

103^D CONGRESS
2^D SESSION

S. 2373

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

IN THE SENATE OF THE UNITED STATES

AUGUST 9 (legislative day, AUGUST 8), 1994

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Coast Guard Authorization Act of 1994”.

6 (b) TABLE OF CONTENTS.—

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization of appropriations.

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

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

- Sec. 201. Funds for recruiting.
- Sec. 202. Provision of child development services.
- Sec. 203. Hurricane Andrew relief.
- Sec. 204. Dissemination of results of 0-6 Continuation Boards.
- Sec. 205. Exclude certain reserves from end-of-year strength.
- Sec. 206. Officer retention until retirement eligible.
- Sec. 207. Special recruiting authority to achieve diversity.
- Sec. 208. Contracts for health care services.

TITLE III—MARINE SAFETY AND WATERWAY SERVICES MANAGEMENT

- Sec. 301. State recreational boating safety grants.
- Sec. 302. Boating access.
- Sec. 303. Foreign passenger vessel user fees.
- Sec. 304. Increased penalties for documentation violations.
- Sec. 305. Outer Continental Shelf civil penalties.
- Sec. 306. Amendments to require EPIRBs in the Great Lakes.
- Sec. 307. Inspection of small passenger vessels.
- Sec. 308. Penalties for alteration of marine safety equipment.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Thacher Island Lighthouse.
- Sec. 402. Transfer of Coast Guard property in Ketchikan, Alaska.
- Sec. 403. Florida Avenue Bridge.
- Sec. 404. Tuna fishing vessels.

TITLE V—RECREATIONAL BOATING SAFETY IMPROVEMENT ACT

- Sec. 501. Personal flotation devices required for children.
- Sec. 502. Adoption of State laws to prevent intoxicated boaters.
- Sec. 503. Marine casualty reporting.
- Sec. 504. Recreational boating safety course for violators.
- Sec. 505. Technical corrections.

TITLE VI—TOWING VESSEL SAFETY

- Sec. 601. Minimum navigational safety equipment.
- Sec. 602. Demonstration of proficiency in use of safety equipment.
- Sec. 603. Reporting marine casualties.
- Sec. 604. Manning and licensing report.
- Sec. 605. Report on satellite navigation and electronic charts.

TITLE VII—ACT TO PREVENT POLLUTION FROM SHIPS AMENDMENTS

- Sec. 701. Definition of operators.
- Sec. 702. Prevention of pollution from ships.
- Sec. 703. Marine plastic pollution research and control.

1 **TITLE I—AUTHORIZATION**

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

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

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

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

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

1 until expended, of which \$3,150,000 shall be derived
2 from the Oil Spill Liability Trust Fund.

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

10 (5) For alteration or removal of bridges over
11 navigable waters of the United States constituting
12 obstructions to navigation, and for personnel and
13 administrative costs associated with the Bridge Al-
14 teration Program, \$13,000,000, to remain available
15 until expended.

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

19 (b) Section 104 of title 49, United States Code, is
20 amended by adding at the end thereof the following:

21 “(e) Notwithstanding the provisions of sections
22 101(d) and 144 of title 23, United States Code, highway
23 bridges determined to be unreasonable obstructions to
24 navigation under the Truman-Hobbs Act may be funded
25 from amounts set aside from the discretionary bridge pro-

1 gram. Of the amount authorized for each fiscal year for
2 the discretionary bridge program, not more than
3 \$12,880,000 in the case of fiscal year 1995, not more than
4 \$14,200,000 in the case of fiscal year 1996, and not more
5 than \$17,250,000 in the case of fiscal year 1997 shall be
6 available for such highway bridge projects. The Secretary
7 shall transfer these allocations and the responsibility for
8 administration of these funds to the United States Coast
9 Guard.”.

10 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
11 **AND TRAINING.**

12 (a) The Coast Guard is authorized an end-of-year
13 strength for active duty personnel of 39,000 as of Septem-
14 ber 30, 1995. The authorized strength does not include
15 members of the Ready Reserve called to active duty for
16 special or emergency augmentation of regular Coast
17 Guard forces for periods of 180 days or less.

18 (b) For fiscal year 1995, the Coast Guard is author-
19 ized average military training student loads as follows:

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

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

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

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

1 “(b) For purposes of this section, the term ‘Coast
2 Guard child development center’ includes a ‘military child
3 development center’, as that term is defined by subsection
4 (b)(1) of the Military Child Care Act of 1989 (10 U.S.C.
5 113 note), but does not include contractor operated cen-
6 ters or government/contractor cooperatives established
7 under section 490b of title 40, United States Code.

8 “(c)(1) Except as provided in paragraph (2), the
9 Commandant may require child care receipts to be used
10 only for compensation of child development center employ-
11 ees who are directly involved in providing child care.

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

17 “(A) for the purchase of consumable or dispos-
18 able items for Coast Guard child development cen-
19 ters; and

20 “(B) if the requirements of such centers for
21 consumable or disposable items for a given fiscal
22 year have been met, for other expenses of those cen-
23 ters.

24 “(d)(1) The Commandant shall establish a training
25 program for child development center employees. Subject

1 to paragraph (2), satisfactory completion of the training
2 program shall be a condition of employment of any person
3 as a child development center employee.

4 “(2) The Commandant shall require that each child
5 development center employee complete the training pro-
6 gram not later than six months after the date on which
7 the employee is employed as a child development center
8 employee (except that, in the case of a child development
9 center employee hired before the date on which the train-
10 ing program is established, the employee shall complete
11 the program not later than six months after that date).

12 “(3) The training program established under this
13 subsection shall cover, at a minimum, training in the fol-
14 lowing:

15 “(A) Early childhood development.

16 “(B) Activities and disciplinary techniques ap-
17 propriate to children of different ages.

18 “(C) Child abuse prevention and detection.

19 “(D) Cardiopulmonary resuscitation and other
20 appropriate emergency medical procedures.

21 “(e) The Commandant may use funds available to the
22 Coast Guard for operating expenses for Coast Guard child
23 development centers. Such funds shall not be less than the
24 amount of child care fee receipts that are estimated to
25 be received by the Coast Guard during the fiscal year.

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

8 “(g) The Commandant shall require that each Coast
9 Guard child development center be inspected not less often
10 than four times a year. Each such inspection shall be un-
11 announced.

12 “(h) The Secretary shall promulgate regulations to
13 implement this section.”.

14 (b) The table of sections at the beginning of chapter
15 13 of title 14, United States Code, is amended, by insert-
16 ing after the item related to section 514 the following:

“515. Child development services.”.

17 **SEC. 203. HURRICANE ANDREW RELIEF.**

18 Section 2856 of the National Defense Authorization
19 Act for Fiscal Year 1993 (Public Law 102-484) applies
20 to the military personnel of the Coast Guard who were
21 assigned to, or employed at or in connection with, any
22 Federal facility or installation in the vicinity of Homestead
23 Air Force Base, Florida, including the areas of Broward,
24 Collier, Dade, and Monroe Counties, on or before August
25 24, 1992, except that funds available to the Coast Guard,

1 not to exceed \$25,000, shall be used. The Secretary of
2 Transportation shall administer the provisions of section
3 2856 for the Coast Guard.

4 **SEC. 204. DISSEMINATION OF RESULTS OF 0-6 CONTINU-**
5 **ATION BOARDS.**

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

11 **SEC. 205. EXCLUDE CERTAIN RESERVES FROM END-OF-**
12 **YEAR STRENGTH.**

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

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

20 **SEC. 206. OFFICER RETENTION UNTIL RETIREMENT ELIGI-**
21 **BLE.**

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

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

25 (2) by striking the last sentence; and

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

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

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

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

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

17 **SEC. 207. SPECIAL RECRUITING AUTHORITY TO ACHIEVE**
18 **DIVERSITY.**

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

21 (1) The ability of the United States Coast
22 Guard to perform its functions and duties will be en-
23 hanced if the representation of women and minori-
24 ties in its workforce is increased.

1 (2) Women and minorities have historically
2 been underrepresented or under utilized in the Coast
3 Guard officer corps.

4 (3) The number of women and minorities occu-
5 pying leadership positions in the United States
6 Coast Guard should reflect the proportion of women
7 and minorities in the total workforce.

8 (4) Women and minorities have historically
9 been underrepresented at the United States Coast
10 Guard Academy.

11 (5) Notwithstanding intensive application of
12 traditional recruiting programs, the Coast Guard
13 has not been able to rectify the historic under rep-
14 resentation or underutilization of women and minori-
15 ties in the Service and at the Academy and advance
16 beyond the current minority and women recruitment
17 plateau.

18 (6) Cultural bias in standardized testing or
19 grading procedures may adversely impact on the
20 ability of minorities to compete successfully for ad-
21 mission to the United States Coast Guard Academy.

22 (7) The education and professional training
23 provided at the United States Coast Guard Academy
24 will be enhanced by the benefits that flow from a di-
25 verse student body.

1 (8) Women and minorities in the United States
2 Coast Guard should be assigned to positions of re-
3 sponsibility that fully utilize their technical, profes-
4 sional and leadership skills.

5 (9) Because traditional recruiting methods have
6 failed to rectify the historical underrepresentation
7 and under utilization of women and minorities in the
8 United States Coast Guard, it is necessary and ap-
9 propriate to authorize the use of the special pro-
10 grams for recruiting women and minorities into the
11 United States Coast Guard.

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

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

16 (2) by striking the period at the end of para-
17 graph (u) and inserting a semicolon and the word
18 “and”; and

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

20 “(v) obtain research on Coast Guard personnel re-
21 source and training needs; and employ special programs
22 for recruiting women and minorities, to include providing
23 financial assistance by grant, cooperative agreement, con-
24 tract, or otherwise not specifically prohibited by law or
25 regulation, to public or private associations, organizations,

1 or individuals to implement national or local outreach pro-
2 grams intended to rectify underrepresentation or under-
3 utilization of women and minorities in the Coast Guard
4 and to meet identified personnel resource requirements
5 and training needs.”.

6 **SEC. 208. CONTRACTS FOR HEALTH CARE SERVICES.**

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

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

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

23 “(b) The total amount of compensation paid to an
24 individual in any year under a personal services contract
25 entered into under subsection (a) shall not exceed the

1 amount of annual compensation (excluding allowances for
2 expenses) allowable for such contracts entered into by the
3 Secretary of Defense pursuant to section 1091 of title 10,
4 United States Code.

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

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

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

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

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

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

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

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

11 **TITLE II—NAVIGATION SAFETY AND**
12 **WATERWAY SERVICES MANAGEMENT**

13 **SEC. 301. STATE RECREATIONAL BOATING SAFETY GRANTS.**

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

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

20 “(b)(1) Of the balance of each annual appropriation
21 remaining after making the distribution under subsection
22 (a), an amount equal to \$15,000,000 for fiscal year 1995,
23 \$40,000,000 for fiscal year 1996, \$55,000,000 for fiscal
24 year 1997, and \$69,000,000 for each of fiscal years 1998

1 and 1999, shall, subject to paragraph (2), be used as
2 follows:

3 “(A) A sum equal to \$7,500,000 of the amount
4 available for fiscal year 1995, and a sum equal to
5 \$10,000,000 of the amount available for each of fis-
6 cal years 1996 and 1997, shall be available for use
7 by the Secretary of the Interior for grants under
8 section 5604(c) of the Clean Vessel Act of 1992.
9 Any portion of such a sum available for a fiscal year
10 that is not obligated for those grants before the end
11 of the following fiscal year shall be transferred to
12 the Secretary of Transportation and shall be ex-
13 pended by the Secretary of Transportation for State
14 recreational boating safety programs under section
15 13106 of title 46, United States Code.

16 “(B) A sum equal to \$7,500,000 of the amount
17 available for fiscal year 1995, \$30,000,000 of the
18 amount available for fiscal year 1996, \$45,000,000
19 of the amount available for fiscal year 1997, and
20 \$59,000,000 of the amount available for each of fis-
21 cal years 1998 and 1999, shall be transferred to the
22 Secretary of Transportation and shall be expended
23 by the Secretary of Transportation for recreational
24 boating safety programs under section 13106 of title
25 46, United States Code.

1 “(C) A sum equal to \$10,000,000 of the
2 amount available for each of fiscal years 1998 and
3 1999 shall be available for use by the Secretary of
4 the Interior for—

5 “(i) grants under section 3(e) of the Boat-
6 ing Improvement Act of 1994; and

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

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

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

18 “(ii) \$35,000,000.

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

22 (2) CONFORMING AMENDMENT.—Section
23 5604(c)(1) of the Clean Vessel Act of 1992 (33
24 U.S.C. 1322 note) is amended by striking “section
25 4(b)(2) of the Act of August 9, 1950 (16 U.S.C.

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

4 (b) EXPENDITURE OF AMOUNTS FOR STATE REC-
5 REATIONAL BOATING SAFETY PROGRAMS.—

6 (1) Section 13106 of title 46, United States
7 Code, is amended—

8 (A) by striking the first sentence of sub-
9 section (a)(1) and inserting the following: “An
10 amount equal to one-half of the amount trans-
11 ferred for each fiscal year to the Boat Safety
12 Account under section 9503(c)(4) of the Inter-
13 nal Revenue Code of 1986 (26 U.S.C.
14 9503(c)(4)) is available for appropriation for
15 State recreational boating safety programs au-
16 thorized under this chapter. Subject to para-
17 graph (2), the Secretary shall expend in each
18 fiscal year an amount equal to the total of the
19 amount appropriated from the Boat Safety Ac-
20 count for State recreational boating safety pro-
21 grams for that fiscal year and the amount
22 transferred to the Secretary under section
23 4(b)(1) of the Act of August 9, 1950 (16
24 U.S.C. 777c(b)(1)) in that fiscal year.”; and

25 (B) by striking subsection (c).

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

4 (c) EXCESS FY 1995 BOAT SAFETY ACCOUNT
5 FUNDS TRANSFER.—Notwithstanding any other provision
6 of law, amounts received by the Highway Trust Fund at-
7 tributable to motorboat fuel taxes received after Septem-
8 ber 30, 1995, and before October 1, 1996, that are not
9 transferred to the Boat Safety Account or to the land and
10 water conservation fund provided for in title I of the Land
11 and Water Conservation Fund Act of 1965 shall be made
12 available for use by the Secretary of Transportation for
13 State recreational boating safety programs under section
14 13106 of title 46, United States Code, for fiscal year 1996
15 rather than being transferred into the Sport Fish Restora-
16 tion Account in the Aquatic Resources Trust Fund.

17 **SEC. 302. BOATING ACCESS.**

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

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

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

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

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

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

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

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

20 (d) PLAN.—Within 6 months after submitting a sur-
21 vey to the Secretary of the Interior in accordance with
22 subsection (c), an eligible State may develop and submit
23 to the Secretary of the Interior a plan for the construction
24 and renovation of public facilities for transient

1 nontrailerable vessels to meet the needs of nontrailerable
2 vessels operating on navigable waters in the State.

3 (e) GRANT PROGRAM.—

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

13 (2) PRIORITY.—In awarding grants under this
14 subsection, the Secretary of the Interior shall give
15 priority to projects that—

16 (A) are likely to serve the largest number
17 of nontrailerable vessels; and

18 (B) consist of the construction or renova-
19 tion of public facilities for transient
20 nontrailerable vessels in accordance with a plan
21 submitted by an eligible State submitted under
22 subsection (b).

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

25 (1) “eligible State” means a State that—

1 (A) completes and submits to the Sec-
2 retary of the Interior a survey in accordance
3 with subsection (c); and

4 (B) develops and submits to the Secretary
5 of the Interior a plan in accordance with sub-
6 section (d);

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

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

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

15 (A) operated primarily for pleasure; or

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

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

23 **SEC. 303. FOREIGN PASSENGER VESSEL USER FEES.**

24 Section 3303 of title 46, United States Code, is
25 amended—

- 1 (1) by striking “(a) Except as” in subsection
2 (a) and inserting “Except as”; and
3 (2) by striking subsection (b).

4 **SEC. 304. INCREASED PENALTIES FOR DOCUMENTATION**
5 **VIOLATIONS.**

6 (a) CIVIL PENALTY.—Section 12122(a) of title 46,
7 United States Code, is amended by striking “\$500” and
8 inserting “\$25,000”.

9 (b) SEIZURE AND FORFEITURE.—

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

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

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

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

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

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

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

4 “(6) when a documented vessel is placed under
5 the command of a person not a citizen of the United
6 States.”.

7 (2) CONFORMING AMENDMENT.—Section
8 12122(c) of title 46, United States Code, is re-
9 pealed.

10 (c) LIMITATION ON OPERATION OF VESSEL WITH
11 ONLY RECREATIONAL ENDORSEMENT.—Section 12110(c)
12 of title 46, United States Code, is amended to read as
13 follows: “A vessel with only a recreational endorsement
14 may not be operated other than for pleasure.”.

15 **SEC. 305. OUTER CONTINENTAL SHELF CIVIL PENALTIES.**

16 Section 24(b) of the Outer Continental Shelf Lands
17 Act (43 U.S.C. 1350(b)) is amended—

18 (1) by striking “paragraph (2),” in paragraph
19 (1) and inserting “paragraphs (2) and (3),”; and

20 (2) by adding at the end thereof the following:

21 “(3)(A) If a person fails to comply with or vio-
22 lates a regulation issued under this Act by the Sec-
23 retary of the department in which the Coast Guard
24 is operating, that person is liable, without regard to
25 the requirement of the expiration of a period allowed

1 for corrective action, to the United States Govern-
2 ment for a civil penalty of not more than the
3 amount provided in paragraph (1) for each day of
4 the continuance of that failure or violation.

5 “(B) The Secretary of the department in which
6 the Coast Guard is operating is authorized to assess
7 the amount of the civil penalty for which a person
8 is liable for failure to comply with or for violating
9 a regulation issued under this Act by the Secretary
10 of the department in which the Coast Guard is oper-
11 ating. The assessment of the civil penalty shall be by
12 written notice and after an opportunity for a
13 hearing.

14 “(C) In determining the amount of the penalty,
15 the Secretary of the department in which the Coast
16 Guard is operating shall consider the nature, cir-
17 cumstances, extent, and gravity of the prohibited
18 acts committed and, with respect to the violator, the
19 degree of culpability, any history of prior offenses,
20 ability to pay, and other matters that justice
21 requires.

22 “(D) The Secretary of the department in which
23 the Coast Guard is operating may compromise, mod-
24 ify, or remit, with or without consideration, a civil

1 penalty under this Act until referring the assessment
2 to the Attorney General.

3 “(E) If a person fails to pay an assessment of
4 a civil penalty after it has become final, the Sec-
5 retary of the department in which the Coast Guard
6 is operating may refer the matter to the Attorney
7 General for collection in an appropriate district
8 court of the United States.”.

9 **SEC. 306. AMENDMENT TO REQUIRE EPIRBS ON THE GREAT**
10 **LAKES.**

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

15 **SEC. 307. INSPECTION OF SMALL PASSENGER VESSELS.**

16 Section 3307 of title 46, United States Code, is
17 amended—

18 (1) by striking “and nautical school vessel” in
19 paragraph (1) and inserting “, nautical school ves-
20 sel, and small passenger vessel carrying more than
21 12 passengers on an international voyage”,

22 (2) by inserting “and” after the semicolon in
23 paragraph (1),

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

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

3 **SEC. 308. PENALTIES FOR DEFECTIVE SERVICING OR AL-**
4 **TERATION OF MARINE SAFETY EQUIPMENT.**

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

7 (1) by inserting “(1)” before “A person”; and
8 (2) adding at the end thereof the following:

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

14 **TITLE IV—MISCELLANEOUS PROVISIONS**

15 **SEC. 401. THACHER ISLAND LIGHTHOUSE.**

16 (a) AUTHORITY TO CONVEY.—

17 (1) IN GENERAL.—The Secretary of Transpor-
18 tation may convey to the Town of Rockport, Massa-
19 chusetts, by an appropriate means of conveyance, all
20 right, title, and interest of the United States in and
21 to property comprising Thacher Island, except that
22 the Coast Guard shall retain all right, title, or inter-
23 est in any historical artifact, including any lens or
24 lantern on the property conveyed pursuant to this

1 section, or belonging to the property, whether lo-
2 cated on the property or elsewhere.

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

6 (b) TERMS AND CONDITIONS.—

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

9 (A) without payment of consideration; and

10 (B) subject to such terms and conditions
11 as the Secretary may consider appropriate.

12 (2) REVERSIONARY INTEREST.—In addition to
13 any term or condition established pursuant to para-
14 graph (1), any conveyance of property pursuant to
15 this section shall be subject to the condition that all
16 right, title, and interest in Thacher Island shall im-
17 mediately revert to the General Services Administra-
18 tion of the United States of America if Thacher Is-
19 land ceases to be maintained and used as a non-
20 profit center for public benefit for the interpretation
21 and preservation of the material culture of the
22 United States Coast Guard and the maritime history
23 of Thacher Island, Massachusetts. In connection
24 therewith, the property may be used for educational,
25 historic, recreational, and cultural programs open to

1 and for the benefit of the general public. Other uses
2 not inconsistent with the foregoing uses are per-
3 mitted unless the Secretary shall reasonably deter-
4 mine that such uses are incompatible with the his-
5 toric nature of this property or with other provisions
6 of this section.

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

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

19 (B) the Town of Rockport may not inter-
20 fere or allow interference in any manner with
21 such aids to navigation without express written
22 permission from the United States;

23 (C) there is reserved to the United States
24 the right to relocate, replace, or add any aids
25 to navigation, or make any changes on any por-

1 tion of such property as may be necessary for
2 navigation purposes;

3 (D) the United States shall have the right,
4 at any time, to enter such property without no-
5 tice for the purpose of maintaining aids to navi-
6 gation; and

7 (E) the United States shall have an ease-
8 ment of access to such property for the purpose
9 of maintaining the aids to navigation in use on
10 the property, and an easement for an arc of
11 visibility.

12 (c) PROPERTY TO BE MAINTAINED IN ACCORDANCE
13 WITH CERTAIN LAWS.—The Town of Rockport shall
14 maintain Thacher Island in accordance with the provisions
15 of the National Historic Preservation Act of 1966 (16
16 U.S.C. 470 et seq.) and other applicable laws.

17 (d) DEFINITIONS.—For purposes of this section:

18 (1) The term “Thacher Island” means the
19 Coast Guard property located on Thacher Island,
20 Massachusetts, which is located off the coast of
21 Cape Ann, Massachusetts, within the boundaries of
22 the Town of Rockport, Massachusetts, including the
23 light tower, sound signal building, any other ancil-
24 lary buildings, and such land as may be necessary

1 to enable the Town of Rockport to operate a non-
2 profit center for public benefit.

3 (2) The term “Secretary” means the Secretary
4 of the department in which the Coast Guard is oper-
5 ating.

6 **SEC. 402. TRANSFER OF COAST GUARD PROPERTY IN**
7 **KETCHIKAN, ALASKA.**

8 (a) CONVEYANCE REQUIREMENT.—The Secretary of
9 Transportation shall convey to the Ketchikan Indian Cor-
10 poration in Ketchikan, Alaska, without reimbursement
11 and by no later than 120 days after the date of this Act,
12 all right, title, and interest of the United States in and
13 to the property known as the “Former Marine Safety De-
14 tachment” as identified in Report of Excess Number CG-
15 689 (GSA Control Number 9-U-AK-0747) and described
16 in subsection (b).

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

1 grees 56 minutes east a distance of 345.18 feet to corner
2 numbered 2 of lot 5B; thence south 24 degrees 04 minutes
3 west a distance of 101.64 feet to corner numbered 3 of
4 lot 5B; thence north 64 degrees 01 minute west a distance
5 of 346.47 feet to corner numbered 10 of said survey, to
6 the true point of beginning, consisting of 0.76 acres (more
7 or less), and all improvements located on that property,
8 including buildings, structures, and equipment.

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

17 **SEC. 403. FLORIDA AVENUE BRIDGE.**

18 For purposes of the alteration of the Florida Avenue
19 Bridge (located approximately 1.63 miles east of the Mis-
20 sissippi River on the Gulf Intracoastal Waterway in Orle-
21 ans Parish, Louisiana) ordered by the Secretary of Trans-
22 portation under the Act of June 21, 1940 (33 U.S.C. 511
23 et seq.; popularly known as the Truman-Hobbs Act), the
24 Secretary shall treat the drainage siphon that is adjacent
25 to the bridge as an appurtenance of the bridge, including

1 with respect to apportionment and payment of costs for
2 the removal of the drainage siphon in accordance with that
3 Act.

4 **SEC. 404. TUNA FISHING VESSELS.**

5 (a) IN GENERAL.—Transferring to foreign registry
6 any tuna fishing vessel which is an agreement vessel docu-
7 mented under the laws of the United States shall not be
8 treated, for purposes of section 607 of the Merchant Ma-
9 rine Act, 1936, (46 App. U.S.C. 1177), or for purpose
10 of the Internal Revenue Code of 1986 or any other law
11 of the United States, as—

12 (1) the disposition of an agreement vessel, or

13 (2) a failure to meet any substantial obligation
14 under an agreement entered into between the owner
15 or operator of the vessel and the Secretary if—

16 (A) the vessel, before registry transfer, ei-
17 ther regularly fished in for tuna in the Eastern
18 Pacific Ocean or regularly fished in the Pacific
19 Ocean but did not regularly have a license to
20 fish tuna in the Western Pacific Ocean;

21 (B) the vessel will, after registry transfer,
22 continue to be controlled directly or indirectly
23 by the last agreement holder of record, as of
24 the time of registry transfer, under section 607

1 of the Merchant Marine Act, 1936, (46 App.
2 U.S.C. 1177); and

3 (C) the vessel will, after registry transfer,
4 continue to be operated in compliance with sec-
5 tion 307 of the Marine Mammal Protection Act
6 of 1972 (46 App. U.S.C. 1417) and subjected
7 to continuous observer coverage under the ar-
8 rangements provided by the Inter-American
9 Tropical Tuna Commission or under any such
10 other international arrangements as may be ap-
11 proved by the Secretary.

12 (b) NONCOMPLIANCE.—Noncompliance with any of
13 the provisions above will, for purposes of section 607 of
14 the Merchant Marine Act, 1936 (46 App. U.S.C. 1177),
15 be treated as the disposition of an agreement vessel and
16 a failure to meet a substantial obligation under any agree-
17 ment entered into between the owner or operator of the
18 vessel and the Secretary as if this section had not applied
19 and as if the vessel's registry had not been transferred.

20 (c) DEFINITIONS.—Any term defined in section
21 607(k) of the Merchant Marine Act, 1936 (46 App. U.S.C.
22 1177(k)), that is used in this section shall have the mean-
23 ing given that term in that section.

24 (d) TREATMENT OF INCOME AND EXPENSES.—All
25 vessel income and expense (including pass-throughs to

1 shareholders and partners, if any) will, after registry
2 transfer, continue to be fully subject to the Internal Reve-
3 nue Code of 1986 and reported as income and taxed in
4 the United States as if the vessel's registry had not been
5 transferred.

6 (c) EFFECTIVE DATE.—This section shall apply to
7 any registry transfer effected before January 1, 1997.

8 **TITLE V—RECREATIONAL BOATING**
9 **SAFETY IMPROVEMENT**

10 **SEC. 501. PERSONAL FLOTATION DEVICES REQUIRED FOR**
11 **CHILDREN.**

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

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

16 (2) by striking the period at the end of para-
17 graph (3) and inserting a semicolon and “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 amended by adding at
3 the end thereof 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. 502. ALLOCATION OF FUNDS BASED ON STATE ADOPTI-**
9 **ON 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) as (b), (c), and (d), respectively,

15 (2) by inserting before subsection (b) (as redesi-
16 gnated) the following:

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 individuals are 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) by inserting “the balance of remaining”
7 after “allocate” in subsection (v) as redesignated;
8 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. 503. 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. 504. REQUIRING VIOLATORS TO TAKE RECREATIONAL**
6 **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. 505. 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 VI—TOWING VESSEL SAFETY**

4 **SEC. 601. MINIMUM NAVIGATIONAL SAFETY EQUIPMENT**
5 **FOR TOWING VESSELS.**

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

9 “(f)(1) In prescribing regulations for towing vessels,
10 the Secretary—

11 “(A) shall consider the characteristics, methods
12 of operation, and nature of the service of towing ves-
13 sels;

14 “(B) shall consult with the Towing Safety Advi-
15 sory Committee; and

16 “(C) may require, to the extent appropriate, the
17 installation, maintenance, and use of the following
18 equipment on each towing vessel, other than a tow-
19 ing vessel that is used only for towing disabled
20 vessels:

21 “(i) A radar system.

22 “(ii) A sonic depth finder.

23 “(iii) A compass or swing meter.

24 “(iv) Adequate towing wire and associated
25 equipment.

1 “(v) Up-to-date navigational charts and
2 publications for the areas normally transited by
3 the vessel.

4 “(vi) Other safety equipment the Secretary
5 determines to be necessary.

6 “(2)(A) The Secretary shall establish in regulations
7 under this chapter requirements that—

8 “(i) any equipment required on a towing vessel
9 under paragraph (1) shall be maintained in effective
10 operating condition; and

11 “(ii) if such equipment on a vessel ceases to op-
12 erate, the operator of the vessel shall exercise due
13 diligence to restore the equipment to effective oper-
14 ating condition, or cause it to be restored to that
15 condition, at the earliest practicable date.

16 “(B) The failure of equipment required on a towing
17 vessel under paragraph (1) shall not, by itself, constitute
18 a violation of this chapter.”.

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

1 **SEC. 602. DEMONSTRATION OF PROFICIENCY IN USE OF**
2 **NAVIGATIONAL SAFETY EQUIPMENT RE-**
3 **QUIRED.**

4 Section 7101 of title 46, United States Code, is
5 amended by adding at the end the following:

6 “(j) The Secretary shall require an individual who ap-
7 plies for issuance or renewal of a towing vessel operators
8 license to demonstrate proficiency in the use of naviga-
9 tional safety equipment.”.

10 **SEC. 603. REPORTING MARINE CASUALTIES.**

11 (a) **EXPEDITED REPORTING REQUIRED.**—Section
12 6101(b) of title 46, United States Code, is amended by
13 striking “within 5 days” and inserting “by as soon as
14 practicable, but in no case later than within 5 days,”.

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

19 (c) **REGULATIONS.**—Not later than 90 days after the
20 date of the enactment of this Act, the Secretary shall pre-
21 scribe regulations implementing the amendment made by
22 subsection (a).

1 **SEC. 604. REPORT ON ADEQUACY AND EFFECTIVENESS OF**
2 **MANNING AND PROGRESS IMPROVING LI-**
3 **CENSING REQUIREMENTS FOR OPERATION**
4 **OF TOWING VESSELS.**

5 Not later than 6 months after the date of the enact-
6 ment of this Act, the Secretary of Transportation shall
7 submit a report to the Congress on—

8 (1) the adequacy and effectiveness of manning
9 of towing vessels; and

10 (2) progress made in implementing improve-
11 ments in towing vessel operator licensing require-
12 ments.

13 **SEC. 605. REPORT ON FEASIBILITY OF ESTABLISHING A**
14 **DIFFERENTIAL GLOBAL POSITIONING SAT-**
15 **ELLITE NAVIGATIONAL SYSTEM AND ELEC-**
16 **TRONIC CHARTS FOR INLAND WATERWAYS.**

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

1 **TITLE VII—ACT TO PREVENT POLLUTION**
2 **FROM SHIPS AMENDMENTS**

3 **SEC. 701. DEFINITION OF OPERATOR.**

4 (a) IN GENERAL.—Subparagraph (b) of section
5 2(a)(5) of the Act to Prevent Pollution from Ships (33
6 U.S.C. 1901(a)(5)(b)) is amended to read as follows: “(b)
7 in the case of a terminal, any person who by law, lease,
8 contract, or other arrangement, provides a berth at a port
9 or terminal or other mooring arrangement for the ship to
10 transfer cargo to or from shore;”.

11 (b) TECHNICAL AMENDMENTS.—Section 6 of such
12 Act (33 U.S.C. 1905) is amended—

13 (1) by striking “a person in charge” and insert-
14 ing “an operator”;

15 (2) by striking “Persons in charge” in sub-
16 section (a)(2) and inserting “Operators”; and

17 (3) in subsection (c)(2), by striking “person in
18 charge” in subsection (c)(2) and inserting “opera-
19 tor”.

20 **SEC. 702. PREVENTION OF POLLUTION FROM SHIPS.**

21 (a) IN GENERAL.—Section 6 of such Act (33 U.S.C.
22 1905) is amended—

23 (1) by striking “(2) If” in subsection (c)(2) and
24 inserting “(2)(A) Subject to paragraph (B), if”;

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

3 “(B) The Secretary may issue a certificate
4 attesting to the adequacy of reception facilities
5 under this paragraph only if, prior to the issu-
6 ance of the certificate, the Secretary conducts
7 an inspection of the reception facilities of the
8 port or terminal that is the subject of the cer-
9 tificate.”; and

10 (3) by striking subsection (c)(3)(A) and insert-
11 ing the following:

12 “(A) is valid for the 5-year period begin-
13 ning on the date of issuance of the certificate,
14 except that if—

15 “(i) the charge for operation of the
16 port or terminal is transferred to a person
17 or entity other than the person or entity
18 that is the operator on the date of issuance
19 of the certificate—

20 “(I) the certificate shall expire on
21 the date that is 30 days after the date
22 of the transfer; and

23 “(II) the new operator shall be
24 required to submit an application for

1 a certificate before a certificate may
2 be issued for the port or terminal; or
3 “(ii) the certificate is suspended or re-
4 voked by the Secretary,
5 the certificate shall cease to be valid; and”;

6 (4) by amending subsection (d) to read as
7 follows:

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 (5) in subsection (e)—

16 (A) by striking “Except in the case” in
17 paragraph (1) and inserting “Except as pro-
18 vided in paragraph (3) and in the case”;

19 (B) by striking “The Secretary” in para-
20 graph (2) and inserting “Except as provided in
21 paragraph (3), the Secretary”; and

22 (C) by adding at the end the following new
23 paragraph:

24 “(3)(A) Not later than 18 months after the
25 date of enactment of the Coast Guard Authorization

1 Act of 1994, the Secretary shall, by regulation, es-
2 tablish a procedure by which the Secretary may as-
3 sess a civil penalty against the operator of a port or
4 terminal in lieu of denying the entry of a ship to the
5 port or terminal pursuant to paragraph (1) or (2).

6 “(B) The amount of a penalty referred to in
7 subparagraph (A) shall not exceed the maximum
8 amount allowable per day of violation that the Sec-
9 retary may assess under this Act.

10 “(C) If a port or terminal remains in violation
11 of an applicable requirement of a regulation referred
12 to in paragraph (1) or (2) on the date that is 30
13 days after the date on which the Secretary initially
14 determines that the port or terminal is in violation
15 of an applicable requirement of a regulation, the
16 Secretary shall, pursuant to regulations promulgated
17 under subparagraph (D) of this paragraph, revoke
18 the certificate of the port or terminal.

19 “(D) In addition to carrying out the duties
20 specified in subparagraphs (A) through (C), not
21 later than 18 months after the date of enactment of
22 this paragraph, the Secretary shall develop, and
23 issue regulations for, revocation and reinstatement
24 procedures that the Secretary shall apply in carrying
25 out this paragraph.”;

1 (6) in subsection (f)—

2 (A) by inserting “(1)” before “The Sec-
3 retary”; and

4 (B) by adding at the end the following new
5 paragraph:

6 “(2)(A) Not later than 18 months after the
7 date of enactment, the Secretary shall promulgate
8 regulations that require the operator of each port or
9 terminal that is subject to any requirement of the
10 MARPOL Protocol relating to reception facilities to
11 post a placard in a location that can easily be seen
12 by port and terminal users. The placard shall state,
13 at a minimum, that a user of a reception facility of
14 the port or terminal should report to the Secretary
15 any inadequacy of the reception facility.

16 “(B) The Secretary shall promulgate regula-
17 tions to carry out this paragraph, including speci-
18 fications for the placards referred to in subpara-
19 graph (A).

20 “(C) The Secretary shall make available to the
21 general public any report received by the Secretary
22 under this paragraph.”; and

23 (7) by adding at the end the following new sub-
24 section:

25 “(g) The Secretary shall—

1 “(1) establish a program to ensure that the
2 owner, operator, or person in charge of each port or
3 terminal that is not required to apply for a certifi-
4 cate under this section makes available a reception
5 facility that meets the requirements for reception fa-
6 cilities under the regulations promulgated under
7 subsection (a)(2); and

8 “(2) not later than 2 years after the date of en-
9 actment of this subsection, and every 2 years there-
10 after, submit a report to Congress on Coast Guard
11 activities regarding the ports and terminals de-
12 scribed in paragraph (1).”.

13 (b) REFUSE RECORD BOOKS; WASTE MANAGEMENT
14 PLANS; NOTIFICATION OF CREW AND PASSENGERS.—
15 Section 4(b) of such Act (33 U.S.C. 1903(b)) is amend-
16 ed—

17 (1) by amending subparagraph (A) of para-
18 graph (2) to read as follows:

19 “(A) not later than 1 year after the date
20 of enactment of the Water Pollution Prevention
21 and Control Act of 1994, issue regulations that
22 require each ship to—

23 “(i) maintain refuse records (either as
24 part of the log book of the ship or in a
25 separate record book);

1 “(ii) establish shipboard waste man-
2 agement plans; and

3 “(iii) display a placard and conduct a
4 briefing that notifies the crew and pas-
5 sengers of the ship of the requirements of
6 Annex V of the Convention;” and

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

9 “(3)(A) The Secretary of Agriculture, acting
10 through the Administrator of the Animal and Plant
11 Health Inspection Service, shall assist the Secretary
12 in carrying out the enforcement of this Act, to the
13 extent that the assistance provided under this sub-
14 paragraph does not impede the ability of the Sec-
15 retary of Agriculture, acting through the Adminis-
16 trator of the Animal and Plant Health Inspection
17 Service, to carry out the functions of the Animal and
18 Plant Health Inspection Service.

19 “(B) The Secretary of Agriculture, in coordina-
20 tion with the Secretary, shall review and revise
21 boarding procedures of the Animal and Plant Health
22 Inspection Service to improve the enforcement of
23 this Act.

1 “(C) The review and revision of the boarding
2 procedures referred to in subparagraph (B) shall
3 include—

4 “(i) a revision of any boarding forms used
5 by the Secretary (including adding questions) to
6 provide information in sufficient detail to enable
7 the Secretary to adequately enforce this Act;

8 “(ii) the coordination of efforts of inspec-
9 tors of the Animal and Plant Health Inspection
10 Service to facilitate the tracking of ships sus-
11 pected to be in violation of this Act from port
12 to port;

13 “(iii) the coordination of the inspection ac-
14 tivities of the Animal and Plant Health Inspec-
15 tion Service with the inspection activities of the
16 Coast Guard, to ensure that any violation of
17 this Act may be easily determined, and that an
18 appropriate penalty is assessed for the violation;
19 and

20 “(iv) methods for using inspectors of the
21 Animal and Plant Health Inspection Service to
22 determine compliance with the regulations pro-
23 mulgated under section 6(a)(2).”.

24 (c) SIZE AND USE.—Section 3(a) of such Act (33
25 U.S.C. 1902(a)) is amended—

1 (1) by striking “and” at the end of paragraph
2 (3);

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

5 (3) by adding at the end the following new
6 paragraph:

7 “(5) with respect to section 4(b)(2)(A)—

8 “(A) to—

9 “(i) a manned oceangoing United
10 States ship of 40 feet or more in length
11 that is engaged in commerce and is docu-
12 mented under the laws of the United
13 States or numbered by a State; and

14 “(ii) a manned fixed or floating plat-
15 form subject to the jurisdiction of the
16 United States, or operated under the au-
17 thority of the United States, wherever lo-
18 cated; and

19 “(B) to any other ship of a size and use
20 specified by the Secretary not later than 18
21 months after the date of enactment of the
22 Coast Guard Authorization Act of 1994.”.

23 (d) PENALTIES FOR VIOLATIONS.—Section 9 of such
24 Act (33 U.S.C. 1908) is amended—

1 (1) by redesignating subsections (c) through (f)
2 as (d) through (g) respectively;

3 (2) by inserting after subsection (b) the follow-
4 ing new subsection:

5 “(c)(1) Any person authorized by the Secretary for
6 the purposes of this subsection may, where reasonable
7 cause exists to believe that an owner, operator, or person
8 in charge of a ship—

9 “(A) has disposed of garbage in violation of
10 Annex V of MARPOL or regulations issued under
11 this Act; or

12 “(B) has violated any regulation promulgated
13 under section 4(b)(2)(A) of this Act—

14 issue a citation to such owner, operator, or person in
15 charge. Such citation shall specify the regulation violated
16 and the applicable penalty amount for such violation, as
17 prescribed by the Secretary in regulations.

18 “(2) On the thirtieth day following issuance of the
19 citation, such amount shall constitute a final assessment
20 for the purposes of this section and shall be due and pay-
21 able to the United States, unless prior to that date the
22 owner, operator, or person in charge of the ship submits
23 a written request for a hearing to the Secretary. Sub-
24 section (b) of this section shall apply to any case in which
25 such a written request has been submitted.

1 “(3) For the purposes of paragraph (1) of this sub-
2 section, reasonable cause exists to believe that an owner,
3 operator, or person in charge of a ship has disposed of
4 garbage in violation of Annex V or regulations issued
5 under this Act where, inter alia—

6 “(A) the person in charge refuses, fails, or is
7 unable to produce to the person authorized by the
8 Secretary any recently issued documents dem-
9 onstrating a recent lawful disposal of ship’s garbage
10 or, where a ship’s incinerator has been installed,
11 plastic residue from such incinerator, and

12 “(B) the quantity of plastic waste materials on
13 board the ship is less than the amount of such waste
14 estimated, in accordance with regulations issued by
15 the Secretary, to have been generated on board the
16 ship subsequently to the last lawful disposal which
17 is demonstrated to the person authorized by the
18 Secretary.

19 “(4) A citation for a violation that requires a civil
20 penalty may be issued by the appropriate Coast Guard of-
21 ficial if, on the inspection of a ship, an appropriate official
22 of the Coast Guard determines that—

23 “(A) the person in charge of the ship has no re-
24 cepts documenting—

25 “(i) the disposal of garbage; or

1 “(ii) in any case in which an incinerator is
2 on board the ship, the disposal of plastic resi-
3 due, if any, from the incinerator;

4 “(B) there is no incinerator on board the ship;
5 or

6 “(C) the quantity of plastic waste materials on
7 board the ship is too small with respect to the quan-
8 tity of plastic waste materials estimated to have
9 been generated on board the ship (on the basis of
10 documentation from the last legal disposal of plastic
11 waste materials from the ship).

12 “(5) Not later than 30 days after the issuance of a
13 citation pursuant to paragraph (2), the recipient of the
14 citation shall either—

15 “(A) pay the amount of the civil penalty; or

16 “(B) submit a written request for a hearing on
17 the assessment of the civil penalty.

18 “(6) The Secretary, in consultation with the Sec-
19 retary of Agriculture, shall issue regulations which ensure
20 that the record in a log book of the disposal of garbage
21 alone does not constitute proof of lawful disposal of gar-
22 bage.”; and

23 (3) in subsection (g), as redesignated by para-
24 graph (1)—

1 (A) by inserting “(1)” before “Notwith-
2 standing”;

3 (B) by striking “or (d)” and inserting “or
4 (e)”; and

5 (C) by adding at the end the following new
6 paragraphs:

7 “(2) If the Secretary—

8 “(A) conducts an investigation and refers a
9 matter pursuant to paragraph (1) to the appro-
10 priate official of a foreign country that is a
11 party to the MARPOL Protocol relating to a
12 violation of suspected violation by an owner, op-
13 erator, or person in charge of a ship that is reg-
14 istered in the foreign country of a requirement
15 of the MARPOL Protocol; and

16 “(B) the official of the foreign country
17 does not provide a response that the Secretary
18 determines appropriate; paragraph (3) shall
19 apply.

20 “(3) If the conditions referred to in subpara-
21 graphs (A) and (B) of paragraph (2) are met, the
22 Secretary of the Treasury, on the request of the Sec-
23 retary, may, with respect to the ship referred to in
24 paragraph (2), refuse or revoke—

1 “(A) a permit to proceed under section
2 4367 of the Revised Statutes (46 U.S.C. App.
3 313); or

4 “(B) a permit to depart (as required under
5 section 443 of the Tariff Act of 1930 (19
6 U.S.C. 1443));

7 whichever is applicable.

8 “(4) The Secretary shall, not later than 1 year
9 after the date of enactment of this paragraph, and
10 annually thereafter, publish a list of any referral de-
11 scribed in paragraph (1) including, with respect to
12 each referral—

13 “(A) the date of transmittal; and

14 “(B) the date and nature of any response
15 by the appropriate official of the foreign coun-
16 try to whom the referral is sent.”.

17 (e) SHIP INSPECTIONS; REPORTS TO SECRETARY.—
18 Section 8(c) of such Act (33 U.S.C. 1907(c)) is amended
19 by adding at the end the following new paragraphs:

20 “(3)(A) The Secretary shall make available to
21 the public a toll-free telephone number for reporting
22 violations of the MARPOL Protocol and this Act.

23 “(B) In carrying out this paragraph, the Sec-
24 retary may—

1 “(i) enter into a cooperative agreement
2 with the appropriate official of the National Re-
3 sponse Center to use the telephone reporting
4 service of the Center to provide for the report-
5 ing of the violations referred to in subpara-
6 graph (A) under the telephone reporting serv-
7 ice; or

8 “(ii) establish a separate telephone report-
9 ing system.

10 “(C) The Secretary shall report to Congress an-
11 nually on the effectiveness of the toll-free telephone
12 reporting system. Each report shall include—

13 “(i) the number and types of referral calls
14 related to Annex V of the MARPOL Protocol
15 received; and

16 “(ii) information regarding any investiga-
17 tions conducted and enforcement actions taken
18 in response to a call described in clause (i).

19 “(4) On receipt of a report from an appropriate
20 official of the Animal and Plant Health Inspection
21 Service of the Department of Agriculture of a ship
22 in violation of this Act, the Secretary shall take such
23 action as is necessary to ensure a follow-up inspec-
24 tion of the ship.”.

1 (f) CONFORMING AMENDMENT.—Section 11(a)(3) of
2 such Act (33 U.S.C. 1910(a)(3)) is amended by striking
3 “section 9(e)” and inserting “section 9(f)”.

4 **SEC. 703. MARINE PLASTIC POLLUTION RESEARCH AND**
5 **CONTROL.**

6 (a) COMPLIANCE REPORTS.—Section 2201(a) of the
7 Marine Plastic Pollution Research and Control Act of
8 1987 (Public Law 100–220; 33 U.S.C. 1902 note) is
9 amended—

10 (1) by striking “for a period of 6 years”; and

11 (2) by inserting before the period at the end the
12 following: “and, not later than 1 year after the date
13 of enactment of the Water Pollution Prevention and
14 Control Act of 1994, and annually thereafter, shall
15 publish in the Federal Register a list of the enforce-
16 ment actions taken against any domestic or foreign
17 ship (including any commercial or recreational ship)
18 pursuant to the Act to Prevent Pollution from Ships
19 (33 U.S.C. 1901 et seq.)”.

20 (b) PUBLIC OUTREACH PROGRAM.—Section 2204(a)
21 of such Act (Public Law 100–220; 42 U.S.C. 6981 note)
22 is amended—

23 (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) CONSULTATION.—In developing out-
9 reach initiatives targeted at the interested
10 groups that are subject to the requirements of
11 this title and the Act to Prevent Pollution from
12 Ships (33 U.S.C. 1901 et seq.), the Secretary
13 of the department in which the Coast Guard is
14 operating, in consultation with the Secretary of
15 Commerce, acting through the Administrator of
16 the National Oceanic and Atmospheric Admin-
17 istration, and the Administrator of the Environ-
18 mental Protection Agency, shall consult with—

19 “(i) the heads of State agencies re-
20 sponsible for implementing State boating
21 laws; and

22 “(ii) the heads of other enforcement
23 agencies that regulate boaters or commer-
24 cial fishermen.

1 the Act to Prevent Pollution from Ships ((33 U.S.C. 1901
2 et seq.).

3 **“SEC. 2402. REPORTS TO CONGRESS.**

4 “If the Secretary of the department in which the
5 Coast Guard is operating fails to meet a deadline specified
6 in this Act or the Act to Prevent Pollution from Ships
7 (33 U.S.C. 1901 et seq.), the Secretary shall submit a
8 written report to Congress that explains the reasons for
9 the failure.

10 **“SEC. 2403. WASTE MANAGEMENT STUDY.**

11 “Not later than 2 years after the date of enactment
12 of the Coast Guard Authorization Act of 1994, the Sec-
13 retary of the department in which the Coast Guard is op-
14 erating, in consultation with the Administrator of the En-
15 vironmental Protection Agency, shall submit to Congress
16 a written report that identifies potential improvements of
17 the waste management practices at port facilities. The
18 study shall—

19 “(1) characterize wastes as a function of the
20 type, size, number of crew and passengers, and
21 length of voyage of ships;

22 “(2) identify incentives to promote onboard
23 waste management practices on ships, including the
24 use of source reduction, reuse of recycling strategies,
25 incinerators, compactors, pulpers, and shredders;

1 “(3) recommend organizational and business
2 processes required to establish effective and efficient
3 waste management programs, including the design
4 of the roles and responsibilities of all entities in-
5 volved (including ports and terminals) that would
6 improve the management of shipborne waste; and

7 “(4) investigate positive incentives to including
8 the use of port reception facilities, including poten-
9 tially prohibiting separate fees for waste disposal.

10 **“SEC. 2404. SENSE OF CONGRESS REGARDING INSURANCE.**

11 “‘It is the sense of Congress that—

12 “(1) certain insurance policies or rules of pro-
13 tection and indemnity clubs that provide insurance
14 for shippers should not provide for the payment of
15 a penalty under the Act to Prevent Pollution from
16 Ships (33 U.S.C. 1901 et seq.); and

17 “(2) the Secretary of the department in which
18 the Coast Guard is operating, acting through the
19 Commandant of the Coast Guard, should consult
20 with the International Maritime Organization to
21 seek to establish international standards prohibiting
22 the issuance of a contract of insurance for the sale
23 of a policy that would provide for the payment of
24 any penalty under the MARPOL Protocol (as de-
25 fined in section 2(a) of the Act to Prevent Pollution

1 from Ships (33 U.S.C. 1901 (a))) to carry out the
2 MARPOL Protocol.

3 **“SEC. 2405. NOTICE OF ARRIVAL.**

4 “The owner, master, agent, or person in charge of
5 a vessel shall include in the notice of arrival required to
6 be submitted to the Captain of the Port of the port or
7 place of destination pursuant to the Ports and Waterways
8 Safety Act (33 U.S.C. 1221 et seq.) information concern-
9 ing the intention of the owner, master, or person in charge
10 of the vessel with respect to the disposal of onboard waste
11 at the port or place of destination.

12 **“SEC. 2406. COORDINATION.**

13 “(a) ESTABLISHMENT OF MARINE DEBRIS COORDI-
14 NATING COMMITTEE.—The Administrator of the Environ-
15 mental Protection Agency shall establish a Marine Debris
16 Coordinating Committee (referred to in this section as the
17 ‘Committee’).

18 “(b) MEMBERSHIP.—The Committee shall include a
19 senior official from—

20 “(1) the Environmental Protection Agency, who
21 shall serve as the Chairperson of the Committee;

22 “(2) the National Oceanic and Atmospheric Ad-
23 ministration;

24 “(3) the United States Coast Guard;

25 “(4) the United States Navy; and

1 “(5) such other Federal agencies that have an
2 interest in ocean issues or water pollution prevention
3 and control as the Administrator of the Environ-
4 mental Protection Agency determines appropriate.

5 “(c) MEETINGS.—The Committee shall meet at least
6 twice a year to provide a forum to ensure the coordination
7 of national and international research, monitoring, edu-
8 cation, and regulatory actions addressing the persistent
9 marine debris problem.

10 **“SEC. 2407. MONITORING.**

11 “The Administrator of the Environmental Protection
12 Agency, in cooperation with the Secretary of Commerce,
13 acting through the Administrator of the National Oceanic
14 and Atmospheric Administration, shall utilize the marine
15 debris data derived under title V of the Marine Protection,
16 Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801
17 et seq.) to assist the United States Coast Guard in assess-
18 ing the effectiveness of this Act.”.

19 (2) AMENDMENTS TO TABLE OF CONTENTS.—
20 The table of contents in section 2 of the United
21 States-Japan Fishery Agreement Approval Act of
22 1987(101 Stat. 1458) is amended by adding at the
23 end of the items relating to title II of such Act the
24 following new items:

“Subtitle D—Miscellaneous Provisions

“Sec. 2401. Applicability of whistle blower provisions.

“Sec. 2402. Reports to Congress.

“Sec. 2403. Waste management study.

“Sec. 2404. Sense of Congress regarding insurance.

“Sec. 2405. Notice of arrival.

“Sec. 2406. Coordination.

“Sec. 2407. Monitoring.”.

