

In the Senate of the United States,

March 30, 2004.

Resolved, That the bill from the House of Representatives (H.R. 2443) entitled “An Act to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes.”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Coast Guard Authoriza-*
3 *tion Act of 2004”.*

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

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

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

**TITLE II—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY
MANAGEMENT**

Sec. 201. Enlisted member critical skill training bonus.

Sec. 202. Amend limits to the number of commanders and lieutenant commanders.

Sec. 203. Expansion of Coast Guard housing authorities.

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

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

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

Sec. 207. Term of enlistments.

Sec. 208. Requirement for constructive credit.

Sec. 209. Nonappropriated fund instrumentalities.

Sec. 210. Travel card management.

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

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

Sec. 301. Marking of underwater wrecks.

Sec. 302. Prohibition on operation of certain electronic devices; ports and waterways partnerships and cooperative ventures.

Sec. 303. Reports from charterers.

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

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

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

Sec. 307. Records of merchant mariners' documents.

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

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

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

Sec. 311. Correction to definition of Federal law enforcement agencies in the Enhanced Border Security and Visa Entry Reform Act of 2002.

Sec. 312. Stopping vessels; immunity for firing at or into vessel.

Sec. 313. Use of unexpended funds for bridge alterations under Truman-Hobbs Act.

Sec. 314. Inland navigation rules promulgation authority.

Sec. 315. Prevention of departure.

Sec. 316. Compliance with international safety management code.

Sec. 317. Amendments to vessel response plan requirements.

- Sec. 318. *Requirements for tank level and pressure monitoring devices.*
 Sec. 319. *Report on implementation of the Oil Pollution Act.*
 Sec. 320. *Loans for fishermen impacted by oil spills.*
 Sec. 321. *Fisheries enforcement plans and reporting.*
 Sec. 322. *Deepwater report.*
 Sec. 323. *Small passenger vessel safety.*
 Sec. 324. *Electronic navigational charting.*
 Sec. 325. *Measures for the protection of North Atlantic Right Whales from ship strikes.*
 Sec. 326. *Foreign vessel security plans.*

TITLE IV—MISCELLANEOUS

- Sec. 401. *Conveyance of lighthouses.*
 Sec. 402. *LORAN-C.*
 Sec. 403. *Conveyance of decommissioned Coast Guard cutters.*
 Sec. 404. *Koss Cove.*
 Sec. 405. *Declaration of non-navigability for portion of the Wateree River.*
 Sec. 406. *Correction of 2002 coastwise trade authorization provision.*
 Sec. 407. *Innovative construction alternatives.*
 Sec. 408. *Bridge administration.*
 Sec. 409. *National Coast Guard Museum.*

1 ***TITLE I—AUTHORIZATION***

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

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

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

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

13 (B) *\$100,000,000 shall be available for in-*
 14 *creased operating expenses due to heightened se-*
 15 *curity efforts; and*

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

4 (2) For the acquisition, construction, rebuilding,
5 and improvement of aids to navigation, shore and off-
6 shore facilities, vessels, and aircraft, including equip-
7 ment related thereto, \$1,017,000,000 (of which
8 \$20,000,000 shall be derived from the Oil Spill Li-
9 ability Trust Fund to carry out the purposes of sec-
10 tion 1012(a)(5) of the Oil Pollution Act of 1990), to
11 remain available until expended, of which—

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

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

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

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

1 *until expended, of which \$3,500,000 shall be derived*
2 *from the Oil Spill Liability Trust Fund.*

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

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

16 *(6) For alteration or removal of bridges over*
17 *navigable waters of the United States constituting ob-*
18 *structions to navigation, and for personnel and ad-*
19 *ministrative costs associated with the Bridge Alter-*
20 *ation Program—*

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

23 *(B) \$2,500,000, to remain available until*
24 *expended, which may be utilized for construction*

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

3 (7) *For reserve training, \$95,000,000.*

4 (b) *FISCAL YEAR 2005.—There are authorized to be*
5 *appropriated for necessary expenses of the Coast Guard for*
6 *fiscal year 2005 the following amounts.*

7 (1) *For the operation and maintenance of the*
8 *Coast Guard, \$5,404,300,000, of which \$25,000,000*
9 *shall be derived from the Oil Spill Liability Trust*
10 *Fund.*

11 (2) *For the acquisition, construction, rebuilding,*
12 *and improvement of aids to navigation, shore and off-*
13 *shore facilities, vessels, and aircraft, including equip-*
14 *ment related thereto, \$1,068,000,000 (of which*
15 *\$20,000,000 shall be derived from the Oil Spill Li-*
16 *ability Trust Fund to carry out the purposes of sec-*
17 *tion 1012(a)(5) of the Oil Pollution Act of 1990), to*
18 *remain available until expended, of which—*

19 (A) *\$708,000,000 shall be available for the*
20 *Coast Guard’s Integrated Deepwater System;*
21 *and*

22 (B) *\$161,000,000 shall be available for the*
23 *Coast Guard’s Rescue 21 program.*

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

1 *rectly relating to improving the performance of the*
2 *Coast Guard's mission in support of search and res-*
3 *cue, aids to navigation, marine safety, marine envi-*
4 *ronmental protection, enforcement of laws and trea-*
5 *ties, ice operations, oceanographic research, and de-*
6 *fense readiness, \$24,2000,000, to remain available*
7 *until expended, of which \$3,500,000 shall be derived*
8 *from the Oil Spill Liability Trust Fund.*

9 *(4) For retired pay (including the payment of*
10 *obligations otherwise chargeable to lapsed appropria-*
11 *tions for this purpose), payments under the Retired*
12 *Serviceman's Family Protection and Survivor Benefit*
13 *Plans, and payments for medical care of retired per-*
14 *sonnel and their dependents under chapter 55 of title*
15 *10, United States Code, \$1,122,000,000, to remain*
16 *available until expended.*

17 *(5) For environmental compliance and restora-*
18 *tion at Coast Guard facilities (other than parts and*
19 *equipment associated with operations and mainte-*
20 *nance), \$18,700,000, to remain available until ex-*
21 *pended.*

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

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

3 (A) *\$17,850,000, to remain available until*
 4 *expended; and*

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

9 (7) *For reserve training \$104,500,000.*

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

12 (a) *END-OF-YEAR STRENGTH FOR FISCAL YEAR*
 13 *2004.—The Coast Guard is authorized an end-of-year*
 14 *strength of active duty personnel of 45,500 as of September*
 15 *30, 2004.*

16 (b) *TRAINING STUDENT LOADS FOR FISCAL YEAR*
 17 *2004.—For fiscal year 2004, the Coast Guard is authorized*
 18 *average military training student loads as follows:*

19 (1) *For recruit and special training, 2,500 stu-*
 20 *dent years.*

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

22 (3) *For professional training in military and ci-*
 23 *vilian institutions, 350 student years.*

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

1 **TITLE II—COAST GUARD PER-**
2 **SONNEL, FINANCIAL, AND**
3 **PROPERTY MANAGEMENT**

4 **SEC. 201. ENLISTED MEMBER CRITICAL SKILL TRAINING**
5 **BONUS.**

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

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

9 “(a) *The Secretary may provide a bonus, not to exceed*
10 *\$20,000, to enlisted members who complete training in a*
11 *skill designated as critical, provided at least four years of*
12 *obligated active service remain on the member’s enlistment*
13 *at the time the training is completed. A bonus under this*
14 *section may be paid in a single lump sum or in periodic*
15 *installments.*

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

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

“374. *Critical skill training bonus.*”.

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

7 Section 42 of title 14, United States Code, is amended
 8 —

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

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

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

21 **SEC. 203. EXPANSION OF COAST GUARD HOUSING AU-**
 22 **THORITIES.**

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

1 “(5) *The term ‘eligible entity’ means any private*
2 *person, corporation, firm, partnership, company,*
3 *State or local government, or housing authority of a*
4 *State or local government.’”.*

5 ***(b) DIRECT LOANS AND LOAN GUARANTEES.—Section***
6 ***682 of title 14, United States Code, is amended—***

7 ***(1) by striking the section heading and inserting***
8 ***the following:***

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

10 ***(2) by redesignating subsections (a) and (b) as***
11 ***subsections (b) and (c), respectively;***

12 ***(3) by inserting before subsection (b), as redesign-***
13 ***ated, the following:***

14 ***“(a) DIRECT LOANS.—(1) Subject to subsection (c), the***
15 ***Secretary may make direct loans to an eligible entity in***
16 ***order to provide funds to the eligible entity for the acquisi-***
17 ***tion or construction of housing units that the Secretary de-***
18 ***termines are suitable for use as military family housing***
19 ***or as military unaccompanied housing.***

20 ***“(2) The Secretary shall establish such terms and con-***
21 ***ditions with respect to loans made under this subsection as***
22 ***the Secretary considers appropriate to protect the interests***
23 ***of the United States, including the period and frequency***
24 ***for repayment of such loans and the obligations of the obli-***
25 ***gors on such loans upon default.’”;***

1 (4) by striking “subsection (b),” in subsection
 2 (b), as redesignated, and inserting “subsection (c),”;
 3 and

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

7 (c) *CONFORMING AMENDMENT.*—The chapter analysis
 8 for chapter 17 of title 14, United States Code, is amended
 9 by striking the item related to section 682 and inserting
 10 the following:

 “682. *Direct loans and loan guarantees.*”.

11 **SEC. 204. PROPERTY OWNED BY AUXILIARY UNITS AND**
 12 **DEDICATED SOLELY FOR AUXILIARY USE.**

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

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

16 “(1) The Coast Guard Auxiliary and each orga-
 17 nizational element and unit (whether or not incor-
 18 porated), shall have the power to acquire, own, hold,
 19 lease, encumber, mortgage, transfer, and dispose of
 20 personal property for the purposes set forth in section
 21 822. Personal property owned by the Auxiliary or an
 22 Auxiliary unit, or any element thereof, whether or not
 23 incorporated, shall at all times be deemed to be prop-
 24 erty of the United States for the purposes of the stat-
 25 utes described in paragraphs (1) through (6) of sub-

1 *section (b) while such property is being used by or*
2 *made exclusively available to the Auxiliary as pro-*
3 *vided in section 822.*

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

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

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

18 *Section 821(a) of title 14, United States Code, is*
19 *amended by inserting “The Auxiliary and each organiza-*
20 *tional element and unit shall be deemed to be instrumental-*
21 *ities and political subdivisions of the United States for tax-*
22 *ation purposes and for those exemptions as provided under*
23 *section 107 of title 4.” after the second sentence.*
24
25

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

3 *Section 742 of title 14, United States Code, is*
4 *amended—*

5 *(1) by striking “sixty-two years of age.” in sub-*
6 *section (a) and inserting “sixty years of age unless on*
7 *active duty, other than for training, duty on a board,*
8 *or duty of a limited or temporary nature if assigned*
9 *to active duty from an inactive duty status.”;*

10 *(2) by redesignating subsections (b) and (c) as*
11 *subsections (c) and (d), respectively, and inserting*
12 *after subsection (a) the following:*

13 *“(b) A Reserve officer on active duty, other than for*
14 *training, duty on a board, or duty of a limited or tem-*
15 *porary nature if assigned to active duty from an inactive*
16 *duty status, shall, if qualified, be retired effective upon the*
17 *day the officer becomes sixty-two years of age. If not quali-*
18 *fied for retirement, a Reserve officer on active duty, other*
19 *than for training, duty on a board, or duty of a limited*
20 *or temporary nature if assigned to active duty from an in-*
21 *active duty status, shall be discharged effective upon the day*
22 *the officer becomes sixty-two years of age.”;*

23 *(3) by striking “sixty-four” in subsection (c), as*
24 *redesignated, and inserting “sixty”;*

1 (4) by striking “subsections (a) and (b),” in sub-
2 section (d), as redesignated, and inserting “sub-
3 sections (a), (b), and (c),”; and

4 (5) by striking “sixty-two” in subsection (d), as
5 redesignated, and inserting “sixty”.

6 **SEC. 207. TERM OF ENLISTMENTS.**

7 Section 351(a) of title 14, United States Code, is
8 amended by striking “terms of full years not exceeding six
9 years.” and inserting “a period of at least 2 years but not
10 more than 6 years.”.

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

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

15 **SEC. 209. NONAPPROPRIATED FUND INSTRUMENTALITIES.**

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

18 “**§ 152. Nonappropriated fund instrumentalities; con-**
19 **tracts with other agencies and instrumen-**
20 **talities to provide or obtain goods and**
21 **services**

22 “The Coast Guard Exchange System, or a morale, wel-
23 fare, and recreation system of the Coast Guard, may enter
24 into a contract or other agreement with any element or in-
25 strumentality of the Coast Guard or with another Federal

1 *department, agency, or instrumentality thereof to provide*
 2 *or obtain goods and services beneficial to the efficient man-*
 3 *agement and operation of the exchange system or that mo-*
 4 *rale, welfare, and recreation system.”.*

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

*“152. Nonappropriated fund instrumentalities; contracts with other agencies and
 instrumentalities to provide or obtain goods and services”.*

9 **SEC. 210. TRAVEL CARD MANAGEMENT.**

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

12 **“§ 517. Travel card management**

13 *“(a) IN GENERAL.—The Secretary may require that*
 14 *travel or transportation allowances due a civilian employee*
 15 *or military member of the Coast Guard be disbursed di-*
 16 *rectly to the issuer of a Federal contractor- issued travel*
 17 *charge card, but only in an amount not to exceed the au-*
 18 *thorized travel expenses charged by that Coast Guard mem-*
 19 *ber to that travel charge card issued to that employee or*
 20 *member.*

21 *“(b) WITHHOLDING OF NONDISPUTED OBLIGA-*
 22 *TIONS.—The Secretary may also establish requirements*
 23 *similar to those established by the Secretary of Defense pur-*
 24 *suant to section 2784a of title 10 for deduction or with-*

1 *holding of pay or retired pay from a Coast Guard employee,*
2 *member, or retired member who is delinquent in payment*
3 *under the terms of the contract under which the card was*
4 *issued and does not dispute the amount of the delin-*
5 *quency.”.*

6 (b) *CONFORMING AMENDMENT.—The chapter analysis*
7 *for chapter 13 of title 14, United States Code, is amended*
8 *by inserting after the item relating to section 516 the fol-*
9 *lowing:*

“517. Travel card management”.

10 **SEC. 211. USE OF MILITARY CHILD DEVELOPMENT CENTERS**
11 **AND OTHER PROGRAMS.**

12 *The Secretary of Defense and the Secretary of the de-*
13 *partment in which the Coast Guard is operating, when op-*
14 *erating other than as a service in the Navy, may agree to*
15 *provide child care services to members of the armed forces*
16 *with or without reimbursement in military child develop-*
17 *ment centers and other programs supported in whole or in*
18 *part with appropriated funds. For purposes of military*
19 *child development centers and other programs operated*
20 *under the authority of subchapter II of chapter 88 of title*
21 *10, United States Code, the child of a Coast Guard member*
22 *shall be considered the same as the child of a member of*
23 *any of the other armed forces.*

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

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

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

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

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

17 **SEC. 302. PROHIBITION ON OPERATION OF CERTAIN ELEC-**
 18 **TRONIC DEVICES; PORTS AND WATERWAYS**
 19 **PARTNERSHIPS AND COOPERATIVE VEN-**
 20 **TURES.**

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

23 *(1) by striking “and” after the semicolon in sub-*
 24 *section (a)(4)(D);*

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

3 (3) *by adding at the end of subsection (a) the fol-*
4 *lowing:*

5 *“(6) may prohibit the use of electronic or other*
6 *devices that interfere with communications and navi-*
7 *gation equipment;*

8 *“(7) may carry out the functions under para-*
9 *graph (1) of this subsection, at the Secretary’s discre-*
10 *tion and on such terms and conditions as the Sec-*
11 *retary deems appropriate, either solely, or in coopera-*
12 *tion with a public or private agency, authority, asso-*
13 *ciation, institution, corporation, organization or per-*
14 *son, except that a non-governmental entity may not*
15 *carry out an inherently governmental function; and*

16 *“(8) may, for the purpose of carrying out the*
17 *Secretary’s functions under paragraph (1) of this sub-*
18 *section, convey or lease real property under the ad-*
19 *ministrative control of the Coast Guard to public or*
20 *private agencies, authorities, associations, institu-*
21 *tions, corporations, organizations, or persons for such*
22 *consideration and upon such terms and conditions as*
23 *the Secretary considers appropriate, except that the*
24 *term of any such lease shall not exceed 20 years.”;*
25 *and*

1 (4) *by adding at the end the following:*

2 “(e) *SPECIAL PROVISIONS RELATING TO SUBSECTION*
3 *(a) (7) AND (8).—*

4 “(1) *DEFINITION OF INHERENTLY GOVERN-*
5 *MENTAL FUNCTION.—For purposes of subsection*
6 *(a)(7), the term ‘inherently governmental function’*
7 *means any activity that is so intimately related to*
8 *the public interest as to mandate performance by an*
9 *officer or employee of the Federal Government, includ-*
10 *ing an activity that requires either the exercise of dis-*
11 *cretion in applying the authority of the Government*
12 *or the use of judgment in making a decision for the*
13 *Government.*

14 “(2) *DISPOSITION OF PROCEEDS FROM CONVEY-*
15 *ANCES AND LEASES.—Amounts collected under sub-*
16 *section (a)(7) shall be credited to a special fund in the*
17 *Treasury and ascribed to the Coast Guard. The*
18 *amounts collected shall be available to the Coast*
19 *Guard’s ‘Operating Expenses’ account without further*
20 *appropriation and without fiscal year limitation,*
21 *and the amounts appropriated from the general fund*
22 *for that account shall be reduced by the amounts so*
23 *collected.*

24 “(3) *NONAPPLICATION OF CERTAIN ACTS.—A*
25 *conveyance or lease of real property under subsection*

1 *or commercial structure located within or adja-*
2 *cent to the marine environment.”.*

3 **SEC. 305. REVISION OF BASES FOR SUSPENSION AND REV-**
4 **OCATION CASES.**

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

7 (1) *by striking “incompetence, misconduct, or*
8 *negligence;” in paragraph (1)(B) and insert “mis-*
9 *conduct or negligence;”;*

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

12 (3) *by striking “note).” in paragraph (3) and*
13 *inserting “note);”;* and

14 (4) *by adding at the end the following:*

15 *“(4) has committed an act of incompetence relat-*
16 *ing to the operation of a vessel, whether or not acting*
17 *under the authority of that license, certificate, or doc-*
18 *ument; or*

19 *“(5) is a security risk that poses a threat to the*
20 *safety or security of a vessel or a public or commer-*
21 *cial structure located within or adjacent to the ma-*
22 *rine environment.”.*

1 **SEC. 306. REMOVAL OF MANDATORY REVOCATION FOR**
2 **PROVED DRUG CONVICTIONS IN SUSPENSION**
3 **AND REVOCATION CASES.**

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

6 **SEC. 307. RECORDS OF MERCHANT MARINERS’ DOCU-**
7 **MENTS.**

8 *Section 7319 of title 46, United States Code, is amend-*
9 *ed by striking the second sentence.*

10 **SEC. 308. EXEMPTION OF UNMANNED BARGES FROM CER-**
11 **TAIN CITIZENSHIP REQUIREMENTS.**

12 *(a) Section 12110(d) of title 46, United States Code,*
13 *is amended by inserting “or an unmanned barge operating*
14 *outside of the territorial waters of the United States,” after*
15 *“recreational endorsement,”.*

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

20 **SEC. 309. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS**
21 **OF CERTAIN BRIDGE STATUTES.**

22 *(a) Section 5(b) of the Bridge Act of 1906 (33 U.S.C.*
23 *495) is amended by striking “\$1,000.” and inserting*
24 *“\$25,000.”.*

25 *(b) Section 5(c) of the Act entitled “An Act making*
26 *appropriations for the construction, repair, and preserva-*

1 *tion of certain public works on rivers and harbors, and for*
 2 *other purposes”, approved August 18, 1894 (33 U.S.C. 499),*
 3 *is amended by striking “\$1,000.” and inserting “\$25,000.”.*

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

9 *(d) Section 510(b) of the General Bridge Act of 1946*
 10 *(33 U.S.C. 533) is amended by striking “\$1,000.” and in-*
 11 *serting “\$25,000.”.*

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

15 *Section 4311 of title 46, United States Code, is*
 16 *amended—*

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

23 *(2) by striking “4307(a)(1),” in the second sen-*
 24 *tence of subsection (b) and inserting “4307(a),”:*

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

4 (4) by adding at the end of subsection (b) the fol-
5 lowing:

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

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

13 **SEC. 311. CORRECTION TO DEFINITION OF FEDERAL LAW**
14 **ENFORCEMENT AGENCIES IN THE ENHANCED**
15 **BORDER SECURITY AND VISA ENTRY REFORM**
16 **ACT OF 2002.**

17 Paragraph (4) of section 2 of the Enhanced Border Se-
18 curity and Visa Entry Reform Act of 2002, Public Law
19 107–173, is amended by striking subparagraph (G) and in-
20 serting the following:

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

22 **SEC. 312. STOPPING VESSELS; IMMUNITY FOR FIRING AT OR**
23 **INTO VESSEL.**

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

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

3 “(a) *Whenever any vessel liable to seizure or examina-*
4 *tion does not stop on being ordered to do so or on being*
5 *pursued by an authorized vessel or authorized aircraft*
6 *which has displayed the ensign, pennant, or other identi-*
7 *fying insignia prescribed for an authorized vessel or author-*
8 *ized aircraft, the person in command or in charge of the*
9 *authorized vessel or authorized aircraft may, after a gun*
10 *has been fired by the authorized vessel or authorized aircraft*
11 *as a warning signal, fire at or into the vessel which does*
12 *not stop; except that the prior use of the warning signal*
13 *is not required if its use would unreasonably endanger per-*
14 *sons or property in the vicinity of the vessel.”;*

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

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

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

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

24 (b) *REPORT.—The Commandant of the Coast Guard*
25 *shall transmit a report annually to the Senate Committee*

1 *on Commerce, Science, and Transportation and the House*
 2 *of Representatives Committee on Transportation and Infra-*
 3 *structure describing the location, vessels or aircraft, cir-*
 4 *cumstances, and consequences of each incident in the 12-*
 5 *month period covered by the report in which the person in*
 6 *command or in charge of an authorized vessel or an author-*
 7 *ized aircraft (as those terms are used in section 637 of title*
 8 *14, United States Code) fired at or into a vessel without*
 9 *prior use of the warning signal as authorized by that sec-*
 10 *tion.*

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

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

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

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

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

1 **SEC. 314. INLAND NAVIGATION RULES PROMULGATION AU-**
2 **THORITY.**

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

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

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

9 “The Secretary may issue inland navigation regula-
10 tions applicable to all vessels upon the inland waters of the
11 United States and technical annexes that are as consistent
12 as possible with the respective annexes to the International
13 Regulations.”.

14 **SEC. 315. PREVENTION OF DEPARTURE.**

15 Section 3505 of title 46, United States Code, is amend-
16 ed to read as follows:

17 **“§ 3505. Prevention of departure**

18 “Notwithstanding section 3303(a) of this title, a for-
19 eign vessel carrying a citizen of the United States as a pas-
20 senger or embarking passengers from a United States port
21 may not depart from a United States port if the Secretary
22 finds that the vessel does not comply with the standards
23 stated in the International Convention for the Safety of Life
24 at Sea to which the United States Government is currently
25 a party.”.

1 **SEC. 316. COMPLIANCE WITH INTERNATIONAL SAFETY MAN-**
2 **AGEMENT CODE.**

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

6 “(a) *MANDATORY APPLICATION.*—This chapter applies
7 to a vessel that—

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

10 “(B) is of at least 500 gross tons as measured
11 under section 14502 of this title, or an alternate ton-
12 nage measured under section 14302 of this title as
13 prescribed by the Secretary under section 14104 of
14 this title, that is a tanker, freight vessel, bulk freight
15 vessel, high speed freight vessel, or self-propelled mo-
16 bile offshore drilling unit; and

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

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

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

1 **SEC. 317. AMENDMENTS TO VESSEL RESPONSE PLAN RE-**
2 **QUIREMENTS.**

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

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

8 (2) by adding at the end of paragraph (5)(A)
9 “The President shall also issue regulations which re-
10 quire an owner or operator of a non-tank vessel de-
11 scribed in subparagraph (C) to prepare and submit
12 to the President a plan for responding, to the max-
13 imum extent practicable, to a worst case discharge,
14 and to a substantial threat of such a discharge, of
15 oil.”;

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

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

21 “(ii) A non-tank vessel.”;

22 (5) by striking “vessel or” in paragraph (5)(D)
23 and inserting “vessel, a non-tank vessel, or an”;

24 (6) by inserting “non-tank vessel,” in paragraph
25 (5)(E) after “vessel,” each place it appears;

1 (7) by inserting “ non-tank vessel,” in para-
2 graph (5)(F) after “vessel,”;

3 (8) by striking “vessel or” in paragraph (5)(F)
4 and inserting “vessel, non-tank vessel, or”;

5 (9) by inserting “non-tank vessel,” in paragraph
6 (5)(G) after “vessel,”;

7 (10) by inserting “and non-tank vessel” in para-
8 graph (5)(H) after “each tank vessel”;

9 (11) by striking “Not later than 2 years after the
10 date of enactment of this section, the President shall
11 require—” in paragraph (6) and inserting “The
12 President shall require—”;

13 (12) by striking “cargo” in paragraph (6)(B)
14 and inserting “cargo, and non-tank vessels carrying
15 oil of any kind as fuel for main propulsion,”; and

16 (13) by striking “vessel and” in paragraph (7)
17 and inserting “vessel, non-tank vessel, and” in para-
18 graph (7).

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

22 (1) by striking “and” after the semicolon in
23 paragraph (24)(B);

24 (2) by striking “threat.” in paragraph (25) and
25 inserting “threat; and”; and

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

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

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

7 “(B) operates on the navigable waters of the
8 United States.”.

9 (c) *ADDITION OF NOXIOUS LIQUID SUBSTANCES TO*
10 *THE LIST OF HAZARDOUS SUBSTANCES FOR WHICH THE*
11 *COAST GUARD MAY REQUIRE A RESPONSE PLAN.—Section*
12 *311(j)(5) of the Federal Water Pollution Control Act (33*
13 *U.S.C. 1321(j)(5)) is further amended—*

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

16 (2) *by inserting after subparagraph (A) the fol-*
17 *lowing:*

18 “(B) *The Secretary of the Department in which*
19 *the Coast Guard is operating may issue regulations*
20 *which require an owner or operator of a tank vessel,*
21 *a vessel carrying in bulk noxious liquid substances, or*
22 *a facility described in subparagraph (C) to prepare*
23 *and submit to the Secretary a plan for responding, to*
24 *the maximum extent practicable, to a worst case dis-*
25 *charge, and to a substantial threat of such a dis-*

1 *charge, of a noxious liquid substance. For purposes of*
2 *this paragraph, the term ‘noxious liquid substance’*
3 *has the same meaning when that term is used in the*
4 *MARPOL Protocol described in section 2(a)(3) of the*
5 *Act to Prevent Pollution from Ships (33 U.S.C.*
6 *1901(a)(3)), and the term ‘carrying in bulk’ means*
7 *loading or carrying on board a vessel without the ben-*
8 *efit of containers or labels and received and handled*
9 *by carrier without mark or count.’;*

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

12 *(4) by striking “subparagraph (A)” in subpara-*
13 *graph (C), as redesignated, and inserting “subpara-*
14 *graphs (A) and (B)”;*

15 *(5) by striking “subparagraph (D),” in clause (i)*
16 *of subparagraph (F), as redesignated, and inserting*
17 *“subparagraph (E),”; and*

18 *(6) by striking subparagraph (G), as redesi-*
19 *gnated, and inserting the following:*

20 *“(G) Notwithstanding subparagraph (F),*
21 *the President may authorize a tank vessel, non-*
22 *tank vessel, offshore facility, or onshore facility*
23 *that handles, stores, or transports oil to operate*
24 *without a response plan approved under this*
25 *paragraph, until not later than 2 years after the*

1 *oil or other hazardous cargo, and from using addi-*
2 *tional aids to navigation, such as RACONs.*

3 *(4) A summary of the extent to which the re-*
4 *sponse costs and damages for oil spill incidents have*
5 *exceeded the liability limits established in section*
6 *1004 of the Oil Pollution Act of 1990 (33 U.S.C.*
7 *2704), and a description of the steps that the Coast*
8 *Guard has taken or plans to take to implement sub-*
9 *section (d)(4) of that Act (33 U.S.C. 2704(d)(4)).*

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

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

15 *(B) a record of infractions of applicable re-*
16 *quirements described in subparagraph (A) over*
17 *the past 10 years;*

18 *(C) an analysis of oil spill data over the*
19 *past 10 years, comparing the number and size of*
20 *oil spills from tank barges with those from tank-*
21 *er vessels of a similar size; and*

22 *(D) recommendations on areas of possible*
23 *improvements to existing regulations, guidelines*
24 *and policies with respect to tank barges and tow-*
25 *ing vessels.*

1 **SEC. 320. LOANS FOR FISHERMEN IMPACTED BY OIL**
 2 **SPILLS.**

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

6 “(f) *LOAN PROGRAM.*—

7 “(1) *IN GENERAL.*—*The President shall establish*
 8 *a loan program under the Fund to provide interim*
 9 *assistance to fishermen and aquaculture producer*
 10 *claimants during the claims procedure.*

11 “(2) *ELIGIBILITY FOR LOAN.*—*A loan may be*
 12 *made under paragraph (1) only to a fisherman or*
 13 *aquaculture producer that—*

14 “(A) *has incurred damages for which claims*
 15 *are authorized under section 1002;*

16 “(B) *has made a claim pursuant to this sec-*
 17 *tion that is pending; and*

18 “(C) *has not received an interim payment*
 19 *under section 1005(a) for the amount of the*
 20 *claim, or part thereof, that is pending.*

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

23 “(A) *shall have flexible terms, as determined*
 24 *by the President;*

25 “(B) *shall be for a period ending on the*
 26 *later of—*

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

3 “(ii) the date on which the fisherman
4 or aquaculture producer receives payment
5 for the claim to which the loan relates
6 under the procedure established by sub-
7 sections (a) through (e) of this section; and

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

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

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

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

15 “(6) the making of loans pursuant to the pro-
16 gram established under section 1013(f).”.

17 (c) *STUDY.*—Not later than 270 days after the date
18 of enactment of this Act, the Secretary of Commerce, in con-
19 sultation with the Administrator of the Environmental Pro-
20 tection Agency, shall submit to Congress a study that
21 contains—

22 (1) an assessment of the effectiveness of the
23 claims procedures and emergency response programs
24 under the Oil Pollution Act of 1990 (33 U.S.C. 2701
25 et seq.) concerning claims filed by, and emergency re-

1 *sponses carried out to protect the interests of, fisher-*
2 *men and aquaculture producers; and*

3 *(2) any legislative or other recommendations to*
4 *improve the procedures and programs referred to in*
5 *paragraph (1).*

6 **SEC. 321. FISHERIES ENFORCEMENT PLANS AND REPORT-**
7 **ING.**

8 *(a) FISHERIES ENFORCEMENT PLANS.—The Coast*
9 *Guard and the National Oceanic and Atmospheric Admin-*
10 *istration shall, to the maximum extent possible, consult*
11 *with each other and with State and local enforcement au-*
12 *thorities in preparing their annual fisheries enforcement*
13 *plans.*

14 *(b) FISHERY PATROLS.—Prior to undertaking fish-*
15 *eries patrols, the Coast Guard and the National Oceanic*
16 *and Atmospheric Administration shall, to the maximum ex-*
17 *tent possible, provide to each other and to appropriate State*
18 *and local enforcement authorities their intentions and pro-*
19 *jected dates for such patrols.*

20 *(c) ANNUAL SUMMARY.—The Coast Guard and Na-*
21 *tional Oceanic and Atmospheric Administration shall pre-*
22 *pare and make available to each other, State and local en-*
23 *forcement entities, and other relevant stakeholders, an an-*
24 *nual summary report of fisheries enforcement activities for*
25 *the preceding year, including a summary of the number of*

1 *patrols, law enforcement actions taken, and resource hours*
2 *expended.*

3 **SEC. 322. DEEPWATER REPORT.**

4 *No later than 180 days after enactment of this Act,*
5 *the Coast Guard shall provide a written report to the Senate*
6 *Committee on Commerce, Science, and Transportation and*
7 *the House of Representatives Committee on Transportation*
8 *and Infrastructure with respect to performance under the*
9 *first term of the Integrated Deepwater System contract. The*
10 *report shall include an analysis of how well the prime con-*
11 *tractor has met the two key performance goals of oper-*
12 *ational effectiveness and minimizing total ownership costs.*
13 *The report shall include a description of the measures im-*
14 *plemented by the prime contractor to meet these goals and*
15 *how these measures have been or will be applied for sub-*
16 *contracts awarded during the 5-year term of the contract,*
17 *as well as criteria used by the Coast Guard to assess the*
18 *contractor's performance against these goals. To the extent*
19 *available, the report shall include performance and cost*
20 *comparisons of alternatives examined in implementing the*
21 *contract.*

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

23 *(a) IN GENERAL.—Not later than 90 days after the*
24 *date of the enactment of this Act, the Secretary of the De-*
25 *partment in which the Coast Guard is operating shall re-*

1 *port to the Congress regarding the enforcement efforts and*
2 *degree of compliance regarding the 1996 amendments to the*
3 *Small Passenger Vessel Regulations (title 46, Code of Fed-*
4 *eral Regulations, part 185) requiring the master of a small*
5 *passenger vessel to require passengers to don life jackets*
6 *when possible hazardous conditions exist including—*

- 7 (1) *transiting hazardous bars or inlets;*
8 (2) *during severe weather;*
9 (3) *in the event of flooding, fire, or other events*
10 *that may possibly call for evacuation; and*
11 (4) *when the vessel is being towed, except a non-*
12 *self-propelled vessel under normal operating condi-*
13 *tions.*

14 (b) *CONTENTS.—The report under this section shall*
15 *include—*

- 16 (1) *a section regarding the enforcement efforts*
17 *the Coast Guard has undertaken to enforce these regu-*
18 *lations;*
19 (2) *a section detailing compliance with these regu-*
20 *lations, to include the number of vessels and masters*
21 *cited for violations of these regulations for fiscal years*
22 *1998 through 2003;*
23 (3) *a section detailing the number and types of*
24 *marine casualties for fiscal years 1998 through 2003*

1 *which have been related wholly or in part to viola-*
2 *tions of these regulations; and*

3 (4) *a section providing recommendation on im-*
4 *proving compliance with, and possible modifications*
5 *to, these regulations.*

6 **SEC. 324. ELECTRONIC NAVIGATIONAL CHARTING.**

7 *The Commandant of the Coast Guard, in consultation*
8 *with the Administrator of the National Oceanic and Atmos-*
9 *pheric Administration, shall provide a written report to the*
10 *Senate Committee on Commerce, Science, and Transpor-*
11 *tation, and to the House of Representatives Committee on*
12 *Transportation and Infrastructure no later than 180 days*
13 *after the date of enactment of this Act with respect to elec-*
14 *tronic navigational charts. The report shall include—*

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

18 (2) *the costs and benefits of a United States re-*
19 *quirement of electronic navigation systems on vessels;*
20 *and*

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

1 **SEC. 325. MEASURES FOR THE PROTECTION OF NORTH AT-**
2 **LANTIC RIGHT WHALES FROM SHIP STRIKES.**

3 (a) *Within 120 days of enactment of this Act, the Sec-*
4 *retary shall initiate studies to examine options for mini-*
5 *mizing vessel strikes of North Atlantic Right Whales in the*
6 *access of ports which the Secretary, in consultation with*
7 *the Administrator of the National Oceanic and Atmospheric*
8 *Administration, has determined—based on a review of past*
9 *incidents of vessel strikes as well as available scientific,*
10 *navigation, and other data—pose a substantial risk of ves-*
11 *sel strikes of North Atlantic Right Whales. Such studies*
12 *shall examine measures identified in consultation with the*
13 *Administrator, including vessel routing, reporting and/or*
14 *speed measures, that would minimize vessel strikes of North*
15 *Atlantic Right Whales.*

16 (b) *Within 18 months of enactment of this Act, the Sec-*
17 *retary of Homeland Security shall, in consultation with*
18 *Administrator of the National Oceanic and Atmospheric*
19 *Administration, provide a report to the Senate Committee*
20 *on Commerce, Science, and Transportation and the House*
21 *of Representatives Committee on Transportation and Infra-*
22 *structure on the results of the studies referred to in para-*
23 *graph (a), including—*

24 (1) *a discussion of the effectiveness of the meas-*
25 *ures studied in reducing ship strikes of North Atlantic*
26 *Right Whales;*

1 (2) *a summary of available analyses regarding*
2 *potential costs of such measures including regional*
3 *economic impacts;*

4 (3) *the extent to which statutory authority cur-*
5 *rently exists for the Coast Guard to implement these*
6 *and other similar measures; and*

7 (4) *in consultation with the Administrator and*
8 *the Secretary of State, a discussion of the national*
9 *and international legal bases for implementation of*
10 *such measures.*

11 **SEC. 326. FOREIGN VESSEL SECURITY PLANS.**

12 *Section 70103 of title 46, United States Code, is*
13 *amended by adding new paragraphs (c)(8) and (c)(9) to*
14 *read as follows:*

15 “(8) *A foreign vessel destined for, arriving at, or*
16 *departing from a port or place subject to the jurisdic-*
17 *tion of the United States is deemed in compliance*
18 *with this section if—*

19 “(A) *the vessel has in effect a security plan*
20 *approved pursuant to the International Conven-*
21 *tion for the Safety of Life at Sea, 1974,*
22 *(SOLAS) Chapter XI-2 and the International*
23 *Ship and Port Facility Security Code (ISPS*
24 *Code); and*

1 “(B) the vessel operates in compliance with
2 its approved plan, SOLAS Chapter XI-2, and
3 the ISPS Code.

4 “(9) The Secretary shall, consistent with inter-
5 national treaties, conventions, and agreements to
6 which the United States is a party, establish proce-
7 dures, measures, and standards to assure foreign ves-
8 sels destined for, arriving at, or departing from a
9 port or place subject to the jurisdiction of the United
10 States comply with vessel security requirements under
11 SOLAS, the ISPS Code, this chapter, and regulations
12 issued under this chapter, including—

13 “(A) an effective port state control program
14 that identifies foreign vessels for examination
15 based on each vessel’s operating history, owner or
16 operator, vessel type, and such other factors as
17 the Secretary determines to be appropriate;

18 “(B) examination of a vessel and its cargo,
19 passengers, and crew;

20 “(C) examination of a vessel’s security ar-
21 rangements;

22 “(D) procedures to ensure shipboard per-
23 sonnel understand their security responsibilities
24 and have the knowledge and ability to perform

1 *their assigned duties under a vessel’s approved*
 2 *security plan, SOLAS, and the ISPS Code;*

3 “(E) *a detailed examination of a vessel’s*
 4 *approved security plan;*

5 “(F) *restrictions on a vessel’s operations or*
 6 *movements;*

7 “(G) *denial of entry into port; and*

8 “(H) *such other measures that the Secretary*
 9 *determines are necessary to deter a transpor-*
 10 *tation security incident to the maximum extent*
 11 *practicable and to protect the safety and security*
 12 *of United States ports, persons, vessels, facilities,*
 13 *and other property.”.*

14 ***TITLE IV—MISCELLANEOUS***

15 ***SEC. 401. CONVEYANCE OF LIGHTHOUSES.***

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

19 “(4) *LIGHTHOUSES ORIGINALLY CONVEYED UNDER*
 20 *OTHER AUTHORITY.—Upon receiving notice of an executed*
 21 *or intended conveyance by sale, gift, or any other manner*
 22 *of a lighthouse conveyed under authority other than this*
 23 *Act, the Secretary shall review the executed or proposed con-*
 24 *veyance to ensure that any new owner will comply with*
 25 *any and all conditions of the original conveyance. If the*

1 *Secretary determines that the new owner has not or is un-*
2 *able to comply with those conditions the Secretary shall im-*
3 *mediately invoke any reversionary interest or take such*
4 *other action as may be necessary to protect the interests*
5 *of the United States.”.*

6 **SEC. 402. LORAN-C.**

7 *There are authorized to be appropriated to the Depart-*
8 *ment of Transportation, in addition to funds authorized for*
9 *the Coast Guard for operation of the LORAN-C system, for*
10 *capital expenses related to LORAN-C navigation infra-*
11 *structure, \$25,000,000 for each of fiscal years 2004 and*
12 *2005. The Secretary of Transportation may transfer from*
13 *the Federal Aviation Administration and other agencies of*
14 *the Department funds appropriated as authorized under*
15 *this section in order to reimburse the Coast Guard for re-*
16 *lated expenses.*

17 **SEC. 403. CONVEYANCE OF DECOMMISSIONED COAST**
18 **GUARD CUTTERS.**

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

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

3 (1) *The Coast Guard Cutter BRAMBLE, to be*
4 *conveyed to the Port Huron Museum of Arts and His-*
5 *tory (a nonprofit corporation under the laws of the*
6 *State of Michigan), located in Port Huron, Michigan.*

7 (2) *The Coast Guard Cutter PLANETREE, to be*
8 *conveyed to Jewish Life (a nonprofit corporation*
9 *under the laws of the State of California), located in*
10 *Sherman Oaks, California.*

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

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

19 (1) *to agree—*

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

22 (B) *not to use the vessel for commercial*
23 *transportation purposes;*

24 (C) *to make the vessel available to the*
25 *United States Government if needed for use by*

1 *the Commandant in time of war or a national*
2 *emergency; and*

3 *(D) to hold the Government harmless for*
4 *any claims arising from exposure to hazardous*
5 *materials, including asbestos and poly-*
6 *chlorinated biphenyls (PCBs), after conveyance*
7 *of the vessel, except for claims arising from use*
8 *of the vessel by the Government under subpara-*
9 *graph (C);*

10 *(2) to have funds available that will be com-*
11 *mitted to operate and maintain the vessel conveyed in*
12 *good working condition—*

13 *(A) in the form of cash, liquid assets, or a*
14 *written loan commitment; and*

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

16 *(3) to agree to any other conditions the Com-*
17 *mandant considers appropriate.*

18 *(d) MAINTENANCE AND DELIVERY OF VESSEL.—Prior*
19 *to conveyance of a vessel under this section, the Com-*
20 *mandant may, to the extent practical, and subject to other*
21 *Coast Guard mission requirements, make every effort to*
22 *maintain the integrity of the vessel and its equipment until*
23 *the time of delivery. The Commandant shall deliver a vessel*
24 *conveyed under this section at the place where the vessel*
25 *is located, in its present condition, and without cost to the*

1 *Government. The conveyance of a vessel under this section*
2 *shall not be considered a distribution in commerce for pur-*
3 *poses of section 6(e) of the Toxic Substances Control Act*
4 *(15 U.S.C. 2605(e)).*

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

10 **SEC. 404. KOSS COVE.**

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

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

20 *(1) adjacent to and southeast of Point Elrington,*
21 *Alaska, and forms a portion of the southern coast of*
22 *Elrington Island;*

23 *(2) 3/4 mile across the mouth;*

24 *(3) centered at 59 degrees 56.1 minutes North,*
25 *148 degrees 14 minutes West; and*

1 (4) 45 miles from Seaward, Alaska.

2 (c) *REFERENCES.*—Any reference in any law, regula-
3 tion, document, record, map, or other paper of the United
4 States to the cove described in subsection (b) is deemed to
5 be a reference to Koss Cove.

6 **SEC. 405. DECLARATION OF NON-NAVIGABILITY FOR POR-**
7 **TION OF THE WATEREE RIVER.**

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

14 **SEC. 406. CORRECTION OF 2002 COASTWISE TRADE AU-**
15 **THORIZATION PROVISION.**

16 Section 213(b) of the Maritime Policy Improvement
17 Act of 2002 is amended by striking “transport and launch”
18 and inserting “transport or launch”.

19 **SEC. 407. INNOVATIVE CONSTRUCTION ALTERNATIVES.**

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

1 **SEC. 408. BRIDGE ADMINISTRATION.**

2 *Section 325(b) of the Department of Transportation*
 3 *and Related Agencies Appropriations Act, 1983 (Pub. L.*
 4 *97–369; 96 Stat. 1765) is amended by striking “provides*
 5 *at least thirty feet of vertical clearance Columbia River*
 6 *datum and at least eighty feet of horizontal clearance, as”*
 7 *and inserting “is so”.*

8 **SEC. 409. NATIONAL COAST GUARD MUSEUM.**

9 *(a) IN GENERAL.—Chapter 5 of title 14, United States*
 10 *Code, is amended by adding at the end the following:*

11 **“§ 98. National Coast Guard Museum**

12 *“(a) ESTABLISHMENT.—The Commandant of the*
 13 *Coast Guard may establish a new National Coast Guard*
 14 *Museum on Federal lands administered by the Coast Guard*
 15 *at a location specified by the Commandant.*

16 *“(b) FUNDING.—The National Coast Guard Museum*
 17 *should be supported with nonappropriated Federal funds*
 18 *or nonfederal funds to the maximum extent practicable and*
 19 *that the priority for appropriated funds should be to pre-*
 20 *serve and protect historic Coast Guard artifacts and to pro-*
 21 *mote the purposes of the National Historic Preservation Act*
 22 *(16 U.S.C. 470 et seq.).*

23 *“(c) LOCATION.—The National Coast Guard Museum*
 24 *may be located at, or in close proximity to, the Coast Guard*
 25 *Academy in New London, Connecticut or at a location with*
 26 *a comparable historic connection to the Coast Guard that*

1 *will similarly enhance the public’s knowledge and apprecia-*
2 *tion of the Coast Guard’s maritime history.*

3 “(d) *FUNDING PLAN.*—*Before the date on which the*
4 *Commandant establishes a museum under subsection (a),*
5 *the Commandant shall provide to the Committees on Com-*
6 *merce of the Senate and on Transportation and Infrastruc-*
7 *ture of the House of Representatives a plan for constructing,*
8 *operating and maintaining such a museum, including—*

9 “(1) *estimated planning, engineering, design,*
10 *construction, operation, and maintenance costs;*

11 “(2) *the extent to which appropriated, non-*
12 *appropriated, and nonfederal funds would be used for*
13 *such purposes; and*

14 “(3) *a certification by the Inspector General of*
15 *the Department in which the Coast Guard is oper-*
16 *ating that the estimates provided pursuant to para-*
17 *graphs (1) and (2) are reasonable and realistic.”.*

18 (b) *CLERICAL AMENDMENT.*—*The chapter analysis for*
19 *chapter 5 of title 14, United States Code, is amended by*
20 *adding at the end the following:*

“98. *National Coast Guard Museum.*”.

Amend the title so as to read: “An Act to authorize appropriations for fiscal years 2004 and 2005 for the United States Coast Guard, and for other purposes.”.

Attest:

Secretary.

108TH CONGRESS
2^D SESSION

H. R. 2443

AMENDMENTS