

104TH CONGRESS
1ST SESSION

H. R. 1361

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

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

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coast Guard Author-
5 ization Act For Fiscal Year 1996”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 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.

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.

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.

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. Frequency of inspection.
- Sec. 714. Penalties—Inspection of vessels.
- Sec. 715. Application—Tank vessels.
- Sec. 716. Tank vessel construction standards.
- Sec. 717. Tanker minimum standards.
- Sec. 718. Self-propelled tank vessel minimum standards.
- Sec. 719. Definition—Abandonment of barges.
- Sec. 720. Application—Load lines.
- Sec. 721. Licensing of individuals.
- Sec. 722. Able seamen—Limited.
- Sec. 723. Able seamen—Offshore supply vessels.
- Sec. 724. Scale of employment—Able seamen.
- Sec. 725. General requirements—Engine department.
- Sec. 726. Complement of inspected vessels.
- Sec. 727. Watchmen.
- Sec. 728. Citizenship and naval reserve requirements.
- Sec. 729. Watches.
- Sec. 730. Minimum number of licensed individuals.
- Sec. 731. Officers' Competency Certificates Convention.
- Sec. 732. Merchant mariners' documents required.
- Sec. 733. Certain crew requirements.
- Sec. 734. Freight vessels.
- Sec. 735. Exemptions.
- Sec. 736. United States registered pilot service.
- Sec. 737. Definitions—Merchant seamen protection.
- Sec. 738. Application—Foreign and intercoastal voyages.
- Sec. 739. Application—Coastwise voyages.
- Sec. 740. Fishing agreements.
- Sec. 741. Accommodations for seamen.
- Sec. 742. Medicine chests.
- Sec. 743. Logbook and entry requirements.

- Sec. 744. Coastwise endorsements.
- Sec. 745. Fishery endorsements.
- Sec. 746. Clerical amendment.
- Sec. 747. Repeal of Great Lakes endorsements.
- Sec. 748. 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. 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 nec-
 4 essary expenses of the Coast Guard for fiscal year 1996,
 5 as follows:

6 (1) For the operation and maintenance of the
 7 Coast Guard, \$2,618,316,000, of which \$25,000,000
 8 shall be derived from the Oil Spill Liability Trust
 9 Fund.

10 (2) For the acquisition, construction, rebuild-
 11 ing, and improvement of aids to navigation, shore
 12 and offshore facilities, vessels, and aircraft, includ-
 13 ing equipment related thereto, \$428,200,000, to re-
 14 main available until expended, of which \$32,500,000
 15 shall be derived from the Oil Spill Liability Trust
 16 Fund to carry out the purposes of section
 17 1012(a)(5) of the Oil Pollution Act of 1990.

1 (3) For research, development, test, and evalua-
2 tion of technologies, materials, and human factors
3 directly relating to improving the performance of the
4 Coast Guard's mission in support of search and res-
5 cue, aids to navigation, marine safety, marine envi-
6 ronmental protection, enforcement of laws and trea-
7 ties, ice operations, oceanographic research, and de-
8 fense readiness, \$22,500,000, to remain available
9 until expended, of which \$3,150,000 shall be derived
10 from the Oil Spill Liability Trust Fund.

11 (4) For retired pay (including the payment of
12 obligations otherwise chargeable to lapsed appropria-
13 tions for this purpose), payments under the Retired
14 Serviceman's Family Protection and Survivor Bene-
15 fit Plans, and payments for medical care of retired
16 personnel and their dependents under chapter 55 of
17 title 10, United States Code, \$582,022,000.

18 (5) For alteration or removal of bridges over
19 navigable waters of the United States constituting
20 obstructions to navigation, and for personnel and
21 administrative costs associated with the Bridge Al-
22 teration Program, \$16,200,000, to remain available
23 until expended.

24 (6) For necessary expenses to carry out the
25 Coast Guard's environmental compliance and res-

1 report on all expenditures related to drug interdiction ac-
2 tivities of the Coast Guard during that quarter.

3 **TITLE II—PERSONNEL**
4 **MANAGEMENT IMPROVEMENT**

5 **SEC. 201. HURRICANE ANDREW RELIEF.**

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

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

16 (2) the Secretary of Transportation shall ad-
17 minister that section with respect to Coast Guard
18 personnel.

19 **SEC. 202. EXCLUDE CERTAIN RESERVES FROM END-OF-**
20 **YEAR STRENGTH.**

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

23 “(d) Reserve members ordered to active duty under
24 this section shall not be counted in computing authorized

1 strength of members on active duty or members in grade
2 under this title or under any other law.”.

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

4 Section 93 of title 14, United States Code, is amend-
5 ed by striking “and” after the semicolon at the end of
6 paragraph (t)(2), by striking the period at the end of para-
7 graph (u) and inserting “; and”, and by adding at the
8 end the following new paragraph:

9 “(v) make child development services available
10 to members of the armed forces and Federal civilian
11 employees under terms and conditions comparable to
12 those under the Military Child Care Act of 1989 (10
13 U.S.C. 113 note).”.

14 **SEC. 204. ACCESS TO NATIONAL DRIVER REGISTER INFOR-**
15 **MATION ON CERTAIN COAST GUARD PERSON-**
16 **NEL.**

17 (a) AMENDMENT TO TITLE 14.—Section 93 of title
18 14, United States Code, as amended by section 203, is
19 further amended—

20 (1) by striking “and” after the semicolon at the
21 end of paragraph (u);

22 (2) by striking the period at the end of para-
23 graph (v) and inserting “; and”; and

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

1 “(w) require that any officer, chief warrant offi-
2 cer, or enlisted member of the Coast Guard or Coast
3 Guard Reserve (including a cadet or an applicant for
4 appointment or enlistment to any of the foregoing
5 and any member of a uniformed service who is as-
6 signed to the Coast Guard) request that all informa-
7 tion contained in the National Driver Register per-
8 taining to the individual, as described in section
9 30304(a) of title 49, be made available to the Com-
10 mandant under section 30305(a) of title 49, may re-
11 ceive that information, and upon receipt, shall make
12 the information available to the individual.”.

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

17 “(7) An individual who is an officer, chief warrant
18 officer, or enlisted member of the Coast Guard or Coast
19 Guard Reserve (including a cadet or an applicant for ap-
20 pointment or enlistment of any of the foregoing and any
21 member of a uniformed service who is assigned to the
22 Coast Guard) may request the chief driver licensing offi-
23 cial of a State to provide information about the individual
24 under subsection (a) of this section to the Commandant
25 of the Coast Guard. The Commandant may receive the

1 information and shall make the information available to
2 the individual. Information may not be obtained from the
3 Register under this paragraph if the information was en-
4 tered in the Register more than 3 years before the request,
5 unless the information is about a revocation or suspension
6 still in effect on the date of the request.”.

7 **SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGI-**
8 **BLE.**

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

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

12 (2) by striking the last sentence; and

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

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

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

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

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

3 “(C) if, on the date specified for the officer’s
4 discharge in this section, the officer has completed
5 at least 20 years of active service or is eligible for
6 retirement under any law, be retired on that date.”.

7 **TITLE III—NAVIGATION SAFETY**
8 **AND WATERWAY SERVICES**
9 **MANAGEMENT**

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

11 Section 3303 of title 46, United States Code, is
12 amended—

13 (1) in subsection (a) by striking “(a) Except
14 as” and inserting “Except as”; and

15 (2) by striking subsection (b).

16 **SEC. 302. FLORIDA AVENUE BRIDGE.**

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

1 payment of costs for the removal of the drainage siphon
2 in accordance with that Act.

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

7 The Coast Guard Authorization Act of 1991 (Public
8 Law 102-241, 105 Stat. 2208-2235) is amended—

9 (1) in section 18 by adding at the end the fol-
10 lowing:

11 “(h) The Committee shall terminate on October 1,
12 2000.”; and

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

15 “(g) The Committee shall terminate on October 1,
16 2000.”.

17 **SEC. 304. RENEWAL OF THE NAVIGATION SAFETY ADVI-**
18 **SORY COUNCIL.**

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

23 (b) CLERICAL AMENDMENT.—The section heading
24 for section 5(d) of the Inland Navigational Rules Act of
25 1980 (33 U.S.C. 2073) is amended by striking “Rules of

1 the Road Advisory Council” and inserting “Navigation
2 Safety Advisory Council”.

3 **SEC. 305. RENEWAL OF COMMERCIAL FISHING INDUSTRY**
4 **VESSEL ADVISORY COMMITTEE.**

5 Subsection (e)(1) of section 4508 of title 46, United
6 States Code, is amended by striking “September 30,
7 1994” and inserting “October 1, 2000”.

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

9 Section 7 of the Ports and Waterways Safety Act (33
10 U.S.C. 1226), is amended by adding at the end the follow-
11 ing new subsection (c):

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

17 **SEC. 307. MARITIME DRUG AND ALCOHOL TESTING PRO-**
18 **GRAM CIVIL PENALTY.**

19 (a) PENALTY IMPOSED.—Chapter 21 of title 46,
20 United States Code, is amended by adding at the end the
21 following new section:

22 **“§2115. Civil penalty to enforce alcohol and dan-**
23 **gerous drug testing**

24 “Any person who fails to comply with or otherwise
25 violates the requirements prescribed by the Secretary

1 under this subtitle for chemical testing for dangerous
2 drugs or for evidence of alcohol use is liable to the United
3 States Government for a civil penalty of not more than
4 \$1,000 for each violation. Each day of a continuing viola-
5 tion shall constitute a separate violation.”.

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

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

10 **SEC. 308. WITHHOLDING VESSEL CLEARANCE FOR VIOLA-**
11 **TION OF CERTAIN ACTS.**

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

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

1 “(2) Clearance refused or revoked under this sub-
2 section may be granted upon the filing of a bond or other
3 surety satisfactory to the Secretary.”.

4 (b) PORT AND WATERWAYS SAFETY ACT.—Section
5 13(f) of the Ports and Waterways Safety Act (33 U.S.C.
6 1232(f)) is amended to read as follows:

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

17 “(2) Clearance refused or revoked under this sub-
18 section may be granted upon filing of a bond or other sur-
19 ety satisfactory to the Secretary.”.

20 (c) INLAND NAVIGATION RULES ACT OF 1980.—Sec-
21 tion 4(d) of the Inland Navigational Rules Act of 1980
22 (33 U.S.C. 2072(d)) is amended to read as follows:

23 “(d) WITHHOLDING OF CLEARANCE.—(1) If any
24 owner, operator, or person in charge of a vessel is liable
25 for a penalty under this section, or if reasonable cause

1 exists to believe that the owner, operator, or person in
2 charge may be subject to a penalty under this section, the
3 Secretary of the Treasury, upon the request of the Sec-
4 retary, shall with respect to such vessel refuse or revoke
5 any clearance required by section 4197 of the Revised
6 Statutes of the United States (46 App. U.S.C. 91).

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

10 (d) TITLE 46, UNITED STATES CODE.—Section
11 3718(e) of title 46, United States Code, is amended to
12 read as follows:

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

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

1 **SEC. 309. INCREASED CIVIL PENALTIES.**

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

6 (b) OPERATION OF UNINSPECTED VESSEL IN VIOLA-
7 TION OF MANNING REQUIREMENTS.—Section 8906 of
8 title 46, United States Code, is amended by striking
9 “\$1,000” and inserting “not more than \$25,000”.

10 **SEC. 310. AMENDMENT TO REQUIRE EMERGENCY POSITION**
11 **INDICATING RADIO BEACONS ON THE GREAT**
12 **LAKES.**

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

17 **TITLE IV—MISCELLANEOUS**

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

20 (a) REQUIREMENT.—The Secretary of Transpor-
21 tation (or any other official having control over the prop-
22 erty described in subsection (b)) shall expeditiously convey
23 to the Traverse City Area Public School District in Tra-
24 verse City, Michigan, without consideration, all right, title,
25 and interest of the United States in and to the property

1 described in subsection (b), subject to all easements and
2 other interests in the property held by any other person.

3 (b) PROPERTY DESCRIBED.—The property referred
4 to in subsection (a) is real property located in the city
5 of Traverse City, Grand Traverse County, Michigan, and
6 consisting of that part of the southeast $\frac{1}{4}$ of Section 12,
7 Township 27 North, Range 11 West, described as: Com-
8 mencing at the southeast $\frac{1}{4}$ corner of said Section 12,
9 thence north 03 degrees 05 minutes 25 seconds east along
10 the East line of said Section, 1074.04 feet, thence north
11 86 degrees 36 minutes 50 seconds west 207.66 feet,
12 thence north 03 degrees 06 minutes 00 seconds east
13 572.83 feet to the point of beginning, thence north 86 de-
14 grees 54 minutes 00 seconds west 1,751.04 feet, thence
15 north 03 degrees 02 minutes 38 seconds east 330.09 feet,
16 thence north 24 degrees 04 minutes 40 seconds east
17 439.86 feet, thence south 86 degrees 56 minutes 15 sec-
18 onds east 116.62 feet, thence north 03 degrees 08 minutes
19 45 seconds east 200.00 feet, thence south 87 degrees 08
20 minutes 20 seconds east 68.52 feet, to the southerly right-
21 of-way of the C & O Railroad, thence south 65 degrees
22 54 minutes 20 seconds east along said right-of-way
23 1508.75 feet, thence south 03 degrees 06 minutes 00 sec-
24 onds west 400.61 to the point of beginning, consisting of

1 27.10 acres of land, and all improvements located on that
2 property including buildings, structures, and equipment.

3 (c) REVERSIONARY INTEREST.—In addition to any
4 term or condition established pursuant to subsection (a),
5 any conveyance of property described in subsection (b)
6 shall be subject to the condition that all right, title, and
7 interest in and to the property so conveyed shall imme-
8 diately revert to the United States if the property, or any
9 part thereof, ceases to be used by the Traverse City School
10 District.

11 **SEC. 402. TRANSFER OF COAST GUARD PROPERTY IN**
12 **KETCHIKAN, ALASKA.**

13 (a) CONVEYANCE REQUIREMENT.—The Secretary of
14 Transportation shall convey to the Ketchikan Indian Cor-
15 poration in Ketchikan, Alaska, without reimbursement
16 and by no later than 120 days after the date of enactment
17 of this Act, all right, title, and interest of the United
18 States in and to the property known as the “Former Ma-
19 rine Safety Detachment” as identified in Report of Excess
20 Number CG-689 (GSA Control Number 9-U-AK-0747)
21 and described in subsection (b), for use by the Ketchikan
22 Indian Corporation as a health or social services facility.

23 (b) PROPERTY DESCRIBED.—The property referred
24 to in subsection (a) is real property located in the city
25 of Ketchikan, Township 75 south, range 90 east, Copper

1 River Meridian, First Judicial District, State of Alaska,
2 and commencing at corner numbered 10, United States
3 Survey numbered 1079, the true point of beginning for
4 this description: Thence north 24 degrees 04 minutes east,
5 along the 10–11 line of said survey a distance of 89.76
6 feet to corner numbered 1 of lot 5B; thence south 65 de-
7 grees 56 minutes east a distance of 345.18 feet to corner
8 numbered 2 of lot 5B; thence south 24 degrees 04 minutes
9 west a distance of 101.64 feet to corner numbered 3 of
10 lot 5B; thence north 64 degrees 01 minute west a distance
11 of 346.47 feet to corner numbered 10 of said survey, to
12 the true point of beginning, consisting of 0.76 acres (more
13 or less), and all improvements located on that property,
14 including buildings, structures, and equipment.

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

1 **SEC. 403. ELECTRONIC FILING OF COMMERCIAL INSTRU-**
2 **MENTS.**

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

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

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

13 **SEC. 404. BOARD FOR CORRECTION OF MILITARY RECORDS**
14 **DEADLINE.**

15 (a) REMEDIES DEEMED EXHAUSTED.—Ten months
16 after a complete application for correction of military
17 records is received by the Board for Correction of Military
18 Records of the Coast Guard, administrative remedies are
19 deemed to have been exhausted, and—

20 (1) if the Board has rendered a recommended
21 decision, its recommendation shall be final agency
22 action and not subject to further review or approval
23 within the Department of Transportation; or

24 (2) if the Board has not rendered a rec-
25 ommended decision, agency action is deemed to have

1 “(f) This section does not apply to a documented ves-
2 sel that has been operated only—

3 “(1) as a fishing vessel, fish processing vessel,
4 or fish tender vessel; or

5 “(2) for pleasure.”.

6 **SEC. 406. IMPROVED AUTHORITY TO SELL RECYCLABLE**
7 **MATERIAL.**

8 Section 641(c)(2) of title 14, United States Code, is
9 amended by inserting before the period the following: “,
10 except that the Commandant may conduct sales of mate-
11 rials for which the proceeds of sale will not exceed \$5,000
12 under regulations prescribed by the Commandant”.

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

14 Not later than January 31, 1996, the Commandant
15 of the Coast Guard shall report to the Committee on
16 Transportation and Infrastructure of the House of Rep-
17 resentatives and the Committee on Commerce, Science,
18 and Transportation of the Senate, on the status of and
19 the problems in recruitment of women and minorities into
20 the Coast Guard. The report shall contain specific plans
21 to increase the recruitment of women and minorities and
22 legislative recommendations needed to increase the re-
23 cruitment of women and minorities.

1 **SEC. 408. LIMITATION OF CERTAIN STATE AUTHORITY**
2 **OVER VESSELS.**

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

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

9 “(C) **EXCLUSION OF CERTAIN VOYAGES**
10 **AND SEGMENTS.**—Except for a voyage or seg-
11 ment of a voyage that occurs within the bound-
12 aries of the State of Hawaii, a voyage or seg-
13 ment of a voyage is not described in subpara-
14 graph (B) if it includes or consists of a seg-
15 ment—

16 “(i) that begins and ends in the same
17 State;

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

20 “(iii) in which the vessel reaches the
21 other State or foreign country within 3
22 days after leaving the State in which it be-
23 gins.”.

1 **SEC. 409. VESSEL FINANCING.**

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

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

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

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

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

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

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

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

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

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

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

1 (c) REMOVAL OF MORTGAGE RESTRICTIONS.—Sec-
2 tion 9 of the Shipping Act, 1916 (46 App. U.S.C. 808)
3 is amended—

4 (1) in subsection (c)—

5 (A) by striking “31328” and inserting
6 “12106(e)”; and

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

9 (2) in subsection (d)—

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

12 (B) in paragraph (2) by striking “trans-
13 fers, or mortgages” and inserting “or trans-
14 fers”;

15 (C) in paragraph (3)(B) by striking
16 “transfers, or mortgages” and inserting “or
17 transfers”; and

18 (D) in paragraph (4) by striking “trans-
19 fers, or mortgages” and inserting “or trans-
20 fers”.

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

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

1 “(A) the vessel is eligible for documentation
2 under section 12102;

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

5 “(C) the person that owns the vessel, a parent
6 entity of that person, or a subsidiary of a parent en-
7 tity of that person, is engaged in leasing;

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

12 “(E) the demise charter is for—

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

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

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

21 “(f) For purposes of the first proviso of section 27
22 of the Merchant Marine Act, 1920, section 2 of the Ship-
23 ping Act, 1916, and section 12102(a) of this title, a vessel
24 meeting the criteria of subsection (d) or (e) is deemed to
25 be owned exclusively by citizens of the United States.”.

1 **SEC. 410. SENSE OF CONGRESS; REQUIREMENT REGARD-**
2 **ING NOTICE.**

3 (a) PURCHASE OF AMERICAN-MADE EQUIPMENT
4 AND PRODUCTS.—It is the sense of the Congress that, to
5 the greatest extent practicable, all equipment and products
6 purchased with funds made available under this Act
7 should be American-made.

8 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
9 providing financial assistance under this Act, the official
10 responsible for providing the assistance, to the greatest
11 extent practicable, shall provide to each recipient of the
12 assistance a notice describing the statement made in sub-
13 section (a) by the Congress.

14 **SEC. 411. SPECIAL SELECTION BOARDS.**

15 (a) REQUIREMENT.—Chapter 21 of title 14, United
16 States Code, is amended by adding at the end the follow-
17 ing new section:

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

19 “(a) The Secretary shall provide for special selection
20 boards to consider the case of any officer who is eligible
21 for promotion who—

22 “(1) was not considered for selection for pro-
23 motion by a selection board because of administra-
24 tive error; or

25 “(2) was considered for selection for promotion
26 by a selection board but not selected because—

1 (1) in the matter preceding paragraph (1) by
2 striking “mortgage may” and inserting “mortgagee
3 may”;

4 (2) in paragraph (1) by—

5 (A) striking “perferred” and inserting
6 “preferred”; and

7 (B) striking “; and” and inserting a semi-
8 colon; and

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

10 “(3) enforce the preferred mortgage lien or a
11 claim for the outstanding indebtedness secured by
12 the mortgaged vessel, or both, by exercising any
13 other remedy (including an extrajudicial remedy)
14 against a documented vessel, a vessel for which an
15 application for documentation is filed under chapter
16 121 of this title, a foreign vessel, or a mortgagor,
17 maker, comaker, or guarantor for the amount of the
18 outstanding indebtedness or any deficiency in full
19 payment of that indebtedness, if—

20 “(A) the remedy is allowed under applica-
21 ble law; and

22 “(B) the exercise of the remedy will not re-
23 sult in a violation of section 9 or 37 of the
24 Shipping Act, 1916 (46 App. U.S.C. 808,
25 835).”.

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

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

15 “(2) Failure to give notice as required by this sub-
16 section shall not affect the transfer of title to a vessel.
17 However, the rights of any holder of a maritime lien or
18 a preferred mortgage on the vessel shall not be affected
19 by a transfer of title by an extrajudicial remedy exercised
20 under this section, regardless of whether notice is required
21 by this subsection or given.

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

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

7 **SEC. 413. IMPLEMENTATION OF WATER POLLUTION LAWS**
8 **WITH RESPECT TO VEGETABLE OIL.**

9 (a) DIFFERENTIATION AMONG FATS, OILS, AND
10 GREASES.—

11 (1) IN GENERAL.—In issuing or enforcing a
12 regulation, an interpretation, or a guideline relating
13 to a fat, oil, or grease under a Federal law related
14 to water pollution, the head of a Federal agency
15 shall—

16 (A) differentiate between and establish
17 separate classes for—

18 (i)(I) animal fats; and

19 (ii) vegetable oils; and

20 (ii) other oils, including petroleum oil;

21 and

22 (B) apply different standards to different
23 classes of fat and oil as provided in paragraph

24 (2).

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

8 (b) FINANCIAL RESPONSIBILITY.—

9 (1) LIMITS ON LIABILITY.—Section 1004(a)(1)
10 of the Oil Pollution Act of 1990 (33 U.S.C.
11 2704(a)(1)) is amended by striking “for a tank ves-
12 sel,” and inserting “for a tank vessel carrying oil in
13 bulk as cargo (unless the only oil carried is an ani-
14 mal fat or vegetable oil, as those terms are defined
15 in section 413(c) of the Coast Guard Authorization
16 Act For Fiscal Year 1996),”.

17 (2) FINANCIAL RESPONSIBILITY.—The first
18 sentence of section 1016(a) of the Act (33 U.S.C.
19 2716(a)) is amended by striking “in the case of a
20 tank vessel,” and inserting “in the case of a tank
21 vessel carrying oil in bulk as cargo (unless the only
22 oil carried is an animal fat or vegetable oil, as those
23 terms are defined in section 413(c) of the Coast
24 Guard Authorization Act for Fiscal Year 1996),”.

25 (c) DEFINITIONS.—As used in this section:

1 (1) ANIMAL FAT.—The term “animal fat”
2 means each type of animal fat, oil, or grease (includ-
3 ing fat, oil, or grease from fish or a marine mam-
4 mal), including any fat, oil, or grease referred to in
5 section 61(a)(2) of title 13, United States Code.

6 (2) VEGETABLE OIL.—The term “vegetable oil”
7 means each type of vegetable oil (including vegetable
8 oil from a seed, nut, or kernel), including any vege-
9 table oil referred to in section 61(a)(1) of title 13,
10 United States Code.

11 **SEC. 414. CERTAIN INFORMATION FROM MARINE CAS-**
12 **UALTY INVESTIGATIONS BARRED IN LEGAL**
13 **PROCEEDINGS.**

14 (a) IN GENERAL.—Title 46, United States Code, is
15 amended by inserting after section 6307 the following new
16 section:

17 **“§ 6308. Information barred in legal proceedings**

18 “(a) Notwithstanding any other provision of law, any
19 opinion, recommendation, deliberation, or conclusion con-
20 tained in a report of a marine casualty investigation con-
21 ducted under section 6301 of this title with respect to the
22 cause of, or factors contributing to, the casualty set forth
23 in the report of the investigation is not admissible as evi-
24 dence or subject to discovery in any civil, administrative,
25 or State criminal proceeding arising from a marine cas-

1 ualty, other than with the permission and consent of the
2 Secretary of Transportation, in his or her sole discretion.
3 Any employee of the United States or military member
4 of the Coast Guard investigating a marine casualty or as-
5 sisting in any such investigation conducted pursuant to
6 section 6301 of this title, shall not be subject to deposition
7 or other discovery, or otherwise testify or give information
8 in such proceedings relevant to a marine casualty inves-
9 tigation, without the permission and consent of the Sec-
10 retary of Transportation in his or her sole discretion. In
11 exercising this discretion in cases where the United States
12 is a party, the Secretary shall not withhold permission for
13 an employee to testify solely on factual matters where the
14 information is not available elsewhere or is not obtainable
15 by other means. Nothing in this section prohibits the Unit-
16 ed States from calling an employee as an expert witness
17 to testify on its behalf.

18 “(b) The information referred to in subsection (a) of
19 this section shall not be considered an admission of liabil-
20 ity by the United States or by any person referred to in
21 those conclusions or statements.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 63 of title 46, United States
24 Code, is amended by adding after the item related to sec-
25 tion 6307 the following:

“6308. Information barred in legal proceedings.”.

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

2 Not later than 6 months after the date of the enact-
3 ment of this Act, the Secretary of Transportation shall
4 submit a report to the Committee on Transportation and
5 Infrastructure of the House of Representatives, and the
6 Committee on Commerce, Science and Transportation of
7 the Senate, prepared in consultation with users of the
8 LORAN-C radionavigation system, defining the future
9 use of and funding for operations, maintenance, and up-
10 grades of the LORAN-C radionavigation system. The re-
11 port shall address the following:

12 (1) An appropriate timetable for transition
13 from ground-based radionavigation technology after
14 it is determined that satellite-based technology is
15 available as a sole means of safe and efficient navi-
16 gation.

17 (2) The need to ensure that LORAN-C tech-
18 nology purchased by the public before the year 2000
19 has a useful economic life.

20 (3) The benefits of fully utilizing the compat-
21 ibilities of LORAN-C technology and satellite-based
22 technology by all modes of transportation.

23 (4) The need for all agencies in the Department
24 of Transportation and other relevant Federal agen-
25 cies to share the Federal Government's costs related
26 to LORAN-C technology.

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

2 Section 3703a(b) of title 46, United States Code, is
3 amended by—

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

5 (2) striking the period at the end of paragraph

6 (3) and inserting a semicolon; and

7 (3) adding at the end the following new para-
8 graphs:

9 “(4) a vessel equipped with a double hull before
10 August 12, 1992; or

11 “(5) a barge of less than 2,000 gross tons that
12 is primarily used to carry deck cargo and bulk fuel
13 to Native villages (as that term is defined in section
14 3 of the Alaska Native Claims Settlement Act (43
15 U.S.C. 1601)) located on or adjacent to bays or riv-
16 ers above 58 degrees north latitude.”.

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

18 (a) DEFINITION.—Section 2101 of title 46, United
19 States Code, is amended—

20 (1) by redesignating paragraph (20a) as para-
21 graph (20b); and

22 (2) by inserting after paragraph (20) the fol-
23 lowing new paragraph:

24 “(20a) ‘oil spill response vessel’ means a vessel
25 that is designated in its certificate of inspection as

1 such a vessel, or that is adapted to respond to a dis-
2 charge of oil or a hazardous material.”.

3 (b) EXEMPTION FROM LIQUID BULK CARRIAGE RE-
4 QUIREMENTS.—Section 3702 of title 46, United States
5 Code, is amended by adding at the end the following new
6 subsection:

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

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

11 “(2) the vessel is—

12 “(A) not more than 500 gross tons;

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

15 “(C) engaged in response-related activi-
16 ties.”.

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

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

21 (d) MINIMUM NUMBER OF LICENSED INDIVID-
22 UALS.—Section 8301(e) of title 46, United States Code,
23 is amended to read as follows:

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

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

7 “(9) the Secretary may prescribe the individuals
8 required to hold a merchant mariner’s document
9 serving onboard an oil spill response vessel.”.

10 (f) EXEMPTION FROM TOWING VESSEL REQUIRE-
11 MENT.—Section 8905 of title 46, United States Code, is
12 amended by adding at the end the following new sub-
13 section:

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

17 (g) INSPECTION REQUIREMENT.—Section 3301 of
18 title 46, United States Code, is amended by adding at the
19 end the following new paragraph:

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

21 **TITLE V—COAST GUARD**
22 **REGULATORY REFORM**

23 **SEC. 501. SHORT TITLE.**

24 This title may be cited as the “Coast Guard Regu-
25 latory Reform Act of 1995”.

1 **SEC. 502. SAFETY MANAGEMENT.**

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

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

“Sec.

“3201. Definitions.

“3202. Application.

“3203. Safety management system.

“3204. Implementation of safety management system.

“3205. Certification.

6 **“§ 3201. Definitions**

7 “In this chapter—

8 “(1) ‘International Safety Management Code’
9 has the same meaning given that term in chapter IX
10 of the Annex to the International Convention for the
11 Safety of Life at Sea, 1974;

12 “(2) ‘responsible person’ means—

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

15 “(B) any other person that has—

16 “(i) assumed the responsibility for op-
17 eration of a vessel to which this chapter
18 applies from the owner; and

19 “(ii) agreed to assume with respect to
20 the vessel responsibility for complying with
21 all the requirements of this chapter and

1 the regulations prescribed under this chap-
2 ter.

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

5 “(A) arriving at a place under the jurisdic-
6 tion of the United States from a place in a for-
7 eign country;

8 “(B) making a voyage between places out-
9 side the United States; or

10 “(C) departing from a place under the ju-
11 risdiction of the United States for a place in a
12 foreign country.

13 **“§ 3202. Application**

14 “(a) MANDATORY APPLICATION.—This chapter ap-
15 plies to the following vessels engaged on a foreign voyage:

16 “(1) Beginning July 1, 1998—

17 “(A) a vessel transporting more than 12
18 passengers described in section 2101(21)(A) of
19 this title; and

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

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

1 “(b) VOLUNTARY APPLICATION.—This chapter ap-
2 plies to a vessel not described in subsection (a) of this
3 section if the owner of the vessel requests the Secretary
4 to apply this chapter to the vessel.

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

7 “(1) a barge;

8 “(2) a recreational vessel not engaged in com-
9 mercial service;

10 “(3) a fishing vessel;

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

13 “(5) a public vessel.

14 **“§ 3203. Safety management system**

15 “(a) IN GENERAL.—The Secretary shall prescribe
16 regulations which establish a safety management system
17 for responsible persons and vessels to which this chapter
18 applies, including—

19 “(1) a safety and environmental protection pol-
20 icy;

21 “(2) instructions and procedures to ensure safe
22 operation of those vessels and protection of the envi-
23 ronment in compliance with international and Unit-
24 ed States law;

1 “(3) defined levels of authority and lines of
2 communications between, and among, personnel on
3 shore and on the vessel;

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

6 “(5) procedures for preparing for and respond-
7 ing to emergency situations; and

8 “(6) procedures for internal audits and man-
9 agement reviews of the system.

10 “(b) COMPLIANCE WITH CODE.—Regulations pre-
11 scribed under this section shall be consistent with the
12 International Safety Management Code with respect to
13 vessels engaged on a foreign voyage.

14 **“§ 3204. Implementation of safety management sys-**
15 **tem**

16 “(a) SAFETY MANAGEMENT PLAN.—Each respon-
17 sible person shall establish and submit to the Secretary
18 for approval a safety management plan describing how
19 that person and vessels of the person to which this chapter
20 applies will comply with the regulations prescribed under
21 section 3203(a) of this title.

22 “(b) APPROVAL.—Upon receipt of a safety manage-
23 ment plan submitted under subsection (a), the Secretary
24 shall review the plan and approve it if the Secretary deter-
25 mines that it is consistent with and will assist in imple-

1 menting the safety management system established under
2 section 3203.

3 “(c) PROHIBITION ON VESSEL OPERATION.—A ves-
4 sel to which this chapter applies under section 3202(a)
5 may not be operated without having on board a Safety
6 Management Certificate and a copy of a Document of
7 Compliance issued for the vessel under section 3205 of
8 this title.

9 **“§ 3205. Certification**

10 “(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—
11 After verifying that the responsible person for a vessel to
12 which this chapter applies and the vessel comply with the
13 applicable requirements under this chapter, the Secretary
14 shall issue for the vessel, on request of the responsible per-
15 son, a Safety Management Certificate and a Document of
16 Compliance.

17 “(b) MAINTENANCE OF CERTIFICATE AND DOCU-
18 MENT.—A Safety Management Certificate and a Docu-
19 ment of Compliance issued for a vessel under this section
20 shall be maintained by the responsible person for the ves-
21 sel as required by the Secretary.

22 “(c) VERIFICATION OF COMPLIANCE.—The Secretary
23 shall—

24 “(1) periodically review whether a responsible
25 person having a safety management plan approved

1 under section 3204(b) and each vessel to which the
2 plan applies is complying with the plan; and

3 “(2) revoke the Secretary’s approval of the plan
4 and each Safety Management Certificate and Docu-
5 ment of Compliance issued to the person for a vessel
6 to which the plan applies, if the Secretary deter-
7 mines that the person or a vessel to which the plan
8 applies has not complied with the plan.

9 “(d) ENFORCEMENT.—At the request of the Sec-
10 retary, the Secretary of the Treasury shall withhold or re-
11 voke the clearance required by section 4197 of the Revised
12 Statutes (46 App. U.S.C. 91) of a vessel that is subject
13 to this chapter under section 3202(a) of this title or to
14 the International Safety Management Code, if the vessel
15 does not have on board a Safety Management Certificate
16 and a copy of a Document of Compliance for the vessel.
17 Clearance may be granted on filing a bond or other surety
18 satisfactory to the Secretary.”.

19 (b) CLERICAL AMENDMENT.—The table of chapters
20 at the beginning of subtitle II of title 46, United States
21 Code, is amended by inserting after the item relating to
22 chapter 31 the following:

“**32. Management of vessels** **3201**”.

23 (c) STUDY.—

24 (1) STUDY.—The Secretary of Transportation
25 shall conduct, in cooperation with the owners,

1 charterers, and managing operators of vessels docu-
2 mented under chapter 121 of title 46, United States
3 Code, and other interested persons, a study of the
4 methods that may be used to implement and enforce
5 the International Management Code for the Safe
6 Operation of Ships and for Pollution Prevention
7 under chapter IX of the Annex to the International
8 Convention for the Safety of Life at Sea, 1974.

9 (2) REPORT.—The Secretary shall submit to
10 the Congress a report of the results of the study re-
11 quired under paragraph (1) before the earlier of—

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

15 (B) the date that is 1 year after the date
16 of enactment of this Act.

17 **SEC. 503. USE OF REPORTS, DOCUMENTS, RECORDS, AND**
18 **EXAMINATIONS OF OTHER PERSONS.**

19 (a) REPORTS, DOCUMENTS, AND RECORDS.—Chap-
20 ter 31 of title 46, United States Code, is amended by add-
21 ing the following new section:

22 **“§ 3103. Use of reports, documents, and records**

23 “The Secretary may rely, as evidence of compliance
24 with this subtitle, on—

1 “(1) reports, documents, and records of other
2 persons who have been determined by the Secretary
3 to be reliable; and

4 “(2) other methods the Secretary has deter-
5 mined to be reliable.”.

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

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

9 (c) EXAMINATIONS.—Section 3308 of title 46, United
10 States Code, is amended by inserting “or have examined”
11 after “examine”.

12 **SEC. 504. EQUIPMENT APPROVAL.**

13 (a) IN GENERAL.—Section 3306(b) of title 46, Unit-
14 ed States Code, is amended to read as follows:

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

18 “(2) Except with respect to use on a public vessel,
19 the Secretary may treat an approval of equipment or ma-
20 terials by a foreign government as approval by the Sec-
21 retary for purposes of paragraph (1) if the Secretary de-
22 termines that—

23 “(A) the design standards and testing proce-
24 dures used by that government meet the require-

1 ments of the International Convention for the Safety
2 of Life at Sea, 1974;

3 “(B) the approval of the equipment or material
4 by the foreign government will secure the safety of
5 individuals and property on board vessels subject to
6 inspection; and

7 “(C) for lifesaving equipment, the foreign gov-
8 ernment—

9 “(i) has given equivalent treatment to ap-
10 provals of lifesaving equipment by the Sec-
11 retary; and

12 “(ii) otherwise ensures that lifesaving
13 equipment approved by the Secretary may be
14 used on vessels that are documented and sub-
15 ject to inspection under the laws of that coun-
16 try.”.

17 (b) FOREIGN APPROVALS.—The Secretary of Trans-
18 portation, in consultation with other interested Federal
19 agencies, shall work with foreign governments to have
20 those governments approve the use of the same equipment
21 and materials on vessels documented under the laws of
22 those countries that the Secretary requires on United
23 States documented vessels.

24 (c) TECHNICAL AMENDMENT.—Section 3306(a)(4)
25 of title 46, United States Code, is amended by striking

1 “clauses (1)–(3)” and inserting “paragraphs (1), (2), and
2 (3)”.

3 **SEC. 505. FREQUENCY OF INSPECTION.**

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

6 (1) in paragraph (1)—

7 (A) by striking “nautical school vessel”
8 and inserting “, nautical school vessel, and
9 small passenger vessel allowed to carry more
10 than 12 passengers on a foreign voyage”; and

11 (B) by adding “and” after the semicolon
12 at the end;

13 (2) by striking paragraph (2) and redesignating
14 paragraph (3) as paragraph (2); and

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

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

20 **SEC. 506. CERTIFICATE OF INSPECTION.**

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

1 **SEC. 507. DELEGATION OF AUTHORITY OF SECRETARY TO**
2 **CLASSIFICATION SOCIETIES.**

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

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

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

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

9 (A) redesignating paragraph (2) as para-
10 graph (3); and

11 (B) striking so much of the subsection as
12 precedes paragraph (3), as so redesignated, and
13 inserting the following:

14 “(b)(1) The Secretary may delegate to the American
15 Bureau of Shipping or another classification society recog-
16 nized by the Secretary as meeting acceptable standards
17 for such a society, for a vessel documented or to be docu-
18 mented under chapter 121 of this title, the authority to—

19 “(A) review and approve plans required for is-
20 suing a certificate of inspection required by this
21 part;

22 “(B) conduct inspections and examinations; and

23 “(C) issue a certificate of inspection required by
24 this part and other related documents.

25 “(2) The Secretary may make a delegation under
26 paragraph (1) to a foreign classification society only—

1 “(A) to the extent that the government of the
2 foreign country in which the society is headquartered
3 delegates authority and provides access to the Amer-
4 ican Bureau of Shipping to inspect, certify, and pro-
5 vide related services to vessels documented in that
6 country; and

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

9 (b) CONFORMING AMENDMENTS.—

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

12 **“§ 3316. Classification societies”.**

13 (2) The table of sections for chapter 33 of title
14 46, United States Code, is amended by striking the
15 item relating to section 3316 and inserting the fol-
16 lowing:

“3316. Classification societies.”.

17 **TITLE VI—DOCUMENTATION OF**
18 **VESSELS**

19 **SEC. 601. AUTHORITY TO ISSUE COASTWISE ENDORSE-**
20 **MENTS.**

21 Section 12106 of title 46, United States Code, is fur-
22 ther amended by adding at the end the following new sub-
23 section:

24 “(f) A coastwise endorsement may be issued for a
25 vessel that—

- 1 “(1) is less than 200 gross tons;
2 “(2) is eligible for documentation;
3 “(3) was built in the United States; and
4 “(4) was—
5 “(A) sold foreign in whole or in part; or
6 “(B) placed under foreign registry.”.

7 **SEC. 602. VESSEL DOCUMENTATION FOR CHARITY**
8 **CRUISES.**

9 (a) AUTHORITY TO DOCUMENT VESSELS.—

10 (1) IN GENERAL.—Notwithstanding section 27
11 of the Merchant Marine Act, 1920 (46 App. U.S.C.
12 883), the Act of June 19, 1886 (46 App. U.S.C.
13 289), and section 12106 of title 46, United States
14 Code, and subject to paragraph (2), the Secretary of
15 Transportation may issue a certificate of documenta-
16 tion with a coastwise endorsement for each of the
17 following vessels:

18 (A) GALLANT LADY (Feadship hull
19 number 645, approximately 130 feet in length).

20 (B) GALLANT LADY (Feadship hull
21 number 651, approximately 172 feet in length).

22 (2) LIMITATION ON OPERATION.—Coastwise
23 trade authorized under a certificate of documenta-
24 tion issued for a vessel under this section shall be
25 limited to carriage of passengers in association with

1 contributions to charitable organizations no portion
2 of which is received, directly or indirectly, by the
3 owner of the vessel.

4 (3) CONDITION.—The Secretary may not issue
5 any certificate of documentation under paragraph
6 (1) unless the owner of the vessel referred to in
7 paragraph (1)(A) (in this section referred to as the
8 “owner”), within 90 days after the date of the en-
9 actment of this Act, submits to the Secretary a let-
10 ter expressing the intent of the owner to enter into
11 a contract before October 1, 1996, for construction
12 in the United States of a passenger vessel of at least
13 130 feet in length.

14 (4) EFFECTIVE DATE OF CERTIFICATES.—A
15 certificate of documentation issued under paragraph
16 (1)—

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

20 (B) for the vessel referred to in paragraph
21 (1)(B), shall take effect on the date of delivery
22 of the vessel to the owner.

23 (b) TERMINATION OF EFFECTIVENESS OF CERTIFI-
24 CATES.—A certificate of documentation issued for a vessel
25 under section (a)(1) shall expire—

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

3 (2) on October 1, 1996, if the owner has not
4 entered into a contract for construction of a vessel
5 in accordance with the letter of intent submitted to
6 the Secretary under subsection (a)(3); and

7 (3) on any date on which such a contract is
8 breached, rescinded, or terminated (other than for
9 completion of performance of the contract) by the
10 owner.

11 **SEC. 603. EXTENSION OF DEADLINE FOR CONVERSION OF**
12 **VESSEL M/V TWIN DRILL.**

13 Section 601(d) of Public Law 103–206 (107 Stat.
14 2445) is amended—

15 (1) in paragraph (3), by striking “1995” and
16 inserting “1996”; and

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

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

20 Notwithstanding section 27 of the Merchant Marine
21 Act, 1920, as amended (46 App. U.S.C. 883), the Act of
22 June 19, 1886 (46 App. U.S.C. 289), and sections 12106,
23 12107, and 12108 of title 46, United States Code, the
24 Secretary of Transportation may issue a certificate of doc-
25 umentation with appropriate endorsements for employ-

1 ment in the coastwise trade, Great Lakes trade and the
2 fisheries for the vessel RAINBOW'S END, official num-
3 ber 1026899 (hull identification number MY13708C787).

4 **TITLE VII—TECHNICAL AND** 5 **CONFORMING AMENDMENTS**

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

7 Section 2 of the Inland Navigational Rules Act of
8 1980 is amended—

9 (1) by amending Rule 9(e)(i) (33 U.S.C.
10 2009(e)(i)) to read as follows:

11 “(i) In a narrow channel or fairway when overtaking,
12 the power-driven vessel intending to overtake another
13 power-driven vessel shall indicate her intention by sound-
14 ing the appropriate signal prescribed in Rule 34(c) and
15 take steps to permit safe passing. The power-driven vessel
16 being overtaken, if in agreement, shall sound the same sig-
17 nal and may, if specifically agreed to take steps to permit
18 safe passing. If in doubt she shall sound the danger signal
19 prescribed in Rule 34(d).”;

20 (2) in Rule 15(b) (33 U.S.C. 2015(b)) by in-
21 sserting “power-driven” after “Secretary, a”;

22 (3) in Rule 23(a)(i) (33 U.S.C. 2023(a)(i))
23 after “masthead light forward”; by striking “except
24 that a vessel of less than 20 meters in length need

1 not exhibit this light forward of amidships but shall
2 exhibit it as far forward as is practicable;”;

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

5 “(f) Provided that any number of vessels being towed
6 alongside or pushed in a group shall be lighted as one ves-
7 sel, except as provided in paragraph (iii)—

8 (i) a vessel being pushed ahead, not being part
9 of a composite unit, shall exhibit at the forward end,
10 sidelights and a special flashing light;

11 (ii) a vessel being towed alongside shall exhibit
12 a sternlight and at the forward end, sidelights and
13 a special flashing light; and

14 (iii) when vessels are towed alongside on both
15 sides of the towing vessels a stern light shall be ex-
16 hibited on the stern of the outboard vessel on each
17 side of the towing vessel, and a single set of
18 sidelights as far forward and as far outboard as is
19 practicable, and a single special flashing light.”;

20 (5) in Rule 26 (33 U.S.C 2026)—

21 (A) in each of subsections (b)(i) and (c)(i)
22 by striking “a vessel of less than 20 meters in
23 length may instead of this shape exhibit a bas-
24 ket;”; and

1 (B) by amending subsection (d) to read as
2 follows:

3 “(d) The additional signals described in Annex II to
4 these Rules apply to a vessel engaged in fishing in close
5 proximity to other vessels engaged in fishing.”; and

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

8 “(h) A vessel that reaches agreement with another
9 vessel in a head-on, crossing, or overtaking situation, as
10 for example, by using the radiotelephone as prescribed by
11 the Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat.
12 164; 33 U.S.C. 1201 et seq.), is not obliged to sound the
13 whistle signals prescribed by this rule, but may do so. If
14 agreement is not reached, then whistle signals shall be ex-
15 changed in a timely manner and shall prevail.”.

16 **SEC. 702. MEASUREMENT OF VESSELS.**

17 Section 14104 of title 46, United States Code, is
18 amended by redesignating the existing text after the sec-
19 tion heading as subsection (a) and by adding at the end
20 the following new subsection:

21 “(b) If a statute allows for an alternate tonnage to
22 be prescribed under this section, the Secretary may pre-
23 scribe it by regulation. The alternate tonnage shall, to the
24 maximum extent possible, be equivalent to the statutorily
25 established tonnage. Until an alternate tonnage is pre-

1 scribed, the statutorily established tonnage shall apply to
2 vessels measured under chapter 143 or chapter 145 of this
3 title.”.

4 **SEC. 703. LONGSHORE AND HARBOR WORKERS COMPENSA-**
5 **TION.**

6 Section 3(d)(3)(B) of the Longshore and Harbor
7 Workers’ Compensation Act (33 U.S.C. 903(d)(3)(B)) is
8 amended by inserting after “1,600 tons gross” the follow-
9 ing: “as measured under section 14502 of title 46, United
10 States Code, or an alternate tonnage measured under sec-
11 tion 14302 of that title as prescribed by the Secretary
12 under section 14104 of that title”.

13 **SEC. 704. RADIOTELEPHONE REQUIREMENTS.**

14 Section 4(a)(2) of the Vessel Bridge-to-Bridge Radio-
15 telephone Act (33 U.S.C. 1203(a)(2)) is amended by in-
16 serting after “one hundred gross tons” the following “as
17 measured under section 14502 of title 46, United States
18 Code, or an alternate tonnage measured under section
19 14302 of that title as prescribed by the Secretary under
20 section 14104 of that title,”.

21 **SEC. 705. VESSEL OPERATING REQUIREMENTS.**

22 Section 4(a)(3) of the Ports and Waterways Safety
23 Act of 1972 (33 U.S.C. 1223(a)(3)) is amended by insert-
24 ing after “300 gross tons” the following: “as measured
25 under section 14502 of title 46, United States Code, or

1 an alternate tonnage measured under section 14302 of
2 that title as prescribed by the Secretary under section
3 14104 of that title”.

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

5 Section 27A of the Merchant Marine Act, 1920 (46
6 U.S.C. App. 883–1), is amended by inserting after “five
7 hundred gross tons” the following: “as measured under
8 section 14502 of title 46, United States Code, or an alter-
9 nate tonnage measured under section 14302 of that title
10 as prescribed by the Secretary under section 14104 of that
11 title,”.

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

13 Section 2 of the Act of June 14, 1956 (46 U.S.C.
14 App. 883a), is amended by inserting after “five hundred
15 gross tons” the following: “as measured under section
16 14502 of title 46, United States Code, or an alternate ton-
17 nage measured under section 14302 of that title as pre-
18 scribed by the Secretary under section 14104 of that
19 title”.

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

21 Section 1302(4)(A) of Maritime Education and
22 Training Act of 1980 (46 U.S.C. App. 1295a(4)(a)) is
23 amended by inserting after “1,000 gross tons or more”
24 the following: “as measured under section 14502 of title
25 46, United States Code, or an alternate tonnage measured

1 under section 14302 of that title as prescribed by the Sec-
2 retary under section 14104 of that title.”

3 **SEC. 709. GENERAL DEFINITIONS.**

4 Section 2101 of title 46, United States Code, is
5 amended—

6 (1) in paragraph (13), by inserting after “15
7 gross tons” the following: “as measured under sec-
8 tion 14502 of title 46, United States Code, or an al-
9 ternate tonnage measured under section 14302 of
10 that title as prescribed by the Secretary under sec-
11 tion 14104 of that title”;

12 (2) in paragraph (13a), by inserting after
13 “3,500 gross tons” the following: “as measured
14 under section 14502 of title 46, United States Code,
15 or an alternate tonnage measured under section
16 14302 of that title as prescribed by the Secretary
17 under section 14104 of that title”;

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

24 (4) in paragraph (22), by inserting after “100
25 gross tons” the following: “as measured under sec-

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

5 (5) in paragraph (30)(A), by inserting after
6 “500 gross tons” the following: “as measured under
7 section 14502 of title 46, United States Code, or an
8 alternate tonnage measured under section 14302 of
9 that title as prescribed by the Secretary under sec-
10 tion 14104 of that title”;

11 (6) in paragraph (32), by inserting after “100
12 gross tons” the following: “as measured under sec-
13 tion 14502 of title 46, United States Code, or an al-
14 ternate tonnage measured under section 14302 of
15 that title as prescribed by the Secretary under sec-
16 tion 14104 of that title”;

17 (7) in paragraph (33), by inserting after “300
18 gross tons” the following: “as measured under sec-
19 tion 14502 of title 46, United States Code, or an al-
20 ternate tonnage measured under section 14302 of
21 that title as prescribed by the Secretary under sec-
22 tion 14104 of that title”;

23 (8) in paragraph (35), by inserting after “100
24 gross tons” the following: “as measured under sec-
25 tion 14502 of title 46, United States Code, or an al-

1 ternate tonnage measured under section 14302 of
2 that title as prescribed by the Secretary under sec-
3 tion 14104 of that title”; and

4 (9) in paragraph (42), by inserting after “100
5 gross tons” each place it appears, the following: “as
6 measured under section 14502 of title 46, United
7 States Code, or an alternate tonnage measured
8 under section 14302 of that title as prescribed by
9 the Secretary under section 14104 of that title”.

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

11 Section 2113 of title 46, United States Code, is
12 amended—

13 (1) in paragraph (4), by inserting after “at
14 least 100 gross tons but less than 300 gross tons”
15 the following: “as measured under section 14502 of
16 title 46, United States Code, or an alternate tonnage
17 measured under section 14302 of that title as pre-
18 scribed by the Secretary under section 14104 of that
19 title”; and

20 (2) in paragraph (5), by inserting after “at
21 least 100 gross tons but less than 500 gross tons”
22 the following: “as measured under section 14502 of
23 title 46, United States Code, or an alternate tonnage
24 measured under section 14302 of that title as pre-

1 scribed by the Secretary under section 14104 of that
2 title”.

3 **SEC. 711. INSPECTION OF VESSELS.**

4 Section 3302 of title 46, United States Code, is
5 amended—

6 (1) in subsection (c)(1), by inserting after
7 “5,000 gross tons” the following: “as measured
8 under section 14502 of title 46, United States Code,
9 or an alternate tonnage measured under section
10 14302 of that title as prescribed by the Secretary
11 under section 14104 of that title”;

12 (2) in subsection (c)(2), by inserting after “500
13 gross tons” the following: “as measured under sec-
14 tion 14502 of title 46, United States Code, or an al-
15 ternate tonnage measured under section 14302 of
16 that title as prescribed by the Secretary under sec-
17 tion 14104 of that title”;

18 (3) in subsection (c)(3), by inserting after “500
19 gross tons” the following: “as measured under sec-
20 tion 14502 of title 46, United States Code, or an al-
21 ternate tonnage measured under section 14302 of
22 that title as prescribed by the Secretary under sec-
23 tion 14104 of that title”;

24 (4) in subsection (c)(4)(A), by inserting after
25 “500 gross tons” the following: “as measured under

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

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

11 (6) in subsection (i)(1)(A), by inserting after
12 “300 gross tons” the following: “as measured under
13 section 14502 of title 46, United States Code, or an
14 alternate tonnage measured under section 14302 of
15 that title as prescribed by the Secretary under sec-
16 tion 14104 of that title”; and

17 (7) in subsection (j), by inserting after “15
18 gross tons” the following: “as measured under sec-
19 tion 14502 of title 46, United States Code, or an al-
20 ternate tonnage measured under section 14302 of
21 that title as prescribed by the Secretary under sec-
22 tion 14104 of that title”.

23 **SEC. 712. REGULATIONS.**

24 Section 3306 of title 46, United States Code, is
25 amended—

1 (1) in subsection (h), by inserting after “at
2 least 100 gross tons but less than 300 gross tons”
3 the following: “as measured under section 14502 of
4 title 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”; and

8 (2) in subsection (i), by inserting after “at least
9 100 gross tons but less than 500 gross tons” the fol-
10 lowing: “as measured under section 14502 of title
11 46, United States Code, or an alternate tonnage
12 measured under section 14302 of that title as pre-
13 scribed by the Secretary under section 14104 of that
14 title”.

15 **SEC. 713. FREQUENCY OF INSPECTION.**

16 Section 3307(2) of title 46, United States Code, is
17 amended by inserting after “100 gross tons” the following:
18 “as measured under section 14502 of title 46, United
19 States Code, or an alternate tonnage measured under sec-
20 tion 14302 of that title as prescribed by the Secretary
21 under section 14104 of that title”.

22 **SEC. 714. PENALTIES—INSPECTION OF VESSELS.**

23 Section 3318 of title 46, United States Code, is
24 amended—

1 (1) in subsection (a), by inserting after “100
2 gross tons” the following: “as measured under sec-
3 tion 14502 of title 46, United States Code, or an al-
4 ternate tonnage measured under section 14302 of
5 that title as prescribed by the Secretary under sec-
6 tion 14104 of that title”; and

7 (2) in subsection (j)(1), by inserting after
8 “1,600 gross tons” the following: “as measured
9 under section 14502 of title 46, United States Code,
10 or an alternate tonnage measured under section
11 14302 of that title as prescribed by the Secretary
12 under section 14104 of that title”.

13 **SEC. 715. APPLICATION—TANK VESSELS.**

14 Section 3702 of title 46, United States Code, is
15 amended—

16 (1) in subsection (b)(1), by inserting after “500
17 gross tons” the following: “as measured under sec-
18 tion 14502 of title 46, United States Code, or an al-
19 ternate tonnage measured under section 14302 of
20 that title as prescribed by the Secretary under sec-
21 tion 14104 of that title”;

22 (2) in subsection (c), by inserting after “500
23 gross tons” the following: “as measured under sec-
24 tion 14502 of title 46, United States Code, or an al-
25 ternate tonnage measured under section 14302 of

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

3 (3) in subsection (d), by inserting after “5,000
4 gross tons” the following: “as measured under sec-
5 tion 14502 of title 46, United States Code, or an al-
6 ternate tonnage measured under section 14302 of
7 that title as prescribed by the Secretary under sec-
8 tion 14104 of that title”.

9 **SEC. 716. TANK VESSEL CONSTRUCTION STANDARDS.**

10 Section 3703a of title 46, United States Code, is
11 amended—

12 (1) in subsection (b)(2), by inserting after
13 “5,000 gross tons” the following: “as measured
14 under section 14502 of title 46, United States Code,
15 or an alternate tonnage measured under section
16 14302 of that title as prescribed by the Secretary
17 under section 14104 of that title”;

18 (2) in subsection (c)(2), by inserting after
19 “5,000 gross tons” each place it appears the follow-
20 ing: “as measured under section 14502 of title 46,
21 United States Code, or an alternate tonnage meas-
22 ured under section 14302 of that title as prescribed
23 by the Secretary under section 14104 of that title”;

24 (3) in subsection (c)(3)(A), by inserting after
25 “15,000 gross tons” the following: “as measured

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

5 (4) in subsection (c)(3)(B), by inserting after
6 “30,000 gross tons” the following: “as measured
7 under section 14502 of title 46, United States Code,
8 or an alternate tonnage measured under section
9 14302 of that title as prescribed by the Secretary
10 under section 14104 of that title”; and

11 (5) in subsection (c)(3)(C), by inserting after
12 “30,000 gross tons” the following: “as measured
13 under section 14502 of title 46, United States Code,
14 or an alternate tonnage measured under section
15 14302 of that title as prescribed by the Secretary
16 under section 14104 of that title”.

17 **SEC. 717. TANKER MINIMUM STANDARDS.**

18 Section 3707 of title 46, United States Code, is
19 amended—

20 (1) in subsection (a), by inserting after “10,000
21 gross tons” the following: “as measured under sec-
22 tion 14502 of title 46, United States Code, or an al-
23 ternate tonnage measured under section 14302 of
24 that title as prescribed by the Secretary under sec-
25 tion 14104 of that title”; and

1 (2) in subsection (b), by inserting after “10,000
2 gross tons” the following: “as measured under sec-
3 tion 14502 of title 46, United States Code, or an al-
4 ternate tonnage measured under section 14302 of
5 that title as prescribed by the Secretary under sec-
6 tion 14104 of that title”.

7 **SEC. 718. SELF-PROPELLED TANK VESSEL MINIMUM**
8 **STANDARDS.**

9 Section 3708 of title 46, United States Code, is
10 amended by inserting after “10,000 gross tons” the fol-
11 lowing: “as measured under section 14502 of title 46,
12 United States Code, or an alternate tonnage measured
13 under section 14302 of that title as prescribed by the Sec-
14 retary under section 14104 of that title”.

15 **SEC. 719. DEFINITION—ABANDONMENT OF BARGES.**

16 Section 4701(1) of title 46, United States Code, is
17 amended by inserting after “100 gross tons” the following:
18 “as measured under section 14502 of title 46, United
19 States Code, or an alternate tonnage measured under sec-
20 tion 14302 of that title as prescribed by the Secretary
21 under section 14104 of that title”.

22 **SEC. 720. APPLICATION—LOAD LINES.**

23 Section 5102(b) of title 46, United States Code, is
24 amended—

1 (1) in paragraph (4), by inserting after “5,000
2 gross tons” the following: “as measured under sec-
3 tion 14502 of title 46, United States Code, or an al-
4 ternate tonnage measured under section 14302 of
5 that title as prescribed by the Secretary under sec-
6 tion 14104 of that title”;

7 (2) in paragraph (5), by inserting after “500
8 gross tons” the following: “as measured under sec-
9 tion 14502 of title 46, United States Code, or an al-
10 ternate tonnage measured under section 14302 of
11 that title as prescribed by the Secretary under sec-
12 tion 14104 of that title”; and

13 (3) in paragraph (10), by inserting after “150
14 gross tons” the following: “as measured under sec-
15 tion 14502 of title 46, United States Code, or an al-
16 ternate tonnage measured under section 14302 of
17 that title as prescribed by the Secretary under sec-
18 tion 14104 of that title”.

19 **SEC. 721. LICENSING OF INDIVIDUALS.**

20 Section 7101(e)(3) of title 46, United States Code,
21 is amended by inserting after “1,600 gross tons” the fol-
22 lowing: “as measured under section 14502 of title 46,
23 United States Code, or an alternate tonnage measured
24 under section 14302 of that title as prescribed by the Sec-
25 retary under section 14104 of that title”.

1 **SEC. 722. ABLE SEAMEN—LIMITED.**

2 Section 7308 of title 46, United States Code, is
3 amended by inserting after “100 gross tons” the following:
4 “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
7 under section 14104 of that title”.

8 **SEC. 723. ABLE SEAMEN—OFFSHORE SUPPLY VESSELS.**

9 Section 7310 of title 46, United States Code, is
10 amended by inserting after “500 gross tons” the following:
11 “as measured under section 14502 of title 46, United
12 States Code, or an alternate tonnage measured under sec-
13 tion 14302 of that title as prescribed by the Secretary
14 under section 14104 of that title”.

15 **SEC. 724. SCALE OF EMPLOYMENT—ABLE SEAMEN.**

16 Section 7312 of title 46, United States Code, is
17 amended—

18 (1) in subsection (b), by inserting after “1,600
19 gross tons” the following: “as measured under sec-
20 tion 14502 of title 46, United States Code, or an al-
21 ternate tonnage measured under section 14302 of
22 that title as prescribed by the Secretary under sec-
23 tion 14104 of that title”;

24 (2) in subsection (c)(1), by inserting after “500
25 gross tons” the following: “as measured under sec-
26 tion 14502 of title 46, United States Code, or an al-

1 ternate tonnage measured under section 14302 of
2 that title as prescribed by the Secretary under sec-
3 tion 14104 of that title”;

4 (3) in subsection (d), by inserting after “500
5 gross tons” the following: “as measured under sec-
6 tion 14502 of title 46, United States Code, or an al-
7 ternate tonnage measured under section 14302 of
8 that title as prescribed by the Secretary under sec-
9 tion 14104 of that title”;

10 (4) in subsection (f)(1), by inserting after
11 “5,000 gross tons” the following: “as measured
12 under section 14502 of title 46, United States Code,
13 or an alternate tonnage measured under section
14 14302 of that title as prescribed by the Secretary
15 under section 14104 of that title”; and

16 (5) in subsection (f)(2), by inserting after
17 “5,000 gross tons” the following: “as measured
18 under section 14502 of title 46, United States Code,
19 or an alternate tonnage measured under section
20 14302 of that title as prescribed by the Secretary
21 under section 14104 of that title”.

22 **SEC. 725. GENERAL REQUIREMENTS—ENGINE DEPART-**
23 **MENT.**

24 Section 7313(a) 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
2 States Code, or an alternate tonnage measured under sec-
3 tion 14302 of that title as prescribed by the Secretary
4 under section 14104 of that title”.

5 **SEC. 726. COMPLEMENT OF INSPECTED VESSELS.**

6 Section 8101(h) 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
9 States Code, or an alternate tonnage measured under sec-
10 tion 14302 of that title as prescribed by the Secretary
11 under section 14104 of that title”.

12 **SEC. 727. WATCHMEN.**

13 Section 8102(b) of title 46, United States Code, is
14 amended by inserting after “100 gross tons” the following:
15 “as measured under section 14502 of title 46, United
16 States Code, or an alternate tonnage measured under sec-
17 tion 14302 of that title as prescribed by the Secretary
18 under section 14104 of that title”.

19 **SEC. 728. CITIZENSHIP AND NAVAL RESERVE REQUIRE-**
20 **MENTS.**

21 Section 8103(b)(3)(A) of title 46, United States
22 Code, is amended by inserting after “1,600 gross tons”
23 the following: “as measured under section 14502 of title
24 46, United States Code, or an alternate tonnage measured

1 under section 14302 of that title as prescribed by the Sec-
2 retary under section 14104 of that title”.

3 **SEC. 729. WATCHES.**

4 Section 8104 of title 46, United States Code, is
5 amended—

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

12 (2) in subsection (d), by inserting after “100
13 gross tons” and after “5,000 gross tons” the follow-
14 ing: “as measured under section 14502 of title 46,
15 United States Code, or an alternate tonnage meas-
16 ured under section 14302 of that title as prescribed
17 by the Secretary under section 14104 of that title”;

18 (3) in subsection (l)(1), by inserting after
19 “1,600 gross tons” the following: “as measured
20 under section 14502 of title 46, United States Code,
21 or an alternate tonnage measured under section
22 14302 of that title as prescribed by the Secretary
23 under section 14104 of that title”;

24 (4) in subsection (m)(1), by inserting after
25 “1,600 gross tons” the following: “as measured

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

5 (5) in subsection (o)(1), by inserting after “500
6 gross tons” the following: “as measured under sec-
7 tion 14502 of title 46, United States Code, or an al-
8 ternate tonnage measured under section 14302 of
9 that title as prescribed by the Secretary under sec-
10 tion 14104 of that title”; and

11 (6) in subsection (o)(2), by inserting after “500
12 gross tons” the following: “as measured under sec-
13 tion 14502 of title 46, United States Code, or an al-
14 ternate tonnage measured under section 14302 of
15 that title as prescribed by the Secretary under sec-
16 tion 14104 of that title”.

17 **SEC. 730. MINIMUM NUMBER OF LICENSED INDIVIDUALS.**

18 Section 8301 of title 46, United States Code, is
19 amended—

20 (1) in subsection (a)(2), by inserting after
21 “1,000 gross tons” the following: “as measured
22 under section 14502 of title 46, United States Code,
23 or an alternate tonnage measured under section
24 14302 of that title as prescribed by the Secretary
25 under section 14104 of that title”;

1 (2) in subsection (a)(3), by inserting after “at
2 least 200 gross tons but less than 1,000 gross tons”
3 the following: “as measured under section 14502 of
4 title 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 (3) in subsection (a)(4), by inserting after “at
9 least 100 gross tons but less than 200 gross tons”
10 the following: “as measured under section 14502 of
11 title 46, United States Code, or an alternate tonnage
12 measured under section 14302 of that title as pre-
13 scribed by the Secretary under section 14104 of that
14 title”;

15 (4) in subsection (a)(5), by inserting after “300
16 gross tons” the following: “as measured under sec-
17 tion 14502 of title 46, United States Code, or an al-
18 ternate tonnage measured under section 14302 of
19 that title as prescribed by the Secretary under sec-
20 tion 14104 of that title”;

21 (5) in subsection (b), by inserting after “200
22 gross tons” the following: “as measured under sec-
23 tion 14502 of title 46, United States Code, or an al-
24 ternate tonnage measured under section 14302 of

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

3 (6) in subsection (e)(3), by inserting after “200
4 gross tons” the following: “as measured under sec-
5 tion 14502 of title 46, United States Code, or an al-
6 ternate tonnage measured under section 14302 of
7 that title as prescribed by the Secretary under sec-
8 tion 14104 of that title”.

9 **SEC. 731. OFFICERS’ COMPETENCY CERTIFICATES CONVEN-**
10 **TION.**

11 Section 8304(b)(4) of title 46, United States Code,
12 is amended by inserting after “200 gross tons” the follow-
13 ing: “as measured under section 14502 of title 46, United
14 States Code, or an alternate tonnage measured under sec-
15 tion 14302 of that title as prescribed by the Secretary
16 under section 14104 of that title”.

17 **SEC. 732. MERCHANT MARINERS’ DOCUMENTS REQUIRED.**

18 Section 8701 of title 46, United States Code, is
19 amended—

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

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

7 **SEC. 733. CERTAIN CREW REQUIREMENTS.**

8 Section 8702 of title 46, United States Code, is
9 amended—

10 (1) in subsection (a), by inserting after “100
11 gross tons” the following: “as measured under sec-
12 tion 14502 of title 46, United States Code, or an al-
13 ternate tonnage measured under section 14302 of
14 that title as prescribed by the Secretary under sec-
15 tion 14104 of that title”; and

16 (2) in subsection (a)(6), by inserting after
17 “1,600 gross tons” the following: “as measured
18 under section 14502 of title 46, United States Code,
19 or an alternate tonnage measured under section
20 14302 of that title as prescribed by the Secretary
21 under section 14104 of that title”.

22 **SEC. 734. FREIGHT VESSELS.**

23 Section 8901 of title 46, United States Code, is
24 amended by inserting after “100 gross tons” the following:
25 “as measured under section 14502 of title 46, United

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

4 **SEC. 735. EXEMPTIONS.**

5 Section 8905(b) of title 46, United States Code, is
6 amended by inserting after “200 gross tons” the following:
7 “as measured under section 14502 of title 46, United
8 States Code, or an alternate tonnage measured under sec-
9 tion 14302 of that title as prescribed by the Secretary
10 under section 14104 of that title”.

11 **SEC. 736. UNITED STATES REGISTERED PILOT SERVICE.**

12 Section 9303(a)(2) of title 46, United States Code,
13 is amended by inserting after “4,000 gross tons” the fol-
14 lowing: “as measured under section 14502 of title 46,
15 United States Code, or an alternate tonnage measured
16 under section 14302 of that title as prescribed by the Sec-
17 retary under section 14104 of that title”.

18 **SEC. 737. DEFINITIONS—MERCHANT SEAMEN PROTECTION.**

19 Section 10101(4)(B) of title 46, United States Code,
20 is amended by inserting after “1,600 gross tons” the fol-
21 lowing: “as measured under section 14502 of title 46,
22 United States Code, or an alternate tonnage measured
23 under section 14302 of that title as prescribed by the Sec-
24 retary under section 14104 of that title”.

1 **SEC. 738. APPLICATION—FOREIGN AND INTERCOASTAL**
2 **VOYAGES.**

3 Section 10301(a)(2) of title 46, United States Code,
4 is amended by inserting after “75 gross tons” the follow-
5 ing: “as measured under section 14502 of title 46, United
6 States Code, or an alternate tonnage measured under sec-
7 tion 14302 of that title as prescribed by the Secretary
8 under section 14104 of that title”.

9 **SEC. 739. APPLICATION—COASTWISE VOYAGES.**

10 Section 10501(a) of title 46, United States Code, is
11 amended by inserting after “50 gross tons” the following:
12 “as measured under section 14502 of title 46, United
13 States Code, or an alternate tonnage measured under sec-
14 tion 14302 of that title as prescribed by the Secretary
15 under section 14104 of that title”.

16 **SEC. 740. FISHING AGREEMENTS.**

17 Section 10601(a)(1) of title 46, United States Code,
18 is amended by inserting after “20 gross tons” the follow-
19 ing: “as measured under section 14502 of title 46, United
20 States Code, or an alternate tonnage measured under sec-
21 tion 14302 of that title as prescribed by the Secretary
22 under section 14104 of that title”.

23 **SEC. 741. ACCOMMODATIONS FOR SEAMEN.**

24 Section 11101(a) of title 46, United States Code, is
25 amended by inserting after “100 gross tons” the following:
26 “as measured under section 14502 of title 46, United

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

4 **SEC. 742. MEDICINE CHESTS.**

5 Section 11102(a) of title 46, United States Code, is
6 amended by inserting after “75 gross tons” the following:
7 “as measured under section 14502 of title 46, United
8 States Code, or an alternate tonnage measured under sec-
9 tion 14302 of that title as prescribed by the Secretary
10 under section 14104 of that title”.

11 **SEC. 743. LOGBOOK AND ENTRY REQUIREMENTS.**

12 Section 11301(a)(2) of title 46, United States Code,
13 is amended by inserting after “100 gross tons” the follow-
14 ing: “as measured under section 14502 of title 46, United
15 States Code, or an alternate tonnage measured under sec-
16 tion 14302 of that title as prescribed by the Secretary
17 under section 14104 of that title”.

18 **SEC. 744. COASTWISE ENDORSEMENTS.**

19 Section 12106(c)(1) of title 46, United States Code,
20 is amended by striking “two hundred gross tons” and in-
21 serting “200 gross tons as measured under section 14502
22 of title 46, United States Code, or an alternate tonnage
23 measured under section 14302 of that title as prescribed
24 by the Secretary under section 14104 of that title”.

1 **SEC. 745. FISHERY ENDORSEMENTS.**

2 Section 12108(c)(1) of title 46, United States Code,
3 is amended by striking “two hundred gross tons” and in-
4 serting “200 gross tons as measured under section 14502
5 of title 46, United States Code, or an alternate tonnage
6 measured under section 14302 of that title as prescribed
7 by the Secretary under section 14104 of that title”.

8 **SEC. 746. CLERICAL AMENDMENT.**

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

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

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

15 **SEC. 747. REPEAL OF GREAT LAKES ENDORSEMENTS.**

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

18 (b) CONFORMING AMENDMENTS.—

19 (1) The analysis at the beginning of chapter
20 121 of title 46, United States Code, is amended by
21 striking the item relating to section 12107.

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

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

1 (4) Section 2793 of the Revised Statutes of
2 the United States (46 App. U.S.C. 111, 123) is
3 amended—

4 (A) by striking “coastwise, Great Lakes
5 endorsement” and all that follows through “for-
6 eign ports,” and inserting “registry endorse-
7 ment, engaged in foreign trade on the Great
8 Lakes or their tributary or connecting waters in
9 trade with Canada,”; and

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

12 **SEC. 748. CONVENTION TONNAGE FOR LICENSES, CERTIFI-**
13 **CATES, AND DOCUMENTS.**

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

17 **“§ 7506. Convention tonnage for licenses, certificates,**
18 **and documents**

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

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

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

3 (b) CLERICAL AMENDMENT.—The analysis to chap-
4 ter 75 of title 46, United States Code, is amended by add-
5 ing a new catchline as follows:

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

6 **TITLE VIII—COAST GUARD**
7 **AUXILIARY AMENDMENTS**

8 **SEC. 801. ADMINISTRATION OF THE COAST GUARD AUXIL-**
9 **IARY.**

10 (a) IN GENERAL.—Section 821, title 14, United
11 States Code, is amended to read as follows:

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

13 “(a) The Coast Guard Auxiliary is a nonmilitary or-
14 ganization administered by the Commandant under the di-
15 rection of the Secretary. For command, control, and ad-
16 ministrative purposes, the Auxiliary shall include such or-
17 ganizational elements and units as are approved by the
18 Commandant, including but not limited to, a national
19 board and staff (to be known as the ‘Auxiliary head-
20 quarters unit’), districts, regions, divisions, flotillas, and
21 other organizational elements and units. The Auxiliary or-
22 ganization and its officers shall have such rights, privi-
23 leges, powers, and duties as may be granted to them by
24 the Commandant, consistent with this title and other ap-
25 plicable provisions of law. The Commandant may delegate

1 to officers of the Auxiliary the authority vested in the
2 Commandant by this section, in the manner and to the
3 extent the Commandant considers necessary or appro-
4 priate for the functioning, organization, and internal ad-
5 ministration of the Auxiliary.

6 “(b) Each organizational element or unit of the Coast
7 Guard Auxiliary organization (but excluding any corpora-
8 tion formed by an organizational element or unit of the
9 Auxiliary under subsection (c) of this section), shall, ex-
10 cept when acting outside the scope of section 822, at all
11 times be deemed to be an instrumentality of the United
12 States, for purposes of—

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

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

17 “(3) the Act of March 3, 1925 (46 App. U.S.C.
18 781–790; popularly known as the Public Vessels
19 Act);

20 “(4) the Act of March 9, 1920 (46 App. U.S.C.
21 741–752; popularly known as the Suits in Admiralty
22 Act;

23 “(5) the Act of June 19, 1948 (46 App. U.S.C.
24 740; popularly known as the Admiralty Extension
25 Act); and

1 “(6) other matters related to noncontractual
2 civil liability.

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

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of chapter 23 of title 14, United States
9 Code, is amended by striking the item relating to section
10 821, and inserting the following:

 “821. Administration of the Coast Guard Auxiliary.”.

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

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

14 **“§ 822. Purpose of the Coast Guard auxiliary**

15 “The purpose of the Auxiliary is to assist the Coast
16 Guard as authorized by the Commandant, in performing
17 any Coast Guard function, power, duty, role, mission, or
18 operation authorized by law.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 23 of title 14, United States
21 Code, is amended by striking the item relating to section
22 822 and inserting the following:

 “822. Purpose of the Coast Guard Auxiliary.”.

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

2 (a) IN GENERAL.—Section 823 of title 14, United
3 States Code, is amended—

4 (1) in the heading by adding “, and status”
5 after “enrollments”;

6 (2) by inserting “(a)” before “The Auxiliary”;
7 and

8 (3) by adding at the end the following new sub-
9 sections:

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

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

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

16 “(3) The Act of March 3, 1925 (46 App.
17 U.S.C. 781–790; popularly known as the Public Ves-
18 sel Act).

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

22 “(5) The Act of June 19, 1948 (46 App. U.S.C.
23 740; popularly known as the Admiralty Extension
24 Act).

25 “(6) Other matters related to noncontractual
26 civil liability.

1 “(7) Compensation for work injuries under
2 chapter 81 of title 5.

3 “(8) The resolution of claims relating to dam-
4 age to or loss of personal property of the member in-
5 cident to service under section 3721 of title 31 (pop-
6 ularly known as the Military Personnel and Civilian
7 Employees’ Claims Act of 1964).

8 “(c) A member of the Auxiliary, while assigned to
9 duty, shall be deemed to be a person acting under an offi-
10 cer of the United States or an agency thereof for purposes
11 of section 1442(a)(1) of title 28.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of chapter 23 of title 14, United States
14 Code, is amended by striking the item relating to section
15 823 and inserting the following:

“823. Eligibility, enrollments, and status.”.

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

17 (a) TRAVEL AND SUBSISTENCE EXPENSE.—Section
18 830 of title 14, United States Code, is amended by strik-
19 ing “specific”.

20 (b) ASSIGNMENT OF GENERAL DUTIES.—Section
21 831 of title 14, United States Code, is amended by strik-
22 ing “specific” each place it appears.

23 (c) BENEFITS FOR INJURY OR DEATH.—Section 832
24 of title 14, United States Code, is amended by striking
25 “specific” each place it appears.

1 **SEC. 805. COOPERATION WITH OTHER AGENCIES, STATES,**
2 **TERRITORIES, AND POLITICAL SUBDIVI-**
3 **SIONS.**

4 (a) IN GENERAL.—Section 141 of title 14, United
5 States Code, is amended—

6 (1) by striking the section heading and insert-
7 ing the following:

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

10 (2) in the first sentence of subsection (a), by in-
11 sserting after “personnel and facilities” the following:
12 “(including members of the Auxiliary and facilities
13 governed under chapter 23)”; and

14 (3) by adding at the end of subsection (a) the
15 following new sentence: “The Commandant may pre-
16 scribe conditions, including reimbursement, under
17 which personnel and facilities may be provided under
18 this subsection.”; and

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 7 of title 14, United States
21 Code, is amended by striking the item relating to section
22 141 and inserting the following:

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

1 **SEC. 806. VESSEL DEEMED PUBLIC VESSEL.**

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

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

5 “While assigned to authorized Coast Guard duty, any
6 motorboat or yacht shall be deemed to be a public vessel
7 of the United States and a vessel of the Coast Guard with-
8 in the meaning of sections 646 and 647 of this title and
9 other applicable provisions of law.”.

10 **SEC. 807. AIRCRAFT DEEMED PUBLIC AIRCRAFT.**

11 Section 828 of title 14, United States Code, is
12 amended to read as follows:

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

14 “While assigned to authorized Coast Guard duty, any
15 aircraft shall be deemed to be a Coast Guard aircraft, a
16 public vessel of the United States, and a vessel of the
17 Coast Guard within the meaning of sections 646 and 647
18 of this title and other applicable provisions of law. Subject
19 to the provisions of sections 823a and 831 of this title,
20 while assigned to duty, qualified Auxiliary pilots shall be
21 deemed to be Coast Guard pilots.”.

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

23 Section 641(a) of title 14, United States Code, is
24 amended—

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

4 (2) by striking “to any incorporated unit of the
5 Coast Guard Auxiliary,”.

○

HR 1361 IH—2

HR 1361 IH—3

HR 1361 IH—4

HR 1361 IH—5

HR 1361 IH—6

HR 1361 IH—7