

103^D CONGRESS
2^D SESSION

H. R. 4422

AN ACT

To authorize appropriations for fiscal year 1995 for the
Coast Guard, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coast Guard Author-
5 ization Act of 1994”.

6 **TITLE I—AUTHORIZATIONS**

7 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

8 Funds are authorized to be appropriated for nec-
9 essary expenses of the Coast Guard for fiscal year 1995,
10 as follows:

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

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

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

22 (A) \$3,150,000 shall be derived from the
23 Oil Spill Liability Trust Fund; and

24 (B) \$1,500,000 is authorized to conduct,
25 in cooperation with appropriate Federal and

1 State agencies, local maritime education organi-
2 zations, and local marine industry representa-
3 tives, a demonstration project on the lower Mis-
4 sissippi River and in the Houston Ship Channel
5 to study the effectiveness of currently available
6 Electronic Chart Display and Information Sys-
7 tems (ECDIS) and Electronic Chart Systems
8 (ECS) for use on commercial vessels.

9 (4) For retired pay (including the payment of
10 obligations otherwise chargeable to lapsed appropria-
11 tions for this purpose), payments under the Retired
12 Serviceman's Family Protection and Survivor Bene-
13 fit Plans, and payments for medical care of retired
14 personnel and their dependents under chapter 55 of
15 title 10, United States Code, \$562,585,000.

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

22 (6) For environmental compliance and restora-
23 tion at Coast Guard facilities, \$25,000,000, to re-
24 main available until expended.

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

3 (a) ACTIVE DUTY STRENGTH.—The Coast Guard is
4 authorized an end-of-year strength for active duty person-
5 nel of 39,000 as of September 30, 1995. The authorized
6 strength does not include members of the Ready Reserve
7 called to active duty for special or emergency augmenta-
8 tion of regular Coast Guard forces for periods of 180 days
9 or less.

10 (b) MILITARY TRAINING STUDENT LOADS.—For fis-
11 cal year 1995, the Coast Guard is authorized average mili-
12 tary training student loads as follows:

13 (1) For recruit and special training, 2,000 stu-
14 dent years.

15 (2) For flight training, 133 student years.

16 (3) For professional training in military and ci-
17 vilian institutions, 344 student years.

18 (4) For officer acquisition, 955 student years.

19 **SEC. 103. DRUG INTERDICTION ACTIVITIES.**

20 In addition to amounts otherwise authorized by this
21 Act, there are authorized to be appropriated to the Sec-
22 retary of Transportation for operation and maintenance
23 expenses of Coast Guard drug interdiction activities
24 \$21,000,000 for fiscal year 1995.

1 **TITLE II—PERSONNEL**
2 **MANAGEMENT IMPROVEMENT**

3 **SEC. 201. HURRICANE ANDREW RELIEF.**

4 Section 2856 of the National Defense Authorization
5 Act for Fiscal Year 1993 (Public Law 102-484) applies
6 to the military personnel of the Coast Guard who were
7 assigned to, or employed at or in connection with, any
8 Federal facility or installation in the vicinity of Homestead
9 Air Force Base, Florida, including the areas of Broward,
10 Collier, Dade, and Monroe Counties, on or before August
11 24, 1992, except that—

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

14 (2) the Secretary of Transportation shall ad-
15 minister that section with respect to such personnel.

16 **SEC. 202. DISSEMINATION OF RESULTS OF 0-6 CONTINU-**
17 **ATION BOARDS.**

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

1 **SEC. 203. EXCLUDE CERTAIN RESERVES FROM END-OF-**
2 **YEAR STRENGTH.**

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

5 “(d) Reserve members ordered to active duty under
6 this section shall not be counted in computing authorized
7 strength of members on active duty or members in grade
8 under this title or under any other law.”.

9 **SEC. 204. PROVISION OF CHILD DEVELOPMENT SERVICES.**

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

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

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

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

1 center employees who are directly involved in providing
2 child care.

3 “(2) If the Commandant determines that compliance
4 with the limitation in paragraph (1) would result in an
5 uneconomical and inefficient use of amounts received as
6 such fees, the Commandant may (to the extent that such
7 compliance would be uneconomical and inefficient) use
8 such amounts—

9 “(A) for the purchase of consumable or dispos-
10 able items for Coast Guard child development cen-
11 ters; and

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

16 “(c) The Commandant may use Department of De-
17 fense or other training programs to insure that all child
18 development services providers under this section meet
19 minimum standards.

20 “(d) The Commandant may provide assistance to
21 members and civilian employees of the Coast Guard for
22 obtaining services of qualified family home child develop-
23 ment services providers. The cost per child to the Coast
24 Guard of obtaining those services may not exceed the aver-
25 age of the cost per child incurred by the Coast Guard for

1 child development services provided at all Coast Guard
2 child development centers.

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

10 “(2) The amount of funds used under paragraph (1)
11 each fiscal year shall not exceed \$1,000,000.

12 “(f) For purposes of this section, the term ‘Coast
13 Guard child development center’ does not include a child
14 care services facility for which space is allotted under sec-
15 tion 616 of the Act of December 22, 1987 (40 U.S.C.
16 490b).

17 “(g) The Secretary shall promulgate regulations to
18 implement this section. The regulations shall establish fees
19 to be charged for child development services provided
20 under this section which are based on total family in-
21 come.”.

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

“515. Child development services.”.

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

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

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

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

9 (2) by striking subsection (b).

10 **SEC. 302. DOCUMENTATION VIOLATIONS.**

11 (a) CIVIL PENALTIES.—Section 12122(a) of title 46,
12 United States Code, is amended by striking “\$500” and
13 inserting “\$25,000”.

14 (b) SEIZURE AND FORFEITURE.—

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

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

19 “(1) the owner of the vessel or a representative
20 or agent of the owner knowingly falsifies or conceals
21 a material fact, or makes a false statement or rep-
22 resentation about the documentation or in applying
23 for documentation of the vessel;

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

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

4 “(4) the vessel is employed in a trade without
5 an appropriate trade endorsement; or

6 “(5) in the case of a documented vessel with
7 only a recreational endorsement, the vessel is oper-
8 ated other than for pleasure.”.

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

12 (c) LIMITATION ON OPERATION OF VESSEL WITH
13 ONLY RECREATIONAL ENDORSEMENT.—Section 12110(c)
14 of title 46, United States Code, is repealed.

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

17 (1) TERMINATION OF RESTRICTION.—Sub-
18 section (d) of section 12110 of title 46, United
19 States Code, is amended—

20 (A) by inserting “, other than a vessel with
21 only a recreational endorsement operating with-
22 in the territorial waters of the United States,”
23 after “A documented vessel”; and

24 (B) by redesignating that subsection as
25 subsection (c).

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

5 **SEC. 303. CLERICAL AMENDMENT.**

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

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

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

12 **SEC. 304. BATON ROUGE RESCUE AND PATROL VESSEL.**

13 Beginning not later than 60 days after the date of
14 the enactment of this Act, the Commandant of the Coast
15 Guard shall operate a rescue and patrol vessel on the Mis-
16 sissippi River in the vicinity of Baton Rouge, Louisiana,
17 to support Coast Guard rescue, law enforcement, marine
18 safety, marine environmental protection, and port security
19 missions.

20 **SEC. 305. FLORIDA AVENUE BRIDGE.**

21 For purposes of the alteration of the Florida Avenue
22 Bridge (located approximately 1.63 miles east of the Mis-
23 sissippi River on the Gulf Intracoastal Waterway in Orle-
24 ans Parish, Louisiana) ordered by the Secretary of Trans-
25 portation under the Act of June 21, 1940 (33 U.S.C. 511

1 et seq.; popularly known as the Truman-Hobbs Act), the
2 Secretary shall treat the drainage siphon that is adjacent
3 to the bridge as an appurtenance of the bridge, including
4 with respect to apportionment and payment of costs for
5 the removal of the drainage siphon in accordance with that
6 Act.

7 **SEC. 306. RENEWAL OF HOUSTON-GALVESTON NAVIGATION**
8 **SAFETY ADVISORY COMMITTEE AND LOWER**
9 **MISSISSIPPI RIVER WATERWAY ADVISORY**
10 **COMMITTEE.**

11 The Coast Guard Authorization Act of 1991 (Public
12 Law 102-241, 105 Stat. 2208-2235) is amended—

13 (1) in section 18 by adding at the end the fol-
14 lowing:

15 “(h) The Committee shall terminate on October 1,
16 1999.”; and

17 (2) in section 19 by adding at the end the fol-
18 lowing:

19 “(g) The Committee shall terminate on October 1,
20 1999.”.

21 **SEC. 307. LIMITATION ON CONSOLIDATION OF HOUSTON**
22 **AND GALVESTON MARINE SAFETY OFFICES.**

23 The Secretary of Transportation may not consolidate
24 the Coast Guard Marine Safety Offices in Galveston,
25 Texas, and Houston, Texas.

1 **SEC. 308. RESPONSE EXERCISE PROGRAM AT MASSACHU-**
2 **SETTS MARITIME ACADEMY.**

3 The Coast Guard shall designate the Center for Ma-
4 rine Environmental Protection and Safety at the Massa-
5 chusetts Maritime Academy as a regional facility for the
6 conduct and evaluation of annual response area manage-
7 ment team exercises for two response areas in the East
8 Coast in accordance with the Preparedness for Response
9 Exercise Program established by the Coast Guard.

10 **SEC. 309. PROHIBITION ON DECOMMISSIONING ICE-**
11 **BREAKER MACKINAW.**

12 (a) PROHIBITION.—The Secretary of Transportation
13 may not decommission the Coast Guard cutter MACKI-
14 NAW until the later of—

- 15 (1) 1 year after transmitting to the Congress
16 the report required under subsection (d); or
17 (2) October 1, 1995.

18 (b) REQUIREMENT TO MAINTAIN BILLETS.—The
19 Secretary shall during fiscal year 1995 maintain on the
20 Coast Guard cutter MACKINAW the same number of bil-
21 lets as were maintained on that vessel during fiscal year
22 1994.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Secretary of Trans-
25 portation \$4,500,000 for fiscal year 1995, to remain avail-

1 able until expended, for operations and maintenance of the
2 Coast Guard cutter MACKINAW.

3 (d) STUDY AND REPORT.—Not later than 6 months
4 after the date of enactment of this Act, the Secretary of
5 Transportation shall conduct a study and submit a report
6 to the Congress containing findings and recommendations
7 on the icebreaking needs of the Great Lakes and the ap-
8 propriate size and type of vessel or vessels to meet those
9 needs. In conducting the study, the Secretary shall—

10 (1) consult with—

11 (A) Great Lakes carriers, shippers, and
12 port authorities, including the Lake Carriers
13 Association;

14 (B) the Great Lakes Commission;

15 (C) the Governors of States bordering the
16 Great Lakes;

17 (D) local governments in States bordering
18 the Great Lakes; and

19 (E) interested private persons;

20 (2) determine the average and maximum ice
21 conditions in the Great Lakes over the past 10
22 years;

23 (3) determine the size and type of vessel or ves-
24 sels necessary to clear shipping channels in the aver-

1 age and maximum ice conditions determined under
2 paragraph (2);

3 (4) evaluate whether any Coast Guard vessel
4 stationed on the Great Lakes, other than the
5 MACKINAW, can safely conduct search and rescue
6 missions in 25-foot seas;

7 (5) evaluate the feasibility of operating the
8 Coast Guard icebreaker MACKINAW on a seasonal
9 basis;

10 (6) evaluate the feasibility of building an ice-
11 strengthened Juniper Class buoy tender to replace
12 the icebreaking services performed by the MACKI-
13 NAW; and

14 (7) evaluate the feasibility of entering into a
15 long-term contract for icebreaking services to replace
16 the icebreaking services performed by the MACKI-
17 NAW.

18 (e) AUTHORIZATION FOR RECOMMENDATIONS.—If,
19 after transmitting the report required in subsection (d),
20 the Secretary determines that—

21 (1) in addition to previously authorized Juniper
22 Class buoy tenders, building an ice-strengthened Ju-
23 niper Class buoy tender is the most feasible means
24 of providing icebreaking service on the Great Lakes,
25 the Secretary may, subject to the availability of ap-

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

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

1 54 minutes 20 seconds east along said right-of-way
2 1508.75 feet, thence south 03 degrees 06 minutes 00 sec-
3 onds west 400.61 to the point of beginning, consisting of
4 27.10 acres of land, and all improvements located on that
5 property including buildings, structures, and equipment.

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

14 **TITLE IV—MISCELLANEOUS**

15 **SEC. 401. SPECIAL RECRUITING AUTHORITY TO ACHIEVE** 16 **DIVERSITY.**

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

19 (1) Women and minorities have historically
20 been underrepresented in the Coast Guard officer
21 corps and at the United States Coast Guard Acad-
22 emy.

23 (2) The number of women and minorities occu-
24 pying leadership positions in the United States

1 Coast Guard should reflect the proportion of women
2 and minorities in the total population.

3 (3) Notwithstanding application of traditional
4 recruiting programs, the Coast Guard has not been
5 able to rectify the historic underrepresentation of
6 women and minorities in the service and at the
7 Academy.

8 (4) Cultural bias in standardized testing or
9 grading procedures may adversely affect the ability
10 of minorities to compete successfully for admission
11 to the United States Coast Guard Academy.

12 (5) The education and professional training
13 provided at the United States Coast Guard Academy
14 will be enhanced by the benefits that flow from a di-
15 verse student body.

16 (b) NEW AUTHORITY.—Section 93 of title 14, United
17 States Code, is amended—

18 (1) in paragraph (t)(2) by striking “and” after
19 the semicolon;

20 (2) in paragraph (u) by striking the period and
21 inserting “; and”; and

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

23 “(v) for the purposes of rectifying
24 underrepresentation or underutilization of women
25 and minorities in the Coast Guard and meeting iden-

1 tified personnel resource requirements and training
2 needs—

3 “(1) conduct studies and analyses on Coast
4 Guard personnel resource and training needs;
5 and

6 “(2) employ special programs for recruit-
7 ing women and minorities, including, subject to
8 appropriations, provision of financial assistance
9 by grant, cooperative agreement, contract, or
10 otherwise, to public or private associations, or-
11 ganizations, or individuals to implement na-
12 tional or local outreach programs.”.

13 **SEC. 402. OFFICER RETENTION UNTIL RETIREMENT ELIGI-**
14 **BLE.**

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

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

18 (2) by striking the last sentence; and

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

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

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

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

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

10 **SEC. 403. REPORT RECOMMENDING ACTIONS FOR THE**
11 **PROTECTION OF THE ENDANGERED NORTH-**
12 **ERN RIGHT WHALE.**

13 Not later than 6 months after the date of the enact-
14 ment of this Act, the Secretary of Transportation, in con-
15 sultation with the Secretary of Commerce, shall submit a
16 report to the Committee on Merchant Marine and Fish-
17 eries of the House of Representatives and the Committee
18 on Commerce, Science, and Transportation of the Senate
19 recommending actions to prevent mortalities of the north-
20 ern right whale from vessel collisions in the Great South
21 Channel off Cape Cod, Massachusetts. The report shall
22 include—

23 (1) recommendations for actions that could be
24 undertaken by the Coast Guard and the Inter-
25 national Maritime Organization, including—

1 (A) the designation of 1 or more areas to
2 be avoided;

3 (B) the shifting of the traffic separation
4 scheme in the Great South Channel; or

5 (C) other measures the Secretary considers
6 appropriate; and

7 (2) if appropriate, a schedule for submitting
8 those recommendations to the International Mari-
9 time Organization.

10 **SEC. 404. CONTINUING OBLIGATION TO PROVIDE DOCU-**
11 **MENTATION INFORMATION AT EXISTING LO-**
12 **CATIONS.**

13 The Secretary of Transportation shall, until October
14 1, 1999, maintain an ability, at Coast Guard offices that
15 are located in the immediate vicinity of former regional
16 vessel documentation offices, to assist the public with in-
17 formation on obtaining, altering, and renewing the docu-
18 mentation of a vessel and on vessel documentation laws
19 and regulations generally.

20 **SEC. 405. PROHIBITION ON STATION CLOSURES AND VES-**
21 **SEL AND AIRCRAFT DECOMMISSIONINGS IN**
22 **FY 1995.**

23 In fiscal year 1995, the Secretary of Transportation
24 may not close or consolidate any shore unit, including any
25 multimission small boat station, and may not decommis-

1 sion any vessel or aircraft, based in whole or in part on
2 the increased costs resulting from inclusion of the Coast
3 Guard in the military pay raise for fiscal year 1995 or
4 the cost-of-living allowance for members of the uniformed
5 services assigned to high cost areas in the continental
6 United States under the National Defense Authorization
7 Act for Fiscal Year 1995.

8 **SEC. 406. CONTINUATION OF THE COMMERCIAL FISHING**
9 **INDUSTRY VESSEL ADVISORY COMMITTEE.**

10 Subsection (e)(1) of section 4508 of title 46, United
11 States Code, is amended by striking “September 30,
12 1994” and inserting “October 1, 1999”.

13 **SEC. 407. PROHIBITION ON DIVERSION OF DRUG INTERDIC-**
14 **TION FUNDS.**

15 The Secretary of Transportation may not reduce the
16 level of Coast Guard drug interdiction below the level pro-
17 posed by the President in the Fiscal Year 1995 budget.

18 **SEC. 408. PROHIBITION ON STATION CLOSURES.**

19 (a) PROHIBITION.—The Secretary of Transportation
20 may not close or consolidate any multimission small boat
21 station in fiscal year 1995 until the Secretary has submit-
22 ted a list of proposed station closures to the Committee
23 on Merchant Marine and Fisheries of the House of Rep-
24 resentatives and to the Committee on Commerce, Science,
25 and Transportation of the Senate.

1 (b) DEADLINE FOR SUBMISSION.—The Secretary
2 shall submit such list at least 60 days prior to any such
3 closure or consolidation.

4 **SEC. 409. RENEWAL OF THE NAVIGATION SAFETY ADVI-**
5 **SORY COUNCIL.**

6 Section 5 of the Inland Navigational Rules Act of
7 1980 (33 U.S.C. 2073) is amended in subsection (d) by
8 striking “September 30, 1995” and inserting “September
9 30, 2000”.

10 **SEC. 410. 47-FOOT MOTOR LIFEBOAT ACQUISITION PRO-**
11 **GRAM.**

12 The Secretary of Transportation shall ensure that the
13 Coast Guard 47-foot Motor Lifeboat acquisition is accom-
14 plished in accordance with the laws and regulations appli-
15 cable to small business set asides.

16 **SEC. 411. COAST GUARD RESERVE PEACETIME REQUIRE-**
17 **MENTS PLAN.**

18 No later than February 1, 1995, the Secretary of
19 Transportation shall submit to the Committee on Mer-
20 chant Marine and Fisheries of the House of Representa-
21 tives and the Committee on Commerce, Science, and
22 Transportation of the Senate a plan to more fully utilize
23 the Coast Guard Selected Reserve to augment peacetime
24 operations. As part of the plan, the Secretary shall in-
25 clude—

1 (1) methods to deliver more cost-effective Coast
2 Guard services by supplementing active duty person-
3 nel with Coast Guard reservists while preserving the
4 current level of service to the public;

5 (2) methods to more fully integrate the Coast
6 Guard Reserve in peacetime Coast Guard programs,
7 including, but not limited to, search and rescue, ma-
8 rine safety, and marine environmental protection;

9 (3) the most effective command structure for
10 the Coast Guard Reserve; and

11 (4) a specific estimate of the number of reserv-
12 ists needed to augment peacetime Coast Guard mis-
13 sions under the plan.

14 **SEC. 412. TRANSFER OF COAST GUARD PROPERTY.**

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

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

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

1 **SEC. 413. REPORT ON COSTS OF VESSEL INSPECTIONS OUT-**
2 **SIDE UNITED STATES.**

3 (a) REPORT REQUIREMENT.—Not later than Janu-
4 ary 1, 1995, the Secretary of Transportation shall submit
5 to the Committee on Merchant Marine and Fisheries of
6 the House of Representatives and the Committee on Com-
7 merce, Science, and Transportation of the Senate a report
8 describing in detail the costs incurred by the United States
9 in fiscal year 1994 for the performance by Coast Guard
10 personnel of vessel inspections outside the 50 States and
11 the District of Columbia, including travel expenses, sub-
12 sistence pay, compensation, and all other costs associated
13 with those inspections.

14 (b) ITEMIZATION OF COSTS.—The report required by
15 subsection (a) shall include—

16 (1) a description and the costs of the various
17 types of activities in which Coast Guard inspectors
18 engaged outside the United States in fiscal year
19 1994 with respect to repair and construction of ves-
20 sels in foreign countries;

21 (2) the number and costs of inspections of ves-
22 sels documented in the United States that did not
23 visit ports in the United States in fiscal year 1994
24 (including the number of such vessels inspected);

25 (3) the number and costs of inspections of mo-
26 bile offshore drilling units (as that term is defined

1 in section 2101 of title 46, United States Code) that
2 are documented in the United States and that did
3 not operate in waters of the United States in fiscal
4 year 1994; and

5 (4) the number and cost of Coast Guard inspec-
6 tors permanently stationed in foreign countries.

7 **SEC. 414. CONVEYANCE OF LIGHT STATION MONTAUK**
8 **POINT, NEW YORK.**

9 (a) CONVEYANCE REQUIREMENT.—

10 (1) REQUIREMENT.—The Secretary of Trans-
11 portation shall convey to the Montauk Historical As-
12 sociation in Montauk, New York, by an appropriate
13 means of conveyance, all right, title, and interest of
14 the United States in and to property comprising
15 Light Station Montauk Point, located at Montauk,
16 New York.

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

20 (b) TERMS OF CONVEYANCE.—

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

23 (A) without the payment of consideration;
24 and

1 (B) subject to the conditions required by
2 paragraphs (3) and (4) and such other terms
3 and conditions as the Secretary may consider
4 appropriate.

5 (2) REVERSIONARY INTEREST.—In addition to
6 any term or condition established pursuant to para-
7 graph (1), any conveyance of property comprising
8 the Montauk Light Station pursuant to subsection
9 (a) shall be subject to the condition that all right,
10 title, and interest in and to the property so conveyed
11 shall immediately revert to the United States if the
12 property, or any part thereof—

13 (A) ceases to be maintained as a nonprofit
14 center for public benefit for the interpretation
15 and preservation of the material culture of the
16 United States Coast Guard, the maritime his-
17 tory of Montauk, New York, and Native Amer-
18 ican and colonial history;

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

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

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

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

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

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

21 (D) the United States shall have the right,
22 at any time, to enter the property conveyed
23 without notice for the purpose of maintaining
24 navigation aids;

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

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

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

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

24 (c) For purposes of this section—

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

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

11 **SEC. 415. CAPE ANN LIGHTHOUSE.**

12 (a) **AUTHORITY TO CONVEY.**—

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

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

22 (b) **TERMS OF CONVEYANCE.**—

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

25 (A) without payment of consideration; and

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

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

12 (A) ceases to be used as a nonprofit center
13 for the interpretation and preservation of mari-
14 time history;

15 (B) ceases to be maintained in a manner
16 that ensures its present or future use as a
17 Coast Guard aid to navigation; or

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

22 (3) MAINTENANCE AND NAVIGATION FUNC-
23 TIONS.—The conveyance of property pursuant to
24 this section shall be made subject to the conditions

1 that the Secretary considers to be necessary to as-
2 sure that—

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

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

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

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

21 (E) the United States shall have an ease-
22 ment of access to the property for the purpose
23 of maintaining the aids to navigation in use on
24 the property.

1 ferred shall be included in and administered as part of
2 the Cape Hatteras National Seashore.

3 **SEC. 417. PROHIBITION ON OVERHAUL, REPAIR, AND MAIN-**
4 **TENANCE OF COAST GUARD VESSELS IN FOR-**
5 **EIGN SHIPYARDS.**

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

9 **“§ 96. Prohibition on overhaul, repair, and mainte-**
10 **nance of Coast Guard vessels in foreign**
11 **shipyards**

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

16 (b) CLERICAL AMENDMENT.—Title 14, United
17 States Code, is amended in the analysis at the beginning
18 of chapter 5 by adding at the end the following:

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

19 **SEC. 418. STUDY OF IMPLICATIONS FOR VESSEL SAFETY IN**
20 **NAVIGABLE WATERS NEAR HOUSTON, TEXAS,**
21 **OF TRADE AGREEMENTS.**

22 (a) STUDY.—Not later than July 1, 1996, the Sec-
23 retary of Transportation, acting through the Coast Guard
24 office in Houston, Texas, and subject to the availability

1 of appropriations, shall conduct a study of the implications
2 for vessel safety in the navigable waters near Houston,
3 Texas, of increased shipping traffic resulting from—

4 (1) the North American Free Trade Agreement
5 Implementation Act; and

6 (2) legislation necessary to implement the Uru-
7 guay Round of the General Agreement on Tariffs
8 and Trade.

9 (b) CONTENT.—The study under subsection (a) shall
10 include—

11 (1) examination of implications for vessel safety
12 in the Port of Houston and the Houston ship chan-
13 nel; and

14 (2) development of recommendations for—

15 (A) responding to vessel accidents in those
16 waterways,

17 (B) removal of vessels damaged in those
18 accidents, and

19 (C) ways to improve the overall safety of
20 the Port of Houston and the Houston ship
21 channel, including recommendations of restric-
22 tions on vessel movements within that Port or
23 channel if necessary to ensure safety.

24 (c) REPORT.—Not later than July 1, 1996, the Sec-
25 retary of Transportation shall submit to the Congress a

1 report on the findings and recommendations developed by
2 the study under subsection (a).

3 (d) AUTHORIZATION OF APPROPRIATIONS.—For car-
4 rying out the study and preparing the report required by
5 this section, there are authorized to be appropriated to
6 the Secretary of Transportation \$300,000 for fiscal year
7 1995 and such sums as may be necessary for fiscal year
8 1996.

9 **SEC. 419. IMPLEMENTATION OF OIL POLLUTION ACT WITH**
10 **RESPECT TO VEGETABLE OIL.**

11 In implementing the Oil Pollution Act of 1990 (Pub-
12 lic Law 101–380), the Coast Guard and other agencies
13 shall differentiate between animal fats or oils of vegetable
14 origin and other oils, including petroleum oils, on the basis
15 of their physical, chemical, biological, and other prop-
16 erties, and their environmental effects.

17 **SEC. 420. LIMITATION ON AUTHORITY OF STATES TO REG-**
18 **ULATE GAMBLING DEVICES ON VESSELS.**

19 Section 5(b)(2) of the Act of January 2, 1951 (15
20 U.S.C. 1175(b)(2)), commonly referred to as the “John-
21 son Act”, is amended by adding at the end the following:

22 “(C) EXCLUSION OF CERTAIN VOYAGES
23 AND SEGMENTS.—Except for a voyage or seg-
24 ment of a voyage that occurs within the bound-
25 aries of the State of Hawaii, a voyage or seg-

1 ment of a voyage is not described in subpara-
2 graph (B) if it includes or consists of a seg-
3 ment—

4 “(i) that begins and ends in the same
5 State;

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

8 “(iii) in which the vessel reaches the
9 other State or foreign country within 3
10 days after leaving the State in which it be-
11 gins.”.

12 **SEC. 421. POLLUTION FROM SHIPS.**

13 (a) PREVENTION OF POLLUTION FROM SHIPS.—Sec-
14 tion 6 of the Act to Prevent Pollution from Ships (33
15 U.S.C. 1905) is amended—

16 (1) in subsection (c)—

17 (A) in paragraph (2)—

18 (i) by striking “(2) If” and inserting
19 the following: “(2)(A) Subject to subpara-
20 graph (B), if”; and

21 (ii) by adding at the end the following
22 new subparagraph:

23 “(B) The Secretary may issue a certificate attesting
24 to the adequacy of reception facilities under this para-
25 graph only if, prior to the issuance of the certificate, the

1 Secretary conducts an inspection of the reception facilities
2 of the port or terminal that is the subject of the certifi-
3 cate.”; and

4 (B) in paragraph (3), by striking subpara-
5 graph (A) and inserting the following new sub-
6 paragraph:

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

10 “(i) the charge for operation of the port or
11 terminal is transferred to a person or entity
12 other than the person or entity that is the oper-
13 ator on the date of issuance of the certificate—

14 “(I) the certificate shall expire on the
15 date that is 30 days after the date of the
16 transfer; and

17 “(II) the new operator shall be re-
18 quired to submit an application for a cer-
19 tificate before a certificate may be issued
20 for the port or terminal; or

21 “(ii) the certificate is suspended or revoked
22 by the Secretary, the certificate shall cease to
23 be valid; and”;

24 (2) by striking subsection (d) and inserting the
25 following new subsection:

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

4 “(A) is in effect; or

5 “(B) has been revoked or suspended.

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

8 (b) RECEPTION FACILITY PLACARDS.—Section 6(f)
9 of the Act to Prevent Pollution from Ships (33 U.S.C.
10 1905(f)) is amended—

11 (1) by inserting “(1)” before “The Secretary”;

12 and

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

15 “(2)(A) Not later than 18 months after the date of
16 enactment of this paragraph, the Secretary shall promul-
17 gate regulations that require the operator of each port or
18 terminal that is subject to any requirement of the
19 MARPOL Protocol relating to reception facilities to post
20 a placard in a location that can easily be seen by port
21 and terminal users. The placard shall state, at a mini-
22 mum, that a user of a reception facility of the port or
23 terminal should report to the Secretary any inadequacy
24 of the reception facility.”.

25 (c) APPLICATION TO VESSELS.—

1 (1) NOTICE OF ARRIVAL.—The owner, master,
2 agent, or person in charge of a vessel shall include
3 in the notice of arrival required to be submitted to
4 the Captain of the Port of the port or place of des-
5 tination pursuant to the Ports and Waterways Safe-
6 ty Act (33 U.S.C. 1221 et seq.) information con-
7 cerning the intention of the owner, master, or person
8 in charge of the vessel with respect to the disposal
9 of onboard waste at the port or place of destination.

10 (2) COMPLIANCE REPORTS.—Section 2201(a) of
11 the Marine Plastic Pollution Research and Control
12 Act of 1987 (Public Law 100–220; 33 U.S.C. 1902
13 note) is amended—

14 (A) by striking “for a period of 6 years”;

15 and

16 (B) by inserting before the period at the
17 end the following: “and, not later than 1 year
18 after the date of enactment of the Marine Plas-
19 tic Pollution Research and Control Act of 1994,
20 and annually thereafter, shall publish in the
21 Federal Register a list of the enforcement ac-
22 tions taken against any domestic or foreign ship
23 (including any commercial or recreational ship)
24 pursuant to the Act to Prevent Pollution from
25 Ships (33 U.S.C. 1901 et seq.)”.

1 (d) MARINE PLASTIC POLLUTION RESEARCH AND
2 CONTROL PUBLIC OUTREACH PROGRAM.—Section
3 2204(a) of the Marine Plastic Pollution Research and
4 Control Act of 1987 (Public Law 100–220; 42 U.S.C.
5 6981 note) is amended—

6 (1) in paragraph (1)—

7 (A) in the matter preceding subparagraph
8 (A), by striking “for a period of at least 3
9 years,”;

10 (B) in subparagraph (C), by striking
11 “and” at the end;

12 (C) in subparagraph (D), by striking the
13 period at the end and inserting “; and”; and

14 (D) by adding at the end the following new
15 subparagraph:

16 “(E) the requirements under this Act and
17 the Act to Prevent Pollution from Ships (33
18 U.S.C. 1901 et seq.) with respect to ships and
19 ports, and the authority of citizens to report
20 violations of this Act and the Act to Prevent
21 Pollution from Ships (33 U.S.C. 1901 et
22 seq.).”; and

23 (2) by striking paragraph (2) and inserting the
24 following new paragraph:

25 “(2) AUTHORIZED ACTIVITIES.—

1 “(A) PUBLIC OUTREACH PROGRAM.—A
2 public outreach program under paragraph (1)
3 may include—

4 “(i) developing and implementing a
5 voluntary boaters’ pledge program;

6 “(ii) workshops with interested
7 groups;

8 “(iii) public service announcements;

9 “(iv) distribution of leaflets and post-
10 ers; and

11 “(v) any other means appropriate to
12 educating the public.

13 “(B) GRANTS AND COOPERATIVE AGREE-
14 MENTS.—To carry out this section, the Sec-
15 retary of the department in which the Coast
16 Guard is operating, the Secretary of Commerce,
17 and the Administrator of the Environmental
18 Protection Agency are authorized to award
19 grants, enter into cooperative agreements with
20 appropriate officials of other Federal agencies
21 and agencies of States and political subdivisions
22 of States, and provide other financial assistance
23 to eligible recipients.

24 “(C) CONSULTATION.—In developing out-
25 reach initiatives targeted at the interested

1 groups that are subject to the requirements of
2 this title and the Act to Prevent Pollution from
3 Ships (33 U.S.C. 1901 et seq.), the Secretary
4 of the department in which the Coast Guard is
5 operating, in consultation with the Secretary of
6 Commerce, acting through the Administrator of
7 the National Oceanic and Atmospheric Admin-
8 istration, and the Administrator of the Environ-
9 mental Protection Agency, shall consult with—

10 “(i) the heads of State agencies re-
11 sponsible for implementing State boating
12 laws; and

13 “(ii) the heads of other enforcement
14 agencies that regulate boaters or commer-
15 cial fishermen.”.

16 (e) COORDINATION.—

17 (1) ESTABLISHMENT OF MARINE DEBRIS CO-
18 ORDINATING COMMITTEE.—The Administrator of
19 the Environmental Protection Agency shall establish
20 a Marine Debris Coordinating Committee (referred
21 to in this section as the “Committee”).

22 (2) MEMBERSHIP.—The Committee shall in-
23 clude a senior official from—

1 (A) the Environmental Protection Agency,
2 who shall serve as the Chairperson of the Com-
3 mittee;

4 (B) the National Oceanic and Atmospheric
5 Administration;

6 (C) the United States Coast Guard;

7 (D) the United States Navy; and

8 (E) such other Federal agencies that have
9 an interest in ocean issues or water pollution
10 prevention and control as the Administrator of
11 the Environmental Protection Agency deter-
12 mines appropriate.

13 (3) MEETINGS.—The Committee shall meet at
14 least twice a year to provide a forum to ensure the
15 coordination of national and international research,
16 monitoring, education, and regulatory actions ad-
17 dressing the persistent marine debris problem.

18 (f) MONITORING.—The Administrator of the Envi-
19 ronmental Protection Agency, in cooperation with the Sec-
20 retary of Commerce, acting through the Administrator of
21 the National Oceanic and Atmospheric Administration,
22 shall utilize the marine debris data derived under title V
23 of the Marine Protection, Research, and Sanctuaries Act
24 of 1972 (33 U.S.C. 2801 et seq.) to assist the United

1 States Coast Guard in assessing the effectiveness of this
2 Act.

3 **SEC. 422. MERCHANT MARINER BENEFITS.**

4 (a) Part G of subtitle II, title 46, United States Code,
5 is amended by adding the following new chapter:

“CHAPTER 112—MERCHANT MARINER BENEFITS

“Sec.

“11201. Qualified service.

“11202. Qualified service benefits.

6 **“§ 11201. Qualified service**

7 “An individual who was in training for or who served
8 as a member of the United States merchant marine, in-
9 cluding the Army Transport Service and the Naval Trans-
10 portation Service, or who received a letter of induction,
11 before August 16, 1945, is deemed to have been engaged
12 in qualified service for purposes of this chapter.

13 **“§ 11202. Qualified service benefits**

14 “(a) An individual who believes that individual per-
15 formed qualified service under section 11201 of this chap-
16 ter may apply to the Secretary. Not later than 180 days
17 after the Secretary receives an application under this sec-
18 tion, the Secretary shall determine whether the individual
19 performed qualified service.

20 “(b) The Secretary shall issue an honorable discharge
21 to an individual who performed qualified service as deter-
22 mined by the Secretary under subsection (a). The Sec-
23 retary shall issue the discharge subject to the standards

1 that apply to the honorable discharges issued under sec-
 2 tion 401(a)(1)(b) of the GI Bill Improvement Act of 1977
 3 (38 U.S.C. 106 note).

4 “(c) The qualified service of an individual who—

5 “(1) receives an honorable discharge under sub-
 6 section (b); and

7 “(2) is not eligible for benefits under a law ad-
 8 ministered by the Secretary of Veterans Affairs—
 9 shall be treated as active duty for purposes of eligibility
 10 for benefits under chapters 23 and 24 of title 38, United
 11 States Code.

12 “(d) The Secretary shall reimburse the Secretary of
 13 Veterans Affairs for the value of benefits provided to an
 14 individual by reason of eligibility under this chapter.

15 “(e) An individual is not entitled to, and may not re-
 16 ceive, benefits under this chapter for any period before the
 17 date of enactment of this chapter.”.

18 (b) The analysis at the beginning of subtitle II of title
 19 46, United States Code, is amended by inserting after the
 20 item relating to chapter 111 the following:

“112. Merchant mariners benefits11201.”.

21 **SEC. 423. ANNUAL REPORT ON IMPLEMENTATION OF VES-**
 22 **SEL TRAFFIC SERVICE.**

23 Not later than April 1 of each year after the date
 24 of enactment of this Act, the Secretary of Transportation
 25 shall submit to the Committee on Merchant Marine and

1 Fisheries of the House of Representatives and the Com-
2 mittee on Commerce, Science and Transportation of the
3 Senate a report describing in detail the status of imple-
4 mentation of the Vessel Traffic Service in all the ports
5 ranked in the Port Needs Study issued by the Coast
6 Guard in 1991.

7 **SEC. 424. ELECTRONIC FILING OF COMMERCIAL INSTRU-**
8 **MENTS.**

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

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

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

19 **SEC. 425. COST ACCOUNTING FOR HAITIAN OPERATIONS.**

20 (a) No later than 30 days after the enactment of this
21 Act, the Secretary of Transportation shall submit a full
22 accounting of all Coast Guard costs related to Haiti dur-
23 ing fiscal year 1994 to the Committee on Merchant Ma-
24 rine and Fisheries in the House of Representatives and
25 to the Committee on Commerce, Science, and Transpor-

1 tation in the Senate. This accounting shall include num-
2 bers of Coast Guard personnel involved, the numbers of
3 Coast Guard vessels involved, and the amount of funds
4 diverted from other Coast Guard missions.

5 (b) Until all United States military operations in
6 Haiti cease, the Secretary of Transportation shall submit
7 monthly reports on all Coast Guard costs related to Haiti
8 to the Committee on Merchant Marine and Fisheries in
9 the House of Representatives and to the Committee on
10 Commerce, Science, and Transportation in the Senate.

11 **SEC. 426. SENSE OF THE CONGRESS; REQUIREMENT RE-**
12 **GARDING NOTICE.**

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

18 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
19 providing financial assistance under this Act, the Sec-
20 retary, to the greatest extent practicable, shall provide to
21 each recipient of the assistance a notice describing the
22 statement made in subsection (a) by the Congress.

1 **SEC. 427. SENSE OF THE CONGRESS REGARDING FUNDING**
2 **FOR COAST GUARD.**

3 It is the sense of the Congress that in appropriating
4 amounts for the Coast Guard, the Congress should appro-
5 priate amounts adequate to enable the Coast Guard to
6 carry out all extraordinary functions and duties the Coast
7 Guard is required to undertake in addition to its normal
8 functions established by law.

9 **SEC. 428. PLAN FOR RESCUE OF PASSENGERS ON THE**
10 **CHESAPEAKE BAY.**

11 (a) The Secretary of the department in which the
12 Coast Guard is operating, in consultation with officials of
13 the States of Maryland and Virginia, and other interested
14 persons, shall develop and submit to Congress by March
15 30, 1995, a plan for the rescue of persons transported on
16 passenger vessels or small passenger vessels on the Ches-
17 peake Bay.

18 (b) The plan developed in subsection (a) shall in-
19 clude—

20 (1) a protocol for command, control, and com-
21 munications among Federal, State, and local au-
22 thorities;

23 (2) a protocol for training exercises to prepare
24 for an emergency rescue on the Chesapeake Bay;

1 (3) an identification of emergency medical per-
2 sonnel that would be available for an emergency res-
3 cue on the Chesapeake Bay;

4 (4) an identification of procedures to be fol-
5 lowed and equipment that would be needed in the
6 event of weather that could result in hypothermia of
7 the passengers; and

8 (5) a study by the Coast Guard examining the
9 feasibility of locating a helicopter station on the
10 Chesapeake Bay and in developing mutual aid agree-
11 ment with appropriate Federal, State and local
12 agencies to improve helicopter response time.

13 **TITLE V—RECREATIONAL**
14 **BOATING SAFETY**

15 **SEC. 501. SHORT TITLE.**

16 This title may be cited as the “Recreational Boating
17 Safety Improvement Act of 1994”.

18 **SEC. 502. PERSONAL FLOTATION DEVICES REQUIRED FOR**
19 **CHILDREN.**

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

22 (1) in paragraph (2) by striking “or” after the
23 semicolon at the end;

24 (2) in paragraph (3) by striking the period and
25 inserting “; or”; and

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

2 “(4) operate a recreational vessel under 26 feet
3 in length unless each individual 12 years of age or
4 younger wears a Coast Guard approved personal flo-
5 tation device when the individual is on an open deck
6 of the vessel.”.

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

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

14 **SEC. 503. ALLOCATION OF FUNDS BASED ON STATE ADOPTI-**
15 **ON OF LAWS REGARDING BOATING WHILE**
16 **INTOXICATED.**

17 Section 13103 of title 46, United States Code, is
18 amended—

19 (1) by redesignating subsections (a), (b), and
20 (c) in order as subsections (b), (c), and (d);

21 (2) by inserting before subsection (b) (as so re-
22 designated) the following new subsection:

23 “(a)(1) Beginning in fiscal year 1998, of the amounts
24 transferred to the Secretary each fiscal year pursuant to
25 section 4(b) of the Act of August 9, 1950 (16 U.S.C.

1 777c(b)), the Secretary shall allocate for State rec-
2 reational boating safety programs \$10,000,000 as follows:

3 “(A) One-half shall be allocated in accordance
4 with paragraph (2) among eligible States that—

5 “(i) prohibit operation of a recreational
6 vessel by an individual who is under the influ-
7 ence of alcohol or drugs; and

8 “(ii) establish a blood alcohol concentration
9 limit of .10 percent or less.

10 “(B) One-half shall be allocated in accordance
11 with paragraph (2) among eligible States that—

12 “(i) prohibit operation of a recreational
13 vessel by an individual who is under the influ-
14 ence of alcohol or drugs; and

15 “(ii) establish an implied consent require-
16 ment that specifies that an individual is deemed
17 to have given their consent to evidentiary test-
18 ing for their blood alcohol concentration or
19 presence of other intoxicating substances.

20 “(2) Of the amount allocated under subparagraph
21 (A) or (B) of paragraph (1) each fiscal year—

22 “(A) one-half shall be allocated equally among
23 all eligible States receiving an allocation under that
24 subparagraph for the fiscal year; and

1 “(B) one-half shall be allocated among those el-
2 igible States so that each such State receives an
3 amount bearing the same ratio to the total amount
4 allocated under that subparagraph for the fiscal year
5 as the number of vessels numbered in that State
6 under a system approved under chapter 123 of this
7 title bears to the total number of vessels numbered
8 under approved systems of all States receiving an al-
9 location under that subparagraph for the fiscal
10 year.”;

11 (3) in subsection (b) (as so redesignated) in the
12 matter preceding paragraph (1) by inserting “the
13 balance of remaining” after “allocate”; and

14 (4) by adding at the end the following new sub-
15 section:

16 “(e) A State shall not be ineligible for an allocation
17 under subsection (a) because of the adoption by the State
18 of any requirement relating to the operation of a rec-
19 reational vessel while under the influence of alcohol or
20 drugs that is more stringent than the requirements for
21 receiving the allocation.”.

22 **SEC. 504. MARINE CASUALTY REPORTING.**

23 (a) SUBMISSION OF PLAN.—Not later than one year
24 after enactment of this Act, the Secretary of Transpor-
25 tation shall, in consultation with appropriate State agen-

1 cies, submit to the Committee on Merchant Marine and
2 Fisheries of the House of Representatives and the Com-
3 mittee on Commerce, Science, and Transportation of the
4 Senate a plan to increase reporting of vessel accidents to
5 appropriate State law enforcement officials.

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

10 **SEC. 505. REQUIRING VIOLATORS TO TAKE RECREATIONAL**
11 **BOATING SAFETY COURSE.**

12 (a) NEGLIGENT OPERATION.—Section 2302 of title
13 46, United States Code, is amended by adding at the end
14 the following:

15 “(e) An individual operating a recreational vessel in
16 violation of this section shall complete a boating safety
17 course approved by the Secretary.”.

18 (b) OTHER VIOLATIONS.—Section 4311 of title 46,
19 United States Code, is amended by adding at the end the
20 following:

21 “(h) A person who operates a recreational vessel in
22 violation of this chapter or a regulation prescribed under
23 this chapter may be ordered to complete a recreational
24 boating safety course approved by the Secretary.”.

1 **SEC. 506. TECHNICAL CORRECTIONS.**

2 Section 13108(a)(1) of title 46, United States Code,
3 is amended by—

4 (1) striking “proceeding” and inserting “pre-
5 ceding”; and

6 (2) striking “Secertary” and inserting “Sec-
7 retary”.

8 **TITLE VI—TOWING VESSEL**
9 **NAVIGATIONAL SAFETY**

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

11 This title may be cited as the “Towing Vessel Naviga-
12 tional Safety Act of 1994”.

13 **SEC. 602. MINIMUM NAVIGATIONAL SAFETY EQUIPMENT**
14 **FOR TOWING VESSELS.**

15 (a) IN GENERAL.—Section 4102 of title 46, United
16 States Code, is amended by adding at the end the follow-
17 ing:

18 “(f)(1) In prescribing regulations for towing vessels,
19 the Secretary shall—

20 “(A) consider the characteristics, methods of
21 operation, and nature of the service of towing ves-
22 sels;

23 “(B) consult with the Towing Safety Advisory
24 Committee; and

25 “(C) require, to the extent appropriate, the in-
26 stallation, maintenance, and use of and familiarity

1 with the following equipment on each towing vessel,
2 other than a towing vessel that is used only for tow-
3 ing disabled vessels:

4 “(i) A radar system.

5 “(ii) An electronic position-fixing device.

6 “(iii) A sonic depth finder.

7 “(iv) A compass or swing meter.

8 “(v) Adequate towing wire and associated
9 equipment.

10 “(vi) Up-to-date navigational charts and
11 publications for the areas normally transited by
12 the vessel.

13 “(vii) Other safety equipment the Sec-
14 retary determines to be necessary.

15 “(2) The Secretary shall establish in regulations
16 under this chapter requirements that—

17 “(A) any equipment required on a towing vessel
18 under paragraph (1) shall be maintained in effective
19 operating condition; and

20 “(B) if such equipment on a vessel ceases to op-
21 erate, the master of the vessel shall exercise due dili-
22 gence to restore the equipment to effective operating
23 condition, or cause it to be restored to that condi-
24 tion, at the earliest practicable date.”.

1 (b) REGULATIONS.—The Secretary of Transportation
2 shall issue regulations by not later than 12 months after
3 the date of the enactment of this Act, prescribing naviga-
4 tional publication and equipment requirements under sub-
5 section (f) of section 4102 of title 46, United States Code,
6 as added by subsection (a) of this section.

7 **SEC. 603. REPORTING MARINE CASUALTIES.**

8 (a) EXPEDITED REPORTING REQUIRED.—Section
9 6101(b) of title 46, United States Code, is amended by
10 striking “within 5 days” and inserting “by as soon as
11 practicable, but in no case later than within 5 days,”.

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

16 **SEC. 604. REPORT ON FEASIBILITY OF ESTABLISHING A**
17 **DIFFERENTIAL GLOBAL POSITIONING SAT-**
18 **ELLITE NAVIGATION SYSTEM AND ELEC-**
19 **TRONIC CHARTS FOR INLAND WATERWAYS.**

20 Not later than 6 months after the date of the enact-
21 ment of this Act, the Secretary of Transportation shall
22 submit a report to the Congress on the feasibility of estab-
23 lishing a differential global positioning satellite navigation
24 system and creating electronic charts for the inland water-
25 ways of the United States.

1 **SEC. 605. PROTECTION OF SEAMEN AGAINST DISCRIMINA-**
2 **TION.**

3 Section 2114 of title 46, United States Code, is
4 amended—

5 (1) by amending subsection (a) to read as fol-
6 lows:

7 “(a) An owner, charterer, managing operator, agent,
8 master, or individual in charge of a vessel may not dis-
9 charge, temporarily remove, or in any manner discrimi-
10 nate against a seaman because the seaman—

11 “(1) in good faith has reported or is about to
12 report to the Coast Guard that the seaman believes
13 that a violation of this subtitle, or a regulation is-
14 sued under this subtitle, has occurred; or

15 “(2) refuses to violate this subtitle or a regula-
16 tion issued under this subtitle.”; and

17 (2) in subsection (b)—

18 (A) in paragraph (1) by striking “and”
19 after the semicolon;

20 (B) in paragraph (2) by striking the period
21 and inserting “; and”; and

22 (C) by adding at the end the following:

23 “(3) an award of cost and reasonable attorney’s
24 fees to the prevailing plaintiff.”.

1 **SEC. 606. MANNING AND LICENSING REQUIREMENTS FOR**
2 **TOWING VESSELS.**

3 (a) MANNING REQUIREMENTS.—Section 8904 of title
4 46, United States Code, is amended by adding at the end
5 the following:

6 “(c) A towing vessel, other than a vessel referred to
7 in subsection (b), shall—

8 “(1) while being operated, have on board an in-
9 dividual licensed by the Secretary as a master of
10 that type of towing vessel; and

11 “(2) be operated by an individual licensed by
12 the Secretary to operate that type of towing vessel.”.

13 (b) REGULATIONS ESTABLISHING LICENSES FOR
14 MASTERS AND OPERATORS.—Section 7101 of title 46,
15 United States Code, is amended by adding at the end the
16 following:

17 “(j)(1) The Secretary shall prescribe regulations
18 which establish licenses for masters and mates of towing
19 vessels.

20 “(2) Regulations under this subsection shall provide
21 that an individual may be issued a license as a master
22 or mate of a towing vessel only if the individual—

23 “(A) demonstrates proficiency in the use of the
24 equipment required pursuant to section
25 4102(f)(1)(C) of this title; and

1 “(B) demonstrates proficiency in operating a
2 towing vessel.

3 “(3) Regulations under this subsection may establish
4 standards and procedures under which the Secretary may
5 delegate, to individuals who have experience in the oper-
6 ation of towing vessels and to other qualified persons, the
7 authority to conduct examinations required for the issu-
8 ance of a license as a master or mate of a towing vessel.”.

9 (c) EXISTING UNINSPECTED TOWING VESSEL OPER-
10 ATOR LICENSE HOLDERS.—An uninspected towing vessel
11 operator license that is valid on the date of enactment of
12 this Act shall be valid as a master or mate license required
13 by section 8904 of title 46, United States Code, as amend-
14 ed by this section, until otherwise required to be renewed.
15 The Secretary shall require that an individual applying for
16 a first renewal of such a license as a master or mate li-
17 cense under that section demonstrate proficiency under
18 the requirements of section 7101(j) of title 46, United
19 States Code, as added by this section.

20 (d) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect 2 years after the date of the
22 enactment of this Act.

23 (e) DEADLINE FOR REGULATIONS.—The Secretary
24 of the department in which the Coast Guard is operating
25 shall issue regulations under the amendments made by

1 this section by not later than 1 year after the date of the
2 enactment of this Act.

3 **SEC. 607. CIVIL PENALTIES.**

4 (a) PROHIBITED OPERATION OF UNINSPECTED TOW-
5 ING VESSEL, GENERALLY.—Section 4106 of title 46,
6 United States Code, is amended by striking “\$5,000” and
7 inserting “\$25,000”.

8 (b) OPERATION OF UNINSPECTED TOWING VESSEL
9 IN VIOLATION OF MANNING REQUIREMENTS.—Section
10 8906 of title 46, United States Code, is amended by strik-
11 ing “\$1,000” and inserting “not more than \$25,000”.

12 **SEC. 608. MODEL TOWING VESSEL COMPANY INSPECTION**
13 **PROGRAM.**

14 Not later than 1 year after the date of the enactment
15 of this Act, the Secretary of the department in which the
16 Coast Guard is operating, in consultation with the Towing
17 Safety Advisory Committee, shall—

18 (1) develop a model towing vessel company in-
19 spection program, including a Coast Guard boarding
20 program to determine compliance with the model
21 program; and

22 (2) submit to the Congress for its approval the
23 model program and a description of the statutory
24 changes necessary to implement the model program.

1 **SEC. 609. MERCHANT MARINERS' DOCUMENTS REQUIRED.**

2 (a) REQUIREMENT.—Section 8701(a) of title 46,
3 United States Code, is amended—

4 (1) by striking “100” and inserting “5”;

5 (2) in paragraph (1), by striking “a vessel oper-
6 ating only on rivers and lakes (except the Great
7 Lakes);” and inserting “a small passenger vessel, or
8 an uninspected passenger vessel;”;

9 (3) by striking paragraph (2), and redesignat-
10 ing the subsequent paragraphs accordingly; and

11 (4) in paragraph (6) (as so redesignated) by
12 striking “clause (6)” and inserting “paragraph (5)”.

13 (b) EXCEPTIONS.—Section 8701(b) of title 46,
14 United States Code, is amended—

15 (1) by striking “A person” and inserting “(1)
16 Except as provided in paragraph (2), a person”; and

17 (2) by adding at the end the following:

18 “(2) The Secretary shall prescribe regulations which
19 exempt from paragraph (1)—

20 “(A) engagement or employment of an individ-
21 ual in any position, on a passenger vessel, that is
22 not listed in the Certificate of Inspection for the ves-
23 sel;

24 “(B) engagement or employment of an individ-
25 ual in any position, on a vessel of a type to which
26 this section did not apply on the day before the date

1 of enactment of the Towing Vessel Navigational
2 Safety Act of 1994, for which the individual is re-
3 quired to hold a license issued by the Secretary
4 under this title; and

5 “(C) service by an individual in a position de-
6 scribed in subparagraph (A) or (B).”.

7 (c) USER FEE EXEMPTION AND PRIVACY OF INFOR-
8 MATION.—

9 (1) USER FEE EXEMPTION.—The Secretary of
10 Transportation may not collect a fee or charge under
11 section 2110 of title 46, United States Code, for any
12 service related to a merchant mariner’s document re-
13 quired to be obtained under this title.

14 (2) PRIVACY OF INFORMATION.—The Secretary
15 of Transportation may not make available to a mem-
16 ber of the public any personal information concern-
17 ing an individual required to obtain a merchant
18 mariner’s document under this title.

19 (d) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect 2 years after the date of the
21 enactment of this Act.

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

3 **SEC. 701. SHORT TITLE.**

4 This title may be cited as the “Coast Guard Regu-
5 latory Reform Act of 1994”.

6 **SEC. 702. SAFETY MANAGEMENT.**

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

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

“Sec.

“3201. Definitions.

“3202. Application.

“3203. Safety management system.

“3204. Implementation of safety management system.

“3205. Certification.

11 **“§ 3201. Definitions**

12 “In this chapter—

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

17 “(2) ‘responsible person’ means—

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

20 “(B) any other person that has—

1 “(i) assumed the responsibility for op-
2 eration of a vessel to which this chapter
3 applies from the owner; and

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

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

11 “(A) arriving at a place under the jurisdic-
12 tion of the United States from a place in a for-
13 eign country;

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

16 “(C) departing from a place under the ju-
17 risdiction of the United States for a place in a
18 foreign country.

19 **“§ 3202. Application**

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

22 “(1) Beginning July 1, 1998—

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

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

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

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

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

12 “(1) a barge;

13 “(2) a recreational vessel not engaged in com-
14 mercial service;

15 “(3) a fishing vessel;

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

18 “(5) a public vessel.

19 **“§ 3203. Safety management system**

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

24 “(1) a safety and environmental protection
25 policy;

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

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

13 **“§ 3205. Certification**

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

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

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

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

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

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

23 (b) CLERICAL AMENDMENT.—The table of chapters
24 at the beginning of subtitle II of title 46, United States

1 Code, is amended by inserting after the item relating to
2 chapter 31 the following:

“32. Management of vessels 3201”.

3 (c) STUDY.—

4 (1) STUDY.—The Secretary of the department
5 in which the Coast Guard is operating shall conduct,
6 in cooperation with the owners, charterers, and man-
7 aging operators of vessels documented under chapter
8 121 of title 46, United States Code, and other inter-
9 ested persons, a study of the methods that may be
10 used to implement and enforce the International
11 Management Code for the Safe Operation of Ships
12 and for Pollution Prevention under chapter IX of
13 the Annex to the International Convention for the
14 Safety of Life at Sea, 1974.

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

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

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

1 **SEC. 703. USE OF REPORTS, DOCUMENTS, RECORDS, AND**
2 **EXAMINATIONS OF OTHER PERSONS.**

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

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

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

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

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

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

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

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

20 **SEC. 704. EQUIPMENT APPROVAL.**

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

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

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

6 “(A) the design standards and testing proce-
7 dures used by that government meet the require-
8 ments of the International Convention for the Safety
9 of Life at Sea, 1974;

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

14 “(C) for lifesaving equipment, the foreign gov-
15 ernment—

16 “(i) has given equivalent treatment to ap-
17 provals of lifesaving equipment by the Sec-
18 retary; and

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

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

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

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

10 **SEC. 705. FREQUENCY OF INSPECTION.**

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

13 (1) in paragraph (1)—

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

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

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

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

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

4 **SEC. 706. CERTIFICATE OF INSPECTION.**

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

7 **SEC. 707. DELEGATION OF AUTHORITY OF SECRETARY TO**
8 **CLASSIFICATION SOCIETIES.**

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

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

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

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

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

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

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

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

4 “(B) conduct inspections and examinations; and

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

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

9 “(A) to the extent that the government of the
10 foreign country in which the society is headquartered
11 delegates authority and provides access to the Amer-
12 ican Bureau of Shipping to inspect, certify, and pro-
13 vide related services to vessels documented in that
14 country; and

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

17 (b) CONFORMING AMENDMENTS.—(1) The heading
18 for section 3316 of title 46, United States Code, is amend-
19 ed to read as follows:

20 “**§ 3316. Classification societies**”.

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

“3316. Classification societies.”.

1 **SEC. 708. STUDY OF MARINE CASUALTY REPORTING RE-**
2 **QUIREMENTS.**

3 The Coast Guard shall, within 9 months after the ef-
4 fective date of this title, conduct a study of current regu-
5 latory requirements regarding the reporting of marine cas-
6 ualties under section 6101 of title 46, United States Code,
7 to determine whether—

8 (1) marine casualties should be classified ac-
9 cording to the seriousness of nonfatal casualties;

10 (2) further regulations pertaining to the neces-
11 sity for alcohol and drug testing for each classifica-
12 tion need to be proposed;

13 (3) the regulations may exclude certain non-se-
14 rious casualties from the requirement that drug or
15 alcohol testing be performed; and

16 (4) the reporting of certain marine casualties
17 that may be classified as minor may be done on a
18 quarterly basis.

19 **TITLE VIII—UNITED STATES**
20 **CRUISE VESSEL DEVELOPMENT**

21 **SEC. 801. SHORT TITLE.**

22 This title may be cited as the “United States Cruise
23 Vessel Development Act”.

1 **SEC. 802. PURPOSE.**

2 The purpose of this title is to promote construction
3 and operation of United States flag cruise vessels in the
4 United States.

5 **SEC. 803. COASTWISE TRANSPORTATION OF PASSENGERS.**

6 Section 8 of the Act entitled “An Act to abolish cer-
7 tain fees for official services to American vessels, and to
8 amend the laws relating to shipping commissioners, sea-
9 men, and owners of vessels, and for other purposes”, ap-
10 proved June 19, 1886 (46 App. U.S.C. 289), is amended
11 to read as follows:

12 **“SEC. 8. COASTWISE TRANSPORTATION OF PASSENGERS.**

13 “(a) IN GENERAL.—Except as otherwise provided by
14 law, a vessel may transport passengers in coastwise trade
15 only if—

16 “(1) the vessel is owned by a person that is—

17 “(A) an individual who is a citizen of the
18 United States; or

19 “(B) a corporation, partnership, or asso-
20 ciation that is a citizen of the United States
21 under section 2(a) of the Shipping Act, 1916;

22 “(2) the vessel meets the requirements of sec-
23 tion 27 of the Merchant Marine Act, 1920; and

24 “(3) for a vessel that is at least 5 net tons, the
25 vessel is issued a certificate of documentation under

1 chapter 121 of title 46, United States Code, with a
2 coastwise endorsement.

3 “(b) EXCEPTION FOR VESSEL UNDER DEMISE
4 CHARTER.—

5 “(1) IN GENERAL.—Subsection (a)(1) does not
6 apply to a cruise vessel operating under a demise
7 charter that—

8 “(A) has a term of at least 18 months; and

9 “(B) is to a person described in subsection
10 (a)(1).

11 “(2) EXTENSION OF PERIOD FOR OPER-
12 ATION.—A cruise vessel authorized to operate in
13 coastwise trade under paragraph (1) based on a de-
14 mise charter described in paragraph (1) may operate
15 in that coastwise trade during a period following the
16 termination of the charter of not more than 6
17 months, if the operation—

18 “(A) is approved by the Secretary; and

19 “(B) in accordance with such terms as
20 may be prescribed by the Secretary for that ap-
21 proval.

22 “(c) EXCEPTION FOR VESSEL TO BE REFLAGGED.—

23 “(1) EXCEPTION.—Subsection (a)(2) and sec-
24 tion 12106(a)(2)(A) of title 46, United States Code,
25 do not apply to a cruise vessel if—

1 “(A) the vessel—

2 “(i) is not documented under chapter
3 121 of title 46, United States Code, on the
4 date of enactment of the United States
5 Cruise Vessel Development Act; and

6 “(ii) is not less than 5 years old and
7 not more than 15 years old on the first
8 date that the vessel is documented under
9 that chapter after that date of enactment;
10 and

11 “(B) the owner or charterer of the vessel
12 has entered into a contract for the construction
13 in the United States of another cruise vessel
14 that has a total berth or stateroom capacity
15 that is at least 80 percent of the capacity of the
16 cruise vessel.

17 “(2) TERMINATION OF AUTHORITY TO OPER-
18 ATE.—Paragraph (1) does not apply to a vessel after
19 the date that is 18 months after the date on which
20 a certificate of documentation with a coastwise en-
21 dorsement is first issued for the vessel after the date
22 of enactment of the United States Cruise Vessel De-
23 velopment Act if, before the end of that 18-month
24 period, the keel of another vessel has not been laid,
25 or another vessel is not at a similar stage of con-

1 struction, under a contract required for the vessel
2 under paragraph (1)(B).

3 “(3) EXTENSION OF PERIOD BEFORE TERMI-
4 NATION.—The Secretary of Transportation may ex-
5 tend the period under paragraph (2) for not more
6 than 6 months for good cause shown.

7 “(d) LIMITATION ON OPERATIONS.—A person (in-
8 cluding a related person with respect to that person) that
9 owns or charters a cruise vessel operating in coastwise
10 trade under subsection (b) or (c) under a coastwise en-
11 dorsement may not operate any vessel between—

12 “(1) any 2 ports served by another cruise vessel
13 that transports passengers in coastwise trade under
14 subsection (a) on the date the Secretary issues the
15 coastwise endorsement; or

16 “(2) the islands of Hawaii.

17 “(e) PENALTIES.—

18 “(1) CIVIL PENALTY.—A person operating a
19 vessel in violation of this section is liable to the
20 United States Government for a civil penalty of
21 \$1,000 for each passenger transported in violation of
22 this section.

23 “(2) FORFEITURE.—A vessel operated in know-
24 ing violation of this section, and its equipment, are

1 liable to seizure by and forfeiture to the United
2 States Government.

3 “(3) DISQUALIFICATION FROM COASTWISE
4 TRADE.—A person that is required to enter into a
5 construction contract under subsection (c)(1)(B)
6 with respect to a cruise vessel (including any related
7 person with respect to that person) may not own or
8 operate any vessel in coastwise trade after the period
9 applicable under subsection (c)(2) with respect to
10 the cruise vessel, if before the end of that period a
11 keel is not laid and a similar stage of construction
12 is not reached under such a contract.

13 “(f) DEFINITIONS.—In this section—

14 “(1) the term ‘coastwise trade’ includes trans-
15 portation of a passenger between points in the
16 United States, either directly or by way of a foreign
17 port;

18 “(2) the term ‘cruise vessel’ means a vessel
19 that—

20 “(A) is at least 10,000 gross tons (as
21 measured under chapter 143 of title 46, United
22 States Code);

23 “(B) has berth or stateroom accommoda-
24 tions for at least 200 passengers; and

25 “(C) is not a ferry; and

1 “(3) the term ‘related person’ means, with re-
2 spect to a person—

3 “(A) a holding company, subsidiary, affili-
4 ate, or association of the person; and

5 “(B) an officer, director, or agent of the
6 person or of an entity referred to in subpara-
7 graph (A).”.

8 **SEC. 804. CONSTRUCTION STANDARDS.**

9 Section 3309 of title 46, United States Code, is
10 amended by adding at the end the following:

11 “(d)(1) A vessel described in paragraph (3) is deemed
12 to comply with parts B and C of this subtitle.

13 “(2) The Secretary shall issue a certificate of inspec-
14 tion under subsection (a) to a vessel described in para-
15 graph (3).

16 “(3) A vessel is described in this paragraph if—

17 “(A) it meets the standards and conditions for
18 the issuance of a control verification certificate to a
19 foreign vessel embarking passengers in the United
20 States;

21 “(B) a coastwise endorsement is issued for the
22 vessel under section 12106 of this title after the date
23 of enactment of the United States Cruise Vessel De-
24 velopment Act; and

1 “(C) the vessel is authorized to engage in coast-
2 wise trade by reason of section 8(c) of the Act enti-
3 tled ‘An Act to abolish certain fees for official serv-
4 ices to American vessels, and to amend the laws re-
5 lating to shipping commissioners, seamen, and own-
6 ers of vessels, and for other purposes’, approved of
7 June 19, 1886.”.

8 **SEC. 805. CITIZENSHIP FOR PURPOSES OF DOCUMENTA-**
9 **TION.**

10 Section 2 of the Shipping Act, 1916 (46 App. U.S.C.
11 802), is amended—

12 (1) in subsection (a) by inserting “other than
13 primarily in the transport of passengers,” after “the
14 coastwise trade”; and

15 (2) by adding at the end the following:

16 “(e) For purposes of determining citizenship under
17 subsection (a) with respect to operation of a vessel pri-
18 marily in the transport of passengers in coastwise trade,
19 the controlling interest in a partnership or association that
20 owns the vessel shall not be deemed to be owned by citi-
21 zens of the United States unless a majority interest in the
22 partnership or association is owned by citizens of the
23 United States free from any trust or fiduciary obligation
24 in favor of any person that is not a citizen of the United
25 States.”.

1 **SEC. 806. AMENDMENT TO TITLE XI OF THE MERCHANT MA-**
2 **RINE ACT, 1936.**

3 Section 1101(b) of the Merchant Marine Act, 1936
4 (46 App. U.S.C. 1271(b)) is amended by striking “pas-
5 senger cargo” and inserting “passenger, cargo,”.

6 **SEC. 807. PERMITS FOR VESSELS ENTERING UNITS OF NA-**
7 **TIONAL PARK SYSTEM.**

8 (a) PRIORITY.—Notwithstanding any other provision
9 of law, the Secretary of the Interior may not permit a per-
10 son to operate a vessel in any unit of the National Park
11 System except in accordance with the following priority:

12 (1) First, any person that—

13 (A) will operate a vessel that is docu-
14 mented under the laws of, and the home port
15 of which is located in, the United States; or

16 (B) holds rights to provide visitor services
17 under section 1307(a) of the Alaska National
18 Interest Lands Conservation Act (16 U.S.C.
19 3197(A)).

20 (2) Second, any person that will operate a ves-
21 sel that—

22 (A) is documented under the laws of a for-
23 eign country, and

24 (B) on the date of the enactment of this
25 Act is permitted to be operated by the person
26 in the unit.

1 (3) Third, any person that will operate a vessel
2 other than a vessel described in paragraph (1) or
3 (2).

4 (b) REVOCATION OF PERMITS FOR FOREIGN-DOCU-
5 MENTED VESSELS.—The Secretary of the Interior shall
6 revoke or refuse to renew permission granted by the Sec-
7 retary for the operation of a vessel documented under the
8 laws of a foreign country in a unit of the National Park
9 System, if—

10 (1) a person requests permission to operate a
11 vessel documented under the laws of the United
12 States in that unit; and

13 (2) the permission may not be granted because
14 of a limit on the number of permits that may be is-
15 sued for that operation.

16 (c) RESTRICTIONS ON REVOCATION OF PERMITS.—
17 The Secretary of the Interior may not revoke or refuse
18 to renew permission under subsection (b) for any person
19 holding rights to provide visitor services under section
20 1307(a) of the Alaska National Interest Lands Conserva-
21 tion Act (16 U.S.C. 3197(a)).

22 (d) RETURN OF PERMITS.—Any person whose per-
23 mission to provide visitors services in a unit of the Na-
24 tional Park System has been revoked or not renewed
25 under subsection (b) shall have the right of first refusal

1 to a permit to provide visitors services in that unit of the
2 National Park System that becomes available when the
3 conditions described in subsection (b) no longer apply.
4 Such right shall be limited to the number of permits which
5 are revoked or not renewed.

6 **TITLE IX—BOATING** 7 **IMPROVEMENT**

8 **SEC. 901. SHORT TITLE.**

9 This title may be cited as the “Boating Improvement
10 Act of 1994”.

11 **SEC. 902. BOATING SAFETY GRANTS.**

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

14 (1) TRANSFERS.—Section 4(b) of the Act of
15 August 9, 1950 (16 U.S.C. 777c(b)), is amended to
16 read as follows:

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

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

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

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

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

1 “(i) grants under section 903(e) of the
2 Boating Improvement Act of 1994; and

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

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

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

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

22 “(ii) \$35,000,000; or

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

1 “(B) The amount of any reduction under subpara-
2 graph (A) shall be apportioned among the several States
3 under subsection (d) by the Secretary of the Interior.”.

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

11 (3) LIMITATION ON OTHER DISTRIBUTION.—
12 Notwithstanding any other law, the amount distrib-
13 uted under section 4(a) of the Act of August 9,
14 1950 (16 U.S.C. 777c(a)), in fiscal year 1996 may
15 not exceed \$50,000,000.

16 (b) EXPENDITURE OF AMOUNTS FOR STATE REC-
17 REATIONAL BOATING SAFETY PROGRAMS.—Section
18 13106 of title 46, United States Code, is amended—

19 (1) in subsection (a)(1) by striking the first
20 sentence and inserting the following: “Subject to
21 paragraph (2), the Secretary shall expend under
22 contracts with States under this chapter in each fis-
23 cal year for State recreational boating safety pro-
24 grams an amount equal to the sum of the amount
25 appropriated from the Boat Safety Account for that

1 fiscal year plus the amount transferred to the Sec-
2 retary under section 4(b)(1) of the Act of August 9,
3 1950 (16 U.S.C. 777c(b)(1)) for that fiscal year.”;
4 and

5 (2) by amending subsection (c) to read as fol-
6 lows:

7 “(c) For expenditure under this chapter for State rec-
8 reational boating safety programs there are authorized to
9 be appropriated to the Secretary of Transportation from
10 the Boat Safety Account established under section
11 9503(c)(4) of the Internal Revenue Code of 1986 (26
12 U.S.C. 9503(c)(4)) not more than \$35,000,000 each fiscal
13 year.”.

14 **SEC. 903. BOATING ACCESS.**

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

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

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

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

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

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

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

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

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

24 (e) GRANT PROGRAM.—

1 (1) MATCHING GRANTS.—The Secretary of the
2 Interior may obligate not less than $\frac{1}{2}$ of the amount
3 made available for each of fiscal years 1998 and
4 1999 under section 4(b)(1)(C) of the Act of August
5 9, 1950, as amended by section 902(a)(1) of this
6 title, to make grants to any State to pay not more
7 than 75 percent of the cost of constructing or ren-
8 ovating public facilities for transient nontrailerable
9 vessels.

10 (2) PRIORITIES.—

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

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

23 **SEC. 904. DEFINITIONS.**

24 For the purpose of this title the term—

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

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

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

13 (4) “recreational vessel” means a vessel—
14 (A) operated primarily for pleasure; or
15 (B) leased, rented, or chartered to another
16 for the latter’s pleasure; and

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

1 **TITLE X—DOCUMENTATION OF**
2 **VESSELS**

3 **SEC. 1001. AUTHORIZATION OF DOCUMENTATION FOR VAR-**
4 **IOUS VESSELS**

5 (a) IN GENERAL.—Notwithstanding section 27 of the
6 Merchant Marine Act, 1920 (46 App. U.S.C. 883), the
7 Act of June 19, 1886 (46 App. U.S.C. 289), the Act of
8 May 28, 1906 (46 App. U.S.C. 292), and sections 12106,
9 12107, and 12108 of title 46, United States Code, the
10 Secretary of the department in which the Coast Guard is
11 operating may issue a certificate of documentation with
12 appropriate endorsements for the vessels listed in sub-
13 section (b).

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

16 (1) ABORIGINAL (United States official num-
17 ber 942118).

18 (2) ALPHA TANGO (United States official
19 number 945782)

20 (3) ANNAPOLIS (United States official num-
21 ber 999008).

22 (4) ARTHUR ATKINSON (former United
23 States official number 214656).

24 (5) ATTITUDE (North Carolina registration
25 number NC3607AN).

1 (6) BIG DAD (United States official number
2 565022).

3 (7) BROKEN PROMISE (United States offi-
4 cial number 904435).

5 (8) CHESAPEAKE (United States official
6 number 999010).

7 (9) CHRISSY (Maine registration number
8 ME4778B).

9 (10) CONSORT (United States official number
10 999005).

11 (11) CURTIS BAY (United States official
12 number 999007).

13 (12) EAGLE MAR (United States official num-
14 ber 575349).

15 (13) ENDEAVOR (United States official num-
16 ber 947869).

17 (14) FIFTY ONE (United States official num-
18 ber 1020419).

19 (15) FIREBIRD (United States official number
20 253656).

21 (16) GIBRALTAR (United States official num-
22 ber 668634).

23 (17) HAMPTON ROADS (United States offi-
24 cial number 999009).

1 (18) ISABELLE (United States official num-
2 ber 600655).

3 (19) JAMESTOWN (United States official
4 number 999006).

5 (20) JOAN MARIE (North Carolina official
6 number NC2319AV).

7 (21) KLIPPER (New York registration number
8 NY8166AN).

9 (22) L.R. BEATTIE (United States official
10 number 904161).

11 (23) LADY ANGELA (United States official
12 number 933045).

13 (24) LADY HAWK (United States official
14 number 961095).

15 (25) LADY HELEN (United States official
16 number 527746).

17 (26) MANDIRAN (United States official num-
18 ber 939915).

19 (27) MEMORY MAKER (Maryland registra-
20 tion number MD8867AW, hull number 3151059).

21 (28) OLD HAT (United States official number
22 508299).

23 (29) ORCA (United States official number
24 504279).

1 (30) REEL TOY (United States official num-
2 ber 698383).

3 (31) RENDEZVOUS (United States official
4 number 924140).

5 (32) SALLIE D (Maryland registration number
6 MD2655A).

7 (33) SEAHAWK (United States official num-
8 ber 673537).

9 (34) SEAHAWK III (United States official
10 number 996375).

11 (35) SEA MISTRESS (United States official
12 number 696806).

13 (36) SHAMROCK V (United States official
14 number 900936).

15 (37) SILENT WINGS (United States official
16 number 969182).

17 (38) SPIRIT OF THE PACIFIC NORTH-
18 WEST (Bahamian official number 725338).

19 (39) SUNSHINE (United States official num-
20 ber 974320).

21 (40) TECUMSEH (United States official num-
22 ber 668633).

23 (41) VIKING (former United States official
24 number 224430).

1 (42) WOLF GANG II (United States official
2 number 984934).

3 (43) A hopper barge owned by Foley & Foley
4 Marine Contractors, Inc. (United States official
5 number 264959).

6 (44) Each of 2 barges owned by Roen Salvage
7 Co., numbered 103 and 203.

8 (45) Each of 3 spud barges owned by Dan's
9 Excavating, Inc., as follows:

10 (A) Spud barge 102 (United States official
11 number 1021958).

12 (B) Spud barge 103 (United States official
13 number 1021960).

14 (C) Spud barge 968 (United States official
15 number 1021959).

16 (46) Each of 3 barges owned by Harbor Marine
17 Corporation of Rhode Island, as follows:

18 (A) HARBOR 223 (approximately 110
19 feet in length).

20 (B) GENE ELIZABETH (approximately
21 200 feet in length).

22 (C) HARBOR 221 (approximately 90 feet
23 in length).

24 (47) SMALLEY 6808 Amphibious Dredge
25 (Florida registration number FL1855FF).

1 (48) TOO MUCH FUN (United States official
2 number 936565).

3 **SEC. 1002. AUTHORIZATION OF DOCUMENTATION FOR THE**
4 **ATLANTIS III.**

5 Notwithstanding section 27 of the Merchant Marine
6 Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886
7 (46 App. U.S.C. 289), and section 12106 of title 46, Unit-
8 ed States Code, the Secretary of the department in which
9 the Coast Guard is operating may issue a certificate of
10 documentation with appropriate coastwise endorsement
11 for employment in the coastwise trade in Alaska during
12 the period beginning May 1, 1995, and ending October
13 31, 1996, for the vessel ATLANTIS III (Canadian official
14 number CG006455).

15 **SEC. 1003. AUTHORIZATION OF SALE AND REREGISTRA-**
16 **TION.**

17 Notwithstanding any other law or agreement with the
18 United States Government, the vessels SS LAKE
19 CHARLES (United States official number 619531) and
20 SS LOUISIANA (United States official number 619532)
21 may be sold to a person that is not a citizen of the United
22 States and transferred to or placed under a foreign reg-
23 istry if an application to authorize payment of operating-
24 differential subsidy to the vessels is not approved by De-
25 cember 15, 1994.

1 **SEC. 1004. VESSEL DOCUMENTATION FOR CHARITY**
2 **CRUISES.**

3 (a) AUTHORITY TO DOCUMENT VESSELS.—

4 (1) IN GENERAL.—Notwithstanding section 27
5 of the Merchant Marine Act, 1920 (46 App. U.S.C.
6 883), the Act of June 19, 1886 (46 App. U.S.C.
7 289), and section 12106 of title 46, United States
8 Code, and subject to paragraph (2), the Secretary of
9 the department in which the Coast Guard is operat-
10 ing may issue a certificate of documentation with a
11 coastwise endorsement for each of the vessels—

12 (A) GALLANT LADY (Feadship hull
13 number 645, approximately 130 feet in length);
14 and

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

17 (2) LIMITATION ON OPERATION.—Coastwise
18 trade authorized under a certificate of documenta-
19 tion issued for a vessel under this section shall be
20 limited to carriage of passengers in association with
21 contributions to charitable organizations no portion
22 of which is received, directly or indirectly, by the
23 owner of the vessel.

24 (3) CONDITION.—The Secretary may not issue
25 any certificate of documentation under paragraph
26 (1) unless the owner of the vessel referred to in

1 paragraph (1)(A) (in this section referred to as the
2 “owner”), within 90 days after the date of the en-
3 actment of this Act, submits to the Secretary a let-
4 ter expressing the intent of the owner to enter into
5 a contract before October 1, 1996, for construction
6 in the United States of a passenger vessel of at least
7 130 feet in length.

8 (4) EFFECTIVE DATE OF CERTIFICATES.—A
9 certificate of documentation issued under paragraph
10 (1)—

11 (A) for the vessel referred to in paragraph
12 (1)(A), shall take effect on the date of issuance
13 of the certificate; and

14 (B) for the vessel referred to in paragraph
15 (1)(B), shall take effect on the date of delivery
16 of the vessel to the owner.

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

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

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

1 (3) on any date on which such a contract is
2 breached, rescinded, or terminated (other than for
3 completion of performance of the contract) by the
4 owner.

5 **SEC. 1005. EXTENSION OF DEADLINE FOR THE M/V TWIN**
6 **DRILL.**

7 Section 601(d) of Public Law 103–206 is amended
8 by striking “June 30” in subpart (3) and inserting “De-
9 cember 31” and by striking “12” in subpart (4) and in-
10 serting “18”.

11 **TITLE XI—UNITED STATES PAS-**
12 **SENGER VESSEL FLAG ACT**
13 **OF 1994**

14 **SEC. 1101. SHORT TITLE.**

15 This title may be cited as the “United States-Flag
16 Passenger Vessel Act of 1994”.

17 **SEC. 1102. COASTWISE TRANSPORTATION OF PASSENGERS.**

18 (a) IN GENERAL.—Section 8 of the Act of June 19,
19 1886 (46 App. U.S.C. 289), is amended—

20 (1) by inserting “(a)” after “SEC. 8.”; and

21 (2) by adding at the end the following new sub-
22 sections:

23 “(b) VOYAGES-TO-NOWHERE.—

24 “(1) IN GENERAL.—Notwithstanding any other
25 law, a vessel may transport passengers on a covered

1 voyage from a place in the United States subject to
2 the coastwise trade laws only if—

3 “(A) the vessel is owned by a person that
4 is—

5 “(i) an individual who is a citizen of
6 the United States; or

7 “(ii) a corporation, partnership, or as-
8 sociation that is a citizen of the United
9 States under section 2(a) of the Shipping
10 Act, 1916; and

11 “(B) for a vessel that is at least 5 net
12 tons, the vessel is documented under chapter
13 121 of title 46, United States Code, with a
14 coastwise endorsement.

15 “(2) PENALTIES.—

16 “(A) CIVIL PENALTY.—A person operating
17 a vessel in violation of this subsection is liable
18 to the United States Government for a civil
19 penalty of \$1,000 for each passenger trans-
20 ported in violation of this subsection.

21 “(B) FORFEITURE.—A vessel operated in
22 knowing violation of this subsection, and its
23 equipment, are liable to seizure by and forfeit-
24 ure to the United States Government.

25 “(c) DEFINITIONS.—For purposes of this section—

1 “(1) the term ‘covered voyage’ means transpor-
2 tation of a passenger from a place in any State or
3 possession of the United States and returning to
4 that place, if during that transportation no pas-
5 senger departs from the vessel in a foreign country;
6 and

7 “(2) the term ‘passenger’ does not include a
8 travel agent on a voyage if—

9 “(A) the purpose of the voyage is to pro-
10 mote future trips on the vessel;

11 “(B) money is not paid to the vessel owner
12 or charterer for the voyage; and

13 “(C) the voyage goes beyond the territorial
14 sea of the United States.”.

15 (b) EXCEPTION.—

16 (1) IN GENERAL.—Notwithstanding the amend-
17 ments made by subsection (a), an ineligible vessel
18 may engage in transport of passengers in coastwise
19 trade (as those terms are defined in those amend-
20 ments) on a trade route, if—

21 (A) the vessel engaged, in the period begin-
22 ning January 1, 1990, and ending March 9,
23 1993, in transport of passengers in coastwise
24 trade on that trade route; and

1 (B) within one year after the date of the
2 enactment of this Act, the owner files with the
3 Secretary of Transportation an affidavit certify-
4 ing compliance with subparagraph (A) and list-
5 ing each trade route on which the vessel en-
6 gaged in transport of passengers in coastwise
7 trade in the period described in subparagraph
8 (A).

9 (2) SCHEDULED EXPIRATION OF EXCEPTION.—
10 Paragraph (1) does not apply to an ineligible vessel
11 after the later of—

12 (A) January 1, 2000,

13 (B) the date that is 15 years after the date
14 of completion of construction of the vessel, or

15 (C) the date that is 15 years after the date
16 of completion of any major conversion of the
17 vessel that is begun before the date of the en-
18 actment of this Act.

19 (3) EXPIRATION OF EXCEPTION FOR FAILURE
20 TO RECREW.—Paragraph (1) does not apply to an
21 ineligible vessel after the date that is 5 years after
22 the date of the enactment of this Act, unless—

23 (A) each individual employed on the vessel
24 after the one-year period beginning on the date
25 of the enactment of this Act is either a citizen

1 of the United States or an alien lawfully admit-
2 ted to the United States for permanent resi-
3 dence; and

4 (B) not more than 25 percent of the total
5 number of individuals employed on the vessel
6 after the one-year period beginning on the date
7 of the enactment of this Act are aliens lawfully
8 admitted to the United States for permanent
9 residence.

10 (4) TERMINATION OF EXCEPTION UPON ENTRY
11 OF REPLACEMENT.—Paragraph (1) does not apply
12 to an ineligible vessel with respect to a trade route
13 after the date of the entry into service on that trade
14 route of an eligible vessel, if—

15 (A) the eligible vessel has a passenger car-
16 rying capacity that is equal to at least 75 per-
17 cent of the passenger carrying capacity of the
18 ineligible vessel, as determined by the Secretary
19 of the Department in which the Coast Guard is
20 operating;

21 (B) the person that is the owner or
22 charterer of the eligible vessel submits to the
23 Secretary of Transportation, by not later than
24 270 days before the date of that entry into
25 service—

1 (i) a notice of the intent of the person
2 to enter into that service; and

3 (ii) such evidence as the Secretary
4 may require that the person is offering and
5 advertising that service;

6 (C) any individual employed on the ineli-
7 gible vessel after the one-year period beginning
8 on the date of the enactment of this Act—

9 (i) is not a citizen of the United
10 States; and

11 (ii) is not an alien lawfully admitted
12 to the United States for permanent resi-
13 dence; and

14 (D) more than 25 percent of the total
15 number of individuals employed on the ineligible
16 vessel after the one-year period beginning on
17 the date of the enactment of this Act are aliens
18 lawfully admitted to the United States for per-
19 manent residence.

20 (5) TERMINATION OF EXCEPTION UPON SALE
21 OF VESSEL.—Paragraph (1) does not apply to an in-
22 eligible vessel after any date on which the vessel is
23 sold after the date of the enactment of this Act.

24 (6) DEFINITIONS.—In this subsection—

1 (A) the term “eligible vessel” means a ves-
2 sel that is eligible under chapter 121 of title 46,
3 United States Code, for a certificate of docu-
4 mentation authorizing the vessel to engage in
5 coastwise trade;

6 (B) the term “ineligible vessel” means a
7 vessel that is not eligible under chapter 121 of
8 title 46, United States Code, for a certificate of
9 documentation authorizing the vessel to engage
10 in coastwise trade; and

11 (C) the term “major conversion” has the
12 meaning that term has under section 2101 of
13 title 46, United States Code.

14 **SEC. 1103. DOCUMENTATION OF VESSELS.**

15 (a) Notwithstanding section 27 of the Merchant Ma-
16 rine Act, 1920 (46 App. U.S.C. 883), the Act of June
17 19, 1886 (46 App. U.S.C. 289), and sections 12106 and
18 12107 of title 46, United States Code, the Secretary of
19 Transportation may issue certificates of documentation
20 with appropriate endorsement for employment in the
21 coastwise trade for the vessel M/V Helton Voyager (Span-
22 ish registration lista 2A-Folio-592) if—

23 (1) the person documenting the vessel entered
24 a contract before May 21, 1992, to purchase the ves-
25 sel;

1 (2) the vessel undergoes a major conversion (as
2 defined in section 2101 of title 46, United States
3 Code) in a United States shipyard under a contract
4 signed before January 1, 1994;

5 (3) the cost of the major conversion is more
6 than the value of the vessel before the major conver-
7 sion; and

8 (4) the major conversion is completed and the
9 vessel is documented under chapter 121 of title 46,
10 United States Code, with a coastwise endorsement
11 before January 1, 1995.

12 (b)(1) The vessel Star of Texas (Lloyds register num-
13 ber L5103936) may engage in coastwise trade out of the
14 Port of Galveston during the 5-year period beginning on
15 the date of the enactment of this Act, if during the period
16 beginning 30 days after that date of enactment and ending
17 5 years after that date of enactment—

18 (A) at least 60 employees engaged on the vessel
19 are United States citizens;

20 (B) of the employees engaged on the vessel who
21 are United States citizens, at least 60 are proficient
22 in lifeboat training, firefighting, and vessel evacu-
23 ation under standards certified by the United States
24 Coast Guard;

1 (C) all repairs and alterations to the vessel are
2 done in United States shipyards;

3 (D) the vessel is a United States documented
4 vessel before the end of that period; and

5 (E) all other employees are instructed in basic
6 safety techniques.

7 (2) Notwithstanding section 27 of the Merchant Ma-
8 rine Act, 1920 (46 App. U.S.C. 883) and section 12106
9 of title 46, United States Code, and subject to paragraph
10 (1), the Secretary of Transportation may issue a certifi-
11 cate of documentation with appropriate endorsement for
12 employment in the coastwise trade in the period described
13 in paragraph (1) for a vessel described in that paragraph.

Passed the House of Representatives September 22,
1994.

Attest:

Clerk.

103^D CONGRESS
2^D SESSION

H. R. 4422

AN ACT

To authorize appropriations for fiscal year 1995 for
the Coast Guard, and for other purposes.