

103^D CONGRESS
2^D SESSION

H. R. 4852

IN THE SENATE OF THE UNITED STATES

OCTOBER 7 (legislative day, SEPTEMBER 12), 1994

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To provide congressional approval of a governing international fishery agreement, to authorize appropriations for the Coast Guard for fiscal year 1995, 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 “Oceans Act of 1994”.

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1 **TITLE I—HIGH SEAS FISHERIES**

2 **LICENSING**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “High Seas Fisheries
5 Licensing Act of 1994”.

6 **SEC. 102. PURPOSE.**

7 It is the purpose of this Act—

8 (1) to implement the Agreement to Promote
9 Compliance with International Conservation and

1 Management Measures by Fishing Vessels on the
2 High Seas, adopted by the Conference of the Food
3 and Agriculture Organization of the United Nations
4 on November 24, 1993; and

5 (2) to establish a system of licensing, reporting,
6 and regulation for vessels of the United States fish-
7 ing on the high seas.

8 **SEC. 103. DEFINITIONS.**

9 As used in this Act—

10 (1) The term “Agreement” means the Agree-
11 ment to Promote Compliance with International
12 Conservation and Management Measures by Fishing
13 Vessels on the High Seas, adopted by the Con-
14 ference of the Food and Agriculture Organization of
15 the United Nations on November 24, 1993.

16 (2) The term “FAO” means the Food and Ag-
17 riculture Organization of the United Nations.

18 (3) The term “high seas” means the waters be-
19 yond the territorial sea or exclusive economic zone
20 (or the equivalent) of any nation, to the extent that
21 such territorial sea or exclusive economic zone (or
22 the equivalent) is recognized by the United States.

23 (4) The term “high seas fishing vessel” means
24 any vessel of the United States used or intended for
25 use—

1 (A) on the high seas;

2 (B) for the purpose of the commercial ex-
3 ploitation of living marine resources; and

4 (C) as a harvesting vessel, as a mother
5 ship, or as any other support vessel directly en-
6 gaged in a fishing operation.

7 (5) The term “international conservation and
8 management measures” means measures to conserve
9 or manage one or more species of living marine re-
10 sources that are adopted and applied in accordance
11 with the relevant rules of international law, as re-
12 flected in the 1982 United Nations Convention on
13 the Law of the Sea, and that are recognized by the
14 United States. Such measures may be adopted by
15 global, regional, or sub-regional fisheries organiza-
16 tions, subject to the rights and obligations of their
17 members, or by treaties or other international agree-
18 ments.

19 (6) The term “length” means—

20 (A) for any high seas fishing vessel built
21 after July 18, 1982, 96 percent of the total
22 length on a waterline at 85 percent of the least
23 molded depth measured from the top of the
24 keel, or the length from the foreside of the stem
25 to the axis of the rudder stock on that water-

1 line, if that is greater. In ships designed with
2 a rake of keel the waterline on which this
3 length is measured shall be parallel to the de-
4 signed waterline; and

5 (B) for any high seas fishing vessel built
6 before July 18, 1982, registered length as en-
7 tered on the vessel's documentation.

8 (7) The term "person" means any individual
9 (whether or not a citizen of or national of the Unit-
10 ed States), any corporation, partnership, association,
11 or other entity (whether or not organized or existing
12 under the laws of any State), and any Federal,
13 State, local, or foreign government or any entity of
14 any such government.

15 (8) The term "Secretary" means the Secretary
16 of Commerce.

17 (9) The term "vessel of the United States"
18 means—

19 (A) a vessel documented under chapter
20 121 of title 46, United States Code, or num-
21 bered in accordance with chapter 123 of title
22 46, United States Code;

23 (B) a vessel owned in whole or part by—

1 (i) the United States or a territory,
2 commonwealth, or possession of the United
3 States;

4 (ii) a State or political subdivision
5 thereof;

6 (iii) a citizen or national of the United
7 States; or

8 (iv) a corporation created under the
9 laws of the United States or any State, the
10 District of Columbia, or any territory,
11 commonwealth, or possession of the United
12 States; unless the vessel has been granted
13 the nationality of a foreign nation in ac-
14 cordance with article 92 of the 1982 Unit-
15 ed Nations Convention on the Law of the
16 Sea and a claim of nationality or registry
17 for the vessel is made by the master or in-
18 dividual in charge at the time of the en-
19 forcement action by an officer or employee
20 of the United States authorized to enforce
21 applicable provisions of the United States
22 law; and

23 (C) a vessel that was once documented
24 under the laws of the United States and, in vio-
25 lation of the laws of the United States, was ei-

1 ther sold to a person not a citizen of the United
2 States or placed under foreign registry or a for-
3 eign flag, whether or not the vessel has been
4 granted the nationality of a foreign nation.

5 (10) The terms “vessel subject to the jurisdic-
6 tion of the United States” and “vessel without na-
7 tionality” have the same meaning as in section
8 1903(c) of title 46 United States Code Appendix.

9 **SEC. 104. LICENSING.**

10 (a) IN GENERAL.—No high seas fishing vessel shall
11 engage in harvesting operations on the high seas unless
12 the vessel has on board a valid license issued under this
13 section.

14 (b) ELIGIBILITY.—

15 (1) Any vessel of the United States is eligible
16 to receive a license under this section, unless the
17 vessel was previously authorized to be used for fish-
18 ing on the high seas by a foreign nation, and

19 (A) the foreign nation suspended such au-
20 thorization because the vessel undermined the
21 effectiveness of international conservation and
22 management measures, and the suspension has
23 not expired; or

24 (B) the foreign nation, within the last
25 three years preceding application for a license

1 under this section, withdrew such authorization
2 because the vessel undermined the effectiveness
3 of international conservation and management
4 measures.

5 (2) The restriction in paragraph (1) does not
6 apply if ownership of the vessel has changed since
7 the vessel undermined the effectiveness of inter-
8 national conservation and management measures,
9 and the new owner has provided sufficient evidence
10 to the Secretary demonstrating that the previous
11 owner or operator has no further legal, beneficial or
12 financial interest in, or control of, the vessel.

13 (3) The restriction in paragraph (1) does not
14 apply if the Secretary makes a determination that
15 issuing a license would not subvert the purposes of
16 the Agreement.

17 (4) The Secretary may not issue a license to a
18 vessel unless the Secretary is satisfied that the Unit-
19 ed States will be able to exercise effectively its re-
20 sponsibilities under the Agreement with respect to
21 that vessel.

22 (c) APPLICATION.—

23 (1) The owner or operator of a high seas fish-
24 ing vessel may apply for a license under this section

1 by completing an application form prescribed by the
2 Secretary.

3 (2) The application form shall contain—

4 (A) the vessel's name, previous names (if
5 known), official numbers, and port of record;

6 (B) the vessel's previous flags (if any);

7 (C) the vessel's International Radio Call
8 Sign (if any);

9 (D) the names and addresses of the ves-
10 sel's owners and operators;

11 (E) where and when the vessel was built;

12 (F) the type of vessel;

13 (G) the vessel's length; and

14 (H) any other information the Secretary
15 requires.

16 (d) CONDITIONS.—The Secretary shall establish such
17 conditions and restrictions on each license issued under
18 this section as are necessary and appropriate to carry out
19 the obligations of the United States under the Agreement,
20 including but not limited to the following:

21 (1) The vessel shall be marked in accordance
22 with the FAO Standard Specifications for the Mark-
23 ing and Identification of Fishing Vessels, or with
24 regulations issued under section 305 of the Magnu-

1 son Fishery Conservation and Management Act (16
2 U.S.C. 1855); and

3 (2) The license holder shall report such infor-
4 mation as the Secretary by regulation requires, in-
5 cluding area of fishing operations and catch statis-
6 tics. The Secretary shall promulgate regulations con-
7 cerning conditions under which information submit-
8 ted under this paragraph may be released.

9 (e) FEES.—

10 (1) The Secretary may by regulation establish
11 the level of fees to be charged for licenses issued
12 under this section. The amount of any fee charged
13 for a license issued under this section may not ex-
14 ceed the administrative costs incurred in issuing
15 such licenses. The licensing fee shall be in addition
16 to any fee required under any regional licensing re-
17 gime applicable to high seas fishing vessels.

18 (2) The fees authorized by paragraph (1) shall
19 be collected and credited to the Operations, Re-
20 search and Facilities account of the National Oce-
21 anic and Atmospheric Administration. Fees collected
22 under this subsection shall be available for the nec-
23 essary expenses of the National Oceanic and Atmos-
24 pheric Administration in implementing this Act, and
25 shall remain available until expended.

1 (f) DURATION.—A license issued under this section
2 is valid for the period specified in regulations issued under
3 section 105(d). A license issued under this section is void
4 in the event the vessel is no longer eligible for U.S. docu-
5 mentation, such documentation is revoked or denied, or
6 the vessel is deleted from such documentation.

7 **SEC. 105. RESPONSIBILITIES OF THE SECRETARY.**

8 (a) RECORD.—The Secretary shall maintain an auto-
9 mated file or record of high seas fishing vessels issued li-
10 censes under section 104, including all information sub-
11 mitted under section 104(c)(2).

12 (b) INFORMATION TO FAO.—The Secretary, in co-
13 operation with the Secretary of State and the Secretary
14 of the department in which the Coast Guard is operating,
15 shall—

16 (1) make available to FAO information con-
17 tained in the record maintained under subsection

18 (a);

19 (2) promptly notify FAO of changes in such in-
20 formation;

21 (3) promptly notify FAO of additions to or de-
22 letions from the record, and the reason for any dele-
23 tion;

24 (4) convey to FAO information relating to any
25 license granted under section 104(b)(3), including

1 the vessel's identity, owner or operator, and factors
2 relevant to the Secretary's determination to issue
3 the license;

4 (5) report promptly to FAO all relevant infor-
5 mation regarding any activities of high seas fishing
6 vessels that undermine the effectiveness of inter-
7 national conservation and management measures, in-
8 cluding the identity of the vessels and any sanctions
9 imposed; and

10 (6) provide the FAO a summary of evidence re-
11 garding any activities of foreign vessels that under-
12 mine the effectiveness of international conservation
13 and management measures.

14 (c) INFORMATION TO FLAG NATIONS.—If the Sec-
15 retary, in cooperation with the Secretary of State and the
16 Secretary of the department in which the Coast Guard is
17 operating, has reasonable grounds to believe that a foreign
18 vessel has engaged in activities undermining the effective-
19 ness of international conservation and management meas-
20 ures, the Secretary shall—

21 (1) provide to the flag nation information, in-
22 cluding appropriate evidentiary material, relating to
23 those activities; and

24 (2) when such foreign vessel is voluntarily in a
25 United States port, promptly notify the flag nation

1 and, if requested by the flag nation, make arrange-
2 ments to undertake such lawful investigatory meas-
3 ures as may be considered necessary to establish
4 whether the vessel has been used contrary to the
5 provisions of the Agreement.

6 (d) REGULATIONS.—The Secretary, after consulta-
7 tion with the Secretary of State and the Secretary of the
8 department in which the Coast Guard is operating, may
9 promulgate such regulations, in accordance with section
10 553 of title 5, United States Code, as may be necessary
11 to carry out the purposes of the Agreement and this title.
12 The Secretary shall coordinate such regulations with any
13 other entities regulating high seas fishing vessels, in order
14 to minimize duplication of license application and report-
15 ing requirements. To the extent practicable, such regula-
16 tions shall also be consistent with regulations implement-
17 ing fishery management plans under the Magnuson Fish-
18 ery Conservation and Management Act (16 U.S.C. 1801
19 et seq.).

20 (e) NOTICE OF INTERNATIONAL CONSERVATION AND
21 MANAGEMENT MEASURES.—The Secretary, in consulta-
22 tion with the Secretary of State, shall publish in the Fed-
23 eral Register, from time to time, a notice listing inter-
24 national conservation and management measures recog-
25 nized by the United States.

1 **SEC. 106. UNLAWFUL ACTIVITIES.**

2 It is unlawful for any person subject to the jurisdic-
3 tion of the United States—

4 (1) to use a high seas fishing vessel on the high
5 seas in contravention of international conservation
6 and management measures described in section
7 105(e);

8 (2) to use a high seas fishing vessel on the high
9 seas, unless the vessel has on board a valid license
10 issued under section 104;

11 (3) to use a high seas fishing vessel in violation
12 of the conditions or restrictions of a license issued
13 under section 104;

14 (4) to falsify any information required to be re-
15 ported, communicated, or recorded pursuant to this
16 title or any regulation issued under this title, or to
17 fail to submit in a timely fashion any required infor-
18 mation, or to fail to report to the Secretary imme-
19 diately any change in circumstances that has the ef-
20 fect of rendering any such information false, incom-
21 plete, or misleading;

22 (5) to refuse to permit an authorized officer to
23 board a high seas fishing vessel subject to such per-
24 son's control for purposes of conducting any search
25 or inspection in connection with the enforcement of
26 this title or any regulation issued under this title;

1 (6) to forcibly assault, resist, oppose, impede,
2 intimidate, or interfere with an authorized officer in
3 the conduct of any search or inspection described in
4 paragraph (5);

5 (7) to resist a lawful arrest or detention for any
6 act prohibited by this section;

7 (8) to interfere with, delay, or prevent, by any
8 means, the apprehension, arrest, or detection of an-
9 other person, knowing that such person has commit-
10 ted any act prohibited by this section;

11 (9) to ship, transport, offer for sale, sell, pur-
12 chase, import, export, or have custody, control, or
13 possession of, any living marine resource taken or
14 retained in violation of this title or any regulation or
15 license issued under this title; or

16 (10) to violate any provision of this title or any
17 regulation or license issued under this title.

18 **SEC. 107. ENFORCEMENT PROVISIONS.**

19 (a) DUTIES OF SECRETARIES.—This title shall be en-
20 forced by the Secretary of Commerce and the Secretary
21 of the department in which the Coast Guard is operating.
22 Such Secretaries may by agreement utilize, on a reimburs-
23 able basis or otherwise, the personnel, services, equipment
24 (including aircraft and vessels), and facilities of any other
25 Federal agency, or of any State agency, in the perform-

1 ance of such duties. Such Secretaries shall, and the head
2 of any Federal or State agency that has entered into an
3 agreement with either such Secretary under this section
4 may (if the agreement so provides), authorize officers to
5 enforce the provisions of this title or any regulation or li-
6 cense issued under this title.

7 (b) DISTRICT COURT JURISDICTION.—The district
8 courts of the United States shall have exclusive jurisdic-
9 tion over any case or controversy arising under the provi-
10 sions of this title. In the case of Guam, and any Common-
11 wealth, territory, or possession of the United States in the
12 Pacific Ocean, the appropriate court is the United States
13 District Court for the District of Guam, except that in
14 the case of American Samoa, the appropriate court is the
15 United States District Court for the District of Hawaii.

16 (c) POWERS OF ENFORCEMENT OFFICERS.—

17 (1) Any officer who is authorized under sub-
18 section (a) to enforce the provisions of this title
19 may—

20 (A) with or without a warrant or other
21 process—

22 (i) arrest any person, if the officer has
23 reasonable cause to believe that such per-
24 son has committed an act prohibited by

1 paragraph (6), (7), (8), or (9) of section
2 106;

3 (ii) board, and search or inspect, any
4 high seas fishing vessel;

5 (iii) seize any high seas fishing vessel
6 (together with its fishing gear, furniture,
7 appurtenances, stores, and cargo) used or
8 employed in, or with respect to which it
9 reasonably appears that such vessel was
10 used or employed in, the violation of any
11 provision of this title or any regulation or
12 license issued under this title;

13 (iv) seize any living marine resource
14 (wherever found) taken or retained, in any
15 manner, in connection with or as a result
16 of the commission of any act prohibited by
17 section 106;

18 (v) seize any other evidence related to
19 any violation of any provision of this title
20 or any regulation or license issued under
21 this title;

22 (B) execute any warrant or other process
23 issued by any court of competent jurisdiction;
24 and

25 (C) exercise any other lawful authority.

1 (2) Subject to the direction of the Secretary, a
2 person charged with law enforcement responsibilities
3 by the Secretary who is performing a duty related
4 to enforcement of a law regarding fisheries or other
5 marine resources may make an arrest without a war-
6 rant for an offense against the United States com-
7 mitted in his presence, or for a felony cognizable
8 under the laws of the United States, if he has rea-
9 sonable grounds to believe that the person to be ar-
10 rested has committed or is committing a felony.

11 (d) ISSUANCE OF CITATIONS.—If any authorized offi-
12 cer finds that a high seas fishing vessel is operating or
13 has been operated in violation of any provision of this title,
14 such officer may issue a citation to the owner or operator
15 of such vessel in lieu of proceeding under subsection (c).
16 If a permit has been issued pursuant to this title for such
17 vessel, such officer shall note the issuance of any citation
18 under this subsection, including the date thereof and the
19 reason therefor, on the permit. The Secretary shall main-
20 tain a record of all citations issued pursuant to this sub-
21 section.

22 **SEC. 108. CIVIL PENALTIES AND LICENSE SANCTIONS.**

23 (a) CIVIL PENALTIES.—

24 (1) Any person who is found by the Secretary,
25 after notice and opportunity for a hearing in accord-

1 ance with section 554 of title 5, United States Code,
2 to have committed an act prohibited by section 106
3 shall be liable to the United States for a civil pen-
4 alty. The amount of the civil penalty shall not exceed
5 \$100,000 for each violation. Each day of a continu-
6 ing violation shall constitute a separate offense. The
7 amount of such civil penalty shall be assessed by the
8 Secretary by written notice. In determining the
9 amount of such penalty, the Secretary shall take
10 into account the nature, circumstances, extent, and
11 gravity of the prohibited acts committed and, with
12 respect to the violation, the degree of culpability,
13 any history of prior offenses, and such other matters
14 as justice may require.

15 (2) The Secretary may compromise, modify, or
16 remit, with or without conditions, any civil penalty
17 that is subject to imposition or that has been im-
18 posed under this section.

19 (b) LICENSE SANCTIONS.—

20 (1) In any case in which—

21 (A) a vessel of the United States has been
22 used in the commission of an act prohibited
23 under section 106;

24 (B) the owner or operator of a vessel or
25 any other person who has been issued or has

1 applied for a license under section 104 has
2 acted in violation of section 106; or

3 (C) any amount in settlement of a civil for-
4 feiture imposed on a high seas fishing vessel or
5 other property, or any civil penalty or criminal
6 fine imposed on a high seas fishing vessel or on
7 an owner or operator of such a vessel or on any
8 other person who has been issued or has ap-
9 plied for a license under any fishery resource
10 statute enforced by the Secretary, has not been
11 paid and is overdue, the Secretary may—

12 (i) revoke any license issued to or ap-
13 plied for by such vessel or person under
14 this title, with or without prejudice to the
15 issuance of subsequent licenses;

16 (ii) suspend such license for a period
17 of time considered by the Secretary to be
18 appropriate;

19 (iii) deny such license; or

20 (iv) impose additional conditions and
21 restrictions on such license.

22 (2) In imposing a sanction under this sub-
23 section, the Secretary shall take into account—

1 (A) the nature, circumstances, extent, and
2 gravity of the prohibited acts for which the
3 sanction is imposed; and

4 (B) with respect to the violator, the degree
5 of culpability, any history of prior offenses, and
6 such other matters as justice may require.

7 (3) Transfer of ownership of a high seas fishing
8 vessel, by sale or otherwise, shall not extinguish any
9 license sanction that is in effect or is pending at the
10 time of transfer of ownership. Before executing the
11 transfer of ownership of a vessel, by sale or other-
12 wise, the owner shall disclose in writing to the pro-
13 spective transferee the existence of any license sanc-
14 tion that will be in effect or pending with respect to
15 the vessel at the time of the transfer. The Secretary
16 may waive or compromise a sanction in the case of
17 a transfer pursuant to court order.

18 (4) In the case of any license that is suspended
19 under this subsection for nonpayment of a civil pen-
20 alty or criminal fine, the Secretary shall reinstate
21 the license upon payment of the penalty or fine and
22 interest thereon at the prevailing rate.

23 (5) No sanctions shall be imposed under this
24 subsection unless there has been prior opportunity
25 for a hearing on the facts underlying the violation

1 for which the sanction is imposed, either in conjunc-
2 tion with a civil penalty proceeding under this sec-
3 tion or otherwise.

4 (c) HEARING.—For the purposes of conducting any
5 hearing under this section, the Secretary may issue sub-
6 poenas for the attendance and testimony of witnesses and
7 the production of relevant papers, books, and documents,
8 and may administer oaths. Witnesses summoned shall be
9 paid the same fees and mileage that are paid to witnesses
10 in the courts of the United States. In case of contempt
11 or refusal to obey a subpoena served upon any person pur-
12 suant to this subsection, the district court of the United
13 States for any district in which such person is found, re-
14 sides, or transacts business, upon application by the Unit-
15 ed States and after notice to such person, shall have juris-
16 diction to issue an order requiring such person to appear
17 and give testimony before the Secretary or to appear and
18 produce documents before the Secretary, or both, and any
19 failure to obey such order of the court may be punished
20 by such court as a contempt thereof.

21 (d) JUDICIAL REVIEW.—Any person against whom a
22 civil penalty is assessed under subsection (a) or against
23 whose vessel a license sanction is imposed under sub-
24 section (b) (other than a license suspension for
25 nonpayment of penalty or fine) may obtain review thereof

1 in the United States district court for the appropriate dis-
2 trict by filing a complaint against the Secretary in such
3 court within 30 days from the date of such penalty or
4 sanction. The Secretary shall promptly file in such court
5 a certified copy of the record upon which such penalty or
6 sanction was imposed, as provided in section 2112 of title
7 28, United States Code. The findings and order of the
8 Secretary shall be set aside by such court if they are not
9 found to be supported by substantial evidence, as provided
10 in section 706(2) of title 5, United States Code.

11 (e) COLLECTION.—

12 (1) If any person fails to pay an assessment of
13 a civil penalty after it has become a final and
14 unappealable order, or after the appropriate court
15 has entered final judgment in favor of the Secretary,
16 the matter shall be referred to the Attorney General,
17 who shall recover the amount assessed in any appro-
18 priate district court of the United States. In such
19 action the validity and appropriateness of the final
20 order imposing the civil penalty shall not be subject
21 to review.

22 (2) A high seas fishing vessel (including its
23 fishing gear, furniture, appurtenances, stores, and
24 cargo) used in the commission of an act prohibited
25 by section 106 shall be liable in rem for any civil

1 penalty assessed for such violation under subsection
2 (a) and may be proceeded against in any district
3 court of the United States having jurisdiction there-
4 of. Such penalty shall constitute a maritime lien on
5 such vessel that may be recovered in an action in
6 rem in the district court of the United States having
7 jurisdiction over the vessel.

8 **SEC. 109. CRIMINAL OFFENSES.**

9 (a) OFFENSES.—A person is guilty of an offense if
10 the person commits any act prohibited by paragraph (6),
11 (7), (8), or (9) of section 106.

12 (b) PUNISHMENT.—Any offense described in sub-
13 section (a) is a class A misdemeanor punishable by a fine
14 under title 18, United States Code, or imprisonment for
15 not more than one year, or both; except that if in the com-
16 mission of any offense the person uses a dangerous weap-
17 on, engages in conduct that causes bodily injury to any
18 authorized officer, or places any such officer in fear of
19 imminent bodily injury, the offense is a felony punishable
20 by a fine under title 18, United States Code, or imprison-
21 ment for not more than 10 years, or both.

22 **SEC. 110. FORFEITURES.**

23 (a) IN GENERAL.—Any high seas fishing vessel (in-
24 cluding its fishing gear, furniture, appurtenances, stores,
25 and cargo) used, and any living marine resources (or the

1 fair market value thereof) taken or retained, in any man-
2 ner, in connection with or as a result of the commission
3 of any act prohibited by section 106 (other than an act
4 for which the issuance of a citation under section 107 is
5 a sufficient sanction) shall be subject to forfeiture to the
6 United States. All or part of such vessel may, and all such
7 living marine resources (or the fair market value thereof)
8 shall, be forfeited to the United States pursuant to a civil
9 proceeding under this section.

10 (b) JURISDICTION OF DISTRICT COURTS.—Any dis-
11 trict court of the United States shall have jurisdiction,
12 upon application of the Attorney General on behalf of the
13 United States, to order any forfeiture authorized under
14 subsection (a) and any action provided for under sub-
15 section (d).

16 (c) JUDGMENT.—If a judgment is entered for the
17 United States in a civil forfeiture proceeding under this
18 section, the Attorney General may seize any property or
19 other interest declared forfeited to the United States,
20 which has not previously been seized pursuant to this title
21 or for which security has not previously been obtained.
22 The provisions of the customs laws relating to —

23 (1) the seizure, forfeiture, and condemnation of
24 property for violation of the customs law;

1 (2) the disposition of such property or the pro-
2 ceeds from the sale thereof; and

3 (3) the remission or mitigation of any such for-
4 feiture;

5 shall apply to seizures and forfeitures incurred, or alleged
6 to have been incurred, under the provisions of this title,
7 unless such provisions are inconsistent with the purposes,
8 policy, and provisions of this title.

9 (d) PROCEDURE.—

10 (1) Any officer authorized to serve any process
11 in rem that is issued by a court under section
12 107(b) shall—

13 (A) stay the execution of such process; or

14 (B) discharge any living marine resources
15 seized pursuant to such process;

16 upon receipt of a satisfactory bond or other security
17 from any person claiming such property. Such bond
18 or other security shall be conditioned upon such per-
19 son delivering such property to the appropriate court
20 upon order thereof, without any impairment of its
21 value, or paying the monetary value of such property
22 pursuant to an order of such court. Judgment shall
23 be recoverable on such bond or other security
24 against both the principal and any sureties in the

1 event that any condition thereof is breached, as de-
2 termined by such court.

3 (2) Any living marine resources seized pursuant
4 to this title may be sold, subject to the approval of
5 the appropriate court, for not less than the fair mar-
6 ket value thereof. The proceeds of any such sale
7 shall be deposited with such court pending the dis-
8 position of the matter involved.

9 (e) REBUTTABLE PRESUMPTION.—For purposes of
10 this section, all living marine resources found on board
11 a high seas fishing vessel and which are seized in connec-
12 tion with an act prohibited by section 106 are presumed
13 to have been taken or retained in violation of this title,
14 but the presumption can be rebutted by an appropriate
15 showing of evidence to the contrary.

16 **SEC. 111. EFFECTIVE DATE.**

17 This title shall take effect 120 days after the date
18 of enactment of this Act.

1 **TITLE II—IMPLEMENTATION OF**
2 **CONVENTION ON FUTURE**
3 **MULTILATERAL COOPERA-**
4 **TION IN THE NORTHWEST AT-**
5 **LANTIC FISHERIES**

6 **SEC. 201. SHORT TITLE.**

7 This title may be cited as the “Northwest Atlantic
8 Fisheries Convention Act of 1994”.

9 **SEC. 202. REPRESENTATION OF UNITED STATES UNDER**
10 **CONVENTION.**

11 (a) COMMISSIONERS.—

12 (1) APPOINTMENTS, GENERALLY.—The Sec-
13 retary shall appoint not more than 3 individuals to
14 serve as the representatives of the United States on
15 the General Council and the Fisheries Commission,
16 who shall each—

17 (A) be known as a “United States Com-
18 missioner to the Northwest Atlantic Fisheries
19 Organization”; and

20 (B) serve at the pleasure of the Secretary.

21 (2) REQUIREMENTS FOR APPOINTMENTS.—

22 (A) The Secretary shall ensure that of the
23 individuals serving as Commissioners—

1 (i) at least 1 is appointed from among
2 representatives of the commercial fishing
3 industry;

4 (ii) 1 (but no more than 1) is an offi-
5 cial of the Government; and

6 (iii) 1, other than the individual ap-
7 pointed under clause (ii), is a voting mem-
8 ber of the New England Fishery Manage-
9 ment Council.

10 (B) The Secretary may not appoint as a
11 Commissioner an individual unless the individ-
12 ual is knowledgeable and experienced concern-
13 ing the fishery resources to which the Conven-
14 tion applies.

15 (3) TERMS.—

16 (A) The term of an individual appointed as
17 a Commissioner—

18 (i) shall be specified by the Secretary
19 at the time of appointment; and

20 (ii) may not exceed 4 years.

21 (B) An individual who is not a Government
22 official may not serve more than 2 consecutive
23 terms as a Commissioner.

24 (b) ALTERNATE COMMISSIONERS.—

1 (1) APPOINTMENT.—The Secretary may, for
2 any anticipated absence of a duly appointed Com-
3 missioner at a meeting of the General Council or the
4 Fisheries Commission, designate an individual to
5 serve as an Alternate Commissioner.

6 (2) FUNCTIONS.—An Alternate Commissioner
7 may exercise all powers and perform all duties of the
8 Commissioner for whom the Alternate Commissioner
9 is designated, at any meeting of the General Council
10 or the Fisheries Commission for which the Alternate
11 Commissioner is designated.

12 (c) REPRESENTATIVES.—

13 (1) APPOINTMENT.—The Secretary shall ap-
14 point not more than 3 individuals to serve as the
15 representatives of the United States on the Scientific
16 Council, who shall each be known as a “United
17 States Representative to the Northwest Atlantic
18 Fisheries Organization Scientific Council”.

19 (2) ELIGIBILITY FOR APPOINTMENT.—

20 (A) The Secretary may not appoint an in-
21 dividual as a Representative unless the individ-
22 ual is knowledgeable and experienced concern-
23 ing the scientific issues dealt with by the Sci-
24 entific Council.

1 (B) The Secretary shall appoint as a Rep-
2 resentative at least 1 individual who is an offi-
3 cial of the Government.

4 (3) TERM.—An individual appointed as a Rep-
5 resentative—

6 (A) shall serve for a term of not to exceed
7 4 years, as specified by the Secretary at the
8 time of appointment;

9 (B) may be reappointed; and

10 (C) shall serve at the pleasure of the Sec-
11 retary.

12 (d) ALTERNATE REPRESENTATIVES.—

13 (1) APPOINTMENT.—The Secretary may, for
14 any anticipated absence of a duly appointed Rep-
15 resentative at a meeting of the Scientific Council,
16 designate an individual to serve as an Alternate Rep-
17 resentative.

18 (2) FUNCTIONS.—An Alternate Representative
19 may exercise all powers and perform all duties of the
20 Representative for whom the Alternate Representa-
21 tive is designated, at any meeting of the Scientific
22 Council for which the Alternate Representative is
23 designated.

24 (e) EXPERTS AND ADVISERS.—The Commissioners,
25 Alternate Commissioners, Representatives, and Alternate

1 Representatives may be accompanied at meetings of the
2 Organization by experts and advisers.

3 (f) COORDINATION AND CONSULTATION.—

4 (1) IN GENERAL.—In carrying out their func-
5 tions under the Convention, Commissioners, Alter-
6 nate Commissioners, Representatives, and Alternate
7 Representatives shall—

8 (A) coordinate with the appropriate Re-
9 gional Fishery Management Councils estab-
10 lished by section 302 of the Magnuson Act (16
11 U.S.C. 1852); and

12 (B) consult with the committee established
13 under section 208.

14 (2) RELATIONSHIP TO OTHER LAW.—The Fed-
15 eral Advisory Committee Act (5 U.S.C. App.) shall
16 not apply to coordination and consultations under
17 this subsection.

18 **SEC. 203. REQUESTS FOR SCIENTIFIC ADVICE.**

19 (a) RESTRICTION.—The Representatives may not
20 make a request or specification described in subsection
21 (b)(1) or (2), respectively, unless the Representatives have
22 first—

23 (1) consulted with the appropriate Regional
24 Fishery Management Councils; and

1 (2) received the consent of the Commissioners
2 for that action.

3 (b) **REQUESTS AND TERMS OF REFERENCE DE-**
4 **SCRIBED.**—The requests and specifications referred to in
5 subsection (a) are, respectively—

6 (1) any request, under Article VII(1) of the
7 Convention, that the Scientific Council consider and
8 report on a question pertaining to the scientific basis
9 for the management and conservation of fishery re-
10 sources in waters under the jurisdiction of the Unit-
11 ed States within the Convention Area; and

12 (2) any specification, under Article VIII(2) of
13 the Convention, of the terms of reference for the
14 consideration of a question referred to the Scientific
15 Council pursuant to Article VII(1) of the Conven-
16 tion.

17 **SEC. 204. AUTHORITIES OF SECRETARY OF STATE WITH RE-**
18 **SPECT TO CONVENTION.**

19 The Secretary of State may, on behalf of the Govern-
20 ment of the United States—

21 (1) receive and transmit reports, requests, rec-
22 ommendations, proposals, and other communications
23 of and to the Organization and its subsidiary or-
24 gans;

1 (2) object, or withdraw an objection, to the pro-
2 posal of the Fisheries Commission;

3 (3) give or withdraw notice of intent not to be
4 bound by a measure of the Fisheries Commission;

5 (4) object or withdraw an objection to an
6 amendment to the Convention; and

7 (5) act upon, or refer to any other appropriate
8 authority, any other communication referred to in
9 paragraph (1).

10 **SEC. 205. INTERAGENCY COOPERATION.**

11 (a) **AUTHORITIES OF SECRETARY.**—In carrying out
12 the provisions of the Convention and this title, the Sec-
13 retary may arrange for cooperation with other agencies of
14 the United States, the States, the New England and the
15 Mid-Atlantic Fishery Management Councils, and private
16 institutions and organizations.

17 (b) **OTHER AGENCIES.**—The head of any Federal
18 agency may—

19 (1) cooperate in the conduct of scientific and
20 other programs, and furnish facilities and personnel,
21 for the purposes of assisting the Organization in
22 carrying out its duties under the Convention; and

23 (2) accept reimbursement from the Organiza-
24 tion for providing such services, facilities, and per-
25 sonnel.

1 **SEC. 206. RULEMAKING.**

2 The Secretary shall promulgate regulations as may
3 be necessary to carry out the purposes and objectives of
4 the Convention and this title. Any such regulation may
5 be made applicable, as necessary, to all persons and all
6 vessels subject to the jurisdiction of the United States,
7 wherever located.

8 **SEC. 207. PROHIBITED ACTS AND PENALTIES.**

9 (a) PROHIBITION.—It is unlawful for any person or
10 vessel that is subject to the jurisdiction of the United
11 States—

12 (1) to violate any regulation issued under this
13 title or any measure that is legally binding on the
14 United States under the Convention;

15 (2) to refuse to permit any authorized enforce-
16 ment officer to board a fishing vessel that is subject
17 to the person's control for purposes of conducting
18 any search or inspection in connection with the en-
19 forcement of this title, any regulation issued under
20 this title, or any measure that is legally binding on
21 the United States under the Convention;

22 (3) forcibly to assault, resist, oppose, impede,
23 intimidate, or interfere with any authorized enforce-
24 ment officer in the conduct of any search or inspec-
25 tion described in paragraph (2);

1 (4) to resist a lawful arrest for any act prohib-
2 ited by this section;

3 (5) to ship, transport, offer for sale, sell, pur-
4 chase, import, export, or have custody, control, or
5 possession of, any fish taken or retained in violation
6 of this section; or

7 (6) to interfere with, delay, or prevent, by any
8 means, the apprehension or arrest of another person,
9 knowing that the other person has committed an act
10 prohibited by this section.

11 (b) CIVIL PENALTY.—Any person who commits any
12 act that is unlawful under subsection (a) shall be liable
13 to the United States for a civil penalty, or may be subject
14 to a permit sanction, under section 308 of the Magnuson
15 Act (16 U.S.C. 1858).

16 (c) CRIMINAL PENALTY.—Any person who commits
17 an act that is unlawful under paragraph (2), (3), (4), or
18 (6) of subsection (a) shall be guilty of an offense punish-
19 able under section 309(b) of the Magnuson Act (16 U.S.C.
20 1859(b)).

21 (d) CIVIL FORFEITURE.—

22 (1) IN GENERAL.—Any vessel (including its
23 gear, furniture, appurtenances, stores, and cargo)
24 used in the commission of an act that is unlawful
25 under subsection (a), and any fish (or the fair mar-

1 ket value thereof) taken or retained, in any manner,
2 in connection with or as a result of the commission
3 of any act that is unlawful under subsection (a),
4 shall be subject to seizure and forfeiture as provided
5 in section 310 of the Magnuson Act (16 U.S.C.
6 1860).

7 (2) DISPOSAL OF FISH.—Any fish seized pursu-
8 ant to this title may be disposed of pursuant to the
9 order of a court of competent jurisdiction or, if per-
10 ishable, in a manner prescribed by regulations issued
11 by the Secretary.

12 (e) ENFORCEMENT.—The Secretary and the Sec-
13 retary of the department in which the Coast Guard is op-
14 erating shall enforce the provisions of this title and shall
15 have the authority specified in sections 311(a), (b)(1), and
16 (c) of the Magnuson Act (16 U.S.C. 1861(a), (b)(1), and
17 (c)) for that purpose.

18 (f) JURISDICTION OF COURTS.—The district courts
19 of the United States shall have exclusive jurisdiction over
20 any case or controversy arising under this section and
21 may, at any time—

22 (1) enter restraining orders or prohibitions;

23 (2) issue warrants, process in rem, or other
24 process;

1 (3) prescribe and accept satisfactory bonds or
2 other security; and

3 (4) take such other actions as are in the inter-
4 ests of justice.

5 **SEC. 208. CONSULTATIVE COMMITTEE.**

6 (a) ESTABLISHMENT.—The Secretary of State and
7 the Secretary, shall jointly establish a consultative com-
8 mittee to advise the Secretaries on issues related to the
9 Convention.

10 (b) MEMBERSHIP.—(1) The membership of the Com-
11 mittee shall include representatives from the New England
12 and Mid-Atlantic Fishery Management Councils, the
13 States represented on those Councils, the Atlantic States
14 Marine Fisheries Commission, the fishing industry, the
15 seafood processing industry, and others knowledgeable
16 and experienced in the conservation and management of
17 fisheries in the Northwest Atlantic Ocean.

18 (2) TERMS AND REAPPOINTMENT.—Each mem-
19 ber of the consultative committee shall serve for a
20 term of two years and shall be eligible for reappoint-
21 ment.

22 (c) DUTIES OF THE COMMITTEE.—Members of the
23 consultative committee may attend—

24 (1) all public meetings of the General Council
25 or the Fisheries Commission;

1 (2) any other meetings to which they are in-
2 vited by the General Council or the Fisheries Com-
3 mission; and

4 (3) all nonexecutive meetings of the United
5 States Commissioners.

6 (d) RELATIONSHIP TO OTHER LAW.—The Federal
7 Advisory Committee Act (5 U.S.C. App.) shall not apply
8 to the consultative committee established under this sec-
9 tion.

10 **SEC. 209. ADMINISTRATIVE MATTERS.**

11 (a) PROHIBITION ON COMPENSATION.—A person
12 shall not receive any compensation from the Government
13 by reason of any service of the person as—

14 (1) a Commissioner, Alternate Commissioner,
15 Representative, or Alternative Representative;

16 (2) an expert or adviser authorized under sec-
17 tion 202(e); or

18 (3) a member of the consultative committee es-
19 tablished by section 208.

20 (b) TRAVEL AND EXPENSES.—The Secretary of
21 State shall, subject to the availability of appropriations,
22 pay all necessary travel and other expenses of persons de-
23 scribed in subsection (a)(1) and of not more than six ex-
24 perts and advisers authorized under section 202(e) with
25 respect to their actual performance of their official duties

1 pursuant to this title, in accordance with the Federal
2 Travel Regulations and sections 5701, 5702, 5704
3 through 5708, and 5731 of title 5, United States Code.

4 (c) STATUS AS FEDERAL EMPLOYEES.—A person
5 shall not be considered to be a Federal employee by reason
6 of any service of the person in a capacity described in sub-
7 section (a), except for purposes of injury compensation
8 and tort claims liability under chapter 81 of title 5, United
9 States Code, and chapter 17 of title 28, United States
10 Code, respectively.

11 **SEC. 210. DEFINITIONS.**

12 In this title the following definitions apply:

13 (1) AUTHORIZED ENFORCEMENT OFFICER.—
14 The term “authorized enforcement officer” means a
15 person authorized to enforce this title, any regula-
16 tion issued under this title, or any measure that is
17 legally binding on the United States under the Con-
18 vention.

19 (2) COMMISSIONER.—The term “Commis-
20 sioner” means a United States Commissioner to the
21 Northwest Atlantic Fisheries Organization appointed
22 under section 202(a).

23 (3) CONVENTION.—The term “Convention”
24 means the Convention on Future Multilateral Co-

1 operation in the Northwest Atlantic Fisheries, done
2 at Ottawa on October 24, 1978.

3 (4) FISHERIES COMMISSION.—The term “Fish-
4 eries Commission” means the Fisheries Commission
5 provided for by Articles II, XI, XII, XIII, and XIV
6 of the Convention.

7 (5) GENERAL COUNCIL.—The term “General
8 Council” means the General Council provided for by
9 Article II, III, IV, and V of the Convention.

10 (6) MAGNUSON ACT.—The term “Magnuson
11 Act” means the Magnuson Fishery Conservation and
12 Management Act (16 U.S.C. 1801 et seq.).

13 (7) ORGANIZATION.—The term “Organization”
14 means the Northwest Atlantic Fisheries Organiza-
15 tion provided for by Article II of the Convention.

16 (8) PERSON.—The term “person” means any
17 individual (whether or not a citizen or national of
18 the United States), and any corporation, partner-
19 ship, association, or other entity (whether or not or-
20 ganized or existing under the laws of any State).

21 (9) REPRESENTATIVE.—The term “Representa-
22 tive” means a United States Representative to the
23 Northwest Atlantic Fisheries Scientific Council ap-
24 pointed under section 202(c).

1 (10) SCIENTIFIC COUNCIL.—The term “Sci-
2 entific Council” means the Scientific Council pro-
3 vided for by Articles II, VI, VII, VIII, IX, and X of
4 the Convention.

5 (11) SECRETARY.—The term “Secretary”
6 means the Secretary of Commerce.

7 **SEC. 211. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated to carry out
9 this title, including use for payment as the United States
10 contribution to the Organization as provided in Article
11 XVI of the Convention, \$500,000 for each of the fiscal
12 years 1994, 1995, 1996, 1997, and 1998.

13 **TITLE III—GOVERNING INTER-**
14 **NATIONAL FISHERY AGREE-**
15 **MENT**

16 **SEC. 301. AGREEMENT WITH LITHUANIA.**

17 Notwithstanding section 203 of the Magnuson Fish-
18 ery Conservation and Management Act (16 U.S.C. 1823),
19 the governing international fishery agreement between the
20 Government of the United States of America and the gov-
21 ernment of the Republic of Lithuania, as contained in the
22 message to Congress from the President of the United
23 States dated July 18, 1994, is approved as a governing
24 international fishery agreement for the purposes of such

1 Act and shall enter into force and effect with respect to
2 the United States on the date of enactment of this Act.

3 **TITLE IV—ATLANTIC TUNAS**
4 **CONVENTION ACT**

5 **SEC. 401. SHORT TITLE.**

6 This title may be cited as the “Atlantic Tunas Con-
7 vention Authorization Act of 1994”.

8 **SEC. 402. RESEARCH AND MONITORING ACTIVITIES.**

9 (a) REPORT TO CONGRESS.—The Secretary of Com-
10 merce shall, within 90 days after the date of enactment
11 of this Act, submit a report to the Committee on Com-
12 merce, Science, and Transportation of the Senate and the
13 Committee on Merchant Marine and Fisheries of the
14 House of Representatives—

15 (1) identifying current governmental and non-
16 governmental research and monitoring activities on
17 Atlantic bluefin tuna and other highly migratory
18 species;

19 (2) describing the personnel and budgetary re-
20 sources allocated to such activities; and

21 (3) explaining how each activity contributes to
22 the conservation and management of Atlantic bluefin
23 tuna and other highly migratory species.

1 (b) RESEARCH AND MONITORING PROGRAM.—Sec-
2 tion 3 of the Act of September 4, 1980 (16 U.S.C. 971i)
3 is amended—

4 (1) by amending the section heading to read as
5 follows:

6 **“SEC. 3. RESEARCH ON ATLANTIC HIGHLY MIGRATORY**
7 **SPECIES.”;**

8 (2) by inserting “(a) BIENNIAL REPORT ON
9 BLUEFIN TUNA.—” before “The Secretary of Com-
10 merce shall”; and

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

12 **“(b) HIGHLY MIGRATORY SPECIES RESEARCH AND**
13 **MONITORING.—**

14 “(1) Within 6 months after the date of enact-
15 ment of the Atlantic Tunas Convention Authoriza-
16 tion Act of 1994, the Secretary of Commerce, in co-
17 operation with the advisory committee established
18 under section 4 of the Atlantic Tunas Convention
19 Act of 1975 (16 U.S.C. 971b) and in consultation
20 with the United States Commissioners on the Inter-
21 national Commission for the Conservation of Atlan-
22 tic Tunas (referred to elsewhere in this section as
23 the ‘Commission’) and the Secretary of State, shall
24 develop and implement a comprehensive research
25 and monitoring program to support the conservation

1 and management of Atlantic bluefin tuna and other
2 highly migratory species that shall—

3 “(A) identify and define the range of
4 stocks of highly migratory species in the Atlan-
5 tic Ocean, including Atlantic bluefin tuna; and

6 “(B) provide for appropriate participation
7 by nations which are members of the Commis-
8 sion.

9 “(2) The program shall provide for, but not be
10 limited to—

11 “(A) statistically designed cooperative tag-
12 ging studies;

13 “(B) genetic and biochemical stock analy-
14 ses;

15 “(C) population censuses carried out
16 through aerial surveys of fishing grounds;

17 “(D) adequate observer coverage and port
18 sampling of commercial and recreational fishing
19 activity;

20 “(E) collection of comparable real-time
21 data on commercial and recreational catches
22 and landings through the use of permits,
23 logbooks, landing reports for charter operations
24 and fishing tournaments, and programs to pro-

1 vide reliable reporting of the catch by private
2 anglers;

3 “(F) studies of the life history parameters
4 of Atlantic bluefin tuna and other highly migra-
5 tory species;

6 “(G) integration of data from all sources
7 and the preparation of data bases to support
8 management decisions; and

9 “(H) other research as necessary.

10 “(3) In developing a program under this sec-
11 tion, the Secretary shall provide for comparable
12 monitoring of all United States fishermen to which
13 the Atlantic Tunas Convention Act applies with re-
14 spect to effort and species composition of catch and
15 discards. The Secretary through the Secretary of
16 State shall encourage other member nations to adopt
17 a similar program.”.

18 **SEC. 403. ADVISORY COMMITTEE PROCEDURES.**

19 Section 4 of the Atlantic Tunas Convention Act of
20 1975 (16 U.S.C. 971b) is amended—

21 (1) by inserting “(a)” before “There”; and

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

23 “(b)(1) A majority of the members of the advisory
24 committee shall constitute a quorum, but one or more such
25 members designated by the advisory committee may hold

1 meetings to provide for public participation and to discuss
2 measures relating to the United States implementation of
3 Commission recommendations.

4 “(2) The advisory committee shall elect a Chairman
5 for a 2-year term from among its members.

6 “(3) The advisory committee shall meet at appro-
7 priate times and places at least twice a year, at the call
8 of the Chairman or upon the request of the majority of
9 its voting members, the United States Commissioners, the
10 Secretary, or the Secretary of State.

11 “(4)(A) The Secretary shall provide to the advisory
12 committee in a timely manner such administrative and
13 technical support services as are necessary for the effective
14 functioning of the committee.

15 “(B) The Secretary and the Secretary of State shall
16 furnish the advisory committee with relevant information
17 concerning fisheries and international fishery agreements.

18 “(5) The advisory committee shall determine its orga-
19 nization, and prescribe its practices and procedures for
20 carrying out its functions under this Act, the Magnuson
21 Fishery Conservation and Management Act (16 U.S.C.
22 1801 et seq.), and the Convention. The advisory commit-
23 tee shall publish and make available to the public a state-
24 ment of its organization, practices, and procedures.

1 “(6) The Federal Advisory Committee Act (5 U.S.C.
2 App.) shall not apply to the advisory committee.”.

3 **SEC. 404. REGULATIONS.**

4 Section 6(c)(3) of the Atlantic Tunas Convention Act
5 of 1975 (16 U.S.C. 971d(c)(3)) is amended by adding “or
6 fishery mortality level” after “quota of fish” in the last
7 sentence.

8 **SEC. 405. FINES AND PERMIT SANCTIONS.**

9 Section 7(e) of the Atlantic Tunas Convention Act
10 of 1975 (16 U.S.C. 971(e)) is amended to read as follows:

11 “(e) The civil penalty and permit sanctions of section
12 308 of the Magnuson Fishery Conservation and Manage-
13 ment Act (16 U.S.C. 1858) are hereby made applicable
14 to violations of this section as if they were violations of
15 section 307 of that Act.”.

16 **SEC. 406. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 10 of the Atlantic Tunas Convention Act of
18 1975 (16 U.S.C. 971h) is amended to read as follows:

19 “AUTHORIZATION OF APPROPRIATIONS.

20 “Sec. 10. There are authorized to be appropriated to
21 carry out this Act, including use for payment of the Unit-
22 ed States share of the joint expenses of the Commission
23 as provided in article X of the Convention, the following
24 sums:

1 “(1) For fiscal year 1994, \$2,750,000, of which
2 \$50,000 are authorized in the aggregate for the ad-
3 visory committee established under section 4 and the
4 species working groups established under section 4A,
5 and \$1,500,000 are authorized for research activities
6 under this Act.

7 “(2) For fiscal year 1995, \$4,000,000, of which
8 \$62,000 are authorized in the aggregate for such
9 advisory committee and such working groups, and
10 \$2,500,000 are authorized for such research activi-
11 ties.

12 “(3) For fiscal year 1996, \$4,000,000 of which
13 \$75,000 are authorized in the aggregate for such
14 advisory committee and such working groups, and
15 \$2,500,000 are authorized for such research activi-
16 ties.”.

17 **SEC. 407. REPORT AND CERTIFICATION.**

18 The Atlantic Tunas Convention Act of 1975 (16
19 U.S.C. 971 et seq.) is amended by adding at the end there-
20 of the following:

21 “ANNUAL REPORT.

22 “Sec. 11. Not later than April 1, 1995, and annually
23 thereafter, the Secretary shall prepare and transmit to the
24 Committee on Merchant Marine and Fisheries of the
25 House of Representatives and the Committee on Com-

1 merce, Science, and Transportation of the Senate a report,
2 that—

3 “(1) details for the previous 10-year period the
4 catches and exports to the United States of highly
5 migratory species (including tunas, swordfish, marlin
6 and sharks) from nations fishing on Atlantic stocks
7 of such species that are subject to management by
8 the Commission;

9 “(2) identifies those fishing nations whose har-
10 vests are inconsistent with conservation and manage-
11 ment recommendations of the Commission;

12 “(3) describes reporting requirements estab-
13 lished by the Secretary to ensure that imported fish
14 products are in compliance with all international
15 management measures, including minimum size re-
16 quirements, established by the Commission and
17 other international fishery organizations to which
18 the United States is a party; and

19 “(4) describes actions taken by the Secretary
20 under section 12.

21 “CERTIFICATION

22 “Sec. 12. (a) If the Secretary determines that vessels
23 of any nation are harvesting fish which are subject to reg-
24 ulation pursuant to a recommendation of the Commission
25 and which were taken from the convention area in a man-

1 ner or under circumstances which would tend to diminish
2 the effectiveness of the conservation recommendations of
3 the Commission, the Secretary shall certify such fact to
4 the President.

5 “(b) Such certification shall be deemed to be a certifi-
6 cation for the purposes of section 8 of the Fishermen’s
7 Protective Act (22 U.S.C. 1978).

8 “(c) Upon certification under subsection (a), the Sec-
9 retary shall promulgate regulations under section 6(c)(4)
10 with respect to a nation so certified.”.

11 **SEC. 408. SENSE OF THE CONGRESS REGARDING CON-**
12 **SERVATION AND MANAGEMENT OF ATLANTIC**
13 **BLUEFIN TUNA.**

14 (a) FINDING.—The Congress finds the following:

15 (1) Atlantic bluefin tuna are a valuable com-
16 mercial and recreational fishery of the United
17 States.

18 (2) Many other countries also harvest Atlantic
19 bluefin tuna in the Atlantic Ocean and the Medi-
20 terranean Sea.

21 (3) The International Commission for the Con-
22 servation of Atlantic Tunas (hereinafter in this sec-
23 tion referred to as the “Commission”), was estab-
24 lished in 1969 to develop conservation and manage-
25 ment recommendations for Atlantic bluefin tuna and

1 other highly migratory species in the Atlantic Ocean
2 and the Mediterranean Sea.

3 (4) The Commission adopted conservation and
4 management recommendations in 1974 to ensure the
5 recovery and sustainability of Atlantic bluefin tuna
6 throughout the Atlantic Ocean and the Mediterra-
7 nean Sea.

8 (5) In 1981, the Commission adopted a man-
9 agement strategy for Atlantic bluefin tuna predi-
10 cated on a hypothesis that 2 stocks of the fish ex-
11 isted: a western stock found in the Atlantic west of
12 45 degrees west longitude (hereinafter in this section
13 referred to as the “45 degree line”), and an eastern
14 stock found in the Atlantic Ocean east of the 45 de-
15 gree line and in the Mediterranean Sea.

16 (6) Since 1981, the Commission has adopted
17 additional, more restrictive conservation and man-
18 agement recommendations for Atlantic bluefin tuna
19 for countries that harvest bluefin tuna west of the
20 45 degree line, including a 25 percent quota reduc-
21 tion since 1991 with an additional 40 percent quota
22 reduction scheduled for 1995.

23 (7) The United States and other Commission
24 members that harvest bluefin tuna west of the 45
25 degree line have implemented all conservation and

1 management recommendations adopted by the Com-
2 mission for Atlantic bluefin tuna west of the 45 de-
3 gree line.

4 (8) Many other Commission members do not
5 comply with the conservation and management rec-
6 ommendations adopted by the Commission for At-
7 lantic bluefin tuna east of the 45 degree line.

8 (9) A recent National Academy of Sciences re-
9 view of the scientific data used by the Commission
10 concluded that the available data is consistent with
11 a 1-stock management strategy for bluefin tuna in
12 the North Atlantic.

13 (10) The National Academy of Sciences review
14 also found that abundance of Atlantic bluefin tuna
15 in the western Atlantic has remained stable since
16 1988, in contrast to the roughly 50 percent decline
17 in abundance reported by the Commission.

18 (11) The continued unrestricted harvesting of
19 Atlantic bluefin tuna east of the 45 degree line and
20 in the Mediterranean Sea will undermine the con-
21 servation recommendations being implemented west
22 of the line to rebuild Atlantic bluefin tuna.

23 (12) In order to successfully rebuild the Atlan-
24 tic bluefin tuna stock, conservation and management
25 recommendations must be adopted and implemented

1 throughout the Atlantic Ocean and the Mediterra-
2 nean Sea.

3 (b) SENSE OF CONGRESS.—It is the sense of the
4 Congress that—

5 (1) the United States and the Commission
6 should continue to promote the conservation and
7 management of Atlantic bluefin tuna throughout the
8 Atlantic Ocean and Mediterranean Sea and develop
9 a program to rebuild Atlantic bluefin tuna that re-
10 quires the participation of all nations that harvest
11 this species;

12 (2) the United States should ensure that the
13 scientific findings and recommendations of the Na-
14 tional Academy of Sciences Atlantic bluefin tuna re-
15 view panel are made available to and included in the
16 considerations of the Commission's scientific advi-
17 sory panel;

18 (3) the United States should oppose any further
19 quota reductions for nations harvesting Atlantic
20 bluefin tuna west of the 45 degree line and insist
21 that all nations harvesting Atlantic bluefin tuna west
22 and east of the 45 degree line implement comparable
23 conservation and rebuilding programs for the Atlan-
24 tic bluefin tuna resource;

1 (4) the continued harvesting by fishermen from
2 any country which is a member of the Commission
3 and which does not comply with the conservation
4 and management recommendations of the Commis-
5 sion will be considered by the Congress to diminish
6 the effectiveness of an international fishery con-
7 servation program and, as such, will be considered
8 by the Congress to be subject to the embargo provi-
9 sion in section 6 of the Atlantic Tunas Convention
10 Act;

11 (5) the United States should encourage other
12 nations with significant markets for Atlantic bluefin
13 tuna to prohibit the importation of that species from
14 harvesting nations which do not comply with the
15 conservation and management recommendations
16 adopted by the Commission; and

17 (6) the United States should encourage the
18 Commission to adopt recommendations encouraging
19 the use of trade actions by member nations as en-
20 forcement measures when the actions of a nation are
21 undermining the effectiveness of conservation and
22 management recommendations of the Commission.

1 **TITLE V—FISHERMEN’S**
2 **PROTECTIVE ACT**

3 **SEC. 501. FINDINGS.**

4 The Congress finds that—

5 (1) customary international law and the United
6 Nations Convention on the Law of the Sea guaran-
7 tee the right of passage, including innocent passage,
8 to vessels through the waters commonly referred to
9 as the “Inside Passage” off the Pacific Coast of
10 Canada;

11 (2) Canada recently required all commercial
12 fishing vessels of the United States to pay 1,500 Ca-
13 nadian dollars to obtain a “license which authorizes
14 transit” through the Inside Passage;

15 (3) this action was inconsistent with inter-
16 national law, including the United Nations Conven-
17 tion on the Law of the Sea, and, in particular, Arti-
18 cle 26 of that Convention, which specifically pro-
19 hibits such fees, and threatened the safety of United
20 States commercial fishermen who sought to avoid
21 the fee by traveling in less protected waters;

22 (4) the Fishermen’s Protective Act of 1967 pro-
23 vides for the reimbursement of vessel owners who
24 are forced to pay a license fee to secure the release
25 of a vessel which has been seized, but does not per-

1 mit reimbursement of a fee paid by the owner in ad-
2 vance in order to prevent a seizure;

3 (5) Canada required that the license fee be paid
4 in person in 2 ports on the Pacific Coast of Canada,
5 or in advance by mail;

6 (6) significant expense and delay was incurred
7 by commercial fishing vessels of the United States
8 that had to travel from the point of seizure back to
9 one of those ports in order to pay the license fee re-
10 quired by Canada, and the costs of that travel and
11 delay can not be reimbursed under the Fishermen's
12 Protective Act;

13 (7) the Fishermen's Protective Act of 1967
14 should be amended to permit vessel owners to be re-
15 imbursement for fees required by a foreign government
16 to be paid in advance in order to navigate in the wa-
17 ters of that foreign country if the United States con-
18 sidered that fee to be inconsistent with international
19 law;

20 (8) the Secretary of State should seek to re-
21 cover from Canada any amounts paid by the United
22 States to reimburse vessel owners who paid the tran-
23 sit license fee;

24 (9) the United States should review its current
25 policy with respect to anchorage by commercial fish-

1 ing vessels of Canada in waters of the United States
2 off Alaska, including waters in and near the Dixon
3 Entrance, and should accord such vessels the same
4 treatment that commercial fishing vessels of the
5 United States are accorded for anchorage in the wa-
6 ters of Canada off British Columbia;

7 (10) the President should ensure that, consist-
8 ent with international law, the United States Coast
9 Guard has available adequate resources in the Pa-
10 cific Northwest and Alaska to provide for the safety
11 of United States citizens, the enforcement of United
12 States law, and to protect the rights of the United
13 States and keep the peace among vessels operating
14 in disputed waters;

15 (11) the President should continue to review all
16 agreements between the United States and Canada
17 to identify other actions that may be taken to con-
18 vince Canada that any reinstatement of the transit
19 license fee would be against Canada's long-term in-
20 terests, and should immediately implement any ac-
21 tions which the President deems appropriate if Can-
22 ada reinstates the fee;

23 (12) the President should continue to convey to
24 Canada in the strongest terms that the United
25 States will not now, nor at any time in the future,

1 tolerate any action by Canada which would impede
2 or otherwise restrict the right of passage of vessels
3 of the United States in a manner inconsistent with
4 international law; and

5 (13) the United States should redouble its ef-
6 forts to seek expeditious agreement with Canada on
7 appropriate fishery conservation and management
8 measures that can be implemented through the Pa-
9 cific Salmon Treaty to address issues of mutual con-
10 cern.

11 **SEC. 502. AMENDMENT TO THE FISHERMEN'S PROTECTIVE**
12 **ACT OF 1967.**

13 (a) The Fishermen's Protective Act of 1967 (22
14 U.S.C. 1971 et seq.) is amended by adding at the end
15 the following new section:

16 "Sec. 11. (a) In any case on or after June 15, 1994,
17 in which a vessel of the United States exercising its right
18 of passage is charged a fee by the government of a foreign
19 country to engage in transit passage between points in the
20 United States (including a point in the exclusive economic
21 zone or in an area over which jurisdiction is in dispute),
22 and such fee is regarded by the United States as being
23 inconsistent with international law, the Secretary of State
24 shall reimburse the vessel owner for the amount of any
25 such fee paid under protest.

1 “(b) In seeking such reimbursement, the vessel owner
2 shall provide, together with such other information as the
3 Secretary of State may require—

4 “(1) a copy of the receipt for payment;

5 “(2) an affidavit attesting that the owner or the
6 owner’s agent paid the fee under protest; and

7 “(3) a copy of the vessel’s certificate of docu-
8 mentation.

9 “(c) Requests for reimbursement shall be made to the
10 Secretary of State within 120 days after the date of pay-
11 ment of the fee, or within 90 days after the date of enact-
12 ment of this section, whichever is later.

13 “(d) Such funds as may be necessary to meet the re-
14 quirements of this section may be made available from the
15 unobligated balances of previously appropriated funds re-
16 maining in the Fishermen’s Guaranty Fund established
17 under section 7 and the Fishermen’s Protective Fund es-
18 tablished under section 9. To the extent that requests for
19 reimbursement under this section exceed such funds, there
20 are authorized to be appropriated such sums as may be
21 needed for reimbursements authorized under subsection
22 (a).

23 “(e) The Secretary of State shall take such action
24 as the Secretary deems appropriate to make and collect

1 claims against the foreign country imposing such fee for
2 any amounts reimbursed under this section.

3 “(f) For purposes of this section, the term ‘owner’
4 includes any charterer of a vessel of the United States.

5 “(g) This section shall remain in effect until October
6 1, 1995.”.

7 (b) The Fishermen’s Protective Act of 1967 (22
8 U.S.C. 1971 et seq.) is further amended by adding at the
9 end the following:

10 “Sec. 12. (a) If the Secretary of State finds that the
11 government of any nation imposes conditions on the oper-
12 ation or transit of United States fishing vessels which the
13 United States regards as being inconsistent with inter-
14 national law or an international agreement, the Secretary
15 of State shall certify that fact to the President.

16 “(b) Upon receipt of a certification under subsection
17 (a), the President shall direct the heads of Federal agen-
18 cies to impose similar conditions on the operation or tran-
19 sit of fishing vessels registered under the laws of the na-
20 tion which has imposed conditions on United States fish-
21 ing vessels.

22 “(c) For the purposes of this section, the term ‘fish-
23 ing vessel’ has the meaning given that term in section
24 2101(11a) of title 46, United States Code.

1 “(d) It is the sense of the Congress that any action
2 taken by any Federal agency under subsection (b) should
3 be commensurate with any conditions certified by the Sec-
4 retary of State under subsection (a).”.

5 **SEC. 503. REAUTHORIZATION.**

6 (a) Section 7(c) of the Fishermen’s Protective Act of
7 1967 (22 U.S.C. 1977(c)) is amended by striking the third
8 sentence.

9 (b) Section 7(e) of the Fishermen’s Protective Act of
10 1967 (22 U.S.C. 1977(e)) is amended by striking “Octo-
11 ber 1, 1993” and inserting “October 1, 2000”.

12 **SEC. 504. TECHNICAL CORRECTIONS.**

13 (a)(1) Section 15(a) of Public Law 103-238 is
14 amended by striking “April 1, 1994,” and inserting “May
15 1, 1994.”.

16 (2) The amendment made by paragraph (1) shall be
17 effective on and after April 30, 1994.

18 (b) Section 803(13)(C) of Public Law 102-567 (16
19 U.S.C. 5002(13)(C)) is amended to read as follows:

20 “(C) any vessel supporting a vessel de-
21 scribed in subparagraph (A) or (B).”.

1 **TITLE VI—FISHERIES ENFORCE-**
2 **MENT IN CENTRAL SEA OF**
3 **OKHOTSK**

4 **SEC. 601. SHORT TITLE.**

5 This title may be cited as the “Sea of Okhotsk Fish-
6 eries Enforcement Act of 1994”.

7 **SEC. 602. FISHING PROHIBITION.**

8 The Central Bering Sea Fisheries Enforcement Act
9 of 1992 (16 U.S.C. 1823 note) is amended—

10 (1) in section 302, by inserting “and the
11 Central Sea of Okhotsk” after “Central Bering
12 Sea”; and

13 (2) in section 306—

14 (A) by redesignating paragraphs (2), (3),
15 (4), (5), and (6) in order as paragraphs (3),
16 (4), (5), (6), and (7); and

17 (B) by inserting after paragraph (1) the
18 following:

19 “(2) CENTRAL SEA OF OKHOTSK.—The term
20 ‘Central Sea of Okhotsk’ means the central Sea of
21 Okhotsk area which is more than two hundred nau-
22 tical miles seaward of the baseline from which the
23 breadth of the territorial sea of the Russian Federa-
24 tion is measured.”.

1 **TITLE VII—COAST GUARD**
2 **AUTHORIZATIONS**

3 **SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are authorized to be appropriated for nec-
5 essary expenses of the Coast Guard for fiscal year 1995,
6 as follows:

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

11 (2) For the acquisition, construction, rebuild-
12 ing, and improvement of aids to navigation, shore
13 and offshore facilities, vessels, and aircraft, includ-
14 ing equipment related thereto, \$439,200,000, to re-
15 main available until expended, of which \$32,500,000
16 shall be derived from the Oil Spill Liability Trust
17 Fund to carry out the purposes of section
18 1012(a)(5) of the Oil Pollution Act of 1990.

19 (3) For research, development, test, and evalua-
20 tion of technologies, materials, and human factors
21 directly relating to improving the performance of the
22 Coast Guard's mission in support of search and res-
23 cue, aids to navigation, marine safety, marine envi-
24 ronmental protection, enforcement of laws and trea-
25 ties, ice operations, oceanographic research, and de-

1 fense readiness, \$20,310,000, to remain available
2 until expended, of which—

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

5 (B) \$1,500,000 is authorized to conduct,
6 in cooperation with appropriate Federal and
7 State agencies, local maritime education organi-
8 zations, and local marine industry representa-
9 tives, a demonstration project on the lower Mis-
10 sissippi River and in the Houston Ship Channel
11 to study the effectiveness of currently available
12 Electronic Chart Display and Information Sys-
13 tems (ECDIS) and Electronic Chart Systems
14 (ECS) for use on commercial vessels.

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

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

1 teration Program, \$13,000,000, to remain available
2 until expended.

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

6 **SEC. 702. AUTHORIZED LEVELS OF MILITARY STRENGTH**
7 **AND TRAINING.**

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

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

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

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

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

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

1 **SEC. 703. DRUG INTERDICTION ACTIVITIES.**

2 In addition to amounts otherwise authorized by this
3 Act, there are authorized to be appropriated to the Sec-
4 retary of Transportation for operation and maintenance
5 expenses of Coast Guard drug interdiction activities
6 \$21,000,000 for fiscal year 1995.

7 **TITLE VIII—COAST GUARD PER-**
8 **SONNEL MANAGEMENT IM-**
9 **PROVEMENT**

10 **SEC. 801. HURRICANE ANDREW RELIEF.**

11 Section 2856 of the National Defense Authorization
12 Act for Fiscal Year 1993 (Public Law 102-484) applies
13 to the military personnel of the Coast Guard who were
14 assigned to, or employed at or in connection with, any
15 Federal facility or installation in the vicinity of Homestead
16 Air Force Base, Florida, including the areas of Broward,
17 Collier, Dade, and Monroe Counties, on or before August
18 24, 1992, except that—

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

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

23 **SEC. 802. DISSEMINATION OF RESULTS OF 0-6 CONTINU-**
24 **ATION BOARDS.**

25 Section 289(f) of title 14, United States Code, is
26 amended by striking “Upon approval by the President, the

1 names of the officers selected for continuation on active
2 duty by the board shall be promptly disseminated to the
3 service at large.”.

4 **SEC. 803. EXCLUDE CERTAIN RESERVES FROM END-OF-**
5 **YEAR STRENGTH.**

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

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

12 **SEC. 804. PROVISION OF CHILD DEVELOPMENT SERVICES.**

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

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

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

24 “(b)(1) Except as provided in paragraph (2), the
25 Commandant may require that amounts received as fees

1 for the provision of child development services under this
2 section at Coast Guard child development centers be used
3 only for compensation of Coast Guard child development
4 center employees who are directly involved in providing
5 child care.

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

12 “(A) for the purchase of consumable or dispos-
13 able items for Coast Guard child development cen-
14 ters; and

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

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

23 “(d) The Commandant may provide assistance to
24 members and civilian employees of the Coast Guard for
25 obtaining services of qualified family home child develop-

1 ment services providers. The cost per child to the Coast
2 Guard of obtaining those services may not exceed the aver-
3 age of the cost per child incurred by the Coast Guard for
4 child development services provided at all Coast Guard
5 child development centers.

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

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

15 “(f) For purposes of this section, the term ‘Coast
16 Guard child development center’ does not include a child
17 care services facility for which space is allotted under sec-
18 tion 616 of the Act of December 22, 1987 (40 U.S.C.
19 490b).

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

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

“515. Child development services.”.

5 **TITLE IX—NAVIGATION SAFETY**
6 **AND WATERWAY SERVICES**
7 **MANAGEMENT**

8 **SEC. 901. FOREIGN PASSENGER VESSEL USER FEES.**

9 Section 3303 of title 46, United States Code, is
10 amended—

11 (1) in subsection (a) by striking “(a) Except
12 as” and inserting “Except as”; and

13 (2) by striking subsection (b).

14 **SEC. 902. DOCUMENTATION VIOLATIONS.**

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

18 (b) SEIZURE AND FORFEITURE.—

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

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

23 “(1) the owner of the vessel or a representative
24 or agent of the owner knowingly falsifies or conceals
25 a material fact, or makes a false statement or rep-

1 resentation about the documentation or in applying
2 for documentation of the vessel;

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

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

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

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

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

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

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

21 (1) TERMINATION OF RESTRICTION.—Sub-
22 section (d) of section 12110 of title 46, United
23 States Code, is amended—

24 (A) by inserting “, other than a vessel with
25 only a recreational endorsement operating with-

1 in the territorial waters of the United States,”
2 after “A documented vessel”; and

3 (B) by redesignating that subsection as
4 subsection (c).

5 (2) CONFORMING AMENDMENT.—Section
6 12111(a)(2) of title 46, United States Code, is
7 amended by inserting before the period the follow-
8 ing: “in violation of section 12110(c) of this title”.

9 **SEC. 903. CLERICAL AMENDMENT.**

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

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

13 (2) in the table of sections at the beginning of
14 the chapter by striking the first item relating to sec-
15 tion 12123.

16 **SEC. 904. RENEWAL OF HOUSTON-GALVESTON NAVIGATION**
17 **SAFETY ADVISORY COMMITTEE AND LOWER**
18 **MISSISSIPPI RIVER WATERWAY ADVISORY**
19 **COMMITTEE.**

20 The Coast Guard Authorization Act of 1991 (Public
21 Law 102–241, 105 Stat. 2208–2235) is amended—

22 (1) in section 18 by adding at the end the fol-
23 lowing:

24 “(h) The Committee shall terminate on October 1,
25 1999.”; and

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

3 “(g) The Committee shall terminate on October 1,
4 1999.”.

5 **TITLE X—MISCELLANEOUS**
6 **PROVISIONS**

7 **SEC. 1001. OFFICER RETENTION UNTIL RETIREMENT ELIGI-**
8 **BLE.**

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

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

12 (2) by striking the last sentence; and

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

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

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

20 “(B) in the case of an officer who has com-
21 pleted at least 18 years of active service on the date
22 of discharge under subparagraph (A), be retained on
23 active duty and retired on the last day of the month
24 in which the officer completes 20 years of active

1 service, unless earlier removed under another provi-
2 sion of law; or

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

5 **SEC. 1002. CONTINUING OBLIGATION TO PROVIDE DOCU-**
6 **MENTATION INFORMATION AT EXISTING LO-**
7 **CATIONS.**

8 The Secretary of Transportation shall, until October
9 1, 1999, maintain an ability, at Coast Guard offices that
10 are located in the immediate vicinity of former regional
11 vessel documentation offices, to assist the public with in-
12 formation on obtaining, altering, and renewing the docu-
13 mentation of a vessel and on vessel documentation laws
14 and regulations generally.

15 **SEC. 1003. CONTINUATION OF THE COMMERCIAL FISHING**
16 **INDUSTRY VESSEL ADVISORY COMMITTEE.**

17 Subsection (e)(1) of section 4508 of title 46, United
18 States Code, is amended by striking “September 30,
19 1994” and inserting “October 1, 1999”.

20 **SEC. 1004. PROHIBITION ON STATION CLOSURES.**

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

1 representatives and to the Committee on Commerce, Science,
2 and Transportation of the Senate.

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

6 **SEC. 1005. RENEWAL OF THE NAVIGATION SAFETY ADVI-**
7 **SORY COUNCIL.**

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

12 **SEC. 1006. COAST GUARD RESERVE PEACETIME REQUIRE-**
13 **MENTS PLAN.**

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

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

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

1 **SEC. 1008. ELECTRONIC FILING OF COMMERCIAL INSTRU-**
2 **MENTS.**

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

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

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

13 **SEC. 1009. SENSE OF THE CONGRESS REGARDING FUNDING**
14 **FOR COAST GUARD.**

15 It is the sense of the Congress that in appropriating
16 amounts for the Coast Guard, the Congress should appro-
17 priate amounts adequate to enable the Coast Guard to
18 carry out all extraordinary functions and duties the Coast
19 Guard is required to undertake in addition to its normal
20 functions established by law.

21 **SEC. 1010. CONTRACTS FOR HEALTH CARE SERVICES.**

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

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

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

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

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

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

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

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

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

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

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

17 (c) The amendments made by this section shall take
18 effect on October 1, 1994. Any personal services contract
19 entered into on behalf of the Coast Guard in reliance upon
20 the authority of section 1091 of title 10, United States
21 Code, before that date is confirmed and ratified and shall
22 remain in effect in accordance with the terms of the con-
23 tract.

1 **SEC. 1011. VESSEL FINANCING.**

2 (a) **ELIMINATION OF MORTGAGEE RESTRICTIONS.—**

3 Section 31322(a) of title 46, United States Code, is
4 amended to read as follows:

5 “(a) A preferred mortgage is a mortgage, whenever
6 made, that—

7 “(1) includes the whole of the vessel;

8 “(2) is filed in substantial compliance with sec-
9 tion 31321 of this title; and

10 “(3)(A) covers a documented vessel; or

11 “(B) covers a vessel for which an application
12 for documentation is filed that is in substantial com-
13 pliance with the requirements of chapter 121 of this
14 title and the regulations prescribed under that chap-
15 ter.”.

16 (b) **ELIMINATION OF TRUSTEE RESTRICTIONS.—**

17 (1) **REPEAL.—**Section 31328 of title 46, United
18 States Code, is repealed.

19 (2) **CONFORMING AMENDMENT.—**Section
20 31330(b) of title 46, United States Code, is amend-
21 ed in paragraphs (1), (2), and (3) by striking
22 “31328 or” each place it appears.

23 (c) **REMOVAL OF MORTGAGE RESTRICTIONS.—**Sec-
24 tion 9 of the Shipping Act, 1916 (46 App. U.S.C. 808)
25 is amended—

26 (1) in subsection (c)—

1 (A) by striking “31328” and inserting
2 “12106(e)”; and

3 (B) in paragraph (1) by striking “mort-
4 gage,” each place it appears; and
5 (2) in subsection (d)—

6 (A) in paragraph (1) by striking “transfer,
7 or mortgage” and inserting “or transfer”;

8 (B) in paragraph (2) by striking “trans-
9 fers, or mortgages” and inserting “or trans-
10 fers”;

11 (C) in paragraph (3)(B) by striking
12 “transfers, or mortgages” and inserting “or
13 transfers”; and

14 (D) in paragraph (4) by striking “trans-
15 fers, or mortgages” and inserting “or trans-
16 fers”.

17 (d) Public Law 74–835 (49 Stat. 1985 et seq.) is
18 amended in section 615 by striking “, until September 30,
19 1983,”; by inserting “use” after “this title to”; by striking
20 “tons” and inserting “regulatory tons built”; and by re-
21 pealing subsection (b).

22 (e) LEASE FINANCING.—Section 12106 of title 46,
23 United States Code, is amended by adding at the end the
24 following new subsections:

1 “(e)(1) A certificate of documentation for a vessel
2 may be endorsed with a coastwise endorsement if—

3 “(A) the vessel is eligible for documentation
4 under section 12102;

5 “(B) the vessel is otherwise qualified under this
6 section to be employed in the coastwise trade;

7 “(C) the person that owns the vessel, or any
8 other person that owns or controls the person that
9 owns the vessel, is primarily engaged in leasing or
10 other financing transactions;

11 “(D) the vessel is under a demise charter to a
12 person qualifying as a citizen of the United States
13 for engaging in the coastwise trade under section 2
14 of the Shipping Act, 1916; and

15 “(E) the demise charter is for—

16 “(i) a period of at least 3 years; or

17 “(ii) such shorter period as may be pre-
18 scribed by the Secretary.

19 “(2) On termination of a demise charter required
20 under paragraph (1)(D), the coastwise endorsement may
21 be continued for a period not to exceed 6 months on any
22 terms and conditions that the Secretary of Transportation
23 may prescribe.

24 “(f) For purposes of the first proviso of section 27
25 of the Merchant Marine Act, 1920, section 2 of the Ship-

1 ping Act, 1916, and section 12102(a), a vessel meeting
2 the criteria of subsection (d) or (e) is deemed to be owned
3 exclusively by citizens of the United States.”.

4 **SEC. 1012. REPEAL OF GREAT LAKES ENDORSEMENTS.**

5 (a) REPEAL.—Section 12107 of title 46, United
6 States Code, is repealed.

7 (b) CONFORMING AMENDMENTS.—

8 (1) The analysis at the beginning of chapter
9 121 of title 46, United States Code, is amended by
10 striking the item relating to section 12107.

11 (2) Section 12101(b)(3) of title 46, United
12 States Code, is repealed.

13 (3) Section 4370(a) of the Revised Statutes of
14 the United States (46 App. U.S.C. 316(a)) is
15 amended by striking “or 12107”.

16 (4) Section 2793 of the Revised Statutes of the
17 United States (46 App. U.S.C. 111, 123; 19 U.S.C.
18 288) is amended by striking “coastwise, Great
19 Lakes” and inserting “registry”.

20 (5) Section 441(6) of the Tariff Act of 1930
21 (19 U.S.C. 1441) is amended by striking “with a
22 Great Lakes endorsement when towing vessels” and
23 inserting “when towing vessels on the Great Lakes
24 or their tributary or connecting waters”.

1 (6) Public Law 74–835 (49 Stat. 1985 et seq.)
2 is amended in section 805(a) by striking “1935”
3 each place it appears and inserting “1993”; and by
4 repealing sections 605(c) and 610.

5 **TITLE XI—RECREATIONAL**
6 **BOATING SAFETY**

7 **SEC. 1101. SHORT TITLE.**

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

10 **SEC. 1102. PERSONAL FLOTATION DEVICES REQUIRED FOR**
11 **CHILDREN.**

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

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

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

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

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

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

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

8 **SEC. 1103. ALLOCATION OF FUNDS BASED ON STATE ADOPT-**
9 **ION OF LAWS REGARDING BOATING WHILE**
10 **INTOXICATED.**

11 Section 13103 of title 46, United States Code, is
12 amended—

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

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

17 “(a)(1) Beginning in fiscal year 1998, of the amounts
18 transferred to the Secretary each fiscal year pursuant to
19 section 4(b) of the Act of August 9, 1950 (16 U.S.C.
20 777c(b)), the Secretary shall allocate for State rec-
21 reational boating safety programs \$10,000,000 as follows:

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

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

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

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

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

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

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

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

21 “(B) one-half shall be allocated among those el-
22 ible States so that each such State receives an
23 amount bearing the same ratio to the total amount
24 allocated under that subparagraph for the fiscal year
25 as the number of vessels numbered in that State

1 under a system approved under chapter 123 of this
2 title bears to the total number of vessels numbered
3 under approved systems of all States receiving an al-
4 location under that subparagraph for the fiscal
5 year.”;

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

9 (4) by adding at the end the following new sub-
10 section:

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

17 **SEC. 1104. MARINE CASUALTY REPORTING.**

18 (a) SUBMISSION OF PLAN.—Not later than one year
19 after enactment of this Act, the Secretary of Transpor-
20 tation shall, in consultation with appropriate State agen-
21 cies, submit to the Committee on Merchant Marine and
22 Fisheries of the House of Representatives and the Com-
23 mittee on Commerce, Science, and Transportation of the
24 Senate a plan to increase reporting of vessel accidents to
25 appropriate State law enforcement officials.

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

5 **SEC. 1105. REQUIRING VIOLATORS TO TAKE REC-**
6 **REATIONAL BOATING SAFETY COURSE.**

7 (a) NEGLIGENT OPERATION.—Section 2302 of title
8 46, United States Code, is amended by adding at the end
9 the following:

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

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

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

20 **SEC. 1106. TECHNICAL CORRECTIONS.**

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

23 (1) striking “proceeding” and inserting “pre-
24 ceding”; and

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

3 **TITLE XII—COAST GUARD**
4 **REGULATORY REFORM**

5 **SEC. 1201. SHORT TITLE.**

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

8 **SEC. 1202. SAFETY MANAGEMENT.**

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

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

 “Sec.

 “3201. Definitions.

 “3202. Application.

 “3203. Safety management system.

 “3204. Implementation of safety management system.

 “3205. Certification.

13 **“§ 3201. Definitions**

14 “In this chapter—

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

19 “(2) ‘responsible person’ means—

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

22 “(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. 1203. 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. 1204. 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. 1205. 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. 1206. 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. 1207. 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. 1208. 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 XIII—UNITED STATES**
20 **CRUISE VESSEL DEVELOPMENT**

21 **SEC. 1301. SHORT TITLE.**

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

1 **SEC. 1302. 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. 1303. 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. 1304. 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
7 June 19, 1886.”.

8 **SEC. 1305. 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. 1306. LOAN GUARANTEES.**

2 Title XI of the Act of June 29, 1936 (46 App. U.S.C.
3 1271 et seq.), is amended—

4 (1) in section 1101(b), by striking “passenger
5 cargo” and inserting “passenger, cargo,”; and by
6 striking “owned by citizens of the United States”;

7 (2) in section 1104B(a), in the material preced-
8 ing paragraph (1), by striking “owned by citizens of
9 the United States”;

10 (3) in section 1110(a), by striking “owned by
11 citizens of the United States”; and

12 (4) in section 1103, by adding at the end the
13 following:

14 “(g) Notwithstanding any other law, the cost of a
15 loan guarantee commitment entered into under this title
16 shall be calculated using only the projected cost of that
17 individual guarantee.”.

18 **SEC. 1307. PERMITS FOR VESSELS ENTERING UNITS OF NA-**
19 **TIONAL PARK SYSTEM.**

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

24 (1) First, any person that—

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

4 (B) holds rights to provide visitor services
5 under section 1307(a) of the Alaska National
6 Interest Lands Conservation Act (16 U.S.C.
7 3197(A)).

8 (2) Second, any person that will operate a ves-
9 sel that—

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

12 (B) on the date of the enactment of this
13 Act is permitted to be operated by the person
14 in the unit.

15 (3) Third, any person that will operate a vessel
16 other than a vessel described in paragraph (1) or
17 (2).

18 (b) REVOCATION OF PERMITS FOR FOREIGN-DOCU-
19 MENTED VESSELS.—The Secretary of the Interior shall
20 revoke or refuse to renew permission granted by the Sec-
21 retary for the operation of a vessel documented under the
22 laws of a foreign country in a unit of the National Park
23 System, if—

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

4 (2) the permission may not be granted because
5 of a limit on the number of permits that may be is-
6 sued for that operation.

7 (c) RESTRICTIONS ON REVOCATION OF PERMITS.—
8 The Secretary of the Interior may not revoke or refuse
9 to renew permission under subsection (b) for any person
10 holding rights to provide visitor services under section
11 1307(a) of the Alaska National Interest Lands Conserva-
12 tion Act (16 U.S.C. 3197(a)).

13 (d) RETURN OF PERMITS.—Any person whose per-
14 mission to provide visitors services in a unit of the Na-
15 tional Park System has been revoked or not renewed
16 under subsection (b) shall have the right of first refusal
17 to a permit to provide visitors services in that unit of the
18 National Park System that becomes available when the
19 conditions described in subsection (b) no longer apply.
20 Such right shall be limited to the number of permits which
21 are revoked or not renewed.

1 **TITLE XIV—BOATING**
2 **IMPROVEMENT**

3 **SEC. 1401. SHORT TITLE.**

4 This title may be cited as the “Boating Improvement
5 Act of 1994”.

6 **SEC. 1402. BOATING SAFETY GRANTS.**

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

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

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

19 “(A) A sum equal to \$7,500,000 of the amount
20 available for fiscal year 1995, and a sum equal to
21 \$10,000,000 of the amount available for each of fis-
22 cal years 1996 and 1997, shall be available for use
23 by the Secretary of the Interior for grants under
24 section 5604(c) of the Clean Vessel Act of 1992.

25 Any portion of such a sum available for a fiscal year

1 that is not obligated for those grants before the end
2 of the following fiscal year shall be transferred to
3 the Secretary of Transportation and shall be ex-
4 pended by the Secretary of Transportation for State
5 recreational boating safety programs under section
6 13106 of title 46, United States Code.

7 “(B) A sum equal to \$7,500,000 of the amount
8 available for fiscal year 1995, \$30,000,000 of the
9 amount available for fiscal year 1996, \$45,000,000
10 of the amount available for fiscal year 1997, and
11 \$59,000,000 of the amount available for each of fis-
12 cal years 1998 and 1999, shall be transferred to the
13 Secretary of Transportation and shall be expended
14 by the Secretary of Transportation for State rec-
15 reational boating safety programs under section
16 13106 of title 46, United States Code.

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

21 “(i) grants under section 1403(e) of the
22 Boating Improvement Act of 1994; and

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

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

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

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

18 “(ii) \$35,000,000; or

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

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

23 (2) CONFORMING AMENDMENT.—Section
24 5604(c)(1) of the Clean Vessel Act of 1992 (33
25 U.S.C. 1322 note) is amended by striking “section

1 4(b)(2) of the Act of August 9, 1950 (16 U.S.C.
2 777c(b)(2), as amended by this Act)” and inserting
3 “section 4(b)(1) of the Act of August 9, 1950 (16
4 U.S.C. 777c(b)(1))”.

5 (3) EXCESS FY 1995 BOAT SAFETY ACCOUNT
6 FUNDS TRANSFER.—Notwithstanding any other pro-
7 vision of law, \$20,000,000 of the annual appropria-
8 tion from the Sport Fish Restoration Account in fis-
9 cal year 1996 made in accordance with the provi-
10 sions of section 3 of the Act of August 9, 1950 (16
11 U.S.C. 777b), shall be excluded from the calculation
12 of amounts to be distributed under section 4(a) of
13 such Act (16 U.S.C. 777c(a)).

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

17 (1) in subsection (a)(1) by striking the first
18 sentence and inserting the following: “Subject to
19 paragraph (2), the Secretary shall expend under
20 contracts with States under this chapter in each fis-
21 cal year for State recreational boating safety pro-
22 grams an amount equal to the sum of the amount
23 appropriated from the Boat Safety Account for that
24 fiscal year plus the amount transferred to the Sec-
25 retary under section 4(b)(1) of the Act of August 9,

1 1950 (16 U.S.C. 777c(b)(1)) for that fiscal year.”;

2 and

3 (2) by amending subsection (c) to read as fol-
4 lows:

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

12 **SEC. 1403. BOATING ACCESS.**

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

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

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

23 (3) More Aquatic Resources Trust Fund mon-
24 eys should be spent on recreational vessel access fa-

1 cilities that benefit recreational vessels that are
2 nontrailerable vessels.

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

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

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

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

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

22 (e) GRANT PROGRAM.—

23 (1) MATCHING GRANTS.—The Secretary of the
24 Interior may obligate not less than $\frac{1}{2}$ of the amount
25 made available for each of fiscal years 1998 and

1 1999 under section 4(b)(1)(C) of the Act of August
2 9, 1950, as amended by section 1402(a)(1) of this
3 title, to make grants to any State to pay not more
4 than 75 percent of the cost of constructing or ren-
5 ovating public facilities for transient nontrailerable
6 vessels.

7 (2) PRIORITIES.—

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

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

20 **SEC. 1404. DEFINITIONS.**

21 For the purpose of this title the term—

22 (1) “Act of August 9, 1950” means the Act en-
23 titled “An Act to provide that the United States
24 shall aid the States in fish restoration and manage-

1 ment projects, and for other purposes”, approved
2 August 9, 1950 (16 U.S.C. 777a et seq.);

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

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

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

11 (A) operated primarily for pleasure; or

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

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

19 **TITLE XV—TOWING VESSEL**
20 **NAVIGATIONAL SAFETY**

21 **SEC. 1501. SHORT TITLE.**

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

1 **SEC. 1502. MINIMUM NAVIGATIONAL SAFETY EQUIPMENT**
2 **FOR TOWING VESSELS.**

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

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

8 “(A) consider the characteristics, methods of
9 operation, and nature of the service of towing ves-
10 sels;

11 “(B) consult with the Towing Safety Advisory
12 Committee; and

13 “(C) require, to the extent appropriate, the in-
14 stallation, maintenance, and use of and familiarity
15 with the following equipment on each towing vessel,
16 other than a towing vessel that is used only for tow-
17 ing disabled vessels:

18 “(i) A radar system.

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

20 “(iii) A sonic depth finder.

21 “(iv) A compass or swing meter.

22 “(v) Adequate towing wire and associated
23 equipment.

24 “(vi) Up-to-date navigational charts and
25 publications for the areas normally transited by
26 the vessel.

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

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

5 “(A) any equipment required on a towing vessel
6 under paragraph (1) shall be maintained in effective
7 operating condition; and

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

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

19 **SEC. 1503. REPORTING MARINE CASUALTIES.**

20 (a) EXPEDITED REPORTING REQUIRED.—Section
21 6101(b) of title 46, United States Code, is amended by
22 striking “within 5 days” and inserting “by as soon as
23 practicable, but in no case later than within 5 days,”.

24 (b) PENALTY FOR FAILURE TO REPORT A CAS-
25 UALTY.—Section 6103(a) of title 46, United States Code

1 is amended by striking “\$1,000” and inserting “not more
2 than \$25,000”.

3 **SEC. 1504. REPORT ON FEASIBILITY OF ESTABLISHING A**
4 **DIFFERENTIAL GLOBAL POSITIONING SAT-**
5 **ELLITE NAVIGATION SYSTEM AND ELEC-**
6 **TRONIC CHARTS FOR INLAND WATERWAYS.**

7 Not later than 6 months after the date of the enact-
8 ment of this Act, the Secretary of Transportation shall
9 submit a report to the Congress on the feasibility of estab-
10 lishing a differential global positioning satellite navigation
11 system and creating electronic charts for the inland water-
12 ways of the United States.

13 **SEC. 1505. MANNING AND LICENSING REQUIREMENTS FOR**
14 **TOWING VESSELS.**

15 (a) MANNING REQUIREMENTS.—Section 8904 of title
16 46, United States Code, is amended by adding at the end
17 the following:

18 “(c) A towing vessel that is at least 26 feet in length,
19 other than a vessel referred to in subsection (b), shall—

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

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

1 (b) REGULATIONS ESTABLISHING LICENSES FOR
2 MASTERS AND OPERATORS.—Section 7101 of title 46,
3 United States Code, is amended by adding at the end the
4 following:

5 “(j)(1) The Secretary shall prescribe regulations
6 which establish licenses for masters and mates of towing
7 vessels.

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

11 “(A) demonstrates proficiency in the use of the
12 equipment required pursuant to section
13 4102(f)(1)(C) of this title; and

14 “(B) demonstrates proficiency in operating a
15 towing vessel.

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

22 (c) EXISTING UNINSPECTED TOWING VESSEL OPER-
23 ATOR LICENSE HOLDERS.—An uninspected towing vessel
24 operator license that is valid on the effective date of this
25 section shall be valid as a master or mate license required

1 by section 8904 of title 46, United States Code, as amend-
2 ed by this section, until otherwise required to be renewed.
3 The Secretary shall require that an individual applying for
4 a first renewal of such a license as a master or mate li-
5 cense under that section demonstrate proficiency under
6 the requirements of section 7101(j) of title 46, United
7 States Code, as added by this section.

8 (d) EFFECTIVE DATE.—The amendments made by
9 this section, other than the amendments made by sub-
10 section (e), shall take effect 2 years after the date of the
11 enactment of this Act.

12 (e) DEADLINE FOR REGULATIONS.—The Secretary
13 of the department in which the Coast Guard is operating
14 shall issue regulations under the amendments made by
15 this section by not later than 1 year after the date of the
16 enactment of this Act.

17 **SEC. 1506. CIVIL PENALTIES.**

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

22 (b) OPERATION OF UNINSPECTED TOWING VESSEL
23 IN VIOLATION OF MANNING REQUIREMENTS.—Section
24 8906 of title 46, United States Code, is amended by strik-
25 ing “\$1,000” and inserting “not more than \$25,000”.

1 **SEC. 1507. 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 paragraphs (2) and (3), a per-
17 son”; and

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

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

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

25 “(B) engagement or employment of an individ-
26 ual in any position, on a vessel of a type to which

1 this section did not apply on the day before the date
2 of enactment of the Towing Vessel Navigational
3 Safety Act of 1994, for which the individual is re-
4 quired to hold a license issued by the Secretary
5 under this title; and

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

8 “(3) The Secretary shall prescribe regulations
9 which provide that no more than 30 percent of the
10 individuals serving on board a vessel operating on
11 the rivers of Alaska shall be required to hold a mer-
12 chant mariner’s document or license issued by the
13 Secretary under this title.”.

14 (c) PRIVACY OF INFORMATION.—The Secretary of
15 Transportation may not make available to a member of
16 the public any personal information concerning an individ-
17 ual required to obtain a merchant mariner’s document
18 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 XVI—PROMOTION OF CON-**
2 **STRUCTION AND DEVELOP-**
3 **MENT OF UNITED STATES**
4 **OFFSHORE SUPPLY VESSELS**

5 **SEC. 1601. SHORT TITLE.**

6 This title may be cited as the “Offshore Supply Ves-
7 sel Construction and Development Act of 1994”.

8 **SEC. 1602. DEFINITION OF OFFSHORE SUPPLY VESSEL.**

9 Section 2101(19) of title 46, United States Code, is
10 amended to read as follows:

11 “(19) ‘offshore supply vessel’ means a motor
12 vessel that regularly transports goods, supplies, indi-
13 viduals in addition to the crew, or equipment in sup-
14 port of exploration, exploitation, or production of
15 offshore mineral or energy resources that—

16 “(A) is more than 15 regulatory gross tons
17 but less than 500 regulatory gross tons; or

18 “(B) is more than 15 international gross
19 tons, and not more than a maximum number of
20 international gross tons prescribed by regula-
21 tion of the Secretary.”.

22 **SEC. 1603. APPLICATION TO VESSELS.**

23 (a) Section 3702(b) of title 46, United States Code,
24 is amended to read as follows:

1 “(b)(1) The following vessels are deemed not to be
2 a tank vessel for purposes of this chapter or any other
3 law:

4 “(A) An offshore supply vessel.

5 “(B) A fishing or fish tender vessel of not more
6 than 750 regulatory gross tons, when engaged in the
7 fishing industry.

8 “(2) This subsection does not affect the authority of
9 the Secretary under chapter 33 of this title to regulate
10 the operation of vessels listed in paragraph (1) of this sub-
11 section to ensure the safe carriage of oil and hazardous
12 substances.”.

13 (b) Section 3306(a) of title 46, United States Code,
14 is amended after “safety” by inserting “of the marine en-
15 vironment and”.

16 (c) Section 5209 of Public Law 102–587 is repealed.

17 (d) Section 321 of Public Law 103–206 is repealed.

18 **SEC. 1604. AUTHORITY TO PRESCRIBE REGULATIONS FOR**

19 **MANNING AND LICENSING.**

20 (a) Section 7310 of title 46, United States Code, is
21 amended to read as follows:

22 **“§ 7310. Able seamen—offshore supply vessels**

23 “For service on an offshore supply vessel, an individ-
24 ual may be rated as able seaman—offshore supply vessels
25 if the individual has the following service on deck on board

1 vessels operating on the oceans or the navigable waters
2 of the United States (including the Great Lakes):

3 “(1) At least 6 months service on a vessel of
4 less than 500 regulatory gross tons or 1600 inter-
5 national gross tons.

6 “(2) An amount and type of service prescribed
7 by the Secretary on a vessel of at least 1600 inter-
8 national gross tons.”.

9 (b) Section 7312(d) of title 46, United States Code,
10 is amended by striking “a vessel of less than 500 gross
11 tons” through “energy resources” and inserting “an off-
12 shore supply vessel”.

13 (c) Section 8104(g) of title 46, United States Code,
14 is amended—

15 (1) after “offshore supply vessel” by inserting
16 “of less than 500 regulatory gross tons or 1600
17 international gross tons”; and

18 (2) by adding at the end of the subsection:
19 “The Secretary may prescribe requirements for the
20 minimum number of watches on an offshore supply
21 vessel of at least 1600 international gross tons.”.

22 (d) Section 8301(b) of title 46, United States Code,
23 is amended—

1 (1) after “offshore supply vessel” by inserting
2 “of less than 500 regulatory gross tons or 1600
3 international gross tons,”;

4 (2) after “200” by inserting “regulatory”; and

5 (3) by adding at the end of the subsection,
6 “The Secretary may prescribe requirements for the
7 minimum number of licensed individuals on an off-
8 shore supply vessel of at least 1600 international
9 gross tons.”.

10 **SEC. 1605. CITIZENSHIP REQUIREMENT.**

11 Section 8103(b)(3)(A) of title 46, United States
12 Code, is amended to read as follows:

13 “(A) an offshore supply vessel, or a similarly
14 engaged vessel of less than 1600 regulatory gross
15 tons or not more than a maximum number of inter-
16 national gross tons prescribed by regulation of the
17 Secretary, that operates from a foreign port;”.

18 **SEC. 1606. RESPONSE PLANNING REQUIREMENT.**

19 (a) Chapter 31 of title 46, United States Code, is
20 amended by adding at the end the following section:

21 **“§ 3103. Vessel response plans for offshore supply
22 vessels**

23 “(a) The Secretary shall prescribe regulations for ves-
24 sel pollution response plans for domestic operations of an
25 offshore supply vessel if—

1 “(1) the vessel is more than 400 international
2 gross tons; and

3 “(2) the keel of the vessel is laid after July 18,
4 1994 or the vessel undergoes a change substantially
5 affecting its tonnage after that date.

6 “(b) In prescribing regulations under this section, the
7 Secretary shall consider the unique characteristics, meth-
8 ods of operation, and nature of the service of the vessels
9 and risk to the environment.”.

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

“3103. Vessel response plans for offshore supply vessels.”.

13 **SEC. 1607. TONNAGE MEASUREMENT DEFINITIONS.**

14 Section 14101 of title 46, United States Code, is
15 amended—

16 (1) by inserting “(a)” before “In this part”;
17 and

18 (2) by adding at the end the following new sub-
19 section:

20 “(b) When used in a law, regulation, document, rul-
21 ing, or other official act referring to the tonnage measure-
22 ment of a vessel—

23 “(1) ‘international gross tons’ means gross tons
24 as measured under chapter 143 of this title; and

1 “(2) ‘regulatory gross tons’ means gross tons as
2 measured under chapter 145 of this title.”.

3 **TITLE XVII—LIGHTHOUSE AND**
4 **OTHER PROPERTY CONVEY-**
5 **ANCES**

6 **SEC. 1701. CONVEYANCE OF COAST GUARD PROPERTY IN**
7 **TRAVERSE CITY, MICHIGAN.**

8 (a) REQUIREMENT.—The Secretary of Transpor-
9 tation (or any other official having control over the prop-
10 erty described in subsection (b)) shall expeditiously convey
11 to the Traverse City Area Public School District in Tra-
12 verse City, Michigan, without consideration, all right, title,
13 and interest of the United States in and to the property
14 described in subsection (b), subject to all easements and
15 other interests in the property held by any other person.

16 (b) PROPERTY DESCRIBED.—The property referred
17 to in subsection (a) is real property located in the city
18 of Traverse City, Grand Traverse County, Michigan, and
19 consisting of that part of the southeast $\frac{1}{4}$ of Section 12,
20 Township 27 North, Range 11 West, described as: Com-
21 mencing at the southeast $\frac{1}{4}$ corner of said Section 12,
22 thence north 03 degrees 05 minutes 25 seconds east along
23 the East line of said Section, 1074.04 feet, thence north
24 86 degrees 36 minutes 50 seconds west 207.66 feet,
25 thence north 03 degrees 06 minutes 00 seconds east

1 572.83 feet to the point of beginning, thence north 86 de-
2 grees 54 minutes 00 seconds west 1,751.04 feet, thence
3 north 03 degrees 02 minutes 38 seconds east 330.09 feet,
4 thence north 24 degrees 04 minutes 40 seconds east
5 439.86 feet, thence south 86 degrees 56 minutes 15 sec-
6 onds east 116.62 feet, thence north 03 degrees 08 minutes
7 45 seconds east 200.00 feet, thence south 87 degrees 08
8 minutes 20 seconds east 68.52 feet, to the southerly right-
9 of-way of the C & O Railroad, thence south 65 degrees
10 54 minutes 20 seconds east along said right-of-way
11 1508.75 feet, thence south 03 degrees 06 minutes 00 sec-
12 onds west 400.61 to the point of beginning, consisting of
13 27.10 acres of land, and all improvements located on that
14 property including buildings, structures, and equipment.

15 (c) REVERSIONARY INTEREST.—In addition to any
16 term or condition established pursuant to subsection (a),
17 any conveyance of property described in subsection (b)
18 shall be subject to the condition that all right, title, and
19 interest in and to the property so conveyed shall imme-
20 diately revert to the United States if the property, or any
21 part thereof, ceases to be used by the Traverse City School
22 District.

1 **SEC. 1702. TRANSFER OF COAST GUARD PROPERTY IN**
2 **KETCHIKAN, ALASKA.**

3 (a) CONVEYANCE REQUIREMENT.—The Secretary of
4 Transportation, in cooperation with the Administrator of
5 General Services, shall convey to the Ketchikan Indian
6 Corporation in Ketchikan, Alaska, without reimbursement
7 and by no later than 120 days after the date of enactment
8 of this Act, all right, title, and interest of the United
9 States in and to the property known as the “Former Ma-
10 rine Safety Detachment” as identified in Report of Excess
11 Number CG-689 (GSA Control Number 9-U-AK-0747)
12 and described in subsection (b), for use by the Ketchikan
13 Indian Corporation as a health or social services facility.

14 (b) PROPERTY DESCRIBED.—The property referred
15 to in subsection (a) is real property located in the city
16 of Ketchikan, Township 75 south, range 90 east, Copper
17 River Meridian, First Judicial District, State of Alaska,
18 and commencing at corner numbered 10, United States
19 Survey numbered 1079, the true point of beginning for
20 this description: Thence north 24 degrees 04 minutes east,
21 along the 10-11 line of said survey a distance of 89.76
22 feet to corner numbered 1 of lot 5B; thence south 65 de-
23 grees 56 minutes east a distance of 345.18 feet to corner
24 numbered 2 of lot 5B; thence south 24 degrees 04 minutes
25 west a distance of 101.64 feet to corner numbered 3 of
26 lot 5B; thence north 64 degrees 01 minute west a distance

1 of 346.47 feet to corner numbered 10 of said survey, to
2 the true point of beginning, consisting of 0.76 acres (more
3 or less), and all improvements located on that property,
4 including buildings, structures, and equipment.

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

13 **SEC. 1703. CONVEYANCE OF LIGHT STATION MONTAUK**
14 **POINT, NEW YORK.**

15 (a) CONVEYANCE REQUIREMENT.—

16 (1) REQUIREMENT.—The Secretary of Trans-
17 portation shall convey to the Montauk Historical As-
18 sociation in Montauk, New York, by an appropriate
19 means of conveyance, all right, title, and interest of
20 the United States in and to property comprising
21 Light Station Montauk Point, located at Montauk,
22 New York.

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

1 (b) TERMS OF CONVEYANCE.—

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

4 (A) without the payment of consideration;
5 and

6 (B) subject to the conditions required by
7 paragraphs (3) and (4) and such other terms
8 and conditions as the Secretary may consider
9 appropriate.

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

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

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

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

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

12 (A) the light, antennas, sound signal, and
13 associated lighthouse equipment located on the
14 property conveyed, which are active aids to
15 navigation, shall continue to be operated and
16 maintained by the United States for as long as
17 they are needed for this purpose;

18 (B) the Montauk Historical Association
19 may not interfere or allow interference in any
20 manner with such aids to navigation without
21 express written permission from the United
22 States;

23 (C) there is reserved to the United States
24 the right to replace, or add any aids to naviga-
25 tion, or make any changes to the Montauk

1 Lighthouse as may be necessary for navigation
2 purposes;

3 (D) the United States shall have the right,
4 at any time, to enter the property conveyed
5 without notice for the purpose of maintaining
6 navigation aids;

7 (E) the United States shall have an ease-
8 ment of access to such property for the purpose
9 of maintaining the navigational aids in use on
10 the property; and

11 (F) the Montauk Light Station shall revert
12 to the United States at the end of the 30-day
13 period beginning on any date on which the Sec-
14 retary of Transportation provides written notice
15 to the Montauk Historical Association that the
16 Montauk Light Station is needed for national
17 security purposes.

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

1 (5) LIMITATION ON OBLIGATIONS OF MONTAUK
2 HISTORICAL ASSOCIATION.—The Montauk Historical
3 Association shall not have any obligation to maintain
4 any active aid to navigation equipment on property
5 conveyed pursuant to this section.

6 (c) FOR PURPOSES OF THIS SECTION.—

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

14 (2) the term “Montauk Lighthouse” means the
15 Coast Guard lighthouse located at the Montauk
16 Light Station.

17 **SEC. 1704. CONVEYANCE OF CAPE ANN LIGHTHOUSE.**

18 (a) AUTHORITY TO CONVEY.—

19 (1) IN GENERAL.—The Secretary of Transpor-
20 tation shall convey to the town of Rockport, Massa-
21 chusetts, by an appropriate means of conveyance, all
22 right, title, and interest of the United States in and
23 to the property comprising the Cape Ann Light-
24 house, located on Thachers Island, Massachusetts.

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

4 (b) TERMS OF CONVEYANCE.—

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

7 (A) without payment of consideration; and

8 (B) subject to the conditions required by
9 paragraphs (3) and (4) and other terms and
10 conditions the Secretary may consider appro-
11 priate.

12 (2) REVERSIONARY INTEREST.—In addition to
13 any term or condition established pursuant to para-
14 graph (1), the conveyance of property pursuant to
15 this section shall be subject to the condition that all
16 right, title, and interest in the Cape Ann Lighthouse
17 shall immediately revert to the United States if the
18 Cape Ann Lighthouse, or any part of the property—

19 (A) ceases to be used as a nonprofit center
20 for the interpretation and preservation of mari-
21 time history;

22 (B) ceases to be maintained in a manner
23 that ensures its present or future use as a
24 Coast Guard aid to navigation; or

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

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

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

15 (B) the town of Rockport may not inter-
16 fere or allow interference in any manner with
17 aids to navigation without express written per-
18 mission from the Secretary of Transportation;

19 (C) there is reserved to the United States
20 the right to relocate, replace, or add any aid to
21 navigation or make any changes to the Cape
22 Ann Lighthouse as may be necessary for navi-
23 gational purposes;

24 (D) the United States shall have the right,
25 at any time, to enter the property without no-

1 tice for the purpose of maintaining aids to navi-
2 gation; and

3 (E) the United States shall have an ease-
4 ment of access to the property for the purpose
5 of maintaining the aids to navigation in use on
6 the property.

7 (4) OBLIGATION LIMITATION.—The town of
8 Rockport is not required to maintain any active aid
9 to navigation equipment on property conveyed pur-
10 suant to this section.

11 (5) PROPERTY TO BE MAINTAINED IN ACCORD-
12 ANCE WITH CERTAIN LAWS.—The town of Rockport
13 shall maintain the Cape Ann Lighthouse in accord-
14 ance with the National Historic Preservation Act of
15 1966 (16 U.S.C. 470 et seq.), and other applicable
16 laws.

17 (c) DEFINITIONS.—For purposes of this section, the
18 term “Cape Ann Lighthouse” means the Coast Guard
19 property located on Thachers Island, Massachusetts, ex-
20 cept any historical artifact, including any lens or lantern,
21 located on the property at or before the time of the convey-
22 ance.

1 **SEC. 1705. TRANSFER OF OCRACOKE LIGHT STATION TO**
2 **SECRETARY OF THE INTERIOR.**

3 The Secretary of Transportation shall transfer ad-
4 ministrative jurisdiction over the Federal property, con-
5 sisting of approximately 2 acres, known as the Ocracoke
6 Light Station, to the Secretary of the Interior, subject to
7 such reservations, terms, and conditions as may be nec-
8 essary for Coast Guard purposes. All property so trans-
9 ferred shall be included in and administered as part of
10 the Cape Hatteras National Seashore.

11 **SEC. 1706. SQUIRREL POINT LIGHTHOUSE.**

12 (a) CONVEYANCE AUTHORIZATION.—

13 (1) AUTHORIZATION.—The Secretary of Trans-
14 portation may convey to Squirrel Point Associates,
15 Inc., by an appropriate means of conveyance, all
16 right, title, and interest of the United States in and
17 to property comprising Squirrel Point Lighthouse,
18 located in the town of Arrowsic, Maine.

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.—A 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 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 Squirrel Point Lighthouse pursuant to sub-
9 section (a) shall be subject to the condition that all
10 right, title, and interest in and to the property so
11 conveyed shall immediately revert to the United
12 States if the 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 and the maritime
17 history of Maine;

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

21 (C) ceases to be maintained in a manner
22 consistent with the provisions of the National
23 Historic Preservation Act (16 U.S.C. 470 et
24 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 Squirrel Point Associates, Inc.,
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 Squirrel Point
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; and

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.

5 (4) MAINTENANCE OF LIGHTHOUSE.—Any con-
6 veyance of property under this section shall be sub-
7 ject to the condition that the Squirrel Point Associ-
8 ates shall maintain the Eastern Point Lighthouse in
9 accordance with the provisions of the National His-
10 toric Preservation Act (16 U.S.C. 470 et seq.) and
11 other applicable laws.

12 (5) OBLIGATION LIMITATION.—The Squirrel
13 Point Associates, Inc., shall not have any obligation
14 to maintain any active aid to navigation equipment
15 on the property conveyed pursuant to this section.

16 (c) DEFINITIONS.—For purposes of this section, the
17 term “Squirrel Point Lighthouse” means the Coast Guard
18 property located in the town of Arrowsic, County of
19 Sagadahoc, Maine, including the light tower, dwelling,
20 boathouse, oil house, barn, any other ancillary buildings,
21 and such land as may be necessary to enable Squirrel
22 Point Associates, Inc., to operate a nonprofit center for
23 public benefit, except any historical artifact, including any
24 lens or lantern, located on the property at or before the
25 time of the conveyance.

1 **SEC. 1707. CONVEYANCE OF CERTAIN LIGHTHOUSES LO-**
2 **CATED IN MAINE.**

3 (a) AUTHORITY TO CONVEY.—

4 (1) IN GENERAL.—Subject to paragraphs (3)
5 and (4), the Secretary of Transportation may con-
6 vey, without consideration, to the Island Institute,
7 Rockland, Maine (in this section referred to as the
8 “Institute”), all right, title, and interest of the Unit-
9 ed States in and to any of the facilities and real
10 property and improvements described in paragraph
11 (2).

12 (2) COVERED FACILITIES.—Paragraph (1) ap-
13 plies to lighthouses, together with any real property
14 and other improvements associated therewith, lo-
15 cated in the State of Maine as follows:

16 (A) Whitehead Island Light.

17 (B) Deer Island Thorofare (Mark Island)
18 Light.

19 (C) Burnt Island Light.

20 (D) Rockland Harbor Breakwater Light.

21 (E) Monhegan Island Light.

22 (F) Eagle Island Light.

23 (G) Curtis Island Light.

24 (H) Moose Peak Light.

25 (I) Great Duck Island Light.

26 (J) Goose Rocks Light.

- 1 (K) Isle au Haut Light.
 - 2 (L) Goat Island Light.
 - 3 (M) Wood Island Light.
 - 4 (N) Doubling Point Light.
 - 5 (O) Doubling Point Front Range Light.
 - 6 (P) Doubling Point Rear Range Light.
 - 7 (Q) Little River Light.
 - 8 (R) Spring Point Ledge Light.
 - 9 (S) Ram Island Light (Boothbay).
 - 10 (T) Seguin Island Light.
 - 11 (U) Marshall Point Light.
 - 12 (V) Fort Point Light.
 - 13 (W) West Quoddy Head Light.
 - 14 (X) Brown's Head Light.
 - 15 (Y) Cape Neddick Light.
 - 16 (Z) Halfway Rock Light.
 - 17 (AA) Ram Island Ledge Light.
 - 18 (BB) Mount Desert Rock Light.
 - 19 (CC) Whitlock's Mill Light.
- 20 (3) LIMITATION ON CONVEYANCE.—The Sec-
21 retary shall retain all right, title, and interest of the
22 United States in and to any historical artifact, in-
23 cluding any lens or lantern, that is associated with
24 the lighthouses conveyed under this subsection,
25 whether located at the lighthouse or elsewhere. The

1 Secretary shall identify any equipment, system, or
2 object covered by this paragraph.

3 (4) DEADLINE FOR CONVEYANCE.—The convey-
4 ances authorized by this subsection shall take place,
5 if at all, not later than 5 years after the date of the
6 enactment of this Act.

7 (5) ADDITIONAL CONVEYANCES TO UNITED
8 STATES FISH AND WILDLIFE SERVICE.—The Sec-
9 retary may transfer, in accordance with the terms
10 and conditions of subsection (b), the following light-
11 houses, together with any real property and improve-
12 ments associated therewith, directly to the United
13 States Fish and Wildlife Service:

14 (A) Two Bush Island Light.

15 (B) Egg Rock Light.

16 (C) Libby Island Light.

17 (D) Matinicus Rock Light.

18 (b) CONDITIONS OF CONVEYANCE.—The conveyance
19 of a lighthouse, and any real property and improvements
20 associated therewith, under subsection (a) shall be subject
21 to the following conditions:

22 (1) That the lighthouse and any such property
23 and improvements be used for educational, historic,
24 recreational, cultural, and wildlife conservation pro-
25 grams for the general public and for such other uses

1 as the Secretary determines to be not inconsistent or
2 incompatible with such uses.

3 (2) That the lighthouse and any such property
4 and improvements be maintained at no cost to the
5 United States in a manner that ensures the use of
6 the lighthouse by the Coast Guard as an aid to navi-
7 gation.

8 (3) That the use of the lighthouse and any such
9 property and improvements by the Coast Guard as
10 an aid to navigation not be interfered with, except
11 with the written permission of the Secretary.

12 (4) That the lighthouse and any such property
13 and improvements be maintained in a manner con-
14 sistent with the provisions of the National Historic
15 Preservation Act (16 U.S.C. 470 et seq.).

16 (5) That public access to the lighthouse and
17 any such property and improvements be ensured.

18 (c) RESERVATIONS.—In the conveyance of a light-
19 house under subsection (a), the Secretary shall reserve to
20 the United States the following:

21 (1) The right to enter the lighthouse, and any
22 real property and improvements conveyed therewith,
23 at any time, without notice, for purposes of main-
24 taining any aid to navigation at the lighthouse, in-
25 cluding any light, antennae, sound signal, and asso-

1 ciated equipment located at the lighthouse, and any
2 electronic navigation equipment or system located at
3 the lighthouse.

4 (2) The right to enter the lighthouse and any
5 such property and improvements at any time, with-
6 out notice, for purposes of relocating, replacing, or
7 improving any such aid to navigation, or to carry
8 out any other activity necessary in aid of navigation.

9 (3) An easement of ingress and egress onto the
10 real property conveyed for the purposes referred to
11 in paragraphs (1) and (2).

12 (4) An easement over such portion of such
13 property as the Secretary considers appropriate in
14 order to ensure the visibility of the lighthouse for
15 navigation purposes.

16 (5) The right to obtain and remove any histori-
17 cal artifact, including any lens or lantern that the
18 Secretary has identified pursuant to paragraph (3)
19 of subsection (a).

20 (d) MAINTENANCE OF AIDS TO NAVIGATION.—The
21 Secretary may not impose upon the Institute, or upon any
22 entity to which the Institute conveys a lighthouse under
23 subsection (g), an obligation to maintain any aid to navi-
24 gation at a lighthouse conveyed under this section.

1 (e) REVERSIONARY INTEREST.—All right, title, and
2 interest in and to a lighthouse and any real property and
3 improvements associated therewith shall revert to the
4 United States and the United States shall have the right
5 of immediate entry thereon if—

6 (1) the Secretary determines at any time that
7 the lighthouse, and any property and improvements
8 associated therewith, conveyed to the Institute or to
9 the United States Fish and Wildlife Service under
10 subsection (a) or conveyed by the Institute under
11 subsection (g), as the case may be, is not being uti-
12 lized or maintained in accordance with subsection
13 (b); or

14 (2) the Secretary determines that—

15 (A) the Institute is unable to identify an
16 entity eligible for the conveyance of the light-
17 house under subsection (g) within the 3-year
18 period beginning on the date of the conveyance
19 of the lighthouse to the Institute under sub-
20 section (a); or

21 (B) in the event that the Institute identi-
22 fies an entity eligible for the conveyance within
23 that period—

24 (i) the entity is unable or unwilling to
25 accept the conveyance and the Institute is

1 unable to identify another entity eligible
2 for the conveyance within that period; or

3 (ii) the Maine Lighthouse Selection
4 Committee established under subsection
5 (g)(3)(A) disapproves of the entity identi-
6 fied by the Institute and the Institute is
7 unable to identify another entity eligible
8 for the conveyance within that period.

9 (f) INSPECTION.—The State Historic Preservation
10 Officer of the State of Maine may inspect any lighthouse,
11 and any real property and improvements associated there-
12 with, that is conveyed under this subsection at any time,
13 without notice, for purposes of ensuring that the light-
14 house is being maintained in the manner required under
15 subsections (b)(4) and (b)(5). The Institute, and any sub-
16 sequent conveyee of the Institute under subsection (g),
17 shall cooperate with the official referred to in the preced-
18 ing sentence in the inspections of that official under this
19 subsection.

20 (g) SUBSEQUENT CONVEYANCE.—

21 (1) REQUIREMENT.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (B), the Institute shall convey,
24 without consideration, all right, title, and inter-
25 est of the Institute in and to the lighthouses

1 conveyed to the Institute under subsection (a),
2 together with any real property and improve-
3 ments associated therewith, to one or more enti-
4 ties identified under paragraph (2) and ap-
5 proved by the committee established under
6 paragraph (3) in accordance with the provisions
7 of such paragraph (3).

8 (B) EXCEPTION.—The Institute, with the
9 concurrence of the Maine Lighthouse Selection
10 Committee and in accordance with the terms
11 and conditions of subsection (b), may retain
12 right, title, and interest in and to the following
13 lighthouses conveyed to the Institute:

14 (i) Whitehead Island Light.

15 (ii) Deer Island Thorofare (Mark Is-
16 land) Light.

17 (2) IDENTIFICATION OF ELIGIBLE ENTITIES.—

18 (A) IN GENERAL.—Subject to subpara-
19 graph (B), the Institute shall identify entities
20 eligible for the conveyance of a lighthouse under
21 this subsection. Such entities shall include any
22 department or agency of the Federal Govern-
23 ment, any department or agency of the Govern-
24 ment of the State of Maine, any local govern-
25 ment in that State, or any nonprofit corpora-

1 tion, educational agency, or community develop-
2 ment organization that—

3 (i) is financially able to maintain the
4 lighthouse (and any real property and im-
5 provements conveyed therewith) in accord-
6 ance with the conditions set forth in sub-
7 section (b);

8 (ii) has agreed to permit the inspec-
9 tions referred to in subsection (f); and

10 (iii) has agreed to comply with the
11 conditions set forth in subsection (b) and
12 to have such conditions recorded with the
13 deed of title to the lighthouse and any real
14 property and improvements that may be
15 conveyed therewith.

16 (B) ORDER OF PRIORITY.—In identifying
17 entities eligible for the conveyance of a light-
18 house under this paragraph, the Institute shall
19 give priority to entities in the following order,
20 which are also the exclusive entities eligible for
21 the conveyance of a lighthouse under this sec-
22 tion:

23 (i) Agencies of the Federal Govern-
24 ment.

1 (ii) Entities of the Government of the
2 State of Maine.

3 (iii) Entities of local governments in
4 the State of Maine.

5 (iv) Nonprofit corporations, edu-
6 cational agencies, and community develop-
7 ment organizations.

8 (3) SELECTION OF CONVEYEES AMONG ELIGI-
9 BLE ENTITIES.—

10 (A) COMMITTEE.—

11 (i) IN GENERAL.—There is hereby es-
12 tablished a committee to be known as the
13 Maine Lighthouse Selection Committee (in
14 this paragraph referred to as the “Com-
15 mittee”).

16 (ii) MEMBERSHIP.—The Committee
17 shall consist of five members appointed by
18 the Secretary as follows:

19 (I) One member, who shall serve
20 as the Chairman of the Committee,
21 shall be appointed from among indi-
22 viduals recommended by the Governor
23 of the State of Maine.

24 (II) One member shall be the
25 State Historic Preservation Officer of

1 the State of Maine, with the consent
2 of that official, or a designee of that
3 official.

4 (III) One member shall be ap-
5 pointed from among individuals rec-
6 ommended by State and local organi-
7 zations in the State of Maine that are
8 concerned with lighthouse preserva-
9 tion or maritime heritage matters.

10 (IV) One member shall be ap-
11 pointed from among individuals rec-
12 ommended by officials of local govern-
13 ments of the municipalities in which
14 the lighthouses are located.

15 (V) One member shall be ap-
16 pointed from among individuals rec-
17 ommended by the Secretary of the In-
18 terior.

19 (iii) APPOINTMENT DEADLINE.—The
20 Secretary shall appoint the members of the
21 Committee not later than 180 days after
22 the date of the enactment of this Act.

23 (iv) MEMBERSHIP TERM.—

24 (I) Members of the Committee
25 shall serve for such terms not longer

1 than 3 years as the Secretary shall
2 provide. The Secretary may stagger
3 the terms of initial members of the
4 Committee in order to ensure continu-
5 ous activity by the Committee.

6 (II) Any member of the Commit-
7 tee may serve after the expiration of
8 the term of the member until a suc-
9 cessor to the member is appointed. A
10 vacancy in the Committee shall be
11 filled in the same manner in which the
12 original appointment was made.

13 (v) VOTING.—The Committee shall
14 act by an affirmative vote of a majority of
15 the members of the Committee.

16 (B) RESPONSIBILITIES.—

17 (i) IN GENERAL.—The Committee
18 shall—

19 (I) review the entities identified
20 by the Institute under paragraph (2)
21 as entities eligible for the conveyance
22 of a lighthouse; and

23 (II) approve one such entity, or
24 disapprove all such entities, as entities
25 to which the Institute may make the

1 conveyance of the lighthouse under
2 this subsection.

3 (ii) APPROVAL.—If the Committee ap-
4 proves an entity for the conveyance of a
5 lighthouse, the Committee shall notify the
6 Institute of such approval.

7 (iii) DISAPPROVAL.—If the Committee
8 disapproves of the entities, the Committee
9 shall notify the Institute and, subject to
10 subsection (e)(2)(B), the Institute shall
11 identify other entities eligible for the con-
12 veyance of the lighthouse under paragraph
13 (2). The Committee shall review and ap-
14 prove or disapprove of entities identified
15 pursuant to the preceding sentence in ac-
16 cordance with this subparagraph and the
17 criteria set forth in subsection (b).

18 (C) EXEMPTION FROM FACa.—The Fed-
19 eral Advisory Committee Act (5 U.S.C. App.)
20 shall not apply to the Committee, however, all
21 meetings of the Committee shall be open to the
22 public and preceded by appropriate public no-
23 tice.

1 (D) TERMINATION.—The Committee shall
2 terminate 8 years from the date of the enact-
3 ment of this Act.

4 (4) CONVEYANCE.—Upon notification under
5 paragraph (3)(B)(ii) of the approval of an identified
6 entity for conveyance of a lighthouse under this sub-
7 section, the Institute shall, with the consent of the
8 entity, convey the lighthouse to the entity.

9 (5) RESPONSIBILITIES OF CONVEYEEES.—Each
10 entity to which the Institute conveys a lighthouse
11 under this subsection, or any successor or assign of
12 such entity in perpetuity, shall—

13 (A) use and maintain the lighthouse in ac-
14 cordance with subsection (b) and have such
15 terms and conditions recorded with the deed of
16 title to the lighthouse and any real property
17 conveyed therewith; and

18 (B) permit the inspections referred to in
19 subsection (f).

20 (h) DESCRIPTION OF PROPERTY.—The exact acreage
21 and legal description of any lighthouse, and any real prop-
22 erty and improvements associated therewith, conveyed
23 under subsection (a) shall be determined by the Secretary.

24 (i) REPORT.—Not later than 1 year after the date
25 of the enactment of this Act, and annually thereafter for

1 the next 7 years, the Secretary shall submit to Congress
2 a report on the conveyance of lighthouses under this sec-
3 tion. The report shall include a description of the imple-
4 mentation of the provisions of this section, and the re-
5 quirements arising under such provisions, in—

6 (1) providing for the use and maintenance of
7 the lighthouses conveyed under this section in ac-
8 cordance with subsection (b);

9 (2) providing for public access to such light-
10 houses; and

11 (3) achieving the conveyance of lighthouses to
12 appropriate entities under subsection (g).

13 (j) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
14 retary may require any additional terms and conditions
15 in connection with a conveyance under subsection (a) that
16 the Secretary considers appropriate in order to protect the
17 interests of the United States.

18 **TITLE XVIII—BALLAST WATER** 19 **MANAGEMENT**

20 **SEC. 1801. SHORT TITLE.**

21 This title may be cited as the “Ballast Water Man-
22 agement Act”.

1 **SEC. 1802. EVALUATION.**

2 (a) Subsection 1102(a) of Public Law 101-646 (16
3 U.S.C. 4712(a)) is amended by adding the following new
4 paragraph at the end:

5 “(4) NATIONAL BALLAST WATER MANAGEMENT
6 EVALUATION.—

7 “(A) Subject to the availability of appro-
8 priations, the Task Force shall contract with
9 the Marine Board of the National Research
10 Council to identify and evaluate ballast water
11 management technologies and practices that
12 prevent the introduction and spread of
13 nonindigenous species through ballast water
14 discharged into United States waters.

15 “(B) In conducting the evaluation, the Ma-
16 rine Board shall consider, at a minimum, bal-
17 last water management technologies and prac-
18 tices identified in the study prepared under
19 paragraph (3).

20 “(C) In conducting the evaluation, the Ma-
21 rine Board shall identify, at a minimum, ballast
22 water management technologies and practices
23 that—

24 “(i) may be retrofitted on existing
25 vessels or incorporated in new vessel de-
26 signs;

- 1 “(ii) are operationally practical;
2 “(iii) are safe for vessel and crew;
3 “(iv) are environmentally sound;
4 “(v) are cost effective;
5 “(vi) the vessel operator can monitor;
6 and
7 “(vii) are effective against a broad
8 range of nuisance organisms.”.

9 (b) Subsection 1102(c) of Public Law 101–646 (16
10 U.S.C. 4712(c)) is amended by adding the following new
11 paragraph at the end:

12 “(3) NATIONAL BALLAST WATER MANAGEMENT
13 EVALUATION REPORT.—Not later than 1 year after
14 the date of enactment of the Ballast Water Manage-
15 ment Act, the Task Force shall submit to the appro-
16 priate Committees a report on the results of the
17 evaluation conducted under paragraph (4) of sub-
18 section (a).”.

19 **SEC. 1803. NATIONAL BALLAST WATER MANAGEMENT DEM-**
20 **ONSTRATION PROGRAM.**

21 (a) Section 1202 of Public Law 101–646 (16 U.S.C.
22 4722) is amended by—

- 23 (1) redesignating subsection (k) as subsection
24 (l); and
25 (2) inserting after subsection (j) the following:

1 “(k) NATIONAL BALLAST WATER MANAGEMENT
2 DEMONSTRATION PROGRAM.—

3 “(1) AUTHORIZATION.—Following the submis-
4 sion of the evaluation authorized under section
5 1102(a)(4) and subject to the availability of appro-
6 priations under section 1301(e), the Secretary of
7 Transportation, in consultation with the Task Force,
8 shall conduct a national ballast water management
9 demonstration program to test and evaluate ballast
10 water management technologies and practices, in-
11 cluding those identified in the evaluation authorized
12 under paragraph 1102(a)(4), to prevent the intro-
13 duction and spread of nonindigenous species through
14 ballast water discharged into United States waters.

15 “(2) CRITERIA.—In carrying out the dem-
16 onstration program authorized under this sub-
17 section, the Secretary of Transportation shall use
18 vessels that are documented under chapter 121 of
19 title 46, United States Code, including vessels oper-
20 ating on the Great Lakes. Any necessary ballast
21 water management technology installation or con-
22 struction on a vessel used in the demonstration pro-
23 gram shall be performed by a United States ship-
24 yard or ship repair facility.

1 “(3) AUTHORITIES.—In conducting the dem-
2 onstration program under this subsection, the Task
3 Force and the Secretary of Transportation may ac-
4 cept donations of property and services.”.

5 (b) Subsection 1202(l), as redesignated by this Act,
6 is amended by adding the following new paragraph at the
7 end:

8 “(3) Not later than 1 year after the submission
9 of the evaluation authorized under section
10 1102(a)(4) and periodically as necessary to report
11 new findings, the Secretary of Transportation, in
12 consultation with the Task Force, shall submit to
13 the appropriate Committees a report on the results
14 of the demonstration program conducted under sub-
15 section (k).”.

16 **SEC. 1804. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 1301 of Public Law 101-646 (16 U.S.C.
18 4741) is amended by adding the following new subsection
19 at the end:

20 “(e) NATIONAL BALLAST WATER MANAGEMENT
21 EVALUATION AND DEMONSTRATION PROGRAM.—There
22 are authorized to be appropriated to the Director and the
23 Under Secretary \$150,000 for fiscal year 1995 and to the
24 Secretary of Transportation \$1,850,000 for fiscal year
25 1996, to remain available until expended, to carry out the

1 evaluation authorized under section 1102(a)(4) and the
2 demonstration program authorized under section
3 1202(k).”.

4 **TITLE XIX—NATIONAL OCEANIC**
5 **AND ATMOSPHERIC ADMINIS-**
6 **TRATION AND GOVERNING**
7 **ACT OF 1994**

8 **SEC. 1901. SHORT TITLE.**

9 This Title may be cited as the “National Oceanic and
10 Atmospheric Administration Authorization and Governing
11 Act of 1994”.

12 **SEC. 1902. DEFINITIONS.**

13 For the purposes of this title, the term—

14 (1) “Act of 1890” means the Act entitled “An
15 Act to increase the efficiency of the Signal Corps of
16 the Army, and to transfer the Weather Bureau to
17 the Department of Agriculture”, approved October
18 1, 1890 (26 Stat. 653);

19 (2) “Act of 1947” means the Act entitled “An
20 Act to define the functions and duties of the Coast
21 and Geodetic Survey, and for other purposes”, ap-
22 proved August 6, 1947 (33 U.S.C. 883a et seq.);
23 and

24 (3) “Act of 1970” means the Act entitled “An
25 Act to clarify the status and benefits of commis-

1 sioned officers of the National Oceanic and Atmos-
2 pheric Administration, and for other purposes”, ap-
3 proved December 31, 1970 (33 U.S.C. 857-1 et
4 seq.).

5 **SEC. 1903. NATIONAL OCEAN SERVICE.**

6 (a) MAPPING AND CHARTING.—

7 (1) IN GENERAL.—There are authorized to be
8 appropriated to the Secretary of Commerce, to en-
9 able the National Oceanic and Atmospheric Adminis-
10 tration to carry out mapping and charting activities
11 under the Act of 1947 and any other law involving
12 those activities, \$31,000,000 for fiscal year 1995
13 and \$32,116,000 for fiscal year 1996. Of the sums
14 authorized under this paragraph, a total of
15 \$1,950,000 is available until expended to deploy in
16 Galveston Bay and the Houston Ship Channel a
17 Physical Ocean Real Time System consisting, at a
18 minimum, of current, wind, tide, salinity, and water
19 level measuring devices and necessary computer
20 links.

21 (2) AUTOMATED NAUTICAL CHARTING.—In ad-
22 dition to amounts authorized under paragraph (1),
23 there are authorized to be appropriated to the Sec-
24 retary of Commerce, to enable the National Oceanic
25 and Atmospheric Administration to develop and im-

1 plement an automated nautical charting system,
2 \$1,250,000 for fiscal year 1995 and \$1,295,000 for
3 fiscal year 1996.

4 (b) GEODESY.—There are authorized to be appro-
5 priated to the Secretary of Commerce, to enable the Na-
6 tional Oceanic and Atmospheric Administration to carry
7 out geodesy activities under the Act of 1947 and any other
8 law involving those activities, \$20,762,000 for fiscal year
9 1995 and \$21,509,000 for fiscal year 1996.

10 (c) OBSERVATION AND PREDICTION.—

11 (1) IN GENERAL.—There are authorized to be
12 appropriated to the Secretary of Commerce, to en-
13 able the National Oceanic and Atmospheric Adminis-
14 tration to carry out observation and prediction ac-
15 tivities under the Act of 1947 and any other law in-
16 volving those activities, \$12,423,000 for fiscal year
17 1995 and \$12,870,000 for fiscal year 1996.

18 (2) CIRCULATORY SURVEY PROGRAM.—In addi-
19 tion to amounts authorized under paragraph (1),
20 there are authorized to be appropriated to the Sec-
21 retary of Commerce, to enable the National Oceanic
22 and Atmospheric Administration to carry out the
23 Circulatory Survey Program, \$700,000 for fiscal
24 year 1995 and \$725,000 for fiscal year 1996.

1 (3) OCEAN AND EARTH SCIENCES.—In addition
2 to amounts authorized under paragraph (1), there
3 are authorized to be appropriated to the Secretary
4 of Commerce, to enable the National Oceanic and
5 Atmospheric Administration to carry out ocean and
6 earth science activities, \$4,442,000 for fiscal year
7 1995 and \$4,602,000 for fiscal year 1996.

8 (4) OBSERVATION BUOYS.—In addition to
9 amounts authorized under paragraph (1), there are
10 authorized to be appropriated to the Secretary of
11 Commerce, to enable the National Oceanic and At-
12 mospheric Administration to operate and maintain
13 observation buoys in the Chesapeake Bay, \$400,000
14 for fiscal year 1995 and \$414,000 for fiscal year
15 1996.

16 (d) ESTUARINE AND COASTAL ASSESSMENT.—

17 (1) IN GENERAL.—There are authorized to be
18 appropriated to the Secretary of Commerce, to en-
19 able the National Oceanic and Atmospheric Adminis-
20 tration to support estuarine and coastal assessment
21 activities under the Act of 1947 and any other law
22 involving those activities, \$2,753,000 for fiscal year
23 1995 and \$2,852,000 for fiscal year 1996.

24 (2) OCEAN ASSESSMENT.—In addition to
25 amounts authorized under paragraph (1), there are

1 authorized to be appropriated to the Secretary of
2 Commerce, to enable the National Oceanic and At-
3 mospheric Administration to carry out the National
4 Status and Trends Program, the Strategic Environ-
5 mental Assessment Program, and the Hazardous
6 Materials Response Program, \$24,528,000 for fiscal
7 year 1995 and \$25,411,000 for fiscal year 1996.

8 (3) DAMAGE ASSESSMENT PROGRAM.—In addi-
9 tion to amounts authorized under paragraph (1),
10 there are authorized to be appropriated to the Sec-
11 retary of Commerce, to enable the National Oceanic
12 and Atmospheric Administration to carry out the
13 Damage Assessment Program, \$1,200,000 for fiscal
14 year 1995 and \$1,243,000 for fiscal year 1996.

15 (4) COASTAL OCEAN PROGRAM.—In addition to
16 amounts authorized under paragraph (1), there are
17 authorized to be appropriated to the Secretary of
18 Commerce, to enable the National Oceanic and At-
19 mospheric Administration to carry out the Coastal
20 Ocean Program, \$11,000,000 for fiscal year 1995
21 and \$11,396,000 for fiscal year 1996. Of the
22 amounts authorized under this paragraph, a total of
23 \$120,000 is available to study the use of oceano-
24 graphic data obtained from satellite imagery and

1 other sources to determine and predict the presence
2 of endangered sea turtles in the Gulf of Mexico.

3 (e) OCEAN MANAGEMENT.—There are authorized to
4 be appropriated to the Secretary of Commerce, to enable
5 the National Oceanic and Atmospheric Administration to
6 carry out deep ocean mineral and ocean energy activities,
7 \$500,000 for each of fiscal years 1995 and 1996.

8 **SEC. 1904. OCEAN AND GREAT LAKES RESEARCH.**

9 (a) MARINE PREDICTION RESEARCH.—

10 (1) IN GENERAL.—There are authorized to be
11 appropriated to the Secretary of Commerce, to en-
12 able the National Oceanic and Atmospheric Adminis-
13 tration to carry out marine prediction research ac-
14 tivities under the Act of 1947, the Act of 1890, and
15 any other law involving those activities, \$9,572,000
16 for fiscal year 1995 and \$9,917,000 for fiscal year
17 1996.

18 (2) GREAT LAKES ENVIRONMENTAL RESEARCH
19 LABORATORY.—

20 (A) IN GENERAL.—There are authorized to
21 be appropriated to the Secretary of Commerce,
22 for the operation and maintenance of the Great
23 Lakes Environmental Research Laboratory,
24 \$4,558,000 for fiscal year 1995 and \$4,722,000
25 for fiscal year 1996.

1 (B) GREAT LAKES NEARSHORE RE-
2 SEARCH.—There are authorized to be appro-
3 priated to the Secretary of Commerce, to enable
4 the National Oceanic and Atmospheric Admin-
5 istration to carry out nearshore research activi-
6 ties of the Great Lakes Environmental Re-
7 search Laboratory, \$200,000 for fiscal year
8 1995 and \$207,000 for fiscal year 1996.

9 (C) ZEBRA MUSSEL RESEARCH.—In addi-
10 tion to amounts authorized under subparagraph
11 (A), there are authorized to be appropriated to
12 the Secretary of Commerce, to enable the Na-
13 tional Oceanic and Atmospheric Administration
14 to carry out zebra mussel research activities of
15 the Great Lakes Environmental Research Lab-
16 oratory under the Nonindigenous Aquatic Nui-
17 sance Prevention and Control Act of 1990 (16
18 U.S.C. 4701 et seq.), \$911,000 for fiscal year
19 1995 and \$1,125,000 for fiscal year 1996.

20 (3) SOUTHEAST FLORIDA AND CARIBBEAN RE-
21 CRUITMENT PROGRAM.—In addition to amounts au-
22 thorized under paragraph (1), there are authorized
23 to be appropriated to the Secretary of Commerce
24 \$450,000 for fiscal year 1995 and \$466,000 for fis-
25 cal year 1996 to enable the National Oceanic and

1 Atmospheric Administration to carry out, through
2 the Cooperative Institute for Marine and Atmos-
3 pheric Studies, collaborative investigations to exam-
4 ine the physical and biological processes which—

5 (A) occur in tropical marine environments

6 in coastal waters of the United States, Florida,

7 and the Caribbean; and

8 (B) impact variability and development of

9 fisheries resources.

10 (b) CLIMATE AND GLOBAL CHANGE RESEARCH.—

11 (1) IN GENERAL.—There are authorized to be
12 appropriated to the Secretary of Commerce, to en-
13 able the National Oceanic and Atmospheric Adminis-
14 tration to carry out climate and global change re-
15 search activities, \$71,000,000 for fiscal year 1995
16 and \$73,556,000 for fiscal year 1996.

17 (2) ENVIRONMENTAL OBSERVATIONS.—In addi-
18 tion to amounts authorized to be appropriated under
19 paragraph (1), there are authorized to be appro-
20 priated to the Secretary of Commerce \$7,000,000
21 for fiscal year 1995 and \$12,000,000 for fiscal year
22 1996 for a program to increase scientific under-
23 standing of the earth by using a network of schools
24 to collect environmental observations. Beginning in
25 fiscal year 1996, amounts appropriated for such pro-

1 (B) inserting after “1993” the following:
2 “, \$49,618,000 for fiscal year 1995, and
3 \$51,404,000 for fiscal year 1996”;

4 (2) in section 3(a) by—

5 (A) striking “1992 and” and inserting
6 “1992,”; and

7 (B) inserting after “1993” the following:
8 “, \$28,348,000 for fiscal year 1995, and
9 \$29,369,000 for fiscal year 1996”; and

10 (3) in section 4(a) by—

11 (A) striking “1992 and” and inserting
12 “1992,”; and

13 (B) inserting after “1993” the following:
14 “, \$20,550,000 for fiscal year 1995, and
15 \$21,290,000 for fiscal year 1996”.

16 **SEC. 1906. SCALLOP RESTORATION PROGRAM.**

17 There are authorized to be appropriated to the Sec-
18 retary of Commerce \$200,000 for each of fiscal years
19 1995 and 1996, for the establishment and maintenance
20 of a scallop restoration program for Long Island Sound.

21 **SEC. 1907. SALTONSTALL-KENNEDY PROGRAM AMEND-**
22 **MENTS.**

23 (a) IN GENERAL.—Section 2 of the Act of August
24 11, 1939 (15 U.S.C. 713c-3), popularly known as the
25 “Saltonstall-Kennedy Act”, is amended—

1 (1) by striking “SEC. 2.” the second place it
2 appears;

3 (2) in subsection (b)(1) by—

4 (A) striking subparagraph (B);

5 (B) striking “only for—” and all that fol-
6 lows through “the Secretary—” and inserting
7 “only for use by the Secretary—”;

8 (C) redesignating clauses (i), (ii), and (iii)
9 in order as subparagraphs (A), (B), and (C);
10 and

11 (D) moving subparagraphs (A), (B), and
12 (C), as redesignated by subparagraph (C) of
13 this paragraph, 2 ems to the left so that the
14 left margin of those subparagraphs is aligned
15 with the left margin of section 2(a)(5) of that
16 Act (15 U.S.C. 713c-3(a)(5)); and

17 (3) by striking the designation and heading for
18 subsection (c) and all that follows through para-
19 graph (4) of that subsection, and inserting the fol-
20 lowing:

21 “(c) FISHERIES RESEARCH AND DEVELOPMENT
22 PROJECTS.—

23 “(1) IN GENERAL.—The Secretary shall make
24 grants from the fund established under subsection
25 (b) for the purpose of assisting persons in carrying

1 out research and development projects to promote
2 the sustainable use and development of United
3 States fisheries, including harvesting, processing,
4 aquaculture, marketing, and associated infrastruc-
5 tures.

6 “(2) SECRETARY’S DUTIES.—The Secretary
7 shall each fiscal year—

8 “(A) receive at least once, during a 60-day
9 period specified by the Secretary, applications
10 for grants under this subsection pursuant to a
11 Request for Proposals published in the Federal
12 Register;

13 “(B) prescribe in that Request for Propos-
14 als the form and manner in which applications
15 for grants under this subsection must be made,
16 including the specification of the information
17 which must accompany applications to ensure
18 that the proposed projects comply with Federal
19 law and can be properly evaluated under para-
20 graph (3);

21 “(C) include in that Request for Proposals
22 a list of priorities for grants under this sub-
23 section that is based on the priorities rec-
24 ommended for the fiscal year under paragraph
25 (3)(F); and

1 “(D) approve or disapprove each such ap-
2 plication—

3 “(i) based primarily on the rec-
4 ommendations of the grants review panel
5 established under paragraph (3) for the
6 fiscal year; and

7 “(ii) before the end of the 90-day pe-
8 riod beginning on the day after the last
9 day of the application period specified in
10 the Request for Proposals under subpara-
11 graph (A); and

12 “(E) to the extent amounts are available,
13 obligate funds for grants for approved applica-
14 tions before the end of the fiscal year for which
15 the funds are available, except that up to 15
16 percent of funds available for fiscal year may be
17 obligated in the next fiscal year.

18 “(3) EVALUATION AND APPROVAL OF PROPOS-
19 ALS.—

20 “(A) SUITABILITY FOR EVALUATION.—For
21 each application received under paragraph (2)
22 in a fiscal year, the Secretary shall—

23 “(i) make a determination whether
24 the project proposed in the application
25 meets the requirements of this subsection

1 and is consistent with the priorities rec-
2 ommended for the fiscal year under sub-
3 paragraph (F); and

4 “(ii) if so, forward the proposal to the
5 grants review panel established for the fis-
6 cal year under subparagraph (B).

7 “(B) GRANTS REVIEW PANEL.—Each fis-
8 cal year, the Secretary shall establish a grants
9 review panel that consists of individuals with
10 expertise in fisheries research, development,
11 harvesting, processing, marketing, or manage-
12 ment, that represents a balance among those
13 disciplines, that is balanced in the representa-
14 tion of those disciplines, and that is balanced in
15 the representation of the geographic regions of
16 the United States. No more than one third of
17 the members of the panel may be employees of
18 the Federal Government. Each grants review
19 panel shall review each proposal forwarded by
20 the Secretary under subparagraph (A)(ii) and
21 make recommendations to the Secretary for
22 awarding grants under this subsection among
23 those proposals for the fiscal year, subject to
24 the criteria described in subparagraph (C) and
25 consistent with the funding available for the fis-

1 cal year. The Federal Advisory Committee Act
2 (5 U.S.C. App. 1) shall not apply to any grants
3 review panel established under this subpara-
4 graph.

5 “(C) CRITERIA FOR EVALUATION OF PRO-
6 POSALS.—Each grants review panel shall evalu-
7 ate each proposal as to—

8 “(i) the value of the proposal in pro-
9 moting the purpose described in paragraph
10 (1) in general and in fulfilling the applica-
11 ble regional priorities recommended under
12 subparagraph (F);

13 “(ii) the soundness of its design (in-
14 cluding the likelihood of securing useful re-
15 sults, and the organization and manage-
16 ment of the proposal);

17 “(iii) the minimization of duplication
18 within fisheries research and development
19 activities; and

20 “(iv) based on the criteria in clauses
21 (i), (ii), and (iii), the overall quality and
22 rank of the proposal relative to the other
23 proposals under review.

24 “(D) INDUSTRIAL PARTNERS.—In evaluat-
25 ing and ranking proposals under this subsection

1 that are of equivalent overall quality and rank
2 based on the criteria set forth in subparagraph
3 (C), a grants review panel and the Secretary
4 shall give preference to proposals in which at
5 least one of the persons that would be a prin-
6 cipal grantee under the proposal receives a sub-
7 stantial portion of income from seafood harvest-
8 ing, processing, marketing, or propagation.

9 “(E) NOTICE OF DECISION BY THE SEC-
10 RETARY.—If the Secretary approves or dis-
11 approves an application for a proposal contrary
12 to the recommendations of a grants review
13 panel, the Secretary shall notify the panel in
14 writing of that decision, including the reasons
15 for that decision.

16 “(F) RECOMMENDATIONS FOR FUTURE
17 FUNDING PRIORITIES.—Each grants review
18 panel shall, after evaluating proposals and mak-
19 ing grants recommendations, and after consult-
20 ing with interested parties, recommend to the
21 Secretary for the next fiscal year national and
22 regional priorities for grants under this sub-
23 section.

24 “(4) TERMS AND CONDITIONS.—Each grant
25 made under this subsection shall be subject to such

1 terms and conditions as the Secretary may require
2 to protect the interests of the United States, includ-
3 ing the following:

4 “(A) RECORDS.—The recipient of the
5 grant—

6 “(i) must keep such records as the
7 Secretary shall require as being necessary
8 and appropriate for disclosing the use
9 made of grant funds; and

10 “(ii) shall allow the Secretary and the
11 Comptroller General of the United States,
12 or any of their authorized representatives,
13 access to such records for purposes of
14 audit and examination.

15 “(B) AMOUNT OF GRANT.—The amount of
16 a grant may not be less than 50 percent of the
17 estimated cost of the project.

18 “(C) PERIOD OF GRANT.—A grant may
19 not provide funding for more than two years
20 from the date of the release of the funds to the
21 grantee.

22 “(D) STATUS REPORT.—The recipient of a
23 grant shall submit to the Secretary periodic
24 project status reports as specified by the Sec-
25 retary. The Secretary may not release funds to

1 the recipient for any subsequent period of fund-
2 ing for that grant or for any other grant to that
3 recipient made by the Secretary under this sub-
4 section until the Secretary receives that re-
5 port.”.

6 (b) APPLICATION.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), the amendments made by this section
9 apply to fiscal years beginning after the date of the
10 enactment of this title.

11 (2) LIST OF REGIONAL PRIORITIES.—Notwith-
12 standing section 2(c)(2)(C) of the Act of August 11,
13 1939, as amended by subsection (a)(2) of this sec-
14 tion, the list of priorities referred to in that section
15 for the first fiscal year beginning after the date of
16 the enactment of this Title is not required to be
17 based on priorities recommended under paragraph
18 (3)(F) of that section.

19 **SEC. 1908. PROGRAM SUPPORT.**

20 (a) EXECUTIVE DIRECTION AND ADMINISTRATIVE
21 ACTIVITIES.—

22 (1) There are authorized to be appropriated to
23 the Secretary of Commerce, to enable the National
24 Oceanic and Atmospheric Administration to carry
25 out executive direction and administration activities

1 under the Act of 1970 and any other law involving
2 those activities, \$25,500,000 for fiscal year 1995
3 and \$26,418,000 for fiscal year 1996.

4 (2) Of the sums authorized under this sub-
5 section, \$600,000 is authorized to be appropriated
6 for the purpose of conducting the study of the Na-
7 tional Oceanic and Atmospheric Administration
8 Corps authorized under this Title.

9 (b) SYSTEMS ACQUISITION OFFICE.—There are au-
10 thorized to be appropriated to the Secretary of Commerce,
11 to enable the National Oceanic and Atmospheric Adminis-
12 tration to operate and maintain a Systems Acquisition Of-
13 fice under the Act of 1970, \$1,800,000 for fiscal year
14 1995 and \$1,865,000 for fiscal year 1996.

15 (c) CENTRAL ADMINISTRATIVE SUPPORT.—There
16 are authorized to be appropriated to the Secretary of Com-
17 merce, to enable the National Oceanic and Atmospheric
18 Administration to carry out central administrative support
19 activities under the Act of 1970 and any other law involv-
20 ing these activities, \$31,898,000 for fiscal year 1995 and
21 \$33,046,000 for fiscal year 1996.

22 (d) RETIRED PAY.—There are authorized to be ap-
23 propriated to the Secretary of Commerce, for retired pay
24 for retired commissioned officers of the National Oceanic
25 and Atmospheric Administration under the Act of 1970,

1 \$7,706,000 for fiscal year 1995 and \$7,983,000 for fiscal
2 year 1996.

3 (e) MARINE SERVICES.—There are authorized to be
4 appropriated to the Secretary of Commerce, to enable the
5 National Oceanic and Atmospheric Administration to
6 carry out marine service activities (including ship oper-
7 ations, maintenance, and support) under the Act of 1947
8 and any other law involving those activities, \$62,599,000
9 for fiscal year 1995 and \$64,853,000 for fiscal year 1996.

10 (f) AIRCRAFT SERVICES.—There are authorized to be
11 appropriated to the Secretary of Commerce, to enable the
12 National Oceanic and Atmospheric Administration to
13 carry out aircraft services activities (including aircraft op-
14 erations, maintenance, and support) under the Act of
15 1980 and any other law involving those activities,
16 \$13,180,000 for fiscal year 1995.

17 **SEC. 1909. USE OF OCEAN RESEARCH RESOURCES OF**
18 **OTHER FEDERAL AGENCIES.**

19 (a) FINDINGS.—Congress finds the following:

20 (1) Changes in the defense needs of the United
21 States have redefined the status of many defense-re-
22 lated assets.

23 (2) Observing, monitoring, and predicting the
24 ocean environment has been a high priority for the
25 defense community to support ocean operations.

1 (3) Many advances in ocean research have been
2 made by the defense community which could be
3 shared with civilian researchers.

4 (4) The National Oceanic and Atmospheric Ad-
5 ministration's missions to describe and predict the
6 ocean environment, manage the Nation's ocean and
7 coastal resources, and promote stewardship of the
8 world's oceans would benefit from increased coopera-
9 tion with defense agencies.

10 (b) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that the National Oceanic and Atmospheric Admin-
12 istration should expand its efforts to develop interagency
13 agreements to further the use of defense-related tech-
14 nologies, data, and other resources to support is oceanic
15 missions.

16 (c) REPORT.—

17 (1) IN GENERAL.—Not later than 120 days
18 after the date of the enactment of this Act, the Sec-
19 retary of Commerce shall submit to the Committee
20 on Merchant Marine and Fisheries of the House of
21 Representatives and the Committee on Commerce,
22 Science, and Transportation of the Senate a report
23 on the feasibility of expanding the use of defense-re-
24 lated technologies, data, and other resources to sup-

1 port and enhance the oceanic missions of the Na-
2 tional Oceanic and Atmospheric Administration.

3 (2) CONTENTS.—The report required under
4 paragraph (1) shall include—

5 (A) a detailed listing of defense-related re-
6 sources currently available to the National Oce-
7 anic and Atmospheric Administration and the
8 National Oceanic and Atmospheric Administra-
9 tion missions which utilize those resources;

10 (B) detailed findings and recommenda-
11 tions, including funding requirements, on the
12 potential for expanding the use of available de-
13 fense-related resources;

14 (C) a detailed listing and funding history
15 of the National Oceanic and Atmospheric Ad-
16 ministration resources, including data and tech-
17 nology, which could be supplemented by de-
18 fense-related resources;

19 (D) a listing of currently unavailable de-
20 fense-related resources, including data and
21 technology, which if made available would en-
22 hance the National Oceanic and Atmospheric
23 Administration mission performance;

1 (E) recommendations on the regulatory
2 and legislative structures needed to maximize
3 the use of defense-related resources;

4 (F) an assessment of the respective roles
5 in the use of defense-related resources of the
6 Corps, data centers, operational centers, and re-
7 search facilities of the National Oceanic and At-
8 mospheric Administration;

9 (G) recommendations on how to provide
10 access to relevant defense-related data for non-
11 federal scientific users; and

12 (H) an assessment of the defense-related
13 resources that could be used to assist in the
14 identification of, and where consistent with
15 international law, enforcement actions against,
16 vessels fishing in violation of the United Na-
17 tions Resolutions numbered 44-225, 45-197,
18 and 46-215 calling for the worldwide morato-
19 rium on all high seas driftnet fishing, or to as-
20 sist the Secretary of Commerce in carrying out
21 the responsibilities of the United States under
22 other international fisheries obligations.

1 **SEC. 1910. NAUTICAL CHARTING MODERNIZATION AND IM-**
2 **PROVEMENT.**

3 (a) STUDY.—Not later than 270 days after the date
4 of the enactment of this Title, the Secretary of Commerce
5 shall submit to the Committee on Merchant Marine and
6 Fisheries of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of the
8 Senate a report on the status of National Oceanic and At-
9 mospheric Administration programs related to marine
10 navigation safety.

11 (b) CONTENTS.—The study under subsection (a)
12 shall include the funding history of navigation-related pro-
13 grams of the National Oceanic and Atmospheric Adminis-
14 tration, adjusted for inflation, over at least the last 10
15 fiscal years, and detailed findings and recommendations
16 on the following:

17 (1) The missions and objectives of the National
18 Oceanic and Atmospheric Administration's naviga-
19 tion-related programs, including the statutory or
20 other authorities that enable or require the National
21 Oceanic and Atmospheric Administration to conduct
22 those programs.

23 (2) The technological, financial, or other factors
24 that limit the National Oceanic and Atmospheric
25 Administration's ability to modernize its navigation-
26 related programs.

1 (3) Near-term actions, without regard to finan-
2 cial constraints, that are required to enable the Na-
3 tional Oceanic and Atmospheric Administration to
4 address critical deficiencies in its navigation-related
5 programs.

6 (4) Actions that need to be taken to allow the
7 National Oceanic and Atmospheric Administration
8 to fulfill its navigation-related responsibilities into
9 the 21st century.

10 (5) A comparison of the resources and activities
11 of National Oceanic and Atmospheric Administra-
12 tion's navigation-related programs with those of
13 other federal agencies supporting the United States
14 maritime infrastructure.

15 (6) Past organizational changes within the Na-
16 tional Oceanic and Atmospheric Administration and
17 foreseeable future organizational changes that have
18 affected, or would affect, the ability of the National
19 Oceanic and Atmospheric Administration to provide
20 navigation-related services.

21 **SEC. 1911. WEST COAST GROUND FISH LABORATORY.**

22 (a) In selecting a site for placement of a replacement
23 for the National Marine Fisheries Service Laboratory at
24 Tiburon, California, the Secretary of Commerce shall take
25 into account the following factors:

1 (1) The proximity of sites considered to—

2 (A) groundfish fisheries, salmon fisheries,
3 and other unique marine study areas;

4 (B) academic and private research institu-
5 tions which conduct relevant marine habitat
6 and environmental research;

7 (C) other National Oceanic and Atmos-
8 pheric Administration research and manage-
9 ment elements; and

10 (D) other Federal, State, and private ma-
11 rine research facilities.

12 (2) The ability of the National Oceanic and At-
13 mospheric Administration to retain current staff.

14 (3) The relative construction and operation
15 costs, including the potential for collocation with
16 other federal facilities.

17 (b) AUTHORIZATION FOR ARCHITECTURE AND ENGI-
18 NEERING STUDIES.—In addition to amounts otherwise au-
19 thorized by this Title, there are authorized to be appro-
20 priated to the Secretary of Commerce, for architecture and
21 engineering studies regarding the replacement for the Na-
22 tional Marine Fisheries Service Laboratory at Tiburon,
23 California, \$1,500,000 for fiscal year 1995.

1 **SEC. 1912. FUNDS FOR OPERATION AND CONTRACTUAL**
2 **PURPOSES.**

3 Notwithstanding any other statutory provision, funds
4 in the amount of \$40,000 allocated for operations and
5 contractual purposes under the 1993 Charleston Harbor
6 Project grant may be used to pay the nonfederal share
7 required by other federal programs undertaken in connec-
8 tion with the Charleston Harbor Project.

9 **SEC. 1913. CONVEYANCE OF NATIONAL MARINE FISHERIES**
10 **SERVICE LABORATORY AT GLOUCESTER,**
11 **MASSACHUSETTS.**

12 (a) CONVEYANCE REQUIRED.—

13 (1) IN GENERAL.—The Secretary of Commerce
14 shall convey to the Commonwealth of Massachusetts,
15 all right, title, and interest of the United States in
16 and to the property comprising the National Ma-
17 rine Fisheries Service Laboratory located on Emer-
18 son Avenue in Gloucester, Massachusetts.

19 (2) TERMS.—A conveyance of property under
20 paragraph (1) shall be made—

21 (A) without payment of consideration; and

22 (B) subject to the terms and conditions
23 specified under subsections (b) and (c).

24 (b) CONDITIONS FOR TRANSFER.—

25 (1) IN GENERAL.—As a condition of any con-
26 veyance of property under this section, the Common-

1 wealth of Massachusetts shall assume full respon-
2 sibility for maintenance of the property for as long
3 as the Commonwealth retains the right and title to
4 that property.

5 (2) CONTINUED USE OF PROPERTY.—The Sec-
6 retary may enter into a Memorandum of Under-
7 standing with the Commonwealth of Massachusetts
8 under which the National Marine Fisheries Service
9 is authorized to occupy existing laboratory space on
10 the property conveyed under this section, if—

11 (A) the term of the Memorandum of Un-
12 derstanding is for a period of not longer than
13 five years beginning on the date of enactment
14 of this title; and

15 (B) the square footage of the space to be
16 occupied by the National Marine Fisheries
17 Service does not conflict with the needs of, and
18 is agreeable to, the Commonwealth of Massa-
19 chusetts.

20 (c) REVERSIONARY INTEREST.—All right, title, and
21 interest in and to all property conveyed under this section
22 shall revert to the United States on the date on which
23 the Commonwealth of Massachusetts uses any of the prop-
24 erty for any purpose other than the Commonwealth of

1 Massachusetts Division of Marine Fisheries resource man-
2 agement program.

3 **SEC. 1914. REIMBURSEMENT OF EXPENSES.**

4 (a) IN GENERAL.—Notwithstanding subsections
5 3302(b) and (c) of title 31, United States Code, and sub-
6 ject to subsection (b) of this section, all amounts received
7 by the United States in settlement of, or judgment for,
8 damage claims arising from the October 9, 1992, collision
9 of the vessel ZACHERY into the National Oceanic and
10 Atmospheric Administration research vessel DISCOV-
11 ERER—

12 (1) shall be retained as an offsetting collection
13 in the Fleet Modernization, Shipbuilding, and Con-
14 version account of the National Oceanic and Atmos-
15 pheric Administration;

16 (2) shall be deposited in that account upon re-
17 ceipt by the United States Government; and

18 (3) shall be available only for obligation for Na-
19 tional Oceanic and Atmospheric Administration ves-
20 sel repairs.

21 (b) LIMITATION.—Not more than \$518,757.09 of the
22 amounts referred to in subsection (a) may be deposited
23 into the Fleet Modernization, Shipbuilding, and Conver-
24 sion account pursuant to subsection (a).

1 **SEC. 1915. STUDY OF NATIONAL OCEANIC AND ATMOS-**
2 **PHERIC ADMINISTRATION CORPS.**

3 Within 90 days of enactment of this title, the Sec-
4 retary of Commerce shall contract with the National Re-
5 search Council to examine and report to the Secretary and
6 Congress on the implications for the National Oceanic and
7 Atmospheric Administration Corps of the changing roles
8 and missions of National Oceanic and Atmospheric Ad-
9 ministration in the context of rapidly changing tech-
10 nologies. In particular, the study shall—

11 (1) assess the impact of changing technologies
12 for conducting ocean and atmospheric data acquisi-
13 tion and providing environmental services on Na-
14 tional Oceanic and Atmospheric Administration's
15 program requirements, and describe their implica-
16 tions for the role of the National Oceanic and At-
17 mospheric Administration Corps;

18 (2) assess the impact of changing programmatic
19 requirements in such areas as scheduling, maintain-
20 ing, operating and modernizing oceanographic ships
21 and meteorological research aircraft; planning and
22 conducting hydrographic surveys and, in general, im-
23 plementing the nations's nautical charting program;
24 managing national marine sanctuaries; conducting
25 and supporting oceanic and atmospheric research
26 and fisheries management; and in general carrying

1 out and facilitating the responsibilities and activities
2 of National Oceanic and Atmospheric Administra-
3 tion; and describe their implications for the role of
4 the National Oceanic and Atmospheric Administra-
5 tion Corps; and

6 (3) develop and analyze alternative models of
7 meeting NOAA's operational requirements, consider-
8 ing, at a minimum: the use of a uniformed service
9 and/or civil service personnel in the operation of gov-
10 ernment owned and/or contracted ships, planes and
11 data acquisition instrumentation. The analysis of the
12 models shall encompass both economic and human
13 resources perspectives.

14 **SEC. 1916. PROMOTION AND COORDINATION OF NATIONAL**
15 **ESTUARINE RESEARCH RESERVES.**

16 The Secretary of Commerce shall take such action as
17 is necessary and reasonable to promote and coordinate the
18 use of National Estuarine Research Reserves for research,
19 monitoring, and education purposes. Such action may in-
20 clude consulting with federal agencies, States, local gov-
21 ernments, regional agencies, interstate agencies, or other
22 persons to promote use of one or more such reserves for
23 research, monitoring, and education, including coordina-
24 tion with the National Marine Sanctuaries Program.

1 **SEC. 1917. FLOWER GARDEN BANKS BOUNDARY MODIFICA-**
2 **TION.**

3 (a) MODIFICATION.—Notwithstanding section 304 of
4 the National Marine Sanctuaries Act (16 U.S.C. 1434),
5 the boundaries of the Flower Garden Banks National Ma-
6 rine Sanctuary, as designated by Public Law 102–251, are
7 amended to include the area described in subsection (d),
8 popularly known as Stetson Bank. This area shall be part
9 of the Flower Garden Banks National Marine Sanctuary
10 and shall be managed and regulated as though it had been
11 designated by the Secretary of Commerce under the Na-
12 tional Marine Sanctuaries Act.

13 (b) DEPICTION OF SANCTUARY BOUNDARIES.—The
14 Secretary of Commerce shall—

15 (1) prepare a chart depicting the boundaries of
16 the Flower Garden Banks National Marine Sanc-
17 tuary, as modified by this section; and

18 (2) submit copies of this chart to the Commit-
19 tee on Merchant Marine and Fisheries of the House
20 of Representatives and the Committee on Commerce,
21 Science and Transportation of the Senate.

22 (c) APPLICATION OF REGULATIONS.—Regulations is-
23 sued by the Secretary of Commerce to implement the des-
24 ignation of the Flower Garden Banks National Marine
25 Sanctuary shall apply to the area described in subsection
26 (d), unless modified by the Secretary. This subsection

1 shall take effect 45 days after the date of enactment of
2 this title.

3 (d) AREA DESCRIBED.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), the area referred to in subsections (a),
6 (b), and (c) is the area that is—

7 (A) generally depicted on the Department
8 of the Interior, Minerals Management Service
9 map titled “Western Gulf of Mexico, Lease Sale
10 143, September 1993, Biologically Sensitive
11 Areas, Map 3 of 3, Final”;

12 (B) labeled “Stetson” on the High Island
13 Area South Addition diagram on that map; and

14 (C) within the 52 meter isobath.

15 (2) MINOR BOUNDARY ADJUSTMENTS.—The
16 Secretary of Commerce may make minor adjust-
17 ments to the boundaries of the area described in
18 paragraph (1) as necessary to protect the living
19 coral resources of Stetson Bank or to simplify ad-
20 ministration of the Flower Garden Banks National
21 Marine Sanctuary.

22 (e) PUBLICATION OF NOTICE.—

23 (1) IN GENERAL.—The Secretary of Commerce
24 shall, as soon as practicable after the date of the en-

1 actment of this Title, publish in the Federal Reg-
2 ister a notice describing—

3 (A) the boundaries of the Flower Garden
4 Banks National Marine Sanctuary, as modified
5 by this section, and

6 (B) any modification of regulations appli-
7 cable to that Sanctuary that are necessary to
8 implement that modification of the boundaries
9 of the Sanctuary.

10 (2) TREATMENT AS NOTICE REQUIRED UNDER
11 NATIONAL MARINE SANCTUARIES ACT.—A notice
12 published under paragraph (1) shall be considered to
13 be the notice required to be published under section
14 304(b)(1) of the National Marine Sanctuaries Act
15 (16 U.S.C. 1434(b)(1)).

16 **SEC. 1918. CHESAPEAKE BAY.**

17 (a) REPEAL.—If by December 1, 1994, the Secretary
18 of Commerce fails to obligate all funds appropriated to
19 the Secretary of Commerce by Public Law 103–121 for
20 oyster disease research, section 307 of the National Oce-
21 anic and Atmospheric Administration Act of 1992 (15
22 U.S.C. 1511d), requiring the establishment of a National
23 Oceanic and Atmospheric Administration Chesapeake Bay
24 Estuarine Resources Office, is repealed.

1 (b) ASSIGNMENT OF FUNCTIONS.—If section 307 of
2 the National Oceanic and Atmospheric Administration Act
3 of 1992 (15 U.S.C. 1511d) is repealed by subsection (a),
4 the Secretary of Commerce shall immediately—

5 (1) enter into a cooperative agreement with the
6 directors of the Maryland and Virginia Sea Grant
7 colleges to administer all funds appropriated to the
8 Secretary of Commerce under any law for oyster dis-
9 ease research and Chesapeake Bay studies; and

10 (2) transfer the functions of the former Na-
11 tional Oceanic and Atmospheric Administration
12 Chesapeake Bay Estuarine Resources Office to the
13 Director of the Coastal Ocean Program.

14 The Director may delegate any of the functions trans-
15 ferred under paragraph (2) to the Directors of the Mary-
16 land and Virginia Sea Grant colleges under the coopera-
17 tive agreement required under paragraph (1).

18 (c) REPEAL AND AUTHORIZATION OF APPROPRIA-
19 TIONS.—

20 (1) REPEAL.—Section 2(e) of the National Oce-
21 anic and Atmospheric Administration Marine Fish-
22 eries Program Authorization Act (Public Law 98-
23 210, 97 Stat. 1409) is repealed.

24 (2) AUTHORIZATION.—There is authorized to
25 be appropriated to the Secretary of Commerce to im-

1 (4) At the Hinchinbrook Lighthouse site, to ac-
2 quire and install an anemometer.

3 (b) MAINTENANCE.—The Secretary of Commerce
4 may expend \$160,000 in each of fiscal years 1995 and
5 1996 to maintain the equipment identified in subsection
6 (a).

7 **SEC. 1920. CLEANUP OF FACILITIES.**

8 (a) To the maximum extent practicable, the Secretary
9 may carry out duties under the Fur Seal Act of 1966 (16
10 U.S.C. 1161) as amended, or obligation under applicable
11 Federal and State laws, through contracts, grants or coop-
12 erative agreements with the entities on the Pribilof Islands
13 entitled to receive conveyance of lands by the Fur Seal
14 Act of 1966 (16 U.S.C. 1161), as amended, and with resi-
15 dents of the Pribilof Islands.

16 (b) In fulfilling any obligations under the Fur Seal
17 Act of 1966 (16 U.S.C. 1161), as amended, or other Fed-
18 eral and State laws, the Secretary is authorized to clean
19 up such dumps, debris, storage tanks, property, hazardous
20 conditions, and contaminants, as the Secretary deems ap-
21 propriate.

22 (c) Subject to the availability of appropriations, the
23 Secretary is authorized to execute contracts or agree-
24 ments, including agreements on a reimbursable basis with
25 the State of Alaska or local governments, and to provide

1 technical and financial assistance and training requested
2 by said entities, in order to obtain their services in carry-
3 ing out this section.

4 **SEC. 1921. PURCHASE OF REMOTELY SENSED SCIENCE**
5 **DATA.**

6 (a) IN GENERAL.—To the maximum extent possible,
7 the Secretary of Commerce shall purchase from the pri-
8 vate sector remotely sensed science data. Examples of such
9 data include scientific data concerning the impact of
10 oceans worldwide on global climate change and concerning
11 the condition of the oceans.

12 (b) COMPETITIVE BIDDING.—

13 (1) Contracts for the purchase of remotely
14 sensed data under this section shall be awarded in
15 a process of full, fair, and open competitive bidding.

16 (2) Submission of cost data, either for the pur-
17 poses of supporting the bid or fulfillment of the con-
18 tract, shall not be required of bidders.

19 (3) Conformance with military specification
20 (Milspec) or Department of Commerce specifications
21 systems with respect to the design, construction, or
22 operation of equipment used in obtaining remotely
23 sensed data under contracts entered into under this
24 section shall not be a requirement for a commercial
25 provider bidding to provide such services.

1 **SEC. 1924. HYDROGRAPHIC SURVEYING AND MAPPING**
2 **SERVICES.**

3 The Secretary of Commerce shall award contracts for
4 hydrographic surveying and mapping services in accord-
5 ance with Title IX of the Federal Property and Adminis-
6 trative Services Act of 1949 (40 U.S.C. 541 et seq.).

7 **SEC. 1925. EDUCATION PROGRAM TO REDUCE THE RISK AS-**
8 **SOCIATED WITH CONSUMING RAW**
9 **MOLLUSCAN SHELLFISH.**

10 (a) IN GENERAL.—There are authorized to be appro-
11 priated to the Secretary of Commerce \$500,000 for a com-
12 prehensive education program to reduce and prevent ill-
13 ness and deaths associated with the consumption of raw
14 molluscan shellfish.

15 (b) TRANSFER OF AUTHORITY.—The Secretary of
16 Commerce is authorized to transfer up to \$500,000 of
17 amounts authorized to be appropriated under subsection
18 (a) to another federal agency to carry out the purposes
19 of this section.

20 (c) LIMITATION.—The Secretary of Commerce, or the
21 head of a federal agency to which the Secretary transfers
22 funds under this section, may not use more than five per-
23 cent of amounts authorized under this section for adminis-
24 trative expenses.

1 **SEC. 1926. FEASIBILITY STUDY.**

2 No later than 180 days after the date of enactment
3 of this Title, the Secretary of Commerce shall submit to
4 the Committee on Merchant Marine and Fisheries and the
5 Committee on Natural Resources of the House of Rep-
6 resentatives and the Committee on Commerce, Science,
7 and Transportation of the Senate, a study on the feasibil-
8 ity and desirability of converting the offshore gas produc-
9 tion platform known as High Island A389A, owned by
10 Mobil Exploration and Production U.S., Inc., into a ma-
11 rine research station for the purpose of supporting inves-
12 tigation of the northern Gulf of Mexico and for use as
13 a field laboratory for training students and marine science
14 professionals in technologies related to the exploration and
15 study of the Gulf of Mexico. The study shall include—

16 (1) an assessment of the need for such a re-
17 search platform, including consultations with Na-
18 tional Oceanic and Atmospheric Administration line
19 and program offices, other relevant Federal and
20 State agencies with research and management re-
21 sponsibilities in the Gulf of Mexico, and academic in-
22 stitutions involved in the study of the Gulf of Mexico
23 ecosystem;

24 (2) an assessment of the financial feasibility of
25 converting the platform, including the cost of con-
26 version from a gas production facility into a marine

1 research station, the cost of operation of the plat-
2 form as a marine science field station, the cost of re-
3 moval of the platform at the end of its functional life
4 span, and the potential costs to users of the plat-
5 form;

6 (3) an assessment of the possible liability to the
7 National Oceanic and Atmospheric Administration of
8 converting and maintaining the platform; and

9 (4) a description of potential users of the plat-
10 form, potential funding strategies, permit require-
11 ments, and time schedules and constraints.

12 **SEC. 1927. FLEET MODERNIZATION.**

13 (a) AUTHORITY TO CONTRACT.—

14 (1) IN GENERAL.—The Secretary may enter
15 into only the following contracts in fiscal years 1995
16 and 1996 to implement the Plan—

17 (A) repairs to extend the service life of the
18 R/V DISCOVERER.

19 (B) construction of a medium endurance
20 oceanographic research vessel.

21 (C) a service life extension of the R/V
22 DELAWARE II.

23 (D) conversion of a T-AGOS vessel for
24 oceanographic research.

1 (E) construction of a coastal/low endur-
2 ance vessel for living marine research.

3 (F) leasing to fulfill any NOAA mission re-
4 quirements.

5 (G) necessary repairs to and maintenance
6 of any vessel in the NOAA fleet.

7 (H) necessary requirements, designs, and
8 specifications for future vessel repair, conver-
9 sion, construction, or lease.

10 (2) CONTRACT DEFINED.—Section 602 of the
11 NOAA Fleet Modernization Act (33 U.S.C. 891) is
12 amended by adding at the end the following:

13 “(6) ‘contract’ means any contract or other
14 agreement for the construction, conversion, lease,
15 chartering, service life extension, or repair or main-
16 tenance of any vessel of the NOAA fleet, and provi-
17 sion of related equipment, including the development
18 of any necessary requirement, design, or specifica-
19 tion. The term includes contracts entered into on be-
20 half of the Secretary by another federal department,
21 agency, or instrumentality, if the vessel which is the
22 subject of the contract will be operated by or for the
23 benefit of the Department of Commerce.”.

24 (b) LEASING AND CONTRACTS.—

1 (1) IN GENERAL.—The Secretary shall for each
2 of fiscal year 1995 and 1996, enter into contracts or
3 service contracts under the NOAA Fleet Moderniza-
4 tion Act (33 U.S.C. 891 et seq.) to use University-
5 National Oceanographic Laboratory System or non-
6 federal vessels.

7 (2) AMOUNT SUBJECT TO OBLIGATION.—
8 Amounts subject to obligation under paragraph (1)
9 shall be, for each fiscal year, at least 10 percent of
10 the amounts appropriated to the Fleet Moderniza-
11 tion, Shipbuilding, and Conversion account for fiscal
12 years 1995 and 1996.

13 (c) DEFINITIONS.—In this section each of the terms
14 “contract”, “NOAA”, “NOAA fleet”, “Plan”, and “Sec-
15 retary” has the meaning given to that term in section 602
16 of the NOAA Fleet Modernization Act (33 U.S.C. 891),
17 as amended by this section.

18 **SEC. 1928. SCIENTIFIC PROGRAMS FOR RELEASE OF MA-**
19 **RINE MAMMALS.**

20 (a) PROTOCOLS.—In general, the release to the wild
21 of a marine mammal held for purposes of public display
22 shall be prohibited unless authorized under a scientific re-
23 search permit issued by the Secretary of Commerce under
24 the appropriate statutory authority. In the case of a ma-
25 rine mammal previously held by the Secretary of the Navy,

1 the Secretary of Commerce shall only issue a research per-
2 mit for release of the marine mammal to an applicant
3 which submits with its permit application a program of
4 bona fide scientific research specifically related to the re-
5 lease.

6 (b) REPORT.—The Secretary of Commerce shall re-
7 port in accordance with section 103(f) of the Marine Mam-
8 mal Protection Act (16 U.S.C. 1373) on any release to
9 the wild or proposed release program for a marine mam-
10 mal held for purposes of public display or previously held
11 by the Secretary of the Navy.

12 **SEC. 1929. AUTHORIZATION OF EDUCATIONAL PROGRAMS.**

13 The Secretary of Commerce is authorized and di-
14 rected to enter into agreements establishing Cooperative
15 Marine Education and Research programs with
16 Kingsborough Community College, a branch of the City
17 University of New York, and the State University of New
18 York at Stony Brook, New York. The agreement shall pro-
19 vide for the cooperative use of the James J. Howard Lab-
20 oratory located at Sandy Hook, New Jersey.

21 **SEC. 1930. UNDERSEA RESEARCH PROGRAM.**

22 (a) ESTABLISHMENT.—There is established in the
23 National Oceanic and Atmospheric Administration a pro-
24 gram to be known as the National Undersea Research
25 Program.

1 (b) CENTER FOR GULF OF MEXICO REGION.—Not
2 later than 30 days after the date of enactment of this Act,
3 the Secretary of Commerce shall establish and maintain
4 at a public institution or consortium of public institutions
5 of higher education located in a state bordering the Gulf
6 of Mexico, a National Undersea Research Program Center
7 for the Gulf of Mexico to carry out the National Undersea
8 Research Program for the Gulf of Mexico region.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to the Secretary of Com-
11 merce, to enable the National Oceanic and Atmospheric
12 Administration to carry out the National Undersea Re-
13 search Program, \$18,000,000 for fiscal year 1995 and
14 \$18,648,000 for fiscal year 1996.

15 **TITLE XX—ADDITIONAL**
16 **MISCELLANEOUS PROVISIONS**
17 **SEC. 2001. AMENDMENT TO REQUIRE EPIRBS ON THE**
18 **GREAT LAKES.**

19 Paragraph (7) of section 4502(a) of title 46, United
20 States Code, is amended by inserting “or beyond 3 nau-
21 tical miles from the coastline of the Great Lakes” after
22 “high seas”.

1 **SEC. 2002. IMPLEMENTATION OF OIL POLLUTION REQUIRE-**
2 **MENTS WITH RESPECT TO VEGETABLE OIL.**

3 In implementing the Oil Pollution Act of 1990 (Pub-
4 lic Law 101-380), the Coast Guard and other agencies
5 shall differentiate between animal fats or oils of vegetable
6 origin and other oils, including petroleum oils, on the basis
7 of their physical, chemical, biological, and other prop-
8 erties, and their environmental effects.

9 **SEC. 2003. DUAL PURPOSE VESSEL.**

10 Subject to the availability of appropriations, the Sec-
11 retary of Transportation is authorized to expend up to
12 \$10,000,000 in fiscal year 1996 for the design and con-
13 struction of a passenger ferry to be owned and operated
14 by the State of Alaska, provided that—

15 (1) any amounts expended under this provision
16 by the Secretary for such ferry are matched by an
17 equal or greater amount from the State of Alaska or
18 other sources;

19 (2) such ferry shall, when completed, be used
20 by the State of Alaska as part of the National Con-
21 tingency Plan in accordance with section
22 311(d)(2)(H) of the Federal Water Pollution Con-
23 trol Act (33 U.S.C. 1321(d)(2)(H)), in the event of
24 a worst case discharge of crude oil off Alaska;

25 (3) the State of Alaska shall agree to use such
26 ferry in cooperation with the Federal On-Scene Co-

1 ordinator in the event of a worst case discharge of
2 crude oil off Alaska; and

3 (4) such ferry shall be made available by the
4 State of Alaska to be included on the list of equip-
5 ment available in an Area Contingency Plan off
6 Alaska under section 311(j)(4)(C)(iv) of the Federal
7 Water Pollution Control Act (33 U.S.C.
8 1321(j)(4)(C)(iv)).

9 **SEC. 2004. EQUITABLE TREATMENT OF UNITED STATES**
10 **OCEAN FREIGHT FORWARDERS BY OCEAN**
11 **CARRIER CONFERENCES.**

12 (a) INDEPENDENT ACTION.—Section 5(b) of the
13 Shipping Act of 1984 (46 U.S.C. App. 1704(b)) is amend-
14 ed by striking paragraph (8) and inserting the following:

15 “(8) provide that—

16 “(A) any member of the conference may
17 take independent action on any rate, service
18 item, or level of ocean freight forwarder com-
19 pensation required to be filed in a tariff under
20 section 8(a) upon not more than 10 calendar
21 days notice to the conference; and

22 “(B) the conference will include the new
23 rate, service item, or level of ocean freight for-
24 warder compensation in its tariff for use by
25 that member, effective no later than 10 cal-

1 endar days after receipt of the notice, and by
2 any other member that notifies the conference
3 that it elects to adopt the independent rate,
4 service item, or level of ocean freight forwarder
5 compensation on or after its effective date, in
6 lieu of the existing conference tariff provision
7 for that rate, service item, or level of ocean
8 freight forwarder compensation;”.

9 (b) PROHIBITION ON DENYING COMPENSATION.—
10 Section 10(c) of the Shipping Act of 1984 (46 U.S.C. App.
11 1709(c)), is amended by striking paragraph (5) and in-
12 serting the following:

13 “(5) deny in the export foreign commerce of the
14 United States compensation to an ocean freight for-
15 warder, or limit that compensation to less than 1.25
16 percent of the aggregate of all of the rates and
17 charges applicable under the tariff assessed against
18 the cargo on which the forwarding services are pro-
19 vided; or”.

20 **SEC. 2005. 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. 2006. LIMITATION ON CONSOLIDATION OF HOUSTON**
8 **AND GALVESTON MARINE SAFETY OFFICES.**

9 The Secretary of Transportation may not consolidate
10 the Coast Guard Marine Safety Offices in Galveston,
11 Texas, and Houston, Texas.

12 **SEC. 2007. BUY AMERICAN REQUIREMENT FOR SURFACE**
13 **SEARCH RADAR SYSTEMS AND MULTIBEAM**
14 **SONAR.**

15 Notwithstanding any other law, at least 51 percent
16 of the components of surface search radar systems and
17 multibeam sonar systems for Coast Guard vessels shall be
18 manufactured in the United States, provided the United
19 States manufacturer offers the Coast Guard a competitive
20 price and such requirement is consistent with United
21 States international obligations.

22 **SEC. 2008. SPECIAL RECRUITING AUTHORITY TO ACHIEVE**
23 **DIVERSITY.**

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

1 (1) Women and minorities have historically
2 been underrepresented in the Coast Guard officer
3 corps and at the United States Coast Guard Acad-
4 emy.

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

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

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

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

18 (2) in paragraph (u) by striking the period and
19 inserting “; and”; and

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

21 “(v) for the purposes of rectifying
22 underrepresentation or underutilization of women
23 and minorities in the Coast Guard and meeting iden-
24 tified personnel resource requirements and training
25 needs—

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

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

11 **SEC. 2009. RECOMMENDATIONS ON ACTIONS FOR THE PRO-**
12 **TECTION OF THE NORTH ATLANTIC RIGHT**
13 **WHALE.**

14 (a) **RECOMMENDATIONS.**—Not later than 6 months
15 after the date of enactment of this Act, the Secretary of
16 Transportation shall recommend to the Secretary of Com-
17 merce actions that could be undertaken by the Coast
18 Guard and the International Maritime Organization to
19 prevent mortalities of the northern right whale from vessel
20 collisions in the Great South Channel off Cape Cod, Mas-
21 sachusetts. Such recommendations may include—

22 (1) the designation of 1 or more areas to be
23 avoided;

24 (2) the shifting of the traffic separation scheme
25 in the Great South Channel; or

1 ment of a voyage that occurs within the bound-
2 aries of the State of Hawaii or the State of
3 Alaska, a voyage or segment of a voyage is not
4 described in subparagraph (B) if it includes or
5 consists of a segment—

6 “(i) that begins and ends in the same
7 State;

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

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

14 **SEC. 2012. POLLUTION FROM SHIPS.**

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

18 (1) in subsection (c)—

19 (A) in paragraph (2)—

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

23 (ii) by adding at the end the following
24 new subparagraphs:

1 “(B) The Secretary may issue a certificate attesting
2 to the adequacy of reception facilities under this para-
3 graph only if, prior to the issuance of the certificate, the
4 Secretary conducts an inspection of the reception facilities
5 of the port or terminal that is the subject of the certificate.

6 “(C) The Secretary may, with respect to certificates
7 issued under this paragraph prior to the date of enactment
8 of the Oceans Act of 1994, prescribe by regulation differ-
9 ing periods of validity for such certificates.”; and

10 (B) in paragraph (3), by striking subpara-
11 graph (A) and inserting the following new sub-
12 paragraph:

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

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

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

23 “(II) the new operator shall be re-
24 quired to submit an application for a cer-

1 tificate before a certificate may be issued
2 for the port or terminal; or

3 “(ii) the certificate is suspended or revoked
4 by the Secretary, the certificate shall cease to
5 be valid; and”; and

6 (2) by striking subsection (d) and inserting the
7 following new subsection:

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

11 “(A) is in effect; or

12 “(B) has been revoked or suspended.

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

15 (b) RECEPTION FACILITY PLACARDS.—Section 6(f)
16 of the Act to Prevent Pollution from Ships (33 U.S.C.
17 1905(f)) is amended—

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

19 and

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

22 “(2)(A) Not later than 18 months after the date of
23 enactment of this paragraph, the Secretary shall promul-
24 gate regulations that require the operator of each port or
25 terminal that is subject to any requirement of the

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

7 (c) COMPLIANCE REPORTS.—Section 2201(a) of the
8 Marine Plastic Pollution Research and Control Act of
9 1987 (Public Law 100–220; 33 U.S.C. 1902 note) is
10 amended—

11 (1) by striking “for a period of 6 years”; and

12 (2) by inserting before the period at the end the
13 following: “and, not later than 1 year after the date
14 of enactment of the Oceans Act of 1994, and annu-
15 ally thereafter, shall publish in the Federal Register
16 a list of the enforcement actions taken against any
17 domestic or foreign ship (including any commercial
18 or recreational ship) pursuant to the Act to Prevent
19 Pollution from Ships (33 U.S.C. 1901 et seq.)”.

20 (d) MARINE PLASTIC POLLUTION RESEARCH AND
21 CONTROL PUBLIC OUTREACH PROGRAM.—Section
22 2204(a) of the Marine Plastic Pollution Research and
23 Control Act of 1987 (Public Law 100–220; 42 U.S.C.
24 6981 note) is amended—

25 (1) in paragraph (1)—

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

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

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

8 (D) by adding at the end the following new
9 subparagraph:

10 “(E) the requirements under this Act and
11 the Act to Prevent Pollution from Ships (33
12 U.S.C. 1901 et seq.) with respect to ships and
13 ports, and the authority of citizens to report
14 violations of this Act and the Act to Prevent
15 Pollution from Ships (33 U.S.C. 1901 et
16 seq.).”; and

17 (2) by striking paragraph (2) and inserting the
18 following new paragraph:

19 “(2) AUTHORIZED ACTIVITIES.—

20 “(A) PUBLIC OUTREACH PROGRAM.—A
21 public outreach program under paragraph (1)
22 may include—

23 “(i) developing and implementing a
24 voluntary boaters’ pledge program;

1 “(ii) workshops with interested
2 groups;

3 “(iii) public service announcements;

4 “(iv) distribution of leaflets and post-
5 ers; and

6 “(v) any other means appropriate to
7 educating the public.

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

19 “(C) CONSULTATION.—In developing out-
20 reach initiatives targeted at the interested
21 groups that are subject to the requirements of
22 this title and the Act to Prevent Pollution from
23 Ships (33 U.S.C. 1901 et seq.), the Secretary
24 of the department in which the Coast Guard is
25 operating, in consultation with the Secretary of

1 Commerce and the Administrator of the Envi-
2 ronmental Protection Agency, shall consult
3 with—

4 “(i) the heads of State agencies re-
5 sponsible for implementing State boating
6 laws; and

7 “(ii) the heads of other enforcement
8 agencies that regulate boaters or commer-
9 cial fishermen.”.

10 (e) COORDINATION.—

11 (1) ESTABLISHMENT OF MARINE DEBRIS CO-
12 ORDINATING COMMITTEE.—The Secretary of Com-
13 merce shall establish a Marine Debris Coordinating
14 Committee (referred to in this section as the “Com-
15 mittee”).

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

18 (A) the National Oceanic and Atmospheric
19 Administration, who shall serve as the Chair-
20 person of the Committee;

21 (B) the Environmental Protection Agency;

22 (C) the United States Coast Guard;

23 (D) the United States Navy; and

24 (E) such other Federal agencies that have
25 an interest in ocean issues or water pollution

1 prevention and control as the Secretary of Com-
2 merce determines appropriate.

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

8 (f) MONITORING.—The Secretary of Commerce, in
9 cooperation with the Administrator of the Environmental
10 Protection Agency, shall utilize the marine debris data de-
11 rived under title V of the Marine Protection, Research,
12 and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to
13 assist the United States Coast Guard in assessing the ef-
14 fectiveness of this section.

15 **SEC. 2013. COST ACCOUNTING FOR HAITIAN OPERATIONS.**

16 (a) No later than 30 days after the enactment of this
17 Act, the Secretary of Transportation shall submit a full
18 accounting of all Coast Guard costs related to Haiti dur-
19 ing fiscal year 1994 to the Committee on Merchant Ma-
20 rine and Fisheries in the House of Representatives and
21 to the Committee on Commerce, Science, and Transpor-
22 tation in the Senate. This accounting shall include num-
23 bers of Coast Guard personnel involved, the numbers of
24 Coast Guard vessels involved, and the amount of funds
25 diverted from other Coast Guard missions.

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

7 **SEC. 2014. PLAN FOR RESCUE OF PASSENGERS ON THE**
8 **CHESAPEAKE BAY.**

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

16 (b) The plan developed in subsection (a) shall include—
17

18 (1) a protocol for command, control, and communications among Federal, State, and local authorities;
19
20

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

23 (3) an identification of emergency medical personnel that would be available for an emergency rescue on the Chesapeake Bay; and
24
25

1 (4) an identification of procedures to be fol-
2 lowed and equipment that would be needed in the
3 event of weather that could result in hypothermia of
4 the passengers.

5 **SEC. 2015. BOARD FOR CORRECTION OF MILITARY**
6 **RECORDS DEADLINE.**

7 (a) Ten months after a complete application for cor-
8 rection of military records is received by the Board for
9 Correction of Military Records of the Coast Guard, admin-
10 istrative remedies are deemed to have been exhausted,
11 and—

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

16 (2) if the Board has not rendered a rec-
17 ommended decision, agency action is deemed to have
18 been unreasonably delayed or withheld and the ap-
19 plicant is entitled to—

20 (A) an order under section 706(1) of title
21 5, United States Code, directing final action be
22 taken within 30 days from the date the order
23 is entered; and

24 (B) from amounts appropriated to the De-
25 partment of Transportation, the costs of obtain-

1 ing the order, including a reasonable attorney’s
2 fee.

3 (b) The 10-month deadline established in section 212
4 of the Coast Guard Authorization Act of 1989 (Public
5 Law 101–225, 103 Stat. 1914) is mandatory, and applies
6 to any application pending before the Board or the Sec-
7 retary of Transportation on June 12, 1990.

8 **TITLE XXI—MARINE BIO-**
9 **TECHNOLOGY INVESTMENT**
10 **ACT OF 1993**

11 **SEC. 2101. SHORT TITLE.**

12 This Title may be cited as the “Marine Biotechnology
13 Investment Act of 1993”.

14 **SEC. 2102. FINDINGS.**

15 Congress finds and declares the following:

16 (1) Throughout human history, the oceans and
17 Great Lakes have been an important source of food
18 and a wealth of other natural products.

19 (2) Marine biotechnology holds tremendous
20 promise for expanding the range and increasing the
21 utility of products from the oceans, understanding
22 and treating human illness, and enhancing the qual-
23 ity and quantity of seafood.

24 (3) Marine biotechnology offers opportunities to
25 improve the stewardship of marine resources

1 through the development and application of effective
2 methods to restore and protect marine ecosystems,
3 to manage fisheries, to promote the economic growth
4 of coastal economies (particularly those which rely
5 substantially on income from traditional fisheries),
6 and to monitor marine biological and geochemical
7 processes.

8 (4) The United States currently is a world lead-
9 er in marine biotechnology, a position with the po-
10 tential for contributing to business and manufactur-
11 ing innovations, creation of new jobs, and stimula-
12 tion of private sector investment.

13 (5) Maintaining national leadership in the face
14 of growing foreign competition will require federal
15 investment in a well-defined and coordinated na-
16 tional program of research, development and private
17 sector partnership, based on the existing responsibil-
18 ities and expertise of the National Oceanic and At-
19 mospheric Administration and other federal agen-
20 cies.

21 (6) In particular, the National Sea Grant Col-
22 lege Program should play a leading role in the devel-
23 opment of marine biotechnology in the United
24 States, building on proven capabilities in research,
25 technology transfer, and education.

1 **SEC. 2103. DEFINITIONS.**

2 As used in this Title—

3 (1) The term “Council” means the Federal Co-
4 ordinating Council on Science, Engineering, and
5 Technology or any successor organization respon-
6 sible for the coordination of scientific research
7 among federal agencies and departments.

8 (2) The term “Director” means the Director of
9 the Office of Science and Technology Policy.

10 (3) The term “marine biotechnology” means
11 the application of molecular and cellular techniques
12 to marine or other aquatic organisms for the pur-
13 poses of—

14 (A) identifying, isolating, developing, and
15 enhancing products that are derived from the
16 aquatic environment;

17 (B) developing new techniques and proc-
18 esses that may be applied to marine and coastal
19 resources; and

20 (C) monitoring human health and treating
21 disease.

22 (4) The term “release of organisms” means—

23 (A) the intentional release; or

24 (B) the accidental release from a contained
25 research facility;

1 into the surrounding environment, of a living marine
2 or other aquatic organism in which the genetic mate-
3 rial has been purposely altered at the molecular or
4 cellular level in a way that could not result from the
5 natural reproductive process of that species.

6 (5) The term “Sea Grant director” means di-
7 rector of a college, program, or regional consortium
8 designated under the National Sea Grant College
9 Program Act (33 U.S.C. 1121 et seq.).

10 (6) The term “Secretary” means the Secretary
11 of Commerce.

12 (7) The term “Strategy” means the National
13 Marine Biotechnology Strategy developed under sec-
14 tion 2104, or any revision thereof.

15 **SEC. 2104. NATIONAL MARINE BIOTECHNOLOGY STRATEGY.**

16 (a) IN GENERAL.—The Director shall develop a Na-
17 tional Marine Biotechnology Strategy for the establish-
18 ment and implementation of a comprehensive research and
19 development effort to assist the nation in understanding
20 and using marine biotechnology. The Director shall submit
21 the Strategy to the President and Congress within one
22 year after the date of enactment of this Title and shall
23 submit a revised Strategy at least once every three years
24 thereafter.

1 (b) ELEMENTS OF THE STRATEGY.—The Strategy
2 shall—

3 (1) establish, for the five-year period beginning
4 in the year the Strategy is submitted, goals and pri-
5 orities for a coordinated Federal effort in marine
6 biotechnology;

7 (2) describe specific activities to achieve such
8 goals and priorities, including—

9 (A) basic and applied research initiatives;

10 (B) essential infrastructure development;

11 (C) education and training programs;

12 (D) development of partnerships among
13 government agencies, industry, and academia to
14 translate research findings into practical use;

15 (E) applications of marine biotechnology
16 which can be used to contribute to the economic
17 stability and vitality of economies based on tra-
18 ditional fisheries.

19 (3) set forth the role of each participation fed-
20 eral agency and department, identifying and ad-
21 dressing (consistent with the responsibilities estab-
22 lished in this Title) relevant programs and activities
23 of such agencies and departments that would con-
24 tribute to the effort;

1 (4) estimate, to the extent practicable, funding
2 requirements for the federal marine biotechnology
3 effort described in the Strategy; and

4 (5) provide for, which respect to federally fund-
5 ed activities that may involve release of organisms,
6 coordinated oversight by Federal departments and
7 agencies, including development of—

8 (A) guidelines and performance standards
9 that are necessary for the safe conduct of such
10 activities and for preventing significant environ-
11 mental risk; and

12 (B) procedures to ensure compliance with
13 such guidelines and performance standards.

14 (c) CONSULTATION.—In developing and revising the
15 Strategy, the Director—

16 (1) shall consult with Federal, State, academic,
17 commercial, and environmental entities involved in
18 marine biotechnology; and

19 (2) may convene meetings and workshops, in
20 consultation with the National Academy of Sciences
21 and the Sea Grant directors.

22 **SEC. 2105. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
23 **ISTRATION.**

24 (a) IN GENERAL.—The Secretary, in consultation
25 with the council, shall, within the National Oceanic and

1 Atmospheric Administration, maintain a balanced pro-
2 gram of marine biotechnology activities, comprised of—

3 (1) the program established by section 206 of
4 the National Sea Grant College Program Act (33
5 U.S.C. 1121 et seq.), as added by section 2106 of
6 this Title;

7 (2) research conducted under agreements with
8 academic institutions for the purposes of developing
9 and applying marine biotechnology to the manage-
10 ment, conservation, and use of living marine re-
11 sources; and

12 (3) marine forensics, biotoxins, and
13 microbiological research on new methods for ensur-
14 ing the safety of seafood, implementing and enforc-
15 ing marine environmental statutes, and addressing
16 coastal pollution.

17 (b) RESTRICTION RELATING TO RELEASE OF ORGA-
18 NISMS.—

19 (1) IN GENERAL.—The Secretary shall not con-
20 duct activities (either directly or through the award
21 of a grant or contract) that may involve release of
22 organisms, unless such activities—

23 (A) have been reviewed and approved under
24 other applicable Federal law; or

1 (B) are found by the Secretary, based on the
2 Secretary's written assessment, to pose no signifi-
3 cant environmental risk.

4 (2) CONDITIONS FOR MAKING A FINDING.—The
5 Secretary may make a finding under subparagraph
6 (1)(B)—

7 (A) in the case of an intentional release of
8 organisms, only after providing notice and an
9 opportunity for public comment;

10 (B) within 18 months after the date of the
11 enactment of this Title only, if the Secretary in-
12 cludes with the finding a brief but complete de-
13 scription of the basis for that finding; and

14 (C) after 18 months after the date of the
15 enactment of this Title, only after guidelines,
16 performance standards, and procedures nec-
17 essary for the safe conduct of activities by the
18 Department of Commerce that may involve the
19 release of organisms have been developed.

20 (c) TERMINATION OF AWARD.—The Secretary shall
21 promptly withdraw any award made under this Title if the
22 Secretary determines that the grantee or contractee in
23 question has failed to abide by the applicable guidelines,
24 performance standards, and procedures referred to in this
25 section or section 2104 of this Title.

1 (d) RESTRICTION ON PACIFIC SALMON.—The Sec-
2 retary shall only conduct research or award a grant or
3 contract for marine biotechnology applications intended to
4 promote or enhance farming, ranching, or other forms of
5 captive cultivation (other than stock identification or
6 hatchery enhancement of wild stocks) of any species of Pa-
7 cific salmon upon making a written finding that such
8 award, grant, or contract will not be detrimental to the
9 economic stability and responsible development of tradi-
10 tional coastal economies which rely substantially on the
11 harvest of wild stocks of Pacific salmon for a significant
12 portion of their livelihood.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—In addi-
14 tion to the sums authorized to be appropriated under sec-
15 tion 212 of the National Sea Grant College Program Act
16 (33 U.S.C. 1131), there are authorized to be appropriated
17 to the Secretary, to enable the National Oceanic and At-
18 mospheric Administration to carry out this Title,
19 \$12,000,000 for each of fiscal years 1994, 1995, 1996,
20 and 1997.

21 **SEC. 2106. SEA GRANT MARINE BIOTECHNOLOGY PRO-**
22 **GRAM.**

23 (a) ESTABLISHMENT.—The National Sea Grant Col-
24 lege Program Act (33 U.S.C. 1121 et seq.) is amended

1 by inserting immediately after section 205 the following
2 new section:

3 **“SECTION 206. MARINE BIOTECHNOLOGY PROGRAM.**

4 “(a) MARINE BIOTECHNOLOGY PROGRAM.—Subject
5 to the availability of appropriations under section 212(c),
6 the national sea grant college program provided for under
7 section 204 shall include a marine biotechnology program
8 under which the Secretary, acting through the Director,
9 shall—

10 “(1) make grants and enter into contracts in
11 accordance with this section; and

12 “(2) engage in other activities authorized under
13 this Act; to further research, development, edu-
14 cation, technology transfer, and risk assessment in
15 marine biotechnology.

16 “(b) ADMINISTRATION.—In carrying out the marine
17 biotechnology program, the Secretary shall—

18 “(1) coordinate the relevant activities of the di-
19 rectors of the sea grant colleges and the Marine Bio-
20 technology Review Panel established under sub-
21 section (d); and

22 “(2) provide general oversight of the review
23 process under subsection (d)(1) to ensure that the
24 marine biotechnology program produces the highest

1 quality research, development, education, and tech-
2 nology transfer.

3 “(c) GRANTS AND CONTRACTS.—

4 “(1) APPLICATIONS.—Applications for grants
5 and contracts under this section shall be—

6 “(A) made in such form and manner, and
7 include such content and submissions, as the
8 Secretary shall by advance notice prescribe;

9 “(B) forwarded by the appropriate direc-
10 tors of sea grant colleges, along with an evalua-
11 tion by those directors of merit and pro-
12 grammatic relevance, to the National Sea Grant
13 Office; and

14 “(C) reviewed by the Marine Biotechnology
15 Review Panel in accordance with subsection (d).

16 “(2) TERMS AND CONDITIONS.—Any reference
17 in subsection (d) of section 205 or in the last sen-
18 tence of subsection (a) of section 205 to grants and
19 contracts provided for under that section shall be
20 treated, as the context requires, as including any
21 grant applied for or made, or contract applied for or
22 entered into, under this section.

23 “(3) AWARDING OF GRANTS AND CONTRACTS.—

24 The Secretary shall award grants and contracts
25 under this section on the basis of the recommenda-

1 tions for award made by the Marine Biotechnology
2 Review Panel under subsection (d).

3 “(d) MARINE BIOTECHNOLOGY REVIEW PANEL.—

4 “(1) ESTABLISHMENT AND DUTIES.—Subject
5 to the availability of appropriations under section
6 212(c), the Director, in consultation with the direc-
7 tors of the sea grant colleges, shall convene a panel,
8 to be known as the Marine Biotechnology Review
9 Panel, that shall—

10 “(A) review, on a competitive basis, the ap-
11 plications made under this section for grants
12 and contracts to determine their respective sci-
13 entific, technical, educational, and commercial
14 merits and likely contributions toward achieving
15 the purposes of this section; and

16 “(B) on the basis of the review under sub-
17 paragraph (A), and with due regard for the
18 overall balance and coordination of the marine
19 biotechnology program, make recommendations
20 to the Secretary regarding the awarding of
21 grants and contracts under this section.

22 “(2) MEMBERSHIP.—The Marine Biotechnology
23 Review Panel shall—

24 “(A) consist of not more than 15 individ-
25 uals with scientific or technical expertise in ma-

1 rine biotechnology or relevant related fields, in-
2 cluding at least two qualified individuals with
3 expertise in marine or freshwater ecological risk
4 assessment;

5 “(B) reflect a balance among areas of ex-
6 pertise consistent with the purposes of this sec-
7 tion;

8 “(C) include not more than two federal
9 employees, none of which may be employees of
10 the National Oceanic and Atmospheric Admin-
11 istration;

12 “(D) not include directors of sea grant col-
13 leges; and

14 “(E) reflect geographic balance, consistent
15 with the primary objectives of a high level of ex-
16 pertise and balance among areas of expertise.

17 “(3) ALLOWANCES.—Each member of the Ma-
18 rine Biotechnology Review panel shall receive travel
19 expenses, including per diem in lieu of subsistence,
20 in accordance with sections 5702 and 5703 of title
21 5, United States Code.”.

22 (b) DEFINITIONS.—(1) Section 203 of the National
23 Sea Grant College Program Act (33 U.S.C. 1122) is
24 amended by redesignating paragraphs (6) through (15) as

1 paragraphs (7) through (16), respectively, and by insert-
2 ing after paragraph (5) the following new paragraph:

3 “(6) The term ‘marine biotechnology’ means
4 the application of molecular and cellular techniques
5 to marine and other aquatic organisms for the pur-
6 poses of—

7 “(A) identifying, isolating, developing and
8 enhancing products that are derived from the
9 aquatic environment;

10 “(B) developing new techniques and proc-
11 esses that may be applied to marine and coastal
12 resources; and

13 “(C) monitoring human health and treat-
14 ing diseases.”.

15 (2) Section 203(4) of the National Sea Grant College
16 Program Act (33 U.S.C. 1122(4) is amended by inserting
17 “marine biotechnology,” immediately after “marine tech-
18 nology,”.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
20 212 of the National Sea Grant College Program Act (33
21 U.S.C. 1131) is amended—

22 (1) in subsection (b), by inserting “but not in-
23 cluding section 206” immediately after “section
24 209”;

1 (2) by redesignating subsections (c), (d), and
2 (e) as subsection (d), (e) and (f) respectively; and

3 (3) by inserting immediately after subsection
4 (b) the following new subsection:

5 “(c) MARINE BIOTECHNOLOGY PROGRAM.—

6 “(1) GRANTS AND CONTRACTS.—There is au-
7 thorized to be appropriated to carry out the provi-
8 sions of section 206 (other than for administration)
9 an amount —

10 “(A) for each of fiscal years 1994 and
11 1995, not to exceed \$20,000,000; and

12 “(B) for each of fiscal years 1996 and
13 1997, not to exceed \$25,000,000.

14 “(2) ADMINISTRATION.—There is authorized to
15 be appropriated for the administration of section
16 206, an amount—

17 “(A) for each of fiscal years 1994 and
18 1995, not to exceed \$200,000; and

19 “(B) for each of fiscal years 1996 and
20 1997, not to exceed \$250,000.”.

21 **TITLE XXII—MERCHANT**
22 **MARINER BENEFITS**

23 **SEC. 2201. MERCHANT MARINER BENEFITS.**

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

“CHAPTER 112—MERCHANT MARINER BENEFITS

“Sec.

“11201. Qualified service.

“11202. Qualified service benefits.

1 **“§ 11201. Qualified service**

2 “An individual who was in training for, or who served
3 as a member of, the United States merchant marine dur-
4 ing World War II, including the Army Transport Service
5 and the Naval Transportation Service, or who received a
6 notice of induction, before September 2, 1945, is deemed
7 to have been engaged in qualified service for purposes of
8 this chapter.

9 **“§ 11202. Qualified service benefits**

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

16 “(b) The Secretary shall issue an honorable discharge
17 to an individual who performed qualified service as deter-
18 mined by the Secretary under subsection (a). The Sec-
19 retary shall issue the discharge subject to the standards
20 that apply to honorable discharges issued under section
21 401(a)(1)(b) of the GI Bill Improvement Act of 1977 (38
22 U.S.C. 106 note).

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

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

3 “(2) is not eligible for benefits under a law ad-
4 ministered by the Secretary of Veterans Affairs—
5 shall be treated as active duty in the armed forces during
6 a period of war for purposes of eligibility for benefits
7 under chapters 23 and 24 of title 38, United States Code.

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

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

14 (b) The analysis at the beginning of subtitle II of title
15 46, United States Code, is amended by inserting after the
16 item relating to chapter 111 the following:

“112. Merchant mariners benefits11201.”.

17 **TITLE XXIII—DOCUMENTATION**
18 **OF VESSELS**

19 **SEC. 2301. AUTHORIZATION OF DOCUMENTATION FOR VAR-**
20 **IOUS VESSELS.**

21 (a) IN GENERAL.—Notwithstanding section 27 of the
22 Merchant Marine Act, 1920 (46 App. U.S.C. 883), the
23 Act of June 19, 1886 (46 App. U.S.C. 289), the Act of
24 May 28, 1906 (46 App. U.S.C. 292), and sections 12106,
25 12107, and 12108 of title 46, United States Code, the

1 Secretary of the department in which the Coast Guard is
2 operating may issue a certificate of documentation with
3 appropriate endorsements for the vessels listed in sub-
4 section (b).

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

7 (1) ABORIGINAL (United States official num-
8 ber 942118).

9 (2) ALPHA TANGO (United States official
10 number 945782).

11 (3) ANNAPOLIS (United States official num-
12 ber 999008).

13 (4) ARTHUR ATKINSON (former United
14 States official number 214656).

15 (5) ATTITUDE (North Carolina registration
16 number NC3607AN).

17 (6) BAGGER (Hawaii registration number
18 HI1809E).

19 (7) BIG DAD (United States official number
20 565022).

21 (8) BIG GUY (United States official number
22 939310).

23 (9) BROKEN PROMISE (United States offi-
24 cial number 904435).

1 (10) CHESAPEAKE (United States official
2 number 999010).

3 (11) CHRISSY (Maine registration number
4 ME4778B).

5 (12) CONSORT (United States official number
6 999005).

7 (13) CURTIS BAY (United States official
8 number 999007).

9 (14) EAGLE MAR (United States official num-
10 ber 575349).

11 (15) EMERALD AYES (United States official
12 number 986099).

13 (16) EMPRESS (United States official number
14 975018).

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

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

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

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

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

1 (22) INTREPID (United States official number
2 508185).

3 (23) ISABELLE (United States official num-
4 ber 600655).

5 (24) JAMESTOWN (United States official
6 number 999006).

7 (25) JOAN MARIE (North Carolina official
8 number NC2319AV).

9 (26) KLIPPER (New York registration number
10 NY8166AN).

11 (27) L.R. BEATTIE (United States official
12 number 904161).

13 (28) LADY ANGELA (United States official
14 number 933045).

15 (29) LADY HAWK (United States official
16 number 961095).

17 (30) LADY HELEN (United States official
18 number 527746).

19 (31) MANDIRAN (United States official num-
20 ber 939915).

21 (32) MEMORY MAKER (Maryland registra-
22 tion number MD8867AW, hull number 3151059).

23 (33) OLD HAT (United States official number
24 508299).

1 (34) ORCA (United States official number
2 504279).

3 (35) REEL TOY (United States official num-
4 ber 698383).

5 (36) RENDEZVOUS (United States official
6 number 924140).

7 (37) SALLIE D (Maryland registration number
8 MD2655A).

9 (38) SEAHAWK (United States official num-
10 ber 673537).

11 (39) SEAHAWK III (United States official
12 number 996375).

13 (40) SEA MISTRESS (United States official
14 number 696806).

15 (41) SERENITY (United States official num-
16 ber 1021393).

17 (42) SHAMROCK V (United States official
18 number 900936).

19 (43) SILENT WINGS (United States official
20 number 969182).

21 (44) SUNSHINE (United States official num-
22 ber 974320).

23 (45) TECUMSEH (United States official num-
24 ber 668633).

1 (46) VIKING (former United States official
2 number 224430).

3 (47) WHY KNOT (United States official num-
4 ber 688570).

5 (48) WOLF GANG II (United States official
6 number 984934).

7 (49) A hopper barge owned by Foley & Foley
8 Marine Contractors, Inc. (United States official
9 number 264959).

10 (50) Each of 2 barges owned by Roen Salvage
11 Co., numbered 103 and 203.

12 (51) Each of 3 spud barges owned by Dan's
13 Excavating, Inc., as follows:

14 (A) Spud barge 102 (United States official
15 number 1021958).

16 (B) Spud barge 103 (United States official
17 number 1021960).

18 (C) Spud barge 968 (United States official
19 number 1021959).

20 (52) Each of 3 barges owned by Harbor Marine
21 Corporation of Rhode Island, as follows:

22 (A) HARBOR 223 (approximately 110
23 feet in length).

24 (B) GENE ELIZABETH (approximately
25 200 feet in length).

1 (C) HARBOR 221 (approximately 90 feet
2 in length).

3 (53) SMALLEY 6808 Amphibious Dredge
4 (Florida registration number FL1855FF).

5 (54) TOO MUCH FUN (United States official
6 number 936565).

7 **SEC. 2302. AUTHORIZATION OF DOCUMENTATION FOR THE**
8 **ATLANTIS III.**

9 Notwithstanding section 27 of the Merchant Marine
10 Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886
11 (46 App. U.S.C. 289), and section 12106 of title 46, Unit-
12 ed States Code, the Secretary of the department in which
13 the Coast Guard is operating may issue a certificate of
14 documentation with appropriate coastwise endorsement
15 for employment in the coastwise trade in Alaska during
16 the period beginning May 1, 1995, and ending October
17 31, 1996, for the vessel ATLANTIS III (Coast Guard
18 MSIS number CG006455).

19 **SEC. 2303. AUTHORIZATION OF SALE AND REREGISTRA-**
20 **TION.**

21 Notwithstanding any other law or agreement with the
22 United States Government, the vessels SS LAKE
23 CHARLES (United States official number 619531) and
24 SS LOUISIANA (United States official number 619532)
25 may be sold to a person that is not a citizen of the United

1 States and transferred to or placed under a foreign reg-
2 istry if an application to authorize payment of operating-
3 differential subsidy to the vessels is not approved by De-
4 cember 15, 1994.

5 **SEC. 2304. VESSEL DOCUMENTATION FOR CHARITY**
6 **CRUISES.**

7 (a) AUTHORITY TO DOCUMENT VESSELS.—

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

16 (A) GALLANT LADY (Feadship hull
17 number 645, approximately 130 feet in length);
18 and

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

21 (2) LIMITATION ON OPERATION.—Coastwise
22 trade authorized under a certificate of documenta-
23 tion issued for a vessel under this section shall be
24 limited to carriage of passengers in association with
25 contributions to charitable organizations no portion

1 of which is received, directly or indirectly, by the
2 owner of the vessel.

3 (3) CONDITION.—The Secretary may not issue
4 any certificate of documentation under paragraph
5 (1) unless the owner of the vessel referred to in
6 paragraph (1)(A) (in this section referred to as the
7 “owner”), within 90 days after the date of the en-
8 actment of this Act, submits to the Secretary a let-
9 ter expressing the intent of the owner to enter into
10 a contract before October 1, 1996, for construction
11 in the United States of a passenger vessel of at least
12 130 feet in length.

13 (4) EFFECTIVE DATE OF CERTIFICATES.—A
14 certificate of documentation issued under paragraph
15 (1)—

16 (A) for the vessel referred to in paragraph
17 (1)(A), shall take effect on the date of issuance
18 of the certificate; and

19 (B) for the vessel referred to in paragraph
20 (1)(B), shall take effect on the date of delivery
21 of the vessel to the owner.

22 (b) TERMINATION OF EFFECTIVENESS OF CERTIFI-
23 CATES.—A certificate of documentation issued for a vessel
24 under subsection (a)(1) shall expire—

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

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

7 (3) on any date on which such a contract is
8 breached, rescinded, or terminated (other than for
9 completion of performance of the contract) by the
10 owner.

11 **SEC. 2305. EXTENSION OF DEADLINE FOR THE M/V TWIN**
12 **DRILL.**

13 Section 601(d) of Public Law 103-206 is amended
14 by striking "June 30" in subpart (3) and inserting "De-
15 cember 31" and by striking "12" in subpart (4) and in-
16 serting "18".

17 **SEC. 2306. COASTWISE TRADE AUTHORIZATION FOR**
18 **HOVERCRAFT.**

19 Notwithstanding section 27 of the Merchant Marine
20 Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886
21 (46 App. U.S.C. 289), and sections 12106 and 12107 of
22 title 46, United States Code, the Secretary of Transpor-
23 tation may issue a certificate of documentation with a
24 coastwise endorsement for each of the vessels IDUN VI-
25 KING (Danish Registration number A433), LIV VIKING

1 (Danish Registration number A394), and FREJA VI-
2 KING (Danish Registration number A395) if—

3 (1) all repair and alteration work on the vessels
4 necessary to their operation under this section is
5 performed in the United States;

6 (2) a binding contract for the construction in
7 the United States of at least 3 similar vessels for the
8 coastwise trade is executed by the owner of the ves-
9 sels within 6 months after the date of enactment of
10 this Act; and

11 (3) the vessels constructed under the contract
12 entered into under paragraph (1) are to be delivered
13 within 3 years after the date of entering into that
14 contract.

15 **SEC. 2307. WRECKED VESSEL.**

16 The M/V SPIRIT OF THE PACIFIC NORTH-
17 WEST (Bahamian official number 725338) shall be con-
18 sidered to have met the requirements of the section 4136
19 of the Revised Statutes of the United States (46 App.
20 U.S.C. 14), if the Secretary of Transportation deter-
21 mines—

22 (1) that the vessel was purchased or salvaged
23 by a United States corporation and subsequently re-
24 paired in a shipyard in the United States; and

1 (2) that repairs to the vessel were equal to or
2 greater than three times the appraised salved value
3 of the vessel.

 Passed the House of Representatives October 7,
1994.

Attest: DONNALD K. ANDERSON,
Clerk.

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