

Taylor (MS)	Traficant	Wolf
Taylor (NC)	Upton	Young (FL)
Tejeda	Walker	Zeliff
Thomas (CA)	Walsh	Zimmer
Thomas (WY)	Weldon	
Torkildsen	Williams	

NAYS—192

Abercrombie	Gonzalez	Ortiz
Ackerman	Gordon	Owens
Andrews (TX)	Green	Pastor
Applegate	Gutierrez	Payne (NJ)
Bacchus (FL)	Hall (OH)	Pelosi
Becerra	Hamburg	Peterson (FL)
Beilenson	Hastings	Pickle
Berman	Hefner	Price (NC)
Bevill	Hilliard	Quillen
Bishop	Hinchey	Rahall
Blackwell	Hochbrueckner	Reed
Bonior	Hoyer	Reynolds
Borski	Hughes	Rogers
Boucher	Jefferson	Rose
Brooks	Johnson (SD)	Rostenkowski
Brown (CA)	Johnson, E. B.	Rowland
Brown (FL)	Johnston	Roybal-Allard
Brown (OH)	Kanjorski	Rush
Bryant	Kaptur	Sabo
Byrne	Kennedy	Sanders
Cantwell	Kennedy	Sangmeister
Cardin	Kildee	Sawyer
Carr	Klecza	Schenk
Chapman	Kopetski	Schumer
Clay	Kreidler	Scott
Clayton	LaFalce	Serrano
Clement	Lancaster	Sharp
Clyburn	Lantos	Shepherd
Coleman	LaRocco	Skaggs
Collins (IL)	Lazio	Slaughter
Collins (MI)	Lehman	Smith (IA)
Conyers	Lewis (GA)	Stark
Coppersmith	Lipinski	Stokes
Coyne	Lowey	Strickland
Darden	Maloney	Studds
de la Garza	Manton	Stupak
DeFazio	Markey	Swift
DeLauro	Martinez	Synar
Dellums	Matsui	Thompson
Derrick	Mazzoli	Thornton
Dicks	McCloskey	Thurman
Dingell	McDermott	Torres
Dixon	McHale	Torricelli
Dooley	McKinney	Towns
Durbin	McNulty	Tucker
Edwards (CA)	Meehan	Unsoeld
Engel	Meek	Valentine
Eshoo	Menendez	Velazquez
Evans	Mfume	Vento
Farr	Miller (CA)	Visclosky
Fazio	Mineta	Volkmer
Fields (LA)	Mink	Vucanovich
Filner	Moakley	Waters
Flake	Mollohan	Watt
Foglietta	Montgomery	Waxman
Ford (MI)	Moran	Wheat
Ford (TN)	Murphy	Whitten
Fowler	Murtha	Wilson
Frank (MA)	Nadler	Wise
Frost	Neal (MA)	Woolsey
Furse	Neal (NC)	Wyden
Gejdenson	Oberstar	Wynn
Gephardt	Obey	Yates
Gibbons	Olver	Young (AK)

NOT VOTING—8

Cooper	Inhofe	Sundquist
Gallo	Rangel	Washington
Hayes	Slattery	

So the motion to recommit was agreed to.

A motion to reconsider the vote whereby said motion to recommit was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

111.12 PERMISSION TO FILE CONFERENCE REPORT

On motion of Mr. DICKS, by unanimous consent, the managers on the part of the House were granted permission until midnight tonight to file a conference report (Rept. No. 103-740) on the bill (H.R. 4602) making appropriations for the Department of the Inte-

rior and related agencies for the fiscal year ending September 30, 1995, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

111.13 PROVIDING FOR THE CONSIDERATION OF H.R. 4422

Mr. MOAKLEY, by direction of the Committee on Rules, called up the following resolution (H. Res. 535):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4422) to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. All points of order against amendments printed in the report of the Committee on Rules accompanying this resolution are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. MOAKLEY, the previous question was ordered on the resolution, to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

111.14 COAST GUARD AUTHORIZATION

The SPEAKER pro tempore, Mr. MFUME, pursuant to House Resolution 535 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4422) to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes.

The SPEAKER pro tempore, Mr. MFUME, by unanimous consent, designated Mr. DARDEN, as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. HEFNER, assumed the Chair.

When Mr. DARDEN, Chairman, pursuant to House Resolution 535, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1994".

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1995, as follows:

(1) For the operation and maintenance of the Coast Guard, \$2,630,505,000, of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$439,200,000, to remain available until expended, of which \$32,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$20,310,000, to remain available until expended, of which—

(A) \$3,150,000 shall be derived from the Oil Spill Liability Trust Fund; and

(B) \$1,500,000 is authorized to conduct, in cooperation with appropriate Federal and State agencies, local maritime education organizations, and local marine industry representatives, a demonstration project on the lower Mississippi River and in the Houston Ship Channel to study the effectiveness of currently available Electronic Chart Display and Information Systems (ECDIS) and Electronic Chart Systems (ECS) for use on commercial vessels.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$562,585,000.

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

(6) For environmental compliance and restoration at Coast Guard facilities, \$25,000,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 39,000 as of September 30, 1995. The authorized strength does not include members of the Ready Reserve called to active duty for special or emergency augmentation of regular Coast Guard forces for periods of 180 days or less.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 1995, the Coast Guard is au-

thorized average military training student loads as follows:

(1) For recruit and special training, 2,000 student years.

(2) For flight training, 133 student years.

(3) For professional training in military and civilian institutions, 344 student years.

(4) For officer acquisition, 955 student years.

SEC. 103. DRUG INTERDICTION ACTIVITIES.

In addition to amounts otherwise authorized by this Act, there are authorized to be appropriated to the Secretary of Transportation for operation and maintenance expenses of Coast Guard drug interdiction activities \$21,000,000 for fiscal year 1995.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 201. HURRICANE ANDREW RELIEF.

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

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

(2) the Secretary of Transportation shall administer that section with respect to such personnel.

SEC. 202. DISSEMINATION OF RESULTS OF 0-6 CONTINUATION BOARDS.

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

SEC. 203. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH.

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

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

SEC. 204. PROVISION OF CHILD DEVELOPMENT SERVICES.

(a) IN GENERAL.—Title 14, United States Code, is amended by inserting after section 514 the following new section:

"§ 515. Child development services

"(a) The Commandant may make child development services available for members and civilian employees of the Coast Guard, and thereafter as space is available for members of the Armed Forces and Federal civilian employees. Child development services benefits provided under this section shall be in addition to benefits provided under other laws.

"(b)(1) Except as provided in paragraph (2), the Commandant may require that amounts received as fees for the provision of child development services under this section at Coast Guard child development centers be used only for compensation of Coast Guard child development center employees who are directly involved in providing child care.

"(2) If the Commandant determines that compliance with the limitation in paragraph (1) would result in an uneconomical and inefficient use of amounts received as such fees, the Commandant may (to the extent that such compliance would be uneconomical and inefficient) use such amounts—

"(A) for the purchase of consumable or disposable items for Coast Guard child development centers; and

"(B) if the requirements of such centers for consumable or disposable items for a given

fiscal year have been met, for other expenses of those centers."

"(c) The Commandant may use Department of Defense or other training programs to insure that all child development services providers under this section meet minimum standards.

"(d) The Commandant may provide assistance to members and civilian employees of the Coast Guard for obtaining services of qualified family home child development services providers. The cost per child to the Coast Guard of obtaining those services may not exceed the average of the cost per child incurred by the Coast Guard for child development services provided at all Coast Guard child development centers.

"(e)(1) Of the amounts available to the Coast Guard each fiscal year for operating expenses (and in addition to amounts received as fees), the Secretary shall use for child development services under this section an amount equal to the total amount the Commandant estimates will be received by the Coast Guard in the fiscal year as fees for the provision of those services.

"(2) The amount of funds used under paragraph (1) each fiscal year shall not exceed \$1,000,000.

"(f) For purposes of this section, the term 'Coast Guard child development center' does not include a child care services facility for which space is allotted under section 616 of the Act of December 22, 1987 (40 U.S.C. 490b).

"(g) The Secretary shall promulgate regulations to implement this section. The regulations shall establish fees to be charged for child development services provided under this section which are based on total family income."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 14, United States Code, is amended by inserting after the item related to section 514 the following:

"515. Child development services."

TITLE III—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT

SEC. 301. FOREIGN PASSENGER VESSEL USER FEES.

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

(1) in subsection (a) by striking "(a) Except as" and inserting "Except as"; and

(2) by striking subsection (b).

SEC. 302. DOCUMENTATION VIOLATIONS.

(a) CIVIL PENALTIES.—Section 12122(a) of title 46, United States Code, is amended by striking "\$500" and inserting "\$25,000".

(b) SEIZURE AND FORFEITURE.—

(1) IN GENERAL.—Section 12122(b) of title 46, United States Code, is amended to read as follows:

"(b) A vessel and its equipment are liable to seizure by and forfeiture to the United States Government, if—

"(1) the owner of the vessel or a representative or agent of the owner knowingly falsifies or conceals a material fact, or makes a false statement or representation about the documentation or in applying for documentation of the vessel;

"(2) a certificate of documentation is knowingly and fraudulently used for the vessel;

"(3) the vessel is operated after its endorsement has been denied or revoked under section 12123 of this title;

"(4) the vessel is employed in a trade without an appropriate trade endorsement; or

"(5) in the case of a documented vessel with only a recreational endorsement, the vessel is operated other than for pleasure."

(2) CONFORMING AMENDMENT.—Section 12122(c) of title 46, United States Code, is repealed.

(c) LIMITATION ON OPERATION OF VESSEL WITH ONLY RECREATIONAL ENDORSEMENT.—Section 12110(c) of title 46, United States Code, is repealed.

(d) TERMINATION OF RESTRICTION ON COMMAND OF RECREATIONAL VESSELS.—

(1) TERMINATION OF RESTRICTION.—Subsection (d) of section 12110 of title 46, United States Code, is amended—

(A) by inserting ", other than a vessel with only a recreational endorsement operating within the territorial waters of the United States," after "A documented vessel"; and

(B) by redesignating that subsection as subsection (c).

(2) CONFORMING AMENDMENT.—Section 12111(a)(2) of title 46, United States Code, is amended by inserting before the period the following: "in violation of section 12110(c) of this title".

SEC. 303. CLERICAL AMENDMENT.

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

(1) by striking the first section 12123; and

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

SEC. 304. BATON ROUGE RESCUE AND PATROL VESSEL.

Beginning not later than 60 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall operate a rescue and patrol vessel on the Mississippi River in the vicinity of Baton Rouge, Louisiana, to support Coast Guard rescue, law enforcement, marine safety, marine environmental protection, and port security missions.

SEC. 305. FLORIDA AVENUE BRIDGE.

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.; popularly known as the Truman-Hobbs Act), the Secretary shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

SEC. 306. RENEWAL OF HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE AND LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

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

(1) in section 18 by adding at the end the following:

"(h) The Committee shall terminate on October 1, 1999."; and

(2) in section 19 by adding at the end the following:

"(g) The Committee shall terminate on October 1, 1999."

SEC. 307. LIMITATION ON CONSOLIDATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not consolidate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas.

SEC. 308. RESPONSE EXERCISE PROGRAM AT MASSACHUSETTS MARITIME ACADEMY.

The Coast Guard shall designate the Center for Marine Environmental Protection and Safety at the Massachusetts Maritime Academy as a regional facility for the conduct and evaluation of annual response area management team exercises for two response areas in the East Coast in accordance with the Preparedness for Response Exercise Program established by the Coast Guard.

SEC. 309. PROHIBITION ON DECOMMISSIONING ICEBREAKER MACKINAW.

(a) PROHIBITION.—The Secretary of Transportation may not decommission the Coast Guard cutter MACKINAW until the later of—

(1) 1 year after transmitting to the Congress the report required under subsection (d); or

(2) October 1, 1995.

(b) REQUIREMENT TO MAINTAIN BILLETS.—The Secretary shall during fiscal year 1995 maintain on the Coast Guard cutter MACKINAW the same number of billets as were maintained on that vessel during fiscal year 1994.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation \$4,500,000 for fiscal year 1995, to remain available until expended, for operations and maintenance of the Coast Guard cutter MACKINAW.

(d) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a study and submit a report to the Congress containing findings and recommendations on the icebreaking needs of the Great Lakes and the appropriate size and type of vessel or vessels to meet those needs. In conducting the study, the Secretary shall—

(1) consult with—

(A) Great Lakes carriers, shippers, and port authorities, including the Lake Carriers Association;

(B) the Great Lakes Commission;

(C) the Governors of States bordering the Great Lakes;

(D) local governments in States bordering the Great Lakes; and

(E) interested private persons;

(2) determine the average and maximum ice conditions in the Great Lakes over the past 10 years;

(3) determine the size and type of vessel or vessels necessary to clear shipping channels in the average and maximum ice conditions determined under paragraph (2);

(4) evaluate whether any Coast Guard vessel stationed on the Great Lakes, other than the MACKINAW, can safely conduct search and rescue missions in 25-foot seas;

(5) evaluate the feasibility of operating the Coast Guard icebreaker MACKINAW on a seasonal basis;

(6) evaluate the feasibility of building an ice-strengthened Juniper Class buoy tender to replace the icebreaking services performed by the MACKINAW; and

(7) evaluate the feasibility of entering into a long-term contract for icebreaking services to replace the icebreaking services performed by the MACKINAW.

(e) AUTHORIZATION FOR RECOMMENDATIONS.—If, after transmitting the report required in subsection (d), the Secretary determines that—

(1) in addition to previously authorized Juniper Class buoy tenders, building an ice-strengthened Juniper Class buoy tender is the most feasible means of providing icebreaking service on the Great Lakes, the Secretary may, subject to the availability of appropriations, enter into a contract for the construction of an ice-strengthened Juniper Class buoy tender; or

(2) entering into a long-term contract for icebreaking services is the most feasible means of providing icebreaking services on the Great Lakes, the Secretary may, subject to the availability of appropriations, enter into such a long-term contract.

SEC. 310. REQUIREMENT TO OPERATE USCGC TACKLE IN CRISFIELD, MARYLAND.

The Secretary of Transportation shall continue to operate the USCGC TACKLE (WYTL 65604) in the vicinity of Crisfield, Maryland, until October 1, 1995.

SEC. 311. BUY AMERICAN REQUIREMENT FOR SURFACE SEARCH RADAR SYSTEMS AND MULTIBEAM SONAR.

Notwithstanding any other law, at least 51 percent of the components of surface search radar systems and multibeam sonar systems for Coast Guard vessels shall be manufactured in the United States, provided the United States manufacturer offers the Coast Guard a competitive price.

SEC. 312. CONVEYANCE OF PROPERTY.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property described in subsection (b), subject to all easements and other interests in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Traverse City, Grand Traverse County, Michigan, and consisting of that part of the southeast ¼ of Section 12, Township 27 North, Range 11 West, described as: Commencing at the southeast ¼ corner of said Section 12, thence north 03 degrees 05 minutes 25 seconds east along the East line of said Section, 1074.04 feet, thence north 86 degrees 36 minutes 50 seconds west 207.66 feet, thence north 03 degrees 06 minutes 00 seconds east 572.83 feet to the point of beginning, thence north 86 degrees 54 minutes 00 seconds west 1,751.04 feet, thence north 03 degrees 02 minutes 38 seconds east 330.09 feet, thence north 24 degrees 04 minutes 40 seconds east 439.86 feet, thence south 86 degrees 56 minutes 15 seconds east 116.62 feet, thence north 03 degrees 08 minutes 45 seconds east 200.00 feet, thence south 87 degrees 08 minutes 20 seconds east 68.52 feet, to the southerly right-of-way of the C & O Railroad, thence south 65 degrees 54 minutes 20 seconds east along said right-of-way 1508.75 feet, thence south 03 degrees 06 minutes 00 seconds west 400.61 to the point of beginning, consisting of 27.10 acres of land, and all improvements located on that property including buildings, structures, and equipment.

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

TITLE IV—MISCELLANEOUS**SEC. 401. SPECIAL RECRUITING AUTHORITY TO ACHIEVE DIVERSITY.**

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

(1) Women and minorities have historically been underrepresented in the Coast Guard officer corps and at the United States Coast Guard Academy.

(2) The number of women and minorities occupying leadership positions in the United States Coast Guard should reflect the proportion of women and minorities in the total population.

(3) Notwithstanding application of traditional recruiting programs, the Coast Guard has not been able to rectify the historic underrepresentation of women and minorities in the service and at the Academy.

(4) Cultural bias in standardized testing or grading procedures may adversely affect the ability of minorities to compete successfully for admission to the United States Coast Guard Academy.

(5) The education and professional training provided at the United States Coast Guard

Academy will be enhanced by the benefits that flow from a diverse student body.

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

(1) in paragraph (t)(2) by striking “and” after the semicolon;

(2) in paragraph (u) by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(v) for the purposes of rectifying underrepresentation or underutilization of women and minorities in the Coast Guard and meeting identified personnel resource requirements and training needs—

“(1) conduct studies and analyses on Coast Guard personnel resource and training needs; and

“(2) employ special programs for recruiting women and minorities, including, subject to appropriations, provision of financial assistance by grant, cooperative agreement, contract, or otherwise, to public or private associations, organizations, or individuals to implement national or local outreach programs.”.

SEC. 402. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.

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

(1) by inserting “(1)” after “(b)”;

(2) by striking the last sentence; and

(3) by adding at the end the following:

“(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

“(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

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

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

SEC. 403. REPORT RECOMMENDING ACTIONS FOR THE PROTECTION OF THE ENDANGERED NORTHERN RIGHT WHALE.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Commerce, shall submit a report to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate recommending actions to prevent mortalities of the northern right whale from vessel collisions in the Great South Channel off Cape Cod, Massachusetts. The report shall include—

(1) recommendations for actions that could be undertaken by the Coast Guard and the International Maritime Organization, including—

(A) the designation of 1 or more areas to be avoided;

(B) the shifting of the traffic separation scheme in the Great South Channel; or

(C) other measures the Secretary considers appropriate; and

(2) if appropriate, a schedule for submitting those recommendations to the International Maritime Organization.

SEC. 404. CONTINUING OBLIGATION TO PROVIDE DOCUMENTATION INFORMATION AT EXISTING LOCATIONS.

The Secretary of Transportation shall, until October 1, 1999, maintain an ability, at Coast Guard offices that are located in the immediate vicinity of former regional vessel documentation offices, to assist the public with information on obtaining, altering, and renewing the documentation of a vessel and on vessel documentation laws and regulations generally.

SEC. 405. PROHIBITION ON STATION CLOSURES AND VESSEL AND AIRCRAFT DECOMMISSIONINGS IN FY 1995.

In fiscal year 1995, the Secretary of Transportation may not close or consolidate any shore unit, including any multimission small boat station, and may not decommission any vessel or aircraft, based in whole or in part on the increased costs resulting from inclusion of the Coast Guard in the military pay raise for fiscal year 1995 or the cost-of-living allowance for members of the uniformed services assigned to high cost areas in the continental United States under the National Defense Authorization Act for Fiscal Year 1995.

SEC. 406. CONTINUATION OF THE COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking "September 30, 1994" and inserting "October 1, 1999".

SEC. 407. PROHIBITION ON DIVERSION OF DRUG INTERDICTION FUNDS.

The Secretary of Transportation may not reduce the level of Coast Guard drug interdiction below the level proposed by the President in the Fiscal Year 1995 budget.

SEC. 408. PROHIBITION ON STATION CLOSURES.

(a) PROHIBITION.—The Secretary of Transportation may not close or consolidate any multimission small boat station in fiscal year 1995 until the Secretary has submitted a list of proposed station closures to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate.

(b) DEADLINE FOR SUBMISSION.—The Secretary shall submit such list at least 60 days prior to any such closure or consolidation.

SEC. 409. RENEWAL OF THE NAVIGATION SAFETY ADVISORY COUNCIL.

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended in subsection (d) by striking "September 30, 1995" and inserting "September 30, 2000".

SEC. 410. 47-FOOT MOTOR LIFEBOAT ACQUISITION PROGRAM.

The Secretary of Transportation shall ensure that the Coast Guard 47-foot Motor Lifeboat acquisition is accomplished in accordance with the laws and regulations applicable to small business set asides.

SEC. 411. COAST GUARD RESERVE PEACETIME REQUIREMENTS PLAN.

No later than February 1, 1995, the Secretary of Transportation shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to more fully utilize the Coast Guard Selected Reserve to augment peacetime operations. As part of the plan, the Secretary shall include—

(1) methods to deliver more cost-effective Coast Guard services by supplementing active duty personnel with Coast Guard reservists while preserving the current level of service to the public;

(2) methods to more fully integrate the Coast Guard Reserve in peacetime Coast Guard programs, including, but not limited to, search and rescue, marine safety, and marine environmental protection;

(3) the most effective command structure for the Coast Guard Reserve; and

(4) a specific estimate of the number of reservists needed to augment peacetime Coast Guard missions under the plan.

SEC. 412. TRANSFER OF COAST GUARD PROPERTY.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no

later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "Former Marine Safety Detachment" as identified in Report of Excess Number CG-689 (GSA Control Number 9-U-AK-0747) and described in subsection (b), for use by the Ketchikan Indian Corporation as a Native health clinic.

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

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Ketchikan Indian Corporation as a Native health clinic.

SEC. 413. REPORT ON COSTS OF VESSEL INSPECTIONS OUTSIDE UNITED STATES.

(a) REPORT REQUIREMENT.—Not later than January 1, 1995, the Secretary of Transportation shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing in detail the costs incurred by the United States in fiscal year 1994 for the performance by Coast Guard personnel of vessel inspections outside the 50 States and the District of Columbia, including travel expenses, subsistence pay, compensation, and all other costs associated with those inspections.

(b) ITEMIZATION OF COSTS.—The report required by subsection (a) shall include—

(1) a description and the costs of the various types of activities in which Coast Guard inspectors engaged outside the United States in fiscal year 1994 with respect to repair and construction of vessels in foreign countries;

(2) the number and costs of inspections of vessels documented in the United States that did not visit ports in the United States in fiscal year 1994 (including the number of such vessels inspected);

(3) the number and costs of inspections of mobile offshore drilling units (as that term is defined in section 2101 of title 46, United States Code) that are documented in the United States and that did not operate in waters of the United States in fiscal year 1994; and

(4) the number and cost of Coast Guard inspectors permanently stationed in foreign countries.

SEC. 414. CONVEYANCE OF LIGHT STATION MONTAUK POINT, NEW YORK.

(a) CONVEYANCE REQUIREMENT.—

(1) REQUIREMENT.—The Secretary of Transportation shall convey to the Montauk Historical Association in Montauk, New York, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Light Station

Montauk Point, located at Montauk, New York.

(2) DETERMINATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Montauk Light Station pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof—

(A) ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard, the maritime history of Montauk, New York, and Native American and colonial history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION AND FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Montauk Historical Association may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Montauk Lighthouse as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Montauk Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Montauk Historical Association that the Montauk Light Station is needed for national security purposes.

(4) MAINTENANCE OF LIGHT STATION.—Any conveyance of property under this section shall be subject to the condition that the Montauk Historical Association shall maintain the Montauk Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) LIMITATION ON OBLIGATIONS OF MONTAUK HISTORICAL ASSOCIATION.—The Montauk Historical Association shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) For purposes of this section—

(1) the term "Montauk Light Station" means the Coast Guard light station known as Light Station Montauk Point, located at Montauk, New York, including the keeper's dwellings, adjacent Coast Guard rights of way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker; and

(2) the term "Montauk Lighthouse" means the Coast Guard lighthouse located at the Montauk Light Station.

SEC. 415. CAPE ANN LIGHTHOUSE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thachers Island, Massachusetts.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and
(B) subject to the conditions required by paragraphs (3) and (4) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Cape Ann Lighthouse shall immediately revert to the United States if the Cape Ann Lighthouse, or any part of the property—

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE AND NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the town of Rockport may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the Cape Ann Lighthouse as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The town of Rockport is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The town of Rockport shall maintain the Cape Ann Lighthouse in accordance with the National His-

toric Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section, the term "Cape Ann Lighthouse" means the Coast Guard property located on Thachers Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

SEC. 416. TRANSFER OF OCRACOKE LIGHT STATION TO SECRETARY OF THE INTERIOR.

The Secretary of Transportation shall transfer administrative jurisdiction over the Federal property, consisting of approximately 2 acres, known as the Ocracoke Light Station, to the Secretary of the Interior, subject to such reservations, terms, and conditions as may be necessary for Coast Guard purposes. All property so transferred shall be included in and administered as part of the Cape Hatteras National Seashore.

SEC. 417. PROHIBITION ON OVERHAUL, REPAIR, AND MAINTENANCE OF COAST GUARD VESSELS IN FOREIGN SHIPYARDS.

(a) PROHIBITION.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards

"A Coast Guard vessel may not be overhauled, repaired, or maintained in any shipyard located outside the United States, except that this section does not apply to emergency repairs."

(b) CLERICAL AMENDMENT.—Title 14, United States Code, is amended in the analysis at the beginning of chapter 5 by adding at the end the following:

"96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards."

SEC. 418. STUDY OF IMPLICATIONS FOR VESSEL SAFETY IN NAVIGABLE WATERS NEAR HOUSTON, TEXAS, OF TRADE AGREEMENTS.

(a) STUDY.—Not later than July 1, 1996, the Secretary of Transportation, acting through the Coast Guard office in Houston, Texas, and subject to the availability of appropriations, shall conduct a study of the implications for vessel safety in the navigable waters near Houston, Texas, of increased shipping traffic resulting from—

(1) the North American Free Trade Agreement Implementation Act; and

(2) legislation necessary to implement the Uruguay Round of the General Agreement on Tariffs and Trade.

(b) CONTENT.—The study under subsection (a) shall include—

(1) examination of implications for vessel safety in the Port of Houston and the Houston ship channel; and

(2) development of recommendations for—

(A) responding to vessel accidents in those waterways,

(B) removal of vessels damaged in those accidents, and

(C) ways to improve the overall safety of the Port of Houston and the Houston ship channel, including recommendations of restrictions on vessel movements within that Port or channel if necessary to ensure safety.

(c) REPORT.—Not later than July 1, 1996, the Secretary of Transportation shall submit to the Congress a report on the findings and recommendations developed by the study under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—For carrying out the study and preparing the report required by this section, there are authorized to be appropriated to the Secretary of Transportation \$300,000 for fiscal year 1995

and such sums as may be necessary for fiscal year 1996.

SEC. 419. IMPLEMENTATION OF OIL POLLUTION ACT WITH RESPECT TO VEGETABLE OIL.

In implementing the Oil Pollution Act of 1990 (Public Law 101-380), the Coast Guard and other agencies shall differentiate between animal fats or oils of vegetable origin and other oils, including petroleum oils, on the basis of their physical, chemical, biological, and other properties, and their environmental effects.

SEC. 420. LIMITATION ON AUTHORITY OF STATES TO REGULATE GAMBLING DEVICES ON VESSELS.

Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the "Johnson Act", is amended by adding at the end the following:

"(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

"(i) that begins and ends in the same State;

"(ii) that is part of a voyage to another State or to a foreign country; and

"(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins."

SEC. 421. POLLUTION FROM SHIPS.

(a) PREVENTION OF POLLUTION FROM SHIPS.—Section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) is amended—

(1) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "(2) If" and inserting the following: "(2)(A) Subject to subparagraph (B), if"; and

(ii) by adding at the end the following new subparagraph:

"(B) The Secretary may issue a certificate attesting to the adequacy of reception facilities under this paragraph only if, prior to the issuance of the certificate, the Secretary conducts an inspection of the reception facilities of the port or terminal that is the subject of the certificate."; and

(B) in paragraph (3), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) is valid for the 5-year period beginning on the date of issuance of the certificate, except that if—

"(i) the charge for operation of the port or terminal is transferred to a person or entity other than the person or entity that is the operator on the date of issuance of the certificate—

"(I) the certificate shall expire on the date that is 30 days after the date of the transfer; and

"(II) the new operator shall be required to submit an application for a certificate before a certificate may be issued for the port or terminal; or

"(ii) the certificate is suspended or revoked by the Secretary, the certificate shall cease to be valid; and"; and

(2) by striking subsection (d) and inserting the following new subsection:

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

"(A) is in effect; or

"(B) has been revoked or suspended.

"(2) The Secretary shall make the list referred to in paragraph (1) available to the general public."

(b) RECEPTION FACILITY PLACARDS.—Section 6(f) of the Act to Prevent Pollution from Ships (33 U.S.C. 1905(f)) is amended—

(1) by inserting "(1)" before "The Secretary"; and

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

“(2)(A) Not later than 18 months after the date of enactment of this paragraph, the Secretary shall promulgate regulations that require the operator of each port or terminal that is subject to any requirement of the MARPOL Protocol relating to reception facilities to post a placard in a location that can easily be seen by port and terminal users. The placard shall state, at a minimum, that a user of a reception facility of the port or terminal should report to the Secretary any inadequacy of the reception facility.”

(c) APPLICATION TO VESSELS.—

(1) NOTICE OF ARRIVAL.—The owner, master, agent, or person in charge of a vessel shall include in the notice of arrival required to be submitted to the Captain of the Port of the port or place of destination pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) information concerning the intention of the owner, master, or person in charge of the vessel with respect to the disposal of onboard waste at the port or place of destination.

(2) COMPLIANCE REPORTS.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (Public Law 100-220; 33 U.S.C. 1902 note) is amended—

(A) by striking “for a period of 6 years”; and

(B) by inserting before the period at the end the following: “and, not later than 1 year after the date of enactment of the Marine Plastic Pollution Research and Control Act of 1994, and annually thereafter, shall publish in the Federal Register a list of the enforcement actions taken against any domestic or foreign ship (including any commercial or recreational ship) pursuant to the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)”.

(d) MARINE PLASTIC POLLUTION RESEARCH AND CONTROL PUBLIC OUTREACH PROGRAM.—Section 2204(a) of the Marine Plastic Pollution Research and Control Act of 1987 (Public Law 100-220; 42 U.S.C. 6981 note) is amended—

(1) in paragraph (1)—

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

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

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

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

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

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

“(2) AUTHORIZED ACTIVITIES.—

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

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

“(ii) workshops with interested groups;

“(iii) public service announcements;

“(iv) distribution of leaflets and posters; and

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

“(B) GRANTS AND COOPERATIVE AGREEMENTS.—To carry out this section, the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency are authorized to award grants, enter into cooperative agreements with appropriate officials of other Federal agencies and agencies of

States and political subdivisions of States, and provide other financial assistance to eligible recipients.

“(C) CONSULTATION.—In developing outreach initiatives targeted at the interested groups that are subject to the requirements of this title and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, shall consult with—

“(i) the heads of State agencies responsible for implementing State boating laws; and

“(ii) the heads of other enforcement agencies that regulate boaters or commercial fishermen.”.

(e) COORDINATION.—

(1) ESTABLISHMENT OF MARINE DEBRIS COORDINATING COMMITTEE.—The Administrator of the Environmental Protection Agency shall establish a Marine Debris Coordinating Committee (referred to in this section as the “Committee”).

(2) MEMBERSHIP.—The Committee shall include a senior official from—

(A) the Environmental Protection Agency, who shall serve as the Chairperson of the Committee;

(B) the National Oceanic and Atmospheric Administration;

(C) the United States Coast Guard;

(D) the United States Navy; and

(E) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Administrator of the Environmental Protection Agency determines appropriate.

(3) MEETINGS.—The Committee shall meet at least twice a year to provide a forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

(f) MONITORING.—The Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist the United States Coast Guard in assessing the effectiveness of this Act.

SEC. 422. MERCHANT MARINER BENEFITS.

(a) Part G of subtitle II, title 46, United States Code, is amended by adding the following new chapter:

“CHAPTER 112—MERCHANT MARINER BENEFITS

“Sec.

“11201. Qualified service.

“11202. Qualified service benefits.

“§ 11201. Qualified service

“An individual who was in training for or who served as a member of the United States merchant marine, including the Army Transport Service and the Naval Transportation Service, or who received a letter of induction, before August 16, 1945, is deemed to have been engaged in qualified service for purposes of this chapter.

“§ 11202. Qualified service benefits

“(a) An individual who believes that individual performed qualified service under section 11201 of this chapter may apply to the Secretary. Not later than 180 days after the Secretary receives an application under this section, the Secretary shall determine whether the individual performed qualified service.

“(b) The Secretary shall issue an honorable discharge to an individual who performed

qualified service as determined by the Secretary under subsection (a). The Secretary shall issue the discharge subject to the standards that apply to the honorable discharges issued under section 401(a)(1)(b) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

“(c) The qualified service of an individual who—

“(1) receives an honorable discharge under subsection (b); and

“(2) is not eligible for benefits under a law administered by the Secretary of Veterans Affairs— shall be treated as active duty for purposes of eligibility for benefits under chapters 23 and 24 of title 38, United States Code.

“(d) The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits provided to an individual by reason of eligibility under this chapter.

“(e) An individual is not entitled to, and may not receive, benefits under this chapter for any period before the date of enactment of this chapter.”.

(b) The analysis at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 111 the following:

“112. Merchant mariners benefits 11201.”.

SEC. 423. ANNUAL REPORT ON IMPLEMENTATION OF VESSEL TRAFFIC SERVICE.

Not later than April 1 of each year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a report describing in detail the status of implementation of the Vessel Traffic Service in all the ports ranked in the Port Needs Study issued by the Coast Guard in 1991.

SEC. 424. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.

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

“(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

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

SEC. 425. COST ACCOUNTING FOR HAITIAN OPERATIONS.

(a) No later than 30 days after the enactment of this Act, the Secretary of Transportation shall submit a full accounting of all Coast Guard costs related to Haiti during fiscal year 1994 to the Committee on Merchant Marine and Fisheries in the House of Representatives and to the Committee on Commerce, Science, and Transportation in the Senate. This accounting shall include numbers of Coast Guard personnel involved, the numbers of Coast Guard vessels involved, and the amount of funds diverted from other Coast Guard missions.

(b) Until all United States military operations in Haiti cease, the Secretary of Transportation shall submit monthly reports on all Coast Guard costs related to Haiti to the Committee on Merchant Marine and Fisheries in the House of Representatives and to the Committee on Commerce, Science, and Transportation in the Senate.

SEC. 426. SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products pur-

chased with funds made available under this Act should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 427. SENSE OF THE CONGRESS REGARDING FUNDING FOR COAST GUARD.

It is the sense of the Congress that in appropriating amounts for the Coast Guard, the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

SEC. 428. PLAN FOR RESCUE OF PASSENGERS ON THE CHESAPEAKE BAY.

(a) The Secretary of the department in which the Coast Guard is operating, in consultation with officials of the States of Maryland and Virginia, and other interested persons, shall develop and submit to Congress by March 30, 1995, a plan for the rescue of persons transported on passenger vessels or small passenger vessels on the Chesapeake Bay.

(b) The plan developed in subsection (a) shall include—

(1) a protocol for command, control, and communications among Federal, State, and local authorities;

(2) a protocol for training exercises to prepare for an emergency rescue on the Chesapeake Bay;

(3) an identification of emergency medical personnel that would be available for an emergency rescue on the Chesapeake Bay;

(4) an identification of procedures to be followed and equipment that would be needed in the event of weather that could result in hypothermia of the passengers; and

(5) a study by the Coast Guard examining the feasibility of locating a helicopter station on the Chesapeake Bay and in developing mutual aid agreement with appropriate Federal, State and local agencies to improve helicopter response time.

TITLE V—RECREATIONAL BOATING SAFETY

SEC. 501. SHORT TITLE.

This title may be cited as the "Recreational Boating Safety Improvement Act of 1994".

SEC. 502. PERSONAL FLOTATION DEVICES REQUIRED FOR CHILDREN.

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

(1) in paragraph (2) by striking "or" after the semicolon at the end;

(2) in paragraph (3) by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(4) operate a recreational vessel under 26 feet in length unless each individual 12 years of age or younger wears a Coast Guard approved personal flotation device when the individual is on an open deck of the vessel."

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

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

SEC. 503. ALLOCATION OF FUNDS BASED ON STATE ADOPTION OF LAWS REGARDING BOATING WHILE INTOXICATED.

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

(1) by redesignating subsections (a), (b), and (c) in order as subsections (b), (c), and (d);

(2) by inserting before subsection (b) (as so redesignated) the following new subsection:

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

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

"(i) prohibit operation of a recreational vessel by an individual who is under the influence of alcohol or drugs; and

"(ii) establish a blood alcohol concentration limit of .10 percent or less.

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

"(i) prohibit operation of a recreational vessel by an individual who is under the influence of alcohol or drugs; and

"(ii) establish an implied consent requirement that specifies that an individual is deemed to have given their consent to evidentiary testing for their blood alcohol concentration or presence of other intoxicating substances.

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

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

"(B) one-half shall be allocated among those eligible States so that each such State receives an amount bearing the same ratio to the total amount allocated under that subparagraph for the fiscal year as the number of vessels numbered in that State under a system approved under chapter 123 of this title bears to the total number of vessels numbered under approved systems of all States receiving an allocation under that subparagraph for the fiscal year."

(3) in subsection (b) (as so redesignated) in the matter preceding paragraph (1) by inserting "the balance of remaining" after "allocate"; and

(4) by adding at the end the following new subsection:

"(e) A State shall not be ineligible for an allocation under subsection (a) because of the adoption by the State of any requirement relating to the operation of a recreational vessel while under the influence of alcohol or drugs that is more stringent than the requirements for receiving the allocation."

SEC. 504. MARINE CASUALTY REPORTING.

(a) SUBMISSION OF PLAN.—Not later than one year after enactment of this Act, the Secretary of Transportation shall, in consultation with appropriate State agencies, submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to increase reporting of vessel accidents to appropriate State law enforcement officials.

(b) PENALTIES FOR VIOLATING REPORTING REQUIREMENTS.—Section 6103(a) of title 46, United States Code, is amended by inserting "or 6102" after "6101" the second place it appears.

SEC. 505. REQUIRING VIOLATORS TO TAKE RECREATIONAL BOATING SAFETY COURSE.

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

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

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

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

SEC. 506. TECHNICAL CORRECTIONS.

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

(1) striking "proceeding" and inserting "preceding"; and

(2) striking "Secretary" and inserting "Secretary".

TITLE VI—TOWING VESSEL NAVIGATIONAL SAFETY

SEC. 601. SHORT TITLE.

This title may be cited as the "Towing Vessel Navigational Safety Act of 1994".

SEC. 602. MINIMUM NAVIGATIONAL SAFETY EQUIPMENT FOR TOWING VESSELS.

(a) IN GENERAL.—Section 4102 of title 46, United States Code, is amended by adding at the end the following:

"(f)(1) In prescribing regulations for towing vessels, the Secretary shall—

"(A) consider the characteristics, methods of operation, and nature of the service of towing vessels;

"(B) consult with the Towing Safety Advisory Committee; and

"(C) require, to the extent appropriate, the installation, maintenance, and use of and familiarity with the following equipment on each towing vessel, other than a towing vessel that is used only for towing disabled vessels:

"(i) A radar system.

"(ii) An electronic position-fixing device.

"(iii) A sonic depth finder.

"(iv) A compass or swing meter.

"(v) Adequate towing wire and associated equipment.

"(vi) Up-to-date navigational charts and publications for the areas normally transited by the vessel.

"(vii) Other safety equipment the Secretary determines to be necessary.

"(2) The Secretary shall establish in regulations under this chapter requirements that—

"(A) any equipment required on a towing vessel under paragraph (1) shall be maintained in effective operating condition; and

"(B) if such equipment on a vessel ceases to operate, the master of the vessel shall exercise due diligence to restore the equipment to effective operating condition, or cause it to be restored to that condition, at the earliest practicable date."

(b) REGULATIONS.—The Secretary of Transportation shall issue regulations by not later than 12 months after the date of the enactment of this Act, prescribing navigational publication and equipment requirements under subsection (f) of section 4102 of title 46, United States Code, as added by subsection (a) of this section.

SEC. 603. REPORTING MARINE CASUALTIES.

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

(b) PENALTY FOR FAILURE TO REPORT A CASUALTY.—Section 6103(a) of title 46, United States Code is amended by striking "\$1,000" and inserting "not more than \$25,000".

SEC. 604. REPORT ON FEASIBILITY OF ESTABLISHING A DIFFERENTIAL GLOBAL POSITIONING SATELLITE NAVIGATION SYSTEM AND ELECTRONIC CHARTS FOR INLAND WATERWAYS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Congress on the feasibility of establishing a

differential global positioning satellite navigation system and creating electronic charts for the inland waterways of the United States.

SEC. 605. PROTECTION OF SEAMEN AGAINST DISCRIMINATION.

Section 2114 of title 46, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

“(a) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel may not discharge, temporarily remove, or in any manner discriminate against a seaman because the seaman—

“(1) in good faith has reported or is about to report to the Coast Guard that the seaman believes that a violation of this subtitle, or a regulation issued under this subtitle, has occurred; or

“(2) refuses to violate this subtitle or a regulation issued under this subtitle.”; and

(2) in subsection (b)—

(A) in paragraph (1) by striking “and” after the semicolon;

(B) in paragraph (2) by striking the period and inserting “; and”;

(C) by adding at the end the following:

“(3) an award of cost and reasonable attorney’s fees to the prevailing plaintiff.”.

SEC. 606. MANNING AND LICENSING REQUIREMENTS FOR TOWING VESSELS.

(a) MANNING REQUIREMENTS.—Section 8904 of title 46, United States Code, is amended by adding at the end the following:

“(c) A towing vessel, other than a vessel referred to in subsection (b), shall—

“(1) while being operated, have on board an individual licensed by the Secretary as a master of that type of towing vessel; and

“(2) be operated by an individual licensed by the Secretary to operate that type of towing vessel.”.

(b) REGULATIONS ESTABLISHING LICENSES FOR MASTERS AND OPERATORS.—Section 7101 of title 46, United States Code, is amended by adding at the end the following:

“(j)(1) The Secretary shall prescribe regulations which establish licenses for masters and mates of towing vessels.

“(2) Regulations under this subsection shall provide that an individual may be issued a license as a master or mate of a towing vessel only if the individual—

“(A) demonstrates proficiency in the use of the equipment required pursuant to section 4102(f)(1)(C) of this title; and

“(B) demonstrates proficiency in operating a towing vessel.

“(3) Regulations under this subsection may establish standards and procedures under which the Secretary may delegate, to individuals who have experience in the operation of towing vessels and to other qualified persons, the authority to conduct examinations required for the issuance of a license as a master or mate of a towing vessel.”.

(c) EXISTING UNINSPECTED TOWING VESSEL OPERATOR LICENSE HOLDERS.—An uninspected towing vessel operator license that is valid on the date of enactment of this Act shall be valid as a master or mate license required by section 8904 of title 46, United States Code, as amended by this section, until otherwise required to be renewed. The Secretary shall require that an individual applying for a first renewal of such a license as a master or mate license under that section demonstrate proficiency under the requirements of section 7101(j) of title 46, United States Code, as added by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

(e) DEADLINE FOR REGULATIONS.—The Secretary of the department in which the Coast Guard is operating shall issue regulations under the amendments made by this section

by not later than 1 year after the date of the enactment of this Act.

SEC. 607. CIVIL PENALTIES.

(a) PROHIBITED OPERATION OF UNINSPECTED TOWING VESSEL, GENERALLY.—Section 4106 of title 46, United States Code, is amended by striking “\$5,000” and inserting “\$25,000”.

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

SEC. 608. MODEL TOWING VESSEL COMPANY INSPECTION PROGRAM.

Not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with the Towing Safety Advisory Committee, shall—

(1) develop a model towing vessel company inspection program, including a Coast Guard boarding program to determine compliance with the model program; and

(2) submit to the Congress for its approval the model program and a description of the statutory changes necessary to implement the model program.

SEC. 609. MERCHANT MARINERS’ DOCUMENTS REQUIRED.

(a) REQUIREMENT.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking “100” and inserting “5”;

(2) in paragraph (1), by striking “a vessel operating only on rivers and lakes (except the Great Lakes);” and inserting “a small passenger vessel, or an uninspected passenger vessel;”;

(3) by striking paragraph (2), and redesignating the subsequent paragraphs accordingly; and

(4) in paragraph (6) (as so redesignated) by striking “clause (6)” and inserting “paragraph (5)”.

(b) EXCEPTIONS.—Section 8701(b) of title 46, United States Code, is amended—

(1) by striking “A person” and inserting “(1) Except as provided in paragraph (2), a person”; and

(2) by adding at the end the following:

“(2) The Secretary shall prescribe regulations which exempt from paragraph (1)—

“(A) engagement or employment of an individual in any position, on a passenger vessel, that is not listed in the Certificate of Inspection for the vessel;

“(B) engagement or employment of an individual in any position, on a vessel of a type to which this section did not apply on the day before the date of enactment of the Towing Vessel Navigational Safety Act of 1994, for which the individual is required to hold a license issued by the Secretary under this title; and

“(C) service by an individual in a position described in subparagraph (A) or (B).”.

(c) USER FEE EXEMPTION AND PRIVACY OF INFORMATION.—

(1) USER FEE EXEMPTION.—The Secretary of Transportation may not collect a fee or charge under section 2110 of title 46, United States Code, for any service related to a merchant mariner’s document required to be obtained under this title.

(2) PRIVACY OF INFORMATION.—The Secretary of Transportation may not make available to a member of the public any personal information concerning an individual required to obtain a merchant mariner’s document under this title.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

TITLE VII—COAST GUARD REGULATORY REFORM

SEC. 701. SHORT TITLE.

This title may be cited as the “Coast Guard Regulatory Reform Act of 1994”.

SEC. 702. SAFETY MANAGEMENT.

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

“CHAPTER 32—MANAGEMENT OF VESSELS

“Sec.

“3201. Definitions.

“3202. Application.

“3203. Safety management system.

“3204. Implementation of safety management system.

“3205. Certification.

“§ 3201. Definitions

“In this chapter—

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

“(2) ‘responsible person’ means—

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

“(B) any other person that has—

“(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

“(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter.

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

“(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

“(B) making a voyage between places outside the United States; or

“(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

“§ 3202. Application

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

“(1) Beginning July 1, 1998—

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

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

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

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

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

“(1) a barge;

“(2) a recreational vessel not engaged in commercial service;

“(3) a fishing vessel;

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

“(5) a public vessel.

“§ 3203. Safety management system

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

“(1) a safety and environmental protection policy;

“(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

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

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

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

“(6) procedures for internal audits and management reviews of the system.

“(b) COMPLIANCE WITH CODE.—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

“§ 3204. Implementation of safety management system

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

“(b) APPROVAL.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

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

“§ 3205. Certification

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

“(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

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

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

“(2) revoke the Secretary’s approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

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

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

“32. Management of vessels 3201”.

(c) STUDY.—

(1) STUDY.—The Secretary of the department in which the Coast Guard is operating shall conduct, in cooperation with the owners, charterers, and managing operators of

vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

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

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a)); or

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

SEC. 703. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

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

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

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

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

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

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

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

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

SEC. 704. EQUIPMENT APPROVAL.

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

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

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

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

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

“(C) for lifesaving equipment, the foreign government—

“(i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and

“(ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country.”

(b) FOREIGN APPROVALS.—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

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

SEC. 705. FREQUENCY OF INSPECTION.

(a) FREQUENCY OF INSPECTION, GENERALLY.—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

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

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

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

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

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

SEC. 706. CERTIFICATE OF INSPECTION.

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

SEC. 707. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.

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

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

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

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

(A) redesignating paragraph (2) as paragraph (3); and

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

“(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

“(A) review and approve plans required for issuing a certificate of inspection required by this part;

“(B) conduct inspections and examinations; and

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

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

“(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

“(B) if the foreign classification society has offices and maintains records in the United States.”

(b) CONFORMING AMENDMENTS.—(1) The heading for section 3316 of title 46, United States Code, is amended to read as follows:

“§ 3316. Classification societies”.

(2) The table of sections for chapter 33 of title 46, United States Code, is amended by striking the item relating to section 3316 and inserting the following:

“3316. Classification societies.”

SEC. 708. STUDY OF MARINE CASUALTY REPORTING REQUIREMENTS.

The Coast Guard shall, within 9 months after the effective date of this title, conduct a study of current regulatory requirements regarding the reporting of marine casualties under section 6101 of title 46, United States Code, to determine whether—

(1) marine casualties should be classified according to the seriousness of nonfatal casualties;

(2) further regulations pertaining to the necessity for alcohol and drug testing for each classification need to be proposed;

(3) the regulations may exclude certain non-serious casualties from the requirement that drug or alcohol testing be performed; and

(4) the reporting of certain marine casualties that may be classified as minor may be done on a quarterly basis.

TITLE VIII—UNITED STATES CRUISE VESSEL DEVELOPMENT

SEC. 801. SHORT TITLE.

This title may be cited as the "United States Cruise Vessel Development Act".

SEC. 802. PURPOSE.

The purpose of this title is to promote construction and operation of United States flag cruise vessels in the United States.

SEC. 803. COASTWISE TRANSPORTATION OF PASSENGERS.

Section 8 of the Act entitled "An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes", approved June 19, 1886 (46 App. U.S.C. 289), is amended to read as follows:

"SEC. 8. COASTWISE TRANSPORTATION OF PASSENGERS.

"(a) IN GENERAL.—Except as otherwise provided by law, a vessel may transport passengers in coastwise trade only if—

"(1) the vessel is owned by a person that is—

"(A) an individual who is a citizen of the United States; or

"(B) a corporation, partnership, or association that is a citizen of the United States under section 2(a) of the Shipping Act, 1916;

"(2) the vessel meets the requirements of section 27 of the Merchant Marine Act, 1920; and

"(3) for a vessel that is at least 5 net tons, the vessel is issued a certificate of documentation under chapter 121 of title 46, United States Code, with a coastwise endorsement.

"(b) EXCEPTION FOR VESSEL UNDER DEMISE CHARTER.—

"(1) IN GENERAL.—Subsection (a)(1) does not apply to a cruise vessel operating under a demise charter that—

"(A) has a term of at least 18 months; and

"(B) is to a person described in subsection (a)(1).

"(2) EXTENSION OF PERIOD FOR OPERATION.—A cruise vessel authorized to operate in coastwise trade under paragraph (1) based on a demise charter described in paragraph (1) may operate in that coastwise trade during a period following the termination of the charter of not more than 6 months, if the operation—

"(A) is approved by the Secretary; and

"(B) in accordance with such terms as may be prescribed by the Secretary for that approval.

"(c) EXCEPTION FOR VESSEL TO BE REFLAGGED.—

"(1) EXCEPTION.—Subsection (a)(2) and section 12106(a)(2)(A) of title 46, United States Code, do not apply to a cruise vessel if—

"(A) the vessel—

"(i) is not documented under chapter 121 of title 46, United States Code, on the date of enactment of the United States Cruise Vessel Development Act; and

"(ii) is not less than 5 years old and not more than 15 years old on the first date that the vessel is documented under that chapter after that date of enactment; and

"(B) the owner or charterer of the vessel has entered into a contract for the construction in the United States of another cruise vessel that has a total berth or stateroom capacity that is at least 80 percent of the capacity of the cruise vessel.

"(2) TERMINATION OF AUTHORITY TO OPERATE.—Paragraph (1) does not apply to a vessel after the date that is 18 months after the date on which a certificate of documentation with a coastwise endorsement is first issued for the vessel after the date of enactment of the United States Cruise Vessel Development Act if, before the end of that 18-month period, the keel of another vessel has not been laid, or another vessel is not at a similar stage of construction, under a contract required for the vessel under paragraph (1)(B).

"(3) EXTENSION OF PERIOD BEFORE TERMINATION.—The Secretary of Transportation may extend the period under paragraph (2) for not more than 6 months for good cause shown.

"(d) LIMITATION ON OPERATIONS.—A person (including a related person with respect to that person) that owns or charters a cruise vessel operating in coastwise trade under subsection (b) or (c) under a coastwise endorsement may not operate any vessel between—

"(1) any 2 ports served by another cruise vessel that transports passengers in coastwise trade under subsection (a) on the date the Secretary issues the coastwise endorsement; or

"(2) the islands of Hawaii.

"(e) PENALTIES.—

"(1) CIVIL PENALTY.—A person operating a vessel in violation of this section is liable to the United States Government for a civil penalty of \$1,000 for each passenger transported in violation of this section.

"(2) FORFEITURE.—A vessel operated in knowing violation of this section, and its equipment, are liable to seizure by and forfeiture to the United States Government.

"(3) DISQUALIFICATION FROM COASTWISE TRADE.—A person that is required to enter into a construction contract under subsection (c)(1)(B) with respect to a cruise vessel (including any related person with respect to that person) may not own or operate any vessel in coastwise trade after the period applicable under subsection (c)(2) with respect to the cruise vessel, if before the end of that period a keel is not laid and a similar stage of construction is not reached under such a contract.

"(f) DEFINITIONS.—In this section—

"(1) the term 'coastwise trade' includes transportation of a passenger between points in the United States, either directly or by way of a foreign port;

"(2) the term 'cruise vessel' means a vessel that—

"(A) is at least 10,000 gross tons (as measured under chapter 143 of title 46, United States Code);

"(B) has berth or stateroom accommodations for at least 200 passengers; and

"(C) is not a ferry; and

"(3) the term 'related person' means, with respect to a person—

"(A) a holding company, subsidiary, affiliate, or association of the person; and

"(B) an officer, director, or agent of the person or of an entity referred to in subparagraph (A)."

SEC. 804. CONSTRUCTION STANDARDS.

Section 3309 of title 46, United States Code, is amended by adding at the end the following:

"(d)(1) A vessel described in paragraph (3) is deemed to comply with parts B and C of this subtitle.

"(2) The Secretary shall issue a certificate of inspection under subsection (a) to a vessel described in paragraph (3).

"(3) A vessel is described in this paragraph if—

"(A) it meets the standards and conditions for the issuance of a control verification certificate to a foreign vessel embarking passengers in the United States;

"(B) a coastwise endorsement is issued for the vessel under section 12106 of this title after the date of enactment of the United States Cruise Vessel Development Act; and

"(C) the vessel is authorized to engage in coastwise trade by reason of section 8(c) of the Act entitled 'An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes', approved of June 19, 1886."

SEC. 805. CITIZENSHIP FOR PURPOSES OF DOCUMENTATION.

Section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802), is amended—

(1) in subsection (a) by inserting "other than primarily in the transport of passengers," after "the coastwise trade"; and

(2) by adding at the end the following:

"(e) For purposes of determining citizenship under subsection (a) with respect to operation of a vessel primarily in the transport of passengers in coastwise trade, the controlling interest in a partnership or association that owns the vessel shall not be deemed to be owned by citizens of the United States unless a majority interest in the partnership or association is owned by citizens of the United States free from any trust or fiduciary obligation in favor of any person that is not a citizen of the United States."

SEC. 806. AMENDMENT TO TITLE XI OF THE MERCHANT MARINE ACT, 1936.

Section 1101(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271(b)) is amended by striking "passenger cargo" and inserting "passenger, cargo,".

SEC. 807. PERMITS FOR VESSELS ENTERING UNITS OF NATIONAL PARK SYSTEM.

(a) PRIORITY.—Notwithstanding any other provision of law, the Secretary of the Interior may not permit a person to operate a vessel in any unit of the National Park System except in accordance with the following priority:

(1) First, any person that—

(A) will operate a vessel that is documented under the laws of, and the home port of which is located in, the United States; or

(B) holds rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(A)).

(2) Second, any person that will operate a vessel that—

(A) is documented under the laws of a foreign country, and

(B) on the date of the enactment of this Act is permitted to be operated by the person in the unit.

(3) Third, any person that will operate a vessel other than a vessel described in paragraph (1) or (2).

(b) REVOCATION OF PERMITS FOR FOREIGN-DOCUMENTED VESSELS.—The Secretary of the Interior shall revoke or refuse to renew permission granted by the Secretary for the operation of a vessel documented under the laws of a foreign country in a unit of the National Park System, if—

(1) a person requests permission to operate a vessel documented under the laws of the United States in that unit; and

(2) the permission may not be granted because of a limit on the number of permits that may be issued for that operation.

(c) RESTRICTIONS ON REVOCATION OF PERMITS.—The Secretary of the Interior may not revoke or refuse to renew permission under subsection (b) for any person holding rights to provide visitor services under section 1307(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(a)).

(d) RETURN OF PERMITS.—Any person whose permission to provide visitor services in a unit of the National Park System has been revoked or not renewed under subsection (b)

shall have the right of first refusal to a permit to provide visitors services in that unit of the National Park System that becomes available when the conditions described in subsection (b) no longer apply. Such right shall be limited to the number of permits which are revoked or not renewed.

TITLE IX—BOATING IMPROVEMENT

SEC. 901. SHORT TITLE.

This title may be cited as the "Boating Improvement Act of 1994".

SEC. 902. BOATING SAFETY GRANTS.

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

(1) TRANSFERS.—Section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), is amended to read as follows:

"(b)(1) Of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$15,000,000 for fiscal year 1995, \$40,000,000 for fiscal year 1996, \$55,000,000 for fiscal year 1997, and \$69,000,000 for each of fiscal years 1998 and 1999, shall, subject to paragraph (2), be used as follows:

"(A) A sum equal to \$7,500,000 of the amount available for fiscal year 1995, and a sum equal to \$10,000,000 of the amount available for each of fiscal years 1996 and 1997, shall be available for use by the Secretary of the Interior for grants under section 5604(c) of the Clean Vessel Act of 1992. Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(B) A sum equal to \$7,500,000 of the amount available for fiscal year 1995, \$30,000,000 of the amount available for fiscal year 1996, \$45,000,000 of the amount available for fiscal year 1997, and \$59,000,000 of the amount available for each of fiscal years 1998 and 1999, shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

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

"(i) grants under section 903(e) of the Boating Improvement Act of 1994; and

"(ii) grants under section 5604(c) of the Clean Vessel Act of 1992.

Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

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

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

"(ii) \$35,000,000; or

"(iii) for fiscal year 1996 only, \$30,000,000.

"(B) The amount of any reduction under subparagraph (A) shall be apportioned among the several States under subsection (d) by the Secretary of the Interior."

(2) CONFORMING AMENDMENT.—Section 5604(c)(1) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note) is amended by striking

"section 4(b)(2) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(2)), as amended by this Act)" and inserting "section 4(b)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1))".

(3) LIMITATION ON OTHER DISTRIBUTION.—Notwithstanding any other law, the amount distributed under section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), in fiscal year 1996 may not exceed \$50,000,000.

(b) EXPENDITURE OF AMOUNTS FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.—Section 13106 of title 46, United States Code, is amended—

(1) in subsection (a)(1) by striking the first sentence and inserting the following: "Subject to paragraph (2), the Secretary shall expend under contracts with States under this chapter in each fiscal year for State recreational boating safety programs an amount equal to the sum of the amount appropriated from the Boat Safety Account for that fiscal year plus the amount transferred to the Secretary under section 4(b)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1)) for that fiscal year."; and

(2) by amending subsection (c) to read as follows:

"(c) For expenditure under this chapter for State recreational boating safety programs there are authorized to be appropriated to the Secretary of Transportation from the Boat Safety Account established under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)) not more than \$35,000,000 each fiscal year."

SEC. 903. BOATING ACCESS.

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

(1) Nontrailerable recreational motorboats contribute 15 percent of the gasoline taxes deposited in the Aquatic Resources Trust Fund while constituting less than 5 percent of the recreational vessels in the United States.

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

(3) More Aquatic Resources Trust Fund moneys should be spent on recreational vessel access facilities that benefit recreational vessels that are nontrailerable vessels.

(b) PURPOSE.—The purpose of this section is to provide funds to States for the development of public facilities for transient nontrailerable vessels.

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

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

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

(d) PLAN.—Within 6 months after submitting a survey to the Secretary of the Interior in accordance with subsection (c), a State may develop and submit to the Secretary of the Interior a plan for the construction and renovation of public facilities for transient nontrailerable vessels to meet the needs of nontrailerable vessels operating on navigable waters in the State.

(e) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior may obligate not less than 1/2 of the amount made available for each of fiscal years 1998 and 1999 under section 4(b)(1)(C) of the Act of August 9, 1950, as amended by section 902(a)(1) of this title, to make grants to any State to pay not more than 75 percent of the cost of constructing or renovating public facilities for transient nontrailerable vessels.

(2) PRIORITIES.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary of the Interior

shall give priority to projects that consist of the construction or renovation of public facilities for transient nontrailerable vessels in accordance with a plan submitted by a State submitted under subsection (b).

(B) WITHIN STATE.—In awarding grants under this subsection for projects in a particular State, the Secretary of the Interior shall give priority to projects that are likely to serve the greatest number of nontrailerable vessels.

SEC. 904. DEFINITIONS.

For the purpose of this title the term—

(1) "Act of August 9, 1950" means the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes", approved August 9, 1950 (16 U.S.C. 777a et seq.);

(2) "nontrailerable vessel" means a recreational vessel greater than 26 feet in length;

(3) "public facilities for transient nontrailerable vessels" means mooring buoys, day-docks, seasonal slips or similar structures located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable vessels;

(4) "recreational vessel" means a vessel—

(A) operated primarily for pleasure; or

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

(5) "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

TITLE X—DOCUMENTATION OF VESSELS

SEC. 1001. AUTHORIZATION OF DOCUMENTATION FOR VARIOUS VESSELS

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), the Act of May 28, 1906 (46 App. U.S.C. 292), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsements for the vessels listed in subsection (b).

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

(1) ABORIGINAL (United States official number 942118).

(2) ALPHA TANGO (United States official number 945782).

(3) ANNAPOLIS (United States official number 999008).

(4) ARTHUR ATKINSON (former United States official number 214656).

(5) ATTITUDE (North Carolina registration number NC3607AN).

(6) BIG DAD (United States official number 565022).

(7) BROKEN PROMISE (United States official number 904435).

(8) CHESAPEAKE (United States official number 999010).

(9) CHRISSY (Maine registration number ME4778B).

(10) CONSORT (United States official number 999005).

(11) CURTIS BAY (United States official number 999007).

(12) EAGLE MAR (United States official number 575349).

(13) ENDEAVOR (United States official number 947869).

(14) FIFTY ONE (United States official number 1020419).

(15) FIREBIRD (United States official number 253656).

(16) GIBALTAR (United States official number 686834).

(17) HAMPTON ROADS (United States official number 999009).

(18) ISABELLE (United States official number 600655).

(19) JAMESTOWN (United States official number 999006).

(20) JOAN MARIE (North Carolina official number NC2319AV).

(21) KLIPPER (New York registration number NY8166AN).

(22) L.R. BEATTIE (United States official number 904161).

(23) LADY ANGELA (United States official number 933045).

(24) LADY HAWK (United States official number 961095).

(25) LADY HELEN (United States official number 527746).

(26) MANDIRAN (United States official number 939915).

(27) MEMORY MAKER (Maryland registration number MD8867AW, hull number 3151059).

(28) OLD HAT (United States official number 508299).

(29) ORCA (United States official number 504279).

(30) REEL TOY (United States official number 698383).

(31) RENDEZVOUS (United States official number 924140).

(32) SALLIE D (Maryland registration number MD2655A).

(33) SEAHAWK (United States official number 673537).

(34) SEAHAWK III (United States official number 996375).

(35) SEA MISTRESS (United States official number 696806).

(36) SHAMROCK V (United States official number 900936).

(37) SILENT WINGS (United States official number 969182).

(38) SPIRIT OF THE PACIFIC NORTHWEST (Bahamian official number 725338).

(39) SUNSHINE (United States official number 974320).

(40) TECUMSEH (United States official number 668633).

(41) VIKING (former United States official number 224430).

(42) WOLF GANG II (United States official number 984934).

(43) A hopper barge owned by Foley & Foley Marine Contractors, Inc. (United States official number 264959).

(44) Each of 2 barges owned by Roen Salvage Co., numbered 103 and 203.

(45) Each of 3 spud barges owned by Dan's Excavating, Inc., as follows:

(A) Spud barge 102 (United States official number 1021958).

(B) Spud barge 103 (United States official number 1021960).

(C) Spud barge 968 (United States official number 1021959).

(46) Each of 3 barges owned by Harbor Marine Corporation of Rhode Island, as follows:

(A) HARBOR 223 (approximately 110 feet in length).

(B) GENE ELIZABETH (approximately 200 feet in length).

(C) HARBOR 221 (approximately 90 feet in length).

(47) SMALLEY 6808 Amphibious Dredge (Florida registration number FL1855FF).

(48) TOO MUCH FUN (United States official number 936565).

SEC. 1002. AUTHORIZATION OF DOCUMENTATION FOR THE ATLANTIS III.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate coastwise endorsement for employment in the coastwise trade in Alaska during the period beginning May 1, 1995, and ending

October 31, 1996, for the vessel ATLANTIS III (Canadian official number CG006455).

SEC. 1003. AUTHORIZATION OF SALE AND REREGISTRATION.

Notwithstanding any other law or agreement with the United States Government, the vessels SS LAKE CHARLES (United States official number 619531) and SS LOUISIANA (United States official number 619532) may be sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry if an application to authorize payment of operating-differential subsidy to the vessels is not approved by December 15, 1994.

SEC. 1004. VESSEL DOCUMENTATION FOR CHARITY CRUISES.

(a) AUTHORITY TO DOCUMENT VESSELS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the vessels—

(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length); and

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

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to carriage of passengers in association with contributions to charitable organizations no portion of which is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue any certificate of documentation under paragraph (1) unless the owner of the vessel referred to in paragraph (1)(A) (in this section referred to as the "owner"), within 90 days after the date of the enactment of this Act, submits to the Secretary a letter expressing the intent of the owner to enter into a contract before October 1, 1996, for construction in the United States of a passenger vessel of at least 130 feet in length.

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

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

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

(b) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under section (a)(1) shall expire—

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

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

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

SEC. 1005. EXTENSION OF DEADLINE FOR THE M/V TWIN DRILL.

Section 601(d) of Public Law 103-206 is amended by striking "June 30" in subpart (3) and inserting "December 31" and by striking "12" in subpart (4) and inserting "18".

TITLE XI—UNITED STATES PASSENGER VESSEL FLAG ACT OF 1994

SEC. 1101. SHORT TITLE.

This title may be cited as the "United States-Flag Passenger Vessel Act of 1994".

SEC. 1102. COASTWISE TRANSPORTATION OF PASSENGERS.

(a) IN GENERAL.—Section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), is amended—

(1) by inserting "(a)" after "SEC. 8."; and

(2) by adding at the end the following new subsections:

"(b) VOYAGES-TO-NOWHERE.—

"(1) IN GENERAL.—Notwithstanding any other law, a vessel may transport passengers on a covered voyage from a place in the United States subject to the coastwise trade laws only if—

"(A) the vessel is owned by a person that is—

"(i) an individual who is a citizen of the United States; or

"(ii) a corporation, partnership, or association that is a citizen of the United States under section 2(a) of the Shipping Act, 1916; and

"(B) for a vessel that is at least 5 net tons, the vessel is documented under chapter 121 of title 46, United States Code, with a coastwise endorsement.

"(2) PENALTIES.—

"(A) CIVIL PENALTY.—A person operating a vessel in violation of this subsection is liable to the United States Government for a civil penalty of \$1,000 for each passenger transported in violation of this subsection.

"(B) FORFEITURE.—A vessel operated in knowing violation of this subsection, and its equipment, are liable to seizure by and forfeiture to the United States Government.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'covered voyage' means transportation of a passenger from a place in any State or possession of the United States and returning to that place, if during that transportation no passenger departs from the vessel in a foreign country; and

"(2) the term 'passenger' does not include a travel agent on a voyage if—

"(A) the purpose of the voyage is to promote future trips on the vessel;

"(B) money is not paid to the vessel owner or charterer for the voyage; and

"(C) the voyage goes beyond the territorial sea of the United States."

(b) EXCEPTION.—

(1) IN GENERAL.—Notwithstanding the amendments made by subsection (a), an ineligible vessel may engage in transport of passengers in coastwise trade (as those terms are defined in those amendments) on a trade route, if—

(A) the vessel engaged, in the period beginning January 1, 1990, and ending March 9, 1993, in transport of passengers in coastwise trade on that trade route; and

(B) within one year after the date of the enactment of this Act, the owner files with the Secretary of Transportation an affidavit certifying compliance with subparagraph (A) and listing each trade route on which the vessel engaged in transport of passengers in coastwise trade in the period described in subparagraph (A).

(2) SCHEDULED EXPIRATION OF EXCEPTION.—Paragraph (1) does not apply to an ineligible vessel after the later of—

(A) January 1, 2000,

(B) the date that is 15 years after the date of completion of construction of the vessel, or

(C) the date that is 15 years after the date of completion of any major conversion of the vessel that is begun before the date of the enactment of this Act.

(3) EXPIRATION OF EXCEPTION FOR FAILURE TO CREW.—Paragraph (1) does not apply to an ineligible vessel after the date that is 5 years after the date of the enactment of this Act, unless—

(A) each individual employed on the vessel after the one-year period beginning on the

date of the enactment of this Act is either a citizen of the United States or an alien lawfully admitted to the United States for permanent residence; and

(B) not more than 25 percent of the total number of individuals employed on the vessel after the one-year period beginning on the date of the enactment of this Act are aliens lawfully admitted to the United States for permanent residence.

(4) TERMINATION OF EXCEPTION UPON ENTRY OF REPLACEMENT.—Paragraph (1) does not apply to an ineligible vessel with respect to a trade route after the date of the entry into service on that trade route of an eligible vessel, if—

(A) the eligible vessel has a passenger carrying capacity that is equal to at least 75 percent of the passenger carrying capacity of the ineligible vessel, as determined by the Secretary of the Department in which the Coast Guard is operating;

(B) the person that is the owner or charterer of the eligible vessel submits to the Secretary of Transportation, by not later than 270 days before the date of that entry into service—

(i) a notice of the intent of the person to enter into that service; and

(ii) such evidence as the Secretary may require that the person is offering and advertising that service;

(C) any individual employed on the ineligible vessel after the one-year period beginning on the date of the enactment of this Act—

(i) is not a citizen of the United States; and

(ii) is not an alien lawfully admitted to the United States for permanent residence; and

(D) more than 25 percent of the total number of individuals employed on the ineligible vessel after the one-year period beginning on the date of the enactment of this Act are aliens lawfully admitted to the United States for permanent residence.

(5) TERMINATION OF EXCEPTION UPON SALE OF VESSEL.—Paragraph (1) does not apply to an ineligible vessel after any date on which the vessel is sold after the date of the enactment of this Act.

(6) DEFINITIONS.—In this subsection—

(A) the term “eligible vessel” means a vessel that is eligible under chapter 121 of title 46, United States Code, for a certificate of documentation authorizing the vessel to engage in coastwise trade;

(B) the term “ineligible vessel” means a vessel that is not eligible under chapter 121 of title 46, United States Code, for a certificate of documentation authorizing the vessel to engage in coastwise trade; and

(C) the term “major conversion” has the meaning that term has under section 2101 of title 46, United States Code.

SEC. 1103. DOCUMENTATION OF VESSELS.

(a) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106 and 12107 of title 46, United States Code, the Secretary of Transportation may issue certificates of documentation with appropriate endorsement for employment in the coastwise trade for the vessel M/V Helton Voyager (Spanish registration lista 2A-Folio-592) if—

(1) the person documenting the vessel entered a contract before May 21, 1992, to purchase the vessel;

(2) the vessel undergoes a major conversion (as defined in section 2101 of title 46, United States Code) in a United States shipyard under a contract signed before January 1, 1994;

(3) the cost of the major conversion is more than the value of the vessel before the major conversion; and

(4) the major conversion is completed and the vessel is documented under chapter 121 of

title 46, United States Code, with a coastwise endorsement before January 1, 1995.

(b)(1) The vessel Star of Texas (Lloyds register number L5103936) may engage in coastwise trade out of the Port of Galveston during the 5-year period beginning on the date of the enactment of this Act, if during the period beginning 30 days after that date of enactment and ending 5 years after that date of enactment—

(A) at least 60 employees engaged on the vessel are United States citizens;

(B) of the employees engaged on the vessel who are United States citizens, at least 60 are proficient in lifeboat training, firefighting, and vessel evacuation under standards certified by the United States Coast Guard;

(C) all repairs and alterations to the vessel are done in United States shipyards;

(D) the vessel is a United States documented vessel before the end of that period; and

(E) all other employees are instructed in basic safety techniques.

(2) Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) and section 12106 of title 46, United States Code, and subject to paragraph (1), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade in the period described in paragraph (1) for a vessel described in that paragraph.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*, Will the House pass said bill?

The SPEAKER pro tempore, Mr. HEFNER, announced that the yeas had it.

Mr. STUDDS objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present, The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 402
Nays 13

111.15 [Roll No. 437]
YEAS—402

- Abercrombie
- Ackerman
- Allard
- Andrews (ME)
- Andrews (NJ)
- Andrews (TX)
- Applegate
- Archer
- Armey
- Bacchus (FL)
- Bacchus (AL)
- Baessler
- Baker (CA)
- Baker (LA)
- Ballengier
- Barca
- Barcia
- Barlow
- Barrett (NE)
- Barrett (WI)
- Bartlett
- Barton
- Bateman
- Becerra
- Beilenson
- Bentley
- Bereuter
- Berman
- Bevill
- Bilbray
- Bilirakis
- Bishop
- Blackwell
- Bliley
- Blute
- Boehlert
- Boehner
- Bonilla
- Bonior
- Borski
- Boucher
- Brewster
- Brooks
- Browder
- Brown (CA)
- Brown (FL)
- Brown (OH)
- Bryant
- Bunning
- Burton
- Buyer
- Byrne
- Callahan
- Calvert
- Camp
- Canady
- Cantwell
- Cardin
- Castle
- Chapman
- Clay
- Clayton
- Clement
- Clinger
- Clyburn
- Coble
- Coleman
- Collins (GA)
- Collins (IL)
- Collins (MI)
- Combest
- Condit
- Conyers
- Coppersmith
- Cox
- Coyne
- Cramer
- Crane
- Crapo
- Cunningham
- Danner
- Darden
- de la Garza
- Deal
- DeFazio
- DeLauro
- DeLay
- Dellums
- Derrick
- Deutsch
- Diaz-Balart
- Dickey
- Dicks
- Dingell
- Dixon
- Dooley
- Doolittle
- Dorman
- Dreier
- Dunn
- Durbin
- Edwards (CA)
- Edwards (TX)
- Ehlers
- Emerson
- Engel
- English
- Eshoo
- Hunter
- Hutchinson
- Hutto
- Hyde
- Inslie
- Istook
- Jacobs
- Jefferson
- Johnson (CT)
- Johnson (GA)
- Johnson (SD)
- Johnson, E. B.
- Johnston
- Kanjorski
- Kaptur
- Kasich
- Kennedy
- Kennelly
- Kildee
- Kim
- King
- Kingston
- Kleccka
- Klein
- Klink
- Klug
- Knollenberg
- Kolbe
- Kopetski
- Kreidler
- Kyl
- LaFalce
- Lambert
- Lancaster
- Lantos
- LaRocco
- Laughlin
- Lazio
- Leach
- Lehman
- Levin
- Lewis (CA)
- Lewis (FL)
- Lewis (GA)
- Lewis (KY)
- Lightfoot
- Linder
- Livingston
- Lloyd
- Long
- Lowey
- Lucas
- Machtley
- Maloney
- Mann
- Manton
- Manzullo
- Margolies-Mezvinsky
- Markey
- Martinez
- Matsui
- Mazzoli
- McCandless
- McCollum
- McCrery
- McDade
- McDermott
- McHale
- McHugh
- McInnis
- McKeon
- McKinney
- McMillan
- McNulty
- Meehan
- Meek
- Menendez
- Meyers
- Mfume
- Mica
- Michel
- Miller (CA)
- Miller (FL)
- Mineta
- Minge
- Mink
- Moakley
- Molinari
- Mollohan
- Montgomery
- Moorhead
- Moran
- Morella
- Murphy
- Murtha
- Myers
- Nadler
- Neal (MA)
- Neal (NC)
- Nusse
- Oberstar
- Obey
- Oliver
- Ortiz
- Orton
- Owens
- Oxley
- Packard
- Pallone
- Parker
- Pastor
- Paxon
- Payne (NJ)
- Payne (VA)
- Pelosi
- Peterson (FL)
- Peterson (MN)
- Pickett
- Pickle
- Pombo
- Pomeroy
- Porter
- Portman
- Price (NC)
- Pryce (OH)
- Quinn
- Rahall
- Ramstad
- Ravenel
- Reed
- Regula
- Reynolds
- Richardson
- Roberts
- Roemer
- Rogers
- Rohrabacher
- Ros-Lehtinen
- Rose
- Rostenkowski
- Roth
- Roukema
- Rowland
- Roybal-Allard
- Royce
- Rush
- Sabo
- Sanders
- Santorum
- Sarpaluis
- Sawyer
- Saxton
- Schaefer
- Schenck
- Schiff
- Schroeder
- Schumer
- Scott
- Sharp
- Shaw
- Shays
- Shepherd
- Shuster
- Sisisky
- Skaggs
- Skeen
- Skelton
- Slaughter
- Smith (IA)
- Smith (MI)
- Smith (NJ)
- Smith (OR)
- Smith (TX)
- Snowe
- Solomon
- Spence
- Spratt
- Stark
- Stearns
- Stenholm
- Stokes
- Strickland
- Studds
- Stupak
- Sweet
- Swift
- Synar
- Talent
- Tauzin
- Taylor (MS)
- Taylor (NC)
- Tejeda
- Thomas (CA)
- Thomas (WY)
- Thompson
- Thornton
- Thurman
- Torkildsen
- Torres
- Torricelli
- Towns
- Traficant
- Tucker
- Unsoeld
- Upton
- Valentine
- Velazquez
- Vento
- Visclosky
- Volkmer
- Vucanovich
- Walker
- Walsh
- Waters
- Watt
- Waxman
- Weldon
- Wheat
- Williams
- Wilson
- Wise
- Wolf
- Woolsey
- Wyden
- Wynn
- Yates
- Young (AK)
- Young (FL)
- Zeliff
- Zimmer