

Calendar No. 402

108TH CONGRESS
1ST SESSION

S. 733

[Report No. 108-202]

To authorize appropriations for fiscal year 2004 for the United States Coast Guard, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2003

Ms. SNOWE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 19, 2003

Reported by Mr. MCCAIN, with an amendment

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

A BILL

To authorize appropriations for fiscal year 2004 for the United States Coast Guard, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coast Guard Author-
5 ization Act of 2003”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents:

Title I—Authorization

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized Levels of military strength and training:

Title II—Coast Guard Personnel, Financial, and Property Management

Sec. 201. Enlisted member critical skill training bonus.

Sec. 202. Amend limits to the number and distribution of officers.

Sec. 203. Expansion of Coast Guard housing authorities.

Sec. 204. Property owned by auxiliary units and dedicated solely for auxiliary use.

Sec. 205. Coast Guard auxiliary units as instrumentalities of the United States for taxation purposes.

Title III—Law Enforcement, Marine Safety, and Environmental Protection

Sec. 301. Marking of underwater wrecks.

Sec. 302. Ports and waterways partnerships/cooperative ventures.

Sec. 303. Reports from charterers.

Sec. 304. Revision of temporary suspension criteria in suspension and revocation cases.

Sec. 305. Revision of bases for suspension and revocation cases.

Sec. 306. Removal of mandatory revocation for proved drug convictions in suspension and revocation cases.

Sec. 307. Records of merchant mariner's documents.

Sec. 308. Exemption of unmanned barges from certain citizenship requirements.

Sec. 309. Increase in civil penalties for violations of certain bridge statutes.

Sec. 310. Civil penalties for failure to comply with recreational vessel and associated equipment safety standards.

Sec. 311. Oil spill liability trust fund; emergency fund.

Sec. 312. Law enforcement powers.

Sec. 313. Correction to definition of Federal law enforcement agencies in the Enhanced Border Security and Visa Entry Reform Act of 2002.

Title IV—Miscellaneous

Sec. 401. Conveyance of lighthouses.

Sec. 402. LORAN-C.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2004.

There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2004 the following amounts:

(1) For the operation and maintenance of the Coast Guard, \$4,729,000,000, of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$775,000,000 to remain available until expended, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and de-

1 fense readiness, ~~\$22,000,000~~, to remain available
2 until expended, of which ~~\$3,500,000~~ shall be derived
3 from the Oil Spill Liability Trust Fund.

4 (4) For retired pay (including the payment of
5 obligations otherwise chargeable to lapsed appropria-
6 tions for this purpose), payments under the Retired
7 Serviceman's Family Protection and Survivor Ben-
8 efit Plans, and payments for medical care of retired
9 personnel and their dependents under chapter 55 of
10 title 10, United States Code, ~~\$1,020,000,000~~, to re-
11 main available until expended.

12 (5) For environmental compliance and restora-
13 tion at Coast Guard facilities (other than parts and
14 equipment associated with operations and mainte-
15 nance), ~~\$17,000,000~~, to remain available until ex-
16 pended.

17 (6) For alteration or removal of bridges over
18 navigable waters of the United States constituting
19 obstructions to navigation, and for personnel and
20 administrative costs associated with the Bridge Al-
21 teration Program—

22 (A) ~~\$16,000,000~~, to remain available until
23 expended; and

24 (B) ~~\$2,000,000~~, to remain available until
25 expended, which may be utilized for construc-

1 tion of a new Chelsea Street Bridge over the
2 Chelsea River in Boston, Massachusetts.

3 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
4 **AND TRAINING.**

5 (a) **END-OF-YEAR STRENGTH FOR FISCAL YEAR**
6 2004.—The Coast Guard is authorized an end-of-year
7 strength of active duty personnel of 45,500 as of Sep-
8 tember 30, 2004.

9 (b) **TRAINING STUDENT LOADS FOR FISCAL YEAR**
10 2004.—For fiscal year 2004, the Coast Guard is author-
11 ized average military training student loads as follows:

12 (1) For recruit and special training, 2,250 stu-
13 dent years.

14 (2) For flight training, 125 student years.

15 (3) For professional training in military and ei-
16 vilian institutions, 300 student years.

17 (4) For officer acquisition, 1,150 student years.

18 **TITLE II—COAST GUARD PER-**
19 **SONNEL, FINANCIAL, AND**
20 **PROPERTY MANAGEMENT**

21 **SEC. 201. ENLISTED MEMBER CRITICAL SKILL TRAINING**
22 **BONUS.**

23 (a) **IN GENERAL.**—Chapter 11 of title 14, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 **“§ 374. Critical skill training bonus**

2 “(a) The Secretary may provide a bonus, not to ex-
3 ceed \$20,000, to enlisted members who complete training
4 in a skill designated as critical, provided at least four
5 years of obligated active service remain on the member’s
6 enlistment at the time the training is completed. A bonus
7 under this section may be paid in a single lump sum or
8 in periodic installments.

9 “(b) If an enlisted member voluntarily or because of
10 misconduct does not complete his or her term of obligated
11 active service, the Secretary may require the member to
12 repay the United States, on a pro rata basis, all sums paid
13 under this section. The Secretary shall charge interest on
14 the reimbursed amount at a rate, to be determined quar-
15 terly, equal to 150 percent of the average of the yields
16 on the 91-day Treasury bills auctioned during the pre-
17 ceding calendar quarter.”.

18 (b) CONFORMING AMENDMENT.—The chapter anal-
19 ysis for chapter 11 of title 14, United States Code, is
20 amended by inserting after the item relating to section
21 ~~373~~ the following:

“374. Critical skill training bonus.”.

22 **SEC. 202. AMEND LIMITS TO THE NUMBER OF COM-**
23 **MANDERS AND LIEUTENANT COMMANDERS.**

24 Section 42 of title 14, United States Code, is amend-
25 ed —

1 (1) by striking “The” in subsection (a) and in-
 2 serting “Except in time of war or national emer-
 3 gency declared by Congress or the President, the”;

4 (2) by striking “6,200.” in subsection (a) and
 5 inserting “7,100. In time of war or national emer-
 6 gency, the Secretary shall establish the total number
 7 of commissioned officers, excluding commissioned
 8 warrant officers, on active duty in the Coast
 9 Guard.”; and

10 (3) by striking “commander 12.0; lieutenant
 11 commander 18.0.” in subsection (b) and inserting
 12 “commander 15.0; lieutenant commander 22.0.”.

13 **SEC. 203. EXPANSION OF COAST GUARD HOUSING AU-**
 14 **THORITIES.**

15 (a) **DEFINITIONS.**—Section 680 of title 14, United
 16 States Code, is amended by adding at the end the fol-
 17 lowing:

18 “(5) The term ‘eligible entity’ means any pri-
 19 vate person, corporation, firm, partnership, com-
 20 pany, State or local government, or housing author-
 21 ity of a State or local government.”.

22 (b) **DIRECT LOANS AND LOAN GUARANTEES.**—Sec-
 23 tion 682 of title 14, United States Code, is amended —

24 (1) by striking the section heading and insert-
 25 ing the following:

1 **“§ Direct loans and loan guarantees” ;**

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

4 (3) by inserting before subsection (b), as redesi-
5 gnated, the following:

6 “(a) DIRECT LOANS.—

7 “(1) Subject to subsection (c), the Secretary
8 may make direct loans to an eligible entity in order
9 to provide funds to the eligible entity for the acquisi-
10 tion or construction of housing units that the Sec-
11 retary determines are suitable for use as military
12 family housing or as military unaccompanied hous-
13 ing.

14 “(2) The Secretary shall establish such terms
15 and conditions with respect to loans made under this
16 subsection as the Secretary considers appropriate to
17 protect the interests of the United States, including
18 the period and frequency for repayment of such
19 loans and the obligations of the obligors on such
20 loans upon default.”;

21 (4) by striking “subsection (b),” in subsection
22 (b), as redesignated, and inserting “subsection (c),”;
23 and

24 (5) by striking the subsection heading for sub-
25 section (c), as redesignated, and inserting “(c) DI-
26 RECT LOANS AND LOAN GUARANTEES.—”.

1 (e) CONFORMING AMENDMENT.—The chapter anal-
 2 ysis for chapter 17 of title 14, United States Code, is
 3 amended by striking the item related to section 682 and
 4 inserting the following:

“682. Direct loans and loan guarantees.”.

5 **SEC. 204. PROPERTY OWNED BY AUXILIARY UNITS AND**
 6 **DEDICATED SOLELY FOR AUXILIARY USE.**

7 Section 821 of title 14, United States Code, is
 8 amended by adding at the end the following:

9 “(d) Subject to the approval of the Commandant:

10 “(1) The Coast Guard Auxiliary and each orga-
 11 nizational element and unit (whether or not incor-
 12 porated), shall have the power to acquire, own, hold,
 13 lease, encumber, mortgage, transfer, and dispose of
 14 personal property for the purposes set forth in sec-
 15 tion 822. Personal property owned by the Auxiliary
 16 or an Auxiliary unit, or any element thereof, whether
 17 or not incorporated, shall at all times be deemed to
 18 be property of the United States for the purposes of
 19 the statutes described in paragraphs (1) through (6)
 20 of subsection (b) while such property is being used
 21 by or made exclusively available to the Auxiliary as
 22 provided in section 822.

23 “(2) Personal property owned by the Auxiliary
 24 or an Auxiliary unit or any element or unit thereof,
 25 shall not be considered property of the United States

1 for any other purpose or under any other provision
2 of law except as provided in sections 821 through
3 832 and section 641 of this title. The necessary ex-
4 penses of operation, maintenance and repair or re-
5 placement of such property may be reimbursed using
6 appropriated funds.

7 “(3) For purposes of this subsection, personal
8 property includes, but is not limited to, motor boats,
9 yachts, aircraft, radio stations, motorized vehicles,
10 trailers, or other equipment.”

11 **SEC. 205. COAST GUARD AUXILIARY UNITS AS INSTRUMENTALITIES OF THE UNITED STATES FOR TAXATION PURPOSES.**

12
13
14 Section 821(a) of title 14, United States Code, is
15 amended by inserting “The Auxiliary and each organiza-
16 tional element and unit shall be deemed to be instrumen-
17 talities and political subdivisions of the United States for
18 taxation purposes and for those exemptions as provided
19 under section 107 of title 4, United States Code.” after
20 the second sentence.

1 **TITLE III—LAW ENFORCEMENT,**
2 **MARINE SAFETY, AND ENVI-**
3 **RONMENTAL PROTECTION**

4 **SEC. 301. MARKING OF UNDERWATER WRECKS.**

5 Section 15 of the Act of March 3, 1899 (30 Stat.
6 1152; 33 U.S.C. 409) is amended —

7 (1) by striking “day and a lighted lantern” in
8 the second sentence inserting “day and, unless oth-
9 erwise granted a waiver by the Commandant of the
10 Coast Guard, a light”; and

11 (2) by adding at the end “The Commandant of
12 the Coast Guard may waive the requirement to mark
13 a wrecked vessel, raft, or other craft with a light at
14 night if the Commandant determines that placing a
15 light would be impractical and granting such a wai-
16 ver would not create an undue hazard to naviga-
17 tion.”.

18 **SEC. 302. PORTS AND WATERWAYS PARTNERSHIPS; COOP-**
19 **ERATIVE VENTURES.**

20 Section 4 of the Ports and Waterways Safety Act (33
21 U.S.C. 1223), is amended—

22 (1) by striking “and” after the semicolon in
23 subsection (a)(4)(D);

24 (2) by striking “environment.” in subsection
25 (a)(5) and inserting “environment.”;

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

3 “(6) may carry out the functions under para-
4 graph (1) of this subsection, at the Secretary’s dis-
5 cretion and on such terms and conditions as the Sec-
6 retary deems appropriate, either solely, or in co-
7 operation with a public or private agency, authority,
8 association, institution, corporation, organization or
9 persons, except that a non-governmental entity may
10 not carry out an inherently governmental function;
11 and

12 “(7) may, for the purpose of carrying out the
13 Secretary’s functions under paragraph (1) of this
14 subsection, convey or lease real property under the
15 administrative control of the Coast Guard to public
16 or private agencies, authorities, associations, institu-
17 tions, corporations, organizations, or persons for
18 such consideration and upon such terms and condi-
19 tions as the Secretary considers appropriate, except
20 that the term of any such lease shall not exceed 20
21 years.”; and

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

23 “(e) SPECIAL PROVISIONS RELATING TO SUB-
24 SECTION (a)(6) AND (7).—

1 “(1) DEFINITION OF INHERENTLY GOVERN-
2 MENTAL FUNCTION.—For purposes of subsection
3 (a)(6), the term ‘inherently governmental function’
4 means any activity that is so intimately related to
5 the public interest as to mandate performance by an
6 officer or employee of the Federal Government, in-
7 cluding an activity that requires either the exercise
8 of discretion in applying the authority of the Gov-
9 ernment or the use of judgment in making a deci-
10 sion for the Government).

11 “(2) DISPOSITION OF PROCEEDS FROM CON-
12 VEYANCES AND LEASES.—Amounts collected under
13 subsection (a)(7) shall be credited to a special fund
14 in the Treasury and ascribed to the Coast Guard.
15 The amounts collected shall be available to the Coast
16 Guard’s ‘Operating Expenses’ account without fur-
17 ther appropriation and without fiscal year limitation,
18 and the amounts appropriated from the general fund
19 for that account shall be reduced by the amounts so
20 collected.

21 “(3) NONAPPLICATION OF CERTAIN ACTS.—A
22 conveyance or lease of real property under sub-
23 section (a)(7) is not subject to the Federal Property
24 and Administrative Services Act of 1949 (40 U.S.C.
25 471 et seq.), section 321 of the Act of June 30,

1 1932 (47 Stat. 412; 40 U.S.C. 303b), or the Stew-
 2 art B. McKinney Homeless Assistance Act (42
 3 U.S.C. 11301 et seq.).”.

4 **SEC. 303. REPORTS FROM CHARTERERS.**

5 Section 12120 of title 46, United States Code, is
 6 amended by striking “owners and masters” and inserting
 7 “owners, masters, and charterers”.

8 **SEC. 304. REVISION OF TEMPORARY SUSPENSION CRITERIA**
 9 **IN SUSPENSION AND REVOCATION CASES.**

10 Section 7702(d)(1) of title 46, United States Code,
 11 is amended—

12 (1) by striking “if, when acting under the au-
 13 thority of that license, certificate, or document—”
 14 and inserting “if—”;

15 (2) by striking “has” in subparagraph (B)(i)
 16 and inserting “has, while acting under the authority
 17 of that license, certificate, or document,”;

18 (3) by striking “or” at the end of subparagraph
 19 (B)(ii);

20 (4) by striking “1982.” in subparagraph
 21 (B)(iii) and inserting “1982; or”; and

22 (5) by adding at the end of subparagraph (B)
 23 the following:

24 “(iv) is a threat to the safety or security
 25 of a vessel or a public or commercial structure

1 located within or adjacent to the marine envi-
 2 ronment.”.

3 **SEC. 305. REVISION OF BASES FOR SUSPENSION & REVOCATION CASES.**
 4

5 Section 7703 of title 46, United States Code, is
 6 amended—

7 (1) by striking “incompetence” in paragraph
 8 (1)(B);

9 (2) by striking “or” after the semicolon in
 10 paragraph (2);

11 (3) by striking “1982.” in paragraph (3) and
 12 inserting “1982;” and

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

14 “(4) has committed an act of incompetence; or

15 “(5) is a threat to the safety or security of a
 16 vessel or a public or commercial structure located
 17 within or adjacent to the marine environment.”.

18 **SEC. 306. REMOVAL OF MANDATORY REVOCATION FOR
 19 PROVED DRUG CONVICTIONS IN SUSPENSION
 20 & REVOCATION CASES.**

21 Section 7704(b) of title 46, United States Code, is
 22 amended by inserting “suspended or” after “shall be”.

1 **SEC. 307. RECORDS OF MERCHANT MARINERS' DOCU-**
2 **MENTS.**

3 Section 7319 of title 46, United States Code, is
4 amended by striking the second sentence.

5 **SEC. 308. EXEMPTION OF UNMANNED BARGES FROM CER-**
6 **TAIN CITIZENSHIP REQUIREMENTS.**

7 (a) Section 12110(d) of title 46, United States Code,
8 is amended by inserting "or an unmanned barge operating
9 outside of the territorial waters of the United States,"
10 after "recreational endorsement,".

11 (b) Section 12122(b)(6) of title 46, United States
12 Code, is amended by inserting "or an unmanned barge op-
13 erating outside of the territorial waters of the United
14 States," after "recreational endorsement,".

15 **SEC. 309. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS**
16 **OF CERTAIN BRIDGE STATUTES.**

17 (a) Section 5(b) of the Bridge Act of 1906 (33 U.S.C.
18 495) is amended by striking "\$1,000." and inserting
19 "\$25,000.".

20 (b) Section 5(e) of the Act entitled "An Act making
21 appropriations for the construction, repair, and preserva-
22 tion of certain public works on rivers and harbors, and
23 for other purposes", approved August 18, 1894 (33
24 U.S.C. 499), is amended by striking "\$1,000." and insert-
25 ing "\$25,000.".

1 (c) Section 18(c) of the Act entitled “An Act making
 2 appropriations for the construction, repair, and preserva-
 3 tion of certain public works on rivers and harbors, and
 4 for other purposes”, enacted March 3, 1899 (33 U.S.C.
 5 502) is amended by striking “\$1,000.” and inserting
 6 “\$25,000.”.

7 (d) Section 510(b) of the General Bridge Act of 1946
 8 (33 U.S.C. 533) is amended by striking “\$1,000.” and
 9 inserting “25,000.”.

10 **SEC. 310. CIVIL PENALTIES FOR FAILURE TO COMPLY WITH**
 11 **RECREATIONAL VESSEL AND ASSOCIATED**
 12 **EQUIPMENT SAFETY STANDARDS.**

13 Section 4311 of title 46, United States Code, is
 14 amended—

15 (1) by striking the first sentence of subsection
 16 (b) and inserting “(1) A person violating section
 17 4307(a) of this title is liable to the United States
 18 Government for a civil penalty of not more than
 19 \$5,000, except that the maximum civil penalty may
 20 be not more than \$250,000 for a related series of
 21 violations.”;

22 (2) by striking “4307(a)(1),” in the second sen-
 23 tence of subsection (b) and inserting “4307(a).”;

1 ~~(3)~~ by redesignating paragraphs ~~(1)~~ and ~~(2)~~ of
 2 subsection ~~(b)~~ as subparagraphs ~~(A)~~ and ~~(B)~~, re-
 3 spectively;

4 ~~(4)~~ by adding at the end of subsection ~~(b)~~ the
 5 following:

6 ~~“(2) Any person, including, a director, officer, or ex-~~
 7 ~~ecutive employee of a corporation, who knowingly and will-~~
 8 ~~fully violates section 4307(a) of this title, shall be fined~~
 9 ~~not more than \$10,000, imprisoned for not more than one~~
 10 ~~year, or both.”; and~~

11 ~~(5) by striking “\$1,000.” in subsection (e) and~~
 12 ~~inserting “\$5,000.”.~~

13 **SEC. 311. OIL SPILL LIABILITY TRUST FUND; EMERGENCY**
 14 **FUND.**

15 Section 6002(b) of the Oil Pollution Act of 1990 (~~33~~
 16 U.S.C. 2752(b)) is amended by striking ~~“\$50,000,000”~~
 17 and inserting ~~“\$150,000,000”~~.

18 **SEC. 312. LAW ENFORCEMENT POWERS.**

19 ~~(a) IN GENERAL.—~~Chapter 5 of title 14, United
 20 States Code, is amended by inserting after section 95 the
 21 following:

22 ~~“§ 95a. Law enforcement powers~~

23 ~~“(a) IN GENERAL.—~~Subject to guidelines approved
 24 by the Secretary and the Attorney General, members of

1 the Coast Guard may, in the performance of official du-
 2 ties—

3 “(1) carry firearms;

4 “(2) make arrests without warrant for any of-
 5 fense against the United States committed in their
 6 presence, or for any felony cognizable under the laws
 7 of the United States if they have reasonable grounds
 8 to believe that the person to be arrested has com-
 9 mitted or is committing such felony; and

10 “(3) seize property as provided by law.

11 “(b) APPLICATION WITH OTHER AUTHORITY.—The
 12 provisions of this section are in addition to any powers
 13 conferred by law upon such officers, and not in limitation
 14 of any powers conferred by law upon such officers, or any
 15 other officers of the United States.”.

16 (b) CONFORMING AMENDMENT.—The chapter anal-
 17 ysis for chapter 5 of title 14, United States Code, is
 18 amended by inserting after the item relating to section 95
 19 the following:

 “95a. Law enforcement powers.”.

20 **SEC. 313. CORRECTION TO DEFINITION OF FEDERAL LAW**
 21 **ENFORCEMENT AGENCIES IN THE ENHANCED**
 22 **BORDER SECURITY AND VISA ENTRY RE-**
 23 **FORM ACT OF 2002.**

24 Paragraph (4) of section 2 of the Enhanced Border
 25 Security and Visa Entry Reform Act of 2002, Pub.L. 107-

1 173, is amended by striking subparagraph (G) and insert-
 2 ing the following:

3 “(G) The United States Coast Guard.”.

4 **TITLE IV—MISCELLANEOUS**

5 **SEC. 401. CONVEYANCE OF LIGHTHOUSES.**

6 Section 308(e) of the National Historic Lighthouse
 7 Preservation Act of 2000 (16 U.S.C. 470w-7(e)) is amend-
 8 ed by adding at the end the following:

9 “(4) LIGHTHOUSES ORIGINALLY CONVEYED UNDER
 10 OTHER AUTHORITY.—Upon receiving notice of an exe-
 11 cuted or intended conveyance by sale, gift, or any other
 12 manner of a lighthouse conveyed under authority other
 13 than this Act, the Secretary shall review the executed or
 14 proposed conveyance to ensure that any new owner will
 15 comply with any and all conditions of the original convey-
 16 ance. If the Secretary determines that the new owner has
 17 not or is unable to comply with those conditions the Sec-
 18 retary shall immediately invoke any reversionary interest
 19 or take such other action as may be necessary to protect
 20 the interests of the United States.”.

21 **SEC. 402. LORAN-C.**

22 There are authorized to be appropriated to the De-
 23 partment of Transportation, in addition to funds author-
 24 ized for the Coast Guard for operation of the LORAN-
 25 C system, for capital expenses related to LORAN-C navi-

1 gation infrastructure, \$25,000,000 for fiscal year 2004.
 2 The Secretary of Transportation may transfer from the
 3 Federal Aviation Administration and other agencies of the
 4 Department funds appropriated as authorized under this
 5 section in order to reimburse the Coast Guard for related
 6 expenses.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Coast Guard Authoriza-*
 9 *tion Act of 2003”.*

10 **SEC. 2. TABLE OF CONTENTS.**

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

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Sec. 203. Expansion of Coast Guard housing authorities.

*Sec. 204. Property owned by auxiliary units and dedicated solely for auxiliary
use.*

*Sec. 205. Coast Guard auxiliary units as instrumentalities of the United States
for taxation purposes.*

Sec. 206. Maximum age for retention in an active status.

Sec. 207. Term of enlistments.

Sec. 208. Requirement for constructive credit.

Sec. 209. Nonappropriated fund instrumentalities.

Sec. 210. Travel card management.

Sec. 211. Use of military child development centers and other programs.

**TITLE III—LAW ENFORCEMENT, MARINE SAFETY, AND
ENVIRONMENTAL PROTECTION**

Sec. 301. Marking of underwater wrecks.

*Sec. 302. Prohibition on operation of certain electronic devices; ports and water-
ways partnerships and cooperative ventures.*

Sec. 303. Reports from charterers.

- Sec. 304. Revision of temporary suspension criteria in suspension and revocation cases.*
- Sec. 305. Revision of bases for suspension and revocation cases.*
- Sec. 306. Removal of mandatory revocation for proved drug convictions in suspension and revocation cases.*
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- Sec. 308. Exemption of unmanned barges from certain citizenship requirements.*
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- Sec. 310. Civil penalties for failure to comply with recreational vessel and associated equipment safety standards.*
- Sec. 311. Correction to definition of Federal law enforcement agencies in the Enhanced Border Security and Visa Entry Reform Act of 2002.*
- Sec. 312. Stopping vessels; immunity for firing at or into vessel.*
- Sec. 313. Use of unexpended funds for bridge alterations under Truman-Hobbs Act.*
- Sec. 314. Inland navigation rules promulgation authority.*
- Sec. 315. Prevention of departure.*
- Sec. 316. Compliance with international safety management code.*
- Sec. 317. Amendments to vessel response plan requirements.*
- Sec. 318. Requirements for tank level and pressure monitoring devices.*
- Sec. 319. Report on implementation of the Oil Pollution Act.*
- Sec. 320. Loans for fishermen impacted by oil spills.*
- Sec. 321. Fisheries enforcement plans and reporting.*
- Sec. 322. Deepwater report.*
- Sec. 323. Small passenger vessel safety.*
- Sec. 324. Electronic navigational charting.*

TITLE IV—MISCELLANEOUS

- Sec. 401. Conveyance of lighthouses.*
- Sec. 402. LORAN-C.*
- Sec. 403. Conveyance of decommissioned Coast Guard cutters.*
- Sec. 404. Koss Cove.*
- Sec. 405. Declaration of non-navigability for portion of the Wateree River.*
- Sec. 406. Correction of 2002 coastwise trade authorization provision.*
- Sec. 407. Innovative construction alternatives.*

1 **TITLE I—AUTHORIZATION**

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

3 (a) *FISCAL YEAR 2004.*—*There are authorized to be*
 4 *appropriated for necessary expenses of the Coast Guard for*
 5 *fiscal year 2004 the following amounts:*

6 (1) *For the operation and maintenance of the*
 7 *Coast Guard, \$4,913,000,000, of which \$25,000,000*
 8 *shall be derived from the Oil Spill Liability Trust*
 9 *Fund, of which—*

1 (A) \$70,000,000 shall be available to ana-
2 lyze port security plans prepared in compliance
3 with chapter 701 of title 46, United States Code;

4 (B) \$100,000,000 shall be available for in-
5 creased operating expenses due to heightened se-
6 curity efforts; and

7 (C) \$36,000,000 may be available for use in
8 commissioning 3 additional Marine Safety and
9 Security Teams.

10 (2) For the acquisition, construction, rebuilding,
11 and improvement of aids to navigation, shore and off-
12 shore facilities, vessels, and aircraft, including equip-
13 ment related thereto, \$1,017,000,000 (of which
14 \$20,000,000 shall be derived from the Oil Spill Li-
15 ability Trust Fund to carry out the purposes of sec-
16 tion 1012(a)(5) of the Oil Pollution Act of 1990), to
17 remain available until expended, of which—

18 (A) \$702,000,000 shall be available for the
19 Coast Guard’s integrated deepwater system;

20 (B) \$134,000,000 shall be available for the
21 Coast Guard’s “Rescue 21” program; and

22 (C) \$40,000,000 shall be available for the
23 Automatic Identification System.

24 (3) For research, development, test, and evalua-
25 tion of technologies, materials, and human factors di-

1 *rectly relating to improving the performance of the*
2 *Coast Guard's mission in support of search and res-*
3 *cue, aids to navigation, marine safety, marine envi-*
4 *ronmental protection, enforcement of laws and trea-*
5 *ties, ice operations, oceanographic research, and de-*
6 *fense readiness, \$22,000,000, to remain available*
7 *until expended, of which \$3,500,000 shall be derived*
8 *from the Oil Spill Liability Trust Fund.*

9 *(4) For retired pay (including the payment of*
10 *obligations otherwise chargeable to lapsed appropria-*
11 *tions for this purpose), payments under the Retired*
12 *Serviceman's Family Protection and Survivor Benefit*
13 *Plans, and payments for medical care of retired per-*
14 *sonnel and their dependents under chapter 55 of title*
15 *10, United States Code, \$1,020,000,000, to remain*
16 *available until expended.*

17 *(5) For environmental compliance and restora-*
18 *tion at Coast Guard facilities (other than parts and*
19 *equipment associated with operations and mainte-*
20 *nance), \$17,000,000, to remain available until ex-*
21 *pended.*

22 *(6) For alteration or removal of bridges over*
23 *navigable waters of the United States constituting ob-*
24 *structions to navigation, and for personnel and ad-*

1 *ministrative costs associated with the Bridge Alter-*
 2 *ation Program—*

3 (A) *\$16,000,000, to remain available until*
 4 *expended; and*

5 (B) *\$2,500,000, to remain available until*
 6 *expended, which may be utilized for construction*
 7 *of a new Chelsea Street Bridge over the Chelsea*
 8 *River in Boston, Massachusetts.*

9 (b) *FISCAL YEAR 2005.—There are authorized to be*
 10 *appropriated for necessary expenses of the Coast Guard for*
 11 *fiscal year 2005 for each function described in paragraphs*
 12 *(1) through (6) of subsection (A) such sums as may be nec-*
 13 *essary.*

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

16 (a) *END-OF-YEAR STRENGTH FOR FISCAL YEAR*
 17 *2004.—The Coast Guard is authorized an end-of-year*
 18 *strength of active duty personnel of 45,500 as of September*
 19 *30, 2004.*

20 (b) *TRAINING STUDENT LOADS FOR FISCAL YEAR*
 21 *2004.—For fiscal year 2004, the Coast Guard is authorized*
 22 *average military training student loads as follows:*

23 (1) *For recruit and special training, 2,250 stu-*
 24 *dent years.*

25 (2) *For flight training, 125 student years.*

1 (3) *For professional training in military and ci-*
 2 *vilian institutions, 300 student years.*

3 (4) *For officer acquisition, 1,200 student years.*

4 **TITLE II—COAST GUARD PER-**
 5 **SONNEL, FINANCIAL, AND**
 6 **PROPERTY MANAGEMENT**

7 **SEC. 201. ENLISTED MEMBER CRITICAL SKILL TRAINING**
 8 **BONUS.**

9 (a) *IN GENERAL.*—Chapter 11 of title 14, United
 10 *States Code, is amended by adding at the end the following:*

11 **“§374. Critical skill training bonus**

12 “(a) *The Secretary may provide a bonus, not to exceed*
 13 *\$20,000, to enlisted members who complete training in a*
 14 *skill designated as critical, provided at least four years of*
 15 *obligated active service remain on the member’s enlistment*
 16 *at the time the training is completed. A bonus under this*
 17 *section may be paid in a single lump sum or in periodic*
 18 *installments.*

19 “(b) *If an enlisted member voluntarily or because of*
 20 *misconduct does not complete his or her term of obligated*
 21 *active service, the Secretary may require the member to*
 22 *repay the United States, on a pro rata basis, all sums paid*
 23 *under this section. The Secretary shall charge interest on*
 24 *the reimbursed amount at a rate, to be determined quar-*
 25 *terly, equal to 150 percent of the average of the yields on*

1 *the 91-day Treasury bills auctioned during the preceding*
 2 *calendar quarter.”.*

3 (b) *CONFORMING AMENDMENT.—The chapter analysis*
 4 *for chapter 11 of title 14, United States Code, is amended*
 5 *by inserting after the item relating to section 373 the fol-*
 6 *lowing:*

“374. Critical skill training bonus.”.

7 **SEC. 202. AMEND LIMITS TO THE NUMBER OF COM-**
 8 **MANDERS AND LIEUTENANT COMMANDERS.**

9 *Section 42 of title 14, United States Code, is*
 10 *amended—*

11 (1) *by striking “The” in subsection (a) and in-*
 12 *serting “Except in time of war or national emergency*
 13 *declared by Congress or the President, the”;*

14 (2) *by striking “6,200.” in subsection (a) and*
 15 *inserting “7,100. In time of war or national emer-*
 16 *gency, the Secretary shall establish the total number*
 17 *of commissioned officers, excluding commissioned*
 18 *warrant officers, on active duty in the Coast Guard.”;*
 19 *and*

20 (3) *by striking “commander 12.0; lieutenant*
 21 *commander 18.0.” in subsection (b) and inserting*
 22 *“commander 15.0; lieutenant commander 22.0.”.*

1 **SEC. 203. EXPANSION OF COAST GUARD HOUSING AU-**
2 **THORITIES.**

3 (a) *DEFINITIONS.*—Section 680 of title 14, United
4 States Code, is amended by adding at the end the following:

5 “(5) The term ‘eligible entity’ means any private
6 person, corporation, firm, partnership, company,
7 State or local government, or housing authority of a
8 State or local government.”.

9 (b) *DIRECT LOANS AND LOAN GUARANTEES.*—Section
10 682 of title 14, United States Code, is amended—

11 (1) by striking the section heading and inserting
12 the following:

13 **“§ 682. Direct loans and loan guarantees”;**

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

16 (3) by inserting before subsection (b), as redesign-
17 nated, the following:

18 “(a) *DIRECT LOANS.*—

19 “(1) Subject to subsection (c), the Secretary may
20 make direct loans to an eligible entity in order to
21 provide funds to the eligible entity for the acquisition
22 or construction of housing units that the Secretary de-
23 termines are suitable for use as military family hous-
24 ing or as military unaccompanied housing.

25 “(2) The Secretary shall establish such terms and
26 conditions with respect to loans made under this sub-

1 822. *Personal property owned by the Auxiliary or an*
2 *Auxiliary unit, or any element thereof, whether or not*
3 *incorporated, shall at all times be deemed to be prop-*
4 *erty of the United States for the purposes of the stat-*
5 *utes described in paragraphs (1) through (6) of sub-*
6 *section (b) while such property is being used by or*
7 *made exclusively available to the Auxiliary as pro-*
8 *vided in section 822.*

9 “(2) *Personal property owned by the Auxiliary*
10 *or an Auxiliary unit or any element or unit thereof,*
11 *shall not be considered property of the United States*
12 *for any other purpose or under any other provision*
13 *of law except as provided in sections 821 through 832*
14 *and section 641 of this title. The necessary expenses*
15 *of operation, maintenance and repair or replacement*
16 *of such property may be reimbursed using appro-*
17 *priated funds.*

18 “(3) *For purposes of this subsection, personal*
19 *property includes, but is not limited to, motor boats,*
20 *yachts, aircraft, radio stations, motorized vehicles,*
21 *trailers, or other equipment.”.*

1 **SEC. 205. COAST GUARD AUXILIARY UNITS AS INSTRUMENTALITIES OF THE UNITED STATES FOR TAXATION PURPOSES.**

2
3
4 *Section 821(a) of title 14, United States Code, is*
5 *amended by inserting “The Auxiliary and each organiza-*
6 *tional element and unit shall be deemed to be instrumental-*
7 *ities and political subdivisions of the United States for tax-*
8 *ation purposes and for those exemptions as provided under*
9 *section 107 of title 4.” after the second sentence.*

10 **SEC. 206. MAXIMUM AGE FOR RETENTION IN AN ACTIVE STATUS.**

11
12 *Section 742 of title 14, United States Code, is amend-*
13 *ed—*

14 *(1) by striking “sixty-two” in subsection (a) and*
15 *inserting “sixty”; and*

16 *(2) by striking “sixty-two” in subsection (c) and*
17 *inserting “sixty”.*

18 **SEC. 207. TERM OF ENLISTMENTS.**

19 *Section 351(a) of title 14, United States Code, is*
20 *amended by striking “terms of full years not exceeding six*
21 *years.” and inserting “a period of at least 2 years but not*
22 *more than 6 years.”.*

23 **SEC. 208. REQUIREMENT FOR CONSTRUCTIVE CREDIT.**

24 *The second sentence of section 727 of title 14, United*
25 *States Code, is amended by striking “three years” and in-*
26 *serting “1 year’s”.*

1 **SEC. 209. NONAPPROPRIATED FUND INSTRUMENTALITIES.**

2 (a) *IN GENERAL.*—Chapter 7 of title 14, United States
3 Code, is amended by adding at the end the following:

4 **“§ 152. Nonappropriated fund instrumentalities; con-**
5 **tracts with other agencies and instrumen-**
6 **talities to provide or obtain goods and**
7 **services**

8 “The Coast Guard Exchange System, or a morale, wel-
9 fare, and recreation system of the Coast Guard, may enter
10 into a contract or other agreement with any element or in-
11 strumentality of the Coast Guard or with another Federal
12 department, agency, or instrumentality thereof to provide
13 or obtain goods and services beneficial to the efficient man-
14 agement and operation of the exchange system or that mo-
15 rale, welfare, and recreation system.”.

16 (b) *CONFORMING AMENDMENT.*—The chapter analysis
17 for chapter 7 of title 14, United States Code, is amended
18 by inserting after the item relating to section 151 the fol-
19 lowing:

“152. Nonappropriated fund instrumentalities; contracts with other agencies
and instrumentalities to provide or obtain goods and serv-
ices”.

20 **SEC. 210. TRAVEL CARD MANAGEMENT.**

21 (a) *IN GENERAL.*—Chapter 13 of title 14, United
22 States Code, is amended by adding at the end the following:

1 **“§ 517. Travel card management**

2 “(a) *IN GENERAL.*—*The Secretary may require that*
3 *travel or transportation allowances due a civilian employee*
4 *or military member of the Coast Guard be disbursed di-*
5 *rectly to the issuer of a Federal contractor- issued travel*
6 *charge card, but only in an amount not to exceed the au-*
7 *thorized travel expenses charged by that Coast Guard mem-*
8 *ber to that travel charge card issued to that employee or*
9 *member.*

10 “(b) *WITHHOLDING OF NONDISPUTED OBLIGA-*
11 *TIONS.*—*The Secretary may also establish requirements*
12 *similar to those established by the Secretary of Defense pur-*
13 *suant to section 2784a of title 10 for deduction or with-*
14 *holding of pay or retired pay from a Coast Guard employee,*
15 *member, or retired member who is delinquent in payment*
16 *under the terms of the contract under which the card was*
17 *issued and does not dispute the amount of the delin-*
18 *quency.”.*

19 “(b) *CONFORMING AMENDMENT.*—*The chapter analysis*
20 *for chapter 13 of title 14, United States Code, is amended*
21 *by inserting after the item relating to section 516 the fol-*
22 *lowing:*

 “517. *Travel card management”.*

1 **SEC. 211. USE OF MILITARY CHILD DEVELOPMENT CENTERS**
 2 **AND OTHER PROGRAMS.**

3 *The Secretary of Defense and the Secretary of the de-*
 4 *partment in which the Coast Guard is operating, when op-*
 5 *erating other than as a service in the Navy, may agree to*
 6 *provide child care services to members of the armed forces*
 7 *with or without reimbursement in military child develop-*
 8 *ment centers and other programs supported in whole or in*
 9 *part with appropriated funds. For purposes of military*
 10 *child development centers and other programs operated*
 11 *under the authority of subchapter II of chapter 88 of title*
 12 *10, United States Code, the child of a Coast Guard member*
 13 *shall be considered the same as the child of a member of*
 14 *any of the other armed forces.*

15 **TITLE III—LAW ENFORCEMENT,**
 16 **MARINE SAFETY, AND ENVI-**
 17 **RONMENTAL PROTECTION**

18 **SEC. 301. MARKING OF UNDERWATER WRECKS.**

19 *Section 15 of the Act of March 3, 1899 (30 Stat. 1152;*
 20 *33 U.S.C. 409) is amended—*

21 *(1) by striking “day and a lighted lantern” in*
 22 *the second sentence inserting “day and, unless other-*
 23 *wise granted a waiver by the Commandant of the*
 24 *Coast Guard, a light”; and*

25 *(2) by adding at the end “The Commandant of*
 26 *the Coast Guard may waive the requirement to mark*

1 son, except that a non-governmental entity may not
2 carry out an inherently governmental function; and

3 “(8) may, for the purpose of carrying out the
4 Secretary’s functions under paragraph (1) of this sub-
5 section, convey or lease real property under the ad-
6 ministrative control of the Coast Guard to public or
7 private agencies, authorities, associations, institu-
8 tions, corporations, organizations, or persons for such
9 consideration and upon such terms and conditions as
10 the Secretary considers appropriate, except that the
11 term of any such lease shall not exceed 20 years.”;
12 and

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

14 “(e) SPECIAL PROVISIONS RELATING TO SUBSECTION

15 (a) (7) AND (8).—

16 “(1) DEFINITION OF INHERENTLY GOVERN-
17 MENTAL FUNCTION.—For purposes of subsection
18 (a)(7), the term ‘inherently governmental function’
19 means any activity that is so intimately related to
20 the public interest as to mandate performance by an
21 officer or employee of the Federal Government, includ-
22 ing an activity that requires either the exercise of dis-
23 cretion in applying the authority of the Government
24 or the use of judgment in making a decision for the
25 Government.

1 “(2) *DISPOSITION OF PROCEEDS FROM CONVEY-*
 2 *ANCES AND LEASES.*—Amounts collected under sub-
 3 *section (a)(7) shall be credited to a special fund in the*
 4 *Treasury and ascribed to the Coast Guard. The*
 5 *amounts collected shall be available to the Coast*
 6 *Guard’s ‘Operating Expenses’ account without further*
 7 *appropriation and without fiscal year limitation,*
 8 *and the amounts appropriated from the general fund*
 9 *for that account shall be reduced by the amounts so*
 10 *collected.*

11 “(3) *NONAPPLICATION OF CERTAIN ACTS.*—A
 12 *conveyance or lease of real property under subsection*
 13 *(a)(8) is not subject to subtitle I of title 40, United*
 14 *States Code, or the Stewart B. McKinney Homeless*
 15 *Assistance Act (42 U.S.C. 11301 et seq.).”.*

16 **SEC. 303. REPORTS FROM CHARTERERS.**

17 *Section 12120 of title 46, United States Code, is*
 18 *amended by striking “owners and masters” and inserting*
 19 *“owners, masters, and charterers”.*

20 **SEC. 304. REVISION OF TEMPORARY SUSPENSION CRITERIA**
 21 **IN SUSPENSION AND REVOCATION CASES.**

22 *Section 7702(d)(1) of title 46, United States Code, is*
 23 *amended—*

1 (1) *by striking “if, when acting under the au-*
 2 *thority of that license, certificate, or document—”*
 3 *and inserting “if—”;*

4 (2) *by striking “has” in subparagraph (B)(i)*
 5 *and inserting “has, while acting under the authority*
 6 *of that license, certificate, or document,”;*

7 (3) *by striking “or” at the end of subparagraph*
 8 *(B)(ii);*

9 (4) *by striking “1982.” in subparagraph (B)(iii)*
 10 *and inserting “1982; or”; and*

11 (5) *by adding at the end of subparagraph (B)*
 12 *the following:*

13 *“(iv) is a security risk that poses a threat*
 14 *to the safety or security of a vessel or a public*
 15 *or commercial structure located within or adja-*
 16 *cent to the marine environment.”.*

17 **SEC. 305. REVISION OF BASES FOR SUSPENSION AND REV-**
 18 **OCATION CASES.**

19 *Section 7703 of title 46, United States Code, is amend-*
 20 *ed—*

21 (1) *by striking “incompetence, misconduct, or*
 22 *negligence;” in paragraph (1)(B) and insert “mis-*
 23 *conduct or negligence;”;*

24 (2) *by striking “or” after the semicolon in para-*
 25 *graph (2);*

1 (3) by striking “note).” in paragraph (3) and
 2 inserting “note);”; and

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

4 “(4) has committed an act of incompetence relat-
 5 ing to the operation of a vessel, whether or not acting
 6 under the authority of that license, certificate, or doc-
 7 ument; or

8 “(5) is a security risk that poses a threat to the
 9 safety or security of a vessel or a public or commer-
 10 cial structure located within or adjacent to the ma-
 11 rine environment.”.

12 **SEC. 306. REMOVAL OF MANDATORY REVOCATION FOR**
 13 **PROVED DRUG CONVICTIONS IN SUSPENSION**
 14 **& REVOCATION CASES.**

15 Section 7704(b) of title 46, United States Code, is
 16 amended by inserting “suspended or” after “shall be”.

17 **SEC. 307. RECORDS OF MERCHANT MARINERS’ DOCU-**
 18 **MENTS.**

19 Section 7319 of title 46, United States Code, is amend-
 20 ed by striking the second sentence.

21 **SEC. 308. EXEMPTION OF UNMANNED BARGES FROM CER-**
 22 **TAIN CITIZENSHIP REQUIREMENTS.**

23 (a) Section 12110(d) of title 46, United States Code,
 24 is amended by inserting “or an unmanned barge operating

1 *outside of the territorial waters of the United States,” after*
2 *“recreational endorsement,”.*

3 (b) *Section 12122(b)(6) of title 46, United States Code,*
4 *is amended by inserting “or an unmanned barge operating*
5 *outside of the territorial waters of the United States,” after*
6 *“recreational endorsement,”.*

7 **SEC. 309. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS**
8 **OF CERTAIN BRIDGE STATUTES.**

9 (a) *Section 5(b) of the Bridge Act of 1906 (33 U.S.C.*
10 *495) is amended by striking “\$1,000.” and inserting*
11 *“\$25,000.”.*

12 (b) *Section 5(c) of the Act entitled “An Act making*
13 *appropriations for the construction, repair, and preserva-*
14 *tion of certain public works on rivers and harbors, and for*
15 *other purposes”, approved August 18, 1894 (33 U.S.C. 499),*
16 *is amended by striking “\$1,000.” and inserting “\$25,000.”.*

17 (c) *Section 18(c) of the Act entitled “An Act making*
18 *appropriations for the construction, repair, and preserva-*
19 *tion of certain public works on rivers and harbors, and for*
20 *other purposes”, enacted March 3, 1899 (33 U.S.C. 502)*
21 *is amended by striking “\$1,000.” and inserting “\$25,000.”.*

22 (d) *Section 510(b) of the General Bridge Act of 1946*
23 *(33 U.S.C. 533) is amended by striking “\$1,000.” and in-*
24 *serting “25,000.”.*

1 **SEC. 310. CIVIL PENALTIES FOR FAILURE TO COMPLY WITH**
2 **RECREATIONAL VESSEL AND ASSOCIATED**
3 **EQUIPMENT SAFETY STANDARDS.**

4 *Section 4311 of title 46, United States Code, is amend-*
5 *ed—*

6 *(1) by striking the first sentence of subsection (b)*
7 *and inserting “(1) A person violating section 4307(a)*
8 *of this title is liable to the United States Government*
9 *for a civil penalty of not more than \$5,000, except*
10 *that the maximum civil penalty may be not more*
11 *than \$250,000 for a related series of violations.”;*

12 *(2) by striking “4307(a)(1),” in the second sen-*
13 *tence of subsection (b) and inserting “4307(a),”;*

14 *(3) by redesignating paragraphs (1) and (2) of*
15 *subsection (b) as subparagraphs (A) and (B), respec-*
16 *tively;*

17 *(4) by adding at the end of subsection (b) the fol-*
18 *lowing:*

19 *“(2) Any person, including, a director, officer, or exec-*
20 *utive employee of a corporation, who knowingly and will-*
21 *fully violates section 4307(a) of this title, shall be fined not*
22 *more than \$10,000, imprisoned for not more than one year,*
23 *or both.”; and*

24 *(5) by striking “\$1,000.” in subsection (c) and*
25 *inserting “\$5,000.”.*

1 **SEC. 311. CORRECTION TO DEFINITION OF FEDERAL LAW**
2 **ENFORCEMENT AGENCIES IN THE ENHANCED**
3 **BORDER SECURITY AND VISA ENTRY REFORM**
4 **ACT OF 2002.**

5 *Paragraph (4) of section 2 of the Enhanced Border Se-*
6 *curity and Visa Entry Reform Act of 2002, Public Law*
7 *107–173, is amended by striking subparagraph (G) and in-*
8 *serting the following:*

9 *“(G) The United States Coast Guard.”.*

10 **SEC. 312. STOPPING VESSELS; IMMUNITY FOR FIRING AT OR**
11 **INTO VESSEL.**

12 *(a) IN GENERAL.—Section 637 of title 14, United*
13 *States Code, is amended—*

14 *(1) by striking subsection (a) and inserting the*
15 *following:*

16 *“(a) Whenever any vessel liable to seizure or examina-*
17 *tion does not stop on being ordered to do so or on being*
18 *pursued by an authorized vessel or authorized aircraft has*
19 *displayed the ensign, pennant, or other identifying insignia*
20 *prescribed for an authorized vessel or authorized aircraft,*
21 *the person in command or in charge of the authorized vessel*
22 *or authorized aircraft may, after a gun has been fired by*
23 *the authorized vessel or authorized aircraft as a warning*
24 *signal, fire at or into the vessel which does not stop; except*
25 *that the prior use of the warning signal is not required if*

1 *its use would unreasonably endanger persons or property*
2 *in the vicinity of the vessel.”;*

3 (2) *by inserting “or” after the semicolon in sub-*
4 *section (c)(1);*

5 (3) *by striking paragraphs (2) and (3) of sub-*
6 *section (c) and inserting the following:*

7 “(2) *it is a surface naval vessel or military air-*
8 *craft on which one or more members of the Coast*
9 *Guard are assigned pursuant to section 379 of title*
10 *10.”; and*

11 (4) *by striking subsection (d).*

12 (b) *REPORT.—The Commandant of the Coast Guard*
13 *shall transmit a report annually to the Senate Committee*
14 *on Commerce, Science, and Transportation and the House*
15 *of Representatives Committee on Transportation and Infra-*
16 *structure describing the location, vessels or aircraft, cir-*
17 *cumstances, and consequences of each incident in the 12-*
18 *month period covered by the report in which the person in*
19 *command or in charge of an authorized vessel or an author-*
20 *ized aircraft (as those terms are used in section 637 of title*
21 *14, United States Code) fired at or into a vessel without*
22 *prior use of the warning signal as authorized by that sec-*
23 *tion.*

1 **SEC. 313. USE OF UNEXPENDED FUNDS FOR BRIDGE ALTER-**
 2 **ATIONS UNDER TRUMAN-HOBBS ACT.**

3 *Section 8 of the Act of June 21, 1940 (33 U.S.C. 518)*
 4 *is amended—*

5 (1) *by inserting “(a) IN GENERAL.—” before*
 6 *“There”; and*

7 (2) *by adding at the end the following:*

8 *“(b) UNEXPENDED FUNDS.—In addition to other uses*
 9 *permitted by law, upon completion of a bridge alteration*
 10 *project, unexpended funds previously appropriated or other-*
 11 *wise available for the completed project may be used to pay*
 12 *the Federal share of the design and construction costs for*
 13 *other bridge alteration projects authorized under this Act.”.*

14 **SEC. 314. INLAND NAVIGATION RULES PROMULGATION AU-**
 15 **THORITY.**

16 (a) *REPEAL.—Section 2 of the Inland Navigation*
 17 *Rules Act of 1980 (33 U.S.C. 2001) is repealed.*

18 (b) *INLAND NAVIGATION RULES.—Section 3 of the In-*
 19 *land Navigation Rules Act of 1980 (33 U.S.C. 2002) is*
 20 *amended to read as follows:*

21 **“SEC. 3. INLAND NAVIGATION RULES.**

22 *“The Secretary may issue inland navigation regula-*
 23 *tions applicable to all vessels upon the inland waters of the*
 24 *United States and technical annexes that are as consistent*
 25 *as possible with the respective annexes to the International*
 26 *Regulations.”.*

1 **SEC. 315. PREVENTION OF DEPARTURE.**

2 *Section 3505 of title 46, United States Code, is amend-*
 3 *ed to read as follows:*

4 **“§ 3505. Prevention of departure**

5 *“Notwithstanding section 3303(a) of this title, a for-*
 6 *foreign vessel carrying a citizen of the United States as a pas-*
 7 *senger or embarking passengers from a United States port*
 8 *may not depart from a United States port if the Secretary*
 9 *finds that the vessel does not comply with the standards*
 10 *stated in the International Convention for the Safety of Life*
 11 *at Sea to which the United States Government is currently*
 12 *a party.”.*

13 **SEC. 316. COMPLIANCE WITH INTERNATIONAL SAFETY MAN-**
 14 **AGEMENT CODE.**

15 *(a) APPLICATION OF EXISTING LAW.—Section 3202(a)*
 16 *of title 46, United States Code, is amended to read as fol-*
 17 *lows:*

18 *“(a) MANDATORY APPLICATION.—This chapter applies*
 19 *to a vessel that—*

20 *“(1)(A) is transporting more than 12 passengers*
 21 *described in section 2101(21)(A) of this title; or*

22 *“(B) is of at least 500 gross tons as measured*
 23 *under section 14502 of this title, or an alternate ton-*
 24 *nage measured under section 14302 of this title as*
 25 *prescribed by the Secretary under section 14104 of*
 26 *this title, that is a tanker, freight vessel, bulk freight*

1 vessel, high speed freight vessel, or self-propelled mo-
 2 bile offshore drilling unit; and

3 “(2)(A) is engaged on a foreign voyage; or

4 “(B) is a foreign vessel departing from a place
 5 under the jurisdiction of the United States on a voy-
 6 age, any part of which is on the high seas.”.

7 (b) COMPLIANCE OF REGULATIONS WITH INTER-
 8 NATIONAL SAFETY MANAGEMENT CODE.—Section 3203(b)
 9 of title 46, United States Code, is amended by striking “ves-
 10 sels engaged on a foreign voyage.” and inserting “vessels
 11 to which this chapter applies.”.

12 **SEC. 317. AMENDMENTS TO VESSEL RESPONSE PLAN RE-**
 13 **QUIREMENTS.**

14 (a) IN GENERAL.—Section 311(j) of the Federal Water
 15 Pollution Control Act (33 U.S.C. 1321(j)) is amended—

16 (1) by striking the caption of paragraph (5) and
 17 inserting “(5) TANK VESSEL, NON-TANK VESSEL, AND
 18 FACILITY RESPONSE PLANS.—”;

19 (2) by striking “vessel or” in paragraph (5)(A)
 20 and inserting “vessel, a non-tank vessel, or a”;

21 (3) by striking “vessels and” in paragraph
 22 (5)(B) and inserting “vessels, non-tank vessels, and”;

23 (4) by redesignating clauses (ii) and (iii) of
 24 paragraph (5)(B) as clauses (iii) and (iv), respec-
 25 tively, and inserting after clause (i) the following:

- 1 “(i) *A non-tank vessel.*”;
- 2 (5) *by striking “vessel or” in paragraph (5)(D)*
- 3 *and inserting “vessel, a non-tank vessel, or an”;*
- 4 (6) *by inserting “non-tank vessel,” in paragraph*
- 5 *(5)(E) after “vessel,” each place it appears;*
- 6 (7) *by inserting “non-tank vessel,” in paragraph*
- 7 *(5)(F) after “vessel,”;*
- 8 (8) *by striking “vessel or” in paragraph (5)(F)*
- 9 *and inserting “vessel, non-tank vessel, or”;*
- 10 (9) *by inserting “non-tank vessel,” in paragraph*
- 11 *(5)(G) after “vessel,”;*
- 12 (10) *by inserting “and non-tank vessel” in para-*
- 13 *graph (5)(H) after “each tank vessel”;*
- 14 (11) *by striking “Not later than 2 years after the*
- 15 *date of enactment of this section, the President shall*
- 16 *require—” in paragraph (6) and inserting “The*
- 17 *President may require—”;*
- 18 (12) *by striking “cargo” in paragraph (6)(B)*
- 19 *and inserting “cargo, and non-tank vessels carrying*
- 20 *oil of any kind as fuel for main propulsion,”; and*
- 21 (13) *by striking “vessel and” in paragraph (7)*
- 22 *and inserting “vessel, non-tank vessel, and” in para-*
- 23 *graph (7).*

1 **(b) NON-TANK VESSEL DEFINED.**—Section 311(a) of
2 *the Federal Water Pollution Control Act (33 U.S.C. 1321)*
3 *is amended—*

4 (1) *by striking “and” after the semicolon in*
5 *paragraph (24)(B);*

6 (2) *by striking “threat.” in paragraph (25) and*
7 *inserting “threat; and”; and*

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

9 “(26) ‘non-tank vessel’ means a self-propelled
10 *vessel of 400 gross tons or greater, other than a tank*
11 *vessel, which carries oil of any kind as fuel for main*
12 *propulsion and that—*

13 *“(A) is a vessel of the United States; or*

14 *“(B) operates on the navigable waters of the*
15 *United States.”.*

16 **(c) ADDITION OF NOXIOUS LIQUID SUBSTANCES TO**
17 **THE LIST OF HAZARDOUS SUBSTANCES FOR WHICH THE**
18 **COAST GUARD MAY REQUIRE A RESPONSE PLAN.**—Section
19 *311(j)(5) of the Federal Water Pollution Control Act (33*
20 *U.S.C. 1321(j)(5)) is further amended—*

21 (1) *by redesignating subparagraphs (B) through*
22 *(H) as subparagraphs (C) through (I), respectively;*

23 (2) *by inserting after subparagraph (A) the fol-*
24 *lowing:*

1 “(B) *The Secretary of the Department in which*
2 *the Coast Guard is operating may issue regulations*
3 *which require an owner or operator of a tank vessel,*
4 *a non-tank vessel, or a facility described in subpara-*
5 *graph (C) to prepare and submit to the Secretary a*
6 *plan for responding, to the maximum extent prac-*
7 *ticable, to a worst case discharge, and to a substantial*
8 *threat of such a discharge, of a noxious liquid sub-*
9 *stance. For purposes of this paragraph, the term ‘nox-*
10 *ious liquid substance’ has the same meaning when*
11 *that term is used in the MARPOL Protocol described*
12 *in section 2(a)(3) of the Act to Prevent Pollution from*
13 *Ships (33 U.S.C. 1901(a)(3)).”;*

14 (3) *by striking “subparagraph (B)” in subpara-*
15 *graph (A) and inserting “subparagraph (C)”;*

16 (4) *by striking “subparagraph (A)” in subpara-*
17 *graph (C), as redesignated, and inserting “subpara-*
18 *graphs (A) and (B)”;*

19 (5) *by striking “subparagraph (D),” in clause (i)*
20 *of subparagraph (F), as redesignated, and inserting*
21 *“subparagraph (E),”; and*

22 (6) *by striking subparagraph (G), as redesign-*
23 *ated, and inserting the following:*

24 “(G) *Notwithstanding subparagraph (F),*
25 *the President may authorize a tank vessel, non-*

1 *tank vessel, offshore facility, or onshore facility*
2 *that handles, stores, or transports oil to operate*
3 *without a response plan approved under this*
4 *paragraph, until not later than 2 years after the*
5 *date of the submission to the President of a plan*
6 *for the tank vessel, non-tank vessel, or facility, if*
7 *the owner or operator certifies that the owner or*
8 *operator has ensured by contract or other means*
9 *approved by the President the availability of pri-*
10 *ivate personnel and equipment necessary to re-*
11 *spond, to the maximum extent practicable, to a*
12 *worst case discharge or a substantial threat of*
13 *such a discharge.”.*

14 **SEC. 318. REQUIREMENTS FOR TANK LEVEL AND PRESSURE**
15 **MONITORING DEVICES.**

16 *Section 4110 of the Oil Pollution Act of 1990 (46*
17 *U.S.C. 3703 note) is amended—*

18 (1) *by striking “shall” each place it appears and*
19 *inserting “may”; and*

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

21 “(c) *STUDY.—*

22 “(1) *The Secretary of the Department in which*
23 *the Coast Guard is operating shall conduct a study*
24 *analyzing the costs and benefits of methods other than*
25 *those described in subsections (a) and (b) for effec-*

1 *tively detecting the loss of oil from oil cargo tanks.*
2 *The study may include technologies, monitoring pro-*
3 *cedures, and other methods.*

4 *“(2) In conducting the study, the Secretary may*
5 *seek input from Federal agencies, industry, and other*
6 *entities.*

7 *“(3) The Secretary shall provide the study to the*
8 *Senate Committee on Commerce, Science, and Trans-*
9 *portation and the House of Representatives Com-*
10 *mittee on Transportation and Infrastructure not later*
11 *than 180 days after the date of enactment of this*
12 *Act.”.*

13 **SEC. 319. REPORT ON IMPLEMENTATION OF THE OIL POL-**
14 **LUTION ACT.**

15 *(a) IN GENERAL.—No later than 180 days of enact-*
16 *ment of this Act, the Coast Guard shall provide a written*
17 *report to the Senate Committee on Commerce, Science, and*
18 *Transportation and the House of Representatives Com-*
19 *mittee on Transportation and Infrastructure with respect*
20 *to issues related to implementation of the Oil Pollution Act*
21 *of 1990 (33 U.S.C. 2701 et seq.).*

22 *(b) SCOPE.—The report shall include the following:*

23 *(1) The status of the levels of funds currently in*
24 *the Oil Spill Liability Trust Fund and projections for*
25 *levels of funds over the next 5 years.*

1 (2) *The domestic and international implications*
2 *of changing the phase-out date for single hull vessels*
3 *pursuant to section 3703a of title 46, United States*
4 *Code, from 2015 to 2010.*

5 (3) *The costs and benefits of requiring vessel*
6 *monitoring systems on tank vessels used to transport*
7 *oil or other hazardous cargo, and from using addi-*
8 *tional aids to navigation, such as RACONs.*

9 (4) *A summary of the extent to which the re-*
10 *sponse costs and damages for oil spill incidents have*
11 *exceeded the liability limits established in section*
12 *1004 of the Oil Pollution Act of 1990 (33 U.S.C.*
13 *2704), and a description of the steps that the Coast*
14 *Guard has taken or plans to take to implement sub-*
15 *section (d)(4) of that Act (33 U.S.C. 2704(d)(4)).*

16 (5) *A summary of manning, inspection, and*
17 *other safety issues for tank barges and towing vessels*
18 *used in connection with them, including—*

19 (A) *a description of applicable Federal reg-*
20 *ulations, guidelines, and other policies;*

21 (B) *a record of infractions of applicable re-*
22 *quirements described in subparagraph (A) over*
23 *the past 10 years;*

24 (C) *an analysis of oil spill data over the*
25 *past 10 years, comparing the number and size of*

1 *oil spills from tank barges with those from tank-*
 2 *er vessels of a similar size; and*

3 *(D) recommendations on areas of possible*
 4 *improvements to existing regulations, guidelines*
 5 *and policies with respect to tank barges and tow-*
 6 *ing vessels.*

7 **SEC. 320. LOANS FOR FISHERMEN IMPACTED BY OIL**
 8 **SPILLS.**

9 *(a) INTEREST; PARTIAL PAYMENT OF CLAIMS.—Sec-*
 10 *tion 1013 of the Oil Pollution Act of 1990 (33 U.S.C. 2713)*
 11 *is amended by adding at the end the following:*

12 “(f) **LOAN PROGRAM.**—

13 “(1) **IN GENERAL.**—*The President shall establish*
 14 *a loan program under the Fund to assist injured par-*
 15 *ties in meeting financial obligations during the*
 16 *claims procedure.*

17 “(2) **ELIGIBILITY FOR LOAN.**—*A fisherman or*
 18 *aquaculture producer is eligible for a loan under*
 19 *paragraph (1)—*

20 “(A) *during the period beginning 90 days*
 21 *after the date on which the fisherman or aqua-*
 22 *culture producer presents a claim under sub-*
 23 *section (a) and ending on the date on which the*
 24 *claim is settled; unless*

1 “(B) the responsible party provides an in-
2 terim payment within that 90-day period.

3 “(3) *TERMS AND CONDITIONS OF LOANS.*—A
4 loan awarded under paragraph (1)—

5 “(A) shall have flexible terms, as determined
6 by the President;

7 “(B) shall be for a period ending on the
8 later of—

9 “(i) the date that is 5 years after the
10 date on which the loan is made; or

11 “(ii) the date on which the injured
12 party receives a settlement as a result of the
13 claims procedure described in section 1013;
14 and

15 “(C) shall be at a low interest rate, as de-
16 termined by the President.”.

17 (b) *USES OF THE FUND.*—Section 1012(a) of the Oil
18 Pollution Act of 1990 (33 U.S.C. 2712(a)) is amended—

19 (1) by striking “Act.” in paragraph (5)(C) and
20 inserting “Act; and”; and

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

22 “(6) the making of loans to assist any injured
23 party in paying financial obligations during the
24 claims procedure described in section 1013.”.

1 (c) *STUDY.*—Not later than 270 days after the date
 2 of enactment of this Act, the Secretary of Commerce, in con-
 3 sultation with the Administrator of the Environmental Pro-
 4 tection Agency, shall submit to Congress a study that con-
 5 tains—

6 (1) an assessment of the effectiveness of the
 7 claims procedures and emergency response programs
 8 under the Oil Pollution Act of 1990 (33 U.S.C. 2701
 9 et seq.) concerning claims filed by, and emergency re-
 10 sponses carried out to protect the interests of, fisher-
 11 men and aquaculture producers; and

12 (2) any legislative or other recommendations to
 13 improve the procedures and programs referred to in
 14 paragraph (1).

15 **SEC. 321. FISHERIES ENFORCEMENT PLANS AND REPORT-**
 16 **ING.**

17 (a) *FISHERIES ENFORCEMENT PLANS.*—The Coast
 18 Guard and the National Oceanic and Atmospheric Admin-
 19 istration shall, to the maximum extent possible, consult
 20 with each other and with State and local enforcement au-
 21 thorities in preparing their annual fisheries enforcement
 22 plans.

23 (b) *FISHERY PATROLS.*—Prior to undertaking fish-
 24 eries patrols, the Coast Guard and the National Oceanic
 25 and Atmospheric Administration shall, to the maximum ex-

1 tent possible, provide to each other and to appropriate State
2 and local enforcement authorities their intentions and pro-
3 jected dates for such patrols.

4 (c) *ANNUAL SUMMARY.*—The Coast Guard and Na-
5 tional Oceanic and Atmospheric Administration shall pre-
6 pare and make available to each other, State and local en-
7 forcement entities, and other relevant stakeholders, an an-
8 nual summary report of fisheries enforcement activities for
9 the preceding year, including a summary of the number of
10 patrols, law enforcement actions taken, and resource hours
11 expended.

12 **SEC. 322. DEEPWATER REPORT.**

13 No later than 180 days after enactment of this Act,
14 the Coast Guard shall provide a written report to the Senate
15 Committee on Commerce, Science, and Transportation and
16 the House of Representatives Committee on Transportation
17 and Infrastructure with respect to performance under the
18 first term of the Integrated Deepwater System contract. The
19 report shall include an analysis of how well the prime con-
20 tractor has met the two key performance goals of oper-
21 ational effectiveness and minimizing total ownership costs.
22 The report shall include a description of the measures im-
23 plemented by the prime contractor to meet these goals and
24 how these measures have been or will be applied for sub-
25 contracts awarded during the 5-year term of the contract,

1 *as well as criteria used by the Coast Guard to assess the*
2 *contractor's performance against these goals. To the extent*
3 *available, the report shall include performance and cost*
4 *comparisons of alternatives examined in implementing the*
5 *contract.*

6 **SEC. 323. SMALL PASSENGER VESSEL SAFETY.**

7 (a) *IN GENERAL.*—Not later than 90 days after the
8 *date of the enactment of this Act, the Secretary of the De-*
9 *partment in which the Coast Guard is operating shall re-*
10 *port to the Congress regarding the enforcement efforts and*
11 *degree of compliance regarding the 1996 amendments to the*
12 *Small Passenger Vessel Regulations (title 46, Code of Fed-*
13 *eral Regulations, part 185) requiring the master of a small*
14 *passenger vessel to require passengers to don life jackets*
15 *when possible hazardous conditions exist including—*

- 16 (1) *transiting hazardous bars or inlets;*
17 (2) *during severe weather;*
18 (3) *in the event of flooding, fire, or other events*
19 *that may possibly call for evacuation; and*
20 (4) *when the vessel is being towed, except a non-*
21 *self-propelled vessel under normal operating condi-*
22 *tions.*

23 (b) *CONTENTS.*—*The report under this section shall in-*
24 *clude—*

1 (1) a section regarding the enforcement efforts
2 the Coast Guard has undertaken to enforce these regu-
3 lations;

4 (2) a section detailing compliance with these regu-
5 lations, to include the number of vessels and masters
6 cited for violations of these regulations for fiscal years
7 1998 through 2003;

8 (3) a section detailing the number and types of
9 marine casualties for fiscal years 1998 through 2003
10 which have been related wholly or in part to viola-
11 tions of these regulations; and

12 (4) a section providing recommendation on im-
13 proving compliance with, and possible modifications
14 to, these regulations.

15 **SEC. 324. ELECTRONIC NAVIGATIONAL CHARTING.**

16 *The Commandant of the Coast Guard, in consultation*
17 *with the Administrator of the National Oceanic and Atmos-*
18 *pheric Administration, shall provide a written report to the*
19 *Senate Committee on Commerce, Science, and Transporta-*
20 *tion, and to the House of Representatives Committee on*
21 *Transportation and Infrastructure no later than 180 days*
22 *after the date of enactment of this Act with respect to elec-*
23 *tronic navigational charts. The report shall include—*

1 (1) *the costs for the National Oceanic and At-*
2 *mospheric Administration to complete the suite of*
3 *electronic navigational charts;*

4 (2) *the costs and benefits of a United States re-*
5 *quirement of electronic navigation systems on vessels;*
6 *and*

7 (3) *a description of international standards and*
8 *requirements that already exist or are being developed*
9 *for the use of electronic navigation systems.*

10 **TITLE IV—MISCELLANEOUS**

11 **SEC. 401. CONVEYANCE OF LIGHTHOUSES.**

12 *Section 308(c) of the National Historic Lighthouse*
13 *Preservation Act of 2000 (16 U.S.C. 470w–7(c)) is amended*
14 *by adding at the end the following:*

15 “(4) *LIGHTHOUSES ORIGINALLY CONVEYED UNDER*
16 *OTHER AUTHORITY.—Upon receiving notice of an executed*
17 *or intended conveyance by sale, gift, or any other manner*
18 *of a lighthouse conveyed under authority other than this*
19 *Act, the Secretary shall review the executed or proposed con-*
20 *veyance to ensure that any new owner will comply with*
21 *any and all conditions of the original conveyance. If the*
22 *Secretary determines that the new owner has not or is un-*
23 *able to comply with those conditions the Secretary shall im-*
24 *mediately invoke any reversionary interest or take such*

1 *other action as may be necessary to protect the interests*
2 *of the United States.”.*

3 **SEC. 402. LORAN-C.**

4 *There are authorized to be appropriated to the Depart-*
5 *ment of Transportation, in addition to funds authorized for*
6 *the Coast Guard for operation of the LORAN-C system, for*
7 *capital expenses related to LORAN-C navigation infra-*
8 *structure, \$25,000,000 for fiscal year 2004. The Secretary*
9 *of Transportation may transfer from the Federal Aviation*
10 *Administration and other agencies of the Department funds*
11 *appropriated as authorized under this section in order to*
12 *reimburse the Coast Guard for related expenses.*

13 **SEC. 403. CONVEYANCE OF DECOMMISSIONED COAST**
14 **GUARD CUTTERS.**

15 *(a) IN GENERAL.—The Commandant of the Coast*
16 *Guard may convey all right, title, and interest of the United*
17 *States in and to a vessel described in subsection (b) to the*
18 *person designated in subsection (b) with respect to the vessel*
19 *(in this section referred to as the ‘recipient’), without con-*
20 *sideration, if the person complies with the conditions under*
21 *subsection (c).*

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

24 *(1) The Coast Guard Cutter BRAMBLE, to be*
25 *conveyed to the Port Huron Museum of Arts and His-*

1 *tory (a nonprofit corporation under the laws of the*
2 *State of Michigan), located in Port Huron, Michigan.*

3 *(2) The Coast Guard Cutter PLANETREE, to be*
4 *conveyed to Jewish Life (a nonprofit corporation*
5 *under the laws of the State of California), located in*
6 *Sherman Oaks, California.*

7 *(3) The Coast Guard Cutter SUNDEW, to be*
8 *conveyed to Duluth Entertainment and Convention*
9 *Center Authority (a nonprofit corporation under the*
10 *laws of the State of Minnesota), located in Duluth,*
11 *Minnesota.*

12 *(c) CONDITIONS.—As a condition of any conveyance*
13 *of a vessel under subsection (a), the Commandant shall re-*
14 *quire the recipient—*

15 *(1) to agree—*

16 *(A) to use the vessel for purposes of edu-*
17 *cation and historical display;*

18 *(B) not to use the vessel for commercial*
19 *transportation purposes;*

20 *(C) to make the vessel available to the*
21 *United States Government if needed for use by*
22 *the Commandant in time of war or a national*
23 *emergency; and*

24 *(D) to hold the Government harmless for*
25 *any claims arising from exposure to hazardous*

1 materials, including asbestos and poly-
2 chlorinated biphenyls (PCBs), after conveyance
3 of the vessel, except for claims arising from use
4 of the vessel by the Government under subpara-
5 graph (C);

6 (2) to have funds available that will be com-
7 mitted to operate and maintain the vessel conveyed in
8 good working condition—

9 (A) in the form of cash, liquid assets, or a
10 written loan commitment; and

11 (B) in an amount of at least \$700,000; and

12 (3) to agree to any other conditions the Com-
13 mandant considers appropriate.

14 (d) MAINTENANCE AND DELIVERY OF VESSEL.—Prior
15 to conveyance of a vessel under this section, the Com-
16 mandant may, to the extent practical, and subject to other
17 Coast Guard mission requirements, make every effort to
18 maintain the integrity of the vessel and its equipment until
19 the time of delivery. The Commandant shall deliver a vessel
20 conveyed under this section at the place where the vessel
21 is located, in its present condition, and without cost to the
22 Government. The conveyance of a vessel under this section
23 shall not be considered a distribution in commerce for pur-
24 poses of section 6(e) of the Toxic Substances Control Act
25 (15 U.S.C. 2605(e)).

1 (e) *OTHER EXCESS EQUIPMENT.*—The Commandant
 2 may convey to the recipient of a vessel under this section
 3 any excess equipment or parts from other decommissioned
 4 Coast Guard vessels for use to enhance the vessel’s oper-
 5 ability and function as an historical display.

6 **SEC. 404. KOSS COVE.**

7 (a) *IN GENERAL.*—Notwithstanding any other provi-
 8 sion of law or existing policy, the cove described in sub-
 9 section (b) shall be known and designated as “Koss Cove”,
 10 in honor of the late Able Bodied Seaman Eric Steiner Koss
 11 of the National Oceanic and Atmospheric Administration
 12 vessel *RAINER* who died in the performance of a nautical
 13 charting mission off the coast of Alaska.

14 (b) *COVE DESCRIBED.*—The cove referred to in sub-
 15 section (a) is—

16 (1) adjacent to and southeast of Point Elrington,
 17 Alaska, and forms a portion of the southern coast of
 18 Elrington Island;

19 (2) $\frac{3}{4}$ mile across the mouth;

20 (3) centered at 59 degrees 56.1 minutes North,
 21 148 degrees 14 minutes West; and

22 (4) 45 miles from Seaward, Alaska.

23 (c) *REFERENCES.*—Any reference in any law, regula-
 24 tion, document, record, map, or other paper of the United

1 *States to the cove described in subsection (b) is deemed to*
2 *be a reference to Koss Cove.*

3 **SEC. 405. DECLARATION OF NON-NAVIGABILITY FOR POR-**
4 **TION OF THE WATEREE RIVER.**

5 *For purposes of bridge administration, the portion of*
6 *the Wateree River, in the State of South Carolina, 100 feet*
7 *upstream and downstream of the railroad bridge at ap-*
8 *proximately mile marker 10.0, is declared to not be navi-*
9 *gable waters of the United States for purposes of the General*
10 *Bridge Act of 1946 (33 U.S.C. 525 et seq.).*

11 **SEC. 406. CORRECTION OF 2002 COASTWISE TRADE AU-**
12 **THORIZATION PROVISION.**

13 *Section 213(b) of the Maritime Policy Improvement*
14 *Act of 2002 is amended by striking “transport and launch”*
15 *and inserting “transport or launch”.*

16 **SEC. 407. INNOVATIVE CONSTRUCTION ALTERNATIVES.**

17 *The Commandant of the Coast Guard may consult*
18 *with the Office of Naval Research and other Federal agen-*
19 *cies with research and development programs that may pro-*
20 *vide innovative construction alternatives for the Integrated*
21 *Deepwater System.*

Calendar No. 402

108TH CONGRESS
1ST SESSION

S. 733

[Report No. 108-202]

A BILL

To authorize appropriations for fiscal year 2004 for the United States Coast Guard, and for other purposes.

NOVEMBER 19, 2003

Reported with an amendment