

Union Calendar No. 51

104TH CONGRESS
1ST SESSION

H. R. 1361

[Report No. 104-106]

A BILL

To authorize appropriations for fiscal year 1996 for the Coast Guard, and for other purposes.

MAY 1, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Union Calendar No. 51104TH CONGRESS
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IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 1995

Mr. COBLE (for himself, Mr. TRAFICANT, Mr. SHUSTER, and Mr. MINETA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

MAY 1, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 30, 1995]

A BILL

To authorize appropriations for fiscal year 1996 for the Coast Guard, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Coast Guard Authoriza-*
 3 *tion Act For Fiscal Year 1996”.*

4 **SEC. 2. TABLE OF CONTENTS.**

5 *The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization of appropriations.

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

Sec. 103. Quarterly reports on drug interdiction.

Sec. 104. Safety determination for small boat closures.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

Sec. 201. Hurricane Andrew relief.

Sec. 202. Exclude certain reserves from end-of-year strength.

Sec. 203. Provision of child development services.

*Sec. 204. Access to national driver register information on certain Coast Guard
 personnel.*

Sec. 205. Officer retention until retirement eligible.

*TITLE III—NAVIGATION SAFETY AND WATERWAY SERVICES
 MANAGEMENT*

Sec. 301. Foreign passenger vessel user fees.

Sec. 302. Florida Avenue Bridge.

*Sec. 303. Renewal of Houston-Galveston Navigation Safety Advisory Committee
 and Lower Mississippi River Waterway Advisory Committee.*

Sec. 304. Renewal of the Navigation Safety Advisory Council.

Sec. 305. Renewal of Commercial Fishing Industry Vessel Advisory Committee.

Sec. 306. Nondisclosure of port security plans.

Sec. 307. Maritime drug and alcohol testing program civil penalty.

Sec. 308. Withholding vessel clearance for violation of certain Acts.

Sec. 309. Increased civil penalties.

*Sec. 310. Amendment to require emergency position indicating radio beacons on
 the Great Lakes.*

TITLE IV—MISCELLANEOUS

Sec. 401. Transfer of Coast Guard property in Traverse City, Michigan.

Sec. 402. Transfer of Coast Guard property in Ketchikan, Alaska.

Sec. 403. Electronic filing of commercial instruments.

Sec. 404. Board for correction of military records deadline.

Sec. 405. Judicial sale of certain documented vessels to aliens.

Sec. 406. Improved authority to sell recyclable material.

Sec. 407. Recruitment of women and minorities.

Sec. 408. Limitation of certain State authority over vessels.

Sec. 409. Vessel financing.

- Sec. 410. Sense of Congress; requirement regarding notice.*
- Sec. 411. Special selection boards.*
- Sec. 412. Availability of extrajudicial remedies for default on preferred mortgage liens on vessels.*
- Sec. 413. Implementation of water pollution laws with respect to vegetable oil.*
- Sec. 414. Certain information from marine casualty investigations barred in legal proceedings.*
- Sec. 415. Report on LORAN-C requirements.*
- Sec. 416. Limited double hull exemptions.*
- Sec. 417. Oil spill response vessels.*
- Sec. 418. Offshore facility financial responsibility requirements.*
- Sec. 419. Manning and watch requirements on towing vessels on the Great Lakes.*
- Sec. 420. Limitation on application of certain laws to Lake Texoma.*

TITLE V—COAST GUARD REGULATORY REFORM

- Sec. 501. Short title.*
- Sec. 502. Safety management.*
- Sec. 503. Use of reports, documents, records, and examinations of other persons.*
- Sec. 504. Equipment approval.*
- Sec. 505. Frequency of inspection.*
- Sec. 506. Certificate of inspection.*
- Sec. 507. Delegation of authority of Secretary to classification societies.*

TITLE VI—DOCUMENTATION OF VESSELS

- Sec. 601. Authority to issue coastwise endorsements.*
- Sec. 602. Vessel documentation for charity cruises.*
- Sec. 603. Extension of deadline for conversion of vessel M/V TWIN DRILL.*
- Sec. 604. Documentation of vessel RAINBOW'S END.*
- Sec. 605. Documentation of vessel GLEAM.*
- Sec. 606. Documentation of various vessels.*
- Sec. 607. Documentation of 4 barges.*

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

- Sec. 701. Amendment of inland navigation rules.*
- Sec. 702. Measurement of vessels.*
- Sec. 703. Longshore and harbor workers compensation.*
- Sec. 704. Radiotelephone requirements.*
- Sec. 705. Vessel operating requirements.*
- Sec. 706. Merchant Marine Act, 1920.*
- Sec. 707. Merchant Marine Act, 1956.*
- Sec. 708. Maritime education and training.*
- Sec. 709. General definitions.*
- Sec. 710. Authority to exempt certain vessels.*
- Sec. 711. Inspection of vessels.*
- Sec. 712. Regulations.*
- Sec. 713. Penalties—inspection of vessels.*
- Sec. 714. Application—tank vessels.*
- Sec. 715. Tank vessel construction standards.*
- Sec. 716. Tanker minimum standards.*
- Sec. 717. Self-propelled tank vessel minimum standards.*
- Sec. 718. Definition—abandonment of barges.*
- Sec. 719. Application—load lines.*
- Sec. 720. Licensing of individuals.*

- Sec. 721. *Able seamen—limited.*
 Sec. 722. *Able seamen—offshore supply vessels.*
 Sec. 723. *Scale of employment—able seamen.*
 Sec. 724. *General requirements—engine department.*
 Sec. 725. *Complement of inspected vessels.*
 Sec. 726. *Watchmen.*
 Sec. 727. *Citizenship and naval reserve requirements.*
 Sec. 728. *Watches.*
 Sec. 729. *Minimum number of licensed individuals.*
 Sec. 730. *Officers' competency certificates convention.*
 Sec. 731. *Merchant mariners' documents required.*
 Sec. 732. *Certain crew requirements.*
 Sec. 733. *Freight vessels.*
 Sec. 734. *Exemptions.*
 Sec. 735. *United States registered pilot service.*
 Sec. 736. *Definitions—merchant seamen protection.*
 Sec. 737. *Application—foreign and intercoastal voyages.*
 Sec. 738. *Application—coastwise voyages.*
 Sec. 739. *Fishing agreements.*
 Sec. 740. *Accommodations for seamen.*
 Sec. 741. *Medicine chests.*
 Sec. 742. *Logbook and entry requirements.*
 Sec. 743. *Coastwise endorsements.*
 Sec. 744. *Fishery endorsements.*
 Sec. 745. *Clerical amendment.*
 Sec. 746. *Repeal of Great Lakes endorsements.*
 Sec. 747. *Convention tonnage for licenses, certificates, and documents.*

TITLE VIII—COAST GUARD AUXILIARY AMENDMENTS

- Sec. 801. *Administration of the Coast Guard Auxiliary.*
 Sec. 802. *Purpose of the Coast Guard Auxiliary.*
 Sec. 803. *Members of the Auxiliary; status.*
 Sec. 804. *Assignment and performance of duties.*
 Sec. 805. *Cooperation with other agencies, States, territories, and political subdivisions.*
 Sec. 806. *Vessel deemed public vessel.*
 Sec. 807. *Aircraft deemed public aircraft.*
 Sec. 808. *Disposal of certain material.*

1 **TITLE I—AUTHORIZATIONS**

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

3 *Funds are authorized to be appropriated for necessary*
 4 *expenses of the Coast Guard for fiscal year 1996, as follows:*

5 (1) *For the operation and maintenance of the*
 6 *Coast Guard, \$2,618,316,000, of which \$25,000,000*

1 *shall be derived from the Oil Spill Liability Trust*
2 *Fund.*

3 *(2) For the acquisition, construction, rebuilding,*
4 *and improvement of aids to navigation, shore and off-*
5 *shore facilities, vessels, and aircraft, including equip-*
6 *ment related thereto, \$428,200,000, to remain avail-*
7 *able until expended, of which \$32,500,000 shall be de-*
8 *derived from the Oil Spill Liability Trust Fund to*
9 *carry out the purposes of section 1012(a)(5) of the Oil*
10 *Pollution Act of 1990.*

11 *(3) For research, development, test, and evalua-*
12 *tion of technologies, materials, and human factors di-*
13 *rectly relating to improving the performance of the*
14 *Coast Guard's mission in support of search and res-*
15 *cue, aids to navigation, marine safety, marine envi-*
16 *ronmental protection, enforcement of laws and trea-*
17 *ties, ice operations, oceanographic research, and de-*
18 *fense readiness, \$22,500,000, to remain available*
19 *until expended, of which \$3,150,000 shall be derived*
20 *from the Oil Spill Liability Trust Fund.*

21 *(4) For retired pay (including the payment of*
22 *obligations otherwise chargeable to lapsed appropria-*
23 *tions for this purpose), payments under the Retired*
24 *Serviceman's Family Protection and Survivor Benefit*
25 *Plans, and payments for medical care of retired per-*

1 *sonnel and their dependents under chapter 55 of title*
2 *10, United States Code, \$582,022,000.*

3 *(5) For alteration or removal of bridges over*
4 *navigable waters of the United States constituting ob-*
5 *structions to navigation, and for personnel and ad-*
6 *ministrative costs associated with the Bridge Alter-*
7 *ation Program, \$16,200,000, to remain available*
8 *until expended.*

9 *(6) For necessary expenses to carry out the Coast*
10 *Guard's environmental compliance and restoration*
11 *functions, other than parts and equipment associated*
12 *with operations and maintenance, under chapter 19*
13 *of title 14, United States Code, at Coast Guard facili-*
14 *ties, \$25,000,000, to remain available until expended.*

15 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
16 **AND TRAINING.**

17 *(a) ACTIVE DUTY STRENGTH.—The Coast Guard is*
18 *authorized an end-of-year strength for active duty personnel*
19 *of 38,400 as of September 30, 1996.*

20 *(b) MILITARY TRAINING STUDENT LOADS.—For fiscal*
21 *year 1996, the Coast Guard is authorized average military*
22 *training student loads as follows:*

23 *(1) For recruit and special training, 1604 stu-*
24 *dent years.*

25 *(2) For flight training, 85 student years.*

1 (3) For professional training in military and
2 civilian institutions, 330 student years.

3 (4) For officer acquisition, 874 student years.

4 **SEC. 103. QUARTERLY REPORTS ON DRUG INTERDICTION.**

5 Not later than 30 days after the end of each fiscal year
6 quarter, the Secretary of Transportation shall submit to the
7 Committee on Transportation and Infrastructure of the
8 House of Representatives and the Committee on Commerce,
9 Science, and Transportation of the Senate a report on all
10 expenditures related to drug interdiction activities of the
11 Coast Guard during that quarter.

12 **SEC. 104. SAFETY DETERMINATION FOR SMALL BOAT CLO-**
13 **SURES.**

14 None of the funds authorized to be appropriated under
15 this Act may be used to close Coast Guard multimission
16 small boat stations unless the Secretary of Transportation
17 determines that maritime safety will not be diminished by
18 the closures.

19 **TITLE II—PERSONNEL**
20 **MANAGEMENT IMPROVEMENT**

21 **SEC. 201. HURRICANE ANDREW RELIEF.**

22 Section 2856 of the National Defense Authorization
23 Act for Fiscal Year 1993 (Public Law 102-484) applies to
24 the military personnel of the Coast Guard who were as-
25 signed to, or employed at or in connection with, any Fed-

1 eral facility or installation in the vicinity of Homestead
2 Air Force Base, Florida, including the areas of Broward,
3 Collier, Dade, and Monroe Counties, on or before August
4 24, 1992, except that—

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

7 (2) the Secretary of Transportation shall admin-
8 ister that section with respect to Coast Guard person-
9 nel.

10 **SEC. 202. EXCLUDE CERTAIN RESERVES FROM END-OF-**
11 **YEAR STRENGTH.**

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

14 “(d) Reserve members ordered to active duty under this
15 section shall not be counted in computing authorized
16 strength of members on active duty or members in grade
17 under this title or under any other law.”.

18 **SEC. 203. PROVISION OF CHILD DEVELOPMENT SERVICES.**

19 Section 93 of title 14, United States Code, is amended
20 by striking “and” after the semicolon at the end of para-
21 graph (t)(2), by striking the period at the end of paragraph
22 (u) and inserting “; and”, and by adding at the end the
23 following new paragraph:

24 “(v) make child development services available to
25 members of the armed forces and Federal civilian em-

1 *ployees under terms and conditions comparable to*
2 *those under the Military Child Care Act of 1989 (10*
3 *U.S.C. 113 note).”.*

4 **SEC. 204. ACCESS TO NATIONAL DRIVER REGISTER INFOR-**
5 **MATION ON CERTAIN COAST GUARD PERSON-**
6 **NEL.**

7 *(a) AMENDMENT TO TITLE 14.—Section 93 of title 14,*
8 *United States Code, as amended by section 203, is further*
9 *amended—*

10 *(1) by striking “and” after the semicolon at the*
11 *end of paragraph (u);*

12 *(2) by striking the period at the end of para-*
13 *graph (v) and inserting “; and”; and*

14 *(3) by adding at the end the following new para-*
15 *graph:*

16 *“(w) require that any officer, chief warrant offi-*
17 *cer, or enlisted member of the Coast Guard or Coast*
18 *Guard Reserve (including a cadet or an applicant for*
19 *appointment or enlistment to any of the foregoing*
20 *and any member of a uniformed service who is as-*
21 *signed to the Coast Guard) request that all informa-*
22 *tion contained in the National Driver Register per-*
23 *taining to the individual, as described in section*
24 *30304(a) of title 49, be made available to the Com-*
25 *mandant under section 30305(a) of title 49, may re-*

1 *ceive that information, and upon receipt, shall make*
2 *the information available to the individual.”.*

3 *(b) AMENDMENT TO TITLE 49.—Section 30305(b) of*
4 *title 49, United States Code, is amended by redesignating*
5 *paragraph (7) as paragraph (8) and inserting after para-*
6 *graph (6) the following new paragraph:*

7 *“(7) An individual who is an officer, chief warrant*
8 *officer, or enlisted member of the Coast Guard or Coast*
9 *Guard Reserve (including a cadet or an applicant for ap-*
10 *pointment or enlistment of any of the foregoing and any*
11 *member of a uniformed service who is assigned to the Coast*
12 *Guard) may request the chief driver licensing official of a*
13 *State to provide information about the individual under*
14 *subsection (a) of this section to the Commandant of the*
15 *Coast Guard. The Commandant may receive the informa-*
16 *tion and shall make the information available to the indi-*
17 *vidual. Information may not be obtained from the Register*
18 *under this paragraph if the information was entered in the*
19 *Register more than 3 years before the request, unless the*
20 *information is about a revocation or suspension still in ef-*
21 *fect on the date of the request.”.*

22 **SEC. 205. 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), be
8 honorably discharged with severance pay computed
9 under section 286 of this title;

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

17 “(C) if, on the date specified for the officer’s dis-
18 charge in this section, the officer has completed at
19 least 20 years of active service or is eligible for retire-
20 ment under any law, be retired on that date.”.

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

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

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

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

9 *(2) by striking subsection (b).*

10 **SEC. 302. FLORIDA AVENUE BRIDGE.**

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

1 **SEC. 303. RENEWAL OF HOUSTON-GALVESTON NAVIGATION**
2 **SAFETY ADVISORY COMMITTEE AND LOWER**
3 **MISSISSIPPI RIVER WATERWAY ADVISORY**
4 **COMMITTEE.**

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

7 *(1) in section 18 by adding at the end the follow-*
8 *ing:*

9 *“(h) The Committee shall terminate on October 1,*
10 *2000.”; and*

11 *(2) in section 19 by adding at the end the follow-*
12 *ing:*

13 *“(g) The Committee shall terminate on October 1,*
14 *2000.”.*

15 **SEC. 304. RENEWAL OF THE NAVIGATION SAFETY ADVISORY**
16 **COUNCIL.**

17 *(a) RENEWAL.—Section 5(d) of the Inland Naviga-*
18 *tional Rules Act of 1980 (33 U.S.C. 2073) is amended by*
19 *striking “September 30, 1995” and inserting “September*
20 *30, 2000”.*

21 *(b) CLERICAL AMENDMENT.—The section heading for*
22 *section 5(d) of the Inland Navigational Rules Act of 1980*
23 *(33 U.S.C. 2073) is amended by striking “Rules of the Road*
24 *Advisory Council” and inserting “Navigation Safety Advi-*
25 *sory Council”.*

1 **SEC. 305. RENEWAL OF COMMERCIAL FISHING INDUSTRY**

2 **VESSEL ADVISORY COMMITTEE.**

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

6 **SEC. 306. NONDISCLOSURE OF PORT SECURITY PLANS.**

7 *Section 7 of the Ports and Waterways Safety Act (33*
8 *U.S.C. 1226), is amended by adding at the end the following*
9 *new subsection (c):*

10 *“(c) NONDISCLOSURE OF PORT SECURITY PLANS.—*
11 *Notwithstanding any other provision of law, information*
12 *related to security plans, procedures, or programs for pas-*
13 *senger vessels or passenger terminals authorized under this*
14 *Act is not required to be disclosed to the public.”.*

15 **SEC. 307. MARITIME DRUG AND ALCOHOL TESTING PRO-**
16 **GRAM CIVIL PENALTY.**

17 *(a) PENALTY IMPOSED.—Chapter 21 of title 46, Unit-*
18 *ed States Code, is amended by adding at the end the follow-*
19 *ing new section:*

20 **“§2115. Civil penalty to enforce alcohol and dan-**
21 **gerous drug testing**

22 *“Any person who fails to comply with or otherwise vio-*
23 *lates the requirements prescribed by the Secretary under*
24 *this subtitle for chemical testing for dangerous drugs or for*
25 *evidence of alcohol use is liable to the United States Govern-*
26 *ment for a civil penalty of not more than \$1,000 for each*

1 violation. Each day of a continuing violation shall con-
2 stitute a separate violation.”.

3 (b) *CLERICAL AMENDMENT.*—The table of sections at
4 the beginning of chapter 21 of title 46, United States Code,
5 is amended by inserting after the item relating to section
6 2114 the following new item:

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

7 **SEC. 308. WITHHOLDING VESSEL CLEARANCE FOR VIOLA-**
8 **TION OF CERTAIN ACTS.**

9 (a) *TITLE 49, UNITED STATES CODE.*—Section 5122
10 of title 49, United States Code, is amended by adding at
11 the end the following new subsection:

12 “(c) *WITHHOLDING OF CLEARANCE.*—(1) If any
13 owner, operator, or person in charge of a vessel is liable
14 for a civil penalty under section 5123 of this title or for
15 a fine under section 5124 of this title, or if reasonable cause
16 exists to believe that such owner, operator, or person in
17 charge may be subject to such a civil penalty or fine, the
18 Secretary of the Treasury, upon the request of the Secretary,
19 shall with respect to such vessel refuse or revoke any clear-
20 ance required by section 4197 of the Revised Statutes of the
21 United States (46 App. U.S.C. 91).

22 “(2) Clearance refused or revoked under this subsection
23 may be granted upon the filing of a bond or other surety
24 satisfactory to the Secretary.”.

1 (b) *PORT AND WATERWAYS SAFETY ACT.—Section*
2 *13(f) of the Ports and Waterways Safety Act (33 U.S.C.*
3 *1232(f)) is amended to read as follows:*

4 “(f) *WITHHOLDING OF CLEARANCE.—(1) If any*
5 *owner, operator, or person in charge of a vessel is liable*
6 *for a penalty or fine under this section, or if reasonable*
7 *cause exists to believe that the owner, operator, or person*
8 *in charge may be subject to a penalty or fine under this*
9 *section, the Secretary of the Treasury, upon the request of*
10 *the Secretary, shall with respect to such vessel refuse or re-*
11 *voke any clearance required by section 4197 of the Revised*
12 *Statutes of the United States (46 App. U.S.C. 91).*

13 “(2) *Clearance refused or revoked under this subsection*
14 *may be granted upon filing of a bond or other surety satis-*
15 *factory to the Secretary.”.*

16 (c) *INLAND NAVIGATION RULES ACT OF 1980.—Sec-*
17 *tion 4(d) of the Inland Navigational Rules Act of 1980 (33*
18 *U.S.C. 2072(d)) is amended to read as follows:*

19 “(d) *WITHHOLDING OF CLEARANCE.—(1) If any*
20 *owner, operator, or person in charge of a vessel is liable*
21 *for a penalty under this section, or if reasonable cause exists*
22 *to believe that the owner, operator, or person in charge may*
23 *be subject to a penalty under this section, the Secretary of*
24 *the Treasury, upon the request of the Secretary, shall with*
25 *respect to such vessel refuse or revoke any clearance required*

1 *by section 4197 of the Revised Statutes of the United States*
2 *(46 App. U.S.C. 91).*

3 “(2) *Clearance or a permit refused or revoked under*
4 *this subsection may be granted upon filing of a bond or*
5 *other surety satisfactory to the Secretary.*”

6 (d) *TITLE 46, UNITED STATES CODE.—Section*
7 *3718(e) of title 46, United States Code, is amended to read*
8 *as follows:*

9 “(e)(1) *If any owner, operator, or person in charge of*
10 *a vessel is liable for any penalty or fine under this section,*
11 *or if reasonable cause exists to believe that the owner, opera-*
12 *tor, or person in charge may be subject to any penalty or*
13 *fine under this section, the Secretary of the Treasury, upon*
14 *the request of the Secretary, shall with respect to such vessel*
15 *refuse or revoke any clearance required by section 4197 of*
16 *the Revised Statutes of the United States (46 U.S.C. App.*
17 *91).*

18 “(2) *Clearance or a permit refused or revoked under*
19 *this subsection may be granted upon filing of a bond or*
20 *other surety satisfactory to the Secretary.*”

21 **SEC. 309. INCREASED CIVIL PENALTIES.**

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

1 (b) OPERATION OF UNINSPECTED VESSEL IN VIOLA-
2 TION OF MANNING REQUIREMENTS.—Section 8906 of title
3 46, United States Code, is amended by striking “\$1,000”
4 and inserting “not more than \$25,000”.

5 **SEC. 310. AMENDMENT TO REQUIRE EMERGENCY POSITION**
6 **INDICATING RADIO BEACONS ON THE GREAT**
7 **LAKES.**

8 Paragraph (7) of section 4502(a) of title 46, United
9 States Code, is amended by inserting “or beyond three nau-
10 tical miles from the coastline of the Great Lakes” after
11 “high seas”.

12 **TITLE IV—MISCELLANEOUS**

13 **SEC. 401. TRANSFER OF COAST GUARD PROPERTY IN TRA-**
14 **VERSE CITY, MICHIGAN.**

15 (a) REQUIREMENT.—The Secretary of Transportation
16 (or any other official having control over the property de-
17 scribed in subsection (b)) shall expeditiously convey to the
18 Traverse City Area Public School District in Traverse City,
19 Michigan, without consideration, all right, title, and inter-
20 est of the United States in and to the property described
21 in subsection (b), subject to all easements and other interests
22 in the property held by any other person.

23 (b) PROPERTY DESCRIBED.—The property referred to
24 in subsection (a) is real property located in the city of Tra-
25 verse City, Grand Traverse County, Michigan, and consist-

1 *ing of that part of the southeast ¼ of Section 12, Township*
2 *27 North, Range 11 West, described as: Commencing at the*
3 *southeast ¼ corner of said Section 12, thence north 03 de-*
4 *grees 05 minutes 25 seconds east along the East line of said*
5 *Section, 1074.04 feet, thence north 86 degrees 36 minutes*
6 *50 seconds west 207.66 feet, thence north 03 degrees 06 min-*
7 *utes 00 seconds east 572.83 feet to the point of beginning,*
8 *thence north 86 degrees 54 minutes 00 seconds west 1,751.04*
9 *feet, thence north 03 degrees 02 minutes 38 seconds east*
10 *330.09 feet, thence north 24 degrees 04 minutes 40 seconds*
11 *east 439.86 feet, thence south 86 degrees 56 minutes 15 sec-*
12 *onds east 116.62 feet, thence north 03 degrees 08 minutes*
13 *45 seconds east 200.00 feet, thence south 87 degrees 08 min-*
14 *utes 20 seconds east 68.52 feet, to the southerly right-of-way*
15 *of the C & O Railroad, thence south 65 degrees 54 minutes*
16 *20 seconds east along said right-of-way 1508.75 feet, thence*
17 *south 03 degrees 06 minutes 00 seconds west 400.61 to the*
18 *point of beginning, consisting of 27.10 acres of land, and*
19 *all improvements located on that property including build-*
20 *ings, structures, and equipment.*

21 *(c) REVERSIONARY INTEREST.—In addition to any*
22 *term or condition established pursuant to subsection (a),*
23 *any conveyance of property described in subsection (b) shall*
24 *be subject to the condition that all right, title, and interest*
25 *in and to the property so conveyed shall immediately revert*

1 *to the United States if the property, or any part thereof,*
2 *ceases to be used by the Traverse City School District.*

3 **SEC. 402. TRANSFER OF COAST GUARD PROPERTY IN**
4 **KETCHIKAN, ALASKA.**

5 (a) *CONVEYANCE REQUIREMENT.*—*The Secretary of*
6 *Transportation shall convey to the Ketchikan Indian Cor-*
7 *poration in Ketchikan, Alaska, without reimbursement and*
8 *by no later than 120 days after the date of enactment of*
9 *this Act, all right, title, and interest of the United States*
10 *in and to the property known as the “Former Marine Safe-*
11 *ty Detachment” as identified in Report of Excess Number*
12 *CG-689 (GSA Control Number 9-U-AK-0747) and de-*
13 *scribed in subsection (b), for use by the Ketchikan Indian*
14 *Corporation as a health or social services facility.*

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

1 101.64 feet to corner numbered 3 of lot 5B; thence north
2 64 degrees 01 minute west a distance of 346.47 feet to corner
3 numbered 10 of said survey, to the true point of beginning,
4 consisting of 0.76 acres (more or less), and all improve-
5 ments located on that property, including buildings, struc-
6 tures, and equipment.

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

15 **SEC. 403. ELECTRONIC FILING OF COMMERCIAL INSTRU-**
16 **MENTS.**

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

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

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

1 **SEC. 404. BOARD FOR CORRECTION OF MILITARY RECORDS**

2 **DEADLINE.**

3 (a) *REMEDIES DEEMED EXHAUSTED.*—Ten months
4 after a complete application for correction of military
5 records is received by the Board for Correction of Military
6 Records of the Coast Guard, administrative remedies are
7 deemed to have been exhausted, and—

8 (1) if the Board has rendered a recommended de-
9 cision, its recommendation shall be final agency ac-
10 tion and not subject to further review or approval
11 within the Department of Transportation; or

12 (2) if the Board has not rendered a recommended
13 decision, agency action is deemed to have been unrea-
14 sonably delayed or withheld and the applicant is enti-
15 tled to—

16 (A) an order under section 706(1) of title 5,
17 United States Code, directing final action be
18 taken within 30 days from the date the order is
19 entered; and

20 (B) from amounts appropriated to the De-
21 partment of Transportation, the costs of obtain-
22 ing the order, including a reasonable attorney's
23 fee.

24 (b) *EXISTING DEADLINE MANDATORY.*—The 10-month
25 deadline established in section 212 of the Coast Guard Au-

1 *thorization Act of 1989 (Public Law 101–225, 103 Stat.*
2 *1914) is mandatory.*

3 *(c) APPLICATION.—This section applies to all applica-*
4 *tions filed with or pending before the Board or the Secretary*
5 *of Transportation on or after June 12, 1990. For applica-*
6 *tions that were pending on June 12, 1990, the 10-month*
7 *deadline referred to in subsection (b) shall be calculated*
8 *from June 12, 1990.*

9 **SEC. 405. JUDICIAL SALE OF CERTAIN DOCUMENTED VES-**
10 **SELS TO ALIENS.**

11 *Section 31329 of title 46, United States Code, is*
12 *amended by adding at the end the following new subsection:*

13 *“(f) This section does not apply to a documented vessel*
14 *that has been operated only—*

15 *“(1) as a fishing vessel, fish processing vessel, or*
16 *fish tender vessel; or*

17 *“(2) for pleasure.”.*

18 **SEC. 406. IMPROVED AUTHORITY TO SELL RECYCLABLE**
19 **MATERIAL.**

20 *Section 641(c)(2) of title 14, United States Code, is*
21 *amended by inserting before the period the following: “, ex-*
22 *cept that the Commandant may conduct sales of materials*
23 *for which the proceeds of sale will not exceed \$5,000 under*
24 *regulations prescribed by the Commandant”.*

1 **SEC. 407. RECRUITMENT OF WOMEN AND MINORITIES.**

2 *Not later than January 31, 1996, the Commandant*
3 *of the Coast Guard shall report to the Committee on Trans-*
4 *portation and Infrastructure of the House of Representa-*
5 *tives and the Committee on Commerce, Science, and Trans-*
6 *portation of the Senate, on the status of and the problems*
7 *in recruitment of women and minorities into the Coast*
8 *Guard. The report shall contain specific plans to increase*
9 *the recruitment of women and minorities and legislative*
10 *recommendations needed to increase the recruitment of*
11 *women and minorities.*

12 **SEC. 408. LIMITATION OF CERTAIN STATE AUTHORITY**
13 **OVER VESSELS.**

14 (a) *SHORT TITLE.*—*This section may be cited as the*
15 *“California Cruise Industry Revitalization Act”.*

16 (b) *LIMITATION.*—*Section 5(b)(2) of the Act of Janu-*
17 *ary 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to*
18 *as the “Johnson Act”, is amended by adding at the end*
19 *the following:*

20 *“(C) EXCLUSION OF CERTAIN VOYAGES AND*
21 *SEGMENTS.—Except for a voyage or segment of*
22 *a voyage that occurs within the boundaries of the*
23 *State of Hawaii, a voyage or segment of a voy-*
24 *age is not described in subparagraph (B) if it*
25 *includes or consists of a segment—*

1 “(i) that begins and ends in the same
2 State;

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

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

9 **SEC. 409. VESSEL FINANCING.**

10 (a) *ELIMINATION OF MORTGAGEE RESTRICTIONS.*—
11 Section 31322(a) of title 46, United States Code, is amend-
12 ed to read as follows:

13 “(a) A preferred mortgage is a mortgage, whenever
14 made, that—

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

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

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

19 “(B) covers a vessel for which an application for
20 documentation is filed that is in substantial compli-
21 ance with the requirements of chapter 121 of this title
22 and the regulations prescribed under that chapter.”.

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

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

1 (2) *CONFORMING AMENDMENTS.*—Section
2 31330(b) of title 46, United States Code, is amended
3 in paragraphs (1), (2), and (3) by striking “31328
4 or” each place it appears.

5 (3) *CLERICAL AMENDMENT.*—The table of sec-
6 tions at the beginning of chapter 313 of title 46,
7 United States Code, is amended by striking the item
8 relating to section 31328.

9 (c) *REMOVAL OF MORTGAGE RESTRICTIONS.*—Section
10 9 of the Shipping Act, 1916 (46 App. U.S.C. 808) is
11 amended—

12 (1) in subsection (c)—

13 (A) by striking “31328” and inserting
14 “12106(e)”; and

15 (B) in paragraph (1) by striking “mort-
16 gage,” each place it appears; and

17 (2) in subsection (d)—

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

20 (B) in paragraph (2) by striking “transfers,
21 or mortgages” and inserting “or transfers”;

22 (C) in paragraph (3)(B) by striking “trans-
23 fers, or mortgages” and inserting “or transfers”;
24 and

1 (D) in paragraph (4) by striking “transfers,
2 or mortgages” and inserting “or transfers”.

3 (d) *LEASE FINANCING.*—Section 12106 of title 46,
4 *United States Code*, is amended by adding at the end the
5 *following new subsections:*

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

8 “(A) *the vessel is eligible for documentation*
9 *under section 12102;*

10 “(B) *the vessel is otherwise qualified under this*
11 *section to be employed in the coastwise trade;*

12 “(C) *the person that owns the vessel, a parent*
13 *entity of that person, or a subsidiary of a parent en-*
14 *tity of that person, is engaged in leasing;*

15 “(D) *the vessel is under a demise charter to a*
16 *person qualifying as a citizen of the United States for*
17 *engaging in the coastwise trade under section 2 of the*
18 *Shipping Act, 1916; and*

19 “(E) *the demise charter is for—*

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

21 “(ii) *such shorter period as may be pre-*
22 *scribed by the Secretary.*

23 “(2) *On termination of a demise charter required*
24 *under paragraph (1)(D), the coastwise endorsement may be*
25 *continued for a period not to exceed 6 months on any terms*

1 **“§ 747. Special selection boards**

2 “(a) *The Secretary shall provide for special selection*
3 *boards to consider the case of any officer who is eligible*
4 *for promotion who—*

5 “(1) *was not considered for selection for pro-*
6 *motion by a selection board because of administrative*
7 *error; or*

8 “(2) *was considered for selection for promotion*
9 *by a selection board but not selected because—*

10 “(A) *the action of the board that considered*
11 *the officer was contrary to law or involved a ma-*
12 *terial error of fact or material administrative*
13 *error; or*

14 “(B) *the board that considered the officer*
15 *did not have before it for its consideration mate-*
16 *rial information.*

17 “(b) *Not later than 6 months after the date of the en-*
18 *actment of the Coast Guard Authorization Act For Fiscal*
19 *Year 1996, the Secretary shall issue regulations to imple-*
20 *ment this section. The regulations shall conform, as appro-*
21 *priate, to the regulations and procedures issued by the Sec-*
22 *retary of Defense for special selection boards under section*
23 *628 of title 10, United States Code.”.*

24 (b) *CLERICAL AMENDMENT.—The table of sections for*
25 *chapter 21 of title 14, United States Code, is amended by*
26 *adding after the item for section 746 the following:*

“747. Special selection boards.”.

1 **SEC. 412. AVAILABILITY OF EXTRAJUDICIAL REMEDIES FOR**
 2 **DEFAULT ON PREFERRED MORTGAGE LIENS**
 3 **ON VESSELS.**

4 (a) *AVAILABILITY OF EXTRAJUDICIAL REMEDIES.*—
 5 *Section 31325(b) of title 46, United States Code, is*
 6 *amended—*

7 (1) *in the matter preceding paragraph (1) by*
 8 *striking “mortgage may” and inserting “mortgagee*
 9 *may”;*

10 (2) *in paragraph (1) by—*

11 (A) *striking “perferred” and inserting “pre-*
 12 *ferred”;* and

13 (B) *striking “; and” and inserting a semi-*
 14 *colon; and*

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

16 *“(3) enforce the preferred mortgage lien or a*
 17 *claim for the outstanding indebtedness secured by the*
 18 *mortgaged vessel, or both, by exercising any other*
 19 *remedy (including an extrajudicial remedy) against a*
 20 *documented vessel, a vessel for which an application*
 21 *for documentation is filed under chapter 121 of this*
 22 *title, a foreign vessel, or a mortgagor, maker,*
 23 *comaker, or guarantor for the amount of the outstand-*
 24 *ing indebtedness or any deficiency in full payment of*
 25 *that indebtedness, if—*

1 “(A) the remedy is allowed under applicable
2 law; and

3 “(B) the exercise of the remedy will not re-
4 sult in a violation of section 9 or 37 of the Ship-
5 ping Act, 1916 (46 App. U.S.C. 808, 835).”.

6 (b) NOTICE.—Section 31325 of title 46, United States
7 Code, is further amended by adding at the end the following:

8 “(f)(1) Before title to the documented vessel or vessel
9 for which an application for documentation is filed under
10 chapter 121 is transferred by an extrajudicial remedy, the
11 person exercising the remedy shall give notice of the pro-
12 posed transfer to the Secretary, to the mortgagee of any
13 mortgage on the vessel filed in substantial compliance with
14 section 31321 of this title before notice of the proposed
15 transfer is given to the Secretary, and to any person that
16 recorded a notice of a claim of an undischarged lien on
17 the vessel under section 31343(a) or (d) of this title before
18 notice of the proposed transfer is given to the Secretary.

19 “(2) Failure to give notice as required by this sub-
20 section shall not affect the transfer of title to a vessel. How-
21 ever, the rights of any holder of a maritime lien or a pre-
22 ferred mortgage on the vessel shall not be affected by a
23 transfer of title by an extrajudicial remedy exercised under
24 this section, regardless of whether notice is required by this
25 subsection or given.

1 “(3) *The Secretary shall prescribe regulations estab-*
2 *lishing the time and manner for providing notice under this*
3 *subsection.*”.

4 (c) *RULE OF CONSTRUCTION.*—*The amendments made*
5 *by subsections (a) and (b) may not be construed to imply*
6 *that remedies other than judicial remedies were not avail-*
7 *able before the date of enactment of this section to enforce*
8 *claims for outstanding indebtedness secured by mortgaged*
9 *vessels.*

10 **SEC. 413. IMPLEMENTATION OF WATER POLLUTION LAWS**
11 **WITH RESPECT TO VEGETABLE OIL.**

12 (a) *DIFFERENTIATION AMONG FATS, OILS, AND*
13 *GREASES.*—

14 (1) *IN GENERAL.*—*In issuing or enforcing a reg-*
15 *ulation, an interpretation, or a guideline relating to*
16 *a fat, oil, or grease under a Federal law related to*
17 *water pollution control, the head of a Federal agency*
18 *shall—*

19 (A) *differentiate between and establish sepa-*
20 *rate classes for—*

21 (i)(I) *animal fats; and*

22 (II) *vegetable oils; and*

23 (ii) *other oils, including petroleum oil;*

24 *and*

1 (B) apply different standards to different
2 classes of fat and oil as provided in paragraph
3 (2).

4 (2) *CONSIDERATIONS.*—In differentiating be-
5 tween the classes of animal fats and vegetable oils re-
6 ferred to in paragraph (1)(A)(i) and the classes of oils
7 described in paragraph (1)(A)(ii), the head of a Fed-
8 eral agency shall consider differences in physical,
9 chemical, biological, and other properties, and in the
10 environmental effects, of the classes.

11 (b) *FINANCIAL RESPONSIBILITY.*—

12 (1) *LIMITS ON LIABILITY.*—Section 1004(a)(1) of
13 the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1))
14 is amended by striking “for a tank vessel,” and in-
15 serting “for a tank vessel carrying oil in bulk as
16 cargo (unless the only oil carried is an animal fat or
17 vegetable oil, as those terms are defined in section
18 413(c) of the Coast Guard Authorization Act For Fis-
19 cal Year 1996),”.

20 (2) *FINANCIAL RESPONSIBILITY.*—The first sen-
21 tence of section 1016(a) of the Act (33 U.S.C.
22 2716(a)) is amended by striking “in the case of a
23 tank vessel,” and inserting “in the case of a tank ves-
24 sel carrying oil in bulk as cargo (unless the only oil
25 carried is an animal fat or vegetable oil, as those

1 *cause of, or factors contributing to, the casualty set forth*
2 *in the report of the investigation is not admissible as evi-*
3 *dence or subject to discovery in any civil, administrative,*
4 *or State criminal proceeding arising from a marine cas-*
5 *ualty, other than with the permission and consent of the*
6 *Secretary of Transportation, in his or her sole discretion.*
7 *Any employee of the United States or military member of*
8 *the Coast Guard investigating a marine casualty or assist-*
9 *ing in any such investigation conducted pursuant to section*
10 *6301 of this title, shall not be subject to deposition or other*
11 *discovery, or otherwise testify or give information in such*
12 *proceedings relevant to a marine casualty investigation,*
13 *without the permission and consent of the Secretary of*
14 *Transportation in his or her sole discretion. In exercising*
15 *this discretion in cases where the United States is a party,*
16 *the Secretary shall not withhold permission for an employee*
17 *to testify solely on factual matters where the information*
18 *is not available elsewhere or is not obtainable by other*
19 *means. Nothing in this section prohibits the United States*
20 *from calling an employee as an expert witness to testify*
21 *on its behalf.*

22 “(b) *The information referred to in subsection (a) of*
23 *this section shall not be considered an admission of liability*
24 *by the United States or by any person referred to in those*
25 *conclusions or statements.*”

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
2 *the beginning of chapter 63 of title 46, United States Code,*
3 *is amended by adding after the item related to section 6307*
4 *the following:*

“6308. Information barred in legal proceedings.”.

5 ***SEC. 415. REPORT ON LORAN-C REQUIREMENTS.***

6 *Not later than 6 months after the date of the enactment*
7 *of this Act, the Secretary of Transportation shall submit*
8 *a report to the Committee on Transportation and Infra-*
9 *structure of the House of Representatives, and the Commit-*
10 *tee on Commerce, Science and Transportation of the Senate,*
11 *prepared in consultation with users of the LORAN-C*
12 *radionavigation system, defining the future use of and*
13 *funding for operations, maintenance, and upgrades of the*
14 *LORAN-C radionavigation system. The report shall ad-*
15 *dress the following:*

16 (1) *An appropriate timetable for transition from*
17 *ground-based radionavigation technology after it is*
18 *determined that satellite-based technology is available*
19 *as a sole means of safe and efficient navigation.*

20 (2) *The need to ensure that LORAN-C tech-*
21 *nology purchased by the public before the year 2000*
22 *has a useful economic life.*

23 (3) *The benefits of fully utilizing the compatibil-*
24 *ities of LORAN-C technology and satellite-based tech-*
25 *nology by all modes of transportation.*

1 (4) *The need for all agencies in the Department*
2 *of Transportation and other relevant Federal agencies*
3 *to share the Federal Government's costs related to*
4 *LORAN-C technology.*

5 **SEC. 416. LIMITED DOUBLE HULL EXEMPTIONS.**

6 *Section 3703a(b) of title 46, United States Code, is*
7 *amended by—*

8 (1) *striking “or” at the end of paragraph (2);*

9 (2) *striking the period at the end of paragraph*

10 (3) *and inserting a semicolon; and*

11 (3) *adding at the end the following new para-*
12 *graphs:*

13 *“(4) a vessel equipped with a double hull before*
14 *August 12, 1992; or*

15 *“(5) a barge of less than 2,000 gross tons that is*
16 *primarily used to carry deck cargo and bulk fuel to*
17 *Native villages (as that term is defined in section 3*
18 *of the Alaska Native Claims Settlement Act (43*
19 *U.S.C. 1601)) located on or adjacent to bays or rivers*
20 *above 58 degrees north latitude.”.*

21 **SEC. 417. OIL SPILL RESPONSE VESSELS.**

22 (a) *DEFINITION.—Section 2101 of title 46, United*
23 *States Code, is amended—*

24 (1) *by redesignating paragraph (20a) as para-*
25 *graph (20b); and*

1 (2) by inserting after paragraph (20) the follow-
2 ing new paragraph:

3 “(20a) ‘oil spill response vessel’ means a vessel
4 that is designated in its certificate of inspection as
5 such a vessel, or that is adapted to respond to a dis-
6 charge of oil or a hazardous material.”.

7 (b) *EXEMPTION FROM LIQUID BULK CARRIAGE RE-*
8 *QUIREMENTS.*—Section 3702 of title 46, United States
9 Code, is amended by adding at the end the following new
10 subsection:

11 “(f) This chapter does not apply to an oil spill re-
12 sponse vessel if—

13 “(1) the vessel is used only in response-related
14 activities; or

15 “(2) the vessel is—

16 “(A) not more than 500 gross tons;

17 “(B) designated in its certificate of inspec-
18 tion as an oil spill response vessel; and

19 “(C) engaged in response-related activi-
20 ties.”.

21 (c) *MANNING.*—Section 8104(p) of title 46, United
22 States Code, is amended to read as follows:

23 “(p) The Secretary may prescribe the watchstanding
24 requirements for an oil spill response vessel.”.

1 (d) *MINIMUM NUMBER OF LICENSED INDIVIDUALS.*—
2 Section 8301(e) of title 46, United States Code, is amended
3 to read as follows:

4 “(e) The Secretary may prescribe the minimum num-
5 ber of licensed individuals for an oil spill response vessel.”.

6 (e) *MERCHANT MARINER DOCUMENT REQUIRE-*
7 *MENTS.*—Section 8701(a) of title 46, United States Code,
8 is amended by striking “and” after the semicolon at the
9 end of paragraph (7), by striking the period at the end of
10 paragraph (8) and inserting “; and”, and by adding at
11 the end the following new paragraph:

12 “(9) the Secretary may prescribe the individuals
13 required to hold a merchant mariner’s document serv-
14 ing onboard an oil spill response vessel.”.

15 (f) *EXEMPTION FROM TOWING VESSEL REQUIRE-*
16 *MENT.*—Section 8905 of title 46, United States Code, is
17 amended by adding at the end the following new subsection:

18 “(c) Section 8904 of this title does not apply to an
19 oil spill response vessel while engaged in oil spill response
20 or training activities.”.

21 (g) *INSPECTION REQUIREMENT.*—Section 3301 of title
22 46, United States Code, is amended by adding at the end
23 the following new paragraph:

24 “(14) oil spill response vessels.”.

1 **SEC. 418. OFFSHORE FACILITY FINANCIAL RESPONSIBILITY**
2 **REQUIREMENTS.**

3 (a) *DEFINITION OF RESPONSIBLE PARTY.*—Section
4 1001(32)(C) of the Oil Pollution Act of 1990 (33 U.S.C.
5 2701(32)(C)) is amended by striking “applicable State law
6 or” and inserting “applicable State law relating to explor-
7 ing for, producing, or transporting oil on submerged lands
8 on the Outer Continental Shelf in accordance with a license
9 or permit issued for such purpose, or under”.

10 (b) *AMOUNT OF FINANCIAL RESPONSIBILITY.*—Section
11 1016(c)(1) of the Oil Pollution Act of 1990 (33 U.S.C.
12 2716(c)(1)) is amended to read as follows:

13 “(1) *IN GENERAL.*—

14 “(A) *EVIDENCE OF FINANCIAL RESPON-*
15 *SIBILITY REQUIRED.*—Except as provided in
16 paragraph (2), each responsible party with re-
17 spect to an offshore facility described in section
18 1001(32)(C) located seaward of the line of mean
19 high tide that is—

20 “(i) used for drilling for, producing, or
21 processing oil; and

22 “(ii) has the capacity to transport,
23 store, transfer, or otherwise handle more
24 than 1,000 barrels of oil at any one time,

1 *shall establish and maintain evidence of finan-*
2 *cial responsibility in the amount required under*
3 *subparagraph (B) or (C), applicable.*

4 “(B) *AMOUNT REQUIRED GENERALLY.*—*Ex-*
5 *cept as provided in subparagraph (C), for pur-*
6 *poses of subparagraph (A) the amount of finan-*
7 *cial responsibility required is \$35,000,000.*

8 “(C) *GREATER AMOUNT.*—*If the President*
9 *determines that an amount of financial respon-*
10 *sibility greater than the amount required by sub-*
11 *paragraph (B) is necessary for an offshore facil-*
12 *ity, based on an assessment of the risk posed by*
13 *the facility that includes consideration of the rel-*
14 *ative operational, environmental, human health,*
15 *and other risks posed by the quantity or quality*
16 *of oil that is transported, stored, transferred, or*
17 *otherwise handled by the facility, the amount of*
18 *financial responsibility required shall not exceed*
19 *\$150,000,000 determined by the President on the*
20 *basis of clear and convincing evidence that the*
21 *risks posed justify the greater amount.*

22 “(D) *MULTIPLE FACILITIES.*—*In a case in*
23 *which a person is responsible for more than one*
24 *facility subject to this subsection, evidence of fi-*
25 *nancial responsibility need be established only to*

1 *meet the amount applicable to the facility having*
2 *the greatest financial responsibility requirement*
3 *under this subsection.*

4 “(E) *GUARANTEE METHOD.—Except with*
5 *respect of financial responsibility established by*
6 *the guarantee method, subsection (f) shall not*
7 *apply with respect to this subsection.”.*

8 **SEC. 419. MANNING AND WATCH REQUIREMENTS ON TOW-**
9 **ING VESSELS ON THE GREAT LAKES.**

10 *(a) Section 8104(c) of title 46, United States Code, is*
11 *amended—*

12 *(1) by striking “or permitted”; and*

13 *(2) by inserting after “day” the following: “or*
14 *permitted to work more than 15 hours in any 24-hour*
15 *period, or more than 36 hours in any 72-hour*
16 *period”.*

17 *(b) Section 8104(e) of title 46, United States Code, is*
18 *amended by striking “subsections (c) and (d)” and insert-*
19 *ing “subsection (d)”.*

20 *(c) Section 8104(g) of title 46, United States Code, is*
21 *amended by striking “(except a vessel to which subsection*
22 *(c) of this section applies)”.*

1 **SEC. 420. LIMITATION ON APPLICATION OF CERTAIN LAWS**
 2 **TO LAKE TEXOMA.**

3 (a) *LIMITATION.*—*The laws administered by the Coast*
 4 *Guard relating to documentation or inspection of vessels or*
 5 *licensing or documentation of vessel operators do not apply*
 6 *to any small passenger vessel operating on Lake Texoma.*

7 (b) *DEFINITIONS.*—*In this section:*

8 (1) *The term “Lake Texoma” means the im-*
 9 *poundment by that name on the Red River, located*
 10 *on the border between Oklahoma and Texas.*

11 (2) *The term “small passenger vessel” has the*
 12 *meaning given that term in section 2101 of title 46,*
 13 *United States Code.*

14 **TITLE V—COAST GUARD**
 15 **REGULATORY REFORM**

16 **SEC. 501. SHORT TITLE.**

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

19 **SEC. 502. SAFETY MANAGEMENT.**

20 (a) *MANAGEMENT OF VESSELS.*—*Title 46, United*
 21 *States Code, is amended by adding after chapter 31 the fol-*
 22 *lowing new chapter:*

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

“Sec.

“3201. Definitions.

“3202. Application.

“3203. Safety management system.

“3204. Implementation of safety management system.

“3205. Certification.

1 **“§ 3201. Definitions**

2 *“In this chapter—*

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

7 *“(2) ‘responsible person’ means—*

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

10 *“(B) any other person that has—*

11 *“(i) assumed the responsibility for op-*
12 *eration of a vessel to which this chapter ap-*
13 *plies from the owner; and*

14 *“(ii) agreed to assume with respect to*
15 *the vessel responsibility for complying with*
16 *all the requirements of this chapter and the*
17 *regulations prescribed under this chapter;*

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

20 *“(A) arriving at a place under the jurisdic-*
21 *tion of the United States from a place in a for-*
22 *ign country;*

23 *“(B) making a voyage between places out-*
24 *side the United States; or*

1 “(C) departing from a place under the ju-
2 isdiction of the United States for a place in a
3 foreign country.

4 **“§ 3202. Application**

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

7 “(1) Beginning July 1, 1998—

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

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

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

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

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

22 “(1) a barge;

23 “(2) a recreational vessel not engaged in com-
24 mercial service;

25 “(3) a fishing vessel;

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

3 “(5) a public vessel.

4 **“§ 3203. Safety management system**

5 “(a) *IN GENERAL.*—The Secretary shall prescribe reg-
6 ulations which establish a safety management system for
7 responsible persons and vessels to which this chapter ap-
8 plies, including—

9 “(1) a safety and environmental protection pol-
10 icy;

11 “(2) instructions and procedures to ensure safe
12 operation of those vessels and protection of the envi-
13 ronment in compliance with international and Unit-
14 ed States law;

15 “(3) defined levels of authority and lines of com-
16 munications between, and among, personnel on shore
17 and on the vessel;

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

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

22 “(6) procedures for internal audits and manage-
23 ment reviews of the system.

24 “(b) *COMPLIANCE WITH CODE.*—Regulations pre-
25 scribed under this section shall be consistent with the Inter-

1 *national Safety Management Code with respect to vessels*
2 *engaged on a foreign voyage.*

3 **“§ 3204. Implementation of safety management system**

4 “(a) *SAFETY MANAGEMENT PLAN.*—Each responsible
5 *person shall establish and submit to the Secretary for ap-*
6 *proval a safety management plan describing how that per-*
7 *son and vessels of the person to which this chapter applies*
8 *will comply with the regulations prescribed under section*
9 *3203(a) of this title.*

10 “(b) *APPROVAL.*—Upon receipt of a safety manage-
11 *ment plan submitted under subsection (a), the Secretary*
12 *shall review the plan and approve it if the Secretary deter-*
13 *mines that it is consistent with and will assist in imple-*
14 *menting the safety management system established under*
15 *section 3203.*

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

21 **“§ 3205. Certification**

22 “(a) *ISSUANCE OF CERTIFICATE AND DOCUMENT.*—
23 *After verifying that the responsible person for a vessel to*
24 *which this chapter applies and the vessel comply with the*
25 *applicable requirements under this chapter, the Secretary*

1 *shall issue for the vessel, on request of the responsible person,*
2 *a Safety Management Certificate and a Document of Com-*
3 *pliance.*

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

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

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

15 “(2) *revoke the Secretary’s approval of the plan*
16 *and each Safety Management Certificate and Docu-*
17 *ment of Compliance issued to the person for a vessel*
18 *to which the plan applies, if the Secretary determines*
19 *that the person or a vessel to which the plan applies*
20 *has not complied with the plan.*

21 “(d) *ENFORCEMENT.—At the request of the Secretary,*
22 *the Secretary of the Treasury shall withhold or revoke the*
23 *clearance required by section 4197 of the Revised Statutes*
24 *(46 App. U.S.C. 91) of a vessel that is subject to this chapter*
25 *under section 3202(a) of this title or to the International*

1 *Safety Management Code, if the vessel does not have on*
2 *board a Safety Management Certificate and a copy of a*
3 *Document of Compliance for the vessel. Clearance may be*
4 *granted on filing a bond or other surety satisfactory to the*
5 *Secretary.”.*

6 (b) *CLERICAL AMENDMENT.—The table of chapters at*
7 *the beginning of subtitle II of title 46, United States Code,*
8 *is amended by inserting after the item relating to chapter*
9 *31 the following:*

“32. Management of vessels 3201”.

10 (c) *STUDY.—*

11 (1) *STUDY.—The Secretary of Transportation*
12 *shall conduct, in cooperation with the owners,*
13 *charterers, and managing operators of vessels docu-*
14 *mented under chapter 121 of title 46, United States*
15 *Code, and other interested persons, a study of the*
16 *methods that may be used to implement and enforce*
17 *the International Management Code for the Safe Op-*
18 *eration of Ships and for Pollution Prevention under*
19 *chapter IX of the Annex to the International Conven-*
20 *tion for the Safety of Life at Sea, 1974.*

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

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

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

6 **SEC. 503. USE OF REPORTS, DOCUMENTS, RECORDS, AND**
7 **EXAMINATIONS OF OTHER PERSONS.**

8 (a) *REPORTS, DOCUMENTS, AND RECORDS.*—Chapter
9 31 of title 46, United States Code, is amended by adding
10 the following new section:

11 **“§ 3103. Use of reports, documents, and records**

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

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

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

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

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

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

1 **SEC. 504. EQUIPMENT APPROVAL.**

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

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

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

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

16 “(B) *the approval of the equipment or material*
17 *by the foreign government will secure the safety of in-*
18 *dividuals and property on board vessels subject to in-*
19 *spection; and*

20 “(C) *for lifesaving equipment, the foreign govern-*
21 *ment—*

22 “(i) *has given equivalent treatment to ap-*
23 *provals of lifesaving equipment by the Secretary;*
24 *and*

25 “(ii) *otherwise ensures that lifesaving*
26 *equipment approved by the Secretary may be*

1 *used on vessels that are documented and subject*
2 *to inspection under the laws of that country.”.*

3 **(b) FOREIGN APPROVALS.**—*The Secretary of Trans-*
4 *portation, in consultation with other interested Federal*
5 *agencies, shall work with foreign governments to have those*
6 *governments approve the use of the same equipment and*
7 *materials on vessels documented under the laws of those*
8 *countries that the Secretary requires on United States docu-*
9 *mented vessels.*

10 **(c) TECHNICAL AMENDMENT.**—*Section 3306(a)(4) of*
11 *title 46, United States Code, is amended by striking*
12 *“clauses (1)–(3)” and inserting “paragraphs (1), (2), and*
13 *(3)”.*

14 **SEC. 505. FREQUENCY OF INSPECTION.**

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

17 **(1) in paragraph (1)—**

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

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

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

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

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

6 **SEC. 506. CERTIFICATE OF INSPECTION.**

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

9 **SEC. 507. DELEGATION OF AUTHORITY OF SECRETARY TO**
10 **CLASSIFICATION SOCIETIES.**

11 (a) *AUTHORITY TO DELEGATE.*—Section 3316 of title
12 46, United States Code, is amended—

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

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

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

17 (A) redesignating paragraph (2) as para-
18 graph (3); and

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

22 “(b)(1) The Secretary may delegate to the American
23 Bureau of Shipping or another classification society recog-
24 nized by the Secretary as meeting acceptable standards for

1 *such a society, for a vessel documented or to be documented*
2 *under chapter 121 of this title, the authority to—*

3 *“(A) review and approve plans required for issu-*
4 *ing a certificate of inspection required by this part;*

5 *“(B) conduct inspections and examinations; and*

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

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

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

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

18 *(b) CONFORMING AMENDMENTS.—*

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

21 **“§ 3316. Classification societies”.**

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

“3316. Classification societies.”.

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

3 **SEC. 601. AUTHORITY TO ISSUE COASTWISE ENDORSE-**
4 **MENTS.**

5 *Section 12106 of title 46, United States Code, is fur-*
6 *ther amended by adding at the end the following new sub-*
7 *section:*

8 “(g) A coastwise endorsement may be issued for a ves-

9 *sel that—*

10 “(1) is less than 200 gross tons;

11 “(2) is eligible for documentation;

12 “(3) was built in the United States; and

13 “(4) was—

14 “(A) sold foreign in whole or in part; or

15 “(B) placed under foreign registry.”.

16 **SEC. 602. VESSEL DOCUMENTATION FOR CHARITY CRUISES.**

17 (a) *AUTHORITY TO DOCUMENT VESSELS.—*

18 (1) *IN GENERAL.—Notwithstanding section 27 of*
19 *the Merchant Marine Act, 1920 (46 App. U.S.C. 883),*
20 *the Act of June 19, 1886 (46 App. U.S.C. 289), and*
21 *section 12106 of title 46, United States Code, and*
22 *subject to paragraph (2), the Secretary of Transpor-*
23 *tation may issue a certificate of documentation with*
24 *a coastwise endorsement for each of the following*
25 *vessels:*

1 (A) *GALLANT LADY* (Feadship hull num-
2 ber 645, approximately 130 feet in length).

3 (B) *GALLANT LADY* (Feadship hull num-
4 ber 651, approximately 172 feet in length).

5 (2) *LIMITATION ON OPERATION.*—Coastwise
6 trade authorized under a certificate of documentation
7 issued for a vessel under this section shall be limited
8 to carriage of passengers in association with contribu-
9 tions to charitable organizations no portion of which
10 is received, directly or indirectly, by the owner of the
11 vessel.

12 (3) *CONDITION.*—The Secretary may not issue
13 any certificate of documentation under paragraph (1)
14 unless the owner of the vessel referred to in paragraph
15 (1)(A) (in this section referred to as the “owner”),
16 within 90 days after the date of the enactment of this
17 Act, submits to the Secretary a letter expressing the
18 intent of the owner to enter into a contract before Oc-
19 tober 1, 1996, for construction in the United States
20 of a passenger vessel of at least 130 feet in length.

21 (4) *EFFECTIVE DATE OF CERTIFICATES.*—A cer-
22 tificate of documentation issued under paragraph
23 (1)—

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

4 (B) for the vessel referred to in paragraph
5 (1)(B), shall take effect on the date of delivery of
6 the vessel to the owner.

7 (b) *TERMINATION OF EFFECTIVENESS OF CERTIFI-*
8 *CATES.*—A certificate of documentation issued for a vessel
9 under section (a)(1) shall expire—

10 (1) on the date of the sale of the vessel by the
11 owner;

12 (2) on October 1, 1996, if the owner has not en-
13 tered into a contract for construction of a vessel in
14 accordance with the letter of intent submitted to the
15 Secretary under subsection (a)(3); and

16 (3) on any date on which such a contract is
17 breached, rescinded, or terminated (other than for
18 completion of performance of the contract) by the
19 owner.

20 **SEC. 603. EXTENSION OF DEADLINE FOR CONVERSION OF**
21 **VESSEL M/V TWIN DRILL.**

22 Section 601(d) of Public Law 103–206 (107 Stat.
23 2445) is amended—

24 (1) in paragraph (3), by striking “1995” and in-
25 serting “1996”; and

1 (2) in paragraph (4), by striking “12” and in-
2 serting “24”.

3 **SEC. 604. DOCUMENTATION OF VESSEL RAINBOW’S END.**

4 Notwithstanding section 27 of the Merchant Marine
5 Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886
6 (46 App. U.S.C. 289), and sections 12106, 12107, and
7 12108 of title 46, United States Code, the Secretary of
8 Transportation may issue a certificate of documentation
9 with appropriate endorsements for employment in the
10 coastwise trade, Great Lakes trade, and the fisheries for the
11 vessel RAINBOW’S END (official number 1026899; hull
12 identification number MY13708C787).

13 **SEC. 605. DOCUMENTATION OF VESSEL GLEAM.**

14 Notwithstanding section 27 of the Merchant Marine
15 Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886
16 (46 App. U.S.C. 289), and section 12106 of title 46, United
17 States Code, the Secretary of Transportation may issue a
18 certificate of documentation with appropriate endorsement
19 for employment in the coastwise trade for the vessel
20 GLEAM (United States official number 921594).

21 **SEC. 606. DOCUMENTATION OF VARIOUS VESSELS.**

22 (a) *IN GENERAL.*—Notwithstanding section 27 of the
23 Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act
24 of June 19, 1886 (46 App. U.S.C. 289), the Act of May
25 28, 1906 (46 App. U.S.C. 292), and sections 12106, 12107,

1 *and 12108 of title 46, United States Code, the Secretary*
2 *of the department in which the Coast Guard is operating*
3 *may issue a certificate of documentation with appropriate*
4 *endorsements for each of the vessels listed in subsection (b).*

5 *(b) VESSELS DESCRIBED.—The vessels referred to in*
6 *subsection (a) are the following:*

7 *(1) ANNAPOLIS (United States official number*
8 *999008).*

9 *(2) CHESAPEAKE (United States official num-*
10 *ber 999010).*

11 *(3) CONSORT (United States official number*
12 *999005).*

13 *(4) CURTIS BAY (United States official num-*
14 *ber 999007).*

15 *(5) HAMPTON ROADS (United States official*
16 *number 999009).*

17 *(6) JAMESTOWN (United States official num-*
18 *ber 999006).*

19 ***SEC. 607. DOCUMENTATION OF 4 BARGES.***

20 *(a) IN GENERAL.—Notwithstanding section 27 of the*
21 *Merchant Marine Act, 1920 (46 App. U.S.C. 883), section*
22 *1 of the Act of May 28, 1906 (46 App. U.S.C. 292), and*
23 *section 12106 of title 46, United States Code, the Secretary*
24 *of Transportation may issue a certificate of documentation*

1 *with appropriate endorsements for each of the vessels listed*
2 *in subsection (b).*

3 *(b) VESSELS DESCRIBED.—The vessels referred to in*
4 *subsection (a) are 4 barges owned by McLean Contracting*
5 *Company (a corporation organized under the laws of the*
6 *State of Maryland) and numbered by that company as fol-*
7 *lows:*

8 *(1) Barge 76 (official number 1030612).*

9 *(2) Barge 77 (official number 1030613).*

10 *(3) Barge 78 (official number 1030614).*

11 *(4) Barge 100 (official number 1030615).*

12 ***TITLE VII—TECHNICAL AND***
13 ***CONFORMING AMENDMENTS***

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

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

17 *(1) by amending Rule 9(e)(i) (33 U.S.C.*
18 *2009(e)(i)) to read as follows:*

19 *“(i) In a narrow channel or fairway when overtaking,*
20 *the power-driven vessel intending to overtake another*
21 *power-driven vessel shall indicate her intention by sounding*
22 *the appropriate signal prescribed in Rule 34(c) and take*
23 *steps to permit safe passing. The power-driven vessel being*
24 *overtaken, if in agreement, shall sound the same signal and*
25 *may, if specifically agreed to take steps to permit safe pass-*

1 *ing. If in doubt she shall sound the danger signal prescribed*
2 *in Rule 34(d).”;*

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

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

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

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

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

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

21 *“(iii) when vessels are towed alongside on both*
22 *sides of the towing vessels a stern light shall be exhib-*
23 *ited on the stern of the outboard vessel on each side*
24 *of the towing vessel, and a single set of sidelights as*

1 *far forward and as far outboard as is practicable,*
2 *and a single special flashing light.”;*

3 *(5) in Rule 26 (33 U.S.C 2026)—*

4 *(A) in each of subsections (b)(i) and (c)(i)*
5 *by striking “a vessel of less than 20 meters in*
6 *length may instead of this shape exhibit a bas-*
7 *ket;”;* and

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

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

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

15 *“(h) A vessel that reaches agreement with another ves-*
16 *sel in a head-on, crossing, or overtaking situation, as for*
17 *example, by using the radiotelephone as prescribed by the*
18 *Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat. 164;*
19 *33 U.S.C. 1201 et seq.), is not obliged to sound the whistle*
20 *signals prescribed by this rule, but may do so. If agreement*
21 *is not reached, then whistle signals shall be exchanged in*
22 *a timely manner and shall prevail.”.*

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

24 *Section 14104 of title 46, United States Code, is*
25 *amended by redesignating the existing text after the section*

1 heading as subsection (a) and by adding at the end the fol-
2 lowing new subsection:

3 “(b) If a statute allows for an alternate tonnage to be
4 prescribed under this section, the Secretary may prescribe
5 it by regulation. The alternate tonnage shall, to the maxi-
6 mum extent possible, be equivalent to the statutorily estab-
7 lished tonnage. Until an alternate tonnage is prescribed, the
8 statutorily established tonnage shall apply to vessels meas-
9 ured under chapter 143 or chapter 145 of this title.”.

10 **SEC. 703. LONGSHORE AND HARBOR WORKERS COMPENSA-**
11 **TION.**

12 Section 3(d)(3)(B) of the Longshore and Harbor Work-
13 ers’ Compensation Act (33 U.S.C. 903(d)(3)(B)) is amended
14 by inserting after “1,600 tons gross” the following: “as
15 measured under section 14502 of title 46, United States
16 Code, or an alternate tonnage measured under section
17 14302 of that title as prescribed by the Secretary under sec-
18 tion 14104 of that title”.

19 **SEC. 704. RADIOTELEPHONE REQUIREMENTS.**

20 Section 4(a)(2) of the Vessel Bridge-to-Bridge Radio-
21 telephone Act (33 U.S.C. 1203(a)(2)) is amended by insert-
22 ing after “one hundred gross tons” the following “as meas-
23 ured under section 14502 of title 46, United States Code,
24 or an alternate tonnage measured under section 14302 of

1 *that title as prescribed by the Secretary under section 14104*
2 *of that title.”*

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

4 *Section 4(a)(3) of the Ports and Waterways Safety Act*
5 *(33 U.S.C. 1223(a)(3)) is amended by inserting after “300*
6 *gross tons” the following: “as measured under section 14502*
7 *of title 46, United States Code, or an alternate tonnage*
8 *measured under section 14302 of that title as prescribed by*
9 *the Secretary under section 14104 of that title”.*

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

11 *Section 27A of the Merchant Marine Act, 1920 (46*
12 *U.S.C. App. 883–1), is amended by inserting after “five*
13 *hundred gross tons” the following: “as measured under sec-*
14 *tion 14502 of title 46, United States Code, or an alternate*
15 *tonnage measured under section 14302 of that title as pre-*
16 *scribed by the Secretary under section 14104 of that title.”.*

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

18 *Section 2 of the Act of June 14, 1956 (46 U.S.C. App.*
19 *883a), is amended by inserting after “five hundred gross*
20 *tons” the following: “as measured under section 14502 of*
21 *title 46, United States Code, or an alternate tonnage meas-*
22 *ured under section 14302 of that title as prescribed by the*
23 *Secretary under section 14104 of that title”.*

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

2 *Section 1302(4)(A) of the Merchant Marine Act, 1936*
3 *(46 U.S.C. App. 1295a(4)(a)) is amended by inserting after*
4 *“1,000 gross tons or more” the following: “as measured*
5 *under section 14502 of title 46, United States Code, or an*
6 *alternate tonnage measured under section 14302 of that title*
7 *as prescribed by the Secretary under section 14104 of that*
8 *title”.*

9 **SEC. 709. GENERAL DEFINITIONS.**

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

12 *(1) in paragraph (13), by inserting after “15*
13 *gross tons” the following: “as measured under section*
14 *14502 of title 46, United States Code, or an alternate*
15 *tonnage measured under section 14302 of that title as*
16 *prescribed by the Secretary under section 14104 of*
17 *that title”;*

18 *(2) in paragraph (13a), by inserting after*
19 *“3,500 gross tons” the following: “as measured under*
20 *section 14502 of title 46, United States Code, or an*
21 *alternate tonnage measured under section 14302 of*
22 *that title as prescribed by the Secretary under section*
23 *14104 of that title”;*

24 *(3) in paragraph (19), by inserting after “500*
25 *gross tons” the following: “as measured under section*
26 *14502 of title 46, United States Code, or an alternate*

1 *tonnage measured under section 14302 of that title as*
2 *prescribed by the Secretary under section 14104 of*
3 *that title”;*

4 (4) *in paragraph (22), by inserting after “100*
5 *gross tons” the following: “as measured under section*
6 *14502 of title 46, United States Code, or an alternate*
7 *tonnage measured under section 14302 of that title as*
8 *prescribed by the Secretary under section 14104 of*
9 *that title”;*

10 (5) *in paragraph (30)(A), by inserting after*
11 *“500 gross tons” the following: “as measured under*
12 *section 14502 of title 46, United States Code, or an*
13 *alternate tonnage measured under section 14302 of*
14 *that title as prescribed by the Secretary under section*
15 *14104 of that title”;*

16 (6) *in paragraph (32), by inserting after “100*
17 *gross tons” the following: “as measured under section*
18 *14502 of title 46, United States Code, or an alternate*
19 *tonnage measured under section 14302 of that title as*
20 *prescribed by the Secretary under section 14104 of*
21 *that title”;*

22 (7) *in paragraph (33), by inserting after “300*
23 *gross tons” the following: “as measured under section*
24 *14502 of title 46, United States Code, or an alternate*
25 *tonnage measured under section 14302 of that title as*

1 *prescribed by the Secretary under section 14104 of*
2 *that title”;*

3 *(8) in paragraph (35), by inserting after “100*
4 *gross tons” the following: “as measured under section*
5 *14502 of title 46, United States Code, or an alternate*
6 *tonnage measured under section 14302 of that title as*
7 *prescribed by the Secretary under section 14104 of*
8 *that title”;* and

9 *(9) in paragraph (42), by inserting after “100*
10 *gross tons” each place it appears, the following: “as*
11 *measured under section 14502 of title 46, United*
12 *States Code, or an alternate tonnage measured under*
13 *section 14302 of that title as prescribed by the Sec-*
14 *retary under section 14104 of that title”.*

15 **SEC. 710. AUTHORITY TO EXEMPT CERTAIN VESSELS.**

16 *Section 2113 of title 46, United States Code, is*
17 *amended—*

18 *(1) in paragraph (4), by inserting after “at least*
19 *100 gross tons but less than 300 gross tons” the fol-*
20 *lowing: “as measured under section 14502 of title 46,*
21 *United States Code, or an alternate tonnage measured*
22 *under section 14302 of that title as prescribed by the*
23 *Secretary under section 14104 of that title”;* and

24 *(2) in paragraph (5), by inserting after “at least*
25 *100 gross tons but less than 500 gross tons” the fol-*

1 *lowing: “as measured under section 14502 of title 46,*
2 *United States Code, or an alternate tonnage measured*
3 *under section 14302 of that title as prescribed by the*
4 *Secretary under section 14104 of that title”.*

5 **SEC. 711. INSPECTION OF VESSELS.**

6 *Section 3302 of title 46, United States Code, is*
7 *amended—*

8 *(1) in subsection (c)(1), by inserting after “5,000*
9 *gross tons” the following: “as measured under section*
10 *14502 of title 46, United States Code, or an alternate*
11 *tonnage measured under section 14302 of that title as*
12 *prescribed by the Secretary under section 14104 of*
13 *that title”;*

14 *(2) in subsection (c)(2), by inserting after “500*
15 *gross tons” the following: “as measured under section*
16 *14502 of title 46, United States Code, or an alternate*
17 *tonnage measured under section 14302 of that title as*
18 *prescribed by the Secretary under section 14104 of*
19 *that title”;*

20 *(3) in subsection (c)(3), by inserting after “500*
21 *gross tons” the following: “as measured under section*
22 *14502 of title 46, United States Code, or an alternate*
23 *tonnage measured under section 14302 of that title as*
24 *prescribed by the Secretary under section 14104 of*
25 *that title”;*

1 (4) in subsection (c)(4)(A), by inserting after
2 “500 gross tons” the following: “as measured under
3 section 14502 of title 46, United States Code, or an
4 alternate tonnage measured under section 14302 of
5 that title as prescribed by the Secretary under section
6 14104 of that title”;

7 (5) in subsection (d)(1), by inserting after “150
8 gross tons” the following: “as measured under section
9 14502 of title 46, United States Code, or an alternate
10 tonnage measured under section 14302 of that title as
11 prescribed by the Secretary under section 14104 of
12 that title”;

13 (6) in subsection (i)(1)(A), by inserting after
14 “300 gross tons” the following: “as measured under
15 section 14502 of title 46, United States Code, or an
16 alternate tonnage measured under section 14302 of
17 that title as prescribed by the Secretary under section
18 14104 of that title”; and

19 (7) in subsection (j), by inserting after “15 gross
20 tons” the following: “as measured under section 14502
21 of title 46, United States Code, or an alternate ton-
22 nage measured under section 14302 of that title as
23 prescribed by the Secretary under section 14104 of
24 that title”.

1 **SEC. 712. REGULATIONS.**

2 *Section 3306 of title 46, United States Code, is*
3 *amended—*

4 *(1) in subsection (h), by inserting after “at least*
5 *100 gross tons but less than 300 gross tons” the fol-*
6 *lowing: “as measured under section 14502 of title 46,*
7 *United States Code, or an alternate tonnage measured*
8 *under section 14302 of that title as prescribed by the*
9 *Secretary under section 14104 of that title”;* and

10 *(2) in subsection (i), by inserting after “at least*
11 *100 gross tons but less than 500 gross tons” the fol-*
12 *lowing: “as measured under section 14502 of title 46,*
13 *United States Code, or an alternate tonnage measured*
14 *under section 14302 of that title as prescribed by the*
15 *Secretary under section 14104 of that title”.*

16 **SEC. 713. PENALTIES—INSPECTION OF VESSELS.**

17 *Section 3318 of title 46, United States Code, is*
18 *amended—*

19 *(1) in subsection (a), by inserting after “100*
20 *gross tons” the following: “as measured under section*
21 *14502 of title 46, United States Code, or an alternate*
22 *tonnage measured under section 14302 of that title as*
23 *prescribed by the Secretary under section 14104 of*
24 *that title”;* and

25 *(2) in subsection (j)(1), by inserting after “1,600*
26 *gross tons” the following: “as measured under section*

1 14502 of title 46, United States Code, or an alternate
2 tonnage measured under section 14302 of that title as
3 prescribed by the Secretary under section 14104 of
4 that title”.

5 **SEC. 714. APPLICATION—TANK VESSELS.**

6 Section 3702 of title 46, United States Code, is
7 amended—

8 (1) in subsection (b)(1), by inserting after “500
9 gross tons” the following: “as measured under section
10 14502 of title 46, United States Code, or an alternate
11 tonnage measured under section 14302 of that title as
12 prescribed by the Secretary under section 14104 of
13 that title”;

14 (2) in subsection (c), by inserting after “500
15 gross tons” the following: “as measured under section
16 14502 of title 46, United States Code, or an alternate
17 tonnage measured under section 14302 of that title as
18 prescribed by the Secretary under section 14104 of
19 that title”; and

20 (3) in subsection (d), by inserting after “5,000
21 gross tons” the following: “as measured under section
22 14502 of title 46, United States Code, or an alternate
23 tonnage measured under section 14302 of that title as
24 prescribed by the Secretary under section 14104 of
25 that title”.

1 **SEC. 715. TANK VESSEL CONSTRUCTION STANDARDS.**

2 *Section 3703a of title 46, United States Code, is*
3 *amended—*

4 *(1) in subsection (b)(2), by inserting after “5,000*
5 *gross tons” the following: “as measured under section*
6 *14502 of title 46, United States Code, or an alternate*
7 *tonnage measured under section 14302 of that title as*
8 *prescribed by the Secretary under section 14104 of*
9 *that title”;*

10 *(2) in subsection (c)(2), by inserting after “5,000*
11 *gross tons” each place it appears the following: “as*
12 *measured under section 14502 of title 46, United*
13 *States Code, or an alternate tonnage measured under*
14 *section 14302 of that title as prescribed by the Sec-*
15 *retary under section 14104 of that title”;*

16 *(3) in subsection (c)(3)(A), by inserting after*
17 *“15,000 gross tons” the following: “as measured under*
18 *section 14502 of title 46, United States Code, or an*
19 *alternate tonnage measured under section 14302 of*
20 *that title as prescribed by the Secretary under section*
21 *14104 of that title”;*

22 *(4) in subsection (c)(3)(B), by inserting after*
23 *“30,000 gross tons” the following: “as measured under*
24 *section 14502 of title 46, United States Code, or an*
25 *alternate tonnage measured under section 14302 of*

1 *that title as prescribed by the Secretary under section*
2 *14104 of that title”; and*

3 (5) *in subsection (c)(3)(C), by inserting after*
4 *“30,000 gross tons” the following: “as measured under*
5 *section 14502 of title 46, United States Code, or an*
6 *alternate tonnage measured under section 14302 of*
7 *that title as prescribed by the Secretary under section*
8 *14104 of that title”.*

9 **SEC. 716. TANKER MINIMUM STANDARDS.**

10 *Section 3707 of title 46, United States Code, is*
11 *amended—*

12 (1) *in subsection (a), by inserting after “10,000*
13 *gross tons” the following: “as measured under section*
14 *14502 of title 46, United States Code, or an alternate*
15 *tonnage measured under section 14302 of that title as*
16 *prescribed by the Secretary under section 14104 of*
17 *that title”; and*

18 (2) *in subsection (b), by inserting after “10,000*
19 *gross tons” the following: “as measured under section*
20 *14502 of title 46, United States Code, or an alternate*
21 *tonnage measured under section 14302 of that title as*
22 *prescribed by the Secretary under section 14104 of*
23 *that title”.*

1 **SEC. 717. SELF-PROPELLED TANK VESSEL MINIMUM STAND-**
2 **ARDS.**

3 *Section 3708 of title 46, United States Code, is amend-*
4 *ed by inserting after “10,000 gross tons” the following: “as*
5 *measured under section 14502 of title 46, United States*
6 *Code, or an alternate tonnage measured under section*
7 *14302 of that title as prescribed by the Secretary under sec-*
8 *tion 14104 of that title”.*

9 **SEC. 718. DEFINITION—ABANDONMENT OF BARGES.**

10 *Section 4701(1) of title 46, United States Code, is*
11 *amended by inserting after “100 gross tons” the following:*
12 *“as measured under section 14502 of title 46, United States*
13 *Code, or an alternate tonnage measured under section*
14 *14302 of that title as prescribed by the Secretary under sec-*
15 *tion 14104 of that title”.*

16 **SEC. 719. APPLICATION—LOAD LINES.**

17 *Section 5102(b) of title 46, United States Code, is*
18 *amended—*

19 *(1) in paragraph (4), by inserting after “5,000*
20 *gross tons” the following: “as measured under section*
21 *14502 of title 46, United States Code, or an alternate*
22 *tonnage measured under section 14302 of that title as*
23 *prescribed by the Secretary under section 14104 of*
24 *that title”;*

25 *(2) in paragraph (5), by inserting after “500*
26 *gross tons” the following: “as measured under section*

1 14502 of title 46, United States Code, or an alternate
2 tonnage measured under section 14302 of that title as
3 prescribed by the Secretary under section 14104 of
4 that title”; and

5 (3) in paragraph (10), by inserting after “150
6 gross tons” the following: “as measured under section
7 14502 of title 46, United States Code, or an alternate
8 tonnage measured under section 14302 of that title as
9 prescribed by the Secretary under section 14104 of
10 that title”.

11 **SEC. 720. LICENSING OF INDIVIDUALS.**

12 Section 7101(e)(3) of title 46, United States Code, is
13 amended by inserting after “1,600 gross tons” the following:
14 “as measured under section 14502 of title 46, United States
15 Code, or an alternate tonnage measured under section
16 14302 of that title as prescribed by the Secretary under sec-
17 tion 14104 of that title”.

18 **SEC. 721. ABLE SEAMEN—LIMITED.**

19 Section 7308 of title 46, United States Code, is amend-
20 ed by inserting after “100 gross tons” the following: “as
21 measured under section 14502 of title 46, United States
22 Code, or an alternate tonnage measured under section
23 14302 of that title as prescribed by the Secretary under sec-
24 tion 14104 of that title”.

1 **SEC. 722. ABLE SEAMEN—OFFSHORE SUPPLY VESSELS.**

2 *Section 7310 of title 46, United States Code, is amend-*
3 *ed by inserting after “500 gross tons” the following: “as*
4 *measured under section 14502 of title 46, United States*
5 *Code, or an alternate tonnage measured under section*
6 *14302 of that title as prescribed by the Secretary under sec-*
7 *tion 14104 of that title”.*

8 **SEC. 723. SCALE OF EMPLOYMENT—ABLE SEAMEN.**

9 *Section 7312 of title 46, United States Code, is*
10 *amended—*

11 *(1) in subsection (b), by inserting after “1,600*
12 *gross tons” the following: “as measured under section*
13 *14502 of title 46, United States Code, or an alternate*
14 *tonnage measured under section 14302 of that title as*
15 *prescribed by the Secretary under section 14104 of*
16 *that title”;*

17 *(2) in subsection (c)(1), by inserting after “500*
18 *gross tons” the following: “as measured under section*
19 *14502 of title 46, United States Code, or an alternate*
20 *tonnage measured under section 14302 of that title as*
21 *prescribed by the Secretary under section 14104 of*
22 *that title”;*

23 *(3) in subsection (d), by inserting after “500*
24 *gross tons” the following: “as measured under section*
25 *14502 of title 46, United States Code, or an alternate*
26 *tonnage measured under section 14302 of that title as*

1 *prescribed by the Secretary under section 14104 of*
2 *that title”;*

3 (4) *in subsection (f)(1), by inserting after “5,000*
4 *gross tons” the following: “as measured under section*
5 *14502 of title 46, United States Code, or an alternate*
6 *tonnage measured under section 14302 of that title as*
7 *prescribed by the Secretary under section 14104 of*
8 *that title”;* and

9 (5) *in subsection (f)(2), by inserting after “5,000*
10 *gross tons” the following: “as measured under section*
11 *14502 of title 46, United States Code, or an alternate*
12 *tonnage measured under section 14302 of that title as*
13 *prescribed by the Secretary under section 14104 of*
14 *that title”.*

15 **SEC. 724. GENERAL REQUIREMENTS—ENGINE DEPART-**
16 **MENT.**

17 *Section 7313(a) of title 46, United States Code, is*
18 *amended by inserting after “100 gross tons” the following:*
19 *“as measured under section 14502 of title 46, United States*
20 *Code, or an alternate tonnage measured under section*
21 *14302 of that title as prescribed by the Secretary under sec-*
22 *tion 14104 of that title”.*

23 **SEC. 725. COMPLEMENT OF INSPECTED VESSELS.**

24 *Section 8101(h) of title 46, United States Code, is*
25 *amended by inserting after “100 gross tons” the following:*

1 “as measured under section 14502 of title 46, United States
2 Code, or an alternate tonnage measured under section
3 14302 of that title as prescribed by the Secretary under sec-
4 tion 14104 of that title”.

5 **SEC. 726. WATCHMEN.**

6 Section 8102(b) of title 46, United States Code, is
7 amended by inserting after “100 gross tons” the following:
8 “as measured under section 14502 of title 46, United States
9 Code, or an alternate tonnage measured under section
10 14302 of that title as prescribed by the Secretary under sec-
11 tion 14104 of that title”.

12 **SEC. 727. CITIZENSHIP AND NAVAL RESERVE REQUIRE-**
13 **MENTS.**

14 Section 8103(b)(3)(A) of title 46, United States Code,
15 is amended by inserting after “1,600 gross tons” the follow-
16 ing: “as measured under section 14502 of title 46, United
17 States Code, or an alternate tonnage measured under sec-
18 tion 14302 of that title as prescribed by the Secretary under
19 section 14104 of that title”.

20 **SEC. 728. WATCHES.**

21 Section 8104 of title 46, United States Code, is
22 amended—

23 (1) in subsection (b), by inserting after “100
24 gross tons” the following: “as measured under section
25 14502 of title 46, United States Code, or an alternate

1 *tonnage measured under section 14302 of that title as*
2 *prescribed by the Secretary under section 14104 of*
3 *that title”;*

4 (2) *in subsection (d), by inserting after “100*
5 *gross tons” and after “5,000 gross tons” the following:*
6 *“as measured under section 14502 of title 46, United*
7 *States Code, or an alternate tonnage measured under*
8 *section 14302 of that title as prescribed by the Sec-*
9 *retary under section 14104 of that title”;*

10 (3) *in subsection (l)(1), by inserting after “1,600*
11 *gross tons” the following: “as measured under section*
12 *14502 of title 46, United States Code, or an alternate*
13 *tonnage measured under section 14302 of that title as*
14 *prescribed by the Secretary under section 14104 of*
15 *that title”;*

16 (4) *in subsection (m)(1), by inserting after*
17 *“1,600 gross tons” the following: “as measured under*
18 *section 14502 of title 46, United States Code, or an*
19 *alternate tonnage measured under section 14302 of*
20 *that title as prescribed by the Secretary under section*
21 *14104 of that title”;*

22 (5) *in subsection (o)(1), by inserting after “500*
23 *gross tons” the following: “as measured under section*
24 *14502 of title 46, United States Code, or an alternate*
25 *tonnage measured under section 14302 of that title as*

1 *prescribed by the Secretary under section 14104 of*
2 *that title”; and*

3 *(6) in subsection (o)(2), by inserting after “500*
4 *gross tons” the following: “as measured under section*
5 *14502 of title 46, United States Code, or an alternate*
6 *tonnage measured under section 14302 of that title as*
7 *prescribed by the Secretary under section 14104 of*
8 *that title”.*

9 **SEC. 729. MINIMUM NUMBER OF LICENSED INDIVIDUALS.**

10 *Section 8301 of title 46, United States Code, is*
11 *amended—*

12 *(1) in subsection (a)(2), by inserting after “1,000*
13 *gross tons” the following: “as measured under section*
14 *14502 of title 46, United States Code, or an alternate*
15 *tonnage measured under section 14302 of that title as*
16 *prescribed by the Secretary under section 14104 of*
17 *that title”;*

18 *(2) in subsection (a)(3), by inserting after “at*
19 *least 200 gross tons but less than 1,000 gross tons” the*
20 *following: “as measured under section 14502 of title*
21 *46, United States Code, or an alternate tonnage*
22 *measured under section 14302 of that title as pre-*
23 *scribed by the Secretary under section 14104 of that*
24 *title”;*

1 (3) in subsection (a)(4), by inserting after “at
2 least 100 gross tons but less than 200 gross tons” the
3 following: “as measured under section 14502 of title
4 46, United States Code, or an alternate tonnage
5 measured under section 14302 of that title as pre-
6 scribed by the Secretary under section 14104 of that
7 title”;

8 (4) in subsection (a)(5), by inserting after “300
9 gross tons” the following: “as measured under section
10 14502 of title 46, United States Code, or an alternate
11 tonnage measured under section 14302 of that title as
12 prescribed by the Secretary under section 14104 of
13 that title”; and

14 (5) in subsection (b), by inserting after “200
15 gross tons” the following: “as measured under section
16 14502 of title 46, United States Code, or an alternate
17 tonnage measured under section 14302 of that title as
18 prescribed by the Secretary under section 14104 of
19 that title”.

20 **SEC. 730. OFFICERS’ COMPETENCY CERTIFICATES CONVEN-**
21 **TION.**

22 Section 8304(b)(4) of title 46, United States Code, is
23 amended by inserting after “200 gross tons” the following:
24 “as measured under section 14502 of title 46, United States
25 Code, or an alternate tonnage measured under section

1 14302 of that title as prescribed by the Secretary under sec-
2 tion 14104 of that title”.

3 **SEC. 731. MERCHANT MARINERS’ DOCUMENTS REQUIRED.**

4 Section 8701 of title 46, United States Code, is
5 amended—

6 (1) in subsection (a), by inserting after “100
7 gross tons” the following: “as measured under section
8 14502 of title 46, United States Code, or an alternate
9 tonnage measured under section 14302 of that title as
10 prescribed by the Secretary under section 14104 of
11 that title”; and

12 (2) in subsection (a)(6), by inserting after “1,600
13 gross tons” the following: “as measured under section
14 14502 of title 46, United States Code, or an alternate
15 tonnage measured under section 14302 of that title as
16 prescribed by the Secretary under section 14104 of
17 that title”.

18 **SEC. 732. CERTAIN CREW REQUIREMENTS.**

19 Section 8702 of title 46, United States Code, is
20 amended—

21 (1) in subsection (a), by inserting after “100
22 gross tons” the following: “as measured under section
23 14502 of title 46, United States Code, or an alternate
24 tonnage measured under section 14302 of that title as

1 *prescribed by the Secretary under section 14104 of*
2 *that title”; and*

3 *(2) in subsection (a)(6), by inserting after “1,600*
4 *gross tons” the following: “as measured under section*
5 *14502 of title 46, United States Code, or an alternate*
6 *tonnage measured under section 14302 of that title as*
7 *prescribed by the Secretary under section 14104 of*
8 *that title”.*

9 **SEC. 733. FREIGHT VESSELS.**

10 *Section 8901 of title 46, United States Code, is amend-*
11 *ed by inserting after “100 gross tons” the following: “as*
12 *measured under section 14502 of title 46, United States*
13 *Code, or an alternate tonnage measured under section*
14 *14302 of that title as prescribed by the Secretary under sec-*
15 *tion 14104 of that title”.*

16 **SEC. 734. EXEMPTIONS.**

17 *Section 8905(b) of title 46, United States Code, is*
18 *amended by inserting after “200 gross tons” the following:*
19 *“as measured under section 14502 of title 46, United States*
20 *Code, or an alternate tonnage measured under section*
21 *14302 of that title as prescribed by the Secretary under sec-*
22 *tion 14104 of that title”.*

23 **SEC. 735. UNITED STATES REGISTERED PILOT SERVICE.**

24 *Section 9303(a)(2) of title 46, United States Code, is*
25 *amended by inserting after “4,000 gross tons” the following:*

1 “as measured under section 14502 of title 46, United States
2 Code, or an alternate tonnage measured under section
3 14302 of that title as prescribed by the Secretary under sec-
4 tion 14104 of that title”.

5 **SEC. 736. DEFINITIONS—MERCHANT SEAMEN PROTECTION.**

6 Section 10101(4)(B) of title 46, United States Code,
7 is amended by inserting after “1,600 gross tons” the follow-
8 ing: “as measured under section 14502 of title 46, United
9 States Code, or an alternate tonnage measured under sec-
10 tion 14302 of that title as prescribed by the Secretary under
11 section 14104 of that title”.

12 **SEC. 737. APPLICATION—FOREIGN AND INTERCOASTAL**
13 **VOYAGES.**

14 Section 10301(a)(2) of title 46, United States Code,
15 is amended by inserting after “75 gross tons” the following:
16 “as measured under section 14502 of title 46, United States
17 Code, or an alternate tonnage measured under section
18 14302 of that title as prescribed by the Secretary under sec-
19 tion 14104 of that title”.

20 **SEC. 738. APPLICATION—COASTWISE VOYAGES.**

21 Section 10501(a) of title 46, United States Code, is
22 amended by inserting after “50 gross tons” the following:
23 “as measured under section 14502 of title 46, United States
24 Code, or an alternate tonnage measured under section

1 14302 of that title as prescribed by the Secretary under sec-
2 tion 14104 of that title”.

3 **SEC. 739. FISHING AGREEMENTS.**

4 Section 10601(a)(1) of title 46, United States Code,
5 is amended by inserting after “20 gross tons” the following:
6 “as measured under section 14502 of title 46, United States
7 Code, or an alternate tonnage measured under section
8 14302 of that title as prescribed by the Secretary under sec-
9 tion 14104 of that title”.

10 **SEC. 740. ACCOMMODATIONS FOR SEAMEN.**

11 Section 11101(a) of title 46, United States Code, is
12 amended by inserting after “100 gross tons” the following:
13 “as measured under section 14502 of title 46, United States
14 Code, or an alternate tonnage measured under section
15 14302 of that title as prescribed by the Secretary under sec-
16 tion 14104 of that title”.

17 **SEC. 741. MEDICINE CHESTS.**

18 Section 11102(a) of title 46, United States Code, is
19 amended by inserting after “75 gross tons” the following:
20 “as measured under section 14502 of title 46, United States
21 Code, or an alternate tonnage measured under section
22 14302 of that title as prescribed by the Secretary under sec-
23 tion 14104 of that title”.

1 **SEC. 742. LOGBOOK AND ENTRY REQUIREMENTS.**

2 *Section 11301(a)(2) of title 46, United States Code,*
3 *is amended by inserting after “100 gross tons” the follow-*
4 *ing: “as measured under section 14502 of title 46, United*
5 *States Code, or an alternate tonnage measured under sec-*
6 *tion 14302 of that title as prescribed by the Secretary under*
7 *section 14104 of that title”.*

8 **SEC. 743. COASTWISE ENDORSEMENTS.**

9 *Section 12106(c)(1) of title 46, United States Code, is*
10 *amended by striking “two hundred gross tons” and insert-*
11 *ing “200 gross tons as measured under section 14502 of*
12 *title 46, United States Code, or an alternate tonnage meas-*
13 *ured under section 14302 of that title as prescribed by the*
14 *Secretary under section 14104 of that title”.*

15 **SEC. 744. FISHERY ENDORSEMENTS.**

16 *Section 12108(c)(1) of title 46, United States Code, is*
17 *amended by striking “two hundred gross tons” and insert-*
18 *ing “200 gross tons as measured under section 14502 of*
19 *title 46, United States Code, or an alternate tonnage meas-*
20 *ured under section 14302 of that title as prescribed by the*
21 *Secretary under section 14104 of that title”.*

22 **SEC. 745. CLERICAL AMENDMENT.**

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

25 *(1) by striking the first section 12123; and*

1 (2) *in the table of sections at the beginning of the*
2 *chapter by striking the first item relating to section*
3 *12123.*

4 **SEC. 746. REPEAL OF GREAT LAKES ENDORSEMENTS.**

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

7 (b) *CONFORMING AMENDMENTS.*—

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

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

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

16 (4) *Section 2793 of the Revised Statutes of*
17 *the United States (46 App. U.S.C. 111, 123) is*
18 *amended—*

19 (A) *by striking “coastwise, Great Lakes en-*
20 *endorsement” and all that follows through “foreign*
21 *ports,” and inserting “registry endorsement, en-*
22 *gaged in foreign trade on the Great Lakes or*
23 *their tributary or connecting waters in trade*
24 *with Canada,”; and*

1 (B) by striking “, as if from or to foreign
2 ports”.

3 **SEC. 747. CONVENTION TONNAGE FOR LICENSES, CERTIFI-**
4 **CATES, AND DOCUMENTS.**

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

8 **“§ 7506. Convention tonnage for licenses, certificates,**
9 **and documents**

10 “Notwithstanding any provision of section 14302(c) or
11 14305 of this title, the Secretary may—

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

17 “(2) issue the license, certificate, or document
18 based on that service.”.

19 (b) *CLERICAL AMENDMENT.*—The analysis to chapter
20 75 of title 46, United States Code, is amended by adding
21 a new item as follows:

“7506. Convention tonnage for licenses, certificates, and documents.”.

1 **TITLE VIII—COAST GUARD**
2 **AUXILIARY AMENDMENTS**

3 **SEC. 801. ADMINISTRATION OF THE COAST GUARD AUXIL-**
4 **IARY.**

5 (a) *IN GENERAL.*—Section 821 of title 14, United
6 States Code, is amended to read as follows:

7 **“§ 821. Administration of the Coast Guard Auxiliary**

8 “(a) *The Coast Guard Auxiliary is a nonmilitary or-*
9 *ganization administered by the Commandant under the di-*
10 *rection of the Secretary. For command, control, and admin-*
11 *istrative purposes, the Auxiliary shall include such organi-*
12 *zational elements and units as are approved by the Com-*
13 *mandant, including but not limited to, a national board*
14 *and staff (to be known as the ‘Auxiliary headquarters*
15 *unit’), districts, regions, divisions, flotillas, and other orga-*
16 *nizational elements and units. The Auxiliary organization*
17 *and its officers shall have such rights, privileges, powers,*
18 *and duties as may be granted to them by the Commandant,*
19 *consistent with this title and other applicable provisions of*
20 *law. The Commandant may delegate to officers of the Auxil-*
21 *iary the authority vested in the Commandant by this sec-*
22 *tion, in the manner and to the extent the Commandant con-*
23 *siders necessary or appropriate for the functioning, organi-*
24 *zation, and internal administration of the Auxiliary.*”

1 “(b) Each organizational element or unit of the Coast
2 Guard Auxiliary organization (but excluding any corpora-
3 tion formed by an organizational element or unit of the
4 Auxiliary under subsection (c) of this section), shall, except
5 when acting outside the scope of section 822, at all times
6 be deemed to be an instrumentality of the United States,
7 for purposes of—

8 “(1) chapter 26 of title 28 (popularly known as
9 the Federal Tort Claims Act);

10 “(2) section 2733 of title 10 (popularly known as
11 the Military Claims Act);

12 “(3) the Act of March 3, 1925 (46 App. U.S.C.
13 781–790; popularly known as the Public Vessels Act);

14 “(4) the Act of March 9, 1920 (46 App. U.S.C.
15 741–752; popularly known as the Suits in Admiralty
16 Act);

17 “(5) the Act of June 19, 1948 (46 App. U.S.C.
18 740; popularly known as the Admiralty Extension
19 Act); and

20 “(6) other matters related to noncontractual civil
21 liability.

22 “(c) The national board of the Auxiliary, and any
23 Auxiliary district or region, may form a corporation under
24 State law in accordance with policies established by the
25 Commandant.”.

1 (b) *CLERICAL AMENDMENT.*—The table of sections at
2 the beginning of chapter 23 of title 14, United States Code,
3 is amended by striking the item relating to section 821, and
4 inserting the following:

“821. Administration of the Coast Guard Auxiliary.”

5 **SEC. 802. PURPOSE OF THE COAST GUARD AUXILIARY.**

6 (a) *IN GENERAL.*—Section 822 of title 14, United
7 States Code, is amended to read as follows:

8 **“§ 822. Purpose of the Coast Guard Auxiliary**

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

13 (b) *CLERICAL AMENDMENT.*—The table of sections at
14 the beginning of chapter 23 of title 14, United States Code,
15 is amended by striking the item relating to section 822 and
16 inserting the following:

“822. Purpose of the Coast Guard Auxiliary.”

17 **SEC. 803. MEMBERS OF THE AUXILIARY; STATUS.**

18 (a) *IN GENERAL.*—Section 823 of title 14, United
19 States Code, is amended—

20 (1) in the heading by adding “, **and status**”
21 after “**enrollments**”;

22 (2) by inserting “(a)” before “The Auxiliary”;
23 and

1 (3) by adding at the end the following new sub-
2 sections:

3 “(b) A member of the Coast Guard Auxiliary is not
4 a Federal employee except for the following purposes:

5 “(1) Chapter 26 of title 28 (popularly known as
6 the Federal Tort Claims Act).

7 “(2) Section 2733 of title 10 (popularly known
8 as the Military Claims Act).

9 “(3) The Act of March 3, 1925 (46 App. U.S.C.
10 781–790; popularly known as the Public Vessel Act).

11 “(4) The Act of March 9, 1920 (46 App. U.S.C.
12 741–752; popularly known as the Suits in Admiralty
13 Act).

14 “(5) The Act of June 19, 1948 (46 App. U.S.C.
15 740; popularly known as the Admiralty Extension
16 Act).

17 “(6) Other matters related to noncontractual
18 civil liability.

19 “(7) Compensation for work injuries under chap-
20 ter 81 of title 5.

21 “(8) The resolution of claims relating to damage
22 to or loss of personal property of the member incident
23 to service under section 3721 of title 31 (popularly
24 known as the Military Personnel and Civilian Em-
25 ployees’ Claims Act of 1964).

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

5 (b) *CLERICAL AMENDMENT*.—The table of sections at
6 the beginning of chapter 23 of title 14, United States Code,
7 is amended by striking the item relating to section 823 and
8 inserting the following:

“823. Eligibility, enrollments, and status.”

9 **SEC. 804. ASSIGNMENT AND PERFORMANCE OF DUTIES.**

10 (a) *TRAVEL AND SUBSISTENCE EXPENSE*.—Section
11 830(a) of title 14, United States Code, is amended by strik-
12 ing “specific”.

13 (b) *ASSIGNMENT OF GENERAL DUTIES*.—Section 831
14 of title 14, United States Code, is amended by striking “spe-
15 cific” each place it appears.

16 (c) *BENEFITS FOR INJURY OR DEATH*.—Section 832
17 of title 14, United States Code, is amended by striking “spe-
18 cific” each place it appears.

19 **SEC. 805. COOPERATION WITH OTHER AGENCIES, STATES,**
20 **TERRITORIES, AND POLITICAL SUBDIVI-**
21 **SIONS.**

22 (a) *IN GENERAL*.—Section 141 of title 14, United
23 States Code, is amended—

24 (1) by striking the section heading and inserting
25 the following:

1 **“§ 141. Cooperation with other agencies, States, terri-**
2 **tories, and political subdivisions”;**

3 (2) in the first sentence of subsection (a), by in-
4 sserting after “personnel and facilities” the following:
5 “(including members of the Auxiliary and facilities
6 governed under chapter 23)”; and

7 (3) by adding at the end of subsection (a) the fol-
8 lowing new sentence: “The Commandant may pre-
9 scribe conditions, including reimbursement, under
10 which personnel and facilities may be provided under
11 this subsection.”.

12 (b) CLERICAL AMENDMENT.—The table of sections at
13 the beginning of chapter 7 of title 14, United States Code,
14 is amended by striking the item relating to section 141 and
15 inserting the following:

“141. Cooperation with other agencies, States, territories, and political subdivi-
sions.”.

16 **SEC. 806. VESSEL DEEMED PUBLIC VESSEL.**

17 Section 827 of title 14, United States Code, is amended
18 to read as follows:

19 **“§ 827. Vessel deemed public vessel**

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

1 **SEC. 807. AIRCRAFT DEEMED PUBLIC AIRCRAFT.**

2 *Section 828 of title 14, United States Code, is amended*
 3 *to read as follows:*

4 **“§ 828. Aircraft deemed public aircraft**

5 *“While assigned to authorized Coast Guard duty, any*
 6 *aircraft shall be deemed to be a Coast Guard aircraft, a*
 7 *public vessel of the United States, and a vessel of the Coast*
 8 *Guard within the meaning of sections 646 and 647 of this*
 9 *title and other applicable provisions of law. Subject to the*
 10 *provisions of sections 823a and 831 of this title, while as-*
 11 *signed to duty, qualified Auxiliary pilots shall be deemed*
 12 *to be Coast Guard pilots.”*

13 **SEC. 808. DISPOSAL OF CERTAIN MATERIAL.**

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

16 *(1) by inserting after “with or without charge,”*
 17 *the following: “to the Coast Guard Auxiliary, includ-*
 18 *ing any incorporated unit thereof,”; and*

19 *(2) by striking “to any incorporated unit of the*
 20 *Coast Guard Auxiliary,”.*

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