

## PRIVATE SECURITIES LITIGATION REFORM

Mr. LOTT. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 1058, a bill to reform Federal securities litigation, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House disagree to the amendments of the Senate to the bill (H.R. 1058) entitled "An Act to reform Federal securities litigation, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

*Ordered*, That the following Members be the managers of the conference on the part of the House:

From the Committee on Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. Bilely, Mr. Tauzin, Mr. Fields of Texas, Mr. Cox of California, Mr. White, Mr. Dingell, Mr. Markey, Mr. Bryant of Texas, and Ms. Eshoo.

As additional conferees from the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. Hyde, Mr. McCollum, and Mr. Conyers.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate insist on its amendments and agree to the request for a conference and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Presiding Officer (Mr. GORTON) appointed Mr. D'AMATO, Mr. GRAMM, Mr. BENNETT, Mr. GRAMS, Mr. DOMENICI, Mr. SARBANES, Mr. DODD, Mr. KERRY and Mr. BRYAN conferees on the part of the Senate.

## COAST GUARD AUTHORIZATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 210, S. 1004.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1004) to authorize appropriations for the United States Coast Guard, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1995".

## SEC. 2. TABLE OF CONTENTS.

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 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.

## TITLE I—AUTHORIZATION

## SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

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

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$439,200,000, to remain available until expended, of which \$32,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$20,310,000, to remain available until expended, of which \$3,150,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$562,585,000.

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

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$25,000,000, to remain available until expended.

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

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

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$428,200,000, to remain available until expended, of which \$32,500,000 shall be derived from the Oil Spill Liability Trust fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$22,500,000, to remain available until expended, of which \$3,150,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$582,022,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$16,200,000, to remain available until expended, of which up to \$14,200,000 may be made available under section 104(e) of title 49, United States Code.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$25,000,000, to remain available until expended.

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

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

#### **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.**

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

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

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

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

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

(1) For recruit and special training—

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

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

(2) For flight training—

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

(B) 85 student years for fiscal year 1996.

(3) For professional training in military and civilian institutions—

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

(B) 330 student years for fiscal year 1996.

(4) For officer acquisition—

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

(B) 874 student years for fiscal year 1996.

#### **TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT**

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

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

###### **"§515. Child development services**

"(a) The Commandant may make child development services available for members and civilian employees of the Coast Guard, and thereafter as space is available for members of the Armed Forces and Federal civilian employees. Child development service benefits provided under the authority of this section shall be in addition to benefits provided under other laws.

"(b)(1) Except as provided in paragraph (2), the Commandant may require that amounts received as fees for the provision of services under this section at Coast Guard child development centers be used only for compensation of employees at those centers who are directly involved in providing child care.

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

"(A) for the purchase of consumable or disposable items for Coast Guard child development centers; and

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

"(c) The Commandant shall provide for regular and unannounced inspections of each child development center under this section and may use Department of Defense or other training programs to ensure that all child development center employees under this section meet minimum standards of training with respect to early childhood development, activities and disciplinary techniques appropriate to children of different ages, child abuse prevention and detection, and appropriate emergency medical procedures.

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

"(e) The Commandant may use appropriated funds available to the Coast Guard to provide assistance to family home day care providers so that family home day care services can be provided to uniformed service members and civilian employees of the Coast Guard at a cost comparable to the cost of services provided by Coast Guard child development centers.

"(f) The Secretary shall promulgate regulations to implement this section. The regulations shall establish fees to be charged for child development services provided under this section which take into consideration total family income.

"(g) For purposes of this section, the term 'child development center' does not include a child care services facility for which space is allotted under section 616 of the Act of December 22, 1987 (40 U.S.A. 490b)."

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

"515. Child development services."

##### **SEC. 202. HURRICANE ANDREW RELIEF.**

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

##### **SEC. 203. DISSEMINATION OF RESULTS OF 0-6 CONTINUATION BOARDS.**

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

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

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

"(d) Members ordered to active duty under this section shall not be counted in computing authorized strength in members on active duty or members in grade under this title or under any other law."

##### **SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.**

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

(1) by inserting "(1)" after "(b)";

(2) by striking the last sentence; and

(3) by adding at the end the following:

"(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

"(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

"(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

"(C) if eligible for retirement under any law, be retired."

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

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

###### **"§ 644a. Contracts for health care services**

"(a) Subject to the availability of appropriations for this purpose; the Commandant may enter into personal services and other contracts to carry out health care responsibilities pursuant to section 93 of this title and other applicable provisions of law pertaining to the provision of health care services to Coast Guard personnel and covered beneficiaries. The authority provided in this subsection is in addition to any other contract authorities of the Commandant provided by law or as delegated to the Commandant from time to time by the Secretary, including but not limited to authority relating to the management of health care facilities and furnishing of health care services pursuant to title 10 and this title.

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

"(c)(1) The Secretary shall promulgate regulations to assure—

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

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

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

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

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

“644a. Contracts for health care services.”

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

### **TITLE III—MARINE SAFETY AND WATERWAY SERVICES MANAGEMENT**

#### **SEC. 301. INCREASED PENALTIES FOR DOCUMENTATION VIOLATIONS.**

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

(b) SEIZURE AND FORFEITURE.—

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

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

“(1) when the owner of a vessel or the representative or agent of the owner knowingly falsifies or conceals a material fact, or knowingly makes a false statement or representation about the documentation or when applying for documentation of the vessel;

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

“(3) when a vessel is operated after its endorsement has been denied or revoked under section 12123 of this title;

“(4) when a vessel is employed in a trade without an appropriate trade endorsement;

“(5) when a documented vessel with only a recreational endorsement is operated other than for pleasure; or

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

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

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

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

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

(1) TERMINATION OF RESTRICTION.—Subsection (d) of section 12110 of title 46, United States Code, is amended by inserting “, other than a vessel with only a recreational endorsement operating within the territorial waters of the United States,” after “A documented vessel”; and

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

#### **SEC. 302. CLERICAL AMENDMENT.**

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

(1) by striking the first section 12123; and

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

#### **SEC. 303. MARITIME DRUG AND ALCOHOL TESTING PROGRAM CIVIL PENALTY.**

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

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

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

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

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

#### **SEC. 304. RENEWAL OF THE NAVIGATION SAFETY ADVISORY COUNCIL.**

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

#### **SEC. 305. RENEWAL OF THE COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.**

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

#### **SEC. 306. RENEWAL OF TOWING SAFETY ADVISORY COMMITTEE.**

Subsection (e) of the Act to Establish A Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a(e)) is amended by striking “September 30, 1995” and inserting “September 30, 2000”.

#### **SEC. 307. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.**

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

“(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

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

#### **SEC. 308. CIVIL PENALTIES.**

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

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

### **TITLE IV—COAST GUARD AUXILIARY**

#### **SEC. 401. ADMINISTRATION OF THE COAST GUARD AUXILIARY.**

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

“(a) The Coast Guard Auxiliary is a non-military organization administered by the Commandant under the direction of the Secretary. For command, control, and administrative purposes, the Auxiliary shall include such organizational elements and units as are approved by the Commandant, including but not limited to, a national board and staff (Auxiliary headquarters unit), districts, regions, divisions, flotillas, and other organizational elements and units. The Auxiliary organization and its officers shall have such rights, privileges, powers, and duties as may be granted to them by the Commandant, consistent with this title and other applicable provisions of law. The Commandant may delegate to officers of the Auxiliary the authority vested in the Commandant by this section, in the manner and to the extent the Commandant considers necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

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

“(c) The national board of the Auxiliary, and any Auxiliary district or region, may form a corporation under State law, provided that the formation of such a corporation is in accordance with policies established by the Commandant.”

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

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

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

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

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

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

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

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

(a) Title 14, United States Code, is amended by inserting after section 823 the following new section:

“§823a. Members of the Auxiliary; status

“(a) Except as otherwise provided in this chapter, a member of the Coast Guard Auxiliary shall not be deemed to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, Federal employee benefits, ethics, conflicts of interest, and other similar criminal or civil statutes and regulations governing the conduct of Federal employees. However, nothing in this subsection shall constrain the Commandant from prescribing standards for the conduct and behavior of members of the Auxiliary.

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

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

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

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

"(c) A member of the Auxiliary, while assigned to duty, shall be deemed to be a person acting under an officer of the United States or an agency thereof for purposes of section 1442(a)(1) of title 28, United States Code."

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

"823a. Members of the Auxiliary; status."

#### SEC. 404. ASSIGNMENT AND PERFORMANCE OF DUTIES.

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

#### SEC. 405. COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS.

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

(1) by striking "General" in the section caption and inserting "Cooperation with other agencies, States, Territories, and political subdivisions";

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

(3) by adding at the end of subsection (a) the following: "The Commandant may prescribe conditions, including reimbursement, under which personnel and facilities may be provided under this subsection."

(b) The table of sections for chapter 7 of title 14, United States Code, is amended by striking "General" in the item relating to section 141 and inserting "Cooperation with other agencies, States, Territories, and political subdivisions."

#### SEC. 406. VESSEL DEEMED PUBLIC VESSEL.

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

"While assigned to authorized Coast Guard duty, any motorboat or yacht shall be deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law."

#### SEC. 407. AIRCRAFT DEEMED PUBLIC AIRCRAFT.

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

"While assigned to authorized Coast Guard duty, any aircraft shall be deemed to be a Coast Guard aircraft, a public vessel of the United States, and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law. Subject to the provisions of sections 823a and 831 of this title, while assigned to duty, qualified Auxiliary pilots shall be deemed to be Coast Guard pilots."

#### SEC. 408. DISPOSAL OF CERTAIN MATERIAL.

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

(1) by inserting "to the Coast Guard Auxiliary, including any incorporated unit thereof," after "with or without charge,"; and

(2) by striking "to any incorporated unit of the Coast Guard Auxiliary," after "America,".

### TITLE V—RECREATIONAL BOATING SAFETY IMPROVEMENT

#### SEC. 501. STATE RECREATIONAL BOATING SAFETY GRANTS.—

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

(1) TRANSFERS.—Section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b); commonly referred to as the "Dingell-Johnson Sport Fish Restoration Act") is amended to read as follows:

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

"(A) A sum equal to \$7,500,000 of the amount available for fiscal year 1995, and a sum equal to \$10,000,000 of the amount available for each of fiscal years 1996 and 1997, shall be available for use by the Secretary of the Interior for grants under section 5604(c) of the Clean Vessel Act of 1992. Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(B) A sum equal to \$7,500,000 of the amount available for fiscal year 1995, \$30,000,000 of the amount available for fiscal year 1996, \$45,000,000 of the amount available for fiscal year 1997, and \$59,000,000 of the amount available for each of fiscal years 1998 and 1999, shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for recreational boating safety programs under section 13106 of title 46, United States Code.

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

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

"(ii) grants under section 5604(c) of the Clean Vessel Act of 1992.

Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

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

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

"(ii) \$35,000,000.

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

"(B) The amount of any reduction under subparagraph (A) shall be apportioned among the several States under subsection (d) of this section by the Secretary of the Interior."

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

(b) EXPENDITURE OF AMOUNTS FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.—Section 13106 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (a)(1) and inserting the following: "Subject to paragraph (2), the Secretary shall expend under

contracts with States under this chapter in each fiscal year for State recreational boating safety programs an amount equal to the sum of the amount appropriated from the Boat Safety Account for that fiscal year plus the amount transferred to the Secretary under section 4(b)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1)) for that fiscal year."; and

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

"(c) For expenditure under this chapter for State recreational boating safety programs there are authorized to be appropriated to the Secretary of Transportation from the Boat Safety Account established under section 9504 of the Internal Revenue Code of 1986 (26 U.S.C. 9504) not more than \$35,000,000 each fiscal year."

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

#### SEC. 502. BOATING ACCESS.

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

(1) Nontrailerable recreational motorboats contribute 15 percent of the gasoline taxes deposited in the Aquatic Resources Trust Fund while constituting less than 5 percent of the recreational vessels in the United States.

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

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

(b) PURPOSE.—The purpose of this section is to provide funds to States for the development of public facilities for transient nontrailerable vessels.

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

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

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

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

(e) GRANT PROGRAM.—

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

(2) PRIORITY.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary of the Interior shall give priority to projects that consist of the construction or renovation of public facilities for transient nontrailerable vessels in accordance with a plan submitted by a State submitted under subsection (b).

(B) WITHIN STATE.—In awarding grants under this subsection for projects in a particular State, the Secretary of the Interior shall give priority to projects that are likely to serve the greatest number of nontrailerable vessels.

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

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

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

(3) “public facilities for transient nontrailerable vessels” means mooring buoys, day-docks, seasonal slips or similar structures located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable vessels;

(4) “recreational vessel” means a vessel—

(A) operated primarily for pleasure; or

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

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

#### TITLE VI—COAST GUARD REGULATORY REFORM

##### SEC. 601. SHORT TITLE.

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

##### SEC. 602. SAFETY MANAGEMENT.

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

##### “§3201. Definitions

“In this chapter—

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

“(2) ‘responsible person’ means—

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

“(B) any other person that has—

“(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

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

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

“(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

“(B) making a voyage between places outside the United States; or

“(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

##### “§3202. Application

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

“(1) Beginning July 1, 1998—

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

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

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

“(b) **VOLUNTARY APPLICATION.**—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel re-

quests the Secretary to apply this chapter to the vessel.

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

“(1) a barge;

“(2) a recreational vessel not engaged in commercial service;

“(3) a fishing vessel;

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

“(5) a public vessel.

##### “§3203. Safety management system

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

“(1) a safety and environmental protection policy;

“(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

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

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

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

“(6) procedures for internal audits and management reviews of the system.

“(b) **COMPLIANCE WITH CODE.**—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

##### “§3204. Implementation of safety management system

“(a) **SAFETY MANAGEMENT PLAN.**—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

“(b) **APPROVAL.**—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

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

##### “§3205. Certification

“(a) **ISSUANCE OF CERTIFICATE AND DOCUMENT.**—After verifying that the responsible person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

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

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

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

“(2) revoke the Secretary’s approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

“(d) **ENFORCEMENT.**—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 U.S.C. App. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.”

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

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

(c) **STUDY.**—

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

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

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a)); or

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

##### SEC. 603. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

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

##### “§3103. Use of reports, documents, and records

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

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

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

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

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

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

##### SEC. 604. EQUIPMENT APPROVAL.

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

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

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

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

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

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

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

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

(b) **FOREIGN APPROVALS.**—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

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

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

(a) **FREQUENCY OF INSPECTION, GENERALLY.**—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

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

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

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

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

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

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

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

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

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

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

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

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

(A) redesignating paragraph (2) as paragraph (3); and

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

“(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

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

“(B) conduct inspections and examinations; and

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

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

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

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

(b) **CONFORMING AMENDMENTS.**—

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

“§3316. Classification societies”.

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

“3316. Classification societies.”.

**TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS**

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

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

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

“(i) In a narrow channel or fairway when overtaking, the power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c) and take steps to permit safe passing. The power-driven vessel being overtaken, if in agreement, shall sound the same signal and may, if specifically agreed to take steps to permit safe passing. If in doubt she shall sound the danger signal prescribed in Rule 34(d).”;

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

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

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

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

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

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

“(iii) when vessels are towed alongside on both sides of the towing vessels a stern light shall be exhibited on the stern of the outboard vessel on each side of the towing vessel, and a single set of sidelights as far forward and as far outboard as is practicable, and a single special flashing light.”;

(5) in Rule 26 (33 U.S.C. 2026)—

(A) in each of subsections (b)(i) and (c)(i) by striking “a vessel of less than 20 meters in length may instead of this shape exhibit a basket.”; and

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

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

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

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

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

Section 14104 of title 46, United States Code, is amended by redesignating the existing text after the section heading as subsection (a) and by adding at the end the following new subsection:

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

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

Section 3(d)(3)(B) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C.

903(d)(3)(B)) is amended by inserting after “1,600 tons gross” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”.

**SEC. 704. RADIOTELEPHONE REQUIREMENTS.**

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

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

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

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

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

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

Section 2 of the Act of June 14, 1956 (46 U.S.C. App. 883a), is amended by inserting after “five hundred gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”.

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

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

**SEC. 709. GENERAL DEFINITIONS.**

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

(1) in paragraph (13), by inserting after “15 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”;

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

(3) in paragraph (19), by inserting after “500 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”;

(4) in paragraph (22), by inserting after “100 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”;

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

(6) in paragraph (32), by inserting after “100 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or



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

Section 12106(c)(1) of title 46, United States Code, is amended by striking “two hundred gross tons” and inserting “200 gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured



under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

#### SEC. 744. FISHERY ENDORSEMENTS.

Section 12108(c)(1) of title 46, United States Code, is amended by striking "two hundred gross tons" and inserting "200 gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

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

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

##### "§ 7506. Convention tonnage for licenses, certificates, and documents

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

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

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

(b) CLERICAL AMENDMENT.—The analysis to chapter 75 of title 46, United States Code, is amended by adding a new item as follows:

"7506. Convention tonnage for licenses, certificates, and documents.".

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1995".

#### SEC. 2. TABLE OF CONTENTS.

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.

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##### TITLE V—RECREATIONAL BOATING SAFETY IMPROVEMENT

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Sec. 724. General requirements—engine department.

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Sec. 726. Watchmen.

Sec. 727. Citizenship and naval reserve requirements.

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Sec. 729. Minimum number of licensed individuals.

Sec. 730. Officers' competency certificates convention.

Sec. 731. Merchant mariners' documents required.

Sec. 732. Certain crew requirements.

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Sec. 734. Exemptions.

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Sec. 736. Definitions—merchant seamen protection.

Sec. 737. Application—foreign and intercoastal voyages.

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Sec. 740. Accommodations for seamen.

Sec. 741. Medicine chests.

Sec. 742. Logbook and entry requirements.

Sec. 743. Coastwise endorsements.

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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.

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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.

##### TITLE I—AUTHORIZATION

#### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

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

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$439,200,000, to remain available until expended, of which—

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

(B) \$880,000 is authorized to carry out design and engineering work on the John F. Limehouse Memorial Bridge.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection,

enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$20,310,000, to remain available until expended, of which \$3,150,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$562,585,000.

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

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$25,000,000, to remain available until expended.

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

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

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$428,200,000, to remain available until expended, of which \$32,500,000 shall be derived from the Oil Spill Liability Trust fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$22,500,000, to remain available until expended, of which \$3,150,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$582,022,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$16,200,000, to remain available until expended, of which up to \$14,200,000 may be made available under section 104(e) of title 49, United States Code.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$25,000,000, to remain available until expended.

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

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

## SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

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

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

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

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

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

(1) For recruit and special training—

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

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

(2) For flight training—

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

(B) 85 student years for fiscal year 1996.

(3) For professional training in military and civilian institutions—

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

(B) 330 student years for fiscal year 1996.

(4) For officer acquisition—

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

(B) 874 student years for fiscal year 1996.

## TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

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

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

#### "§515. Child development services

"(a) The Commandant may make child development services available for members and civilian employees of the Coast Guard, and thereafter as space is available for members of the Armed Forces and Federal civilian employees. Child development service benefits provided under the authority of this section shall be in addition to benefits provided under other laws.

"(b)(1) Except as provided in paragraph (2), the Commandant may require that amounts received as fees for the provision of services under this section at Coast Guard child development centers be used only for compensation of employees at those centers who are directly involved in providing child care.

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

"(A) for the purchase of consumable or disposable items for Coast Guard child development centers; and

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

"(c) The Commandant shall provide for regular and unannounced inspections of each child development center under this section and may use Department of Defense or other training programs to ensure that all child development center employees under this section meet minimum standards of training with respect to early childhood development, activities and disciplinary techniques appropriate to children of different ages, child abuse prevention and detection, and appropriate emergency medical procedures.

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

"(e) The Commandant may use appropriated funds available to the Coast Guard to provide assistance to family home day care providers so that family home day care services can be provided to uniformed service members and civilian employees of the Coast Guard at a cost comparable to the cost of services provided by Coast Guard child development centers.

"(f) The Secretary shall promulgate regulations to implement this section. The regulations shall establish fees to be charged for child development services provided under this section which take into consideration total family income.

"(g) For purposes of this section, the term 'child development center' does not include a child care services facility for which space is allotted under section 616 of the Act of December 22, 1987 (40 U.S.C. 490b)."

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

"515. Child development services."

### SEC. 202. HURRICANE ANDREW RELIEF.

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

### SEC. 203. DISSEMINATION OF RESULTS OF 0-6 CONTINUATION BOARDS.

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

### SEC. 204. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH.

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

"(d) Members ordered to active duty under this section shall not be counted in computing authorized strength in members on active duty or members in grade under this title or under any other law."

### SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.

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

(1) by inserting "(1)" after "(b)";

(2) by striking the last sentence; and

(3) by adding at the end the following:

"(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

"(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

"(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

"(C) if, on the date specified for the officer's discharge under this section, the officer has completed at least 20 years of active service or is eligible for retirement under any law, be retired on that date."

### SEC. 206. CONTRACTS FOR HEALTH CARE SERVICES.

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

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

"(a) Subject to the availability of appropriations for this purpose; the Commandant may enter into personal services and other contracts to carry out health care responsibilities pursuant to section 93 of this title and other applicable provisions of law pertaining to the provision of health care services to Coast Guard personnel and covered beneficiaries. The authority provided in this subsection is in addition to any other contract authorities of the Commandant provided by law or as delegated to the Commandant from time to time by the Secretary, including but not limited to authority relating to the management of health care facilities and furnishing of health care services pursuant to title 10 and this title.

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

"(c)(1) The Secretary shall promulgate regulations to assure—

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

"(B) consideration of interested individuals solely on the basis of the qualifications established for the contract and the proposed contract price.

"(2) Upon establishment of the procedures under paragraph (1), the Secretary may exempt personal services contracts covered by this section from the competitive contracting requirements specified in section 2304 of title 10, or any other similar requirements of law.

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

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

"644a. Contracts for health care services."

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

**SEC. 207. RECRUITING.**

(a) **CAMPUS RECRUITING.**—Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (108 Stat. 2776) is amended—

(1) by inserting "or the Department of Transportation" in subsection (a)(1) after "the Department of Defense";

(2) by inserting "or the Secretary of Transportation" after "the Secretary of Defense" in subsection (a)(1); and

(3) by inserting "and the Secretary of Transportation" after "the Secretary of Education" in subsection (b).

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

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

"(1) obtain recruits for the Service and cadet applicants; and

"(2) gain support of recruiting objectives from those who may assist in the recruiting effort."

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

(1) by striking "and" at the end of paragraph (t);

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

(3) by adding at the end the following:

"(v) employ special recruiting programs, including, subject to appropriations Acts, the provision of financial assistance by grant, cooperative agreement, or contract to public or private associations, organizations, and individuals (including academic scholarships for individuals), to meet identified personnel resource requirements."

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

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

(b) **SEIZURE AND FORFEITURE.**—

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

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

"(1) when the owner of a vessel or the representative or agent of the owner knowingly falsifies or conceals a material fact, or knowingly makes a false statement or representation about the documentation or when applying for documentation of the vessel;

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

"(3) when a vessel is operated after its endorsement has been denied or revoked under section 12123 of this title;

"(4) when a vessel is employed in a trade without an appropriate trade endorsement;

"(5) when a documented vessel with only a recreational endorsement is operated other than for pleasure; or

"(6) when a documented vessel, other than a vessel with only a recreational endorsement operating within the territorial waters of the United States, is placed under the command of a person not a citizen of the United States."

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

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

"(c) A vessel with only a recreational endorsement may not be operated other than for pleasure."

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

(1) **TERMINATION OF RESTRICTION.**—Subsection (d) of section 12110 of title 46, United States Code, is amended by inserting ", other than a vessel with only a recreational endorsement operating within the territorial waters of the United States," after "A documented vessel"; and

(2) **CONFORMING AMENDMENT.**—Section 12111(a)(2) of title 46, United States Code, is amended by inserting before the period the following: "in violation of section 12110(d) of this title".

**SEC. 302. CLERICAL AMENDMENT.**

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

(1) by striking the first section 12123; and

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

**SEC. 303. MARITIME DRUG AND ALCOHOL TESTING PROGRAM CIVIL PENALTY.**

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

"§2115. Civil penalty to enforce alcohol and dangerous drug testing

"Any person who fails to implement or conduct, or who otherwise fails to comply with the

requirements prescribed by the Secretary for, chemical testing for dangerous drugs or for evidence of alcohol use, as prescribed under this subtitle or a regulation prescribed by the Secretary to carry out the provisions of this subtitle, is liable to the United States Government for a civil penalty of not more than \$1,000 for each violation. Each day of a continuing violation shall constitute a separate violation."

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

"2115. Civil penalty to enforce alcohol and dangerous drug testing."

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

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

(b) **COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.**—Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking "September 30, 1994" and inserting "September 30, 2000".

(c) **TOWING SAFETY ADVISORY COMMITTEE.**—Subsection (e) of the Act to Establish A Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a(e)) is amended by striking "September 30, 1995" and inserting "September 30, 2000".

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

"(h) The Committee shall terminate on September 30, 2000."

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

"(g) The Committee shall terminate on September 30, 2000."

**SEC. 305. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.**

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

"(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

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

**SEC. 306. CIVIL PENALTIES.**

(a) **PENALTY FOR FAILURE TO REPORT A CASUALTY.**—Section 6103(a) of title 46, United States Code is amended by striking "\$1,000" and inserting "not more than \$25,000".

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

**SEC. 307. AMENDMENT TO REQUIRE EPIRBs ON THE GREAT LAKES.**

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

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

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation, in cooperation with the Secretary of Commerce, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan prepared in consultation with users

of the LORAN-C radionavigation system defining the future use of and funding for operations, maintenance, and upgrades of the LORAN-C radionavigation system. The plan shall provide for—

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

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

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

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

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

(1) a description of regional or local weather and marine conditions that could affect the need for Coast Guard Services including water temperature, prevailing weather conditions, and unusual tide and current conditions;

(2) an evaluation of the level and type of waterborne activities, including activities involving recreational boaters, commercial vessels, and commercial fishermen which was considered in reaching the conclusion that such action will not result in degradation of services that would cause a significant increased threat to life, property, environment, public safety, or national security;

(3) a detailed comparison of the services provided within the service area and the services to be provided after such action, including but not limited to services related to search and rescue, recreational boating safety, enforcement of laws and treaties, marine environmental safety, port safety and security, aids to navigation, and military readiness; and

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

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

(1) publication in the Federal Register of a proposed certification; and

(2) a 60-day period after such publication during which the public may provide comments to the Secretary on the proposed certification.

(c) **FINAL DECISION.**—If after consideration of the public comment received under subsection (b) the Secretary decides to close, consolidate, or reduce to seasonal status any such small-boat station, the Secretary shall publish a final certification in the Federal Register and submit the certification to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

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

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

(1) by inserting “(1)” before “A person”; and  
 (2) by adding at the end thereof the following:  
 “(2) A person that knowingly alters lifesaving, fire safety, or any other equipment subject to this part, so that the equipment altered is so

defective as to be insufficient to accomplish the purpose for which it is intended, commits a class D felony.”.

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

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

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

“A Coast Guard vessel may not be overhauled, repaired, or maintained in any shipyard located outside the United States, except that this section does not apply to emergency repairs.”.

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

“96. 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.**

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

“(a) The Coast Guard Auxiliary is a non-military organization administered by the Commandant under the direction of the Secretary. For command, control, and administrative purposes, the Auxiliary shall include such organizational elements and units as are approved by the Commandant, including but not limited to, a national board and staff (Auxiliary headquarters unit), districts, regions, divisions, flotillas, and other organizational elements and units. The Auxiliary organization and its officers shall have such rights, privileges, powers, and duties as may be granted to them by the Commandant, consistent with this title and other applicable provisions of law. The Commandant may delegate to officers of the Auxiliary the authority vested in the Commandant by this section, in the manner and to the extent the Commandant considers necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

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

“(c) The national board of the Auxiliary, and any Auxiliary district or region, may form a corporation under State law, provided that the formation of such a corporation is in accordance with policies established by the Commandant.”.

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

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

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

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

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

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

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

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

(a) Title 14, United States Code, is amended by inserting after section 823 the following new section:

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

“(a) Except as otherwise provided in this chapter, a member of the Coast Guard Auxiliary shall not be deemed to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, Federal employee benefits, ethics, conflicts of interest, and other similar criminal or civil statutes and regulations governing the conduct of Federal employees. However, nothing in this subsection shall constrain the Commandant from prescribing standards for the conduct and behavior of members of the Auxiliary.

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

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

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

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

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

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

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

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

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

**SEC. 405. COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS.**

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

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

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

(3) by adding at the end of subsection (a) the following: “The Commandant may prescribe conditions, including reimbursement, under which personnel and facilities may be provided under this subsection.”.

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

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

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

"While assigned to authorized Coast Guard duty, any motorboat or yacht shall be deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law."

#### SEC. 407. AIRCRAFT DEEMED PUBLIC AIRCRAFT.

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

"While assigned to authorized Coast Guard duty, any aircraft shall be deemed to be a Coast Guard aircraft, a public vessel of the United States, and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law. Subject to the provisions of sections 823a and 831 of this title, while assigned to duty, qualified Auxiliary pilots shall be deemed to be Coast Guard pilots."

#### SEC. 408. DISPOSAL OF CERTAIN MATERIAL.

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

(1) by inserting "to the Coast Guard Auxiliary, including any incorporated unit thereof," after "with or without charge,"; and

(2) by striking "to any incorporated unit of the Coast Guard Auxiliary," after "America,".

### TITLE V—RECREATIONAL BOATING SAFETY IMPROVEMENT

#### SEC. 501. STATE RECREATIONAL BOATING SAFETY GRANTS.

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

(1) TRANSFERS.—Section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)); commonly referred to as the "Dingell-Johnson Sport Fish Restoration Act") is amended to read as follows:

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

"(A) A sum equal to \$7,500,000 of the amount available for fiscal year 1995, and a sum equal to \$10,000,000 of the amount available for each of fiscal years 1996 and 1997, shall be available for use by the Secretary of the Interior for grants under section 5604(c) of the Clean Vessel Act of 1992. Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(B) A sum equal to \$7,500,000 of the amount available for fiscal year 1995, \$30,000,000 of the amount available for fiscal year 1996, \$45,000,000 of the amount available for fiscal year 1997, and \$59,000,000 of the amount available for each of fiscal years 1998 and 1999, shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for recreational boating safety programs under section 13106 of title 46, United States Code.

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

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

"(ii) grants under section 5604(c) of the Clean Vessel Act of 1992.

Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

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

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

"(ii) \$35,000,000.

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

"(B) The amount of any reduction under subparagraph (A) shall be apportioned among the several States under subsection (d) of this section by the Secretary of the Interior."

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

(b) EXPENDITURE OF AMOUNTS FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.—Section 13106 of title 46, United States Code, is amended—

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

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

"(c) For expenditure under this chapter for State recreational boating safety programs there are authorized to be appropriated to the Secretary of Transportation from the Boat Safety Account established under section 9504 of the Internal Revenue Code of 1986 (26 U.S.C. 9504) not more than \$35,000,000 each fiscal year."

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

#### SEC. 502. BOATING ACCESS.

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

(1) Nontrailerable recreational motorboats contribute 15 percent of the gasoline taxes deposited in the Aquatic Resources Trust Fund while constituting less than 5 percent of the recreational vessels in the United States.

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

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

(b) PURPOSE.—The purpose of this section is to provide funds to States for the development of public facilities for transient nontrailerable vessels.

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

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

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

(d) PLAN.—Within 6 months after submitting a survey to the Secretary of the Interior in accordance with subsection (c), an eligible State may develop and submit to the Secretary of the Interior

a plan for the construction and renovation of public facilities for transient nontrailerable vessels to meet the needs of nontrailerable vessels operating on navigable waters in the State.

(e) GRANT PROGRAM.—

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

(2) PRIORITY.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary of the Interior shall give priority to projects that consist of the construction or renovation of public facilities for transient nontrailerable vessels in accordance with a plan submitted by a State submitted under subsection (b).

(B) WITHIN STATE.—In awarding grants under this subsection for projects in a particular State, the Secretary of the Interior shall give priority to projects that are likely to serve the greatest number of nontrailerable vessels.

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

(1) "Act of August 9, 1950" means the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes", approved August 9, 1950 (16 U.S.C. 777a et seq.);

(2) "nontrailerable vessel" means a recreational vessel greater than 26 feet in length;

(3) "public facilities for transient nontrailerable vessels" means mooring buoys, day-docks, seasonal slips or similar structures located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable vessels;

(4) "recreational vessel" means a vessel—

(A) operated primarily for pleasure; or

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

(5) "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Marianas.

#### SEC. 503. PERSONAL FLotation DEVICES REQUIRED FOR CHILDREN.

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

(1) by striking "or" after the semicolon in paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon and "or"; and

(3) by adding at the end the following:

"(4) operate a recreational vessel under 26 feet in length unless each individual 6 years of age or younger wears a Coast Guard approved personal flotation device when the individual is on an open deck of the vessel."

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

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

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

"(h) Notwithstanding any other provision of this section, in the case of a person violating section 4307(a)(4) of this title—

"(1) the maximum penalty assessable under subsection (a) is a fine of \$100 with no imprisonment; and

"(2) the maximum civil penalty assessable under subsection (c) is \$100."

#### SEC. 504. MARINE CASUALTY REPORTING.

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

of Transportation shall, in consultation with appropriate State agencies, submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to increase reporting of vessel accidents to appropriate State law enforcement officials.

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

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

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

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

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

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

##### **“§ 3201. Definitions**

“In this chapter—

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

“(2) ‘responsible person’ means—

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

“(B) any other person that has—

“(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

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

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

“(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

“(B) making a voyage between places outside the United States; or

“(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

##### **“§ 3202. Application**

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

“(1) Beginning July 1, 1998—

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

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

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

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

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

“(1) a barge;

“(2) a recreational vessel not engaged in commercial service;

“(3) a fishing vessel;

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

“(5) a public vessel.

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

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

“(1) a safety and environmental protection policy;

“(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

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

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

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

“(6) procedures for internal audits and management reviews of the system.

“(b) **COMPLIANCE WITH CODE.**—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

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

“(a) **SAFETY MANAGEMENT PLAN.**—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

“(b) **APPROVAL.**—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

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

##### **“§ 3205. Certification**

“(a) **ISSUANCE OF CERTIFICATE AND DOCUMENT.**—After verifying that the responsible person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

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

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

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

“(2) revoke the Secretary’s approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

“(d) **ENFORCEMENT.**—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 U.S.C. App. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be

granted on filing a bond or other surety satisfactory to the Secretary.”.

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

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

(c) **STUDY.**—

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

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

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a)); or

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

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

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

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

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

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

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

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

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

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

##### **SEC. 604. EQUIPMENT APPROVAL.**

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

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

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

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

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

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

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

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



(b) **FOREIGN APPROVALS.**—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

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

#### **SEC. 605. FREQUENCY OF INSPECTION.**

(a) **FREQUENCY OF INSPECTION, GENERALLY.**—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

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

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

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

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

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

#### **SEC. 606. CERTIFICATE OF INSPECTION.**

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

#### **SEC. 607. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.**

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

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

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

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

(A) redesignating paragraph (2) as paragraph (3); and

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

“(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

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

“(B) conduct inspections and examinations; and

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

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

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

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

(b) **CONFORMING AMENDMENTS.**—

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

“§3316. Classification societies”.

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

“3316. Classification societies.”.

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

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

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

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

“(i) In a narrow channel or fairway when overtaking, the power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c) and take steps to permit safe passing. The power-driven vessel being overtaken, if in agreement, shall sound the same signal and may, if specifically agreed to take steps to permit safe passing. If in doubt she shall sound the danger signal prescribed in Rule 34(d).”;

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

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

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

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

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

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

“(iii) when vessels are towed alongside on both sides of the towing vessels a stern light shall be exhibited on the stern of the outboard vessel on each side of the towing vessel, and a single set of sidelights as far forward and as far outboard as is practicable, and a single special flashing light.”;

(5) in Rule 26 (33 U.S.C. 2026)—

(A) in each of subsections (b)(i) and (c)(i) by striking “a vessel of less than 20 meters in length may instead of this shape exhibit a basket.”; and

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

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

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

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

#### **SEC. 702. MEASUREMENT OF VESSELS.**

Section 14104 of title 46, United States Code, is amended by redesignating the existing text after the section heading as subsection (a) and by adding at the end the following new subsection:

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

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

Section 3(d)(3)(B) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 903(d)(3)(B)) is amended by inserting after

“1,600 tons gross” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”.

#### **SEC. 704. RADIOTELEPHONE REQUIREMENTS.**

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

#### **SEC. 705. VESSEL OPERATING REQUIREMENTS.**

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

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

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

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

Section 2 of the Act of June 14, 1956 (46 U.S.C. App. 883a), is amended by inserting after “five hundred gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”.

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

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

#### **SEC. 709. GENERAL DEFINITIONS.**

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

(1) in paragraph (13), by inserting after “15 gross tons” the following: “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title”;

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

(3) in paragraph (19), by inserting after “500 gross tons” the following: “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title”;

(4) in paragraph (22), by inserting after “100 gross tons” the following: “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title”;

(5) in paragraph (30)(A), by inserting after “500 gross tons” the following: “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title”;

(6) in paragraph (32), by inserting after “100 gross tons” the following: “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title

(3) in subsection (d), by inserting after “500 gross tons” the following: “as measured under

Section 12108(c)(1) of title 46, United States Code, is amended by striking “two hundred gross tons” and inserting “200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title”.

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

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

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

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

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

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

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

"7506. Convention tonnage for licenses, certificates, and documents."

**SEC. 746. TECHNICAL CORRECTIONS.**

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

(1) by striking the first section 12123 in chapter 121;

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

(3) by striking "proceeding" in section 13108(a)(1) and inserting "preceding"; and

(4) by striking "Secretary" in section 13108(a)(1) and inserting "Secretary".

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

**TITLE VIII—POLLUTION FROM SHIPS****SEC. 801. PREVENTION OF POLLUTION FROM SHIPS.**

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

(1) by striking "(2) If" in subsection (c)(2) and inserting "(2)(A) Subject to subparagraph (B), if"; and

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

"(B) The Secretary may not issue a certificate attesting to the adequacy of reception facilities under this paragraph unless, prior to the issuance of the certificate, the Secretary conducts an inspection of the reception facilities of the port or terminal that is the subject of the certificate.

"(C) The Secretary may, with respect to certificates issued under this paragraph prior to the date of enactment of the Coast Guard Authorization Act of 1995, prescribe by regulation differing periods of validity for such certificates."

(3) by striking subsection (c)(3)(A) and inserting the following:

"(A) is valid for the 5-year period beginning on the date of issuance of the certificate, except that if—

"(i) the charge for operation of the port or terminal is transferred to a person or entity other than the person or entity that is the operator on the date of issuance of the certificate—

"(I) the certificate shall expire on the date that is 30 days after the date of the transfer; and

"(II) the new operator shall be required to submit an application for a certificate before a certificate may be issued for the port or terminal; or

"(ii) the certificate is suspended or revoked by the Secretary, the certificate shall cease to be valid; and"; and

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

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

"(A) is in effect; or

"(B) has been revoked or suspended.

"(2) The Secretary shall make the list referred to in paragraph (1) available to the general public."

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

(1) by inserting "(1)" before "The Secretary"; and

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

"(2)(A) Not later than 18 months after the date of enactment of the Coast Guard Authorization Act of 1995, the Secretary shall promulgate regulations that require the operator of each port or terminal that is subject to any requirement of the MARPOL Protocol relating to reception facilities to post a placard in a location that can easily be seen by port and terminal users. The placard shall state, at a minimum, that a user of a reception facility of the port or terminal should report to the Secretary any inadequacy of the reception facility."

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

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

(1) by striking "for a period of 6 years"; and

(2) by inserting before the period at the end the following: "and, not later than 1 year after the date of enactment of the Coast Guard Authorization Act of 1995, and annually thereafter, shall publish in the Federal Register a list of the enforcement actions taken against any domestic or foreign ship (including any commercial or recreational ship) pursuant to the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)."

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

**"SEC. 2203. COORDINATION.**

"(a) **ESTABLISHMENT OF MARINE DEBRIS COORDINATING COMMITTEE.**—The Secretary of Commerce shall establish a Marine Debris Coordinating Committee.

"(b) **MEMBERSHIP.**—The Committee shall include a senior official from—

"(1) the National Oceanic and Atmospheric Administration, who shall serve as the Chairperson of the Committee;

"(2) the Environmental Protection Agency; ;

"(3) the United States Coast Guard;

"(4) the United States Navy; and

"(5) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Secretary of Commerce determines appropriate.

"(c) **MEETINGS.**—The Committee shall meet at least twice a year to provide a forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

"(d) **MONITORING.**—The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, in cooperation with the Administrator of the Environmental Protection Agency, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist—

"(1) the Committee in ensuring coordination of research, monitoring, education and regulatory actions; and

"(2) the United States Coast Guard in assessing the effectiveness of this Act and the Act to Prevent Pollution from Ships in ensuring compliance under section 2201."

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

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

(2) by striking "and" at the end of paragraph (1)(C);

(3) by striking the period at the end of subparagraph (1)(D) and inserting "; and";

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

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

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

"(2) **AUTHORIZED ACTIVITIES.**—

"(A) **PUBLIC OUTREACH PROGRAM.**—A public outreach program under paragraph (1) may include—

"(i) developing and implementing a voluntary boaters' pledge program;

"(ii) workshops with interested groups;

"(iii) public service announcements;

"(iv) distribution of leaflets and posters; and

"(v) any other means appropriate to educating the public.

"(B) **GRANTS AND COOPERATIVE AGREEMENTS.**—To carry out this section, the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency are authorized to award grants, enter into cooperative agreements with appropriate officials of other Federal agencies and agencies of States and political subdivisions of States and with public and private entities, and provide other financial assistance to eligible recipients.

"(C) **CONSULTATION.**—In developing outreach initiatives for groups that are subject to the requirements of this title and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, shall consult with—

"(i) the heads of State agencies responsible for implementing State boating laws; and

"(ii) the heads of other enforcement agencies that regulate boaters or commercial fishermen."

**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.**

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

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

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

"(2) The Administrator of the Federal Aviation Administration, in consultation with the Commissioner of Customs and the Attorney General, shall prescribe regulations governing the means by which a Federal law enforcement officer may communicate an order to land to a pilot, operator, or person in charge of an aircraft.

"(b)(1) It shall be unlawful for the master, operator, or person in charge of a vessel of the

United States or a vessel subject to the jurisdiction of the United States, to fail to obey an order to bring to that vessel on being ordered to do so by an authorized Federal law enforcement officer.

"(2) It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States to—

"(A) fail to comply with an order of an authorized Federal law enforcement officer in connection with the boarding of the vessel;

"(B) impede or obstruct a boarding or arrest, or other law enforcement action authorized by any Federal law; or

"(C) provide information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew, which that person knows or has reason to know is false.

"(c) This section does not limit in any way the preexisting authority of a customs officer under section 581 of the Tariff Act of 1930 or any other provision of law enforced or administered by the Customs Service, or the preexisting authority of any Federal law enforcement officer under any law of the United States to order an aircraft to land or a vessel to bring to.

"(d) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

"(e) For purposes of this section—

"(1) A 'vessel of the United States' and a 'vessel subject to the jurisdiction of the United States' have the meaning set forth for these terms in the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903);

"(2) an aircraft 'subject to the jurisdiction of the United States' includes—

"(A) an aircraft located over the United States or the customs waters of the United States;

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

"(C) over the high seas, an aircraft without nationality, an aircraft of United States registry, or an aircraft registered in a foreign nation that has consented or waived objection to the enforcement of United States law by the United States;

"(3) an aircraft 'without nationality' includes—

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

"(B) an aircraft aboard which the pilot, operator, or person in charge fails, upon request of an officer of the United States empowered to enforce applicable provisions of United States law, to make a claim of registry for that aircraft.

"(4) the term 'bring to' means to cause a vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and sea state; and

"(5) the term 'Federal law enforcement officer' has the meaning set forth in section 115 of this title.

"(f) Any person who intentionally violates the provisions of this section shall be subject to—

"(1) imprisonment for not more than 5 years; and

"(2) a fine as provided in this title.

"(g) An aircraft or vessel that is used in violation of this section may be seized and forfeited. The laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of

such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures undertaken, or alleged to have been undertaken, under any of the provisions of this section; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose. A vessel or aircraft that is used in violation of this section is also liable in rem for any fine or civil penalty imposed under this section."

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

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

#### SEC. 902. FAA SUMMARY REVOCATION AUTHORITY.

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

##### "§44106a. Summary revocation of aircraft certificate

"(a) The registration of an aircraft shall be immediately revoked upon the failure of the pilot, operator, or person in charge of the aircraft to follow the order of a Federal law enforcement officer to land an aircraft, as provided in section 2237 of title 18, United States Code. The Administrator shall as soon as possible notify the owner of the aircraft that the owner no longer holds United States registration for that aircraft.

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

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

"(2) why circumstances existed pursuant to which the Administrator should determine that, notwithstanding subsection (a), it would be in the public interest to issue a new certificate of registration to the owner to be effective concurrent with the revocation occasioned by operation of subsection (a)."

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

"44106a. Summary revocation of aircraft certificate."

(c) Title 49, United States Code, is amended by adding after section 44710 the following new section:

##### "§44710a. Failure to follow order to land aircraft

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

"(1) such person, while acting as the pilot, operator, or person in charge of an aircraft failed to follow the order of a Federal law enforcement officer to land the aircraft as provided in section 2237 of title 18, United States Code, and

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

"(b) If the Administrator determines that extenuating circumstances existed, such as safety of flight, which justified a deviation by the airman from the order to land, the provisions of subsection (a) of this section shall not apply.

"(c) The provisions of subsections (c) and (d) of section 44710 shall apply to any revocation of the airman certificate of any person for failing to follow the order of a Federal law enforcement officer to land an aircraft."

(d) The table of sections at the beginning of chapter 447 of title 49, United States Code, is

amended by inserting after the item relating to section 44710 the following:

"44710a. Failure to follow order to land aircraft."

#### SEC. 903. COAST GUARD AIR INTERDICTION AUTHORITY.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following new section:

##### "§96. Air interdiction authority

"The Coast Guard may issue orders and make inquiries, searches, seizures, and arrests with respect to violations of laws of the United States occurring aboard any aircraft subject to the jurisdiction of the United States as defined in section 2237 of title 18, United States Code. Any order issued under this section to land an aircraft shall be communicated pursuant to regulations promulgated pursuant to section 2237 of title 18, United States Code."

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

"96. Air interdiction authority."

#### SEC. 904. COAST GUARD CIVIL PENALTY PROVISIONS.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

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

"(a) The master, operator, or person in charge of a vessel, or the pilot, operator, or person in charge of an aircraft who fails to comply with an order of a Coast Guard commissioned officer, warrant officer, or petty officer relating to the boarding of a vessel or landing of an aircraft issued under the authority of section 2237 of title 18, United States Code, or section 96 of this title, and communicated according to regulations promulgated under section 2237 of title 18, United States Code, or according to any applicable, internationally recognized standards, or in any other manner reasonably calculated to be received and understood, shall be liable for a civil penalty of not more than \$15,000. For intentional violations of this section, a civil penalty of not more than \$25,000 shall be assessed.

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

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

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

#### SEC. 905. CUSTOMS ORDERS.

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

"(i) As used in this section, the term 'authorized place' includes—

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

"(2) with respect to aircraft to which this section applies by virtue of section 644 of this Act (19 U.S.C. 1644), or regulations issued thereunder, or section 2237 of title 18, United States Code, any location outside of the United States, including a foreign country at which United States customs officers are permitted to conduct inspections, examinations, or searches."

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

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

**"SEC. 591. CIVIL PENALTY FOR FAILURE TO OBEY AN ORDER TO LAND.**

"(a) The pilot, operator, or person in charge of an aircraft who fails to comply with an order of an authorized Federal law enforcement officer relating to the landing of an aircraft issued under the authority of section 581 of this Act, or section 2237 of title 18, United States Code, and communicated according to regulations promulgated under section 2237 of title 18, United States Code, or according to any applicable, internationally recognized standards, or in any other manner reasonably calculated to be received and understood, shall be liable for a civil penalty of not more than \$15,000. For intentional violations of this section, a civil penalty of not more than \$25,000 shall be assessed.

"(b) An aircraft used to violate an order relating to the landing of an aircraft issued under the authority of section 581 of this Act, or section 2237 of title 18, United States Code, is also liable in rem and may be seized, forfeited, and sold in accordance with Customs law, specifically section 1594 of Title 19, United States Code."

**TITLE X—CONVEYANCES****SEC. 1001. CONVEYANCE OF PROPERTY IN MASSACHUSETTS.****(a) AUTHORITY TO CONVEY.—**

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

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine each property to be conveyed pursuant to this subsection.

**(3) PROPERTIES CONVEYED.—**

(A) CAPE ANN LIGHTHOUSE.—The Secretary shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thacher Island, Massachusetts.

(B) COAST GUARD PROPERTY IN GOSNOLD, MASSACHUSETTS.—The Secretary may convey to the town of Gosnold, Massachusetts, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "United States Coast Guard Cuttyhunk Boathouse and Wharf" located in the town of Gosnold, Massachusetts.

**(b) TERMS OF CONVEYANCE.—**

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

(A) without payment of consideration; and  
(B) subject to the conditions required by paragraphs (3), (4), and (5) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the property conveyed shall immediately revert to the United States if the property, or any part of the property

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

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

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

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

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The person to which the property is conveyed is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) MAINTENANCE OF PROPERTY.—The person to which the property is conveyed shall maintain the property in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

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

(1) the term "Cape Ann Lighthouse" means the Coast Guard property located on Thacher Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance;

(2) the term "United States Coast Guard Cuttyhunk Boathouse and Wharf" means real property located in the town of Gosnold, Massachusetts (including all buildings, structures, equipment, and other improvements), as determined by the Secretary of Transportation; and

(3) the term "Secretary" means the Secretary of Transportation.

**SEC. 1002. CONVEYANCE OF CERTAIN LIGHTHOUSES LOCATED IN MAINE.****(a) AUTHORITY TO CONVEY.—**

(1) IN GENERAL.—The Secretary of Transportation (in this section referred to as the "Secretary") may convey to the Island Institute, Rockland, Maine, (in this section referred to as the "Institute"), by an appropriate means of conveyance, all right, title, and interest of the United States in and to any of the facilities and real property and improvements described in paragraph (2).

(2) IDENTIFICATION OF PROPERTIES.—Paragraph (1) applies to lighthouses, together with any real property and other improvements associated therewith, located in the State of Maine as follows:

- (A) Whitehead Island Light.
- (B) Deer Island Thorofare (Mark Island) Light.
- (C) Burnt Island Light.
- (D) Rockland Harbor Breakwater Light.
- (E) Monhegan Island Light.
- (F) Eagle Island Light.
- (G) Curtis Island Light.
- (H) Moose Peak Light.
- (I) Great Duck Island Light.
- (J) Goose Rocks Light.
- (K) Isle au Haut Light.
- (L) Goat Island Light.
- (M) Wood Island Light.
- (N) Doubling Point Light.
- (O) Doubling Point Front Range Light.
- (P) Doubling Point Rear Range Light.
- (Q) Little River Light.
- (R) Spring Point Ledge Light.
- (S) Ram Island Light (Boothbay).
- (T) Seguín Island Light.
- (U) Marshall Point Light.
- (V) Fort Point Light.

(W) West Quoddy Head Light.

(X) Brown's Head Light.

(Y) Cape Neddick Light.

(Z) Halfway Rock Light.

(AA) Ram Island Ledge Light.

(BB) Mount Desert Rock Light.

(CC) Whitlock's Mill Light.

(3) DEADLINE FOR CONVEYANCE.—The conveyances authorized by this subsection shall take place, if at all, not later than 5 years after the date of the enactment of this Act.

(4) ADDITIONAL CONVEYANCES TO UNITED STATES FISH AND WILDLIFE SERVICE.—The Secretary may transfer, in accordance with the terms and conditions of subsection (b), the following lighthouses, together with any real property and improvements associated therewith, directly to the United States Fish and Wildlife Service:

(A) Two Bush Island Light.

(B) Egg Rock Light.

(C) Libby Island Light.

(D) Matinicus Rock Light.

(b) TERMS OF CONVEYANCE.—

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

(A) without payment of consideration; and  
(B) subject to the conditions required by paragraphs (2) and (3) and other terms and conditions the Secretary may consider appropriate.

(2) MAINTENANCE OF NAVIGATION FUNCTION.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the Institute, the United States Fish and Wildlife Service, and an entity to which property is conveyed under this section may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to property conveyed under this section as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter property conveyed under this section without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to property conveyed under this section for the purpose of maintaining the aids to navigation in use on the property.

(3) OBLIGATION LIMITATION.—The Institute, or any entity to which the Institute conveys a lighthouse under subsection (d), is not required to maintain any active aid to navigation equipment on a property conveyed under this section.

(4) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(A) such property or any part of such property ceases to be used for educational, historic, recreational, cultural, and wildlife conservation programs for the general public and for such other uses as the Secretary determines to be not inconsistent or incompatible with such uses;

(B) such property or any part of such property ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation;

(C) such property or any part of such property ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.); or

(D) the Secretary determines that—

(i) the Institute is unable to identify an entity eligible for the conveyance of the lighthouse



under subsection (d) within the 3-year period beginning on the date of the conveyance of the lighthouse to the Institute under subsection (a); or

(ii) in the event that the Institute identifies an entity eligible for the conveyance within that period—

(I) the entity is unable or unwilling to accept the conveyance and the Institute is unable to identify another entity eligible for the conveyance within that period; or

(II) the Maine Lighthouse Selection Committee established under subsection (d)(3)(A) disapproves of the entity identified by the Institute and the Institute is unable to identify another entity eligible for the conveyance within that period.

(c) **INSPECTION.**—The State Historic Preservation Officer of the State of Maine may inspect any lighthouse, and any real property and improvements associated therewith, that is conveyed under this section at any time, without notice, for purposes of ensuring that the lighthouse is being maintained in the manner required under subsection (b). The Institute, and any subsequent conveyee of the Institute under subsection (d), shall cooperate with the official referred to in the preceding sentence in the inspections of that official under this subsection.

(d) **SUBSEQUENT CONVEYANCE.**—

(1) **REQUIREMENT.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Institute shall convey, without consideration, all right, title, and interest of the Institute in and to the lighthouses conveyed to the Institute under subsection (a), together with any real property and improvements associated therewith, to one or more entities identified under paragraph (2) and approved by the committee established under paragraph (3) in accordance with the provisions of such paragraph (3).

(B) **EXCEPTION.**—The Institute, with the concurrence of the Maine Lighthouse Selection Committee and in accordance with the terms and conditions of subsection (b), may retain right, title, and interest in and to the following lighthouses conveyed to the Institute:

(i) Whitehead Island Light.

(ii) Deer Island Thorofare (Mark Island) Light.

(2) **IDENTIFICATION OF ELIGIBLE ENTITIES.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Institute shall identify entities eligible for the conveyance of a lighthouse under this subsection. Such entities shall include any department or agency of the Federal Government, any department or agency of the Government of the State of Maine, any local government in that State, or any nonprofit corporation, educational agency, or community development organization that—

(i) is financially able to maintain the lighthouse (and any real property and improvements conveyed therewith) in accordance with the conditions set forth in subsection (b);

(ii) has agreed to permit the inspections referred to in subsection (c); and

(iii) has agreed to comply with the conditions set forth in subsection (b); and to have such conditions recorded with the deed of title to the lighthouse and any real property and improvements that may be conveyed therewith.

(B) **ORDER OF PRIORITY.**—In identifying entities eligible for the conveyance of a lighthouse under this paragraph, the Institute shall give priority to entities in the following order, which are also the exclusive entities eligible for the conveyance of a lighthouse under this section:

(i) Agencies of the Federal Government.

(ii) Entities of the Government of the State of Maine.

(iii) Entities of local governments in the State of Maine.

(iv) Nonprofit corporations, educational agencies, and community development organizations.

(3) **SELECTION OF CONVEYEEES AMONG ELIGIBLE ENTITIES.**—

(A) **COMMITTEE.**—

(i) **IN GENERAL.**—There is hereby established a committee to be known as the Maine Lighthouse Selection Committee (in this paragraph referred to as the "Committee").

(ii) **MEMBERSHIP.**—The Committee shall consist of five members appointed by the Secretary as follows:

(I) One member, who shall serve as the Chairman of the Committee, shall be appointed from among individuals recommended by the Governor of the State of Maine.

(II) One member shall be the State Historic Preservation Officer of the State of Maine, with the consent of that official, or a designee of that official.

(III) One member shall be appointed from among individuals recommended by State and local organizations in the State of Maine that are concerned with lighthouse preservation or maritime heritage matters.

(IV) One member shall be appointed from among individuals recommended by officials of local governments of the municipalities in which the lighthouses are located.

(V) One member shall be appointed from among individuals recommended by the Secretary of the Interior.

(iii) **APPOINTMENT DEADLINE.**—The Secretary shall appoint the members of the Committee not later than 90 days after the date of the enactment of this Act.

(iv) **MEMBERSHIP TERM.**—

(I) Members of the Committee shall serve for such terms not longer than 3 years as the Secretary shall provide. The Secretary may stagger the terms of initial members of the Committee in order to ensure continuous activity by the Committee.

(II) Any member of the Committee may serve after the expiration of the term of the member until a successor to the member is appointed. A vacancy in the Committee shall be filled in the same manner in which the original appointment was made.

(v) **VOTING.**—The Committee shall act by an affirmative vote of a majority of the members of the Committee.

(B) **RESPONSIBILITIES.**—

(i) **IN GENERAL.**—The Committee shall—

(I) review the entities identified by the Institute under paragraph (2) as entities eligible for the conveyance of a lighthouse; and

(II) approve one such entity, or disapprove all such entities, as entities to which the Institute may make the conveyance of the lighthouse under this subsection.

(ii) **APPROVAL.**—If the Committee approves an entity for the conveyance of a lighthouse, the Committee shall notify the Institute of such approval.

(iii) **DISAPPROVAL.**—If the Committee disapproves of the entities, the Committee shall notify the Institute and, subject to subsection (b)(4)(D)(ii), the Institute shall identify other entities eligible for the conveyance of the lighthouse under paragraph (2). The Committee shall review and approve or disapprove entities identified pursuant to the preceding sentence in accordance with this subparagraph and the criteria set forth in subsection (b).

(C) **EXEMPTION FROM FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee, however, all meetings of the Committee shall be open to the public and preceded by appropriate public notice.

(D) **TERMINATION.**—The Committee shall terminate 8 years from the date of the enactment of this Act.

(4) **CONVEYANCE.**—Upon notification under paragraph (3)(B)(ii) of the approval of an identified entity for conveyance of a lighthouse under this subsection, the Institute shall, with the consent of the entity, convey the lighthouse to the entity.

(5) **RESPONSIBILITIES OF CONVEYEEES.**—Each entity to which the Institute conveys a lighthouse under this subsection, or any successor or assign of such entity in perpetuity, shall—

(A) use and maintain the lighthouse in accordance with subsection (b) and have such terms and conditions recorded with the deed of title to the lighthouse and any real property conveyed therewith; and

(B) permit the inspections referred to in subsection (c).

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of any lighthouse, and any real property and improvements associated therewith, conveyed under subsection (a) shall be determined by the Secretary. The Secretary shall retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the lighthouses conveyed under this subsection, whether located at the lighthouse or elsewhere. The Secretary shall identify any equipment, system, or object covered by this paragraph.

(f) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the next 7 years, the Secretary shall submit to Congress a report on the conveyance of lighthouses under this section. The report shall include a description of the implementation of the provisions of this section, and the requirements arising under such provisions, in—

(1) providing for the use and maintenance of the lighthouses conveyed under this section in accordance with subsection (b);

(2) providing for public access to such lighthouses; and

(3) achieving the conveyance of lighthouses to appropriate entities under subsection (d).

#### **SEC. 1003. CONVEYANCE OF SQUIRREL POINT LIGHT.**

(a) **AUTHORITY TO CONVEY.**—

(1) **IN GENERAL.**—The Secretary of Transportation (in this section referred to as the "Secretary") shall convey to Squirrel Point Associates, Incorporated, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Squirrel Point Light, located in the town of Arrowsic, Maine.

(2) **IDENTIFICATION OF PROPERTY.**—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) **TERMS OF CONVEYANCE.**—

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

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and other terms and conditions the Secretary may consider appropriate.

(2) **REVERSIONARY INTEREST.**—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Squirrel Point Light shall immediately revert to the United States if the Squirrel Point Light, or any part of the property—

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

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

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

(3) **MAINTENANCE OF NAVIGATION FUNCTION.**—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) Squirrel Point Associates, Incorporated, may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the Squirrel Point Light as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) **OBLIGATION LIMITATION.**—The Squirrel Point Associates, Incorporated, is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) **MAINTENANCE OF PROPERTY.**—The Squirrel Point Associates, Incorporated, shall maintain the Squirrel Point Light in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) **DEFINITIONS.**—For purposes of this section, the term "Squirrel Point Light" means the Coast Guard light station located in the town of Arrowsic, Sagadahoc County, Maine—

(1) including the light tower, dwelling, boat house, oil house, barn, any other ancillary buildings and such land as may be necessary to enable Squirrel Point Associates, Incorporated, to operate a non-profit center for public benefit; and

(2) except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

**SEC. 1004. CONVEYANCE OF MONTAUK LIGHT STATION, NEW YORK.**

(a) **AUTHORITY TO CONVEY.**—

(1) **IN GENERAL.**—The Secretary of Transportation shall convey to the Montauk Historical Association in Montauk, New York, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Montauk Light Station, located at Montauk, New York.

(2) **IDENTIFICATION OF PROPERTY.**—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) **TERMS OF CONVEYANCE.**—

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

(A) without the payment of consideration; and

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

(2) **REVERSIONARY INTEREST.**—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Montauk Light Station pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof—

(A) ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard, the maritime history of Montauk, New York, and Native American and colonial history;

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

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

(3) **MAINTENANCE OF NAVIGATION FUNCTIONS.**—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to

navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

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

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Montauk Light Station as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Montauk Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Montauk Historical Association that the Montauk Light Station is needed for national security purposes.

(4) **MAINTENANCE OF PROPERTY.**—Any conveyance of property under this section shall be subject to the condition that the Montauk Historical Association shall maintain the Montauk Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) **OBLIGATION LIMITATION.**—The Montauk Historical Association shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) **MONTAUK LIGHT STATION DEFINED.**—For purposes of this section, the term "Montauk Light Station" means the Coast Guard light station known as Light Station Montauk Point, located at Montauk, New York, including the lighthouse, the keeper's dwellings, adjacent Coast Guard rights of way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker, except any historical artifact, including any lens or lantern, located on the property at or before the time of conveyance.

**SEC. 1005. CONVEYANCE OF POINT ARENA LIGHT STATION.**

(a) **AUTHORITY TO CONVEY.**—

(1) **IN GENERAL.**—At such time as the Secretary determines the Point Arena Light Station to be excess to the needs of the Coast Guard, the Secretary of Transportation shall convey to the Point Arena Lighthouse Keepers, Inc., by an appropriate means of conveyance, all right, title, and interest of the United States in and to The Point Arena Lighthouse, located in Mendocino County, California, except that the Coast Guard shall retain all right, title, and interest in any historical artifact, including any lens or lantern, on the property conveyed pursuant to this section, or belonging to the property, whether located on the property or elsewhere, except that such lens must be retained within the boundary of the State of California.

(2) **IDENTIFICATION OF PROPERTY.**—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) **TERMS OF CONVEYANCE.**—

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

(A) without the payment of consideration; and

(B) subject to such terms and conditions as the Secretary may consider appropriate.

(2) **REVERSIONARY INTEREST.**—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Point Arena Light Station pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any

part thereof ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the maritime history of Point Arena, California.

(3) **MAINTENANCE OF NAVIGATION FUNCTIONS.**—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

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

(B) the Point Arena Lighthouse Keepers, Inc., or any successors or assigns, may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation, or make any changes to the Point Arena Light Station as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Point Arena Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Point Arena Lighthouse Keepers, Inc., that the Point Arena Light Station is needed for national security purposes.

(4) **MAINTENANCE OF PROPERTY.**—Any conveyance of property under this section shall be subject to the condition that the Point Arena Lighthouse Keepers, Inc., shall maintain the Point Arena Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) **OBLIGATION LIMITATION.**—The Point Arena Lighthouse Keepers, Inc., or any successors or assigns, shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) **MAINTENANCE STANDARD.**—The Point Arena Lighthouse Keepers, Inc., or any successor or assign, at its own cost and expense, shall maintain, in a proper, substantial and workmanlike manner, all properties conveyed.

(d) **DEFINITIONS.**—For purposes of this section—

(1) the term "Point Arena Light Station" means the Coast Guard property and improvements located at Point Arena, California, including the light tower building, fog signal building, 2 small shelters, 4 residential quarters, and a restroom facility; and

(2) the term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

**SEC. 1006. CONVEYANCE OF PROPERTY IN KETCHIKAN, ALASKA.**

(a) **AUTHORITY TO CONVEY.**—The Secretary of Transportation, in cooperation with the Administrator of the General Services Administration, shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "Former Marine Safety Detachment" as identified in Report of Excess Number CG-689 (GSA Control Number 9-U-AK-0747) and described in subsection (b), for use as a health or social services facility.

(b) **IDENTIFICATION OF PROPERTY.**—The property referred to in subsection (a) is real property located in the city of Ketchikan, Township 75 south, range 90 east, Copper River Meridian, First Judicial District, State of Alaska, and commencing at corner numbered 10, United States

Survey numbered 1079, the true point of beginning for this description: Thence north 24 degrees 04 minutes east, along the 10-11 line of said survey a distance of 89.76 feet to corner numbered 1 of lot 5B; thence south 65 degrees 56 minutes east a distance of 345.18 feet to corner numbered 2 of lot 5B; thence south 24 degrees 04 minutes west a distance of 101.64 feet to corner numbered 3 of lot 5B; thence north 64 degrees 01 minute west a distance of 346.47 feet to corner numbered 10 of said survey, to the true point of beginning, consisting of 0.76 acres (more or less), and all improvements located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used as a health or social services facility.

**SEC. 1007. CONVEYANCE OF PROPERTY IN TRAVERSE CITY, MICHIGAN.**

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property described in subsection (b), subject to all easements and other interests in the property held by any other person.

(b) IDENTIFICATION OF PROPERTY.—The property referred to in subsection (a) is real property located in the city of Traverse City, Grand Traverse County, Michigan, and consisting of that part of the southeast 1/4 of Section 12, Township 27 North, Range 11 West, described as: Commencing at the southeast 1/4 corner of said Section 12, thence north 03 degrees 05 minutes 25 seconds east along the East line of said Section, 1074.04 feet, thence north 86 degrees 36 minutes 50 seconds west 207.66 feet, thence north 03 degrees 06 minutes 00 seconds east 572.83 feet to the point of beginning, thence north 86 degrees 54 minutes 00 seconds west 1,751.04 feet, thence north 03 degrees 02 minutes 38 seconds east 330.09 feet, thence north 24 degrees 04 minutes 40 seconds east 439.86 feet, thence south 86 degrees 56 minutes 15 seconds east 116.62 feet, thence north 03 degrees 08 minutes 45 seconds east 200.00 feet, thence south 87 degrees 08 minutes 20 seconds east 68.52 feet, to the southerly right-of-way of the C & O Railroad, thence south 65 degrees 54 minutes 20 seconds east along said right-of-way 1508.75 feet, thence south 03 degrees 06 minutes 00 seconds west 400.61 to the point of beginning, consisting of 27.10 acres of land, and all improvements located on that property including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a) or (d), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City Area Public School District.

(d) TERMS OF CONVEYANCE.—The conveyance of property under this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(1) the pump room located on the property shall continue to be operated and maintained by the United States for as long as it is needed for this purpose;

(2) the United States shall have an easement of access to the property for the purpose of operating and maintaining the pump room; and

(3) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating and maintaining the pump room.

**SEC. 1008. TRANSFER OF COAST GUARD PROPERTY IN NEW SHOREHAM, RHODE ISLAND.**

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the town of New Shoreham, Rhode Island, without consideration, all right, title, and interest of the United States in and to the property known as the United States Coast Guard Station Block Island, as described in subsection (b), subject to all easements and other interest in the property held by any other person.

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

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property under subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the town of New Shoreham, Rhode Island.

**SEC. 1009. CONVEYANCE OF PROPERTY IN SANTA CRUZ, CALIFORNIA.**

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary may convey to the Santa Cruz Port District by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) CONSIDERATION.—Any conveyance of property pursuant to this section shall be made without payment of consideration.

(c) CONDITION.—The conveyance provided for in subsection (a) may be made contingent upon agreement by the Port District that—

(1) the utility systems, building spaces, and facilities or any alternate, suitable facilities and buildings on the harbor premises would be available for joint use by the Port District and the Coast Guard when deemed necessary by the Coast Guard; and

(2) the Port District would be responsible for paying the cost of maintaining, operating, and replacing (as necessary) the utility systems and any buildings and facilities located on the property as described in subsection (a) or on any alternate, suitable property on the harbor premises set aside for use by the Coast Guard.

(d) REVERSIONARY INTEREST.—Any conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in Subunit Santa Cruz shall immediately revert to the United States:

(1) If Subunit Santa Cruz ceases to be maintained as a nonprofit center for education, training, administration, and other public service to include use by the Coast Guard;

(2) at the end of the thirty day period beginning on any date on which the Secretary provides written notice to the Santa Cruz Port District that Subunit Santa Cruz is needed for national security purposes.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(f) DEFINITIONS.—For purposes of this section—

(1) "Subunit Santa Cruz" means the Coast Guard property and improvements located at Santa Cruz, California;

(2) "Secretary" means the Secretary of the department in which the Coast Guard is operating; and

(3) "Port District" means the Santa Cruz Port District, or any successor or assign.

**SEC. 1010. CONVEYANCE OF VESSEL S/S RED OAK VICTORY.**

(a) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation may convey the right, title, and interest of the United States Government in and to the vessel S/S RED OAK VICTORY (Victory Ship VCS-AP2; United States Navy Hull No. AK235) to the City of Richmond Museum Association, Inc., located in Richmond, California (in this section referred to as "the recipient"), if—

(1) the recipient agrees to use the vessel for the purposes of a monument to the wartime accomplishments of the City of Richmond;

(2) the vessel is not used for commercial transportation purposes;

(3) the recipient agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or a national emergency;

(4) the recipient agrees to hold the Government harmless for any claims arising from exposure to asbestos after conveyance of the vessel, except for claims arising from use by the Government under paragraph (3); and

(5) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least \$100,000.

(b) DELIVERY OF VESSEL.—If a conveyance is made under this section, the Secretary shall deliver the vessel at the place where the vessel is located on the date of enactment of this Act, in its present condition, without cost to the Government.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient any unneeded equipment from other vessels in the National Defense Reserve Fleet for use to restore the S/S RED OAK VICTORY to museum quality.

(d) RETENTION OF VESSEL IN NDRF.—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under subsection (a), until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of conveyance of the vessel under subsection (a).

**TITLE XI—MISCELLANEOUS**

**SEC. 1101. FLORIDA AVENUE BRIDGE.**

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.), the Secretary shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

**SEC. 1102. OIL SPILL RECOVERY INSTITUTE.**

(a) ADVISORY BOARD AND EXECUTIVE COMMITTEE.—Section 5001 of the Oil Pollution Act of 1990 (33 U.S.C. 2731) is amended—

(1) by striking "to be administered by the Secretary of Commerce" in subsection (a);

(2) by striking "and located" in subsection (a) and inserting "located";

(3) by striking "the EXXON VALDEZ oil spill" each place it appears in subsection (b)(2) and inserting "Arctic or Subarctic oil spills";

(4) by striking "18" in subsection (c)(1) and inserting "14";

(5) by striking "Game, and Environmental Conservation, Natural Resources, and Commerce and Economic Development" in subsection (c)(1)(A) and inserting "Game and Economic Development";

(6) by striking subsection (c)(1) (B), (C), and (D);

(7) by redesignating subparagraphs (E) and (F) of subsection (c)(1) as subparagraphs (G) and (H), respectively;

(8) by inserting after subparagraph (A) of subsection (c)(1) the following:

“(B) One representative appointed by each of the Secretaries of Commerce and Transportation, who shall be Federal employees.

“(C) Two representatives from the fishing industry appointed by the Governor of the State of Alaska from among residents of communities in Alaska that were affected by the EXXON VALDEZ oil spill, who shall serve terms of 2 years each. Interested organizations from within the fishing industry may submit the names of qualified individuals for consideration by the Governor.

“(D) Two Alaska Natives who represent Native entities affected by the EXXON VALDEZ oil spill, at least one of whom represents an entity located in Prince William Sound, appointed by the Governor of Alaska from a list of 4 qualified individuals submitted by the Alaska Federation of Natives, who shall serve terms of 2 years each.

“(E) Two representatives from the oil and gas industry to be appointed by the Governor of the State of Alaska who shall serve terms of 2 years each. Interested organizations from within the oil and gas industry may submit the names of qualified individuals for consideration by the Governor.

“(F) Two at-large representatives from among residents of communities in Alaska that were affected by the EXXON VALDEZ oil spill who are knowledgeable about the marine environment and wildlife within Prince William Sound, and who shall serve terms of 2 years each, appointed by the remaining members of the Advisory Board. Interested parties may submit the names of qualified individuals for consideration by the Advisory Board.”;

(9) adding at the end of subsection (c) the following:

“(4) EVALUATION.—The Advisory Board will request a scientific review of the research program every five years by the National Academy of Sciences which will perform the review as part of its responsibilities under Section 7001(b)(2).”;

(10) by striking “the EXXON VALDEZ oil spill” in subsection (d)(2) and inserting “Arctic or Subarctic oil spills”;

(11) by striking “Secretary of Commerce” in subsection (e) and inserting “Advisory Board”;

(12) by striking “the Advisory Board,” in subsection (e);

(13) by striking “Secretary’s” in subsection (e) and inserting “Advisory Board’s”;

(14) by inserting “authorization in section 5006(b) providing funding for the” in subsection (i) after “The”;

(15) by striking “this Act” in subsection (i) and inserting “the Coast Guard Authorization Act of 1995”; and

(16) by inserting “The Advisory Board may compensate its Federal representatives for their reasonable travel costs.” in subsection (j) after “Institute.”.

(b) FUNDING.—Section 5006 of the Oil Pollution Act of 1990 (33 U.S.C. 2736) is amended by—

(1) striking subsection (a), redesignating subsection (b) as subsection “(a)”;

(2) striking “5003” in the caption of subsection (a), as redesignated, and inserting “5001, 5003.”;

(3) inserting “to carry out section 5001 in the amount as determined in section 5006(b), and” after “limitation,” in the text of subsection (a), as redesignated; and

(4) adding at the end thereof the following:

“(b) USE OF INTEREST ONLY.—The amount of funding to be made available annually to carry out section 5001 shall be the interest produced by the Fund’s investment of the \$22,500,000 remaining funding authorized for the Prince William Sound Oil Spill Recovery Institute and currently deposited in the Fund and invested by the Secretary of the Treasury in income producing securities along with other funds comprising the Fund.

“(c) USE FOR SECTION 1012.—Beginning with the eleventh year following the date of enactment of the Coast Guard Authorization Act of 1995, the funding authorized for the Prince William Sound Oil Spill Recovery Institute and deposited in the Fund shall thereafter be made available for purposes of section 1012 in Alaska.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended by striking “5006(b)” and inserting “5006”.

(2) Section 7001(c)(9) the Oil Pollution Act of 1990 (33 U.S.C. 2761(c)(9)) is amended by striking the period at the end thereof and inserting “until the authorization for funding under section 5006(b) expires”.

#### SEC. 1103. LIMITED DOUBLE HULL EXEMPTIONS.

(a) IN GENERAL.—The double hull construction requirements of section 3703a of title 46, United States Code, do not apply to—

(1) a vessel equipped with a double hull before August 12, 1992; or

(2) a barge of less than 1,200 gross tons carrying refined petroleum product in bulk as cargo in or adjacent to waters of the Bering Sea, Chukchi Sea, and Arctic Ocean and waters tributary thereto and in the waters of the Aleutian Islands and the Alaskan Peninsula west of 155 degrees west longitude.

(b) AUTHORITY OF THE SECRETARY OF TRANSPORTATION.—

(1) OPERATION OF BARGES IN OTHER WATERS.—The operation of barges described in subsection (a)(2) outside waters described in that subsection shall be on such conditions as the Secretary of Transportation may require.

(2) NO EFFECT ON OTHER AUTHORITY OF THE SECRETARY.—Except as provided in subsection (a), nothing in this section affects the authority of the Secretary of Transportation to regulate the construction, operation, or manning of barges and vessels in accordance with applicable laws and regulations.

(c) BARGE DEFINED.—For purposes of this section, the term “barge” has the meaning given that term in section 2101 of title 46, United States Code.

#### SEC. 1104. OIL SPILL RESPONSE VESSELS.

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

(1) by redesignating paragraph (20a) as (20b); and

(2) by inserting after paragraph (20) the following new paragraph:

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

(b) EXEMPTION FROM LIQUID BULK CARRIAGE REQUIREMENTS.—Section 3702 of title 46, United States Code, is amended by adding at the end thereof the following:

“(f) This chapter does not apply to an oil spill response vessel if—

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

“(2) the vessel is—

“(A) not more than 500 gross tons;

“(B) designated in its certificate of inspection as an oil spill response vessel; and

“(C) engaged in response-related activities.”.

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

“(p) The Secretary may prescribe the watchstanding and work hours requirements for an oil spill response vessel.”.

(d) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(e) of title 46, United States Code, is amended to read as follows:

“(e) The Secretary may prescribe the minimum number of licensed individuals for an oil spill response vessel.”.

(e) MERCHANT MARINER DOCUMENT REQUIREMENTS.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking “and” after the semicolon at the end of paragraph (7),

(2) by striking the period at the end of paragraph (8) and inserting a semicolon and “and”; and

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

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

(f) EXEMPTION FROM TOWING VESSEL REQUIREMENT.—Section 8905 of title 46, United States Code, is amended by adding at the end the following new subsection:

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

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

“(14) oil spill response vessels.”.

#### SEC. 1105. SENSE OF THE CONGRESS REGARDING PASSENGERS ABOARD COMMERCIAL VESSELS.

It is the sense of the Congress that section 521(a)(1) of Public Law 103-182 (19 U.S.C. 58c(a)(5)) was intended to require the collection and remission of a fee from each passenger only one time in the course of a single voyage aboard a commercial vessel.

#### SEC. 1106. CALIFORNIA CRUISE INDUSTRY REVITALIZATION.

Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the “Johnson Act”, is amended by adding at the end thereof the following:

“(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

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

“(ii) that is part of a voyage to another State or to a foreign country; and

“(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.”.

#### SEC. 1107. LOWER COLUMBIA RIVER MARINE FIRE AND SAFETY ACTIVITIES.

The Secretary of Transportation is authorized to expend out of the amounts appropriated for the Coast Guard for fiscal year 1996 not more than \$491,000 for lower Columbia River marine, fire, oil, and toxic spill response communications, training, equipment, and program administration activities conducted by the Marine Fire and Safety Association.

#### SEC. 1108. OIL POLLUTION RESEARCH TRAINING.

Section 7001(c)(2)(D) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(c)(2)(D)) is amended by striking “Texas,” and inserting “Texas, and the Center for Marine Training and Safety in Galveston, Texas.”.

#### SEC. 1109. LIMITATION ON CONSOLIDATION OR RELOCATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not consolidate or relocate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas.

#### SEC. 1110. UNINSPECTED FISH TENDER VESSELS.

Section 3302 of Title 46, United States Code, is amended in subsection (c)(3)(A) by adding “(including fishery-related products)” after the word “cargo”.

#### SEC. 1111. FOREIGN PASSENGER VESSEL USER FEES.

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

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

(2) by striking subsection (b).

#### SEC. 1112. COAST GUARD USER FEES.

(a) FINDINGS.—The Congress finds the following:

(1) The Secretary of Transportation is authorized under subsection 10401(g) of the Omnibus

Budget Reconciliation Act of 1990 (46 U.S.C. 2110(g)) to exempt persons from the requirement to pay Coast Guard inspection user fees if it is in the public interest to do so.

(2) Publicly-owned ferries serve the public interest by providing necessary, and in many cases, the only available, transportation between locations divided by bodies of water.

(3) Small passenger vessels serve the public interest by providing vital small business opportunities in virtually every coastal city of the United States and by providing important passenger vessels services.

(4) During the Coast Guard inspection user fee rulemaking process, small passenger vessel operators informed the Coast Guard that proposed user fees were excessive and would force small passenger operators out of business, leaving many areas without small passenger vessel services required by the public.

(5) The Secretary of Transportation failed to adequately protect the public interest and failed to follow Congressional intent by establishing Coast Guard inspection user fees for small passenger vessels which exceed the ability of these small businesses to pay the fees and by establishing Coast Guard inspection user fees for publicly-owned ferries.

(b) **LIMITS ON USER FEES.**—Section 10401(g) of the Omnibus Budget Reconciliation Act of 1990 (46 U.S.C. 2110(a)(2)) is amended by adding after "annually," the following: "The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination of a small passenger vessel under this title that is more than \$300 annually for such vessels under 65 feet in length, or more than \$600 annually for such vessels 65 feet in length and greater. The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination under this title for any publicly-owned ferry."

#### SEC. 1113. VESSEL FINANCING.

(a) **DOCUMENTATION CITIZEN ELIGIBLE MORTGAGEE.**—Section 31322(a)(1)(D) of title 46, United States Code, is amended—

(1) by striking "or" at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting "or"; and

(3) by adding at the end the following:

"(vii) a person eligible to own a documented vessel under chapter 121 of this title."

(b) **AMENDMENT TO TRUSTEE RESTRICTIONS.**—Section 31328(a) of title 46, United States Code, is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "or"; and

(3) by adding at the end the following:

"(5) is a person eligible to own a documented vessel under chapter 121 of this title."

(c) **LEASING.**—Section 12106 of title 46, United States Code, is amended by adding at the end the following:

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

"(A) the vessel is eligible for documentation under section 12102;

"(B) the person that owns the vessel, a parent entity of that person, or a subsidiary of a parent entity of that person, is engaged in leasing;

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

"(D) the demise charter is for—

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

"(ii) a shorter period as may be prescribed by the Secretary; and

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

"(2) Upon default by a bareboat charterer of a demise charter required under paragraph (1)(D), the coastwise endorsement of the vessel

may, in the sole discretion of the Secretary, be continued after the termination for default of the demise charter for a period not to exceed 6 months on terms and conditions as the Secretary may prescribe.

"(3) For purposes of section 2 of the Shipping Act, 1916, and section 12102(a) of this title, a vessel meeting the criteria of subsection is deemed to be owned exclusively by citizens of the United States."

(d) **CONFORMING AMENDMENT.**—Section 9(c) of the Shipping Act, 1916, as amended (46 U.S.C. App. 808(c)) is amended by striking "sections 31322(a)(1)(D)" and inserting "sections 12106(e), 31322(a)(1)(D)".

#### SEC. 1114. MANNING AND WATCH REQUIREMENTS ON TOWING VESSELS ON THE GREAT LAKES.

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

(1) by striking "or permitted"; and

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

(b) Section 8104(e) of title 46, United States Code, is amended by striking "subsections (c) and (d)" and inserting "subsection (d)".

(c) Section 8104(g) of title 46, United States Code, is amended by striking "(except a vessel to which subsection (c) of this section applies)".

#### SEC. 1115. REPEAL OF GREAT LAKES ENDORSEMENTS.

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

(b) **CONFORMING AMENDMENTS.**—

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

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

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

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

(A) by striking "coastwise, Great Lakes endorsement" and all that follows through "foreign ports," and inserting "registry endorsement, engaged in foreign trade on the Great Lakes or their tributary or connecting waters in trade with Canada,"; and

(B) by striking "as if from or to foreign ports".

(5) Section 9302(a)(1) of title 46, United States Code, is amended by striking "subsections (d) and (e)" and inserting "subsections (d), (e) and (f)".

(6) Section 9302(e) of title 46, United States Code, is amended by striking "subsections (a) and (b)" and inserting "subsection (a)".

(7) Section 9302 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(f) A United States vessel operating between ports on the Great Lakes or between ports on the Great Lakes and the St. Lawrence River carrying no cargo obtained from a foreign port outside of the Great Lakes or carrying no cargo bound for a foreign port outside of the Great Lakes, is exempt from the requirements of subsection (a) of this section."

#### SEC. 1116. RELIEF FROM U.S. DOCUMENTATION REQUIREMENTS.

(a) **IN GENERAL.**—Notwithstanding any other law or any agreement with the United States Government, a vessel described in subsection (b) may be sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

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

(1) **RAINBOW HOPE** (United States official number 622178).

(2) **IOWA TRADER** (United States official number 642934).

(3) **KANSAS TRADER** (United States official number 634621).

(4) **MV PLATTE** (United States official number number 653210).

(5) **SOUTHERN** (United States official number 591902).

(6) **ARZEW** (United States official number 598727).

Mr. STEVENS. Mr. President, the Coast Guard Authorization Act of 1995 (S. 1004) is bipartisan legislation to reauthorize the activities of the U.S. Coast Guard for fiscal year 1996.

On March 15, 1995, the Committee on Commerce, Science, and Transportation held a hearing to review the administration's request for this bill.

Senators PRESSLER, HOLLINGS, KERRY, and BREAU joined me as cosponsors of the legislation, which I introduced in June 1995.

The Commerce Committee reported my bill on July 20, 1995 and filed its report on October 19, 1995.

The manager's amendment I am offering improves on the reported bill and adds several new provisions that were requested by the Coast Guard or Members of the Senate, or that were included in the House-passed Coast Guard bill.

Senators PRESSLER, HOLLINGS, KERRY, SNOWE, and HUTCHISON join me as cosponsors of the amendment.

The bill authorizes a total of \$3.69 billion for the Coast Guard in fiscal 1996, including \$2.6 million for operations and maintenance, \$428 million for acquisition and construction, and \$582 million for retired pay.

It authorizes an end-of-year military strength for Coast Guard active duty personnel at 38,400 for fiscal year 1996.

I cannot emphasize enough how important the Coast Guard is in protecting the lives of Americans along the coasts.

On the average day, the Coast Guard will save 14 lives in the United States alone, and assist 328 people.

On the average day, the Coast Guard will save \$2.5 million in property, and will seize almost 400 pounds of marijuana and cocaine.

On the average day, the Coast Guard will interdict 176 illegal immigrants, and conduct 191 search and rescue missions.

In 1 year—in Alaska alone—the Coast Guard will save approximately 200 lives.

I cannot emphasize enough how much the Coast Guard means to Alaskans and to Americans who work out on the ocean or use our waterways for recreation.

I want like to take this opportunity to thank Admiral Kramek, the Commandant of the Coast Guard, and to specifically thank the Commander of the 17th District, Admiral Ernest Riutta, and all of the Coast Guard personnel in Alaska for their dedication to the protection of Alaskans.

The Coast Guard is an integral part of our coastal communities in Alaska, and we are grateful for their presence.

I also want to note that 2 days ago the President signed the Transportation appropriations bill we passed for

the next fiscal year, so the Coast Guard was only temporarily affected by the current government shutdown.

I am offering a separate amendment (cosponsored by Senators CHAFEE, SNOWE, and BREAUX) to fix a problem in the Oil Pollution Act of 1990 [OPA] relating to financial responsibility requirements for offshore facilities.

The section of OPA we are fixing is under the jurisdiction of the Environment and Public Works Committee. My summary contains an explanation of the changes we are making.

An amendment Senator KERRY is offering would modify the existing coordinates of an Army Corps of Engineers dredging project in Cohasset Harbor.

This provision, too, is under the jurisdiction of the Environment and Public Works Committee.

I further request that my summary of the bill be printed in the RECORD.

Before I conclude, I want to thank the Commerce Committee staff who helped us prepare this legislation: Tom Melius, Jim Sartucci, and Trevor McCabe on the majority side and Penny Dalton, Lila Helms and Carl Bentzel on the minority side.

I also want to thank Admiral Kramek and the Coast Guard for their help with the bill. We've particularly appreciated the assistance of Coast Guard Congressional Liaison personnel: Captain Guy Goodwin (Chief of Congressional Affairs), Commander John Jaskot (Senate Liaison Officer), and Commander Larry Kiern (Counsel for Congressional Affairs).

I know of no opposition to the bill or amendments we are offering today.

There being no objection, the summary was ordered to be printed in the RECORD; as follows:

#### SUMMARY OF S. 1004

The reported bill authorizes appropriations for the Coast Guard in the amount of 3.69 billion dollars for fiscal year 1996. It authorizes end of year military strengths for active duty personnel of 38,400 for fiscal year 1996 and authorizes several personnel management improvements requested by the Coast Guard.

In the area of marine safety and waterway services management, the bill imposes a new civil penalty for alcohol and dangerous drug testing violations, increases existing civil penalties for documentation, marine casualty reporting, and uninspected vessel manning violations, and enables the Coast Guard to collect foreign passenger vessel inspection user fees.

The bill renews several advisory committees that provide the Coast Guard with key private sector input, authorizes the electronic filing of certain vessel commercial instruments, and establishes a new regulatory system for oil spill response vessels. It amends certain document endorsement and towing vessel manning requirements to improve the competitiveness of Great Lakes vessels.

The bill improves the management of the Coast Guard Auxiliary, a 36,000 member volunteer organization that provides the Coast Guard with low-cost assistance with its boating safety mission. It defines the status of and provides protection for Auxiliary members while performing official Coast Guard

duties. It also improves their ability to cooperate with State authorities and obtain excess Coast Guard resources.

The bill improves recreational boating safety by restructuring the process for providing states with recreational boating safety grants, stimulating non-trailerable vessel facility construction, requiring young children to wear a Coast Guard approved personal flotation device under certain circumstances, and requiring a plan to increase the reporting of vessel accidents.

A key provision of the bill reduces the regulatory burden on U.S. commercial vessel operators by shifting away from excessive U.S. vessel standards towards accepted international standards. This title also authorizes the use of third party and self inspection programs as alternatives to Coast Guard inspections and extends U.S. vessel inspection intervals. These changes are supported by the Coast Guard, and will enable Coast Guard inspectors to focus more on the problem of substandard foreign vessels calling on U.S. ports. The bill also includes numerous technical changes to authorize the establishment of alternate international vessel measurement system requirements for existing statutes that contain U.S. vessel measurement thresholds. These alternate tonnages will enable U.S. vessel designers and operators to be competitive in the international vessel market.

The bill strengthens statutes intended to reduce pollution from ships, establishes a Marine Debris Coordinating Committee to improve the effectiveness of marine pollution statutes, and continues and improves an existing pollution prevention public outreach program.

The bill includes a number of provisions to strengthen the Coast Guard's authority to combat drug smuggling by sea and air, and to protect Coast Guard personnel during boardings at sea.

The bill provides for the conveyances of several pieces of Coast Guard property which the Coast Guard no longer needs, as well as several miscellaneous provisions.

#### SUMMARY OF STEVENS AMENDMENT

The amendment makes a number of technical corrections to the bill. Among its substantive provisions, the amendment: (1) enhances the federal government's ability to collect fines and penalties from owners and operators of foreign vessels that call on U.S. ports; (2) authorizes the conveyance of unneeded National Defense Reserve Fleet equipment to museum ships; (3) provides new authority for the Coast Guard, similar to the authority that has been included in the Defense authorization bill for other branches, to obtain family housing units, unaccompanied housing units and support facilities; (4) authorizes the Coast Guard to exchange its dock and facilities in downtown Juneau, Alaska for other property it determines suitable; (5) establishes a nonjudicial alternative to Federal court action for marine lenders in cases of vessel defaults; (6) authorizes the use of Canadian oil spill response and recovery vessels in the U.S. waters adjacent to Canada at the Maine border in emergencies when no suitable U.S. vessels are available; (7) facilitates the sale by courts of recreational vessels to non-U.S. citizens; (8) improves the Coast Guard's authority to sell recyclable material; (9) authorizes waivers to the Jones Act for several vessels; and (10) authorizes an experimental vessel inspection program in the State of Minnesota.

The amendment also makes certain changes to section 1113 of the reported bill to ensure that the section is not used to circumvent U.S. coastwise laws. The purpose of the section is to eliminate technical impediments to certain financing techniques for vessels in the domestic trade.

Section 1113 adds a new subsection ("(e)") to section 12106 of title 46, United States Code, to permit coastwise endorsements for vessels owned by non-U.S. citizens where: 1) the owner is primarily engaged in the financing of the vessel; and 2) where the owner has transferred, through a bona fide demise charter of at least three years, full possession, control and command of the vessel to a person qualifying as a citizen of the United States, so that the demise charterer is considered the owner pro hac vice during the charter term. The amendment ensures that the demise charter is bona fide by requiring a certification that no other agreements, arrangements or understandings (other than the demise charter) exist between the owner and charterer, and a requirement that the charter hire not be significantly greater than that prevailing in the commercial market. The latter requirement is intended to ensure that the "owner" under the demise charter is a bona fide lessor.

The Secretary of Transportation establish the necessary regulations to administer the new subsection, including providing for the filing of demise charters and amendments to such demise charters for vessels issued coastwise endorsements under the new subsection, as part of the vessel documentation procedures administered by the Coast Guard, or its successor. Provisions will also be made so that interested persons can register their concerns with respect to any lease finance transaction which may not be bona fide. Section 1113 prohibits vessels which receive documentation or a coastwise endorsement under the new subsection 12106(e) from receiving a fishery endorsement under section 12108 of title 46, United States Code.

#### SUMMARY OF STEVENS/CHAFEE AMENDMENT

Section 1016 of the Oil Pollution Act of 1990 (OPA) requires a "responsible party with respect to an offshore facility" to "establish and maintain evidence of financial responsibility in the amount of \$150,000,000." "Offshore facility" is defined in OPA as "any facility of any kind located in, on, or under the navigable waters of the United States," and "facility" under OPA is defined to include even motor vehicles. Further, the definition of "navigable waters" under the Clean Water Act is quite broad, encompassing wetlands and other areas. The Minerals Management Service (MMS) has concluded that it cannot issue regulations for this section of OPA because the \$150 million financial responsibility requirement would apply too broadly, and the statute does not provide the agency with flexibility.

The amendment limits the application of the financial responsibility requirement to responsible parties with respect to offshore facilities that are: 1) seaward of the line of ordinary low water (i.e. seaward of the line of low tide and actually in the ocean, including inland bays and estuaries); 2) used for exploring for, drilling for, or producing oil, or for transporting oil from facilities engaged in exploration, drilling, or production; and 3) that have a worst case discharge potential of 1,000 barrels of oil or more. This narrows the broad meaning of section 1016 to include only the offshore facilities Congress intended in 1990. The President would have the discretionary authority to require evidence of financial responsibility for offshore facilities with a worst case discharge of less than 1,000 barrels if the facility poses risks necessary to justify such evidence.

In addition, the language lowers the amount of financial responsibility for responsible parties with respect to offshore facilities from \$150 million down to \$35 million for facilities outside of three miles, and to \$10 million for facilities inside the State three-mile limits. The provision allows the



President to increase the amount (back up to \$150 million) if the facility is determined to pose a risk requiring a higher amount, based on a risk assessment of a number of variables. If a State has financial responsibility requirements that are equal to or greater than the federal requirements, the federal requirements will not apply. This will help to eliminate duplicative reporting requirements for responsible parties in demonstrating evidence of financial responsibility for offshore facilities.

The amendment eliminates the problem under OPA as passed which would require even small and low-risk offshore facilities to have evidence of \$150 million in oil spill liability coverage. The amendment will further prevent responsible parties with respect to marinas and other facilities which are not involved in exploration, drilling or the production of oil from having to satisfy financial responsibility requirements intended to apply to traditional offshore facilities engaged in these activities. Nothing in the provision affects the liability of responsible parties for oil spills under OPA, just the amount of financial responsibility they must show with respect to offshore facilities.

Mr. PRESSLER. Mr. President, I am pleased that today the Senate is considering S. 1004, the Coast Guard Authorization Act of 1995, along with a manager's amendment to the bill.

The Coast Guard has broad ranging responsibilities—from enforcing America's maritime laws to ensuring the safety of recreational boaters.

Like other Federal agencies, the Coast Guard faces the challenge of continuing to provide better government at less cost. It is clear the American taxpayers are demanding a smaller, more accountable federal government. At the same time, the demand for certain government services, including those provided by the Coast Guard, continues to be great. The Commandant of the Coast Guard, Adm. Robert E. Kramek, recently announced his national plan for streamlining the Coast Guard, which will save, on a cumulative basis, nearly \$1 billion by the year 2005 and make available over \$1 billion in property for other uses. Despite cuts of this magnitude, the Coast Guard will continue to perform all its current missions. I am pleased the Coast Guard is making a serious effort to improve its efficiency while maintaining its effectiveness.

The bill before us authorizes appropriations for the Coast Guard for fiscal year 1996 and authorizes several management improvements requested by the Coast Guard. Many members on both sides of the aisle have expressed interest in this bill and we have addressed their requests as best we could. The bill and amendment have broad bipartisan support.

Mr. President, I would now like to make special mention of certain portions of the bill and amendment.

The bill improves the management of the Coast Guard Auxiliary, a 36,000 member volunteer organization that provides the Coast Guard with low-cost assistance with its boating safety mission. The bill also improves recreational boating safety by restructuring the process for providing States

with recreational boating safety grants and stimulating nontrailerable vessel facility construction. These provisions will help ensure the safety of recreational boaters throughout the Nation, including places like Lewis and Clark Lake in my home State of South Dakota.

Mr. President, I believe the Coast Guard is up to the challenge of maintaining its status as the world's premier maritime organization despite the intense budget pressure. It is my belief this authorization bill provides the Coast Guard with the support it needs to meet that challenge.

Let me take this opportunity to thank the very capable Senator STEVENS, who is Chairman of our Oceans and Fisheries Subcommittee, for his leadership in developing this bill and amendment.

I would also like to recognize Senator HOLLINGS, the ranking Democratic member on the full committee for his bipartisanship throughout this process.

And finally, I wish to thank my colleagues for their contributions and support and I urge the adoption of the manager's amendment and passage of S. 1004.

Mr. HOLLINGS. Mr. President, in recent weeks there have been numerous battles on the Senate floor over efforts to take a budgetary meat ax to the Federal Government, eliminating agencies and slashing funding. Today, I am pleased to join with my Commerce Committee colleagues in supporting legislation to authorize the activities of one Federal agency, the U.S. Coast Guard, which has been spared by the budget hackers. The reason for this success is simple—there is bipartisan recognition that the Coast Guard has an important job and does it well. Indeed, the widespread support for the Coast Guard budget reflects the breadth and complexity of its missions—from protecting our maritime boundaries and the safety of life at sea to preserving the ocean environment and enforcing maritime laws and treaties. On an average day in 1994, the Coast Guard saved 14 lives, assisted 328 people, responded to 34 oil or hazardous chemical spills, inspected 64 commercial vessels, seized 379 pounds of illegal drugs, serviced 150 aids to navigation, and interdicted 174 illegal aliens.

Over the years, we have continued to ask the Coast Guard to do more with less. In typical fashion, the Coast Guard has responded with a streamlining plan that will trim \$400 million from the budget by 1998 and allow personnel reductions of 4,000 people. As an example of the pragmatic approach the Coast Guard has taken in this plan, next summer we will welcome the Coast Guard high endurance cutters, *Dallas* and *Gallatin*, to their new homeport at the Charleston Navy Base. By relocating Coast Guard assets from expensive locales like Governors Island to areas where the quality of life is high and the cost of living is reasonable, everyone benefits. Coast Guard is

better able to meet both its budgetary bottom line and its personnel needs.

Today, the Senate is considering S. 1004, the Coast Guard Authorization Act of 1995. The bill authorizes a Coast Guard budget of \$3.7 billion in fiscal year 1996, covering six appropriations accounts: First, operating expenses; second, acquisition, construction, and improvement of equipment and facilities; third, research and development; fourth, retired pay; fifth, alteration and removal of bridges; and sixth, environmental compliance and restoration. The authorization levels are consistent with the administration's budget request for fiscal year 1996.

S. 1004 also provides for end-of-year military strength and training loads and addresses a backlog of Coast Guard-related administrative and policy issues. Among such issues, the bill provides for: Personnel administrative reforms requested by the administration, marine safety and waterways management improvements, updated authority for the Coast Guard Auxiliary, funding for State recreational boating safety grants, regulatory reforms for the U.S. maritime industry, tougher controls to reduce marine plastic pollution, and law enforcement enhancements to reduce drug smuggling and money laundering. At this point, I would like to highlight some key provisions of the legislation.

#### ALTERATION OF BRIDGES

Under the Truman-Hobbs Bridge Act, the Federal Government shares with the States the cost of altering publicly owned bridges that obstruct the free movement of marine traffic. The administration requested no funding for this account in fiscal year 1995, initiating a new policy under which the Coast Guard no longer will seek direct funding for alteration of highway bridges. Instead, the administration proposes that the Federal share of such projects be financed from the discretionary bridge program funds of the Federal Highway Administration, under the continuing program direction of the Coast Guard. This new policy would not apply to railroad bridges. S. 1004 provides the Secretary of Transportation—Secretary—with the discretionary authority to implement the administration policy.

#### BOAT SAFETY ACCOUNT

Similar to legislation approved by the committee last Congress, S. 1004 would ensure that States receive financial assistance for the development and implementation of a coordinated national recreational boating safety program. The State grants are not funded from general revenues, but rather from motorboat fuel tax revenues that are deposited in the Boat Safety Account of the Aquatic Resources Trust Fund—Wallop-Breaux Fund. The Wallop-Breaux Fund also supports State grant programs administered by the Department of the Interior [DOI]. Unlike the DOI programs, however, the Coast Guard grant program is scored against

agency operating expenses and competes directly with other Coast Guard missions for funding priority. S. 1004 would continue State boating safety grants and allow the budget scoring to be patterned after DOI programs under the Wallop-Breaux fund by increasing the funding available under the Clean Vessel Act of 1992. Under the bill, authorized funding for State boating programs would increase from \$45 million in fiscal year 1995 to \$59 million by fiscal year 1999. S. 1004 also would improve recreational boating safety by requiring children age 6 and younger to wear lifejackets and calling for plans to be developed to improve reporting of vessel accidents.

#### COAST GUARD REGULATORY REFORM.

Last year, Coast Guard worked with the maritime industry in developing a package of amendments to existing marine safety laws that would allow their implementation in a more cost-effective and efficient manner, reduce the regulatory burden on the industry, and provide greater flexibility in making safety decisions. The amendments contained in the bill before us today specifically would: Implement the International Safety Management Code for U.S. vessels engaged in foreign commerce; allow qualified third parties such as the American Bureau of Shipping to conduct vessel safety inspections; allow greater use of foreign manufactured safety equipment; and extend the validity of Coast Guard certificates of inspection from 2 to 5 years, allowing earlier scheduling of annual inspections. The changes will help U.S.-flag vessels to become more competitive in international trade and reflect the Coast Guard's commitment to harmonize U.S. regulations with international requirements.

#### POPULATION FROM SHIPS

S. 1004 also includes a provision developed in cooperation with Senator LAUTENBERG that would amend the act to prevent pollution from ships [APPS] to strengthen requirements that ports maintain reception facilities to off load plastic wastes generated by vessels at sea. The bill calls for the Secretary to inspect and maintain a list of such facilities and for port operators to post placards encouraging reporting of any inadequacies. S. 1004 also amends the Marine Plastic Pollution Research and Control Act to: Continue the Secretary's biannual reporting to Congress on compliance with APPS; add a requirement to publish an annual list of APPS violators; establish a Marine Debris Coordinating Committee; and continue and expand the Federal Public Outreach Program to include the use of grants.

#### LAW ENFORCEMENT ENHANCEMENT

In 1970, Secretary of the Treasury Alexander Hamilton ordered the construction of revenue cutters to stop smuggling and enforce tariffs. Today, the Coast Guard continues that mission, facing and increasingly sophisticated threat from illegal drug smug-

glers. Proving new authority to deal with an old problem, S. 1004 contains administration-requested measures to enhance law enforcement. These measures establish sanctions—including seizure and forfeiture—for failure to land an aircraft at the order of a Federal officer enforcing drug or money-laundering laws, and for obstructing boarding of a vessel by a Federal law enforcement officer. These measures provide for Federal Aviation Administration [FAA] revocation of aircraft or airman certificates for such a violation, establish Coast Guard and Customs Service air interdiction authority, and set civil penalties of \$15,000 for violations of that authority. In addition, the managers' amendment would revise these provisions to require that FAA establish conditions, based on observed conduct or prior information, for ordering a plan to land. These provisions are not intended to restrict or affect in any way the Federal Government's current broad authority to conduct boarder searches. I am optimistic that the bill strikes an appropriate balance with the need to assure innocent citizens that they will not be forced to land.

#### CRUISE SHIP TORT REFORM

Before closing, Mr. President, there is one matter I would like to address regarding the House-passed Coast Guard authorization bill. The House bill, H.R. 1361, contains tort reform proposals regarding foreign cruise line companies. The provisions, which I strongly oppose, would alter U.S. tort law in three significant areas: First, medical malpractice claims by passengers on U.S. cruiselines; second, emotional distress claims by U.S. passengers; and third, physical injury suits by foreign cruise ship employees.

First, in medical malpractice suits against foreign cruise shiplines brought by American passengers, the legislation would permit the cruiselines arbitrarily to select the State law that governs the action. This right of selection would apply regardless of the State where the plaintiff resides, or where the suit is brought. The legislation would, for the first time under American tort law, permit the law of one State to govern actions in another State, merely at the self-interested discretion of foreign companies.

Second, with respect to limitations on pain and suffering damages, the legislation would allow foreign companies to use the fine print of ticket sales to absolve themselves of liability for pain and suffering damages. Foreign cruiselines would be permitted to limit their liability for such damages to cases involving substantial physical injury. The legislation would allow the companies to use the fine print on tickets to determine what constitutes a substantial physical injury. This is unfair, particularly considering that most passengers often are unaware of such limitations when purchasing tickets.

Third, the House-passed bill would ban suits in U.S. courts by foreign cruise ship workers for injuries or

death, if the employee purportedly is part of a collective-bargaining agreement providing for a dispute forum, or redress is available in their home countries. The provision would be applicable even if there is evidence that such cruiselines substantially use U.S. ports and resources or transport U.S. passengers. I am concerned that this provision will permit foreign cruiselines to exploit foreign employees, who often have no adequate redress available in their country of origin. The provision also will encourage the hiring of foreign workers as cheap and exploitable labor, at the expense of U.S. workers.

Mr. President, I am pleased that the bill we are considering today does not include these questionable provisions. They have not had the benefit of hearings or other close scrutiny by the Senate Commerce Committee and are inappropriate for inclusion within a bill to authorize appropriations for the U.S. Coast Guard.

Over the past two centuries, the U.S. Coast Guard has built an enduring reputation throughout the world for its maritime safety, environmental protection, humanitarian, and lifesaving efforts. We have all watched the valiant and often heroic work of Coast Guard seamen and officers as they rescue desperate refugees who have taken to the seas in crowded and makeshift boats. Even in the remote regions of the world, the Coast Guard is present, actively engaged in the enforcement of United Nations' embargoes against countries like the former Republic of Yugoslavia and Iraq. The men and women of the Coast Guard respond with equal dedication during times of war and peace. I ask my colleagues to recognize this service by joining me in supporting S. 1004.

Mr. KERRY: Mr. President, I am pleased to join my distinguished colleagues, Senators STEVENS, HOLLINGS, PRESSLER, and BREAUX in cosponsoring the bill before us today to authorize the programs and activities of the U.S. Coast Guard for fiscal year 1996.

In this time of draconian budget cuts and dramatic changes in our society and our Government, it is unusual to find an agency which everyone agrees is a good investment. But that is true of the U.S. Coast Guard.

Mr. President, Massachusetts with its hundreds of miles of coastline, unforgiving storms, active maritime and fishing industries, and thriving recreational boating population, needs the Coast Guard at full strength. So does the rest of the nation.

The Coast Guard is essential to the safety and well-being of citizens in every coastal State and in every State with navigable waters. Today, over 50 percent of the U.S. population lives within coastal areas and directly benefits from the services the Coast Guard provides.

But, indirectly, the Coast Guard, in the performance of its mission, protects every American. In fact, more than two-thirds of the total budget for

the Coast Guard goes to operating expenses to protect public safety and the marine environment, to enforce fishery and other laws and treaties, maintain aids to navigation, prevent illegal drug trafficking and illegal immigration, and preserve defense readiness.

The Coast Guard is the oldest continuous seagoing service. As a military service it has fought in almost every war since the Constitution became the law of the land in 1789, and it has performed its myriad of peacetime missions during the intervening years. It has proven that it is a multi-mission service flexible enough to adjust to the needs of the nation in peacetime as well as wartime.

Since its origins as the Revenue Cutter Service, enforcing tariff laws of the young nation for Treasury Secretary Alexander Hamilton the Coast Guard has expanded its missions to include saving lives, enforcing U.S. laws and treaties, ensuring maritime safety and defense, maintaining safe navigation and protecting the environment. Given this legacy of service and the degree to which Americans depend on it for their vital services, I believe it is our responsibility to ensure that the Coast Guard has adequate resources for its missions as it prepares for the next century. Our actions should ensure that the Coast Guard is capable of meeting its existing mandates and recognize the Coast Guard's ever-expanding role and missions in our coastal waters and beyond.

The Commonwealth of Massachusetts has a long and storied involvement with the sea and the Coast Guard. One of Alexander Hamilton's ten original revenue cutters was built in the City of Newburyport and was named the *Massachusetts*. The successors of the *Massachusetts*—today's Coast Guard cutters—are stationed in the ports of Boston, Gloucester, Woods Hole and New Bedford. The first lighthouse built in the United States was Boston Light in 1716. Today, Boston Light stands as the only manned lighthouse still in operation in the United States. The people of Massachusetts love the ocean. Over 145,000 recreational boats are registered in Massachusetts. Many rely on the sea for their livelihood. The men and women of the Coast Guard keep watch over the fishing fleets, the maritime industry, and recreational boaters. While Massachusetts has a long and close relationship with the Coast Guard, many other States can demonstrate similar ties.

We all know that the Coast Guard's mission does not end at our shore. It protects our interests throughout the world in times of war and peace. From supporting U.S. peacekeepers in Haiti, to responding to oil spills in the Persian Gulf, to supporting drug interdiction efforts in South and Central America the Coast Guard has been there.

Its work has been exemplary, but it seems that we continually ask the Coast Guard to do more with less and have been doing this for a long time.

The Coast Guard is now in the process of a 4-year downsizing and streamlining which ultimately will reduce the service by 4,000 people and \$400 million—a 12 percent reduction. We must eventually acknowledge the finite limitations on Coast Guard capabilities and resources and I am concerned about some of the choices it will be forced to make.

The bill before us today assists the Coast Guard in facing these dilemmas, allowing it to do its job more effectively and efficiently. I'll describe some of the ways it will do this.

The bill includes provisions that would ensure continued funding for state boating safety grants by changing the funding mechanisms—expanding the existing boating safety grant program that was established by the Clean Vessel Act of 1992 and ensuring access to funds from the Boat Safety Account of the Aquatic Resources Trust Fund, or the Wallop Breaux fund as it is known.

Long awaited by the maritime industry, the Coast Guard regulatory reform provisions of the bill will eliminate unnecessary and burdensome regulations on American shipping companies in order to make them more competitive in the world market. These reforms will save precious resources while also removing an unnecessary burden from a struggling industry.

The bill enhances protection of the ocean and coastal environment by amending the act to prevent pollution from ships, strengthening Coast Guard capability to enforce regulations to minimize pollution from plastics. It includes provisions to ensure that adequate waste reception facilities for plastics are available at ports and terminals and to encourage development and implementation of public education programs about the harm of plastics in the environment.

To increase the weapons in our arsenal for the war on drugs, the bill adds new authority for federal law enforcement officials by providing sanctions for aircraft and vessel operators suspected of smuggling drugs or laundering money, who intentionally disobey the orders of a Federal law enforcement officer to land or halt their aircraft or vessel. These operators will face criminal and civil penalties of imprisonment of up to a year, fines up to \$15,000, seizure of the aircraft or vessel and forfeiture of the aircraft's registration.

The bill instructs the Coast Guard to develop a plan for making the transition from the current ground-based radionavigation system [LORAN-C] to a satellite-based technology—global positioning system or GPS—after it is determined that GPS is ready to serve as the sole means of safe and efficient navigation. The plan must take into consideration the need to ensure that LORAN-C technology purchased by the public before the year 2000 has a useful economic life.

As part of the response to the *Exxon Valdez* oil spill, the Oil Pollution Act of 1990 (or OPA 90), required that offshore facilities demonstrate the ability to pay certain costs of oil cleanup and damages up to \$150 million that could result from an oil spill. The Minerals Management Service of the Department of the Interior recently determined that the present language of the law extends the financial responsibility requirement over an unnecessarily large group of facilities that includes traditional inshore facilities such as marinas and oil terminals, some of which may be located far inland. There appears to be consensus that the intent of the law was to require demonstration of financial responsibility for offshore drilling rigs and production platforms, not inshore facilities. Applying these same financial requirements to the thousands of inshore facilities in Massachusetts and throughout the country which pose a much smaller oil spill risk, would impose potentially severe financial burdens. Therefore, amendment to the bill will be offered to clarify the statutory requirements for financial responsibility as they apply to facilities traditionally located in inshore areas and facilities traditionally located in offshore areas. The bill also amends the financial responsibility requirements so that responsibility is proportional to the oil spill risk posed by the facility. Although I generally do not support letting potential oil polluters off the hook financially, these provisions allow us to maintain protection of the marine environment and prevent requiring unreasonable levels of financial responsibility requirements for facilities that do not pose a substantial risk of a oil spill risk.

I would also like to mention another and highly controversial provision relating to OPA that is contained in the House-passed Coast Guard authorization bill but which has been omitted—properly—from the Senate bill. The House provision would eliminate "direct action" authority which has been in U.S. law since 1970 relating to cleanups and damage claims from oil spills. "Direct action" entitles a claimant to proceed directly against the responsible party's financial responsibility provider, usually an insurer, in order to obtain compensation for loss associated with a pollution incident.

Direct action enhances prompt payment by a spiller by assuring that governments and other claimants do not get caught in the middle of arguments concerning reasons why insurers do not have to pay those they insure. Direct action in connection with oil spill liability is not an OPA creation. Direct action is a key component of the "polluter pays" mandate of Congress which makes potential spillers act more responsibly and has been an underpinning of oil pollution financial responsibility laws, both national and international, for 25 years.

The oil industry has voiced a concern that no insurer will provide insurance guarantees under the OPA regime, with its direct action component. Apparently some insurers fear they will be exposed to unlimited liability because the courts will circumvent OPA's explicit provisions limiting a guarantor's liability. I believe this fear is without practical basis, however, because insurers currently provide direct action guarantees for facilities located on the outer continental shelf under a regime that is almost identical to that established under OPA. Furthermore, I am deeply concerned about the precedent that rolling back the direct action provisions applying to offshore facilities will have. I believe that these provisions would undermine an important tenet in marine environmental protection, and I therefore strongly oppose their inclusion in the final legislation.

Given the fiscal constraints being imposed on the Coast Guard as the Congress moves to balance the federal budget, the service's efforts to downsize and streamline have been demonstrated admirable seriousness. In general, I support the Coast Guard's goals of streamlining and consolidating operations where possible. I applaud its recently announced plans to streamline without closing or consolidating any frontline operating units while reducing personnel slots by 1,000 and overhead expenses by \$100 million. However, I am very concerned by the administration's budget proposal to close 23 Coast Guard small boat stations as a cost-cutting effort to save \$6 million.

I have looked closely at the criteria used by the Coast Guard to develop the closure and station modification lists and was surprised to find absent from the criteria any consideration of local and regional factors, including water temperature and unusual tidal or current conditions. The Coast Guard uses a one size fits all approach to determining response time for their small boat stations. I do not believe this is appropriate because severe weather and ocean patterns in some regions can slow down the average response time and colder water temperatures necessitate a quicker response to prevent death and serious physical injury.

Alexander Hamilton, the Secretary of the Treasury and Coast Guard founding father, was the first to acknowledge such differences when he allowed additional funding in 1789 for the construction of two larger revenue cutters in order to handle the harsh winters off the New England coast. These conditions have not changed and still require that special local and regional needs be addressed in any Coast Guard decision process. This is not a parochial Massachusetts issue. Similar conditions exist in throughout the country—in the Great Lakes and the North-west Pacific.

The Coast Guard criteria also appear to exclude consideration of vital Coast Guard missions besides search and rescue—including marine environmental

protection, boating safety, and enforcement of drug, illegal alien, and fisheries laws. In the consideration of whether or not to close a station, I believe all the services provided by the station should be taken into account.

When, after consideration, the Coast Guard concludes a station should be closed, it must take steps to ensure that necessary services will continue to be available in the station's area.

The provisions in the bill establish a more detailed and public process that addresses these issues and those voiced by the Senate Appropriations Subcommittee on Transportation and Infrastructure and set forth in the conference report on the Transportation appropriations bill.

The conference committee in resolving the differences between the House and Senate versions of the Transportation appropriations bill voted to preclude the Coast Guard from closing any small boat stations during Fiscal year 1996. The authorization bill incorporates the appropriators' prohibition against closure of any small boat stations in fiscal year 1996 and sets forth more detailed criteria for making such decisions in subsequent years. Such criteria would include unique weather conditions as I have noted, a station's deterrent effect on crime, and its role in protecting life, property, the environment, public safety or national security. Coastal communities most impacted by the closure of a station will be able to submit comments on their concerns before that final decision is made.

While we take these steps to increase the probability that significant damage will not result from station closures, I realize that the process may make station closures more cumbersome, consequently, the bill allows the Secretary of Transportation to implement management efficiencies within the small boat system, such as modifying the operational posture of units or reallocating resources as necessary to ensure the safety of the maritime public nationwide.

I believe that this provision gives the Coast Guard the flexibility to make the operational changes needed to make for streamlining services but ensures that coastal communities and the environment are not put at undue risk by closing of a station.

In closing, I also want to express my concerns about three highly controversial provisions relating to foreign cruise ship liability that are contained in the House version of the Coast Guard authorization bill. No hearings have been held in either house on this matter, and the issue of the liability of foreign-flag cruise vessels is not germane to the legislation before us. I am pleased none of these provisions has been included in the Senate bill.

The House provisions in question appear solely to benefit the foreign-flag cruise line industry. If enacted, they would jeopardize the health and safety of American passengers traveling on

foreign cruise ships, and would deal a tremendous blow to the economic well-being of American workers and American businesses which are in competition for American tourist dollars with the foreign-flag cruise line industry.

The first provision would allow foreign cruise ship owners to use the fine print on the back of tickets to deny liability for emotional distress claims brought by passengers, unless the passengers also suffered substantial physical injuries. A number of women's groups and organizations across the country, including the Women's Legal Defense Fund, the Women's Law Center, and the NOW Legal Defense Fund, have expressed strong opposition to this provision. They are rightfully concerned that it could make it more difficult for victims of rape on foreign-flag cruise vessels, who suffer tremendous emotional scars but sometimes only minor physical injuries, to bring civil lawsuits against the cruise lines that bear responsibility for their trauma. I am in agreement with their concern and would strongly oppose inclusion of this provision as drafted by the House in the final bill.

The second provision would allow foreign cruise vessel owners to take advantage of any statutory limitation on liability for medical malpractice available to any doctor or medical facility wherever a foreign cruise ship passenger is taken ashore for treatment. This language should send chills through anyone who is thinking about taking a cruise. A very broad measure, it all but sets the stage for U.S. citizens to lose their right to sue for medical malpractice if they are taken for medical treatment to a remote foreign island where doctors or hospitals are not held accountable for malpractice. I would not want to place U.S. citizens in such jeopardy.

Finally, the most egregious provision relates to foreign seamen's rights. This provision would undermine the competitiveness of U.S. maritime labor and further disadvantage U.S. businesses that compete with the foreign-flag cruise line industry. It would overturn centuries of maritime law by taking away the basic right of seamen—without regard to nationality—to maintain cases against their cruise line employers in U.S. courts for wages and necessary medical care, so long as current "long-arm" jurisdiction exists. The U.S. Supreme Court, as well as our treaties with foreign nations, have long provided that such suits are proper if there exists a sufficient "nexus" with this country, and that such suits are necessary to maintain a competitive balance between foreign and U.S. labor, because U.S. seamen have such rights. Foreign interests should not be granted a special "exception" from the established long-arm jurisdiction of the U.S. justice system, nor should we be granting foreign-flag vessels additional economic advantage over the interests of American workers and businesses. American maritime labor is certainly

justified in its strong opposition to this provision.

Mr. President, these provisions would directly benefit the narrow interests of foreign cruise line owners while threatening the health and safety of American passengers. They have no place in the Coast Guard authorization legislation, and I will strongly oppose their inclusion in the final legislation.

This bill is the culmination of almost two years of effort, and I would like to thank the Chairman of the Subcommittee, Senator Stevens, the Chairman of the Commerce Committee, Senator Pressler, and the Committee's ranking Democrat, Senator Hollings for their hard work in preparing this bipartisan bill and bringing it to the floor.

I also would like to acknowledge the hard work and long hours invested by staff on both sides, including Penny Dalton and Lila Helms on the Commerce Committee minority staff and on the majority side, Tom Melius, Trevor McCabe, and Jim Sartucci. I would like to acknowledge the work of Kate English and Carole Grunberg of my staff and Steve Metruck, a congressional fellow in my office. I urge my colleagues to support this bill.

Mr. LAUTENBERG. Mr. President, I rise today in support of the Coast Guard authorization bill. The Coast Guard plays a critical role in protecting lives, property and the environment, and it deserves the strong support and admiration of this Congress.

In addition to funding the mission of the Coast Guard, Mr. President, this bill will help keep plastics and other garbage off our beaches by improving implementation of the 1987 Marine Plastic Pollution Research and Control Act. I have been pursuing these improvements for the last 3 years and it is gratifying to see those efforts come to fruition in this bill.

Mr. President, our marine waters are an essential national resource. They perform important ecological functions by providing habitat, nursery grounds and a source for a great diversity of plants, and fish, birds and other species. The resources in these waters support commercial and recreational fishing, tourism, recreation, and related opportunities. They result in annual expenditures of tens of billions of dollars and unquantifiable enjoyment for our citizens.

In New Jersey, the lure of the Shore is a major element of the State's \$18 billion tourism sector, our second largest revenue-producing industry. In 1991, 8.8 million people stayed overnight at the Shore and an additional 59 million made day trips to New Jersey's beaches. Furthermore, 353,000 people serviced these visitors in some capacity, making the tourism industry the number one employer in the State.

Mr. President, this critical industry is jeopardized every time a person visits the beach and finds it littered with bottles, cans and other garbage. And so it is essential that our beaches are kept free from waste. I have partici-

pated in nationally sponsored beach cleanup events in New Jersey, and with other volunteers, have collected the trash that washes up on our shores.

Mr. President, during their 1991 beach cleanup, the Center for Marine Conservation found nearly 90,000 pieces of plastic rope, 40,000 plastic trash bags, 33,000 plastic gallon jugs, and many other plastic items which originate aboard commercial vessels. There is likely to be far more ship-generated waste that is not documented because it is impossible to determine the origins of most beach trash.

Furthermore, not all of the plastic that is discharged by vessels ever reaches the beach. Often, plastic fishing lines and other materials are ingested by marine mammals, which mistake them for food. Sometimes marine organisms wash up on the shore entangled in plastic.

In 1987, I sponsored legislation that prohibited ships from discharging plastic and restricted other types of waste discharge into the sea. There has been substantial improvement as a result of my legislation. More, however, remains to be done.

The Environmental Protection Agency's 1990 National Water Quality Inventory revealed that more than 8,500 square miles of the Nation's estuarine waters fail to meet water quality standards. In New Jersey alone, 141 square miles of estuarine waters are failing to meet water quality standards.

The Office of Technology Assessment, in a 1987 report, concluded that the overall health of our coastal waters is "declining or threatened," and that in "the absence of additional measures, new or continued degradation will occur in many estuaries and some coastal waters around the country." OTA also determined that contamination of the marine environment has a wide range of adverse effects on birds and manuals, finfish and shellfish, aquatic vegetation and other organisms. In addition, OTA concluded that existing programs, even if fully implemented, are not adequate to maintain and improve our coastal waters.

Since the Marine Plastic Pollution Research and Control Act was passed in 1987, I have worked with the Coast Guard to monitor and improve the law's enforcement. As past Chairman of the Transportation Appropriations Committee, I saw to it that the Coast Guard received more resources to implement this Act than it requested. Yet an oversight hearing that I conducted highlighted numerous deficiencies in the Coast Guard's enforcement of this Act.

To address these deficiencies I introduced the Marine Plastic Pollution Research and Control Act Amendments of 1993 which has been included in the Coast Guard Reauthorization Act of 1995. This addition will provide the Coast Guard with additional authority and impose stricter requirements on it, all aimed at improving enforcement of

waste disposal practices aboard vessels and at ports.

One of the most difficult enforcement problems associated with Annex V of the international MARPOL Convention, which the 1987 legislation ratified, is determining whether garbage or plastics were dumped at sea.

The MARPOL section of the bill before us today addresses the ocean dumping problem by requiring adequate waste reception facilities at all ports and terminals. It provides that adequacy can only be determined through on-site inspections by the Coast Guard, at which time a certificate can be issued. In order to insure that facilities are maintained, the certificate must be renewed every 5 years, or sooner if there is a transfer of ownership or responsibility for operation.

At a Transportation Appropriations Subcommittee hearing I chaired about 2 years ago on the Coast Guard Budget, I questioned then-Admiral Kime about my proposals. Admiral Kime expressed strong support for this legislation, indicating that it is badly needed and goes a long way toward overcoming problems in inadequate enforcement.

Mr. President, I encourage my colleagues to support the Coast Guard Reauthorization Act of 1995 that supports the Coast Guard and improves enforcement of waste disposal practices aboard vessels and at ports. This bill takes a significant step toward ensuring that oceangoing vessels take responsibility for properly disposing of their waste, instead of putting their trash onto our beaches or into the bellies of marine life.

Mr. WELLSTONE. Mr. President, I support this bill. It contains a number of improvements in Coast Guard policy, and I commend the Committee for its work.

I appreciate that the managers were able to include in their amendment a provision that is important to my state. And I am very pleased that the provision is in the bill. The provision will allow the State of Minnesota and the Coast Guard to cooperate in conducting a pilot project that will allow the State in some cases to undertake the safety inspection of small commercial vessels on certain navigable waters of the U.S.

There is no more important mission of the Coast Guard than to protect the safety of citizens on U.S. waters. I certainly hope we in Congress will not act to diminish that mission or the Coast Guard's ability to perform it. I believe the provision which the managers have included to allow a pilot project in Minnesota can help demonstrate an innovative way under some circumstances to fulfill that mission completely, efficiently, cost-effectively and consistent with common sense.

The provision allows the Secretary of the Department in which the Coast Guard is operating to enter into an agreement with the State of Minnesota. Under the agreement, the State may inspect small commercial passenger vessels 40 feet in length or less

operating in some navigable waters in Minnesota. Minnesota, through its Department of Labor and Industry, already operates a safety inspection program for such boats on thousands of non-Federal bodies of water. The State has fully demonstrated its competence in this program and its ability to protect the public. Indeed the State's program is closely modeled already after the Coast Guard's inspection program.

Under the provision, the State would be required to perform inspections that will ensure the safety and operation of the vessels in accord with standards that would apply if the Coast Guard itself were conducting the inspections. And it would require the State to report annually to the Secretary on the inspection program. The provision also allows the Secretary to adjust or waive the user fee which Congress has required the Coast Guard to collect from owners of inspected vessels when the State takes over their inspection.

It is my hope that the success of this model of limited decentralization over the course of a 3-year pilot project can show the way for an appropriate sharing of responsibilities between Federal and State authorities in this area of public policy. At the same time, the provision in no way is meant to allow any erosion or circumvention of safety standards in Minnesota or in any other State. There may be other areas in the country where it will make sense and be completely consistent with the public interest for additional States to undertake similar responsibilities. I expect that this pilot project can demonstrate that possibility. But this provision itself implies no future expansion of the sharing of authority. It certainly should not be interpreted to mean that consistent, uniform standards of safety and operation on navigable waters are unnecessary. It is necessary to have consistent and uniform standards. As the provision makes explicit, all vessels will continue to be required to be inspected, and those inspections will be in accord with standards that would apply if the Coast Guard were conducting the inspections.

Mr. President, with the Omnibus Budget Reconciliation Act of 1990, Congress began to require that the Coast Guard collect fees from owners of vessels it inspects to offset the government cost of those inspections. That made sense. Unfortunately, however, the fees established have seemed very high to many who are being asked to pay them, even onerous. That is why I support the cap on such fees which this bill establishes for the inspection of small commercial vessels. A \$300 fee-cap is reasonable for small vessels.

Additionally, though, the collection of fees revealed a certain inefficiency in the current inspection program—a method of operating which does not make common sense. There are certain lakes in the interior of Minnesota, for example, which are designated navigable waters of the U.S. because the Mississippi River, in its formative

stage, runs through it. One of the lakes most affected by this issue is Lake Winnibigoshish. At the Northwest end of Lake Winnibigoshish, where the Mississippi River enters the lake, the river is very narrow. I believe a number of Senators could very easily swim across it at that point. There is a dam at the other end of the lake, where the river leaves it, so there is no river traffic or commerce that uses the lake for transport.

Lake Winnibigoshish, incidentally, Mr. President, is a large lake in Northern Minnesota. It is located in the beautiful Chippewa National Forest, and also on the Leech Lake Indian Reservation. It is an excellent lake for catching walleye, our state fish, although some also fish there for Northern Pike and even for Muskies. In the winter a number of people drag small houses out onto the lake behind their cars or snowmobiles, and usually leave them there through the season, so they can fish through the ice. I mention these things to give Senators a flavor of the area of Minnesota I am discussing. Neither the cars nor the fish-houses are subject to Coast Guard authority out on the ice.

During summer months on Lake Winnibigoshish, to continue that example, there are a number of small businesses which operate what the federal government considers small commercial passenger vessels. These in most cases are resort owners who operate fishing-guide businesses that take anglers out on the lake on boats which are generally under 30 feet long.

Until last year, Coast Guard inspectors drove once each year from Duluth, about 100 miles away, and inspected these boats for free. Obviously, that was no problem for the owners. But suddenly last year, the Coast Guard informed the boat owners that it would cost \$545 or \$670 per boat for the inspections, depending on the boats' length. This would be an annual fee for the inspection of these small boats that are used for an open-water fishing season which is effectively only four or five months long.

Now, the resort owners have acknowledged that collection of a fee is appropriate. They understand the value and importance of the inspections. But they object that the fees now being assessed are burdensome and out of line. Some of the resorts reportedly have stopped offering their fishing-guide services for groups of more than six passengers. The requirement does not apply when there are fewer passengers. But this means that they are foregoing business, which is not fair and is not convenient for the visitors. Furthermore, it is highly irritating to some of the resort owners, who point out that the State of Minnesota is conducting equivalent inspections of virtually identical boats on neighboring lakes for under \$100.

Mr. President, that is the type of situation that this provision is meant to address. We want to protect the public

and uphold safety standards in every way. The State of Minnesota is fully capable of doing that and I am sure will demonstrate so through this pilot project. And these small businesses will not suffer unnecessarily burdensome fees. It is an example of how we can make appropriate regulation work in common-sense fashion by adjusting the current cookie-cutter, one-size-fits-all federal approach.

I point out that it is my understanding that the State of Minnesota is not interested in taking over any Coast Guard inspection duties on bodies of water such as Lake Superior or the Mississippi, which carry substantial interstate commerce. And I repeat that the State will inspect only small commercial vessels under 40 feet in length on bodies of water agreed upon by the State and by the Secretary.

I thank the managers for including the provision. And I thank the State of Minnesota and the Coast Guard for their cooperation during the drafting process. Mr. President, I ask unanimous consent that a letter of support for the provision signed by Minnesota's Commissioner of Labor and Industry be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MINNEAPOLIS DEPARTMENT OF  
LABOR AND INDUSTRY,  
November 8, 1995.

Hon. PAUL WELLSTONE,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR WELLSTONE: I write in support of the Small Passenger Vessel Pilot Inspection program as included in S. 1004, the Coast Guard Reauthorization Act of 1995. As Commissioner of the Minnesota Department of Labor and Industry, I oversee the state boat inspection program. I look forward to working with the United States Coast Guard to expand on the efficiency of the state boat inspection safety program in order to better meet the needs of the citizens of Minnesota. Thank you for your efforts in developing this pilot project.

Yours truly,

GARY W. BASTIAN,  
Commissioner.

AMENDMENT NO. 3058

(Purpose: To make technical minor changes in the bill as reported, and for other purposes)

Mr. LOTT. Mr. President, I send an amendment to the desk on behalf of Senator STEVENS.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. STEVENS, for himself, Mr. PRESSLER, Mr. HOLLINGS, Mr. KERRY, Ms. SNOWE, Mrs. HUTCHISON, and Mr. BREAUX proposes an amendment numbered 3058.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Ms. SNOWE. Mr. President, I rise as a cosponsor of the Stevens manager's amendment, and I urge my colleagues to support this amendment, along with the Chafee amendment and the underlying bill, S. 1004.



S. 1004 renews the authorization for the U.S. Coast Guard—an agency of special importance to a State like Maine which has over 3,000 miles of coastline and many commercial and sport fishermen, sailing enthusiasts, and merchant mariners. The Commerce Committee has reported a good, bipartisan bill, and I believe that it deserves unanimous approval in the Senate.

Among the provisions contained in this bill and in the manager's amendment are several that I had the pleasure to author or coauthor with other Senators, and that I wanted to mention here on the floor.

One of the longest lasting legacies of this bill will be the preservation of 35 lighthouses on the coast of Maine. I introduced this provision as a stand-alone bill earlier in the year, S. 685, and I am very pleased that we were able to include it in the Commerce Committee's version of S. 1004.

This provision will create the Maine lights program to transfer these historically and environmentally important lighthouses to new owners who will agree to maintain them, preserve their historic character, preserve ecological resources on adjacent property like seabird nesting habitat, and provide access to the public. In short, this legislation provides a way to protect these lighthouses well into the future at no cost to the Federal Government. Long after this bill passes, Mr. President, when our grandchildren or their children visit the Maine coast and admire the lighthouses, they will have this Congress to thank for its vision and its commitment to preserving such a valuable piece of the Nation's coastal heritage.

Lighthouses no longer play the crucial role in ensuring maritime safety that they once did, and, in fact, the original designers of the lighthouses could never have imagined the impressive array of technological resources that today's Coast Guard brings to the critical job of protecting the maritime public. But despite the new hardware and technology, the heart of the Coast Guard's mission is still the human emergency response, the rescues at sea. It is critical that the Coast Guard maintain this capability to respond promptly and professionally to all accidents in American waters, even while we are engaged in the necessary process to balance the budget and protect the fiscal health of the Nation.

Senator KERRY and I authored an amendment in the Commerce Committee that will prevent the Coast Guard from closing any of its boat stations unless the Secretary first certifies that the closure will not result in a degradation of services that threatens life, property, the environment, or public safety. Language that I included in this amendment provides, in particular, that a proposed station closure will not hamper the Coast Guard's ability to meet its 2-hour standard for responding to search-and-rescue requests.

Both of these provisions have been included in S. 1004, and they enjoy broad bipartisan support.

Mr. President, while S. 1004 is a good bill and deserves this body's support, the manager's amendment offered by Senator STEVENS makes a number of constructive changes to S. 1004 that will improve it further. Among these is a provision that I sponsored to facilitate a timely and effective response in the event of an oil spill in Passamaquoddy Bay on Maine's border with Canada.

Passamaquoddy Bay is a large, virtually pristine bay and estuary system that is internationally recognized as a staging area for migratory waterfowl and shorebirds. In addition, the bay area has substantial economic value, hosting major aquaculture and commercial fishing operations, a vibrant tourism industry that depends on the health of the bay, and one of Maine's three major cargo ports.

Unfortunately, this important resource would be relatively unprotected in the event of a major oil spill. The State of Maine does not have an adequate number and type of oil spill response vessels in the vicinity of Passamaquoddy Bay. There are some Canadian-registered vessels north of the bay that could do the job, but current Federal law prevents these vessels from operating in U.S. waters.

To address this problem, I drafted a provision that has been included in the manager's amendment which will allow Canadian-registered vessels to be used in U.S. waters near the Maine-Canada border in the event of an oil spill. The authority only applies on a temporary and emergency basis, however, and it only applies as long as U.S.-documented response-and-recovery vessels are not available to respond in a timely manner. This provision will help to ensure that Passamaquoddy Bay receives the maximum amount of protection from an oil spill, while giving U.S. recovery vessels priority consideration for doing the work if they are available.

Finally, I wanted to reference Senator CHAFEE's amendment on financial responsibility under the Oil Pollution Act. I offered an amendment in the Commerce Committee that addressed the aspect of this issue dealing with marinas and onshore fuel terminals. Under some current interpretations of OPA, these facilities could have been subjected to the act's extremely expensive financial responsibility requirements, even though the act was intended to cover offshore drilling platforms and other large production facilities that could be involved in large oil spills.

Mr. President, the language in the Chafee amendment reflects a compromise that Senators on the Commerce and EPW Committees were able to reach on this issue. Among other things, it simply clarifies that marinas and onshore fuel terminals are not subject to OPA's financial responsibility

requirements. This legislation will benefit many small businesses, boaters, commercial fishermen, oil distributors, and fuel consumers across the country without jeopardizing important environmental protections.

These amendments will strengthen an already good bill, and I hope that my colleagues will support them, and support S. 1004 on final passage.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 3058) was agreed to.

#### AMENDMENT NO. 3059

(Purpose: To amend the Oil Pollution Act of 1990 to clarify the financial responsibility requirements for offshore facilities)

Mr. LOTT. Mr. President, I send a second amendment to the desk on behalf of Senator STEVENS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. STEVENS, for himself, Mr. CHAFEE, Mr. BREAUX, and Ms. SNOWE, proposes an amendment numbered 3059.

Mr. LOTT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

#### SEC. . OFFSHORE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS.

(a) AMOUNT OF FINANCIAL RESPONSIBILITY.—Section 1016(c)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(c)(1)) is amended to read as follows:

“(1) IN GENERAL.—

“(A) EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED.—Except as provided in paragraph (2), a responsible party with respect to an offshore facility that—

“(i)(I) is located seaward of the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters; or

“(II) is located in inland waters, such as coastal bays or estuaries, seaward of the line of ordinary low water along that portion of the coast that is not in direct contact with the open sea;

“(ii) is used for exploring for, drilling for, or producing oil, or for transporting oil from facilities engaged in oil exploration, drilling, or production; and

“(iii) has a worst-case oil spill discharge potential of more than 1,000 barrels of oil (or a lesser amount if the President determines that the risks posed by such facility justify it),

shall establish and maintain evidence of financial responsibility in the amount required under subparagraph (B) or (C), as applicable.

“(B) AMOUNT REQUIRED GENERALLY.—Except as provided in subparagraph (C), the amount of financial responsibility for offshore facilities that meet the criteria in subparagraph (A) is—

“(i) \$35,000,000 for offshore facilities located seaward of the seaward boundary of a State; or

“(ii) \$10,000,000 for offshore facilities located landward of the seaward boundary of a State.

"(C) GREATER AMOUNT.—If the President determines that an amount of financial responsibility for a responsible party greater than the amount required by subparagraphs (B) and (D) is justified by the relative operational, environmental, human health, and other risks posed by the quantity or quality of oil that is explored for, drilled for, produced, stored, handled, transferred, processed or transported by the responsible party, the evidence of financial responsibility required shall be for an amount determined by the President not exceeding \$150,000,000.

"(D) MULTIPLE FACILITIES.—In the case in which a person is a responsible party for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the amount applicable to the facility having the greatest financial responsibility requirement under this subsection.

"(E) STATE JURISDICTION.—The requirements of this paragraph shall not apply if an offshore facility located landward of the seaward boundary of a State is required by such State to establish and maintain evidence of financial responsibility in a manner comparable to, and in an amount equal to or greater than, the requirements of this paragraph.

"(F) DEFINITION.—For the purpose of this paragraph, the phrase "seaward boundary of a state" shall mean the boundaries described in section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b))."

REGARDING OPA-90 AMENDMENT TO S. 1004

Mr. CHAFEE. Mr. President, I rise as a cosponsor in support of the pending amendment to the Coast Guard reauthorization bill, S. 1004. The amendment would modify the financial responsibility requirements for offshore facilities under the Oil Pollution Act of 1990.

These requirements mandate that offshore oil-related facilities demonstrate evidence of access to resources sufficient to cover the likely costs of clean-up and damages arising from an oilspill. The important purpose served by these requirements is to ensure that the polluter—not the United States taxpayer—bears the financial burdens resulting from oil pollution.

The Environment and Public Works Committee, of which I am chairman, has jurisdiction over the issues addressed in the pending amendment. In recognition that jurisdiction, the primary sponsor of the amendment and manager of the bill, Senator STEVENS, and the Chairman PRESSLER of the Commerce Committee, which reported S. 1004, asked for my assistance in crafting the amendment.

I am pleased to report that we were able to work together to fashion an amendment that will bring the financial responsibility requirements of the Act more into line with common sense and the original intent of Congress. It will allow us to avoid imposing undue and unintended economic burdens while also ensuring that the act's important environmental purposes will continue to be served.

In particular, the amendment would do three things.

First, it would correct an unjustifiably broad interpretation of the act by the Department of the Inte-

rior. The interpretation would apply the financial responsibility requirements for offshore facilities to traditional onshore facilities like land-based oil terminals and marinas.

We have many such onshore facilities in my State of Rhode Island. They were never intended to be subject to the Act's financial responsibility requirements for offshore facilities, even if they have certain appurtenances that extend onto submerged land. This amendment serves to make our original intent unmistakably clear.

Second, the amendment would exempt from financial responsibilities requirements small offshore operators who, even under a worst-case scenario, lack the capacity to cause a major oil spill. This de minimis exemption removes the potential for imposing an unjustifiably heavy financial burden on small businesses that pose only minimal environmental risk.

Importantly, however, the amendment does not affect the liability of a facility that actually engages in a spill. Moreover, the President retains the discretion to require even a small offshore facility to demonstrate evidence of financial responsibility if the risk justifies doing so.

Third, the amendment would allow for some flexibility in the amount of financial responsibility to be required of non de minimis offshore facilities. The Act currently directs the promulgation of regulations that would require all offshore facilities to meet financial responsibility requirements at a \$150 million level.

The amendment, on the other hand, calls for use of the current \$35 million requirement in the Outer Continental Shelf Lands Act for facilities in Federal waters, while giving the President discretion to increase the requirement on the basis of risk. A similar approach is taken with respect to offshore facilities in State waters, except that the minimum financial responsibility requirement is \$10 million given that many Coastal States impose their own such requirements.

In sum, this amendment will remove the potential for unnecessary and inefficient economic burdens while preserving the act's fundamental purpose of ensuring that oilspill polluters pay for their pollution. It also preserves the act's important safeguards and deterrents against oil pollution in the first instance.

This amendment reflects a thoughtful and carefully tailored approach to specific issues of concern about operation of an environmental statute. I want to thank Senators STEVENS and PRESSLER gain for their cooperation and fine work on the amendment.

Mr. BREAU. Mr. President, I want to start by thanking the distinguished managers of the bill, the Senator from Alaska, Senator STEVENS, and the Senator from South Carolina, Senator HOLLINGS, and the Senator from Rhode Island, Senator CHAFEE, the distinguished chair of the Environment and

Public Works Committee, for all the work they have put into helping to craft this amendment. It retains many of the features of S. 33, which I introduced in January of this year. I believe that it is an amendment that all of our colleagues should support.

This amendment addresses a serious concern—the shutting down of onshore and offshore oil and gas producers because they cannot meet onerous Federal financial responsibility standards mandated by the Oil Pollution Act of 1990. This amendment gives the Secretary of the Interior the flexibility to adjust Federal financial responsibility requirements to reflect the risks actually posed. Unless, this flexibility is provided for offshore facilities, the Oil Pollution Act's financial requirements will freeze out small and independent companies that drill most of the wells offshore.

Congress passed the Oil Pollution Act of 1990 in response to the *Exxon Valdez* oilspill. It was designed to prevent oilspills and if oilspills do occur to make sure sufficient financial resources are available to clean up those spills. The statute establishes liability limits and requirements of financial responsibility to meet those limits. However, recent interpretation of the statute by the Department of the Interior indicates that legislative changes are needed to meet congressional intent concerning financial responsibility for onshore facilities and to correct the overly burdensome financial responsibility requirements for offshore facilities that threaten the viability of many offshore producers.

When the Congress adopted the Oil Pollution Act, it clearly intended that onshore facilities would not have to show evidence of financial responsibility. However, a recent Interior Department solicitor's opinion indicates that due to the interrelationship of several definitions in the act, that they interpret the statute to require financial responsibility be shown by onshore facilities. Mr. President, clearly, Congress did not and does not want to require small marina operators or other onshore facilities to show \$150 million of financial responsibility. This legislation clarifies the congressional intent on the law with respect to financial responsibility for onshore facilities.

Also, this amendment gives the Minerals Management Service the authority to require evidence of financial responsibility between \$35 and \$150 million based on the environmental risk posed by the facility. Current law is inflexible on this point, all offshore facilities must provide evidence of \$150 million regardless of how much oil they handle, their history of oilspills, or other factors that would determine the true risk of an oilspill. In addition, this amendment provides that any producer that handles less than 1,000 barrels of oil at any one time would be exempt from the financial responsibility requirement. Both the \$35 million financial responsibility level and the

1,000 barrels were included in prior law—the Outer Continental Shelf Lands Act.

This approach preserves OPA's oil-spill prevention, response and environmental safeguards and liability standards, while setting reasonable financial responsibility requirements for offshore facilities. It also recognizes the low level of risk of oil spills associated with the offshore industry generally, and the fact that no spill on the Federal Gulf of Mexico offshore has exceeded the \$35 million of financial responsibility in force before OPA. I look forward to working to further revise this legislation. This legislation is one step that can be accomplished now to help maintain a viable domestic energy industry.

We know that oil imports continue to rise, while the domestic energy industry continues to decline.

In 1973—at the time of the Arab oil embargo—domestic U.S. crude oil production was 9.2 million barrels per day (mbd). By 1977, that figure had fallen to 8.1 mbd, before increasing as Alaska production flowed through the Trans-Alaska Pipeline System. By 1985, domestic crude production had climbed to a post-embargo high of 9.0 mbd. Now, 10 years later, domestic crude oil output runs at 6.6 mbd.

In 1973, the U.S. imported about 35 percent of its daily oil consumption. Now, we import almost half our total oil needs—8.1 mbd out of a daily consumption of about 18 mbd.

This nation would never allow us to import more than 50 percent of our food supply—Is our energy supply any less important? Let us not forget the oil shocks of the seventies and let us not forget that just a few years ago we sent young Americans to the Persian Gulf to protect our strategic interest in the oil there.

Thousands of oil industry workers have been laid off and it looks like many more may become unemployed in the future. More than 400,000 jobs have been lost in the oil and gas industry in the last 10 years. By some estimates, 40,000 to 50,000 may have been lost in 1992 alone.

The jobs in the oil industry today are very different from those of yesterday. The reserves that are fast and easy to recover through simple hard labor are no more. Increasingly, extraction of oil and gas requires very sophisticated technology that requires a highly-skilled, highly educated work force. The energy industry of today creates the kinds of jobs we want for tomorrow—high technology, high paying jobs.

Our national security depends on access to dependable domestic energy reserves. Unfortunately, our domestic oil and gas industry cannot turn on a dime. No magic spigot can be turned on when the need for secure domestic oil reserves become acute. The expertise needed to develop oil and gas is highly-specialized, particularly now that the remaining domestic reserves are increasingly difficult to recover.

This is not just an oil and gas state interest—this is a national interest. Energy fuels our cars, heats our homes, runs our factories in every part of the country. Also, let us not forget the thousands of jobs created in non-energy related sectors to service the energy industry: computers, metals, transportation, financial and other service industries. When domestic oil and gas producing increases so do the jobs created in all these sectors.

Unless we take steps to help preserve a viable domestic industry, the next energy crisis may be chronic and very damaging to our economy. Unless we act to preserve a core of talent and capital in the United States, the domestic industry may not be able to deploy the necessary capital investment and trained labor necessary to quickly add large increments to our overall domestic supply of oil and petroleum products.

We can change politics as usual—the politics of crisis management—and we can work now to avert an energy crisis in the future. Mr. President, I believe that this amendment is a good starting point. It does not address some issues that I believe need to be addressed, but I look forward to continuing to work with my colleagues to make changes to the Oil Pollution Act that I believe are necessary to maintain our domestic energy security.

Again, I thank Senator STEVENS, Senator HOLLINGS and Senator CHAFEE, for their involvement, their assistance and their encouragement in this effort. And, I urge my colleagues to join me in supporting this important legislation.

AN AMENDMENT TO S. 1004, THE COAST GUARD AUTHORIZATION ACT OF 1995

Mr. CHAFEE. The pending amendment to the Coast Guard reauthorization bill clarifies the financial responsibility requirements for offshore facilities under the Oil Pollution Act of 1990, or "OPA-90." Issues related to such requirements lie within the exclusive jurisdiction of the Senate Committee on Environment and Public Works. As Chairman of that Committee, I join Senator STEVENS as a co-sponsor of the amendment. I also want to take a moment to provide the background of the amendment and to explain the understanding on which it is based.

Earlier this year Senator BREAUX introduced a bill, S. 33, that addresses the matters contained in this amendment and was referred to the Committee on Environment and Public Works.

Although we did not hold a formal hearing on the bill, efforts to amend OPA-90 to clarify its offshore facility financial responsibility requirements have been ongoing for several months. The House included such an amendment in its version of the Coast Guard reauthorization bill, H.R. 1361.

Upon being received in the Senate, H.R. 1361 was referred to the Committee on Commerce, Science, and Transportation. Recognizing and respecting the fact that OPA-90's financial responsibility requirements are within

the jurisdiction of the Environment and Public Works Committee, the Committee on Commerce, Science, and Transportation declined to include an amendment to such requirements in the Coast Guard reauthorization bill it reported, S. 1004.

Instead, the chairman of the full Committee, Senator PRESSLER, and the Chairman of the Subcommittee on Oceans and Fisheries, Senator STEVENS, wrote to ask for my cooperation and assistance in crafting an offshore OPA-90 amendment that could be offered upon consideration of S. 1004 on the Senate floor. Seventeen Senators, including four members of the Environment and Public Works Committee, also sent me a letter urging me to work with the Committee on Commerce, Science, and Transportation to achieve the same result.

In response, I agreed to work with the leadership of the Committee on Commerce, Science, and Transportation in an effort to forge an amendment that would accommodate the request of my colleagues. All work was done in consultation with the ranking member of the Committee on Environment and Public Works, Senator BAUCUS. The product of that cooperative labor is the amendment before the Senate at this time.

Also resulting from our negotiations with the Committee on Commerce, Science, and Transportation is an agreement that will ensure continued recognition of the jurisdiction of the Committee on Environment and Public Works as S. 1004 and H.R. 1361 move forward. It is especially important given the abbreviated process that I have agreed to follow with respect to the OPA-90 amendment.

Our agreement provides that, upon passage of S. 1004 and H.R. 1361 by the Senate, the Committee on Environment and Public Works will conduct any negotiations or discussions with the House of Representatives on any OPA-90 issues within the Committee's jurisdiction, including all issues addressed in the pending Senate amendment. If these negotiations or discussions fail to resolve any differences that may exist between the two Chambers on such issues, the Committee on Environment and Public Works will be the source of conferees on all OPA-90 issues under the Committee's jurisdiction, including all issues addressed in the pending Senate amendment. In the spirit in which the pending amendment was developed, members of the Committee on Environment and Public Works engaged in any such negotiations or conference will consult with members of the Committee on Commerce, Science, and Transportation.

In conclusion, I simply would ask my good friend, the chairman of the Committee on Commerce, Science, and Transportation, if what I have just stated comports with his understanding of our agreement.

Mr. PRESSLER. Yes, it does in all respects. As chairman of the Committee on Commerce, Science, and Transportation, I recognize that the issues addressed in the OPA-90 amendment clearly fall under the jurisdiction of the Committee on Environment and Public Works. I have appreciated the willingness of the chairman of that Committee to work with the Committee on Commerce, Science, and Transportation so this amendment could be added to the Coast Guard reauthorization bill.

Mr. CHAFEE. I thank the chairman of the Committee on Commerce, Science, and Transportation. Let me add that I have appreciated the cooperative manner in which we have been able to work together on this amendment and I commend him, as well as Senator STEVENS, for their fine work on the amendment.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 3059) was agreed to.

#### AMENDMENT NO. 3060

(Purpose: To provide for the deauthorization of a navigation project in Cohasset Harbor, MA)

Mr. LOTT. Mr. President, I now send an amendment to the desk on behalf of Senator KERRY of Massachusetts.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. KERRY, proposes an amendment numbered 3060.

Mr. LOTT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

#### SEC. . DEAUTHORIZATION OF NAVIGATION PROJECT, COHASSET HARBOR, MASSACHUSETTS.

The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 12), or carried out pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), are deauthorized: A 7-foot deep anchorage and a 6-foot deep anchorage; beginning at site 1, starting at a point N45310.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to point of origin; then site 2, starting at a

point, N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point, N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running north 87 degrees 42 minutes 33.8 seconds east 31.28 feet to point of origin; and site 3, starting at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to point of origin.

Amend the table of sections by inserting at the appropriate place the following:

Sec. . Deauthorization of navigation project, Cohasset Harbor, Massachusetts.

#### COHASSET DREDGING PROJECT

Mr. KERRY. Mr. President, I wish to engage the distinguished Chairman of the Committee on Environment and Public Works, Senator CHAFEE, in a colloquy. The colloquy relates to a freestanding amendment that I have offered which would deauthorize portions of a navigation project at Cohasset Harbor, MA. This deauthorization provision is clearly and wholly within the jurisdiction of the Committee on Environment and Public Works. I recognize that it would most appropriately be dealt with as an amendment to the 1995 Water Resources Development Act. However, this deauthorization is a purely technical action which requires no expenditure of funds. In addition, I have recently been informed that the necessary dredging of Cohasset Harbor, which cannot proceed without this deauthorization, will lose an existing appropriation of funds if this technical action is not approved by the Congress expeditiously. The amendment simply provides for a modification to the existing coordinates of the U.S. Army Corps of Engineers' Cohasset Harbor dredging project.

Mr. CHAFEE. I have carefully reviewed the proposed amendment and concur that it is a purely technical project deauthorization which involves no expenditure of funds. As such, I give my consent to the request of the Senator from Massachusetts [Mr. KERRY]. I would ask, however, that if any changes are made to this amendment, I be consulted before any final action is taken in a conference with the House.

Mr. STEVENS. As the manager of the Coast Guard authorization bill, I concur with the views expressed here by my colleagues.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 3060) was agreed to.

Mr. LOTT. Mr. President, I further ask unanimous consent that the com-

mittee amendment be agreed to, as amended; that the bill be considered read for a third time and passed; that the motion to reconsider be laid upon the table; and that a number of colloquies and statements appear at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the committee amendment, as amended, was agreed.

So the bill (S. 1004), as amended, was deemed read the third time and passed.

The bill, as passed, is as follows:

S. 1004

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1995".

#### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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

#### 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.
- Sec. 208. Access to National Driver Register information on certain Coast Guard personnel.
- Sec. 209. Coast Guard housing authorities.
- Sec. 210. Board for correction of military records deadline.

#### TITLE III—MARINE SAFETY AND WATERWAY SERVICES MANAGEMENT

- Sec. 301. Increased penalties for documentation violations.
- Sec. 302. Nondisclosure of port security plans.
- 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.
- Sec. 312. Withholding vessel clearance for violation of certain Acts.

#### 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. Transfer of Coast Guard 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.
- Sec. 1011. Conveyance of equipment.
- Sec. 1012. Property exchange.

#### 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 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 United States documentation requirements.
- Sec. 1117. Use of Canadian oil spill response and recovery vessels.
- Sec. 1118. Judicial sale of certain documented vessels to aliens.
- Sec. 1119. Improved authority to sell recyclable material.
- Sec. 1120. Documentation of certain vessels.
- Sec. 1121. Vessel deemed to be a recreational vessel.
- Sec. 1122. Small passenger vessel pilot inspection program with the State of Minnesota.

- Sec. 1123. Commonwealth of the Northern Mariana Islands fishing.
- Sec. 1124. Availability of extrajudicial remedies for default on preferred mortgage liens on vessels.
- Sec. 1125. Offshore facility financial responsibility requirements.
- Sec. 1126. Deauthorization of navigation project, Cohasset Harbor, Massachusetts.

#### TITLE I—AUTHORIZATION

##### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

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

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$428,200,000, to remain available until expended, of which \$32,500,000 shall be derived from the Oil Spill Liability Trust fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$22,500,000, to remain available until expended, of which \$3,150,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$582,022,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) \$16,200,000, to remain available until expended, of which up to \$14,200,000 may be made available under section 104(e) of title 49, United States Code; and

(B) for fiscal year 1995, \$12,880,000, which may be made available under that section.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$25,000,000, to remain available until expended.

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

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

##### SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) AUTHORIZED MILITARY STRENGTH LEVEL.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 38,400 as of September 30, 1996. The authorized strength does not include members of the Ready Reserve called to active duty

for special or emergency augmentation of regular Coast Guard forces for periods of 180 days or less.

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

(1) For recruit and special training, 1,604 student years.

(2) For flight training, 85 student years.

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

(4) For officer acquisition, 874 student years.

## **TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT**

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

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

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

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

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

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

“(A) for the purchase of consumable or disposable items for Coast Guard child development centers; and

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

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

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

“(e) The Commandant may use appropriated funds available to the Coast Guard to provide assistance to family home day care providers so that family home day care services can be provided to uniformed service members and civilian employees of the Coast Guard at a cost comparable to the cost of services provided by Coast Guard child development centers.

“(f) The Secretary shall promulgate regulations to implement this section. The regulations shall establish fees to be charged for child development services provided under this section which take into consideration total family income.

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

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

“515. Child development services.”.

### **SEC. 202. HURRICANE ANDREW RELIEF.**

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

### **SEC. 203. DISSEMINATION OF RESULTS OF 0-6 CONTINUATION BOARDS.**

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

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

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

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

### **SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.**

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

(1) by inserting “(1)” after “(b)”;

(2) by striking the last sentence; and

(3) by adding at the end the following:

“(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

“(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

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

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

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

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

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

“(a) Subject to the availability of appropriations for this purpose, the Commandant may enter into personal services and other contracts to carry out health care responsibilities pursuant to section 93 of this title and other applicable provisions of law pertaining to the provision of health care services to Coast Guard personnel and covered

beneficiaries. The authority provided in this subsection is in addition to any other contract authorities of the Commandant provided by law or as delegated to the Commandant from time to time by the Secretary, including but not limited to authority relating to the management of health care facilities and furnishing of health care services pursuant to title 10 and this title.

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

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

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

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

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

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

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

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

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

### **SEC. 207. RECRUITING.**

(a) **CAMPUS RECRUITING.**—Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (108 Stat. 2776) is amended—

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

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

(3) by inserting “and the Secretary of Education” after “the Secretary of Education” in subsection (b).

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

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

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

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

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

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

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



(3) by adding at the end the following:

"(v) employ special recruiting programs, including, subject to appropriations Acts, the provision of financial assistance by grant, cooperative agreement, or contract to public or private associations, organizations, and individuals (including academic scholarships for individuals), to meet identified personnel resource requirements."

**SEC. 208. ACCESS TO NATIONAL DRIVER REGISTER INFORMATION ON CERTAIN COAST GUARD PERSONNEL.**

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

(1) by striking "and" after the semicolon at the end of paragraph (u);

(2) by striking the period at the end of paragraph (v) and inserting "; and"; and

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

"(w) require that any officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) request that all information contained in the National Driver Register pertaining to the individual, as described in section 30304(a) of title 49, be made available to the Commandant under section 30305(a) of title 49, may receive that information, and upon receipt, shall make the information available to the individual."

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

"(7) An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request."

**SEC. 209. COAST GUARD HOUSING AUTHORITIES.**

(a) IN GENERAL.—Part I of title 14, United States Code, is amended by inserting after chapter 17 the following new chapter:

**"CHAPTER 18—COAST GUARD HOUSING AUTHORITIES**

**"SUBCHAPTER A**

**"Section**

**"671. Definitions.**

**"672. General Authority.**

**"673. Direct loans and loan guarantees.**

**"674. Leasing of housing to be constructed.**

**"675. Investments in nongovernmental entities.**

**"676. Rental guarantees.**

**"677. Differential lease payments.**

**"678. Conveyance or lease of existing property and facilities.**

**"679. Interim leases.**

**"680. Unit size and type.**

**"681. Support facilities.**

**"682. Assignment of members of the armed forces to housing units.**

**"683. Coast Guard Housing Improvement Fund.**

**"684. Reports.**

**"685. Expiration of authority.**

**"SUBCHAPTER B**

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

**"692. Limited partnerships with private developers of housing.**

**"SUBCHAPTER A**

**"§ 671. Definitions**

"In this subchapter the term 'support facilities' means facilities relating to military housing units, including child care centers, day care centers, community centers, housing offices, maintenance complexes, dining facilities, unit offices, fitness centers, parks, and other similar facilities for the support of military housing.

**"§ 672. General authority**

"In addition to any other authority provided for the acquisition, construction, or improvement of military family housing or military unaccompanied housing, the Secretary may exercise any authority or any combination of authorities provided under this subchapter in order to provide for the acquisition, construction, improvement or rehabilitation by private persons of the following:

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

"(2) Unaccompanied housing units on or near such Coast Guard installations.

**"§ 673. Direct loans and loan guarantees**

"(a) DIRECT LOANS.—(1) Subject to subsection (c), the Secretary may make direct loans to persons in the private sector in order to provide funds to such persons for the acquisition, construction, improvement, or rehabilitation of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

"(2) The Secretary shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.

"(b) LOAN GUARANTEES.—(1) Subject to subsection (c), the Secretary may guarantee a loan made to any person in the private sector if the proceeds of the loan are to be used by the person to acquire, construct, improve, or rehabilitate housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

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

"(A) the amount equal to 80 percent of the value of the project; or

"(B) the amount of the outstanding principal of the loan.

"(3) The Secretary shall establish such terms and conditions with respect to guarantees of loans under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the rights and obligations of obligors of such loans and the rights and obligations of the United States with respect to such guarantees.

"(c) LIMITATION ON DIRECT LOAN AND GUARANTEE AUTHORITY.—Direct loans and loan guarantees may be made under this section only to the extent that appropriations of budget authority to cover their cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) are made in advance, or authority is otherwise provided in appropriations Acts. If such appropriation or other authority is provided, there

may be established a financing account (as defined in section 502(7) of such Act (2 U.S.C. 661a(7))) which shall be available for the disbursement of direct loans or payment of claims for payment on loan guarantees under this section and for all other cash flows to and from the Government as a result of direct loans and guarantees made under this section.

**"§ 674. Leasing of housing to be constructed**

"(a) BUILD AND LEASE AUTHORIZED.—The Secretary may enter into contracts for the lease of family housing units or unaccompanied housing units to be constructed, improved, or rehabilitated under this subchapter.

"(b) LEASE TERMS.—A contract under this section may be for any period that the Secretary determines appropriate.

**"§ 675. Investments in nongovernmental entities**

"(a) INVESTMENTS AUTHORIZED.—The Secretary may make investments in nongovernmental entities carrying out projects for the acquisition, construction, improvement, or rehabilitation of housing units suitable for use as military family housing or as military unaccompanied housing.

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

"(c) LIMITATION ON VALUE OF INVESTMENT.—(1) The cash amount of an investment under this section in a nongovernmental entity may not exceed an amount equal to 35 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

"(2) If the Secretary conveys land or facilities to a nongovernmental entity as all or part of an investment in the entity under this section, the total value of the investment by the Secretary under this section may not exceed an amount equal to 45 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

"(3) In this subsection, the term 'capital cost', with respect to a project for the acquisition, construction, improvement, or rehabilitation of housing, means the total amount of the costs included in the basis of the housing for Federal income tax purposes.

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

**"§ 676. Rental guarantees**

"The Secretary may enter into agreements with private persons that acquire, construct, improve, or rehabilitate family housing units or unaccompanied housing units under this subchapter in order to assure—

"(1) the occupancy of such units at levels specified in the agreements; or

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

**"§ 677. Differential lease payments**

"The Secretary, pursuant to an agreement entered into by the Secretary and a private lessor of family housing or unaccompanied

housing to members of the armed forces, may pay the lessor an amount in addition to the rental payments for the housing made by the members as the Secretary determines appropriate to encourage the lessor to make the housing available to members of the armed forces as family housing or as unaccompanied housing.

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

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

“(b) TERMS AND CONDITIONS.—(1) The conveyance or lease of property or facilities under this section shall be for such consideration and upon such terms and conditions as the Secretary considers appropriate for the purposes of this subchapter and to protect the interests of the United States.

“(2) As part or all of the consideration for a conveyance or lease under this section, the purchaser or lessor (as the case may be) may enter into an agreement with the Secretary to ensure that a suitable preference will be afforded members of the armed forces in the lease or sublease of a reasonable number of the housing units covered by the conveyance or lease, as the case may be, or in the lease of other suitable housing units made available by the purchaser or lessee.

“(c) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance or lease of property or facilities under this section shall not be subject to the following provisions of law:

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

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

“(3) The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

**“§679. Interim leases**

“Pending completion of a project to acquire, construct, improve, or rehabilitate family housing units or unaccompanied housing units under this subchapter, the Secretary may provide for the interim lease of such units of the project as are complete. The term of a lease under this section may not extend beyond the date of the completion of the project concerned.

**“§680. Unit size and type**

“The Secretary shall ensure that the room patterns and floor areas of family housing units and unaccompanied housing units acquired, constructed, improved, or rehabilitated under this subchapter are generally comparable to the room patterns and floor areas of similar housing units in the locality concerned.

**“§681. Support facilities**

“Any project for the acquisition, construction, improvement, or rehabilitation of family housing units or unaccompanied housing units under this subchapter may include the acquisition, construction, or improvement of support facilities for the housing units concerned.

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

“(a) IN GENERAL.—The Secretary may assign members of the armed forces to housing units acquired, constructed, improved, or rehabilitated under this subchapter.

“(b) EFFECT OF CERTAIN ASSIGNMENTS ON ENTITLEMENT TO HOUSING ALLOWANCES.—(1) Except as provided in paragraph (2), housing referred to in subsection (a) shall be considered as quarters of the United States or a

housing facility under the jurisdiction of a uniformed service for purposes of section 403(b) of title 37.

“(2) A member of the armed forces who is assigned in accordance with subsection (a) to a housing unit not owned or leased by the United States shall be entitled to a basic allowance for quarters under section 403 of title 37 and, if in a high housing cost area, a variable housing allowance under section 403a of that title.

“(c) LEASE PAYMENTS THROUGH PAY ALLOTMENTS.—The Secretary may require members of the armed forces who lease housing in housing units acquired, constructed, improved, or rehabilitated under this subchapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.

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

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

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

“(1) Funds appropriated to the Fund.

“(2) Any funds that the Secretary may, to the extent provided in appropriation Acts, transfer to the Fund from funds appropriated to the Department of Transportation or Coast Guard for family housing, except that such funds may be transferred only after the Secretary transmits written notice of, and justification for, such transfer to the appropriate committees of Congress.

“(3) Any funds that the Secretary may, to the extent provided in appropriations Acts, transfer to the Fund from funds appropriated to the Department of Transportation or Coast Guard for military unaccompanied housing or for the operation and maintenance of military unaccompanied housing, except that such funds may be transferred only after the Secretary transmits written notice of, and justification for, such transfer to the appropriate committees of Congress.

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

“(5) Income from any activities under this subchapter, including interest on loans made under section 673 of this title, income and gains realized from investments under section 675 of this title, and any return of capital invested as part of such investments.

“(c) USE OF FUNDS.—(1) To the extent provided in appropriations Acts and except as provided in paragraphs (2) and (3), the Secretary may use amounts in the Fund to carry out activities under this subchapter (including activities required in connection with the planning, execution, and administration of contracts or agreements entered into under the authority of this subchapter).

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

“(B) Funds in the Fund that are derived from appropriations or transfers of funds for military unaccompanied housing, or from income from activities under this subchapter with respect to such housing, may be used in accordance with paragraph (1) only to carry out activities under this subchapter with respect to military unaccompanied housing.

“(3) The Secretary may not enter into a contract or agreement to carry out activities under this subchapter unless the Fund contains sufficient amounts, as of the time the

contract or agreement is entered into, to satisfy the total obligations to be incurred by the United States under the contract or agreement.

“(d) LIMITATION ON AMOUNT OF BUDGET AUTHORITY.—The total value in budget authority of all contracts, agreements, and investments undertaken using the authorities provided in this subchapter shall not exceed \$60,000,000.

**“§684. Reports**

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

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

“(2) A report on each contract or agreement for a project for the acquisition, construction, improvement, or rehabilitation of family housing units or unaccompanied housing units that the Secretary proposes to solicit under this subchapter, describing the project and the method of participation of the United States in the project and providing justification of such method of participation.

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

“(4) A description of the objectives of the Department of Transportation for providing military family housing and military unaccompanied housing for members of the Coast Guard.

**“§685. Expiration of authority**

“The authority to enter into a transaction under this subchapter shall expire 5 years after the date of the enactment of the Coast Guard Authorization Act of 1995.

**“SUBCHAPTER B**

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

“(a) AUTHORITY TO CONVEY.—

“(1) Subject to paragraph (2), the Secretary may convey any family housing facility that, due to damage or deterioration, is in a condition that is uneconomical to repair. Any conveyance of a family housing facility under this section may include a conveyance of the real property associated with the facility conveyed.

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

“(3) For purposes of this subsection, a family housing facility is in a condition that is uneconomical to repair if the cost of the necessary repairs for the facility would exceed the amount equal to 70 percent of the cost of constructing a family housing facility to replace such a facility.

“(b) CONSIDERATION.—

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

“(2) The Secretary shall determine the fair market value of any family housing facility and associated real property that is conveyed under subsection (a). Such determinations shall be final.

“(c) NOTICE AND WAIT REQUIREMENTS.—The Secretary may not enter into an agreement to convey a family housing facility under this section until—

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

"(A) an estimate of the consideration to be provided the United States under the agreement;

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

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

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

"(d) INAPPLICABILITY OF CERTAIN PROPERTY DISPOSAL LAWS.—The following provisions of law do not apply to the conveyance of a family housing facility under this section:

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

"(2) The provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

"(e) USE OF PROCEEDS.—(1) The proceeds of any conveyance of a family housing facility under this section shall be credited to the Coast Guard Housing Improvement Fund (Fund) established under section 683 of this title and available for the purposes described in paragraph (2).

"(2) The proceeds of a conveyance of a family housing facility under this section may be used for the following purposes:

"(A) To construct family housing units to replace the family housing facility conveyed under this section, but only to the extent that the number of units constructed with such proceeds does not exceed the number of units of military family housing of the facility conveyed.

"(B) To repair or restore existing military family housing.

"(C) To reimburse the Secretary for the costs incurred by the Secretary in conveying the family housing facility.

"(3) Notwithstanding section 683(c) of this title, proceeds in the account under this subsection shall be available under paragraph (1) for purposes described in paragraph (2) without any further appropriation.

"(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any family housing facility conveyed under this section, including any real property associated with such facility, shall be determined by such means as the Secretary considers satisfactory, including by survey in the case of real property.

"(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of family housing facilities under this section as the Secretary considers appropriate to protect the interests of the United States.

#### **"§ 692. Limited partnerships with private developers of housing**

"(a) LIMITED PARTNERSHIPS.—(1) In order to meet the housing requirements of members of the Coast Guard, and the dependents of such members, at a military installation described in paragraph (2), the Secretary of Transportation may enter into a limited partnership with one or more private developers to encourage the construction of housing and accessory structures within commuting distance of the installation. The Secretary may contribute not more than 35 percent of the development costs under a limited partnership.

"(2) Paragraph (1) applies to a military installation under the jurisdiction of the Secretary at which there is a shortage of suitable housing to meet the requirements of

members and dependents referred to in such paragraph.

"(b) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary may also enter into collateral incentive agreements with private developers who enter into a limited partnership under subsection (a) to ensure that, where appropriate—

"(1) a suitable preference will be afforded members of the Coast Guard in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the limited partnership; or

"(2) the rental rates or sale prices, as the case may be, for some or all of such units will be affordable for such members.

"(c) SELECTION OF INVESTMENT OPPORTUNITIES.—

"(1) The Secretary shall use publicly advertised, competitively bid or competitively negotiated, contracting procedures, as provided in chapter 137 of title 10, United States Code, to enter into limited partnerships under subsection (a).

"(2) When a decision is made to enter into a limited partnership under subsection (a), the Secretary shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include the justification for the limited partnership, the terms and conditions of the limited partnership, a description of the development costs for projects under the limited partnership, and a description of the share of such costs to be incurred by the Secretary. The Secretary may then enter into the limited partnership only after the end of the 21-day period beginning on the date the report is received by such committees.

"(d) FUNDS.—(1) Any proceeds received by the Secretary from the repayment of investments or profits on investments of the Secretary under subsection (a) shall be deposited into the Coast Guard Housing Improvement Fund established under section 683 of this title.

"(2) From such amounts as is provided in advance in appropriation Acts, funds in the Coast Guard Housing Improvement Fund shall be available to the Secretary for contracts, investments, and expenses necessary for the implementation of this section.

"(3) The Secretary may not enter into a contract in connection with a limited partnership under subsection (a) or a collateral incentive agreement under subsection (b) unless a sufficient amount of the unobligated balance of the funds in the Coast Guard Housing Improvement Fund is available to the Secretary, as of the time the contract is entered into, to satisfy the total obligations to be incurred by the United States under the contract.

"(e) TRANSFER OF LANDS PROHIBITED.—Nothing in this section shall be construed to permit the Secretary, as part of a limited partnership entered into under this section, to transfer the right, title, or interest of the United States in any real property under the jurisdiction of the Secretary.

"(f) EXPIRATION AND TERMINATION OF AUTHORITIES.—The authority to enter into a transaction under this section shall expire 5 years after the date of the enactment of the Coast Guard Authorization Act of 1995."

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

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

"18. Coast Guard Housing Authorities ..... 671."

#### **SEC. 210. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE.**

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

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

(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

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

(B) from amounts appropriated to the Department of Transportation, the costs of obtaining the order, including a reasonable attorney's fee.

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

(c) SPECIAL RIGHT OF APPLICATIONS UNDER THIS SECTION.—This section applies to any applicant who had an application filed with or pending before the Board or the Secretary of Transportation on or after June 12, 1990, who files with the board an application for relief under this section. If a recommended decision was modified or reversed on review with final agency action occurring after expiration of the 10-month deadline, an applicant who so requests shall have the order in the final decision vacated and receive the relief granted in the recommended decision if the Coast Guard has the legal authority to grant such relief. The recommended decision shall otherwise have no effect as precedent.

#### **TITLE III—MARINE SAFETY AND WATERWAY SERVICES MANAGEMENT**

#### **SEC. 301. INCREASED PENALTIES FOR DOCUMENTATION VIOLATIONS.**

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

(b) SEIZURE AND FORFEITURE.—

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

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

"(1) when the owner of a vessel or the representative or agent of the owner knowingly falsifies or conceals a material fact, or knowingly makes a false statement or representation about the documentation or when applying for documentation of the vessel;

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

"(3) when a vessel is operated after its endorsement has been denied or revoked under section 12123 of this title;

"(4) when a vessel is employed in a trade without an appropriate trade endorsement;

"(5) when a documented vessel with only a recreational endorsement is operated other than for pleasure; or

"(6) when a documented vessel, other than a vessel with only a recreational endorsement operating within the territorial waters of the United States, is placed under the command of a person not a citizen of the United States."

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

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

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

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

(1) TERMINATION OF RESTRICTION.—Subsection (d) of section 12110 of title 46, United States Code, is amended by inserting “, other than a vessel with only a recreational endorsement operating within the territorial waters of the United States,” after “A documented vessel”; and

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

#### SEC. 302. NONDISCLOSURE OF PORT SECURITY PLANS.

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

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

#### SEC. 303. MARITIME DRUG AND ALCOHOL TESTING PROGRAM CIVIL PENALTY.

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

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

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

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

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

#### SEC. 304. RENEWAL OF ADVISORY GROUPS.

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

(b) COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.—Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking “September 30, 1994” and inserting “September 30, 2000”.

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

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

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

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

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

#### SEC. 305. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.

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

“(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

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

#### SEC. 306. CIVIL PENALTIES.

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

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

#### SEC. 307. AMENDMENT TO REQUIRE EPIRBs ON THE GREAT LAKES.

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

#### SEC. 308. REPORT ON LORAN-C REQUIREMENTS.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation, in cooperation with the Secretary of Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan prepared in consultation with users of the LORAN-C radionavigation system defining the future use of and funding for operations, maintenance, and upgrades of the LORAN-C radionavigation system. The plan shall provide for—

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

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

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

#### SEC. 309. RESTRICTIONS ON CLOSURE OF SMALL BOAT STATIONS.

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

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

(1) The Secretary shall determine that—  
(A) adequate search-and-rescue capabilities will maintain the safety of the maritime

public in the area of the station or subunit; and

(B) the closure will not result in degradation of services (including but not limited to search and rescue, enforcement of fisheries and other laws and treaties, recreational boating safety, port safety and security, aids to navigation, and military readiness) that would cause significant increased threat to life, property, environment, public safety or national security.

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

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

(B) unique regional or local prevailing weather and marine conditions including water temperature and unusual tide and current conditions; and

(C) other Federal, State, and local government capabilities which could fully or partially substitute for services provided by such station or subunit.

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

(5) The Secretary shall implement a process to—

(A) notify the public of the intended closure;

(B) make available to the public information used in making the determination and assessment under this section; and

(C) provide an opportunity for public participation, including public meetings and the submission of and summary response to written comments, with regard to the decision to close the station or subunit and the development of a transition plan.

(c) NOTIFICATION.—If, after the requirements of subsection (b) are met and after consideration of public comment, the Secretary decides to close a small-boat station or subunit, the Secretary shall provide notification of that decision, at least 60 days before the closure is effected, to the public, the Committee on Commerce, Science and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) OPERATIONAL FLEXIBILITY.—Notwithstanding the requirements of this section, the Secretary may implement any management efficiencies within the small boat system, such as modifying the operational posture of units or reallocating resources as necessary to ensure the safety of the maritime public nationwide, provided that no stations or subunits are closed.

#### SEC. 310. PENALTY FOR ALTERATION OF MARINE SAFETY EQUIPMENT.

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

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

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

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

#### SEC. 311. PROHIBITION ON OVERHAUL, REPAIR, AND MAINTENANCE OF COAST GUARD VESSELS IN FOREIGN SHIPYARDS.

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

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

"A Coast Guard vessel may not be overhauled, repaired, or maintained in any shipyard located outside the United States, except that this section does not apply to emergency repairs."

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

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

**SEC. 312. WITHHOLDING VESSEL CLEARANCE FOR VIOLATION OF CERTAIN ACTS.**

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

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

"(2) Clearance refused or revoked under this subsection may be granted upon the filing of a bond or other surety satisfactory to the Secretary."

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

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

"(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary."

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

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

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

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

"(e)(1) If any owner, operator, or person in charge of a vessel is liable for any penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to any penalty or fine under this section, the Secretary of the Treasury, upon the request of the Sec-

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

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

**TITLE IV—COAST GUARD AUXILIARY**  
**SEC. 401. ADMINISTRATION OF THE COAST GUARD AUXILIARY.**

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

"(a) The Coast Guard Auxiliary is a non-military organization administered by the Commandant under the direction of the Secretary. For command, control, and administrative purposes, the Auxiliary shall include such organizational elements and units as are approved by the Commandant, including but not limited to, a national board and staff (Auxiliary headquarters unit), districts, regions, divisions, flotillas, and other organizational elements and units. The Auxiliary organization and its officers shall have such rights, privileges, powers, and duties as may be granted to them by the Commandant, consistent with this title and other applicable provisions of law. The Commandant may delegate to officers of the Auxiliary the authority vested in the Commandant by this section, in the manner and to the extent the Commandant considers necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

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

"(c) The national board of the Auxiliary, and any Auxiliary district or region, may form a corporation under State law, provided that the formation of such a corporation is in accordance with policies established by the Commandant."

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

(c) The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended in the item relating to section 821, after "Administration" by inserting "of the Coast Guard Auxiliary".

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

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

"The purpose of the Auxiliary is to assist the Coast Guard, as authorized by the Commandant, in performing any Coast Guard function, power, duty, role, mission, or operation authorized by law."

(b) The section heading for section 822 of title 14, United States Code, is amended after "Purpose" by inserting "of the Coast Guard Auxiliary".

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

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

(a) Title 14, United States Code, is amended by inserting after section 823 the following new section:

**"§823a. Members of the Auxiliary; status"**

"(a) Except as otherwise provided in this chapter, a member of the Coast Guard Auxiliary shall not be deemed to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, Federal employee benefits, ethics, conflicts of interest, and other similar criminal or civil statutes and regulations governing the conduct of Federal employees. However, nothing in this subsection shall constrain the Commandant from prescribing standards for the conduct and behavior of members of the Auxiliary.

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

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

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

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

"(c) A member of the Auxiliary, while assigned to duty, shall be deemed to be a person acting under an officer of the United States or an agency thereof for purposes of section 1442(a)(1) of title 28, United States Code."

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

"823a. Members of the Auxiliary; status."

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

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

**SEC. 405. COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS.**

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

(1) by striking "General" in the section caption and inserting "Cooperation with other agencies, States, Territories, and political subdivisions";

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

(3) by adding at the end of subsection (a) the following: "The Commandant may prescribe conditions, including reimbursement, under which personnel and facilities may be provided under this subsection."

(b) The table of sections for chapter 7 of title 14, United States Code, is amended by striking "General" in the item relating to section 141 and inserting "Cooperation with other agencies, States, Territories, and political subdivisions."

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

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

"While assigned to authorized Coast Guard duty, any motorboat or yacht shall be deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law."

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

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

"While assigned to authorized Coast Guard duty, any aircraft shall be deemed to be a Coast Guard aircraft, a public vessel of the United States, and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law. Subject to the provisions of sections 823a and 831 of this title, while assigned to duty, qualified Auxiliary pilots shall be deemed to be Coast Guard pilots."

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

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

(1) by inserting "to the Coast Guard Auxiliary, including any incorporated unit thereof," after "with or without charge,"; and

(2) by striking "to any incorporated unit of the Coast Guard Auxiliary," after "America,".

**TITLE V—RECREATIONAL BOATING SAFETY IMPROVEMENT****SEC. 501. STATE RECREATIONAL BOATING SAFETY GRANTS.**

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

(1) TRANSFERS.—Section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)); commonly referred to as the "Dingell-Johnson Sport Fish Restoration Act") is amended to read as follows:

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

"(A) A sum equal to \$7,500,000 of the amount available for fiscal year 1995, and a sum equal to \$10,000,000 of the amount available for each of fiscal years 1996 and 1997, shall be available for use by the Secretary of the Interior for grants under section 5604(c) of the Clean Vessel Act of 1992. Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(B) A sum equal to \$7,500,000 of the amount available for fiscal year 1995, \$30,000,000 of the amount available for fiscal year 1996, \$45,000,000 of the amount available for fiscal year 1997, and \$59,000,000 of the amount available for each of fiscal years 1998 and 1999, shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for recreational boating safety programs under section 13106 of title 46, United States Code.

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

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

"(ii) grants under section 5604(c) of the Clean Vessel Act of 1992.

Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

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

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

"(ii) \$35,000,000.

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

"(B) The amount of any reduction under subparagraph (A) shall be apportioned among the several States under subsection (d) of this section by the Secretary of the Interior."

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

(b) EXPENDITURE OF AMOUNTS FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.—Section 13106 of title 46, United States Code, is amended—

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

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

"(c) For expenditure under this chapter for State recreational boating safety programs there are authorized to be appropriated to the Secretary of Transportation from the Boat Safety Account established under section 9504 of the Internal Revenue Code of 1986 (26 U.S.C. 9504) not more than \$35,000,000 each fiscal year."

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

**SEC. 502. BOATING ACCESS.**

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

(1) Nontrailerable recreational motorboats contribute 15 percent of the gasoline taxes deposited in the Aquatic Resources Trust Fund while constituting less than 5 percent of the recreational vessels in the United States.

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

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

(b) PURPOSE.—The purpose of this section is to provide funds to States for the development of public facilities for transient nontrailerable vessels.

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

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

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

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

(e) GRANT PROGRAM.—

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

(2) PRIORITY.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary of the Interior shall give priority to projects that consist of the construction or renovation of public facilities for transient nontrailerable vessels in accordance with a plan submitted by a State submitted under subsection (d).

(B) WITHIN STATE.—In awarding grants under this subsection for projects in a particular State, the Secretary of the Interior shall give priority to projects that are likely to serve the greatest number of nontrailerable vessels.

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

(1) "Act of August 9, 1950" means the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes", approved August 9, 1950 (16 U.S.C. 777a et seq.);

(2) "nontrailerable vessel" means a recreational vessel greater than 26 feet in length;

(3) "public facilities for transient nontrailerable vessels" means mooring buoys, day-docks, seasonal slips or similar structures located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable vessels;

(4) "recreational vessel" means a vessel—

(A) operated primarily for pleasure; or

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

(5) "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Marianas.

**SEC. 503. PERSONAL FLotation DEVICES REQUIRED FOR CHILDREN.**

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

(1) by striking "or" after the semicolon in paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon and "or"; and

(3) by adding at the end the following:

"(4) operate a recreational vessel under 26 feet in length unless each individual 6 years of age or younger wears a Coast Guard approved personal flotation device when the individual is on an open deck of the vessel."

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

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



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

“(h) Notwithstanding any other provision of this section, in the case of a person violating section 4307(a)(4) of this title—

“(1) the maximum penalty assessable under subsection (a) is a fine of \$100 with no imprisonment; and

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

#### SEC. 504. MARINE CASUALTY REPORTING.

(a) SUBMISSION OF PLAN.—Not later than one year after enactment of this Act, the Secretary of Transportation shall, in consultation with appropriate State agencies, submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to increase reporting of vessel accidents to appropriate State law enforcement officials.

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

### TITLE VI—COAST GUARD REGULATORY REFORM

#### SEC. 601. SHORT TITLE.

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

#### SEC. 602. SAFETY MANAGEMENT.

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

##### “§ 3201. Definitions

“In this chapter—

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

“(2) ‘responsible person’ means—

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

“(B) any other person that has—

“(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

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

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

“(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

“(B) making a voyage between places outside the United States; or

“(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

##### “§ 3202. Application

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

“(1) Beginning July 1, 1998—

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

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

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

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

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

“(1) a barge;

“(2) a recreational vessel not engaged in commercial service;

“(3) a fishing vessel;

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

“(5) a public vessel.

##### “§ 3203. Safety management system

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

“(1) a safety and environmental protection policy;

“(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

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

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

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

“(6) procedures for internal audits and management reviews of the system.

“(b) COMPLIANCE WITH CODE.—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

##### “§ 3204. Implementation of safety management system

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

“(b) APPROVAL.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

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

##### “§ 3205. Certification

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

“(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

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

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

“(2) revoke the Secretary’s approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

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

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

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

(c) STUDY.—

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

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

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a)); or

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

#### SEC. 603. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

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

##### “§ 3103. Use of reports, documents, and records

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

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

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

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

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

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

#### SEC. 604. EQUIPMENT APPROVAL.

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

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

“(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for

purposes of paragraph (1) if the Secretary determines that—

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

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

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

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

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

(b) **FOREIGN APPROVALS.**—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

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

#### **SEC. 605. FREQUENCY OF INSPECTION.**

(a) **FREQUENCY OF INSPECTION, GENERALLY.**—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

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

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

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

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

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

#### **SEC. 606. CERTIFICATE OF INSPECTION.**

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

#### **SEC. 607. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.**

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

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

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

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

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

(A) redesignating paragraph (2) as paragraph (3); and

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

“(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

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

“(B) conduct inspections and examinations; and

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

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

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

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

(b) **CONFORMING AMENDMENTS.**—

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

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

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

“3316. Classification societies.”.

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

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

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

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

“(i) In a narrow channel or fairway when overtaking, the power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c) and take steps to permit safe passing. The power-driven vessel being overtaken, if in agreement, shall sound the same signal and may, if specifically agreed to take steps to permit safe passing. If in doubt she shall sound the danger signal prescribed in Rule 34(d).”;

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

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

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

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

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

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

“(iii) when vessels are towed alongside on both sides of the towing vessels a stern light shall be exhibited on the stern of the outboard vessel on each side of the towing vessel, and a single set of sidelights as far forward and as far outboard as is practicable, and a single special flashing light.”;

(5) in Rule 26 (33 U.S.C. 2026)—

(A) in each of subsections (b)(i) and (c)(i) by striking “a vessel of less than 20 meters in length may instead of this shape exhibit a basket.”; and

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

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

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

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

#### **SEC. 702. MEASUREMENT OF VESSELS.**

Section 14104 of title 46, United States Code, is amended by redesignating the existing text after the section heading as subsection (a) and by adding at the end the following new subsection:

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

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

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

#### **SEC. 704. RADIOTELEPHONE REQUIREMENTS.**

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

#### **SEC. 705. VESSEL OPERATING REQUIREMENTS.**

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

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

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

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

Section 2 of the Act of June 14, 1956 (46 U.S.C. App. 883a), is amended by inserting after “five hundred gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”.

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

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

#### **SEC. 709. GENERAL DEFINITIONS.**

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

Section 7101(e)(3) of title 46, United States Code, is amended by inserting after “1,600

Section 10501(a) of title 46, United States Code, is amended by inserting after “50 gross

tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

#### SEC. 739. FISHING AGREEMENTS.

Section 10601(a)(1) of title 46, United States Code, is amended by inserting after "20 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

#### SEC. 740. ACCOMMODATIONS FOR SEAMEN.

Section 11101(a) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

#### SEC. 741. MEDICINE CHESTS.

Section 11102(a) of title 46, United States Code, is amended by inserting after "75 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

#### SEC. 742. LOGBOOK AND ENTRY REQUIREMENTS.

Section 11301(a)(2) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

#### SEC. 743. COASTWISE ENDORSEMENTS.

Section 12106(c)(1) of title 46, United States Code, is amended by striking "two hundred gross tons" and inserting "200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

#### SEC. 744. FISHERY ENDORSEMENTS.

Section 12108(c)(1) of title 46, United States Code, is amended by striking "two hundred gross tons" and inserting "200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title".

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

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

##### "§ 7506. Convention tonnage for licenses, certificates, and documents

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

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

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

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

"7506. Convention tonnage for licenses, certificates, and documents.".

#### SEC. 746. TECHNICAL CORRECTIONS.

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

(1) by striking the first section 12123 in chapter 121;

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

(3) by striking "proceeding" in section 13108(a)(1) and inserting "preceding"; and

(4) by striking "Secretary" in section 13108(a)(1) and inserting "Secretary".

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

### TITLE VIII—POLLUTION FROM SHIPS

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

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

(1) by striking "(2) If" in subsection (c)(2) and inserting "(2)(A) Subject to subparagraph (B), if"; and

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

"(B) The Secretary may not issue a certificate attesting to the adequacy of reception facilities under this paragraph unless, prior to the issuance of the certificate, the Secretary conducts an inspection of the reception facilities of the port or terminal that is the subject of the certificate.

"(C) The Secretary may, with respect to certificates issued under this paragraph prior to the date of enactment of the Coast Guard Authorization Act of 1995, prescribe by regulation differing periods of validity for such certificates.";

(3) by striking subsection (c)(3)(A) and inserting the following:

"(A) is valid for the 5-year period beginning on the date of issuance of the certificate, except that if—

"(i) the charge for operation of the port or terminal is transferred to a person or entity other than the person or entity that is the operator on the date of issuance of the certificate—

"(I) the certificate shall expire on the date that is 30 days after the date of the transfer; and

"(II) the new operator shall be required to submit an application for a certificate before a certificate may be issued for the port or terminal; or

"(ii) the certificate is suspended or revoked by the Secretary, the certificate shall cease to be valid; and"; and

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

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

"(A) is in effect; or

"(B) has been revoked or suspended.

"(2) The Secretary shall make the list referred to in paragraph (1) available to the general public.".

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

(1) by inserting "(1)" before "The Secretary"; and

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

"(2)(A) Not later than 18 months after the date of enactment of the Coast Guard Authorization Act of 1995, the Secretary shall promulgate regulations that require the operator of each port or terminal that is subject to any requirement of the MARPOL Protocol relating to reception facilities to post a placard in a location that can easily be seen by port and terminal users. The placard shall state, at a minimum, that a user of a reception facility of the port or terminal should report to the Secretary any inadequacy of the reception facility.".

#### SEC. 802. MARINE PLASTIC POLLUTION RESEARCH AND CONTROL.

(a) **COMPLIANCE REPORTS.**—Section 2201(a) of the Marine Plastic Pollution Research and

Control Act of 1987 (33 U.S.C. 1902 note) is amended—

(1) by striking "for a period of 6 years"; and

(2) by inserting before the period at the end the following: "and, not later than 1 year after the date of enactment of the Coast Guard Authorization Act of 1995, and annually thereafter, shall publish in the Federal Register a list of the enforcement actions taken against any domestic or foreign ship (including any commercial or recreational ship) pursuant to the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)".

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

##### "SEC. 2203. COORDINATION.

"(a) **ESTABLISHMENT OF MARINE DEBRIS COORDINATING COMMITTEE.**—The Secretary of Commerce shall establish a Marine Debris Coordinating Committee.

"(b) **MEMBERSHIP.**—The Committee shall include a senior official from—

"(1) the National Oceanic and Atmospheric Administration, who shall serve as the Chairperson of the Committee;

"(2) the Environmental Protection Agency;

"(3) the United States Coast Guard;

"(4) the United States Navy; and

"(5) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Secretary of Commerce determines appropriate.

"(c) **MEETINGS.**—The Committee shall meet at least twice a year to provide a forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

"(d) **MONITORING.**—The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, in cooperation with the Administrator of the Environmental Protection Agency, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist—

"(1) the Committee in ensuring coordination of research, monitoring, education and regulatory actions; and

"(2) the United States Coast Guard in assessing the effectiveness of this Act and the Act to Prevent Pollution from Ships in ensuring compliance under section 2201.".

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

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

(2) by striking "and" at the end of paragraph (1)(C);

(3) by striking the period at the end of subparagraph (1)(D) and inserting "; and";

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

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

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

"(2) **AUTHORIZED ACTIVITIES.**—

"(A) **PUBLIC OUTREACH PROGRAM.**—A public outreach program under paragraph (1) may include—

"(i) developing and implementing a voluntary boaters' pledge program;

"(ii) workshops with interested groups;

"(iii) public service announcements;

“(iv) distribution of leaflets and posters; and

“(v) any other means appropriate to educating the public.

“(B) GRANTS AND COOPERATIVE AGREEMENTS.—To carry out this section, the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency are authorized to award grants, enter into cooperative agreements with appropriate officials of other Federal agencies and agencies of States and political subdivisions of States and with public and private entities, and provide other financial assistance to eligible recipients.

“(C) CONSULTATION.—In developing outreach initiatives for groups that are subject to the requirements of this title and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, shall consult with—

“(i) the heads of State agencies responsible for implementing State boating laws; and

“(ii) the heads of other enforcement agencies that regulate boaters or commercial fishermen.”.

#### 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.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end new section 2237 to read as follows:

##### “§2237. Sanctions for failure to land or to bring to; sanctions for obstruction of boarding and providing false information

“(a)(1) It shall be unlawful for the pilot, operator, or person in charge of an aircraft which has crossed the border of the United States, or an aircraft subject to the jurisdiction of the United States operating outside the United States, to knowingly fail to obey an order to land by an authorized Federal law enforcement officer who is enforcing the laws of the United States relating to controlled substances, as that term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), or relating to money laundering (sections 1956–57 of this title).

“(2) The Administrator of the Federal Aviation Administration, in consultation with the Commissioner of Customs and the Attorney General, shall prescribe regulations governing the means by, and circumstances under which a Federal law enforcement officer may communicate an order to land to a pilot, operator, or person in charge of an aircraft. Such regulations shall ensure that any such order is clearly communicated in accordance with applicable international standards. Further, such regulations shall establish guidelines based on observed conduct, prior information, or other circumstances for determining when an officer may use the authority granted under paragraph (1).

“(b)(1) It shall be unlawful for the master, operator, or person in charge of a vessel of the United States or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order to bring to that vessel on being ordered to do so by an authorized Federal law enforcement officer.

“(2) It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States to—

“(A) forcibly assault, resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law, or to resist a lawful arrest; or

“(B) provide information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew, which that person knows is false.

“(c) This section does not limit in any way the preexisting authority of a customs officer under section 581 of the Tariff Act of 1930 or any other provision of law enforced or administered by the Customs Service, or the preexisting authority of any Federal law enforcement officer under any law of the United States to order an aircraft to land or a vessel to bring to.

“(d) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

“(e) For purposes of this section—

“(1) A ‘vessel of the United States’ and a ‘vessel subject to the jurisdiction of the United States’ have the meaning set forth for these terms in the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903);

“(2) an aircraft ‘subject to the jurisdiction of the United States’ includes—

“(A) an aircraft located over the United States or the customs waters of the United States;

“(B) an aircraft located in the airspace of a foreign nation, where that nation consents to the enforcement of United States law by the United States; and

“(C) over the high seas, an aircraft without nationality, an aircraft of United States registry, or an aircraft registered in a foreign nation that has consented or waived objection to the enforcement of United States law by the United States;

“(3) an aircraft ‘without nationality’ includes—

“(A) an aircraft aboard which the pilot, operator, or person in charge makes a claim of registry, which claim is denied by the nation whose registry is claimed; and

“(B) an aircraft aboard which the pilot, operator, or person in charge fails, upon request of an officer of the United States empowered to enforce applicable provisions of United States law, to make a claim of registry for that aircraft.

“(4) the term ‘bring to’ means to cause a vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and sea state; and

“(5) the term ‘Federal law enforcement officer’ has the meaning set forth in section 115 of this title.

“(f) Any person who intentionally violates the provisions of this section shall be subject to—

“(1) imprisonment for not more than 1 year; and

“(2) a fine as provided in this title.

“(g) An aircraft that is used in violation of this section may be seized and forfeited. A vessel that is used in violation of subsection (b)(1) or subsection (b)(2)(A) may be seized and forfeited. The laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures undertaken, or alleged to have been undertaken, under any of the provisions of this section; except

that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose. A vessel or aircraft that is used in violation of this section is also liable in rem for any fine or civil penalty imposed under this section.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 109, title 18, United States Code, is amended by inserting the following new item after the item for section 2236:

“2237. Sanctions for failure to land or to bring to; sanctions for obstruction of boarding or providing false information.”.

##### SEC. 902. FAA SUMMARY REVOCATION AUTHORITY.

(a) Title 49, United States Code, is amended by adding after section 44106 the following new section:

##### “§44106a. Summary revocation of aircraft certificate

“(a) The registration of an aircraft shall be immediately revoked upon the knowing failure of the pilot, operator, or person in charge of the aircraft to follow the order of a Federal law enforcement officer to land an aircraft, as provided in section 2237 of title 18, United States Code. The Administrator shall as soon as possible notify the owner of the aircraft that the owner no longer holds United States registration for that aircraft.

“(b) The Administrator shall establish procedures for the owner of the aircraft to show cause—

“(1) why the registration was not revoked, as a matter of law, by operation of subsection (a); or

“(2) why circumstances existed pursuant to which the Administrator should determine that, notwithstanding subsection (a), it would be in the public interest to issue a new certificate of registration to the owner to be effective concurrent with the revocation occasioned by operation of subsection (a).”.

(b) The table of sections at the beginning of chapter 441 of title 49, United States Code, is amended by inserting after the item relating to section 44106 the following:

“44106a. Summary revocation of aircraft certificate.”.

(c) Title 49, United States Code, is amended by adding after section 44710 the following new section:

##### “§44710a. Failure to follow order to land aircraft

“(a) The Administrator shall issue an order revoking the airman certificate of any person if the Administrator finds that—

“(1) such person, while acting as the pilot, operator, or person in charge of an aircraft knowingly failed to follow the order of a Federal law enforcement officer to land the aircraft as provided in section 2237 of title 18, United States Code, and

“(2) such person knew that he had been ordered to land the aircraft.

“(b) If the Administrator determines that extenuating circumstances existed, such as safety of flight, which justified a deviation by the airman from the order to land, the provisions of subsection (a) of this section shall not apply.

“(c) The provisions of subsections (c) and (d) of section 44710 shall apply to any revocation of the airman certificate of any person for failing to follow the order of a Federal law enforcement officer to land an aircraft.”.

(d) The table of sections at the beginning of chapter 447 of title 49, United States Code, is amended by inserting after the item relating to section 44710 the following:



"44710a. Failure to follow order to land aircraft."

#### SEC. 903. COAST GUARD AIR INTERDICTION AUTHORITY.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following new section:

##### "§96. Air interdiction authority

"The Coast Guard may issue orders and make inquiries, searches, seizures, and arrests with respect to violations of laws of the United States occurring aboard any aircraft subject to the jurisdiction of the United States in accordance with section 2237 of title 18, United States Code. Any order issued under this section to land an aircraft shall be communicated pursuant to regulations promulgated pursuant to section 2237 of title 18, United States Code."

(b) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 5 of title 14, United States Code, is amended by adding at the end the following new item:

"96. Air interdiction authority."

#### SEC. 904. COAST GUARD CIVIL PENALTY PROVISIONS.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

##### "§673. Civil penalty for failure to comply with a lawful boarding, order to land, obstruction of boarding, or providing false information

"(a) The master, operator, or person in charge of a vessel, or the pilot, operator, or person in charge of an aircraft who knowingly fails to comply with an order of a Coast Guard commissioned officer, warrant officer, or petty officer under the authority of section 2237 of title 18, United States Code, or section 96 of this title, and communicated according to regulations promulgated under section 2237 of title 18, United States Code, or, in the case of a vessel, according to any applicable, internationally recognized standards, or other manner reasonably calculated to be received and understood, shall be liable for a civil penalty of not more than \$15,000.

"(b) A vessel or aircraft used to knowingly violate an order relating to the boarding of a vessel or landing of an aircraft issued under the authority of section 2237 of title 18, United States Code, or Section 96 of this Title, is also liable in rem and may be seized, forfeited, and sold in accordance with Customs law, specifically section 1594 of Title 19, United States Code."

(b) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 17 of title 14, United States Code, is amended by adding at the end the following new item:

"673. Civil penalty for failure to comply with a lawful boarding, order to land, obstruction of boarding, or providing false information."

#### SEC. 905. CUSTOMS ORDERS.

Section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) is amended by adding at the end the following new subsection:

"(i) As used in this section, the term 'authorized place' includes —

"(1) with respect to a vehicle, a location in a foreign country at which United States customs officers are permitted to conduct inspections, examinations, or searches; and

"(2) with respect to aircraft to which this section applies by virtue of section 644 of this Act (19 U.S.C. 1644), or regulations issued thereunder, or section 2237 of title 18, United States Code, any location outside of the United States, including a foreign country at which United States customs officers are permitted to conduct inspections, examinations, or searches."

#### SEC. 906. CUSTOMS CIVIL PENALTY PROVISIONS.

Part V of title IV of the Tariff Act of 1930 (19 U.S.C. 1581 et seq.) is amended by adding a new section 591 (19 U.S.C. 1591) as follows:

##### "SEC. 591. CIVIL PENALTY FOR FAILURE TO OBEY AN ORDER TO LAND.

"(a) The pilot, operator, or person in charge of an aircraft who knowingly fails to comply with an order of an authorized Federal law enforcement officer relating to the landing of an aircraft issued under the authority of section 581 of this Act, or section 2237 of title 18, United States Code, and communicated according to regulations promulgated under section 2237 of title 18, United States Code, shall be liable for a civil penalty of not more than \$15,000.

"(b) An aircraft used to knowingly violate an order relating to the landing of an aircraft issued under the authority of section 581 of this Act, or section 2237 of title 18, United States Code, is also liable in rem and may be seized, forfeited, and sold in accordance with Customs law, specifically section 1594 of Title 19, United States Code."

#### TITLE X—CONVEYANCES

##### SEC. 1001. CONVEYANCE OF PROPERTY IN MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary shall convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the properties described in paragraph (3) to the persons to whom each such property is to be conveyed under that paragraph.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine each property to be conveyed pursuant to this subsection.

(3) PROPERTIES CONVEYED.—

(A) CAPE ANN LIGHTHOUSE.—The Secretary shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thacher Island, Massachusetts.

(B) COAST GUARD PROPERTY IN GOSNOLD, MASSACHUSETTS.—The Secretary may convey to the town of Gosnold, Massachusetts, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "United States Coast Guard Cuttyhunk Boathouse and Wharf" located in the town of Gosnold, Massachusetts.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3), (4), and (5) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the property conveyed shall immediately revert to the United States if the property, or any part of the property

(A) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(B) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed,

which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the person to which the property is conveyed may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The person to which the property is conveyed is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) MAINTENANCE OF PROPERTY.—The person to which the property is conveyed shall maintain the property in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "Cape Ann Lighthouse" means the Coast Guard property located on Thacher Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance;

(2) the term "United States Coast Guard Cuttyhunk Boathouse and Wharf" means real property located in the town of Gosnold, Massachusetts (including all buildings, structures, equipment, and other improvements), as determined by the Secretary of Transportation; and

(3) the term "Secretary" means the Secretary of Transportation.

##### SEC. 1002. CONVEYANCE OF CERTAIN LIGHTHOUSES LOCATED IN MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (in this section referred to as the "Secretary") may convey to the Island Institute, Rockland, Maine, (in this section referred to as the "Institute"), by an appropriate means of conveyance, all right, title, and interest of the United States in and to any of the facilities and real property and improvements described in paragraph (2).

(2) IDENTIFICATION OF PROPERTIES.—Paragraph (1) applies to lighthouses, together with any real property and other improvements associated therewith, located in the State of Maine as follows:

(A) Whitehead Island Light.

(B) Deer Island Thorofare (Mark Island) Light.

(C) Burnt Island Light.

(D) Rockland Harbor Breakwater Light.

(E) Monhegan Island Light.

(F) Eagle Island Light.

(G) Curtis Island Light.

(H) Moose Peak Light.

(I) Great Duck Island Light.

(J) Goose Rocks Light.

(K) Isle au Haut Light.

(L) Goat Island Light.

(M) Wood Island Light.

(N) Doubling Point Light.

(O) Doubling Point Front Range Light.

(P) Doubling Point Rear Range Light.

(Q) Little River Light.

(R) Spring Point Ledge Light.

(S) Ram Island Light (Boothbay).

(T) Seguin Island Light.

(U) Marshall Point Light.

- (V) Fort Point Light.
- (W) West Quoddy Head Light.
- (X) Brown's Head Light.
- (Y) Cape Neddick Light.
- (Z) Halfway Rock Light.
- (AA) Ram Island Ledge Light.
- (BB) Mount Desert Rock Light.
- (CC) Whitlock's Mill Light.
- (DD) Nash Island Light.
- (EE) Manana Island Fog Signal Station.

(3) **DEADLINE FOR CONVEYANCE.**—The conveyances authorized by this subsection shall take place not later than 5 years after the date of the enactment of this Act.

(4) **ADDITIONAL CONVEYANCES TO UNITED STATES FISH AND WILDLIFE SERVICE.**—The Secretary may transfer, in accordance with the terms and conditions of subsection (b), the following lighthouses, together with any real property and improvements associated therewith, directly to the United States Fish and Wildlife Service:

- (A) Two Bush Island Light.
- (B) Egg Rock Light.
- (C) Libby Island Light.
- (D) Matinicus Rock Light.

(b) **TERMS OF CONVEYANCE.**—

(I) **IN GENERAL.**—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and  
(B) subject to the conditions required by paragraphs (2) and (3) and other terms and conditions the Secretary may consider appropriate.

(2) **MAINTENANCE OF NAVIGATION FUNCTION.**—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the Institute, the United States Fish and Wildlife Service, and an entity to which property is conveyed under this section may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to property conveyed under this section as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter property conveyed under this section without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to property conveyed under this section for the purpose of maintaining the aids to navigation in use on the property.

(3) **OBLIGATION LIMITATION.**—The Institute, or any entity to which the Institute conveys a lighthouse under subsection (d), is not required to maintain any active aid to navigation equipment on a property conveyed under this section.

(4) **REVERSIONARY INTEREST.**—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(A) such property or any part of such property ceases to be used for educational, historic, recreational, cultural, and wildlife conservation programs for the general public and for such other uses as the Secretary determines to be not inconsistent or incompatible with such uses;

(B) such property or any part of such property ceases to be maintained in a manner

that ensures its present or future use as a Coast Guard aid to navigation;

(C) such property or any part of such property ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.); or

(D) the Secretary determines that—

(i) the Institute is unable to identify an entity eligible for the conveyance of the lighthouse under subsection (d) within the 3-year period beginning on the date of the conveyance of the lighthouse to the Institute under subsection (a); or

(ii) in the event that the Institute identifies an entity eligible for the conveyance within that period—

(I) the entity is unable or unwilling to accept the conveyance and the Institute is unable to identify another entity eligible for the conveyance within that period; or

(II) the Maine Lighthouse Selection Committee established under subsection (d)(3)(A) disapproves of the entity identified by the Institute and the Institute is unable to identify another entity eligible for the conveyance within that period.

(c) **INSPECTION.**—The State Historic Preservation Officer of the State of Maine may inspect any lighthouse, and any real property and improvements associated therewith, that is conveyed under this section at any time, without notice, for purposes of ensuring that the lighthouse is being maintained in the manner required under subsection (b). The Institute, and any subsequent conveyee of the Institute under subsection (d), shall cooperate with the official referred to in the preceding sentence in the inspections of that official under this subsection.

(d) **SUBSEQUENT CONVEYANCE.**—

(I) **REQUIREMENT.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Institute shall convey, without consideration, all right, title, and interest of the Institute in and to the lighthouses conveyed to the Institute under subsection (a), together with any real property and improvements associated therewith, to one or more entities identified under paragraph (2) and approved by the committee established under paragraph (3) in accordance with the provisions of such paragraph (3).

(B) **EXCEPTION.**—The Institute, with the concurrence of the Maine Lighthouse Selection Committee and in accordance with the terms and conditions of subsection (b), may retain right, title, and interest in and to the following lighthouses conveyed to the Institute:

- (i) Whitehead Island Light.
- (ii) Deer Island Thorofare (Mark Island) Light.

(2) **IDENTIFICATION OF ELIGIBLE ENTITIES.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Institute shall identify entities eligible for the conveyance of a lighthouse under this subsection. Such entities shall include any department or agency of the Federal Government, any department or agency of the Government of the State of Maine, any local government in that State, or any nonprofit corporation, educational agency, or community development organization that—

(i) is financially able to maintain the lighthouse (and any real property and improvements conveyed therewith) in accordance with the conditions set forth in subsection (b);

(ii) has agreed to permit the inspections referred to in subsection (c); and

(iii) has agreed to comply with the conditions set forth in subsection (b); and to have such conditions recorded with the deed of title to the lighthouse and any real property and improvements that may be conveyed therewith.

(B) **ORDER OF PRIORITY.**—In identifying entities eligible for the conveyance of a lighthouse under this paragraph, the Institute shall give priority to entities in the following order, which are also the exclusive entities eligible for the conveyance of a lighthouse under this section:

(i) Agencies of the Federal Government.

(ii) Entities of the Government of the State of Maine.

(iii) Entities of local governments in the State of Maine.

(iv) Nonprofit corporations, educational agencies, and community development organizations.

(3) **SELECTION OF CONVEYEEES AMONG ELIGIBLE ENTITIES.**—

(A) **COMMITTEE.**—

(i) **IN GENERAL.**—There is hereby established a committee to be known as the Maine Lighthouse Selection Committee (in this paragraph referred to as the "Committee").

(ii) **MEMBERSHIP.**—The Committee shall consist of five members appointed by the Secretary as follows:

(I) One member, who shall serve as the Chairman of the Committee, shall be appointed from among individuals recommended by the Governor of the State of Maine.

(II) One member shall be the State Historic Preservation Officer of the State of Maine, with the consent of that official, or a designee of that official.

(III) One member shall be appointed from among individuals recommended by State and local organizations in the State of Maine that are concerned with lighthouse preservation or maritime heritage matters.

(IV) One member shall be appointed from among individuals recommended by officials of local governments of the municipalities in which the lighthouses are located.

(V) One member shall be appointed from among individuals recommended by the Secretary of the Interior.

(iii) **APPOINTMENT DEADLINE.**—The Secretary shall appoint the members of the Committee not later than 90 days after the date of the enactment of this Act.

(iv) **MEMBERSHIP TERM.**—

(I) Members of the Committee shall serve for such terms not longer than 3 years as the Secretary shall provide. The Secretary may stagger the terms of initial members of the Committee in order to ensure continuous activity by the Committee.

(II) Any member of the Committee may serve after the expiration of the term of the member until a successor to the member is appointed. A vacancy in the Committee shall be filled in the same manner in which the original appointment was made.

(v) **VOTING.**—The Committee shall act by an affirmative vote of a majority of the members of the Committee.

(B) **RESPONSIBILITIES.**—

(i) **IN GENERAL.**—The Committee shall—

(I) review the entities identified by the Institute under paragraph (2) as entities eligible for the conveyance of a lighthouse; and

(II) approve one such entity, or disapprove all such entities, as entities to which the Institute may make the conveyance of the lighthouse under this subsection.

(ii) **APPROVAL.**—If the Committee approves an entity for the conveyance of a lighthouse, the Committee shall notify the Institute of such approval.

(iii) **DISAPPROVAL.**—If the Committee disapproves of the entities, the Committee shall notify the Institute and, subject to subsection (b)(4)(D)(ii), the Institute shall identify other entities eligible for the conveyance of the lighthouse under paragraph (2). The Committee shall review and approve or disapprove entities identified pursuant to the preceding sentence in accordance with

this subparagraph and the criteria set forth in subsection (b).

(C) EXEMPTION FROM FACAS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee, however, all meetings of the Committee shall be open to the public and preceded by appropriate public notice.

(D) TERMINATION.—The Committee shall terminate 8 years from the date of the enactment of this Act.

(4) CONVEYANCE.—Upon notification under paragraph (3)(B)(ii) of the approval of an identified entity for conveyance of a lighthouse under this subsection, the Institute shall, with the consent of the entity, convey the lighthouse to the entity.

(5) RESPONSIBILITIES OF CONVEYEEES.—Each entity to which the Institute conveys a lighthouse under this subsection, or any successor or assign of such entity in perpetuity, shall—

(A) use and maintain the lighthouse in accordance with subsection (b) and have such terms and conditions recorded with the deed of title to the lighthouse and any real property conveyed therewith; and

(B) permit the inspections referred to in subsection (c).

(e) DESCRIPTION OF PROPERTY.—The legal description of any lighthouse, and any real property and improvements associated therewith, conveyed under subsection (a) shall be determined by the Secretary. The Secretary shall retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the lighthouses conveyed under this subsection, whether located at the lighthouse or elsewhere. The Secretary shall identify any equipment, system, or object covered by this paragraph.

(f) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the next 7 years, the Secretary shall submit to Congress a report on the conveyance of lighthouses under this section. The report shall include a description of the implementation of the provisions of this section, and the requirements arising under such provisions, in—

(1) providing for the use and maintenance of the lighthouses conveyed under this section in accordance with subsection (b);

(2) providing for public access to such lighthouses; and

(3) achieving the conveyance of lighthouses to appropriate entities under subsection (d).

#### **SEC. 1003. CONVEYANCE OF SQUIRREL POINT LIGHT.**

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (in this section referred to as the "Secretary") shall convey to Squirrel Point Associates, Incorporated, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Squirrel Point Light, located in the town of Arrowsic, Maine.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Squirrel Point Light shall imme-

diately revert to the United States if the Squirrel Point Light, or any part of the property—

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION FUNCTION.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) Squirrel Point Associates, Incorporated, or any successor or assign, may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the Squirrel Point Light as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The Squirrel Point Associates, Incorporated, or any successor or assign, is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) MAINTENANCE OF PROPERTY.—The Squirrel Point Associates, Incorporated, or any successor or assign, shall maintain the Squirrel Point Light in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section, the term "Squirrel Point Light" means the Coast Guard light station located in the town of Arrowsic, Sagadahoc County, Maine—

(1) including the light tower, dwelling, boat house, oil house, barn, any other ancillary buildings and such land as may be necessary to enable Squirrel Point Associates, Incorporated, or any successor or assign, to operate a non-profit center for public benefit; and

(2) except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

#### **SEC. 1004. CONVEYANCE OF MONTAUK LIGHT STATION, NEW YORK.**

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (in this section referred to as the "Secretary") shall convey to the Montauk Historical Association in Montauk, New York, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Montauk Light Station, located at Montauk, New York.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Montauk Light Station pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof—

(A) ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard, the maritime history of Montauk, New York, and Native American and colonial history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, electronic navigation equipment, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Montauk Historical Association, or any successor or assign, may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Montauk Light Station as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Montauk Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Montauk Historical Association, or any successor or assign, that the Montauk Light Station is needed for national security purposes.

(4) MAINTENANCE OF PROPERTY.—Any conveyance of property under this section shall be subject to the condition that the Montauk Historical Association, or any successor or assign, shall maintain the Montauk Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) OBLIGATION LIMITATION.—The Montauk Historical Association, or any successor or assign, shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) MONTAUK LIGHT STATION DEFINED.—For purposes of this section, the term "Montauk Light Station" means the Coast Guard light station known as Light Station Montauk Point, located at Montauk, New York, including the lighthouse, the keeper's dwellings, adjacent Coast Guard rights of way, the World War II submarine spotting tower, the

lighthouse tower, and the paint locker, except any historical artifact, including any lens or lantern, located on the property at or before the time of conveyance.

**SEC. 1005. CONVEYANCE OF POINT ARENA LIGHT STATION.**

(a) **AUTHORITY TO CONVEY.**—

(1) **IN GENERAL.**—At such time as the Secretary of Transportation (referred to in this section as the "Secretary") determines the Point Arena Light Station to be excess to the needs of the Coast Guard, the Secretary shall convey to the Point Arena Lighthouse Keepers, Inc., by an appropriate means of conveyance, all right, title, and interest of the United States in and to The Point Arena Lighthouse, located in Mendocino County, California, except that the Coast Guard shall retain all right, title, and interest in any historical artifact, including any lens or lantern, on the property conveyed pursuant to this section, or belonging to the property, whether located on the property or elsewhere, except that such lens must be retained within the boundary of the State of California.

(2) **IDENTIFICATION OF PROPERTY.**—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) **TERMS OF CONVEYANCE.**—

(1) **IN GENERAL.**—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to such terms and conditions as the Secretary may consider appropriate.

(2) **REVERSIONARY INTEREST.**—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Point Arena Light Station pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the maritime history of Point Arena, California.

(3) **MAINTENANCE OF NAVIGATION FUNCTIONS.**—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Point Arena Lighthouse Keepers, Inc., or any successors or assigns, may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation, or make any changes to the Point Arena Light Station as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Point Arena Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Point Arena Lighthouse Keepers, Inc., or any successor or assign, that the Point Arena Light Station is needed for national security purposes.

(4) **MAINTENANCE OF PROPERTY.**—Any conveyance of property under this section shall be subject to the condition that the Point Arena Lighthouse Keepers, Inc., or any successor or assign, shall maintain the Point Arena Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) **OBLIGATION LIMITATION.**—The Point Arena Lighthouse Keepers, Inc., or any successors or assigns, shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) **MAINTENANCE STANDARD.**—The Point Arena Lighthouse Keepers, Inc., or any successor or assign, at its own cost and expense, shall maintain, in a proper, substantial and workmanlike manner, all properties conveyed.

(d) **POINT ARENA LIGHT STATION DEFINED.**—For purposes of this section, the term "Point Arena Light Station" means the Coast Guard property and improvements located at Point Arena, California, including the light tower building, fog signal building, 2 small shelters, 4 residential quarters, and a restaurant facility.

**SEC. 1006. CONVEYANCE OF PROPERTY IN KETCHIKAN, ALASKA.**

(a) **AUTHORITY TO CONVEY.**—The Secretary of Transportation (referred to in this section as the "Secretary"), in cooperation with the Administrator of the General Services Administration, shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "Former Marine Safety Detachment" as identified in Report of Excess Number CG-689 (GSA Control Number 9-U-AK-0747) and described in subsection (b), for use as a health or social services facility.

(b) **IDENTIFICATION OF PROPERTY.**—The Secretary shall identify, describe, and determine the property to be conveyed pursuant to this section.

(c) **REVERSIONARY INTEREST.**—The conveyance of property described in subsection (b) shall be subject to the condition that such property, and all right, title and interest in such property, shall transfer to the City of Ketchikan if, within 18 months of the date of enactment of this Act, the Ketchikan Indian Corporation has not completed design and construction plans for a health and social services facility and received approval from the City of Ketchikan for such plans or the written consent of the City to exceed this period.

(d) In the event that the property described in subsection (b) is transferred to the City of Ketchikan under subsection (c), the transfer shall be subject to the condition that all right, title, and interest in and to the property shall immediately revert to the United States if the property ceases to be used by the City of Ketchikan.

**SEC. 1007. CONVEYANCE OF PROPERTY IN TRAVERSE CITY, MICHIGAN.**

(a) **AUTHORITY TO CONVEY.**—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property described in subsection (b), subject to all easements and other interests in the property held by any other person.

(b) **IDENTIFICATION OF PROPERTY.**—The Secretary shall identify, describe, and determine the property to be conveyed pursuant to this section.

(c) **REVERSIONARY INTEREST.**—In addition to any term or condition established pursuant to subsection (a) or (d), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City Area Public School District.

(d) **TERMS OF CONVEYANCE.**—The conveyance of property under this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(1) the pump room located on the property shall continue to be operated and maintained by the United States for as long as it is needed for this purpose;

(2) the United States shall have an easement of access to the property for the purpose of operating and maintaining the pump room; and

(3) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating and maintaining the pump room.

**SEC. 1008. TRANSFER OF COAST GUARD PROPERTY IN NEW SHOREHAM, RHODE ISLAND.**

(a) **REQUIREMENT.**—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) may convey to the town of New Shoreham, Rhode Island, without consideration, all right, title, and interest of the United States in and to the property known as the United States Coast Guard Station Block Island, as described in subsection (b), subject to all easements and other interest in the property held by any other person.

(b) **PROPERTY DESCRIBED.**—The property referred to in subsection (a) is real property (including buildings and improvements) located on the west side of Block Island, Rhode Island, at the entrance to the Great Salt Pond and referred to in the books of the Tax Assessor of the town of New Shoreham, Rhode Island, as lots 10 and 12, comprising approximately 10.7 acres.

(c) **REVERSIONARY INTEREST.**—In addition to any term or condition established pursuant to subsection (a), any conveyance of property under subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the town of New Shoreham, Rhode Island.

**SEC. 1009. CONVEYANCE OF PROPERTY IN SANTA CRUZ, CALIFORNIA.**

(a) **AUTHORITY TO CONVEY.**—

(1) **IN GENERAL.**—The Secretary of Transportation (referred to in this section as the "Secretary") may convey to the Santa Cruz Port District by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) **IDENTIFICATION OF PROPERTY.**—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) **CONSIDERATION.**—Any conveyance of property pursuant to this section shall be made without payment of consideration.

(c) **CONDITION.**—The conveyance provided for in subsection (a) may be made contingent upon agreement by the Port District that—

(1) the utility systems, building spaces, and facilities or any alternate, suitable facilities and buildings on the harbor premises would be available for joint use by the Port District and the Coast Guard when deemed necessary by the Coast Guard; and

(2) the Port District would be responsible for paying the cost of maintaining, operating, and replacing (as necessary) the utility

systems and any buildings and facilities located on the property as described in subsection (a) or on any alternate, suitable property on the harbor premises set aside for use by the Coast Guard.

(d) **REVERSIONARY INTEREST.**—Any conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in Subunit Santa Cruz shall immediately revert to the United States—

(1) if Subunit Santa Cruz ceases to be maintained as a nonprofit center for education, training, administration, and other public service to include use by the Coast Guard; or

(2) at the end of the thirty day period beginning on any date on which the Secretary provides written notice to the Santa Cruz Port District that Subunit Santa Cruz is needed for national security purposes.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(f) **DEFINITIONS.**—For purposes of this section—

(1) "Subunit Santa Cruz" means the Coast Guard property and improvements located at Santa Cruz, California;

(2) "Secretary" means the Secretary of the department in which the Coast Guard is operating; and

(3) "Port District" means the Santa Cruz Port District, or any successor or assign.

#### **SEC. 1010. CONVEYANCE OF VESSEL S/S RED OAK VICTORY.**

(a) **IN GENERAL.**—Notwithstanding any other law, the Secretary of Transportation (referred to in this section as the "Secretary") may convey the right, title, and interest of the United States Government in and to the vessel S/S RED OAK VICTORY (Victory Ship VCS-AP2; United States Navy Hull No. AK235) to the City of Richmond Museum Association, Inc., located in Richmond, California (in this section referred to as "the recipient"), if—

(1) the recipient agrees to use the vessel for the purposes of a monument to the wartime accomplishments of the City of Richmond;

(2) the vessel is not used for commercial transportation purposes;

(3) the recipient agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or a national emergency;

(4) the recipient agrees to hold the Government harmless for any claims arising from exposure to asbestos after conveyance of the vessel, except for claims arising from use by the Government under paragraph (3); and

(5) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least \$100,000.

(b) **DELIVERY OF VESSEL.**—If a conveyance is made under this section, the Secretary shall deliver the vessel at the place where the vessel is located on the date of enactment of this Act, in its present condition, without cost to the Government.

(c) **OTHER UNNEEDED EQUIPMENT.**—The Secretary may convey to the recipient any unneeded equipment from other vessels in the National Defense Reserve Fleet for use to restore the S/S RED OAK VICTORY to museum quality.

(d) **RETENTION OF VESSEL IN NDRF.**—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under subsection (a), until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of conveyance of the vessel under subsection (a).

#### **SEC. 1011. CONVEYANCE OF EQUIPMENT.**

The Secretary of Transportation may convey any unneeded equipment from other vessels in the National Defense Reserve Fleet to the JOHN W. BROWN and other qualified United States memorial ships in order to maintain their operating condition.

#### **SEC. 1012. PROPERTY EXCHANGE.**

(a) **PROPERTY ACQUISITION.**—The Secretary may, by means of an exchange of property, acceptance as a gift, or other means that does not require the use of appropriated funds, acquire all right, title, and interest in and to a parcel or parcels of real property and any improvements thereto located within the limits of the City and Borough of Juneau, Alaska.

(b) **ACQUISITION THROUGH EXCHANGE.**—For the purposes of acquiring property under subsection (a) by means of an exchange, the Secretary may convey all right, title, and interest of the United States in and to a parcel or parcels of real property and any improvements thereto located within the limits of the City and Borough of Juneau, Alaska and in the control of the Coast Guard if the Secretary determines that the exchange is in the best interest of the Coast Guard.

(c) **TERMS AND CONDITIONS.**—The Secretary may require such terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

### **TITLE XI—MISCELLANEOUS**

#### **SEC. 1101. FLORIDA AVENUE BRIDGE.**

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.83 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.), the Secretary shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

#### **SEC. 1102. OIL SPILL RECOVERY INSTITUTE.**

(a) **ADVISORY BOARD AND EXECUTIVE COMMITTEE.**—Section 5001 of the Oil Pollution Act of 1990 (33 U.S.C. 2731) is amended—

(1) by striking "to be administered by the Secretary of Commerce" in subsection (a);

(2) by striking "and located" in subsection (a) and inserting "located";

(3) by striking "the EXXON VALDEZ oil spill" each place it appears in subsection (b)(2) and inserting "Arctic or Subarctic oil spills";

(4) by striking "18" in subsection (c)(1) and inserting "16";

(5) by striking "Natural Resources, and Commerce and Economic Development" in subsection (c)(2)(A) and inserting a comma and "and Natural Resources";

(6) by striking subsection (c)(1) (B), (C), and (D);

(7) by redesignating subparagraphs (E) and (F) of subsection (c)(1) as subparagraphs (G) and (H), respectively;

(8) by inserting after subparagraph (A) of subsection (c)(1) the following:

"(B) One representative appointed by each of the Secretaries of Commerce, the Interior, and Transportation, who shall be Federal employees.

"(C) Two representatives from the fishing industry appointed by the Governor of the State of Alaska from among residents of communities in Alaska that were affected by the EXXON VALDEZ oil spill, who shall serve terms of 2 years each. Interested organizations from within the fishing industry may submit the names of qualified individuals for consideration by the Governor.

"(D) Two Alaska Natives who represent Native entities affected by the EXXON VALDEZ oil spill, at least one of whom represents an entity located in Prince William Sound, appointed by the Governor of Alaska from a list of 4 qualified individuals submitted by the Alaska Federation of Natives, who shall serve terms of 2 years each.

"(E) Two representatives from the oil and gas industry to be appointed by the Governor of the State of Alaska who shall serve terms of 2 years each. Interested organizations from within the oil and gas industry may submit the names of qualified individuals for consideration by the Governor.

"(F) Two at-large representatives from among residents of communities in Alaska that were affected by the EXXON VALDEZ oil spill who are knowledgeable about the marine environment and wildlife within Prince William Sound, and who shall serve terms of 2 years each, appointed by the remaining members of the Advisory Board. Interested parties may submit the names of qualified individuals for consideration by the Advisory Board."

(9) adding at the end of subsection (c) the following:

"(4) **SCIENTIFIC REVIEW.**—The Advisory Board may request a scientific review of the research program every five years by the National Academy of Sciences which shall perform the review, if requested, as part of its responsibilities under section 7001(b)(2)."

(10) by striking "the EXXON VALDEZ oil spill" in subsection (d)(2) and inserting "Arctic or Subarctic oil spills";

(11) by striking "Secretary of Commerce" in subsection (e) and inserting "Advisory Board";

(12) by striking "the Advisory Board," in the second sentence of subsection (e);

(13) by striking "Secretary's" in subsection (e) and inserting "Advisory Board's";

(14) by inserting "authorization in section 5006(b) providing funding for the" in subsection (i) after "The";

(15) by striking "this Act" in subsection (i) and inserting "the Coast Guard Authorization Act of 1995"; and

(16) by inserting "The Advisory Board may compensate its Federal representatives for their reasonable travel costs." in subsection (j) after "Institute."

(b) **FUNDING.**—Section 5006 of the Oil Pollution Act of 1990 (33 U.S.C. 2736) is amended by—

(1) striking subsection (a), redesignating subsection (b) as subsection "(a)";

(2) striking "5003" in the caption of subsection (a), as redesignated, and inserting "5001, 5003,";

(3) inserting "to carry out section 5001 in the amount as determined in section 5006(b), and" after "limitation," in the text of subsection (a), as redesignated; and

(4) adding at the end thereof the following:

"(b) **USE OF INTEREST ONLY.**—The amount of funding to be made available annually to carry out section 5001 shall be the interest produced by the Fund's investment of the \$22,500,000 remaining funding authorized for the Prince William Sound Oil Spill Recovery Institute and currently deposited in the Fund and invested by the Secretary of the Treasury in income producing securities along with other funds comprising the Fund.

"(c) **USE FOR SECTION 1012.**—Beginning with the eleventh year following the date of enactment of the Coast Guard Authorization Act of 1995, the funding authorized for the Prince William Sound Oil Spill Recovery Institute and deposited in the Fund shall thereafter be made available for purposes of section 1012 in Alaska."

(c) **CONFORMING AMENDMENTS.**—

(1) Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended by striking "5006(b)" and inserting "5006".

(2) Section 7001(c)(9) the Oil Pollution Act of 1990 (33 U.S.C. 2761(c)(9)) is amended by striking the period at the end thereof and inserting "until the authorization for funding under section 5006(b) expires".

#### SEC. 1103. LIMITED DOUBLE HULL EXEMPTIONS.

(a) IN GENERAL.—The double hull construction requirements of section 3703a of title 46, United States Code, do not apply to—

(1) a vessel documented under chapter 121 of title 46, United States Code, that was equipped with a double hull before August 12, 1992;

(2) a barge of less than 1,500 gross tons carrying refined petroleum product in bulk as cargo in or adjacent to waters of the Bering Sea, Chukchi Sea, and Arctic Ocean and waters tributary thereto and in the waters of the Aleutian Islands and the Alaskan Peninsula west of 155 degrees west longitude; or

(3) a vessel in the National Defense Reserve Fleet pursuant to section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744).

(b) AUTHORITY OF THE SECRETARY OF TRANSPORTATION.—

(1) OPERATION OF BARGES IN OTHER WATERS.—The operation of barges described in subsection (a)(2) outside waters described in that subsection shall be on such conditions as the Secretary of Transportation may require.

(2) NO EFFECT ON OTHER AUTHORITY OF THE SECRETARY.—Except as provided in subsection (a), nothing in this section affects the authority of the Secretary of Transportation to regulate the construction, operation, or manning of barges and vessels in accordance with applicable laws and regulations.

(c) BARGE DEFINED.—For purposes of this section, the term "barge" has the meaning given that term in section 2101 of title 46, United States Code.

#### SEC. 1104. OIL SPILL RESPONSE VESSELS.

(a) DESCRIPTION.—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraph (20a) as (20b); and

(2) by inserting after paragraph (20) the following new paragraph:

"(20a) 'oil spill response vessel' means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material."

(b) EXEMPTION FROM LIQUID BULK CARRIAGE REQUIREMENTS.—Section 3702 of title 46, United States Code, is amended by adding at the end thereof the following:

"(f) This chapter does not apply to an oil spill response vessel if—

"(1) the vessel is used only in response-related activities; or

"(2) the vessel is—

"(A) not more than 500 gross tons;

"(B) designated in its certificate of inspection as an oil spill response vessel; and

"(C) engaged in response-related activities."

(c) MANNING.—Section 8104(p) of title 46, United States Code, is amended to read as follows:

"(p) The Secretary may prescribe the watchstanding and work hours requirements for an oil spill response vessel."

(d) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(e) of title 46, United States Code, is amended to read as follows:

"(e) The Secretary may prescribe the minimum number of licensed individuals for an oil spill response vessel."

(e) MERCHANT MARINER DOCUMENT REQUIREMENTS.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking "and" after the semicolon at the end of paragraph (7),

(2) by striking the period at the end of paragraph (8) and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(9) the Secretary may prescribe the individuals required to hold a merchant mariner's document serving onboard an oil spill response vessel."

(f) EXEMPTION FROM TOWING VESSEL REQUIREMENT.—Section 8905 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(c) Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities."

(g) INSPECTION REQUIREMENT.—Section 3301 of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(14) oil spill response vessels."

#### SEC. 1105. SENSE OF THE CONGRESS REGARDING PASSENGERS ABOARD COMMERCIAL VESSELS.

It is the sense of the Congress that section 521(a)(1) of Public Law 103-182 (19 U.S.C. 58c(a)(5)) was intended to require the collection and remission of a fee from each passenger only one time in the course of a single voyage aboard a commercial vessel.

#### SEC. 1106. CALIFORNIA CRUISE INDUSTRY REVITALIZATION.

Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the "Johnson Act", is amended by adding at the end thereof the following:

"(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

"(i) that begins and ends in the same State;

"(ii) that is part of a voyage to another State or to a foreign country; and

"(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins."

#### SEC. 1107. LOWER COLUMBIA RIVER MARINE FIRE AND SAFETY ACTIVITIES.

The Secretary of Transportation is authorized to expend out of the amounts appropriated for the Coast Guard for fiscal year 1996 not more than \$491,000 for lower Columbia River marine, fire, oil, and toxic spill response communications, training, equipment, and program administration activities conducted by the Marine Fire and Safety Association.

#### SEC. 1108. OIL POLLUTION RESEARCH TRAINING.

Section 7001(c)(2)(D) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(c)(2)(D)) is amended by striking "Texas;" and inserting "Texas, and the Center for Marine Training and Safety in Galveston, Texas;"

#### SEC. 1109. LIMITATION ON RELOCATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not relocate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas. Nothing in this section prevents the consolidation of management functions of these Coast Guard authorities.

#### SEC. 1110. UNINSPECTED FISH TENDER VESSELS.

Section 3302 of Title 46, United States Code, is amended in subsection (c)(3)(A) by adding "(including fishery-related products)" after the word "cargo".

#### SEC. 1111. FOREIGN PASSENGER VESSEL USER FEES.

Section 3303 of title 46, United States Code, is amended—

(1) by striking "(a)" in subsection (a); and

(2) by striking subsection (b).

#### SEC. 1112. COAST GUARD USER FEES.

(a) FINDINGS.—The Congress finds the following:

(1) The Secretary of Transportation is authorized under subsection 10401(g) of the Omnibus Budget Reconciliation Act of 1990 (46 U.S.C. 2110(g)) to exempt persons from the requirement to pay Coast Guard inspection user fees if it is in the public interest to do so.

(2) Publicly-owned ferries serve the public interest by providing necessary, and in many cases, the only available, transportation between locations divided by bodies of water.

(3) Small passenger vessels serve the public interest by providing vital small business opportunities in virtually every coastal city of the United States and by providing important passenger vessels services.

(4) During the Coast Guard inspection user fee rulemaking process, small passenger vessel operators informed the Coast Guard that proposed user fees were excessive and would force small passenger operators out of business, leaving many areas without small passenger vessel services required by the public.

(5) The Secretary of Transportation failed to adequately protect the public interest and failed to follow Congressional intent by establishing Coast Guard inspection user fees for small passenger vessels which exceed the ability of these small businesses to pay the fees and by establishing Coast Guard inspection user fees for publicly-owned ferries.

(b) LIMITS ON USER FEES.—Section 10401(g) of the Omnibus Budget Reconciliation Act of 1990 (46 U.S.C. 2110(a)(2)) is amended by adding after "annually," the following: "The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination of a small passenger vessel under this title that is more than \$300 annually for such vessels under 65 feet in length, or more than \$600 annually for such vessels 65 feet in length and greater. The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination under this title for any publicly-owned ferry."

#### SEC. 1113. VESSEL FINANCING.

(a) DOCUMENTATION CITIZEN ELIGIBLE MORTGAGEE.—Section 31322(a)(1)(D) of title 46, United States Code, is amended—

(1) by striking "or" at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting "; or"; and

(3) by adding at the end the following:

"(vii) a person eligible to own a documented vessel under chapter 121 of this title."

(b) AMENDMENT TO TRUSTEE RESTRICTIONS.—Section 31328(a) of title 46, United States Code, is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; or"; and

(3) by adding at the end the following:

"(5) is a person eligible to own a documented vessel under chapter 121 of this title."

(c) LEASING.—Section 12106 of title 46, United States Code, is amended by adding at the end the following:

"(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

"(A) the person that owns the vessel, a parent entity of that person, or a subsidiary of a parent entity of that person, is primarily engaged in leasing or other financing transactions;



“(B) the vessel is under a demise charter to a person qualifying as a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916, and it is certified that there are no other agreements, arrangements, or understandings between the vessel owner and the demise charterer with respect to the operation or management of the vessel;

“(C) the demise charter—

“(i) is for a period of at least 3 years or a shorter period as may be prescribed by the Secretary; and

“(ii) charter hire is not significantly greater than that prevailing in the commercial market; and

“(D) the vessel is otherwise eligible for documentation under section 12102.

“(2) The demise charter and any amendments to that charter shall be filed with the certificate required by this subsection, or within 10 days following the filing of an amendment to the charter, and such charter and amendments shall be made available to the public.

“(3) Upon default by a demise charterer required under paragraph (1)(C), the coastwise endorsement of the vessel may, in the sole discretion of the Secretary, be continued after the termination for default of the demise charter for a period not to exceed 6 months on such terms and conditions as the Secretary may prescribe.

“(4) For purposes of section 2 of the Shipping Act, 1916, and section 12102(a) of this title, a vessel meeting the criteria of this subsection is deemed to be owned exclusively by citizens of the United States.

“(5) A vessel eligible for documentation or to be endorsed with a coastwise endorsement under this subsection is not eligible for a fishery endorsement under section 12108.”

(d) CONFORMING AMENDMENT.—Section 9(c) of the Shipping Act, 1916, as amended (46 U.S.C. App. 808(c)) is amended by striking “sections 31322(a)(1)(D)” and inserting “sections 12106(e), 31322(a)(1)(D),”.

#### **SEC. 1114. MANNING AND WATCH REQUIREMENTS ON TOWING VESSELS ON THE GREAT LAKES.**

(a) Section 8104(c) of title 46, United States Code, is amended—

(1) by striking “or permitted”; and

(2) by inserting after “day” the following: “or permitted to work more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period”.

(b) Section 8104(e) of title 46, United States Code, is amended by striking “subsections (c) and (d)” and inserting “subsection (d)”.

(c) Section 8104(g) of title 46, United States Code, is amended by striking “(except a vessel to which subsection (c) of this section applies)”.

#### **SEC. 1115. REPEAL OF GREAT LAKES ENDORSEMENTS.**

(a) REPEAL.—Section 12107 of title 46, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis at the beginning of chapter 121 of title 46, United States Code, is amended by striking the item relating to section 12107.

(2) Section 12101(b)(3) of title 46, United States Code, is repealed.

(3) Section 4370(a) of the Revised Statutes of the United States (46 App. U.S.C. 316(a)) is amended by striking “or 12107”.

(4) Section 2793 of the Revised Statutes of the United States (46 App. U.S.C. 111, 123) is amended—

(A) by striking “coastwise, Great Lakes endorsement” and all that follows through “foreign ports,” and inserting “registry endorsement, engaged in foreign trade on the Great Lakes or their tributary or connecting waters in trade with Canada,”; and

(B) by striking “, as if from or to foreign ports”.

(5) Section 9302(a)(1) of title 46, United States Code, is amended by striking “subsections (d) and (e)” and inserting “subsections (d), (e) and (f)”.

(6) Section 9302(e) of title 46, United States Code, is amended by striking “subsections (a) and (b)” and inserting “subsection (a)”.

(7) Section 9302 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(f) A United States vessel operating between ports on the Great Lakes or between ports on the Great Lakes and the St. Lawrence River carrying no cargo obtained from a foreign port outside of the Great Lakes or carrying no cargo bound for a foreign port outside of the Great Lakes, is exempt from the requirements of subsection (a) of this section.”.

#### **SEC. 1116. RELIEF FROM UNITED STATES DOCUMENTATION REQUIREMENTS.**

(a) IN GENERAL.—Notwithstanding any other law or any agreement with the United States Government, a vessel described in subsection (b) may be transferred to or placed under a foreign registry or sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) RAINBOW HOPE (United States official number 622178).

(2) IOWA TRADER (United States official number 642934).

(3) KANSAS TRADER (United States official number 634621).

(4) MV PLATTE (United States official number 653210).

(5) SOUTHERN (United States official number 591902).

(6) ARZEW (United States official number 598727).

(7) LAKE CHARLES (United States official number 619531).

(8) LOUISIANA (United States official number 619532).

(9) GAMMA (United States official number 598730).

#### **SEC. 1117. USE OF CANADIAN OIL SPILL RESPONSE AND RECOVERY VESSELS.**

Notwithstanding any other provision of law, oil spill response and recovery vessels of Canadian registry may operate in waters of the United States adjacent to the border between Canada and the State of Maine, on an emergency and temporary basis, for the purpose of recovering, transporting, and unloading in a United States port oil discharged as a result of an oil spill in or near such waters, if an adequate number and type of oil spill response and recovery vessels documented under the laws of the United States cannot be engaged to recover oil from an oil spill in or near those waters in a timely manner, as determined by the Federal On-Scene Coordinator for a discharge or threat of a discharge of oil.

#### **SEC. 1118. JUDICIAL SALE OF CERTAIN DOCUMENTED VESSELS TO ALIENS.**

Section 31329 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(f) This section does not apply to a documented vessel that has been operated only for pleasure.”.

#### **SEC. 1119. IMPROVED AUTHORITY TO SELL RECYCLABLE MATERIAL.**

Section 641(c)(2) of title 14, United States Code, is amended by inserting before the period the following: “, except that the Commandant may conduct sales of materials for which the proceeds of sale will not exceed \$5,000 under regulations prescribed by the Commandant”.

#### **SEC. 1120. DOCUMENTATION OF CERTAIN VESSELS.**

(a) GENERAL CERTIFICATES.—Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

(1) ALPHA TANGO (United States official number 945782).

(2) AURA (United States official number 1027807).

(3) BABS (United States official number 1030028).

(4) BAGGER (State of Hawaii registration number HA1809E).

(5) BILLY BUCK (United States official number 939064).

(6) CAPTAIN DARYL (United States official number 580125).

(7) CHRISSEY (State of Maine registration number 4778B).

(8) CONSORTIUM (United States official number 303328).

(9) DRAGONESSA (United States official number 646512).

(10) EMERALD AYES (United States official number 986099).

(11) ENDEAVOUR (United States official number 947869).

(12) EVENING STAR (Hull identification number HA2833700774 and State of Hawaii registration number HA8337D).

(13) EXPLORER (United States official number 918080).

(14) FOCUS (United States official number 909293).

(15) FREJA VIKING (Danish registration number A395).

(16) GLEAM (United States official number 921594).

(17) GOD'S GRACE II (State of Alaska registration number AK5916B).

(18) HALCYON (United States official number 690219).

(19) IDUN VIKING (Danish registration number A433).

(20) INTREPID (United States official number 508185).

(21) ISABELLE (United States official number 600655).

(22) JAJO (Hull identification number R1Z200207H280 and State of Rhode Island registration number 388133).

(23) LADY HAWK (United States official number 961095).

(24) LIV VIKING (Danish registration number A394).

(25) MAGIC CARPET (United States official number 278971).

(26) MARANTHA (United States official number 638787).

(27) OLD HAT (United States official number 508299).

(28) ONRUST (United States official number 515058).

(29) PERSEVERANCE (Serial number 77NS8901).

(30) PRIME TIME (United States official number 660944).

(31) QUIETLY (United States official number 658315).

(32) RESOLUTION (Serial number 77NS8701).

(33) ROYAL AFFAIRE (United States official number 649292).

(34) SARAH-CHRISTEN (United States official number 542195).

(35) SEA MISTRESS (United States official number 696806).

(36) SERENITY (United States official number 1021393).

(37) SHAMROCK V (United States official number 900936).

(38) SHOOTER (United States official number 623333).

(39) SISU (United States official number 293648).

(40) SUNRISE (United States official number 950381).

(41) TOO MUCH FUN (United States official number 936565).

(42) TRIAD (United States official number 988602).

(43) WEST FJORD (Hull identification number X-53-109).

(44) WHY NOT (United States official number 688570).

(45) WOLF GANG II (United States official number 984934).

(46) YES DEAR (United States official number 578550).

(47) 14 former United States Army hovercraft with serial numbers LACV-30-04, LACV-30-05, LACV 30-07, LACV-30-09, LACV-30-10, LACV-30-13, LACV-30-14, LACV-30-15, LACV-30-16, LACV-30-22, LACV-30-23, LACV-30-24, LACV-30-25, and LACV-30-26.

(b) M/V TWIN DRILL.—Section 601(d) of the Coast Guard Authorization Act of 1993 (Public Law 103-206, 107 Stat. 2445) is amended—

(1) by striking "June 30, 1995" in paragraph (3) and inserting "June 30, 1996"; and

(2) by striking "12 months" in paragraph (4) and inserting "24 months".

(c) CERTIFICATES OF DOCUMENTATION FOR GALLANT LADY.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of Transportation may issue a certificate of documentation with an appropriate endorsement for employment in coastwise trade for each of the following vessels:

(A) GALLANT LADY (Feanship hull number 645, approximately 130 feet in length).

(B) GALLANT LADY (Feanship hull number 651, approximately 172 feet in length).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to the carriage of passengers in association with contributions to charitable organizations no portion of which is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue a certificate of documentation for a vessel under paragraph (1) unless, not later than 90 days after the date of enactment of this Act, the owner of the vessel referred to in paragraph (1)(B) submits to the Secretary a letter expressing the intent of the owner to, before April 1, 1997, enter into a contract for the construction in the United States of a passenger vessel of at least 130 feet in length.

(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1) shall take effect—

(A) for the vessel referred to in paragraph (1)(A), on the date of the issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), on the date of delivery of the vessel to the owner.

(5) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under paragraph (1) shall expire—

(A) on the date of the sale of the vessel by the owner;

(B) on April 1, 1997, if the owner of the vessel referred to in paragraph (1)(B) has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under paragraph (3); or

(C) on such date as a contract referred to in paragraph (2) is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner of the vessel referred to in paragraph (1)(B).

(d) CERTIFICATES OF DOCUMENTATION FOR ENCHANTED ISLE AND ENCHANTED SEAS.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Act of June 19, 1886 (46 U.S.C. App. 289), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1156), and any agreement with the United States Government, the Secretary of Transportation may issue certificates of documentation with a coastwise endorsement for the vessels ENCHANTED ISLES (Panamanian official number 14087-84B) and ENCHANTED SEAS (Panamanian official number 14064-84D), except that the vessels may not operate between or among islands in the State of Hawaii.

#### SEC. 1121. VESSEL DEEMED TO BE A RECREATIONAL VESSEL.

The vessel, an approximately 96 meter twin screw motor yacht for which construction commenced in October, 1993, and which has been assigned the builder's number 13583 (to be named the LIMITLESS), is deemed for all purposes, including title 46, United States Code, and all regulations thereunder, to be a recreational vessel of less than 300 gross tons if it does not—

(1) carry cargo or passengers for hire; or

(2) engage in commercial fisheries or oceanographic research.

#### SEC. 1122. SMALL PASSENGER VESSEL PILOT INSPECTION PROGRAM WITH THE STATE OF MINNESOTA.

(a) IN GENERAL.—The Secretary may enter into an agreement with the State under which the State may inspect small passenger vessels operating in waters of that State designated by the Secretary, if—

(1) the State plan for the inspection of small passenger vessels meets such requirements as the Secretary may require to ensure the safety and operation of such vessels in accordance with the standards that would apply if the Coast Guard were inspecting such vessels; and

(2) the State will provide such information obtained through the inspection program to the Secretary annually in such form and in such detail as the Secretary may require.

(b) FEES.—The Secretary may adjust or waive the user fee imposed under section 3317 of title 46, United States Code, for the inspection of small passenger vessels inspected under the State program.

(c) TERMINATION.—The authority provided by subsection (a) terminates on December 31, 1998.

(d) DEFINITIONS.—For purposes of this section—

(1) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

(2) STATE.—The term "State" means the State of Minnesota.

(3) SMALL PASSENGER VESSEL.—The term "small passenger vessel" means a small passenger vessel (as defined in section 2101(35) of title 46, United States Code) of not more than 40 feet overall in length.

#### SEC. 1123. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FISHING.

Section 8103(i)(1) of title 46, United States Code, is amended—

(1) by striking "or" in subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting a semicolon and "or"; and

(3) by adding at the end thereof the following:

"(D) an alien allowed to be employed under the immigration laws of the Commonwealth

of the Northern Mariana Islands if the vessel is permanently stationed at a port within the Commonwealth and the vessel is engaged in the fisheries within the exclusive economic zone surrounding the Commonwealth or another United States territory or possession.

#### SEC. 1124. AVAILABILITY OF EXTRAJUDICIAL REMEDIES FOR DEFAULT ON PREFERRED MORTGAGE LIENS ON VESSELS.

(a) AVAILABILITY OF EXTRAJUDICIAL REMEDIES.—Section 31325(b) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking "mortgage may" and inserting "mortgagee may";

(2) in paragraph (1) by—

(A) striking "preferred" and inserting "preferred"; and

(B) striking "; and" and inserting a semicolon; and

(3) by adding at the end the following:

"(3) enforce the preferred mortgage lien or a claim for the outstanding indebtedness secured by the mortgage vessel, or both, by exercising any other remedy (including an extrajudicial remedy) against a documented vessel, a vessel for which an application for documentation is filed under chapter 121 of this title, a foreign vessel, or a mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness, if—

"(A) the remedy is allowed under applicable law; and

"(B) the exercise of the remedy will not result in a violation of section 9 or 37 of the Shipping Act, 1916 (46 U.S.C. App. 808, 835)."

(b) NOTICE.—Section 31325 of title 46, United States Code, is further amended by adding at the end the following:

"(f)(1) Before title to the documented vessel or vessel for which an application for documentation is filed under chapter 121 is transferred by an extrajudicial remedy, the person exercising the remedy shall give notice of the proposed transfer to the Secretary, to the mortgagee of any mortgage on the vessel filed in substantial compliance with section 31321 of this title before notice of the proposed transfer is given to the Secretary, and to any person that recorded a notice of a claim of an undischarged lien on the vessel under section 31343(a) or (d) of this title before notice of the proposed transfer is given to the Secretary.

"(2) Failure to give notice as required by this subsection shall not affect the transfer of title to a vessel. However, the rights of any holder of a maritime lien or a preferred mortgage on the vessel shall not be affected by a transfer of title by an extrajudicial remedy exercised under this section, regardless of whether notice is required by this subsection or given.

"(3) The Secretary shall prescribe regulations establishing the time and manner for providing notice under this subsection."

(c) RULE OF CONSTRUCTION.—The amendments made by subsections (a) and (b) may not be construed to imply that remedies other than judicial remedies were not available before the date of enactment of this section to enforce claims for outstanding indebtedness secured by mortgaged vessels.

#### SEC. 1125. OFFSHORE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS.

(a) AMOUNT OF FINANCIAL RESPONSIBILITY.—Section 1016(c)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(c)(1)) is amended to read as follows:

"(1) IN GENERAL.—

"(A) EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED.—Except as provided in paragraph (2), a responsible party with respect to an offshore facility that—

"(i) (I) is located seaward of the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters; or

"(II) is located in inland waters, such as coastal bays or estuaries, seaward of the line of ordinary low water along that portion of the coast that is not in direct contact with the open sea;

"(ii) is used for exploring for, drilling for, or producing oil, or for transporting oil from facilities engaged in oil exploration, drilling, or production; and

"(iii) has a worst-case oil spill discharge potential of more than 1,000 barrels of oil (or a lesser amount if the President determines that the risks posed by such facility justify it), shall establish and maintain evidence of financial responsibility in the amount required under subparagraph (B) or (C), as applicable.

"(B) AMOUNT REQUIRED GENERALLY.—Except as provided in subparagraph (C), the amount of financial responsibility for offshore facilities that meet the criteria in subparagraph (A) is—

"(i) \$35,000,000 for offshore facilities located seaward of the seaward boundary of a State; or

"(ii) \$10,000,000 for offshore facilities located landward of the seaward boundary of a State.

"(C) GREATER AMOUNT.—If the President determines that an amount of financial responsibility for a responsible party greater than the amount required by subparagraphs (B) and (D) is justified by the relative operational, environmental, human health, and other risks posed by the quantity or quality of oil that is explored for, drilled for, produced, stored, handled, transferred, processed or transported by the responsible party, the evidence of financial responsibility required shall be for an amount determined by the President not exceeding \$150,000,000.

"(D) MULTIPLE FACILITIES.—In the case in which a person is a responsible party for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the amount applicable to the facility having the greatest

financial responsibility requirement under this subsection.

"(E) STATE JURISDICTION.—The requirements of this paragraph shall not apply if an offshore facility located landward of the seaward boundary of a State is required by such State to establish and maintain evidence of financial responsibility in a manner comparable to, and in an amount equal to or greater than, the requirements of this paragraph.

"(F) DEFINITION.—For the purpose of this paragraph, the phrase "seaward boundary of a State" shall mean the boundaries described in section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b))."

**SEC. 1126. DEAUTHORIZATION OF NAVIGATION PROJECT, COHASSET HARBOR, MASSACHUSETTS.**

The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 12), or carried out pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), are deauthorized: A 7-foot deep anchorage and a 6-foot deep anchorage; beginning at site 1, starting at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to point of origin; then site 2, starting at a point, N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point, N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running north 87 degrees 42 minutes 33.8 seconds east

31.28 feet to point of origin; and site 3, starting at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to point of origin.

**NATIONAL FAMILY WEEK**

Mr. LOTT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 146, relating to the National Family Week, and that the Senate then proceed to its immediate consideration; that the resolution and preamble be agreed to, en bloc; that the motions to reconsider be laid upon the table, en bloc; and that any statements appear at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 146) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

**S. RES. 146**

Whereas the family is the basic strength of any free and orderly society;

Whereas it is appropriate to honor the family as a unit essential to the continued well-being of the United States; and

Whereas it is fitting that official recognition be given to the importance of family loyalties and ties: Now, therefore, be it

*Resolved*, That the Senate designates the week beginning on November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week". The Senate requests the President to issue a proclamation calling on the people of the United States to observe each week with appropriate ceremonies and activities.