of title 18, United States Code. Any order
11 issued under this section to land an aircraft shall be com-
12 municated pursuant to regulations promulgated pursuant
13 to section 2237 of title 18, United States Code.”

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

“96. Air interdiction authority.”

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

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

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

24 “(a) The master, operator, or person in charge of a
25 vessel, or the pilot, operator, or person in charge of an air-

1 *craft who fails to comply with an order of a Coast Guard*
2 *commissioned officer, warrant officer, or petty officer relat-*
3 *ing to the boarding of a vessel or landing of an aircraft*
4 *issued under the authority of section 2237 of title 18, Unit-*
5 *ed States Code, or section 96 of this title, and communicated*
6 *according to regulations promulgated under section 2237*
7 *of title 18, United States Code, or according to any applica-*
8 *ble, internationally recognized standards, or in any other*
9 *manner reasonably calculated to be received and under-*
10 *stood, shall be liable for a civil penalty of not more than*
11 *\$15,000. For intentional violations of this section, a civil*
12 *penalty of not more than \$25,000 shall be assessed.*

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

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

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

1 **SEC. 905. CUSTOMS ORDERS.**

2 *Section 581 of the Tariff Act of 1930 (19 U.S.C. 1581)*
3 *is amended by adding at the end the following new sub-*
4 *section:*

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

7 “(1) *with respect to a vehicle, a location in a*
8 *foreign country at which United States customs offi-*
9 *cers are permitted to conduct inspections, examina-*
10 *tions, or searches; and*

11 “(2) *with respect to aircraft to which this section*
12 *applies by virtue of section 644 of this Act (19 U.S.C.*
13 *1644), or regulations issued thereunder, or section*
14 *2237 of title 18, United States Code, any location*
15 *outside of the United States, including a foreign*
16 *country at which United States customs officers are*
17 *permitted to conduct inspections, examinations, or*
18 *searches.”.*

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

20 *Part V of title IV of the Tariff Act of 1930 (19 U.S.C.*
21 *1581 et seq.) is amended by adding a new section 591 (19*
22 *U.S.C. 1591) as follows:*

23 **“SEC. 591. CIVIL PENALTY FOR FAILURE TO OBEY AN**
24 **ORDER TO LAND.**

25 “(a) *The pilot, operator, or person in charge of an air-*
26 *craft who fails to comply with an order of an authorized*

1 *Federal law enforcement officer relating to the landing of*
 2 *an aircraft issued under the authority of section 581 of this*
 3 *Act, or section 2237 of title 18, United States Code, and*
 4 *communicated according to regulations promulgated under*
 5 *section 2237 of title 18, United States Code, or according*
 6 *to any applicable, internationally recognized standards, or*
 7 *in any other manner reasonably calculated to be received*
 8 *and understood, shall be liable for a civil penalty of not*
 9 *more than \$15,000. For intentional violations of this sec-*
 10 *tion, a civil penalty of not more than \$25,000 shall be as-*
 11 *sessed.*

12 “(b) *An aircraft used to violate an order relating to*
 13 *the landing of an aircraft issued under the authority of sec-*
 14 *tion 581 of this Act, or section 2237 of title 18, United*
 15 *States Code, is also liable in rem and may be seized, for-*
 16 *feited, and sold in accordance with Customs law, specifi-*
 17 *cally section 1594 of Title 19, United States Code.”.*

18 **TITLE X—CONVEYANCES**

19 **SEC. 1001. CONVEYANCE OF PROPERTY IN MASSACHU-** 20 **SETTS.**

21 (a) *AUTHORITY TO CONVEY.—*

22 (1) *IN GENERAL.—The Secretary shall convey,*
 23 *by an appropriate means of conveyance, all right,*
 24 *title, and interest of the United States in and to the*
 25 *properties described in paragraph (3) to the persons*

1 to whom each such property is to be conveyed under
2 that paragraph.

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

6 (3) *PROPERTIES CONVEYED.*—

7 (A) *CAPE ANN LIGHTHOUSE.*—The Sec-
8 retary shall convey to the town of Rockport, Mas-
9 sachusetts, by an appropriate means of convey-
10 ance, all right, title, and interest of the United
11 States in and to the property comprising the
12 Cape Ann Lighthouse, located on Thacher Island,
13 Massachusetts.

14 (B) *COAST GUARD PROPERTY IN GOSNOLD,*
15 *MASSACHUSETTS.*—The Secretary may convey to
16 the town of Gosnold, Massachusetts, without re-
17 imbursement and by no later than 120 days
18 after the date of enactment of this Act, all right,
19 title, and interest of the United States in and to
20 the property known as the “United States Coast
21 Guard Cuttyhunk Boathouse and Wharf” located
22 in the town of Gosnold, Massachusetts.

23 (b) *TERMS OF CONVEYANCE.*—

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

1 (A) without payment of consideration; and

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

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

13 (A) ceases to be maintained in a manner
14 that ensures its present or future use as a Coast
15 Guard aid to navigation; or

16 (B) ceases to be maintained in a manner
17 consistent with the provisions of the National
18 Historic Preservation Act of 1966 (16 U.S.C.
19 470 et seq.).

20 (3) *MAINTENANCE OF NAVIGATION FUNCTIONS.*—
21 The conveyance of property pursuant to this section
22 shall be made subject to the conditions that the Sec-
23 retary considers to be necessary to assure that—

24 (A) the lights, antennas, and associated
25 equipment located on the property conveyed,

1 *which are active aids to navigation, shall con-*
2 *tinue to be operated and maintained by the*
3 *United States;*

4 *(B) the person to which the property is con-*
5 *veyed may not interfere or allow interference in*
6 *any manner with aids to navigation without ex-*
7 *press written permission from the Secretary;*

8 *(C) there is reserved to the United States*
9 *the right to relocate, replace, or add any aid to*
10 *navigation or make any changes to the property*
11 *conveyed as may be necessary for navigational*
12 *purposes;*

13 *(D) the United States shall have the right,*
14 *at any time, to enter the property without notice*
15 *for the purpose of maintaining aids to naviga-*
16 *tion; and*

17 *(E) the United States shall have an ease-*
18 *ment of access to the property for the purpose of*
19 *maintaining the aids to navigation in use on the*
20 *property.*

21 (4) *OBLIGATION LIMITATION.—The person to*
22 *which the property is conveyed is not required to*
23 *maintain any active aid to navigation equipment on*
24 *property conveyed pursuant to this section.*

1 (5) *MAINTENANCE OF PROPERTY.*—*The person to*
 2 *which the property is conveyed shall maintain the*
 3 *property in accordance with the National Historic*
 4 *Preservation Act of 1966 (16 U.S.C. 470 et seq.), and*
 5 *other applicable laws.*

6 (c) *DEFINITIONS.*—*For purposes of this section—*

7 (1) *the term “Cape Ann Lighthouse” means the*
 8 *Coast Guard property located on Thacher Island,*
 9 *Massachusetts, except any historical artifact, includ-*
 10 *ing any lens or lantern, located on the property at or*
 11 *before the time of the conveyance;*

12 (2) *the term “United States Coast Guard*
 13 *Cuttyhunk Boathouse and Wharf” means real prop-*
 14 *erty located in the town of Gosnold, Massachusetts*
 15 *(including all buildings, structures, equipment, and*
 16 *other improvements), as determined by the Secretary*
 17 *of Transportation; and*

18 (3) *the term “Secretary” means the Secretary of*
 19 *Transportation.*

20 **SEC. 1002. CONVEYANCE OF CERTAIN LIGHTHOUSES LO-**
 21 **CATED IN MAINE.**

22 (a) *AUTHORITY TO CONVEY.*—

23 (1) *IN GENERAL.*—*The Secretary of Transpor-*
 24 *tation (in this section referred to as the “Secretary”)*
 25 *may convey to the Island Institute, Rockland, Maine,*

1 *(in this section referred to as the “Institute”), by an*
2 *appropriate means of conveyance, all right, title, and*
3 *interest of the United States in and to any of the fa-*
4 *ilities and real property and improvements described*
5 *in paragraph (2).*

6 (2) *IDENTIFICATION OF PROPERTIES.—Para-*
7 *graph (1) applies to lighthouses, together with any*
8 *real property and other improvements associated*
9 *therewith, located in the State of Maine as follows:*

10 (A) *Whitehead Island Light.*

11 (B) *Deer Island Thorofare (Mark Island)*
12 *Light.*

13 (C) *Burnt Island Light.*

14 (D) *Rockland Harbor Breakwater Light.*

15 (E) *Monhegan Island Light.*

16 (F) *Eagle Island Light.*

17 (G) *Curtis Island Light.*

18 (H) *Moose Peak Light.*

19 (I) *Great Duck Island Light.*

20 (J) *Goose Rocks Light.*

21 (K) *Isle au Haut Light.*

22 (L) *Goat Island Light.*

23 (M) *Wood Island Light.*

24 (N) *Doubling Point Light.*

25 (O) *Doubling Point Front Range Light.*

1 (P) Doubling Point Rear Range Light.

2 (Q) Little River Light.

3 (R) Spring Point Ledge Light.

4 (S) Ram Island Light (Boothbay).

5 (T) Seguin Island Light.

6 (U) Marshall Point Light.

7 (V) Fort Point Light.

8 (W) West Quoddy Head Light.

9 (X) Brown's Head Light.

10 (Y) Cape Neddick Light.

11 (Z) Halfway Rock Light.

12 (AA) Ram Island Ledge Light.

13 (BB) Mount Desert Rock Light.

14 (CC) Whitlock's Mill Light.

15 (3) *DEADLINE FOR CONVEYANCE.*—The convey-
16 ances authorized by this subsection shall take place,
17 if at all, not later than 5 years after the date of the
18 enactment of this Act.

19 (4) *ADDITIONAL CONVEYANCES TO UNITED*
20 *STATES FISH AND WILDLIFE SERVICE.*—The Secretary
21 may transfer, in accordance with the terms and con-
22 ditions of subsection (b), the following lighthouses, to-
23 gether with any real property and improvements as-
24 sociated therewith, directly to the United States Fish
25 and Wildlife Service:

1 (A) *Two Bush Island Light.*

2 (B) *Egg Rock Light.*

3 (C) *Libby Island Light.*

4 (D) *Matinicus Rock Light.*

5 (b) *TERMS OF CONVEYANCE.—*

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

8 (A) *without payment of consideration; and*

9 (B) *subject to the conditions required by*
10 *paragraphs (2) and (3) and other terms and*
11 *conditions the Secretary may consider appro-*
12 *priate.*

13 (2) *MAINTENANCE OF NAVIGATION FUNCTION.—*

14 *The conveyance of property pursuant to this section*
15 *shall be made subject to the conditions that the Sec-*
16 *retary considers necessary to assure that—*

17 (A) *the lights, antennas, and associated*
18 *equipment located on the property conveyed,*
19 *which are active aids to navigation, shall con-*
20 *tinue to be operated and maintained by the*
21 *United States;*

22 (B) *the Institute, the United States Fish*
23 *and Wildlife Service, and an entity to which*
24 *property is conveyed under this section may not*
25 *interfere or allow interference in any manner*

1 *with aids to navigation without express written*
2 *permission from the Secretary;*

3 *(C) there is reserved to the United States*
4 *the right to relocate, replace, or add any aid to*
5 *navigation or make any changes to property con-*
6 *veyed under this section as may be necessary for*
7 *navigational purposes;*

8 *(D) the United States shall have the right,*
9 *at any time, to enter property conveyed under*
10 *this section without notice for the purpose of*
11 *maintaining aids to navigation; and*

12 *(E) the United States shall have an ease-*
13 *ment of access to property conveyed under this*
14 *section for the purpose of maintaining the aids*
15 *to navigation in use on the property.*

16 (3) *OBLIGATION LIMITATION.*—*The Institute, or*
17 *any entity to which the Institute conveys a lighthouse*
18 *under subsection (d), is not required to maintain any*
19 *active aid to navigation equipment on a property*
20 *conveyed under this section.*

21 (4) *REVERSIONARY INTEREST.*—*In addition to*
22 *any term or condition established pursuant to para-*
23 *graph (1), the conveyance of property pursuant to*
24 *this section shall be subject to the condition that all*

1 *right, title, and interest in such property shall imme-*
2 *diately revert to the United States if—*

3 *(A) such property or any part of such prop-*
4 *erty ceases to be used for educational, historic,*
5 *recreational, cultural, and wildlife conservation*
6 *programs for the general public and for such*
7 *other uses as the Secretary determines to be not*
8 *inconsistent or incompatible with such uses;*

9 *(B) such property or any part of such prop-*
10 *erty ceases to be maintained in a manner that*
11 *ensures its present or future use as a Coast*
12 *Guard aid to navigation;*

13 *(C) such property or any part of such prop-*
14 *erty ceases to be maintained in a manner con-*
15 *sistent with the provisions of the National His-*
16 *toric Preservation Act of 1966 (16 U.S.C. 470 et*
17 *seq.); or*

18 *(D) the Secretary determines that—*

19 *(i) the Institute is unable to identify*
20 *an entity eligible for the conveyance of the*
21 *lighthouse under subsection (d) within the*
22 *3-year period beginning on the date of the*
23 *conveyance of the lighthouse to the Institute*
24 *under subsection (a); or*

1 (ii) in the event that the Institute iden-
2 tifies an entity eligible for the conveyance
3 within that period—

4 (I) the entity is unable or unwill-
5 ing to accept the conveyance and the
6 Institute is unable to identify another
7 entity eligible for the conveyance with-
8 in that period; or

9 (II) the Maine Lighthouse Selec-
10 tion Committee established under sub-
11 section (d)(3)(A) disapproves of the en-
12 tity identified by the Institute and the
13 Institute is unable to identify another
14 entity eligible for the conveyance with-
15 in that period.

16 (c) *INSPECTION.*—The State Historic Preservation Of-
17 ficer of the State of Maine may inspect any lighthouse, and
18 any real property and improvements associated therewith,
19 that is conveyed under this section at any time, without
20 notice, for purposes of ensuring that the lighthouse is being
21 maintained in the manner required under subsection (b).
22 The Institute, and any subsequent conveyee of the Institute
23 under subsection (d), shall cooperate with the official re-
24 ferred to in the preceding sentence in the inspections of that
25 official under this subsection.

1 (d) *SUBSEQUENT CONVEYANCE.*—

2 (1) *REQUIREMENT.*—

3 (A) *IN GENERAL.*—*Except as provided in*
4 *subparagraph (B), the Institute shall convey,*
5 *without consideration, all right, title, and inter-*
6 *est of the Institute in and to the lighthouses con-*
7 *veyed to the Institute under subsection (a), to-*
8 *gether with any real property and improvements*
9 *associated therewith, to one or more entities*
10 *identified under paragraph (2) and approved by*
11 *the committee established under paragraph (3)*
12 *in accordance with the provisions of such para-*
13 *graph (3).*

14 (B) *EXCEPTION.*—*The Institute, with the*
15 *concurrence of the Maine Lighthouse Selection*
16 *Committee and in accordance with the terms*
17 *and conditions of subsection (b), may retain*
18 *right, title, and interest in and to the following*
19 *lighthouses conveyed to the Institute:*

20 (i) *Whitehead Island Light.*

21 (ii) *Deer Island Thorofare (Mark Is-*
22 *land) Light.*

23 (2) *IDENTIFICATION OF ELIGIBLE ENTITIES.*—

24 (A) *IN GENERAL.*—*Subject to subparagraph*
25 (B), *the Institute shall identify entities eligible*

1 *for the conveyance of a lighthouse under this sub-*
2 *section. Such entities shall include any depart-*
3 *ment or agency of the Federal Government, any*
4 *department or agency of the Government of the*
5 *State of Maine, any local government in that*
6 *State, or any nonprofit corporation, educational*
7 *agency, or community development organization*
8 *that—*

9 *(i) is financially able to maintain the*
10 *lighthouse (and any real property and im-*
11 *provements conveyed therewith) in accord-*
12 *ance with the conditions set forth in sub-*
13 *section (b);*

14 *(ii) has agreed to permit the inspec-*
15 *tions referred to in subsection (c); and*

16 *(iii) has agreed to comply with the*
17 *conditions set forth in subsection (b); and to*
18 *have such conditions recorded with the deed*
19 *of title to the lighthouse and any real prop-*
20 *erty and improvements that may be con-*
21 *veyed therewith.*

22 *(B) ORDER OF PRIORITY.—In identifying*
23 *entities eligible for the conveyance of a lighthouse*
24 *under this paragraph, the Institute shall give*
25 *priority to entities in the following order, which*

1 *are also the exclusive entities eligible for the con-*
2 *veyance of a lighthouse under this section:*

3 *(i) Agencies of the Federal Govern-*
4 *ment.*

5 *(ii) Entities of the Government of the*
6 *State of Maine.*

7 *(iii) Entities of local governments in*
8 *the State of Maine.*

9 *(iv) Nonprofit corporations, edu-*
10 *cational agencies, and community develop-*
11 *ment organizations.*

12 (3) *SELECTION OF CONVEYEES AMONG ELIGIBLE*
13 *ENTITIES.—*

14 (A) *COMMITTEE.—*

15 (i) *IN GENERAL.—There is hereby es-*
16 *tablished a committee to be known as the*
17 *Maine Lighthouse Selection Committee (in*
18 *this paragraph referred to as the “Commit-*
19 *tee”).*

20 (ii) *MEMBERSHIP.—The Committee*
21 *shall consist of five members appointed by*
22 *the Secretary as follows:*

23 (I) *One member, who shall serve*
24 *as the Chairman of the Committee,*
25 *shall be appointed from among indi-*

1 *viduals recommended by the Governor*
2 *of the State of Maine.*

3 (II) *One member shall be the*
4 *State Historic Preservation Officer of*
5 *the State of Maine, with the consent of*
6 *that official, or a designee of that offi-*
7 *cial.*

8 (III) *One member shall be ap-*
9 *pointed from among individuals rec-*
10 *ommended by State and local organi-*
11 *zations in the State of Maine that are*
12 *concerned with lighthouse preservation*
13 *or maritime heritage matters.*

14 (IV) *One member shall be ap-*
15 *pointed from among individuals rec-*
16 *ommended by officials of local govern-*
17 *ments of the municipalities in which*
18 *the lighthouses are located.*

19 (V) *One member shall be ap-*
20 *pointed from among individuals rec-*
21 *ommended by the Secretary of the Inte-*
22 *rior.*

23 (iii) *APPOINTMENT DEADLINE.—The*
24 *Secretary shall appoint the members of the*

1 *Committee not later than 90 days after the*
2 *date of the enactment of this Act.*

3 *(iv) MEMBERSHIP TERM.—*

4 *(I) Members of the Committee*
5 *shall serve for such terms not longer*
6 *than 3 years as the Secretary shall*
7 *provide. The Secretary may stagger the*
8 *terms of initial members of the Com-*
9 *mittee in order to ensure continuous*
10 *activity by the Committee.*

11 *(II) Any member of the Commit-*
12 *tee may serve after the expiration of*
13 *the term of the member until a succes-*
14 *sor to the member is appointed. A va-*
15 *cancy in the Committee shall be filled*
16 *in the same manner in which the*
17 *original appointment was made.*

18 *(v) VOTING.—The Committee shall act*
19 *by an affirmative vote of a majority of the*
20 *members of the Committee.*

21 *(B) RESPONSIBILITIES.—*

22 *(i) IN GENERAL.—The Committee*
23 *shall—*

24 *(I) review the entities identified*
25 *by the Institute under paragraph (2)*

1 *as entities eligible for the conveyance*
2 *of a lighthouse; and*

3 (ii) *approve one such entity, or*
4 *disapprove all such entities, as entities*
5 *to which the Institute may make the*
6 *conveyance of the lighthouse under this*
7 *subsection.*

8 (i) *APPROVAL.—If the Committee ap-*
9 *proves an entity for the conveyance of a*
10 *lighthouse, the Committee shall notify the*
11 *Institute of such approval.*

12 (ii) *DISAPPROVAL.—If the Committee*
13 *disapproves of the entities, the Committee*
14 *shall notify the Institute and, subject to sub-*
15 *section (b)(4)(D)(ii), the Institute shall*
16 *identify other entities eligible for the con-*
17 *veyance of the lighthouse under paragraph*
18 *(2). The Committee shall review and ap-*
19 *prove or disapprove entities identified pur-*
20 *suant to the preceding sentence in accord-*
21 *ance with this subparagraph and the cri-*
22 *teria set forth in subsection (b).*

23 (C) *EXEMPTION FROM FACa.—The Federal*
24 *Advisory Committee Act (5 U.S.C. App.) shall*
25 *not apply to the Committee, however, all meet-*

1 *ings of the Committee shall be open to the public*
2 *and preceded by appropriate public notice.*

3 (D) *TERMINATION.*—*The Committee shall*
4 *terminate 8 years from the date of the enactment*
5 *of this Act.*

6 (4) *CONVEYANCE.*—*Upon notification under*
7 *paragraph (3)(B)(ii) of the approval of an identified*
8 *entity for conveyance of a lighthouse under this sub-*
9 *section, the Institute shall, with the consent of the en-*
10 *tity, convey the lighthouse to the entity.*

11 (5) *RESPONSIBILITIES OF CONVEYEEES.*—*Each*
12 *entity to which the Institute conveys a lighthouse*
13 *under this subsection, or any successor or assign of*
14 *such entity in perpetuity, shall—*

15 (A) *use and maintain the lighthouse in ac-*
16 *cordance with subsection (b) and have such terms*
17 *and conditions recorded with the deed of title to*
18 *the lighthouse and any real property conveyed*
19 *therewith; and*

20 (B) *permit the inspections referred to in*
21 *subsection (c).*

22 (e) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
23 *and legal description of any lighthouse, and any real prop-*
24 *erty and improvements associated therewith, conveyed*
25 *under subsection (a) shall be determined by the Secretary.*

1 *The Secretary shall retain all right, title, and interest of*
2 *the United States in and to any historical artifact, includ-*
3 *ing any lens or lantern, that is associated with the light-*
4 *houses conveyed under this subsection, whether located at*
5 *the lighthouse or elsewhere. The Secretary shall identify any*
6 *equipment, system, or object covered by this paragraph.*

7 *(f) REPORT.—Not later than 1 year after the date of*
8 *the enactment of this Act, and annually thereafter for the*
9 *next 7 years, the Secretary shall submit to Congress a report*
10 *on the conveyance of lighthouses under this section. The re-*
11 *port shall include a description of the implementation of*
12 *the provisions of this section, and the requirements arising*
13 *under such provisions, in—*

14 *(1) providing for the use and maintenance of the*
15 *lighthouses conveyed under this section in accordance*
16 *with subsection (b);*

17 *(2) providing for public access to such light-*
18 *houses; and*

19 *(3) achieving the conveyance of lighthouses to ap-*
20 *propriate entities under subsection (d).*

21 **SEC. 1003. CONVEYANCE OF SQUIRREL POINT LIGHT.**

22 *(a) AUTHORITY TO CONVEY.—*

23 *(1) IN GENERAL.—The Secretary of Transpor-*
24 *tation (in this section referred to as the “Secretary”)*
25 *shall convey to Squirrel Point Associates, Incor-*

1 *porated, by an appropriate means of conveyance, all*
2 *right, title, and interest of the United States in and*
3 *to the property comprising the Squirrel Point Light,*
4 *located in the town of Arrowsic, Maine.*

5 (2) *IDENTIFICATION OF PROPERTY.*—*The Sec-*
6 *retary may identify, describe, and determine the*
7 *property to be conveyed pursuant to this subsection.*

8 (b) *TERMS OF CONVEYANCE.*—

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

11 (A) *without payment of consideration; and*

12 (B) *subject to the conditions required by*
13 *paragraphs (3) and (4) and other terms and*
14 *conditions the Secretary may consider appro-*
15 *priate.*

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

23 (A) *ceases to be used as a nonprofit center*
24 *for the interpretation and preservation of mari-*
25 *time history;*

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

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

8 (3) MAINTENANCE OF NAVIGATION FUNCTION.—
9 The conveyance of property pursuant to this section
10 shall be made subject to the conditions that the Sec-
11 retary considers to be necessary to assure that—

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

17 (B) Squirrel Point Associates, Incorporated,
18 may not interfere or allow interference in any
19 manner with aids to navigation without express
20 written permission from the Secretary;

21 (C) there is reserved to the United States
22 the right to relocate, replace, or add any aid to
23 navigation or make any changes to the Squirrel
24 Point Light as may be necessary for naviga-
25 tional purposes;

1 (D) *the United States shall have the right,*
2 *at any time, to enter the property without notice*
3 *for the purpose of maintaining aids to naviga-*
4 *tion; and*

5 (E) *the United States shall have an ease-*
6 *ment of access to the property for the purpose of*
7 *maintaining the aids to navigation in use on the*
8 *property.*

9 (4) *OBLIGATION LIMITATION.—The Squirrel*
10 *Point Associates, Incorporated, is not required to*
11 *maintain any active aid to navigation equipment on*
12 *property conveyed pursuant to this section.*

13 (5) *MAINTENANCE OF PROPERTY.—The Squirrel*
14 *Point Associates, Incorporated, shall maintain the*
15 *Squirrel Point Light in accordance with the National*
16 *Historic Preservation Act of 1966 (16 U.S.C. 470 et*
17 *seq.), and other applicable laws.*

18 (c) *DEFINITIONS.—For purposes of this section, the*
19 *term “Squirrel Point Light” means the Coast Guard light*
20 *station located in the town of Arrowsic, Sagadahoc County,*
21 *Maine—*

22 (1) *including the light tower, dwelling, boat*
23 *house, oil house, barn, any other ancillary buildings*
24 *and such land as may be necessary to enable Squirrel*

1 *Point Associates, Incorporated, to operate a non-prof-*
2 *it center for public benefit; and*

3 *(2) except any historical artifact, including any*
4 *lens or lantern, located on the property at or before*
5 *the time of the conveyance.*

6 **SEC. 1004. CONVEYANCE OF MONTAUK LIGHT STATION,**

7 **NEW YORK.**

8 *(a) AUTHORITY TO CONVEY.—*

9 *(1) IN GENERAL.—The Secretary of Transpor-*
10 *tation shall convey to the Montauk Historical Asso-*
11 *ciation in Montauk, New York, by an appropriate*
12 *means of conveyance, all right, title, and interest of*
13 *the United States in and to property comprising*
14 *Montauk Light Station, located at Montauk, New*
15 *York.*

16 *(2) IDENTIFICATION OF PROPERTY.—The Sec-*
17 *retary may identify, describe, and determine the*
18 *property to be conveyed pursuant to this section.*

19 *(b) TERMS OF CONVEYANCE.—*

20 *(1) IN GENERAL.—A conveyance of property*
21 *pursuant to this section shall be made—*

22 *(A) without the payment of consideration;*

23 *and*

24 *(B) subject to the conditions required by*
25 *paragraphs (3) and (4) and such other terms*

1 *and conditions as the Secretary may consider*
2 *appropriate.*

3 (2) *REVERSIONARY INTEREST.*—*In addition to*
4 *any term or condition established pursuant to para-*
5 *graph (1), any conveyance of property comprising the*
6 *Montauk Light Station pursuant to subsection (a)*
7 *shall be subject to the condition that all right, title,*
8 *and interest in and to the property so conveyed shall*
9 *immediately revert to the United States if the prop-*
10 *erty, or any part thereof—*

11 (A) *ceases to be maintained as a nonprofit*
12 *center for public benefit for the interpretation*
13 *and preservation of the material culture of the*
14 *United States Coast Guard, the maritime history*
15 *of Montauk, New York, and Native American*
16 *and colonial history;*

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

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

24 (3) *MAINTENANCE OF NAVIGATION FUNCTIONS.*—
25 *Any conveyance of property pursuant to this section*

1 *shall be subject to such conditions as the Secretary*
2 *considers to be necessary to assure that—*

3 *(A) the light, antennas, sound signal, and*
4 *associated lighthouse equipment located on the*
5 *property conveyed, which are active aids to navi-*
6 *gation, shall continue to be operated and main-*
7 *tained by the United States for as long as they*
8 *are needed for this purpose;*

9 *(B) the Montauk Historical Association*
10 *may not interfere or allow interference in any*
11 *manner with such aids to navigation without ex-*
12 *press written permission from the United States;*

13 *(C) there is reserved to the United States*
14 *the right to replace, or add any aids to naviga-*
15 *tion, or make any changes to the Montauk Light*
16 *Station as may be necessary for navigation pur-*
17 *poses;*

18 *(D) the United States shall have the right,*
19 *at any time, to enter the property conveyed with-*
20 *out notice for the purpose of maintaining navi-*
21 *gation aids;*

22 *(E) the United States shall have an ease-*
23 *ment of access to such property for the purpose*
24 *of maintaining the navigational aids in use on*
25 *the property; and*

1 (F) *the Montauk Light Station shall revert*
2 *to the United States at the end of the 30-day pe-*
3 *riod beginning on any date on which the Sec-*
4 *retary of Transportation provides written notice*
5 *to the Montauk Historical Association that the*
6 *Montauk Light Station is needed for national se-*
7 *curity purposes.*

8 (4) *MAINTENANCE OF PROPERTY.—Any convey-*
9 *ance of property under this section shall be subject to*
10 *the condition that the Montauk Historical Association*
11 *shall maintain the Montauk Light Station in accord-*
12 *ance with the provisions of the National Historic*
13 *Preservation Act (16 U.S.C. 470 et seq.) and other*
14 *applicable laws.*

15 (5) *OBLIGATION LIMITATION.—The Montauk*
16 *Historical Association shall not have any obligation*
17 *to maintain any active aid to navigation equipment*
18 *on property conveyed pursuant to this section.*

19 (c) *MONTAUK LIGHT STATION DEFINED.—For pur-*
20 *poses of this section, the term “Montauk Light Station”*
21 *means the Coast Guard light station known as Light Sta-*
22 *tion Montauk Point, located at Montauk, New York, includ-*
23 *ing the lighthouse, the keeper’s dwellings, adjacent Coast*
24 *Guard rights of way, the World War II submarine spotting*
25 *tower, the lighthouse tower, and the paint locker, except any*

1 *historical artifact, including any lens or lantern, located*
2 *on the property at or before the time of conveyance.*

3 **SEC. 1005. CONVEYANCE OF POINT ARENA LIGHT STATION.**

4 (a) *AUTHORITY TO CONVEY.—*

5 (1) *IN GENERAL.—At such time as the Secretary*
6 *determines the Point Arena Light Station to be excess*
7 *to the needs of the Coast Guard, the Secretary of*
8 *Transportation shall convey to the Point Arena*
9 *Lighthouse Keepers, Inc., by an appropriate means of*
10 *conveyance, all right, title, and interest of the United*
11 *States in and to The Point Arena Lighthouse, located*
12 *in Mendocino County, California, except that the*
13 *Coast Guard shall retain all right, title, and interest*
14 *in any historical artifact, including any lens or lan-*
15 *tern, on the property conveyed pursuant to this sec-*
16 *tion, or belonging to the property, whether located on*
17 *the property or elsewhere, except that such lens must*
18 *be retained within the boundary of the State of Cali-*
19 *fornia.*

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

23 (b) *TERMS OF CONVEYANCE.—*

24 (1) *IN GENERAL.—A conveyance of property*
25 *pursuant to this section shall be made—*

1 (A) *without the payment of consideration;*
2 *and*

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

5 (2) *REVERSIONARY INTEREST.—In addition to*
6 *any term or condition established pursuant to para-*
7 *graph (1), any conveyance of property comprising the*
8 *Point Arena Light Station pursuant to subsection (a)*
9 *shall be subject to the condition that all right, title,*
10 *and interest in and to the property so conveyed shall*
11 *immediately revert to the United States if the prop-*
12 *erty, or any part thereof ceases to be maintained as*
13 *a nonprofit center for public benefit for the interpre-*
14 *tation and preservation of the maritime history of*
15 *Point Arena, California.*

16 (3) *MAINTENANCE OF NAVIGATION FUNCTIONS.—*
17 *Any conveyance of property pursuant to this section*
18 *shall be subject to such conditions as the Secretary*
19 *considers to be necessary to assure that—*

20 (A) *the light, antennas, sound signal, and*
21 *associated lighthouse equipment located on the*
22 *property conveyed, which are active aids to navi-*
23 *gation, shall continue to be operated and main-*
24 *tained by the United States for as long as they*
25 *are needed for this purpose;*

1 (B) *the Point Arena Lighthouse Keepers,*
2 *Inc., or any successors or assigns, may not inter-*
3 *fere or allow interference in any manner with*
4 *such aids to navigation without express written*
5 *permission from the United States;*

6 (C) *there is reserved to the United States*
7 *the right to relocate, replace, or add any aids to*
8 *navigation, or make any changes to the Point*
9 *Arena Light Station as may be necessary for*
10 *navigation purposes;*

11 (D) *the United States shall have the right,*
12 *at any time, to enter the property conveyed with-*
13 *out notice for the purpose of maintaining navi-*
14 *gation aids;*

15 (E) *the United States shall have an ease-*
16 *ment of access to such property for the purpose*
17 *of maintaining the navigational aids in use on*
18 *the property; and*

19 (F) *the Point Arena Light Station shall re-*
20 *vert to the United States at the end of the 30-*
21 *day period beginning on any date on which the*
22 *Secretary of Transportation provides written no-*
23 *tice to the Point Arena Lighthouse Keepers, Inc.,*
24 *that the Point Arena Light Station is needed for*
25 *national security purposes.*

1 (4) *MAINTENANCE OF PROPERTY.*—Any convey-
2 ance of property under this section shall be subject to
3 the condition that the Point Arena Lighthouse Keep-
4 ers, Inc., shall maintain the Point Arena Light Sta-
5 tion in accordance with the provisions of the National
6 Historic Preservation Act (16 U.S.C. 470 et seq.) and
7 other applicable laws.

8 (5) *OBLIGATION LIMITATION.*—The Point Arena
9 Lighthouse Keepers, Inc., or any successors or assigns,
10 shall not have any obligation to maintain any active
11 aid to navigation equipment on property conveyed
12 pursuant to this section.

13 (c) *MAINTENANCE STANDARD.*—The Point Arena
14 Lighthouse Keepers, Inc., or any successor or assign, at its
15 own cost and expense, shall maintain, in a proper, substan-
16 tial and workmanlike manner, all properties conveyed.

17 (d) *DEFINITIONS.*—For purposes of this section—

18 (1) the term “Point Arena Light Station” means
19 the Coast Guard property and improvements located
20 at Point Arena, California, including the light tower
21 building, fog signal building, 2 small shelters, 4 resi-
22 dential quarters, and a restroom facility; and

23 (2) the term “Secretary” means the Secretary of
24 the department in which the Coast Guard is operat-
25 ing.

1 **SEC. 1006. CONVEYANCE OF PROPERTY IN KETCHIKAN,**
2 **ALASKA.**

3 (a) *AUTHORITY TO CONVEY.*—The Secretary of Trans-
4 portation, in cooperation with the Administrator of the
5 General Services Administration, shall convey to the Ketch-
6 ican Indian Corporation in Ketchikan, Alaska, without re-
7 imbursement and by no later than 120 days after the date
8 of enactment of this Act, all right, title, and interest of the
9 United States in and to the property known as the “Former
10 Marine Safety Detachment” as identified in Report of Ex-
11 cess Number CG-689 (GSA Control Number 9-U-AK-
12 0747) and described in subsection (b), for use as a health
13 or social services facility.

14 (b) *IDENTIFICATION OF PROPERTY.*—The property re-
15 ferred to in subsection (a) is real property located in the
16 city of Ketchikan, Township 75 south, range 90 east, Cop-
17 per River Meridian, First Judicial District, State of Alas-
18 ka, and commencing at corner numbered 10, United States
19 Survey numbered 1079, the true point of beginning for this
20 description: Thence north 24 degrees 04 minutes east, along
21 the 10–11 line of said survey a distance of 89.76 feet to
22 corner numbered 1 of lot 5B; thence south 65 degrees 56
23 minutes east a distance of 345.18 feet to corner numbered
24 2 of lot 5B; thence south 24 degrees 04 minutes west a dis-
25 tance of 101.64 feet to corner numbered 3 of lot 5B; thence
26 north 64 degrees 01 minute west a distance of 346.47 feet

1 to corner numbered 10 of said survey, to the true point of
2 beginning, consisting of 0.76 acres (more or less), and all
3 improvements located on that property, including build-
4 ings, structures, and equipment.

5 (c) *REVERSIONARY INTEREST.*—In addition to any
6 term or condition established pursuant to subsection (a),
7 any conveyance of property described in subsection (b) shall
8 be subject to the condition that all right, title, and interest
9 in and to the property so conveyed shall immediately revert
10 to the United States if the property, or any part thereof,
11 ceases to be used as a health or social services facility.

12 **SEC. 1007. CONVEYANCE OF PROPERTY IN TRAVERSE CITY,**
13 **MICHIGAN.**

14 (a) *AUTHORITY TO CONVEY.*—The Secretary of Trans-
15 portation (or any other official having control over the
16 property described in subsection (b)) shall expeditiously
17 convey to the Traverse City Area Public School District in
18 Traverse City, Michigan, without consideration, all right,
19 title, and interest of the United States in and to the prop-
20 erty described in subsection (b), subject to all easements and
21 other interests in the property held by any other person.

22 (b) *IDENTIFICATION OF PROPERTY.*—The property re-
23 ferred to in subsection (a) is real property located in the
24 city of Traverse City, Grand Traverse County, Michigan,
25 and consisting of that part of the southeast 1/4 of Section

1 12, Township 27 North, Range 11 West, described as: Com-
2 mencing at the southeast 1/4 corner of said Section 12,
3 thence north 03 degrees 05 minutes 25 seconds east along
4 the East line of said Section, 1074.04 feet, thence north 86
5 degrees 36 minutes 50 seconds west 207.66 feet, thence north
6 03 degrees 06 minutes 00 seconds east 572.83 feet to the
7 point of beginning, thence north 86 degrees 54 minutes 00
8 seconds west 1,751.04 feet, thence north 03 degrees 02 min-
9 utes 38 seconds east 330.09 feet, thence north 24 degrees 04
10 minutes 40 seconds east 439.86 feet, thence south 86 degrees
11 56 minutes 15 seconds east 116.62 feet, thence north 03 de-
12 grees 08 minutes 45 seconds east 200.00 feet, thence south
13 87 degrees 08 minutes 20 seconds east 68.52 feet, to the
14 southerly right-of-way of the C & O Railroad, thence south
15 65 degrees 54 minutes 20 seconds east along said right-of-
16 way 1508.75 feet, thence south 03 degrees 06 minutes 00
17 seconds west 400.61 to the point of beginning, consisting
18 of 27.10 acres of land, and all improvements located on that
19 property including buildings, structures, and equipment.

20 (c) REVERSIONARY INTEREST.—In addition to any
21 term or condition established pursuant to subsection (a) or
22 (d), any conveyance of property described in subsection (b)
23 shall be subject to the condition that all right, title, and
24 interest in and to the property so conveyed shall imme-
25 diately revert to the United States if the property, or any

1 *part thereof, ceases to be used by the Traverse City Area*
 2 *Public School District.*

3 (d) *TERMS OF CONVEYANCE.*—*The conveyance of prop-*
 4 *erty under this section shall be subject to such conditions*
 5 *as the Secretary considers to be necessary to assure that—*

6 (1) *the pump room located on the property shall*
 7 *continue to be operated and maintained by the Unit-*
 8 *ed States for as long as it is needed for this purpose;*

9 (2) *the United States shall have an easement of*
 10 *access to the property for the purpose of operating*
 11 *and maintaining the pump room; and*

12 (3) *the United States shall have the right, at any*
 13 *time, to enter the property without notice for the pur-*
 14 *pose of operating and maintaining the pump room.*

15 **SEC. 1008. TRANSFER OF COAST GUARD PROPERTY IN NEW**
 16 **SHOREHAM, RHODE ISLAND.**

17 (a) *REQUIREMENT.*—*The Secretary of Transportation*
 18 *(or any other official having control over the property de-*
 19 *scribed in subsection (b)) shall expeditiously convey to the*
 20 *town of New Shoreham, Rhode Island, without consider-*
 21 *ation, all right, title, and interest of the United States in*
 22 *and to the property known as the United States Coast*
 23 *Guard Station Block Island, as described in subsection (b),*
 24 *subject to all easements and other interest in the property*
 25 *held by any other person.*

1 (b) *PROPERTY DESCRIBED.*—The property referred to
2 in subsection (a) is real property (including buildings and
3 improvements) located on the west side of Block Island,
4 Rhode Island, at the entrance to the Great Salt Pond and
5 referred to in the books of the Tax Assessor of the town of
6 New Shoreham, Rhode Island, as lots 10 and 12, compris-
7 ing approximately 10.7 acres.

8 (c) *REVERSIONARY INTEREST.*—In addition to any
9 term or condition established pursuant to subsection (a),
10 any conveyance of property under subsection (a) shall be
11 subject to the condition that all right, title, and interest in
12 and to the property so conveyed shall immediately revert
13 to the United States if the property, or any part thereof,
14 ceases to be used by the town of New Shoreham, Rhode Is-
15 land.

16 **SEC. 1009. CONVEYANCE OF PROPERTY IN SANTA CRUZ,**
17 **CALIFORNIA.**

18 (a) *AUTHORITY TO CONVEY.*—

19 (1) *IN GENERAL.*—The Secretary may convey to
20 the Santa Cruz Port District by an appropriate
21 means of conveyance, all right, title, and interest of
22 the United States in and to the property described in
23 paragraph (2).

1 (2) *IDENTIFICATION OF PROPERTY.*—The Sec-
2 retary may identify, describe, and determine the
3 property to be conveyed pursuant to this section.

4 (b) *CONSIDERATION.*—Any conveyance of property
5 pursuant to this section shall be made without payment of
6 consideration.

7 (c) *CONDITION.*—The conveyance provided for in sub-
8 section (a) may be made contingent upon agreement by the
9 Port District that—

10 (1) *the utility systems, building spaces, and fa-*
11 *ilities or any alternate, suitable facilities and build-*
12 *ings on the harbor premises would be available for*
13 *joint use by the Port District and the Coast Guard*
14 *when deemed necessary by the Coast Guard; and*

15 (2) *the Port District would be responsible for*
16 *paying the cost of maintaining, operating, and re-*
17 *placing (as necessary) the utility systems and any*
18 *buildings and facilities located on the property as de-*
19 *scribed in subsection (a) or on any alternate, suitable*
20 *property on the harbor premises set aside for use by*
21 *the Coast Guard.*

22 (d) *REVERSIONARY INTEREST.*—Any conveyance of
23 property pursuant to this section shall be subject to the con-
24 dition that all right, title, and interest in Subunit Santa
25 Cruz shall immediately revert to the United States:

1 (1) *If Subunit Santa Cruz ceases to be main-*
2 *tained as a nonprofit center for education, training,*
3 *administration, and other public service to include*
4 *use by the Coast Guard;*

5 (2) *at the end of the thirty day period beginning*
6 *on any date on which the Secretary provides written*
7 *notice to the Santa Cruz Port District that Subunit*
8 *Santa Cruz is needed for national security purposes.*

9 (e) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
10 *retary may require such additional terms and conditions*
11 *in connection with the conveyance under subsection (a) as*
12 *the Secretary considers appropriate to protect the interests*
13 *of the United States.*

14 (f) *DEFINITIONS.—For purposes of this section—*

15 (1) *“Subunit Santa Cruz” means the Coast*
16 *Guard property and improvements located at Santa*
17 *Cruz, California;*

18 (2) *“Secretary” means the Secretary of the de-*
19 *partment in which the Coast Guard is operating; and*

20 (3) *“Port District” means the Santa Cruz Port*
21 *District, or any successor or assign.*

22 **SEC. 1010. CONVEYANCE OF VESSEL S/S RED OAK VICTORY.**

23 (a) *IN GENERAL.—Notwithstanding any other law, the*
24 *Secretary of Transportation may convey the right, title,*
25 *and interest of the United States Government in and to the*

1 vessel S/S RED OAK VICTORY (Victory Ship VCS-AP2;
2 United States Navy Hull No. AK235) to the City of Rich-
3 mond Museum Association, Inc., located in Richmond,
4 California (in this section referred to as “the recipient”),
5 if—

6 (1) the recipient agrees to use the vessel for the
7 purposes of a monument to the wartime accomplish-
8 ments of the City of Richmond;

9 (2) the vessel is not used for commercial trans-
10 portation purposes;

11 (3) the recipient agrees to make the vessel avail-
12 able to the Government if the Secretary requires use
13 of the vessel by the Government for war or a national
14 emergency;

15 (4) the recipient agrees to hold the Government
16 harmless for any claims arising from exposure to as-
17 bestos after conveyance of the vessel, except for claims
18 arising from use by the Government under paragraph
19 (3); and

20 (5) the recipient has available, for use to restore
21 the vessel, in the form of cash, liquid assets, or a writ-
22 ten loan commitment, financial resources of at least
23 \$100,000.

24 (b) DELIVERY OF VESSEL.—If a conveyance is made
25 under this section, the Secretary shall deliver the vessel at

1 *the place where the vessel is located on the date of enactment*
2 *of this Act, in its present condition, without cost to the Gov-*
3 *ernment.*

4 (c) *OTHER UNNEEDED EQUIPMENT.*—*The Secretary*
5 *may convey to the recipient any unneeded equipment from*
6 *other vessels in the National Defense Reserve Fleet for use*
7 *to restore the S/S RED OAK VICTORY to museum quality.*

8 (d) *RETENTION OF VESSEL IN NDRF.*—*The Secretary*
9 *shall retain in the National Defense Reserve Fleet the vessel*
10 *authorized to be conveyed under subsection (a), until the*
11 *earlier of—*

12 (1) *2 years after the date of the enactment of this*
13 *Act; or*

14 (2) *the date of conveyance of the vessel under*
15 *subsection (a).*

16 **TITLE XI—MISCELLANEOUS**

17 **SEC. 1101. FLORIDA AVENUE BRIDGE.**

18 *For purposes of the alteration of the Florida Avenue*
19 *Bridge (located approximately 1.63 miles east of the Mis-*
20 *issippi River on the Gulf Intracoastal Waterway in Orle-*
21 *ans Parish, Louisiana) ordered by the Secretary of Trans-*
22 *portation under the Act of June 21, 1940 (33 U.S.C. 511*
23 *et seq.), the Secretary shall treat the drainage siphon that*
24 *is adjacent to the bridge as an appurtenance of the bridge,*
25 *including with respect to apportionment and payment of*

1 *costs for the removal of the drainage siphon in accordance*
2 *with that Act.*

3 **SEC. 1102. OIL SPILL RECOVERY INSTITUTE.**

4 *(a) ADVISORY BOARD AND EXECUTIVE COMMITTEE.—*
5 *Section 5001 of the Oil Pollution Act of 1990 (33 U.S.C.*
6 *2731) is amended—*

7 *(1) by striking “to be administered by the Sec-*
8 *retary of Commerce” in subsection (a);*

9 *(2) by striking “and located” in subsection (a)*
10 *and inserting “located”;*

11 *(3) by striking “the EXXON VALDEZ oil spill”*
12 *each place it appears in subsection (b)(2) and insert-*
13 *ing “Arctic or Subarctic oil spills”;*

14 *(4) by striking “18” in subsection (c)(1) and in-*
15 *serting “14”;*

16 *(5) by striking “Game, and Environmental Con-*
17 *servation, Natural Resources, and Commerce and*
18 *Economic Development” in subsection (c)(1)(A) and*
19 *inserting “Game and Economic Development”;*

20 *(6) by striking subsection (c)(1) (B), (C), and*
21 *(D);*

22 *(7) by redesignating subparagraphs (E) and (F)*
23 *of subsection (c)(1) as subparagraphs (G) and (H),*
24 *respectively;*

1 (8) by inserting after subparagraph (A) of sub-
2 section (c)(1) the following:

3 “(B) One representative appointed by each
4 of the Secretaries of Commerce and Transpor-
5 tation, who shall be Federal employees.

6 “(C) Two representatives from the fishing
7 industry appointed by the Governor of the State
8 of Alaska from among residents of communities
9 in Alaska that were affected by the EXXON
10 VALDEZ oil spill, who shall serve terms of 2
11 years each. Interested organizations from within
12 the fishing industry may submit the names of
13 qualified individuals for consideration by the
14 Governor.

15 “(D) Two Alaska Natives who represent Na-
16 tive entities affected by the EXXON VALDEZ oil
17 spill, at least one of whom represents an entity
18 located in Prince William Sound, appointed by
19 the Governor of Alaska from a list of 4 qualified
20 individuals submitted by the Alaska Federation
21 of Natives, who shall serve terms of 2 years each.

22 “(E) Two representatives from the oil and
23 gas industry to be appointed by the Governor of
24 the State of Alaska who shall serve terms of 2
25 years each. Interested organizations from within

1 *the oil and gas industry may submit the names*
2 *of qualified individuals for consideration by the*
3 *Governor.*

4 “(F) *Two at-large representatives from*
5 *among residents of communities in Alaska that*
6 *were affected by the EXXON VALDEZ oil spill*
7 *who are knowledgeable about the marine environ-*
8 *ment and wildlife within Prince William Sound,*
9 *and who shall serve terms of 2 years each, ap-*
10 *pointed by the remaining members of the Advi-*
11 *sory Board. Interested parties may submit the*
12 *names of qualified individuals for consideration*
13 *by the Advisory Board.”;*

14 (9) *adding at the end of subsection (c) the follow-*
15 *ing:*

16 “(4) *EVALUATION.—The Advisory Board will re-*
17 *quest a scientific review of the research program every*
18 *five years by the National Academy of Sciences which*
19 *will perform the review as part of its responsibilities*
20 *under Section 7001(b)(2).”;*

21 (10) *by striking “the EXXON VALDEZ oil*
22 *spill” in subsection (d)(2) and inserting “Arctic or*
23 *Subarctic oil spills”;*

24 (11) *by striking “Secretary of Commerce” in*
25 *subsection (e) and inserting “Advisory Board”;*

1 (12) by striking “the Advisory Board,” in sub-
2 section (e);

3 (13) by striking “Secretary’s” in subsection (e)
4 and inserting “Advisory Board’s”;

5 (14) by inserting “authorization in section
6 5006(b) providing funding for the” in subsection (i)
7 after “The”;

8 (15) by striking “this Act” in subsection (i) and
9 inserting “the Coast Guard Authorization Act of
10 1995”; and

11 (16) by inserting “The Advisory Board may
12 compensate its Federal representatives for their rea-
13 sonable travel costs.” in subsection (j) after “Insti-
14 tute.”.

15 (b) FUNDING.—Section 5006 of the Oil Pollution Act
16 of 1990 (33 U.S.C. 2736) is amended by—

17 (1) striking subsection (a), redesignating sub-
18 section (b) as subsection “(a)”;

19 (2) striking “5003” in the caption of subsection
20 (a), as redesignated, and inserting “5001, 5003,”;

21 (3) inserting “to carry out section 5001 in the
22 amount as determined in section 5006(b), and” after
23 “limitation,” in the text of subsection (a), as redesi-
24 gnated; and

25 (4) adding at the end thereof the following:

1 “(b) *USE OF INTEREST ONLY.*—The amount of fund-
2 ing to be made available annually to carry out section 5001
3 shall be the interest produced by the Fund’s investment of
4 the \$22,500,000 remaining funding authorized for the
5 Prince William Sound Oil Spill Recovery Institute and
6 currently deposited in the Fund and invested by the Sec-
7 retary of the Treasury in income producing securities along
8 with other funds comprising the Fund.

9 “(c) *USE FOR SECTION 1012.*—Beginning with the
10 eleventh year following the date of enactment of the Coast
11 Guard Authorization Act of 1995, the funding authorized
12 for the Prince William Sound Oil Spill Recovery Institute
13 and deposited in the Fund shall thereafter be made avail-
14 able for purposes of section 1012 in Alaska.”.

15 (c) *CONFORMING AMENDMENTS.*—

16 (1) Section 6002(b) of the Oil Pollution Act of
17 1990 (33 U.S.C. 2752(b)) is amended by striking
18 “5006(b)” and inserting “5006”.

19 (2) Section 7001(c)(9) the Oil Pollution Act of
20 1990 (33 U.S.C. 2761(c)(9)) is amended by striking
21 the period at the end thereof and inserting “until the
22 authorization for funding under section 5006(b) ex-
23 pires”.

1 **SEC. 1103. LIMITED DOUBLE HULL EXEMPTIONS.**

2 (a) *IN GENERAL.*—The double hull construction re-
3 quirements of section 3703a of title 46, United States Code,
4 do not apply to—

5 (1) a vessel equipped with a double hull before
6 August 12, 1992; or

7 (2) a barge of less than 1,200 gross tons carrying
8 refined petroleum product in bulk as cargo in or ad-
9 jacent to waters of the Bering Sea, Chukchi Sea, and
10 Arctic Ocean and waters tributary thereto and in the
11 waters of the Aleutian Islands and the Alaskan Pe-
12 ninsula west of 155 degrees west longitude.

13 (b) *AUTHORITY OF THE SECRETARY OF TRANSPOR-*
14 *TATION.*—

15 (1) *OPERATION OF BARGES IN OTHER WA-*
16 *TERS.*—The operation of barges described in sub-
17 section (a)(2) outside waters described in that sub-
18 section shall be on such conditions as the Secretary of
19 Transportation may require.

20 (2) *NO EFFECT ON OTHER AUTHORITY OF THE*
21 *SECRETARY.*—Except as provided in subsection (a),
22 nothing in this section affects the authority of the Sec-
23 retary of Transportation to regulate the construction,
24 operation, or manning of barges and vessels in ac-
25 cordance with applicable laws and regulations.

1 (c) *BARGE DEFINED.*—For purposes of this section, the
2 term “barge” has the meaning given that term in section
3 2101 of title 46, United States Code.

4 **SEC. 1104. OIL SPILL RESPONSE VESSELS.**

5 (a) *DESCRIPTION.*—Section 2101 of title 46, United
6 States Code, is amended—

7 (1) by redesignating paragraph (20a) as (20b);
8 and

9 (2) by inserting after paragraph (20) the follow-
10 ing new paragraph:

11 “(20a) ‘oil spill response vessel’ means a vessel
12 that is designated in its certificate of inspection as
13 such a vessel, or that is adapted to respond to a dis-
14 charge of oil or a hazardous material.”.

15 (b) *EXEMPTION FROM LIQUID BULK CARRIAGE RE-*
16 *QUIREMENTS.*—Section 3702 of title 46, United States
17 Code, is amended by adding at the end thereof the following:

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

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

22 “(2) the vessel is—

23 “(A) not more than 500 gross tons;

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

1 “(C) engaged in response-related activi-
2 ties.”.

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

5 “(p) The Secretary may prescribe the watchstanding
6 and work hours requirements for an oil spill response ves-
7 sel.”.

8 (d) *MINIMUM NUMBER OF LICENSED INDIVIDUALS*.—
9 Section 8301(e) of title 46, *United States Code*, is amended
10 to read as follows:

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

13 (e) *MERCHANT MARINER DOCUMENT REQUIRE-*
14 *MENTS*.—Section 8701(a) of title 46, *United States Code*,
15 is amended—

16 (1) by striking “and” after the semicolon at the
17 end of paragraph (7),

18 (2) by striking the period at the end of para-
19 graph (8) and inserting a semicolon and “and”; and

20 (3) by adding at the end thereof the following
21 new paragraph:

22 “(9) the Secretary may prescribe the individuals
23 required to hold a merchant mariner’s document serv-
24 ing onboard an oil spill response vessel.”.

1 (f) *EXEMPTION FROM TOWING VESSEL REQUIRE-*
 2 *MENT.*—Section 8905 of title 46, United States Code, is
 3 amended by adding at the end the following new subsection:

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

7 (g) *INSPECTION REQUIREMENT.*—Section 3301 of title
 8 46, United States Code, is amended by adding at the end
 9 the following new paragraph:

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

11 **SEC. 1105. SENSE OF THE CONGRESS REGARDING PAS-**
 12 **SENGERS ABOARD COMMERCIAL VESSELS.**

13 *It is the sense of the Congress that section 521(a)(1)*
 14 *of Public Law 103–182 (19 U.S.C. 58c(a)(5)) was intended*
 15 *to require the collection and remission of a fee from each*
 16 *passenger only one time in the course of a single voyage*
 17 *aboard a commercial vessel.*

18 **SEC. 1106. CALIFORNIA CRUISE INDUSTRY REVITALIZA-**
 19 **TION.**

20 *Section 5(b)(2) of the Act of January 2, 1951 (15*
 21 *U.S.C. 1175(b)(2)), commonly referred to as the “Johnson*
 22 *Act”, is amended by adding at the end thereof the following:*

23 “(C) *EXCLUSION OF CERTAIN VOYAGES AND*
 24 *SEGMENTS.*—*Except for a voyage or segment of*
 25 *a voyage that occurs within the boundaries of the*

1 *State of Hawaii, a voyage or segment of a voy-*
2 *age is not described in subparagraph (B) if it*
3 *includes or consists of a segment—*

4 “(i) that begins and ends in the same
5 State;

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

8 “(iii) in which the vessel reaches the
9 other State or foreign country within 3
10 days after leaving the State in which it be-
11 gins.”.

12 **SEC. 1107. LOWER COLUMBIA RIVER MARINE FIRE AND**
13 **SAFETY ACTIVITIES.**

14 *The Secretary of Transportation is authorized to ex-*
15 *pend out of the amounts appropriated for the Coast Guard*
16 *for fiscal year 1996 not more than \$491,000 for lower Co-*
17 *lumbia River marine, fire, oil, and toxic spill response com-*
18 *munications, training, equipment, and program adminis-*
19 *tration activities conducted by the Marine Fire and Safety*
20 *Association.*

21 **SEC. 1108. OIL POLLUTION RESEARCH TRAINING.**

22 *Section 7001(c)(2)(D) of the Oil Pollution Act of 1990*
23 *(33 U.S.C. 2761(c)(2)(D)) is amended by striking “Texas;”*
24 *and inserting “Texas, and the Center for Marine Training*
25 *and Safety in Galveston, Texas;”.*

1 **SEC. 1109. LIMITATION ON CONSOLIDATION OR RELOCA-**
2 **TION OF HOUSTON AND GALVESTON MARINE**
3 **SAFETY OFFICES.**

4 *The Secretary of Transportation may not consolidate*
5 *or relocate the Coast Guard Marine Safety Offices in Gal-*
6 *veston, Texas, and Houston, Texas.*

7 **SEC. 1110. UNINSPECTED FISH TENDER VESSELS.**

8 *Section 3302 of Title 46, United States Code, is*
9 *amended in subsection (c)(3)(A) by adding “(including*
10 *fishery-related products)” after the word “cargo”.*

11 **SEC. 1111. FOREIGN PASSENGER VESSEL USER FEES.**

12 *Section 3303 of title 46, United States Code, is amend-*
13 *ed—*

14 *(1) by striking “(a) Except as” in subsection (a);*
15 *and*

16 *(2) by striking subsection (b).*

17 **SEC. 1112. COAST GUARD USER FEES.**

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

19 *(1) The Secretary of Transportation is author-*
20 *ized under subsection 10401(g) of the Omnibus Budg-*
21 *et Reconciliation Act of 1990 (46 U.S.C. 2110(g)) to*
22 *exempt persons from the requirement to pay Coast*
23 *Guard inspection user fees if it is in the public inter-*
24 *est to do so.*

25 *(2) Publicly-owned ferries serve the public inter-*
26 *est by providing necessary, and in many cases, the*

1 *only available, transportation between locations di-*
2 *vided by bodies of water.*

3 (3) *Small passenger vessels serve the public in-*
4 *terest by providing vital small business opportunities*
5 *in virtually every coastal city of the United States*
6 *and by providing important passenger vessels serv-*
7 *ices.*

8 (4) *During the Coast Guard inspection user fee*
9 *rulemaking process, small passenger vessel operators*
10 *informed the Coast Guard that proposed user fees*
11 *were excessive and would force small passenger opera-*
12 *tors out of business, leaving many areas without*
13 *small passenger vessel services required by the public.*

14 (5) *The Secretary of Transportation failed to*
15 *adequately protect the public interest and failed to*
16 *follow Congressional intent by establishing Coast*
17 *Guard inspection user fees for small passenger vessels*
18 *which exceed the ability of these small businesses to*
19 *pay the fees and by establishing Coast Guard inspec-*
20 *tion user fees for publicly-owned ferries.*

21 (b) *LIMITS ON USER FEES.—Section 10401(g) of the*
22 *Omnibus Budget Reconciliation Act of 1990 (46 U.S.C.*
23 *2110(a)(2)) is amended by adding after “annually.” the fol-*
24 *lowing: “The Secretary may not establish a fee or charge*
25 *under paragraph (1) for inspection or examination of a*

1 *small passenger vessel under this title that is more than*
 2 *\$300 annually for such vessels under 65 feet in length, or*
 3 *more than \$600 annually for such vessels 65 feet in length*
 4 *and greater. The Secretary may not establish a fee or charge*
 5 *under paragraph (1) for inspection or examination under*
 6 *this title for any publicly-owned ferry.”.*

7 **SEC. 1113. VESSEL FINANCING.**

8 (a) *DOCUMENTATION CITIZEN ELIGIBLE MORTGA-*
 9 *GEE.—Section 31322(a)(1)(D) of title 46, United States*
 10 *Code, is amended—*

11 (1) *by striking “or” at the end of clause (v);*

12 (2) *by striking the period at the end of clause*
 13 *(vi) and inserting “or”; and*

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

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

17 (b) *AMENDMENT TO TRUSTEE RESTRICTIONS.—Sec-*
 18 *tion 31328(a) of title 46, United States Code, is amended—*

19 (1) *by striking “or” at the end of paragraph (3);*

20 (2) *by striking the period at the end of para-*
 21 *graph (4) and inserting “or”; and*

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

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

1 (c) *LEASING.*—Section 12106 of title 46, United States
2 *Code*, is amended by adding at the end the following:

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

5 “(A) the vessel is eligible for documentation
6 under section 12102;

7 “(B) the person that owns the vessel, a parent
8 entity of that person, or a subsidiary of a parent en-
9 tity of that person, is engaged in leasing;

10 “(C) the vessel is under a demise charter to a
11 person qualifying as a citizen of the United States for
12 engaging in the coastwise trade under section 2 of the
13 *Shipping Act, 1916*;

14 “(D) the demise charter is for—

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

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

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

20 “(2) Upon default by a bareboat charterer of a demise
21 charter required under paragraph (1)(D), the coastwise en-
22 dorsement of the vessel may, in the sole discretion of the
23 Secretary, be continued after the termination for default of
24 the demise charter for a period not to exceed 6 months on
25 terms and conditions as the Secretary may prescribe.

1 **SEC. 1115. REPEAL OF GREAT LAKES ENDORSEMENTS.**

2 (a) *REPEAL.*—Section 12107 of title 46, United States
3 Code, is repealed.

4 (b) *CONFORMING AMENDMENTS.*—

5 (1) *The analysis at the beginning of chapter 121*
6 *of title 46, United States Code, is amended by strik-*
7 *ing the item relating to section 12107.*

8 (2) *Section 12101(b)(3) of title 46, United States*
9 *Code, is repealed.*

10 (3) *Section 4370(a) of the Revised Statutes of the*
11 *United States (46 App. U.S.C. 316(a)) is amended by*
12 *striking “or 12107”.*

13 (4) *Section 2793 of the Revised Statutes of the*
14 *United States (46 App. U.S.C. 111, 123) is amend-*
15 *ed—*

16 (A) *by striking “coastwise, Great Lakes en-*
17 *dorsement” and all that follows through “foreign*
18 *ports,” and inserting “registry endorsement, en-*
19 *gaged in foreign trade on the Great Lakes or*
20 *their tributary or connecting waters in trade*
21 *with Canada,”; and*

22 (B) *by striking “, as if from or to foreign*
23 *ports”.*

24 (5) *Section 9302(a)(1) of title 46, United States*
25 *Code, is amended by striking “subsections (d) and*
26 *(e)” and inserting “subsections (d), (e) and (f)”.*

1 (6) *Section 9302(e) of title 46, United States*
2 *Code, is amended by striking “subsections (a) and*
3 *(b)” and inserting “subsection (a)”.*

4 (7) *Section 9302 of title 46, United States Code,*
5 *is amended by adding at the end the following new*
6 *subsection:*

7 “*(f) A United States vessel operating between ports on*
8 *the Great Lakes or between ports on the Great Lakes and*
9 *the St. Lawrence River carrying no cargo obtained from*
10 *a foreign port outside of the Great Lakes or carrying no*
11 *cargo bound for a foreign port outside of the Great Lakes,*
12 *is exempt from the requirements of subsection (a) of this*
13 *section.”.*

14 **SEC. 1116. RELIEF FROM U.S. DOCUMENTATION REQUIRE-**
15 **MENTS.**

16 (a) *IN GENERAL.*—*Notwithstanding any other law or*
17 *any agreement with the United States Government, a vessel*
18 *described in subsection (b) may be sold to a person that*
19 *is not a citizen of the United States and transferred to or*
20 *placed under a foreign registry.*

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

23 (1) *RAINBOW HOPE (United States official*
24 *number 622178).*

1 (2) IOWA TRADER (United States official
2 number 642934).

3 (3) KANSAS TRADER (United States official
4 number 634621).

5 (4) MV PLATTE (United States official number
6 number 653210).

7 (5) SOUTHERN (United States official number
8 591902).

9 (6) ARZEW (United States official number
10 598727).

S 1004 RS—2

S 1004 RS—3

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S 1004 RS—5

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S 1004 RS—9

S 1004 RS—10

S 1004 RS—11

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S 1004 RS—13

S 1004 RS—14

S 1004 RS—15