

Calendar No. 622

103D CONGRESS
2D SESSION

S. 2373

[Report No. 103-372]

A BILL

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

SEPTEMBER 26 (legislative day, SEPTEMBER 12), 1994
Reported with amendments

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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. BREAUX, 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

SEPTEMBER 26 (legislative day, SEPTEMBER 12), 1994

Reported by Mr. HOLLINGS, with amendments

[Omit the matter struck through and insert the matter printed in italic]

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”.

1 (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—NAVIGATION 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. Allocation of funds based on State adoption of laws regarding boating while intoxicated.
- Sec. 503. Marine casualty reporting.
- Sec. 504. Requiring violators to take recreational boating safety course.
- Sec. 505. Technical corrections.

TITLE VI—TOWING VESSEL SAFETY

- Sec. 601. Minimum navigational safety equipment.
- Sec. 602. Demonstration of proficiency in use of navigational safety equipment required.
- Sec. 603. Reporting marine casualties.
- Sec. 604. Report on adequacy and effectiveness of manning and progress improving licensing requirements for operation of towing vessels.
- Sec. 605. Report on feasibility of establishing a differential global positioning satellite navigational system and electronic charts for inland waterways.

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-

1 ronmental protection, enforcement of laws and trea-
2 ties, ice operations, oceanographic research, and de-
3 fense readiness, \$20,310,000, to remain available
4 until expended, of which \$3,150,000 shall be derived
5 from the Oil Spill Liability Trust Fund.

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

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

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

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

24 “(e) Notwithstanding the provisions of sections
25 101(d) and 144 of title 23, United States Code, highway

1 bridges determined to be unreasonable obstructions to
2 navigation under the Truman-Hobbs Act may be funded
3 from amounts set aside from the discretionary bridge pro-
4 gram. Of the amount authorized for each fiscal year for
5 the discretionary bridge program, not more than
6 \$12,880,000 in the case of fiscal year 1995, not more than
7 \$14,200,000 in the case of fiscal year 1996, and not more
8 than \$17,250,000 in the case of fiscal year 1997 shall be
9 available for such highway bridge projects. The Secretary
10 shall transfer these allocations and the responsibility for
11 administration of these funds to the United States Coast
12 Guard.”.

13 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
14 **AND TRAINING.**

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

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

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

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

1 provided under the authority of this section shall be in
2 addition to benefits provided under existing programs.

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

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

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

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

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

1 “(d)(1) The Commandant shall establish a training
2 program for child development center employees. Subject
3 to paragraph (2), satisfactory completion of the training
4 program shall be a condition of employment of any person
5 as a child development center employee.

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

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

17 “(A) Early childhood development.

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

20 “(C) Child abuse prevention and detection.

21 “(D) Cardiopulmonary resuscitation and other
22 appropriate emergency medical procedures.

23 “(e) The Commandant may use funds available to the
24 Coast Guard for operating expenses for Coast Guard child
25 development centers. Such funds shall not be less than the

1 amount of child care fee receipts that are estimated to
2 be received by the Coast Guard during the fiscal year.

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

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

14 “(h) The Secretary shall promulgate regulations to
15 implement this section.”.

16 (b) The table of sections at the beginning of chapter
17 13 of title 14, United States Code, is amended, by insert-
18 ing after the item related to section 514 the following:

“515. Child development services.”.

19 **SEC. 203. HURRICANE ANDREW RELIEF.**

20 Section 2856 of the National Defense Authorization
21 Act for Fiscal Year 1993 (Public Law 102-484) applies
22 to the military personnel of the Coast Guard who were
23 assigned to, or employed at or in connection with, any
24 Federal facility or installation in the vicinity of Homestead
25 Air Force Base, Florida, including the areas of Broward,

1 Collier, Dade, and Monroe Counties, on or before August
2 24, 1992, except that funds available to the Coast Guard,
3 not to exceed \$25,000, shall be used. The Secretary of
4 Transportation shall administer the provisions of section
5 2856 for the Coast Guard.

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

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

13 **SEC. 205. EXCLUDE CERTAIN RESERVES FROM END-OF-**
14 **YEAR STRENGTH.**

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

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

22 **SEC. 206. OFFICER RETENTION UNTIL RETIREMENT ELIGI-**
23 **BLE.**

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

1 (1) by inserting “(1)” after “(b)”;

2 (2) by striking the last sentence; and

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

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

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

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

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

19 **SEC. 207. SPECIAL RECRUITING AUTHORITY TO ACHIEVE**
20 **DIVERSITY.**

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

23 (1) The ability of the United States Coast
24 Guard to perform its functions and duties will be en-

1 hanced if the representation of women and minori-
2 ties in its workforce is increased.

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

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

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

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

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

24 (7) The education and professional training
25 provided at the United States Coast Guard Academy

1 will be enhanced by the benefits that flow from a di-
2 verse student body.

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

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

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

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

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

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

22 “(v) obtain research on Coast Guard personnel re-
23 source and training needs; and employ special programs
24 for recruiting women and minorities, to include providing
25 financial assistance by grant, cooperative agreement, con-

1 tract, or otherwise not specifically prohibited by law or
2 regulation, to public or private associations, organizations,
3 or individuals to implement national or local outreach pro-
4 grams intended to rectify underrepresentation or under-
5 utilization of women and minorities in the Coast Guard
6 and to meet identified personnel resource requirements
7 and training needs.”.

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

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

12 **“§ 644a. Contracts for health care services**

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

1 “(b) The total amount of compensation paid to an
2 individual in any year under a personal services contract
3 entered into under subsection (a) shall not exceed the
4 amount of annual compensation (excluding allowances for
5 expenses) allowable for such contracts entered into by the
6 Secretary of Defense pursuant to section 1091 of title 10,
7 United States Code.

8 “(c)(1) The Secretary shall promulgate regulations to
9 assure—

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

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

16 “(2) Upon establishment of the procedures under
17 paragraph (1), the Secretary may exempt personal serv-
18 ices contracts covered by this section from the competitive
19 contracting requirements specified in section 2304 of title
20 10, United States Code, or any other similar requirements
21 of law.

22 “(d) The procedures and exemptions provided under
23 subsection (c) shall not apply to personal services con-
24 tracts entered into under subsection (a) with entities other

1 than individuals or to any contract that is not an author-
 2 ized personal services contract under subsection (a).”.

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

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

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

13 **TITLE III—NAVIGATION SAFETY AND**
 14 **WATERWAY SERVICES MANAGEMENT**

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

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

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

22 “(b)(1) Of the balance of each annual appropriation
 23 remaining after making the distribution under subsection
 24 (a), an amount equal to \$15,000,000 for fiscal year 1995,
 25 \$40,000,000 for fiscal year 1996, \$55,000,000 for fiscal

1 year 1997, and \$69,000,000 for each of fiscal years 1998
2 and 1999, shall, subject to paragraph (2), be used as
3 follows:

4 “(A) A sum equal to \$7,500,000 of the amount
5 available for fiscal year 1995, and a sum equal to
6 \$10,000,000 of the amount available for each of fis-
7 cal years 1996 and 1997, shall be available for use
8 by the Secretary of the Interior for grants under
9 section 5604(c) of the Clean Vessel Act of 1992.
10 Any portion of such a sum available for a fiscal year
11 that is not obligated for those grants before the end
12 of the following fiscal year shall be transferred to
13 the Secretary of Transportation and shall be ex-
14 pended by the Secretary of Transportation for State
15 recreational boating safety programs under section
16 13106 of title 46, United States Code.

17 “(B) A sum equal to \$7,500,000 of the amount
18 available for fiscal year 1995, \$30,000,000 of the
19 amount available for fiscal year 1996, \$45,000,000
20 of the amount available for fiscal year 1997, and
21 \$59,000,000 of the amount available for each of fis-
22 cal years 1998 and 1999, shall be transferred to the
23 Secretary of Transportation and shall be expended
24 by the Secretary of Transportation for recreational

1 boating safety programs under section 13106 of title
2 46, United States Code.

3 “(C) A sum equal to \$10,000,000 of the
4 amount available for each of fiscal years 1998 and
5 1999 shall be available for use by the Secretary of
6 the Interior for—

7 “(i) grants under section ~~3(e)~~ of the ~~Boat-~~
8 ~~ing Improvement 302(e)~~ of the *Coast Guard Au-*
9 *thorization Act of 1994; and*

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

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

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

21 “(ii) \$35,000,000.

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

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

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

10 ~~(1)~~ Section 13106 of title 46, United States
11 Code, is amended—

12 ~~(A)~~ (1) by striking the first sentence of
13 subsection (a)(1) and inserting the following:
14 “An amount equal to one-half of the amount
15 transferred for each fiscal year to the Boat
16 Safety Account under section 9503(c)(4) of the
17 Internal Revenue Code of 1986 (26 U.S.C.
18 9503(c)(4)) is available for appropriation for
19 State recreational boating safety programs au-
20 thorized under this chapter. Subject to para-
21 graph (2), the Secretary shall ~~expend~~ *obligate* in
22 each fiscal year an amount equal to the total of
23 the amount appropriated from the Boat Safety
24 Account for State recreational boating safety
25 programs for that fiscal year and the amount

1 transferred to the Secretary under section
 2 4(b)(1) of the Act of August 9, 1950 (16
 3 U.S.C. 777c(b)(1)) in that fiscal year.”; and

4 ~~(B)~~ (2) by striking subsection (c).

5 ~~(2)~~ CONFORMING AMENDMENT.—Section
 6 3710(b) of title 46, United States Code, is amended
 7 by striking “24 months” and inserting “5 years”.

8 ~~(c)~~ EXCESS FY 1995 BOAT SAFETY ACCOUNT
 9 FUNDS TRANSFER.—Notwithstanding any other provision
 10 of law, amounts received by the Highway Trust Fund at-
 11 tributable to motorboat fuel taxes received after Septem-
 12 ber 30, 1995, and before October 1, 1996, that are not
 13 transferred to the Boat Safety Account or to the land and
 14 water conservation fund provided for in title I of the Land
 15 and Water Conservation Fund Act of 1965 shall be made
 16 available for use by the Secretary of Transportation for
 17 State recreational boating safety programs under section
 18 13106 of title 46, United States Code, for fiscal year 1996
 19 rather than being transferred into the Sport Fish Restora-
 20 tion Account in the Aquatic Resources Trust Fund.

21 *(c) EXCESS FY 1995 BOAT SAFETY ACCOUNT FUNDS*
 22 *TRANSFER.—Notwithstanding any other provision of law,*
 23 *\$20,000,000 of the annual appropriation from the Sport*
 24 *Fish Restoration Account in fiscal year 1996 made in ac-*
 25 *cordance with the provisions of section 3 of the Act of Au-*

1 *gust 9, 1950 (16 U.S.C. 777b) shall be excluded from the*
2 *calculation of amounts to be distributed under section 4(a)*
3 *of such Act (16 U.S.C. 777c(a)).*

4 **SEC. 302. BOATING ACCESS.**

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

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

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

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

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

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

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

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

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

14 (e) GRANT PROGRAM.—

15 (1) MATCHING GRANTS.—The Secretary of the
16 Interior may obligate not less than $\frac{1}{2}$ of the amount
17 made available for each of fiscal years 1998 and
18 1999 under section 4(b)(1)(C) of the Act of August
19 9, 1950, as amended by section ~~2(a)(1)~~ of this Act,
20 *301(a)(1) of the Coast Guard Authorization Act of*
21 *1994*, to make grants to any eligible State to pay not
22 more than 75 percent of the cost of constructing or
23 renovating public facilities for transient
24 nontrailerable vessels.

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

4 (A) are likely to serve the largest number
5 of nontrailerable vessels; and

6 (B) consist of the construction or renova-
7 tion of public facilities for transient
8 nontrailerable vessels in accordance with a plan
9 submitted by an eligible State submitted under
10 subsection (b).

11 (f) DEFINITIONS.—For the purpose of this section
12 the term—

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

14 (A) completes and submits to the Sec-
15 retary of the Interior a survey in accordance
16 with subsection (c); and

17 (B) develops and submits to the Secretary
18 of the Interior a plan in accordance with sub-
19 section (d);

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

22 (3) “public facilities for transient nontrailerable
23 vessels” means mooring buoys, day-docks, seasonal
24 slips or similar structures located on navigable wa-

1 ters, that are available to the general public and de-
2 signed for temporary use by nontrailerable vessels;

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

4 (A) operated primarily for pleasure; or

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

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

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

13 Section 3303 of title 46, United States Code, is
14 amended—

15 (1) by striking “(a) Except as” in subsection

16 (a) and inserting “Except as”; and

17 (2) by striking subsection (b).

18 **SEC. 304. INCREASED PENALTIES FOR DOCUMENTATION**

19 **VIOLATIONS.**

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

23 (b) SEIZURE AND FORFEITURE.—

24 (1) IN GENERAL.—Section 12122(b) of title 46,

25 United States Code, is amended to read as follows:

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

3 “(1) when the owner of a vessel or the rep-
4 resentative or agent of the owner knowingly falsifies
5 or conceals a material fact, or makes a false state-
6 ment or representation about the documentation or
7 when applying for documentation of the vessel;

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

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

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

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

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

21 (2) CONFORMING AMENDMENT.—Section
22 12122(c) of title 46, United States Code, is re-
23 pealed.

24 (c) LIMITATION ON OPERATION OF VESSEL WITH
25 ONLY RECREATIONAL ENDORSEMENT.—Section 12110(c)

1 of title 46, United States Code, is amended to read as
2 follows: “A vessel with only a recreational endorsement
3 ~~may not be operated other than for pleasure.~~”

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

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

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

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

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

12 “(3)(A) If a person fails to comply with or vio-
13 lates a regulation issued under this Act by the Sec-
14 retary of the department in which the Coast Guard
15 is operating, that person is liable, without regard to
16 the requirement of the expiration of a period allowed
17 for corrective action, to the United States Govern-
18 ment for a civil penalty of not more than the
19 amount provided in paragraph (1) for each day of
20 the continuance of that failure or violation.

21 “(B) The Secretary of the department in which
22 the Coast Guard is operating is authorized to assess
23 the amount of the civil penalty for which a person
24 is liable for failure to comply with or for violating
25 a regulation issued under this Act by the Secretary

1 of the department in which the Coast Guard is oper-
2 ating. The assessment of the civil penalty shall be by
3 written notice and after an opportunity for a
4 hearing.

5 “(C) In determining the amount of the penalty,
6 the Secretary of the department in which the Coast
7 Guard is operating shall consider the nature, cir-
8 cumstances, extent, and gravity of the prohibited
9 acts committed and, with respect to the violator, the
10 degree of culpability, any history of prior offenses,
11 ability to pay, and other matters that justice
12 requires.

13 “(D) The Secretary of the department in which
14 the Coast Guard is operating may compromise, mod-
15 ify, or remit, with or without consideration, a civil
16 penalty under this Act until referring the assessment
17 to the Attorney General.

18 “(E) If a person fails to pay an assessment of
19 a civil penalty after it has become final, the Sec-
20 retary of the department in which the Coast Guard
21 is operating may refer the matter to the Attorney
22 General for collection in an appropriate district
23 court of the United States.”.

1 **SEC. 306. AMENDMENT TO REQUIRE EPIRBS ON THE GREAT**
2 **LAKES.**

3 Paragraph (7) of section 4502(a) of title 46, United
4 States Code, is amended by inserting “or beyond 3 nau-
5 tical miles from the coastline of the Great Lakes” after
6 “high seas”.

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

8 Section 3307 of title 46, United States Code, is
9 amended—

10 (1) by striking “and nautical school vessel” in
11 paragraph (1) and inserting “, nautical school ves-
12 sel, and small passenger vessel carrying more than
13 12 passengers on an international voyage”,

14 (2) by inserting “and” after the semicolon in
15 paragraph (1),

16 (3) by striking paragraph (2) and redesignating
17 paragraph (3) as (2), and

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

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

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

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

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

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

6 **TITLE IV—MISCELLANEOUS PROVISIONS**

7 **SEC. 401. THACHER ISLAND LIGHTHOUSE.**

8 (a) AUTHORITY TO CONVEY.—

9 (1) IN GENERAL.—The Secretary of Transpor-
10 tation may convey to the Town of Rockport, Massa-
11 chusetts, by an appropriate means of conveyance, all
12 right, title, and interest of the United States in and
13 to property comprising Thacher Island, except that
14 the Coast Guard shall retain all right, title, or inter-
15 est in any historical artifact, including any lens or
16 lantern on the property conveyed pursuant to this
17 section, or belonging to the property, whether lo-
18 cated on the property or elsewhere.

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

22 (b) TERMS AND CONDITIONS.—

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 such terms and conditions
2 as the Secretary may consider appropriate.

3 (2) REVERSIONARY INTEREST.—In addition to
4 any term or condition established pursuant to para-
5 graph (1), any conveyance of property pursuant to
6 this section shall be subject to the condition that all
7 right, title, and interest in Thacher Island shall im-
8 mediately revert to the General Services Administra-
9 tion of the United States of America if Thacher Is-
10 land ceases to be maintained and used as a non-
11 profit center for public benefit for the interpretation
12 and preservation of the material culture of the
13 United States Coast Guard and the maritime history
14 of Thacher Island, Massachusetts. In connection
15 therewith, the property may be used for educational,
16 historic, recreational, and cultural programs open to
17 and for the benefit of the general public. Other uses
18 not inconsistent with the foregoing uses are per-
19 mitted unless the Secretary shall reasonably deter-
20 mine that such uses are incompatible with the his-
21 toric nature of this property or with other provisions
22 of this section.

23 (3) MAINTENANCE OF NAVIGATION FUNC-
24 TIONS.—Any conveyance of property pursuant to
25 this section shall be made subject to such conditions

1 as the Secretary considers to be necessary to assure
2 that—

3 (A) the light, antennas, sound signal, and
4 associated lighthouse equipment, and any elec-
5 tronic navigation equipment located on the
6 property conveyed which are active aids to navi-
7 gation shall continue to be operated and main-
8 tained by the United States for as long as they
9 are needed for this purpose;

10 (B) the Town of Rockport may not inter-
11 fere or allow interference in any manner with
12 such aids to navigation without express written
13 permission from the United States;

14 (C) there is reserved to the United States
15 the right to relocate, replace, or add any aids
16 to navigation, or make any changes on any por-
17 tion of such property as may be necessary for
18 navigation purposes;

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

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

1 the property, and an easement for an arc of
2 visibility.

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

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

9 (1) The term “Thacher Island” means the
10 Coast Guard property located on Thacher Island,
11 Massachusetts, which is located off the coast of
12 Cape Ann, Massachusetts, within the boundaries of
13 the Town of Rockport, Massachusetts, including the
14 light tower, sound signal building, any other ancil-
15 lary buildings, and such land as may be necessary
16 to enable the Town of Rockport to operate a non-
17 profit center for public benefit.

18 (2) The term “Secretary” means the Secretary
19 of the department in which the Coast Guard is oper-
20 ating.

21 **SEC. 402. TRANSFER OF COAST GUARD PROPERTY IN**
22 **KETCHIKAN, ALASKA.**

23 (a) CONVEYANCE REQUIREMENT.—The Secretary of
24 Transportation shall convey to the Ketchikan Indian Cor-
25 poration in Ketchikan, Alaska, without reimbursement

1 and by no later than 120 days after the date of this Act,
2 all right, title, and interest of the United States in and
3 to the property known as the “Former Marine Safety De-
4 tachment” as identified in Report of Excess Number CG-
5 689 (GSA Control Number 9-U-AK-0747) and described
6 in subsection (b).

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

24 (c) REVERSIONARY INTEREST.—In addition to any
25 term or condition established pursuant to subsection (a),

1 any conveyance of property described in subsection (b)
2 shall be subject to the condition that all right, title, and
3 interest in and to the property so conveyed shall imme-
4 diately revert to the United States if the property, or any
5 part thereof, ceases to be used by the Ketchikan Indian
6 Corporation as a Native health clinic.

7 **SEC. 403. FLORIDA AVENUE BRIDGE.**

8 For purposes of the alteration of the Florida Avenue
9 Bridge (located approximately 1.63 miles east of the Mis-
10 sissippi River on the Gulf Intracoastal Waterway in Orle-
11 ans Parish, Louisiana) ordered by the Secretary of Trans-
12 portation under the Act of June 21, 1940 (33 U.S.C. 511
13 et seq.; popularly known as the Truman-Hobbs Act), the
14 Secretary shall treat the drainage siphon that is adjacent
15 to the bridge as an appurtenance of the bridge, including
16 with respect to apportionment and payment of costs for
17 the removal of the drainage siphon in accordance with that
18 Act.

19 **SEC. 404. TUNA FISHING VESSELS.**

20 (a) IN GENERAL.—Transferring to foreign registry
21 any tuna fishing vessel which is an agreement vessel docu-
22 mented under the laws of the United States shall not be
23 treated, for purposes of section 607 of the Merchant Ma-
24 rine Act, 1936, (46 App. U.S.C. 1177), or for purpose

1 of the Internal Revenue Code of 1986 or any other law
2 of the United States, as—

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

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

7 (A) the vessel, before registry transfer, ei-
8 ther regularly fished in for tuna in the Eastern
9 Pacific Ocean or regularly fished in the Pacific
10 Ocean but did not regularly have a license to
11 fish tuna in the Western Pacific Ocean;

12 (B) the vessel will, after registry transfer,
13 continue to be controlled directly or indirectly
14 by the last agreement holder of record, as of
15 the time of registry transfer, under section 607
16 of the Merchant Marine Act, 1936, (46 App.
17 U.S.C. 1177); and

18 (C) the vessel will, after registry transfer,
19 continue to be operated in compliance with sec-
20 tion 307 of the Marine Mammal Protection Act
21 of 1972 (46 App. U.S.C. 1417) and subjected
22 to continuous observer coverage under the ar-
23 rangements provided by the Inter-American
24 Tropical Tuna Commission or under any such

1 other international arrangements as may be ap-
2 proved by the Secretary.

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

11 (c) DEFINITIONS.—Any term defined in section
12 607(k) of the Merchant Marine Act, 1936 (46 App. U.S.C.
13 1177(k)), that is used in this section shall have the mean-
14 ing given that term in that section.

15 (d) TREATMENT OF INCOME AND EXPENSES.—All
16 vessel income and expense (including pass-throughs to
17 shareholders and partners, if any) will, after registry
18 transfer, continue to be fully subject to the Internal Reve-
19 nue Code of 1986 and reported as income and taxed in
20 the United States as if the vessel's registry had not been
21 transferred.

22 (e) EFFECTIVE DATE.—This section shall apply to
23 any registry transfer effected before January 1, 1997.

1 **TITLE V—RECREATIONAL BOATING**
2 **SAFETY IMPROVEMENT**

3 **SEC. 501. PERSONAL FLOTATION DEVICES REQUIRED FOR**
4 **CHILDREN.**

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

7 (1) by striking “or” after the semicolon in
8 paragraph (2);

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

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

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

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

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

1 **SEC. 502. ALLOCATION OF FUNDS BASED ON STATE ADOPT-**
2 **ION OF LAWS REGARDING BOATING WHILE**
3 **INTOXICATED.**

4 Section 13103 of title 46, United States Code, is
5 amended—

6 (1) by redesignating subsections (a), (b), and
7 (c) as (b), (c), and (d), respectively;

8 (2) by inserting before subsection (b) (as redesi-
9 gnated) the following:

10 “(a)(1) Beginning in fiscal year 1998, of the amounts
11 transferred to the Secretary each fiscal year pursuant to
12 section 4(b) of the Act of August 9, 1950 (~~16~~) (16 U.S.C.
13 777c(b)), the Secretary shall allocate for State rec-
14 reational boating safety programs \$10,000,000 as follows:

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

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

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

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

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

1 “(ii) establish an implied consent require-
2 ment that specifies that individuals are deemed
3 to have given their consent to evidentiary test-
4 ing for their blood alcohol concentration or
5 presence of other intoxicating substances.

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

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

11 “(B) one-half shall be allocated among those el-
12 igible States so that each such State receives an
13 amount bearing the same ratio to the total amount
14 allocated under that subparagraph for the fiscal year
15 as the number of vessels numbered in that State
16 under a system approved under chapter 123 of this
17 title bears to the total number of vessels numbered
18 under approved systems of all States receiving an al-
19 location under that subparagraph for the fiscal
20 year.”;

21 (3) by inserting “the balance of remaining”
22 after “allocate” in subsection ~~(v)~~ (b) as redesignated;
23 and

24 (4) by adding at the end the following new sub-
25 section:

1 “(e) A State shall not be ineligible for an allocation
2 under subsection (a) because of the adoption by the State
3 of any requirement relating to the operation of a rec-
4 reational vessel while under the influence of alcohol or
5 drugs that is more stringent than the requirements for
6 receiving the allocation.”.

7 **SEC. 503. MARINE CASUALTY REPORTING.**

8 (a) SUBMISSION OF PLAN.—Not later than one year
9 after enactment of this Act, the Secretary of Transpor-
10 tation shall, in consultation with appropriate State agen-
11 cies, submit to the Committee on Merchant Marine and
12 Fisheries of the House of Representatives and the Com-
13 mittee on Commerce, Science, and Transportation of the
14 Senate a plan to increase reporting of vessel accidents to
15 appropriate State law enforcement officials.

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

20 **SEC. 504. REQUIRING VIOLATORS TO TAKE RECREATIONAL**
21 **BOATING SAFETY COURSE.**

22 (a) NEGLIGENT OPERATION.—Section 2302 of title
23 46, United States Code, is amended by adding at the end
24 the following:

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

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

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

11 **SEC. 505. TECHNICAL CORRECTIONS.**

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

14 (1) striking “proceeding” and inserting “pre-
15 ceding”; and

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

18 **TITLE VI—TOWING VESSEL SAFETY**

19 **SEC. 601. MINIMUM NAVIGATIONAL SAFETY EQUIPMENT**
20 **FOR TOWING VESSELS.**

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

24 “(f)(1) In prescribing regulations for towing vessels,
25 the Secretary—

1 “(A) shall consider the characteristics, methods
2 of operation, and nature of the service of towing ves-
3 sels;

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

6 “(C) may require, to the extent appropriate, the
7 installation, maintenance, and use of the following
8 equipment on each towing vessel, other than a tow-
9 ing vessel that is used only for towing disabled
10 vessels:

11 “(i) A radar system.

12 “(ii) A sonic depth finder.

13 “(iii) A compass or swing meter.

14 “(iv) Adequate towing wire and associated
15 equipment.

16 “(v) Up-to-date navigational charts and
17 publications for the areas normally transited by
18 the vessel.

19 “(vi) Other safety equipment the Secretary
20 determines to be necessary.

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

23 “(i) any equipment required on a towing vessel
24 under paragraph (1) shall be maintained in effective
25 operating condition; and

1 **SEC. 603. REPORTING MARINE CASUALTIES.**

2 (a) EXPEDITED REPORTING REQUIRED.—Section
3 6101(b) of title 46, United States Code, is amended by
4 striking “within 5 days” and inserting “by as soon as
5 practicable, but in no case later than within 5 days,”.

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

10 (c) REGULATIONS.—Not later than 90 days after the
11 date of the enactment of this Act, the Secretary shall pre-
12 scribe regulations implementing the amendment made by
13 subsection (a).

14 **SEC. 604. REPORT ON ADEQUACY AND EFFECTIVENESS OF**
15 **MANNING AND PROGRESS IMPROVING LI-**
16 **CENSING REQUIREMENTS FOR OPERATION**
17 **OF TOWING VESSELS.**

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

21 (1) the adequacy and effectiveness of manning
22 of towing vessels; and

23 (2) progress made in implementing improve-
24 ments in towing vessel operator licensing require-
25 ments.

1 **SEC. 605. REPORT ON FEASIBILITY OF ESTABLISHING A**
2 **DIFFERENTIAL GLOBAL POSITIONING SAT-**
3 **ELLITE NAVIGATIONAL SYSTEM AND ELEC-**
4 **TRONIC CHARTS FOR INLAND WATERWAYS.**

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 the feasibility of estab-
8 lishing a differential global positioning satellite navigation
9 system and creating electronic charts for the inland water-
10 ways of the United States.

11 **TITLE VII—ACT TO PREVENT POLLUTION**
12 **FROM SHIPS AMENDMENTS**

13 **SEC. 701. DEFINITION OF OPERATOR.**

14 (a) IN GENERAL.—Subparagraph (b) of section
15 2(a)(5) of the Act to Prevent Pollution from Ships (33
16 U.S.C. 1901(a)(5)(b)) is amended to read as follows: “(b)
17 in the case of a terminal, any person who by law, lease,
18 contract, or other arrangement, provides a berth at a port
19 or terminal or other mooring arrangement for the ship to
20 transfer cargo to or from shore;”.

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

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

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

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

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

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

7 (1) by striking “(2) If” in subsection (c)(2) and
8 inserting “(2)(A) Subject to ~~paragraph~~ *subpara-*
9 *graph* (B), if”;

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

12 “(B) The Secretary may issue a certificate
13 attesting to the adequacy of reception facilities
14 under this paragraph only if, prior to the issu-
15 ance of the certificate, the Secretary conducts
16 an inspection of the reception facilities of the
17 port or terminal that is the subject of the cer-
18 tificate.”; and

19 (3) by striking subsection (c)(3)(A) and insert-
20 ing the following:

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

24 “(i) the charge for operation of the
25 port or terminal is transferred to a person

1 or entity other than the person or entity
2 that is the operator on the date of issuance
3 of the certificate—

4 “(I) the certificate shall expire on
5 the date that is 30 days after the date
6 of the transfer; and

7 “(II) the new operator shall be
8 required to submit an application for
9 a certificate before a certificate may
10 be issued for the port or terminal; or

11 “(ii) the certificate is suspended or re-
12 voked by the Secretary,

13 the certificate shall cease to be valid; and”;

14 (4) by amending subsection (d) to read as
15 follows:

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

19 “(A) is in effect; or

20 “(B) has been revoked or suspended.

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

23 (5) in subsection (e)—

1 (A) by striking “Except in the case” in
2 paragraph ~~(1)~~ and inserting “(1) Except as pro-
3 vided in paragraph ~~(3)~~ (2) and in the case”;

4 ~~(B)~~ by striking “The Secretary” in para-
5 graph ~~(2)~~ and inserting “Except as provided in
6 paragraph ~~(3)~~, the Secretary”; and

7 (B) by redesignating paragraphs (1) and
8 (2) as (A) and (B) respectively; and

9 (C) by adding at the end the following new
10 paragraph:

11 “~~(3)~~(A) (2)(A) Not later than 18 months after
12 the date of enactment of the Coast Guard Author-
13 ization Act of 1994, the Secretary shall, by regula-
14 tion, establish a procedure by which the Secretary
15 may assess a civil penalty against the operator of a
16 port or terminal in lieu of denying the entry of a
17 ship to the port or terminal pursuant to paragraph
18 ~~(1) or (2)~~. (1).

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

23 “(C) If a port or terminal remains in violation
24 of an applicable requirement of a regulation referred
25 to in paragraph ~~(1) or (2)~~ (1) on the date that is

1 30 days after the date on which the Secretary ini-
2 tially determines that the port or terminal is in vio-
3 lation of an applicable requirement of a regulation,
4 the Secretary shall, pursuant to regulations promul-
5 gated under subparagraph (D) of this paragraph, re-
6 voke the certificate of the port or terminal.

7 “(D) In addition to carrying out the duties
8 specified in subparagraphs (A) through (C), not
9 later than 18 months after the date of enactment of
10 ~~this paragraph~~ *the Coast Guard Authorization Act of*
11 *1994*, the Secretary shall develop, and issue regula-
12 tions for, revocation and reinstatement procedures
13 that the Secretary shall apply in carrying out this
14 paragraph.”;

15 (6) in subsection (f)—

16 (A) by inserting “(1)” before “The Sec-
17 retary”; and

18 (B) by adding at the end the following new
19 paragraph:

20 “(2)(A) Not later than 18 months after the
21 date of enactment *of the Coast Guard Authorization*
22 *Act of 1994*, the Secretary shall promulgate regula-
23 tions that require the operator of each port or termi-
24 nal that is subject to any requirement of the
25 MARPOL Protocol relating to reception facilities to

1 post a placard in a location that can easily be seen
2 by port and terminal users. The placard shall state,
3 at a minimum, that a user of a reception facility of
4 the port or terminal should report to the Secretary
5 any inadequacy of the reception facility.

6 “(B) The Secretary shall promulgate regula-
7 tions to carry out this paragraph, including speci-
8 fications for the placards referred to in subpara-
9 graph (A).

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

13 (7) by adding at the end the following new sub-
14 section:

15 “(g) The Secretary shall—

16 “(1) establish a program to ensure that the
17 owner, operator, or person in charge of each port or
18 terminal that is not required to apply for a certifi-
19 cate under this section makes available a reception
20 facility that meets the requirements for reception fa-
21 cilities under the regulations promulgated under
22 subsection (a)(2); and

23 “(2) not later than 2 years after the date of en-
24 actment of ~~this subsection~~, *the Coast Guard Author-*
25 *ization Act of 1994*, and every 2 years thereafter,

1 submit a report to Congress on Coast Guard activi-
2 ties regarding the ports and terminals described in
3 paragraph (1).”.

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

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

10 “(A) not later than 1 year after the date
11 of enactment of the ~~Water Pollution Prevention~~
12 ~~and Control~~ *Coast Guard Authorization Act of*
13 1994, issue regulations that require each ship
14 to—

15 “(i) maintain refuse records (either as
16 part of the log book of the ship or in a
17 separate record book);

18 “(ii) establish shipboard waste man-
19 agement plans; and

20 “(iii) display a placard and conduct a
21 briefing that notifies the crew and pas-
22 sengers of the ship of the requirements of
23 Annex V of the Convention;”;

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

1 “(3)(A) The Secretary of Agriculture, acting
2 through the Administrator of the Animal and Plant
3 Health Inspection Service, shall assist the Secretary
4 in carrying out the enforcement of this Act, to the
5 extent that the assistance provided under this sub-
6 paragraph does not impede the ability of the Sec-
7 retary of Agriculture, acting through the Adminis-
8 trator of the Animal and Plant Health Inspection
9 Service, to carry out the functions of the Animal and
10 Plant Health Inspection Service.

11 “(B) The Secretary of Agriculture, in coordina-
12 tion with the Secretary, shall review and revise
13 boarding procedures of the Animal and Plant Health
14 Inspection Service to improve the enforcement of
15 this Act.

16 “(C) The review and revision of the boarding
17 procedures referred to in subparagraph (B) shall
18 include—

19 “(i) a revision of any boarding forms used
20 by the Secretary (including adding questions) to
21 provide information in sufficient detail to enable
22 the Secretary to adequately enforce this Act;

23 “(ii) the coordination of efforts of inspec-
24 tors of the Animal and Plant Health Inspection
25 Service to facilitate the tracking of ships sus-

1 pected to be in violation of this Act from port
2 to port;

3 “(iii) the coordination of the inspection ac-
4 tivities of the Animal and Plant Health Inspec-
5 tion Service with the inspection activities of the
6 Coast Guard, to ensure that any violation of
7 this Act may be easily determined, and that an
8 appropriate penalty is assessed for the violation;
9 and

10 “(iv) methods for using inspectors of the
11 Animal and Plant Health Inspection Service to
12 determine compliance with the regulations pro-
13 mulgated under section 6(a)(2).”.

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

16 (1) by striking “and” at the end of paragraph
17 (3);

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

20 (3) by adding at the end the following new
21 paragraph:

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

23 “(A) to—

24 “(i) a manned oceangoing United
25 States ship of 40 feet or more in length

1 that is engaged in commerce and is docu-
2 mented under the laws of the United
3 States or numbered by a State; and

4 “(ii) a manned fixed or floating plat-
5 form subject to the jurisdiction of the
6 United States, or operated under the au-
7 thority of the United States, wherever lo-
8 cated; and

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

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

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

17 (2) by inserting after subsection (b) the follow-
18 ing new subsection:

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

23 “(A) has disposed of garbage in violation of
24 Annex V of MARPOL or regulations issued under
25 this Act; or

1 “(B) has violated any regulation promulgated
2 under section 4(b)(2)(A) of this Act—
3 issue a citation to such owner, operator, or person in
4 charge. Such citation shall specify the regulation violated
5 and the applicable penalty amount for such violation, as
6 prescribed by the Secretary in regulations.

7 “(2) On the thirtieth day following issuance of the
8 citation, such amount shall constitute a final assessment
9 for the purposes of this section and shall be due and pay-
10 able to the United States, unless prior to that date the
11 owner, operator, or person in charge of the ship submits
12 a written request for a hearing to the Secretary. Sub-
13 section (b) of this section shall apply to any case in which
14 such a written request has been submitted.

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

20 “(A) the person in charge refuses, fails, or is
21 unable to produce to the person authorized by the
22 Secretary any recently issued documents dem-
23 onstrating a recent lawful disposal of ship’s garbage
24 or, where a ship’s incinerator has been installed,
25 plastic residue from such incinerator, and

1 “(B) the quantity of plastic waste materials on
2 board the ship is less than the amount of such waste
3 estimated, in accordance with regulations issued by
4 the Secretary, to have been generated on board the
5 ship subsequently to the last lawful disposal which
6 is demonstrated to the person authorized by the
7 Secretary.

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

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

14 “(i) the disposal of garbage; or

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

18 “(B) there is no incinerator on board the ship;

19 or

20 “(C) the quantity of plastic waste materials on
21 board the ship is too small with respect to the quan-
22 tity of plastic waste materials estimated to have
23 been generated on board the ship (on the basis of
24 documentation from the last legal disposal of plastic
25 waste materials from the ship).

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

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

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

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

12 (3) in subsection (g), as redesignated by para-
13 graph (1)—

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

16 (B) by striking “or (d)” and inserting “or
17 (e)”;

18 (C) by adding at the end the following new
19 paragraphs:

20 “(2) If the Secretary—

21 “(A) conducts an investigation and refers a
22 matter pursuant to paragraph (1) to the appro-
23 priate official of a foreign country that is a
24 party to the MARPOL Protocol relating to a
25 violation of suspected violation by an owner, op-

1 erator, or person in charge of a ship that is reg-
2 istered in the foreign country of a requirement
3 of the MARPOL Protocol; and

4 “(B) the official of the foreign country
5 does not provide a response that the Secretary
6 determines appropriate; paragraph (3) shall
7 apply.

8 “(3) If the conditions referred to in subpara-
9 graphs (A) and (B) of paragraph (2) are met, the
10 Secretary of the Treasury, on the request of the Sec-
11 retary, may, with respect to the ship referred to in
12 paragraph (2), refuse or revoke—

13 “(A) a permit to proceed under section
14 4367 of the Revised Statutes (46 U.S.C. App.
15 313); or

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

19 whichever is applicable.

20 “(4) The Secretary shall, not later than 1 year
21 after the date of enactment of ~~this paragraph~~, *the*
22 *Coast Guard Authorization Act of 1994*, and annually
23 thereafter, publish a list of any referral described in
24 paragraph (1) including, with respect to each refer-
25 ral—

1 “(A) the date of transmittal; and

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

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

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

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

13 “(i) enter into a cooperative agreement
14 with the appropriate official of the National Re-
15 sponse Center to use the telephone reporting
16 service of the Center to provide for the report-
17 ing of the violations referred to in subpara-
18 graph (A) under the telephone reporting serv-
19 ice; or

20 “(ii) establish a separate telephone report-
21 ing system.

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

1 ~~Control~~ *Coast Guard Authorization* Act of 1994, and
2 annually thereafter, shall publish in the Federal
3 Register a list of the enforcement actions taken
4 against any domestic or foreign ship (including any
5 commercial or recreational ship) pursuant to the Act
6 to Prevent Pollution from Ships (33 U.S.C. 1901 et
7 seq.)”.

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

11 (1) in paragraph (1)—

12 (A) in the matter preceding subparagraph
13 (A), by striking “for a period of at least 3
14 years,”;

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

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

19 (D) by adding at the end the following new
20 subparagraph:

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

1 Pollution from Ships (33 U.S.C. 1901 et
2 seq.).”; and

3 (2) by striking paragraph (2) and inserting the
4 following new paragraph:

5 “(2) AUTHORIZED ACTIVITIES.—

6 “(A) PUBLIC OUTREACH PROGRAM.—A
7 public outreach program under paragraph (1)
8 may include—

9 “(i) developing and implementing a
10 voluntary boaters’ pledge program;

11 “(ii) workshops with interested
12 groups;

13 “(iii) public service announcements;

14 “(iv) distribution of leaflets and post-
15 ers; and

16 “(v) any other means appropriate to
17 educating the public.

18 “(B) CONSULTATION.—In developing out-
19 reach initiatives targeted at the interested
20 groups that are subject to the requirements of
21 this title and the Act to Prevent Pollution from
22 Ships (33 U.S.C. 1901 et seq.), the Secretary
23 of the department in which the Coast Guard is
24 operating, in consultation with the Secretary of
25 Commerce, acting through the Administrator of

1 the National Oceanic and Atmospheric Admin-
2 stration, and the Administrator of the Environ-
3 mental Protection Agency, shall consult 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 “(C) GRANTS AND COOPERATIVE AGREE-
11 MENTS.—To carry out this section, the Sec-
12 retary of the department in which the Coast
13 Guard is operating, the Secretary of Commerce,
14 and the Administrator of the Environmental
15 Protection Agency are authorized to award
16 grants, enter into cooperative agreements with
17 appropriate officials of other Federal agencies
18 and agencies of States and political subdivisions
19 of States and with public and private entities,
20 and provide other financial assistance to eligible
21 recipients.”.

22 (c) MISCELLANEOUS PROVISIONS.—

23 (1) IN GENERAL.—The Marine Plastic Pollu-
24 tion Research and Control Act of 1987 (33 U.S.C.

1 1901 et seq.) is amended by adding at the end the
2 following new subtitle:

3 **“Subtitle D—Miscellaneous Provisions**

4 **“SEC. 2401. APPLICABILITY OF WHISTLE BLOWER PROVI-**
5 **SIONS.**

6 “Section 2302 of title 5, United States Code, shall
7 apply to any employee of the Department of Transpor-
8 tation, the Department of Defense, or the Department of
9 Agriculture, as described in subsection (a)(2)(B) of such
10 section, who carries out any requirement of this Act or
11 the Act to Prevent Pollution from Ships ((33 U.S.C. 1901
12 et seq.).

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

14 “If the Secretary of the department in which the
15 Coast Guard is operating fails to meet a deadline specified
16 in this Act or the Act to Prevent Pollution from Ships
17 (33 U.S.C. 1901 et seq.), the Secretary shall submit a
18 written report to Congress that explains the reasons for
19 the failure.

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

21 “Not later than 2 years after the date of enactment
22 of the Coast Guard Authorization Act of 1994, the Sec-
23 retary of the department in which the Coast Guard is op-
24 erating, in consultation with the Administrator of the En-
25 vironmental Protection Agency, shall submit to Congress

1 a written report that identifies potential improvements of
2 the waste management practices at port facilities. The
3 study shall—

4 “(1) characterize wastes as a function of the
5 type, size, number of crew and passengers, and
6 length of voyage of ships;

7 “(2) identify incentives to promote onboard
8 waste management practices on ships, including the
9 use of source reduction, reuse of recycling strategies,
10 incinerators, compactors, pulpers, and shredders;

11 “(3) recommend organizational and business
12 processes required to establish effective and efficient
13 waste management programs, including the design
14 of the roles and responsibilities of all entities in-
15 volved (including ports and terminals) that would
16 improve the management of shipborne waste; and

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

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

21 “It is the sense of Congress that—

22 “(1) certain insurance policies or rules of pro-
23 tection and indemnity clubs that provide insurance
24 for shippers should not provide for the payment of

1 a penalty under the Act to Prevent Pollution from
2 Ships (33 U.S.C. 1901 et seq.); and

3 “(2) the Secretary of the department in which
4 the Coast Guard is operating, acting through the
5 Commandant of the Coast Guard, should consult
6 with the International Maritime Organization to
7 seek to establish international standards prohibiting
8 the issuance of a contract of insurance for the sale
9 of a policy that would provide for the payment of
10 any penalty under the MARPOL Protocol (as de-
11 fined in section 2(a) of the Act to Prevent Pollution
12 from Ships (33 U.S.C. 1901 (a))) to carry out the
13 MARPOL Protocol.

14 **“SEC. 2405. NOTICE OF ARRIVAL.**

15 “The owner, master, agent, or person in charge of
16 a vessel shall include in the notice of arrival required to
17 be submitted to the Captain of the Port of the port or
18 place of destination pursuant to the Ports and Waterways
19 Safety Act (33 U.S.C. 1221 et seq.) information concern-
20 ing the intention of the owner, master, or person in charge
21 of the vessel with respect to the disposal of onboard waste
22 at the port or place of destination.

23 **“SEC. 2406. COORDINATION.**

24 “(a) ESTABLISHMENT OF MARINE DEBRIS COORDI-
25 NATING COMMITTEE.—The Administrator of the Environ-

1 mental Protection Agency shall establish a Marine Debris
2 Coordinating Committee (referred to in this section as the
3 'Committee').

4 “(b) MEMBERSHIP.—The Committee shall include a
5 senior official from—

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

8 “(2) the National Oceanic and Atmospheric Ad-
9 ministration;

10 “(3) the United States Coast Guard;

11 “(4) the United States Navy; and

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

16 “(c) MEETINGS.—The Committee shall meet at least
17 twice a year to provide a forum to ensure the coordination
18 of national and international research, monitoring, edu-
19 cation, and regulatory actions addressing the persistent
20 marine debris problem.

21 **“SEC. 2407. MONITORING.**

22 “The Administrator of the Environmental Protection
23 Agency, in cooperation with the Secretary of Commerce,
24 acting through the Administrator of the National Oceanic
25 and Atmospheric Administration, shall utilize the marine

1 debris data derived under title V of the Marine Protection,
 2 Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801
 3 et seq.) to assist the United States Coast Guard in assess-
 4 ing the effectiveness of this Act.”.

5 (2) AMENDMENTS TO TABLE OF CONTENTS.—
 6 The table of contents in section 2 of the United
 7 States-Japan Fishery Agreement Approval Act of
 8 1987(101 Stat. 1458) is amended by adding at the
 9 end of the items relating to title II of such Act the
 10 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.”.

S 2373 RS—2

S 2373 RS—3

S 2373 RS—4

S 2373 RS—5