

108TH CONGRESS
1ST SESSION

H. R. 2443

AN ACT

To authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes.

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To authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes.

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

1 SECTION 1. SHORT TITLE.

2 This Act may be referred to as the “Coast Guard and
3 Maritime Transportation Act of 2003”.

4 SEC. 2. TABLE OF CONTENTS.

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

- Sec. 101. Authorization of appropriations.
- Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD MANAGEMENT

- Sec. 201. Long-term leases.
- Sec. 202. Nonappropriated fund instrumentalities.
- Sec. 203. Term of enlistments.
- Sec. 204. Enlisted member critical skill training bonus.
- Sec. 205. Indemnification for disabling vessels liable to seizure or examination.
- Sec. 206. Administrative, collection, and enforcement costs for certain fees and charges.
- Sec. 207. Expansion of Coast Guard housing authorities.
- Sec. 208. Requirement for constructive credit.
- Sec. 209. Maximum age for retention in an active status.
- Sec. 210. Payments.
- Sec. 211. Coast Guard fellowship program.
- Sec. 212. Air search and rescue facility in Muskegon County, Michigan.
- Sec. 213. National Coast Guard Museum.
- Sec. 214. Limitation on number of commissioned officers.
- Sec. 215. Redistricting notification requirement.
- Sec. 216. ROTC demonstration project.
- Sec. 217. Shock mitigation requirements.
- Sec. 218. Coast Guard yard.
- Sec. 219. Recommendations to Congress by Commandant of the Coast Guard.
- Sec. 220. Assignment of officer to National War College.
- Sec. 221. Coast Guard education loan repayment program.

TITLE III—NAVIGATION

- Sec. 301. Marking of underwater wrecks.
- Sec. 302. Use of electronic devices; cooperative agreements.
- Sec. 303. Inland navigation rules promulgation authority.

TITLE IV—SHIPPING

- Sec. 401. Reports from charterers.
- Sec. 402. Suspension of documents in lieu of mandatory revocation for proved drug convictions.
- Sec. 403. Inspection of records of merchant mariners’ documents.

- Sec. 404. Exemption of unmanned barges from citizenship requirements regarding command of vessel.
- Sec. 405. Compliance with International Safety Management Code.
- Sec. 406. Civil penalties for failure to comply with recreational vessel and associated equipment safety standards.
- Sec. 407. Revision of temporary suspension criteria in document suspension and revocation cases.
- Sec. 408. Revision of bases for document suspension and revocation cases.
- Sec. 409. Hours of service on towing vessels.
- Sec. 410. Automatic identification system electronic charts.
- Sec. 411. Prevention of departure.
- Sec. 412. Service of foreign nationals for maritime educational purposes.
- Sec. 413. Classification societies.
- Sec. 414. Membership of area maritime security advisory committees.
- Sec. 415. Security plans.

TITLE V—FEDERAL MARITIME COMMISSION

- Sec. 501. Authorization of appropriations for Federal Maritime Commission.

TITLE VI—MISCELLANEOUS

- Sec. 601. Increase in civil penalties for violations of certain bridge statutes.
- Sec. 602. Conveyance of decommissioned Coast Guard cutters.
- Sec. 603. Tonnage measurement.
- Sec. 604. Operation of vessel STAD AMSTERDAM.
- Sec. 605. Great Lakes National Maritime Enhancement Institute.
- Sec. 606. Agile Port and Intelligent Border Security National Demonstration Project.
- Sec. 607. Koss Cove.
- Sec. 608. Miscellaneous certificates of documentation.
- Sec. 609. Regulations.
- Sec. 610. Report regarding security inspection of vessels and vessel-borne cargo containers entering the United States.
- Sec. 611. Conveyance of decommissioned Coast Guard vessels.
- Sec. 612. Assateague lighthouse lens.
- Sec. 613. Study of the role of Coast Guard ice breakers in supporting United States operations in the Antarctic and the Arctic.
- Sec. 614. Correction of references to national driver register.
- Sec. 615. Wateree River.
- Sec. 616. Alaska Merchant Mariners' documents pilot program.
- Sec. 617. Conveyance of Sentinel Island Light Station, Alaska.
- Sec. 618. Maritime intelligence and long-range vessel tracking system.
- Sec. 619. Columbia slough.
- Sec. 620. Sense of Congress regarding carbon monoxide and watercraft.
- Sec. 621. Sense of Congress regarding naming new vessels under the deepwater program for cities of the United States.
- Sec. 622. Port security grant authority.
- Sec. 623. Security assessment of Indian Point Energy Center.
- Sec. 624. Mitigation of penalty due to avoidance of a certain hazardous condition.
- Sec. 625. Designation of Empress of the North as a tour vessel.
- Sec. 626. Sense of Congress regarding timely review and adjustment of Great Lakes pilotage rates.
- Sec. 627. Priority for public transportation systems in making grants for implementation of security plans.

Sec. 628. Limitation on bridge alteration projects.

TITLE VII—AMENDMENTS RELATING TO OIL POLLUTION ACT OF
1990

Sec. 701. Vessel response plans for nontank vessels over 400 gross tons.

Sec. 702. Requirements for tank level and pressure monitoring devices.

Sec. 703. Liability and cost recovery.

Sec. 704. Oil spill recovery institute.

Sec. 705. Alternatives.

1 **TITLE I—AUTHORIZATION**

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

3 Funds are authorized to be appropriated for fiscal
4 year 2004 for necessary expenses of the Coast Guard as
5 follows:

6 (1) For the operation and maintenance of the
7 Coast Guard, \$4,865,000,000, of which \$25,000,000
8 is authorized to be derived from the Oil Spill Liabil-
9 ity Trust Fund to carry out the purposes of section
10 1012(a)(5) of the Oil Pollution Act of 1990.

11 (2) For the acquisition, construction, rebuild-
12 ing, and improvement of aids to navigation, shore
13 and offshore facilities, vessels, and aircraft, includ-
14 ing equipment related thereto, \$1,147,000,000, of
15 which—

16 (A) \$23,500,000 is authorized to be de-
17 rived from the Oil Spill Liability Trust Fund to
18 carry out the purposes of section 1012(a)(5) of
19 the Oil Pollution Act of 1990; and

20 (B) \$702,000,000 is authorized for acqui-
21 sition and construction of shore and offshore fa-

1 cilities, vessels, and aircraft, including equip-
2 ment related thereto, and other activities that
3 constitute the Integrated Deepwater System
4 program.

5 (3) For research, development, test, and evalua-
6 tion of technologies, materials, and human factors
7 directly relating to improving the performance of the
8 Coast Guard's mission in search and rescue, aids to
9 navigation, marine safety, marine environmental
10 protection, enforcement of laws and treaties, ice op-
11 erations, oceanographic research, and defense readi-
12 ness, \$22,000,000, to remain available until ex-
13 pended, of which \$3,500,000 is authorized to be de-
14 rived from the Oil Spill Liability Trust Fund to
15 carry out the purposes of section 1012(a)(5) of the
16 Oil Pollution Act of 1990.

17 (4) For retired pay (including payment of obli-
18 gations otherwise chargeable to lapsed appropria-
19 tions for this purpose), payments under the Retired
20 Serviceman's Family Protection and Survivor Ben-
21 efit Plans, and payments for medical care of retired
22 personnel and their dependents under chapter 55 of
23 title 10, United States Code, \$1,020,000,000.

24 (5) For alteration or removal of bridges over
25 navigable waters of the United States constituting

1 obstructions to navigation, and for personnel and
2 administrative costs associated with the Bridge Al-
3 teration Program, \$19,250,000, to remain available
4 until expended.

5 (6) For environmental compliance and restora-
6 tion at Coast Guard facilities (other than parts and
7 equipment associated with operation and mainte-
8 nance), \$17,000,000, to remain available until ex-
9 pended.

10 (7) For maintenance and operation of facilities,
11 supplies, equipment, and services necessary for the
12 Coast Guard Reserve, as authorized by law,
13 \$114,000,000.

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

16 (a) ACTIVE DUTY STRENGTH.—The Coast Guard is
17 authorized an end-of-year strength for active duty per-
18 sonnel of 45,500 as of September 30, 2004.

19 (b) MILITARY TRAINING STUDENT LOADS.—The
20 Coast Guard is authorized average military training stu-
21 dent loads as follows:

22 (1) For recruit and special training for fiscal
23 year 2004, 2,500 student years.

24 (2) For flight training for fiscal year 2004, 125
25 student years.

1 (3) For professional training in military and ci-
 2 vilian institutions for fiscal year 2004, 350 student
 3 years.

4 (4) For officer acquisition for fiscal year 2004,
 5 1,200 student years.

6 **TITLE II—COAST GUARD** 7 **MANAGEMENT**

8 **SEC. 201. LONG-TERM LEASES.**

9 Section 93 of title 14, United States Code, is
 10 amended—

11 (1) by redesignating paragraphs (a) through (x)
 12 in order as paragraphs (1) through (23);

13 (2) in paragraph (18) (as so redesignated) by
 14 striking the comma at the end and inserting a semi-
 15 colon;

16 (3) by inserting “(a)” before “For the pur-
 17 pose”; and

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

19 “(b)(1) Notwithstanding subsection (a)(14), a lease
 20 described in paragraph (2) of this subsection may be for
 21 a term of up to 20 years.

22 “(2) A lease referred to in paragraph (1) is a lease—

23 “(A) to the United States Coast Guard Acad-
 24 emy Alumni Association for the construction of an

1 Alumni Center on the grounds of the United States
2 Coast Guard Academy; or

3 “(B) to an entity with which the Commandant
4 has a cooperative agreement under section 4(e) of
5 the Ports and Waterways Safety Act, and for which
6 a term longer than 5 years is necessary to carry out
7 the agreement.”.

8 **SEC. 202. NONAPPROPRIATED FUND INSTRUMENTALITIES.**

9 (a) IN GENERAL.—Chapter 7 of title 14, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 **“§ 152. Nonappropriated fund instrumentalities: con-**
13 **tracts with other agencies and instru-**
14 **mentalities to provide or obtain goods**
15 **and services**

16 “The Coast Guard Exchange System, or a morale,
17 welfare, and recreation system of the Coast Guard, may
18 enter into a contract or other agreement with any element
19 or instrumentality of the Coast Guard or with another
20 Federal department, agency, or instrumentality to provide
21 or obtain goods and services beneficial to the efficient
22 management and operation of the Coast Guard Exchange
23 System or that morale, welfare, and recreation system.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of chapter 7 of title 14, United States
 3 Code, is amended by adding at the end the following:

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

4 **SEC. 203. TERM OF ENLISTMENTS.**

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

9 **SEC. 204. ENLISTED MEMBER CRITICAL SKILL TRAINING**
 10 **BONUS.**

11 (a) IN GENERAL.—Chapter 11 of title 14, United
 12 States Code, is amended by inserting after section 373 the
 13 following:

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

15 “(a) The Secretary may provide a bonus, not to ex-
 16 ceed \$20,000, to an enlisted member who completes train-
 17 ing in a skill designated as critical, if at least four years
 18 of obligated active service remain on the member’s enlist-
 19 ment at the time the training is completed. A bonus under
 20 this section may be paid in a single lump sum or in peri-
 21 odic installments.

22 “(b) If an enlisted member voluntarily or because of
 23 misconduct does not complete the member’s term of obli-
 24 gated active service, the Secretary may require the mem-

ber to repay the United States, on a pro rata basis, all sums paid under this section. The Secretary may charge interest on the amount repaid at a rate, to be determined quarterly, equal to 150 percent of the average of the yields on the 91-day Treasury bills auctioned during the calendar quarter preceding the date on which the amount to be repaid is determined.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 14, United States Code, is amended by inserting the following after the item relating to section 373:

“374. Critical skill training bonus.”.

SEC. 205. INDEMNIFICATION FOR DISABLING VESSELS LIABLE TO SEIZURE OR EXAMINATION.

(a) REPEAL OF REQUIREMENT TO FIRE WARNING SHOT.—Subsection (a) of section 637 of title 14, United States Code, is amended—

(1) by inserting “(1)” after “(a)”;

(2) by striking “after a” and all that follows through “signal,” and inserting “subject to paragraph (2),”; and

(3) by adding at the end the following:

“(2) Before firing at or into a vessel as authorized in paragraph (1), the person in command or in charge of the authorized vessel or authorized aircraft shall fire a gun as a warning signal, except that the prior firing of a gun

1 as a warning signal is not required if that person deter-
2 mines that the firing of a warning signal would unreason-
3 ably endanger persons or property in the vicinity of the
4 vessel to be stopped.”.

5 (b) EXTENSION TO MILITARY AIRCRAFT OF COAST
6 GUARD INTERDICTION AUTHORITY.—Subsection (c) of
7 such section is amended—

8 (1) in paragraph (1) by inserting “or” after the
9 semicolon; and

10 (2) in paragraph (2) by—

11 (A) inserting “or military aircraft” after
12 “surface naval vessel”; and

13 (B) striking “; or” and all that follows
14 through paragraph (3) and inserting a period.

15 (c) REPEAL OF TERMINATION OF APPLICABILITY TO
16 NAVAL AIRCRAFT.—Subsection (d) of such section is re-
17 pealed.

18 (d) TECHNICAL CORRECTION.—

19 (1) CORRECTION.—Section 637 of title 14,
20 United States Code, is amended in the section head-
21 ing by striking “immunity” and inserting “indem-
22 nification”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of chapter 17 of title 14,

1 United States Code, is amended by striking the item
 2 relating to section 637 and inserting the following:

“637. Stopping vessels; indemnification for firing at or into vessel.”.

3 **SEC. 206. ADMINISTRATIVE, COLLECTION, AND ENFORCE-**
 4 **MENT COSTS FOR CERTAIN FEES AND**
 5 **CHARGES.**

6 Section 664 of title 14, United States Code, is
 7 amended—

8 (1) by redesignating subsection (c) as sub-
 9 section (f);

10 (2) by inserting after subsection (b) the fol-
 11 lowing:

12 “(c) In addition to the collection of fees and charges
 13 established under this section, the Secretary may recover
 14 from the person liable for the fee or charge the costs of
 15 collecting delinquent payments of the fee or charge, and
 16 enforcement costs associated with delinquent payments of
 17 the fees and charges.

18 “(d)(1) The Secretary may employ any Federal,
 19 State, or local agency or instrumentality, or any private
 20 enterprise or business, to collect a fee or charge estab-
 21 lished under this section.

22 “(2) A private enterprise or business employed by the
 23 Secretary to collect fees or charges—

1 “(A) shall be subject to reasonable terms and
2 conditions agreed to by the Secretary and the enter-
3 prise or business;

4 “(B) shall provide appropriate accounting to
5 the Secretary; and

6 “(C) may not institute litigation as part of that
7 collection.

8 “(e) The Secretary shall account for the agency’s
9 costs of collecting a fee or charge as a reimbursable ex-
10 pense, subject to the availability of appropriations, and the
11 costs shall be credited to the account from which ex-
12 pended.”; and

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

14 “(g) In this section the term ‘costs of collecting a fee
15 or charge’ includes the reasonable administrative, account-
16 ing, personnel, contract, equipment, supply, training, and
17 travel expenses of calculating, assessing, collecting, enforce-
18 ing, reviewing, adjusting, and reporting on a fee or
19 charge.”.

20 **SEC. 207. EXPANSION OF COAST GUARD HOUSING AU-**
21 **THORITIES.**

22 (a) **ELIGIBLE ENTITY DEFINED.**—Section 680 of
23 title 14, United States Code, is amended—

24 (1) by redesignating paragraphs (3) and (4) in
25 order as paragraphs (4) and (5); and

1 (2) by inserting after paragraph (2) the fol-
2 lowing:

3 “(3) The term ‘eligible entity’ means any pri-
4 vate person, corporation, firm, partnership, or com-
5 pany and any State or local government or housing
6 authority of a State or local government.”.

7 (b) DIRECT LOANS FOR PROVIDING HOUSING.—Sec-
8 tion 682 of title 14, United States Code, is amended—

9 (1) in the section heading by striking “LOAN
10 GUARANTEES” and inserting “DIRECT LOANS AND
11 LOAN GUARANTEES”;

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

14 (3) by inserting before subsection (b) (as so re-
15 designated) the following:

16 “(a) DIRECT LOANS.—(1) Subject to subsection (c),
17 the Secretary may make direct loans to an eligible entity
18 in order to provide funds to the eligible entity for the ac-
19 quisition or construction of housing units that the Sec-
20 retary determines are suitable for use as military family
21 housing or as military unaccompanied housing.

22 “(2) The Secretary shall establish such terms and
23 conditions with respect to loans made under this sub-
24 section as the Secretary considers appropriate to protect
25 the interests of the United States, including the period

1 and frequency for repayment of such loans and the obliga-
 2 tions of the obligors on such loans upon default.”;

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

6 (5) in subsection (c) (as so redesignated)—

7 (A) in the heading by striking “GUAR-
 8 ANTEE”; and

9 (B) by striking “Loan guarantees” and in-
 10 serting “Direct loans and loan guarantees”.

11 (c) LIMITED PARTNERSHIPS WITH ELIGIBLE ENTI-
 12 TIES.—Section 684 of title 14, United States Code, is
 13 amended—

14 (1) in the section heading by striking “**NON-**
 15 **GOVERNMENTAL**” and inserting “**ELIGIBLE**”;

16 (2) in subsection (a) by striking “nongovern-
 17 mental” and inserting “eligible”;

18 (3) in subsection (b)(1) by striking “a non-
 19 governmental” and inserting “an eligible”;

20 (4) in subsection (b)(2) by striking “a non-
 21 governmental” and inserting “an eligible”; and

22 (5) in subsection (c) by striking “nongovern-
 23 mental” and inserting “eligible”.

1 (d) HOUSING DEMONSTRATION PROJECTS IN ALAS-
 2 KA.—Section 687(g) of title 14, United States Code, is
 3 amended—

4 (1) in the heading by striking “PROJECT” and
 5 inserting “PROJECTS”;

6 (2) in paragraph (1) by striking “a demonstra-
 7 tion project” and inserting “demonstration
 8 projects”;

9 (3) in paragraph (1) by striking “Kodiak, Alas-
 10 ka;” and inserting “Kodiak, Alaska, or any other
 11 Coast Guard installation in Alaska;”;

12 (4) in paragraph (2) by striking “the dem-
 13 onstration project” and inserting “such a dem-
 14 onstration project”; and

15 (5) in paragraph (4) by striking “the dem-
 16 onstration project” and inserting “such demonstra-
 17 tion projects”.

18 (e) DIFFERENTIAL LEASE PAYMENTS.—Chapter 18
 19 of title 14, United States Code, is amended by inserting
 20 after section 687 the following:

21 **“§ 687a. Differential lease payments**

22 “Pursuant to an agreement entered into by the Sec-
 23 retary and a lessor of military family housing or military
 24 unaccompanied housing to members of the armed forces,
 25 the Secretary may pay the lessor an amount, in addition

1 to the rental payments for the housing made by the mem-
2 bers, as the Secretary determines appropriate to encour-
3 age the lessor to make the housing available to members
4 of the armed forces as military family housing or as mili-
5 tary unaccompanied housing.”.

6 (f) CLERICAL AMENDMENT.—The table of sections at
7 the beginning of chapter 18 of title 14, United States
8 Code, is amended—

9 (1) by striking the item related to section 682
10 and inserting the following:

“682. Direct loans and loan guarantees.”;

11 (2) in the item related to section 684 by strik-
12 ing “nongovernmental” and inserting “eligible”; and

13 (3) by inserting after the item related to section
14 687 the following:

“687a. Differential lease payments.”.

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

16 Section 727 of title 14, United States Code, is
17 amended in the second sentence by striking “three years”
18 and inserting “one year”.

19 **SEC. 209. MAXIMUM AGE FOR RETENTION IN AN ACTIVE**
20 **STATUS.**

21 Section 742 of title 14, United States Code, is
22 amended to read as follows:

1 **“§ 742. Maximum age for retention in an active status**

2 “(a) A Reserve officer, if qualified, shall be trans-
3 ferred to the Retired Reserve on the day the officer be-
4 comes 60 years of age unless on active duty. If not quali-
5 fied for retirement, a Reserve officer shall be discharged
6 effective upon the day the officer becomes 60 years of age
7 unless on active duty.

8 “(b) A Reserve officer on active duty shall, if quali-
9 fied, be retired effective upon the day the officer become
10 62 years of age. If not qualified for retirement, a Reserve
11 officer on active duty shall be discharged effective upon
12 the day the officer becomes 62 years of age.

13 “(c) Notwithstanding subsection (a) and (b), the Sec-
14 retary may authorize the retention of a Reserve rear admi-
15 ral or rear admiral (lower half) in an active status not
16 longer than the day on which the officer concerned be-
17 comes 64 years of age.

18 “(d) For purposes of this section, ‘active duty’ does
19 not include active duty for training, duty on a board, or
20 duty of a limited or temporary nature if assigned to active
21 duty from an inactive duty status.”.

22 **SEC. 210. PAYMENTS.**

23 (a) IN GENERAL.—Chapter 13 of title 14, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 **“§ 517. Payments**

2 “(a) The Secretary may require that travel or trans-
3 portation allowances due a civilian employee or military
4 member of the Coast Guard be disbursed directly to the
5 issuer of a Federal contractor-issued travel charge card,
6 but only in an amount not to exceed the authorized travel
7 expenses charged by that Coast Guard member to that
8 travel charge card issued to that employee or member.

9 “(b) The Secretary may also establish requirements
10 similar to those established by the Secretary of Defense
11 pursuant to section 2784a of title 10 for deduction or
12 withholding of pay or retired pay from a Coast Guard em-
13 ployee, member, or retired member who is delinquent in
14 payment under the terms of the contract under which the
15 card was issued and does not dispute the amount of the
16 delinquency.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 13 of title 14, United States
19 Code, is amended by adding at the end the following:

“517. Payments.”.

20 **SEC. 211. COAST GUARD FELLOWSHIP PROGRAM.**

21 (a) ESTABLISHMENT.—Title 14, United States Code,
22 is amended by adding at the end of chapter 11 the fol-
23 lowing:

1 **“§ 337. Coast Guard Congressional Fellowship Pro-**
2 **gram**

3 “(a) There is established in the Coast Guard a Coast
4 Guard Congressional Fellowship Program to broaden
5 Coast Guard officers’ knowledge of the Congress.

6 “(b) The Commandant may appoint 4 mid-grade offi-
7 cers as fellows under the program, subject to the following
8 limitations:

9 “(1) The maximum length of a fellowship is one
10 year.

11 “(2) A fellow may be assigned to an office of
12 the House of Representatives or the Senate, includ-
13 ing a committee, during the period of the fellowship,
14 or may rotate between such offices.

15 “(3) To protect against abuses of separation of
16 powers principles and conflicts of interest, a fellow
17 may not engage in duties that will result in any di-
18 rect or indirect benefit to the Coast Guard, other
19 than broadening the fellow’s knowledge.

20 “(c) An individual violating this section is subject to
21 appropriate discipline by the Commandant.”.

22 (b) LIMITATION ON APPLICATION.—Section
23 337(b)(1) of title 14, United States Code, as amended by
24 this section, does not apply to an individual serving on
25 June 10, 2003, as a Coast Guard congressional fellow.

1 (c) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of chapter 11 of title 14, United States
 3 Code, is amended by inserting after the item relating to
 4 section 336 the following:

“337. Coast Guard Congressional Fellowship Program.”.

5 **SEC. 212. AIR SEARCH AND RESCUE FACILITY IN MUS-**
 6 **KEGON COUNTY, MICHIGAN.**

7 (a) LEASE AUTHORITY.—The Commandant may
 8 enter into a long-term lease for a period of up to 20 years
 9 with Muskegon County, Michigan, for use of a facility con-
 10 structed by the County at Muskegon County Airport as
 11 an air search and rescue station, if such a facility that
 12 meets criteria established under subsection (b) is available.

13 (b) CRITERIA.—Any facility leased under subsection
 14 (a) must meet criteria established by the Commandant.

15 **SEC. 213. NATIONAL COAST GUARD MUSEUM.**

16 (a) IN GENERAL.—Chapter 5 of title 14, United
 17 States Code, is amended by adding at the end the fol-
 18 lowing:

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

20 “(a) ESTABLISHMENT.—The Commandant of the
 21 Coast Guard may, subject to subsections (b) and (c), es-
 22 tablish a National Coast Guard Museum on Federal lands
 23 that are administered by the Coast Guard and specified
 24 by the Commandant.

1 “(b) LOCATION.—The National Coast Guard Mu-
2 seum may be located at, or in close proximity to, the Coast
3 Guard Academy in New London, Connecticut.

4 “(c) LIMITATION ON EXPENDITURES.—The Sec-
5 retary of the Department in which the Coast Guard is op-
6 erating shall not expend any Federal funds for the plan-
7 ning, engineering, design, construction, operation, or
8 maintenance of any museum established under subsection
9 (a).

10 “(d) OPERATION AND MAINTENANCE PLAN.—Before
11 the date on which the Commandant establishes a museum
12 under subsection (a), the Commandant shall provide to the
13 Committee on Transportation and Infrastructure of the
14 House of Representatives a plan for operating and main-
15 taining such a museum, including—

16 “(1) estimated operation and maintenance
17 costs;

18 “(2) proposed sources of operation and mainte-
19 nance funds; and

20 “(3) a certification by the Inspector General of
21 the Department in which the Coast Guard is oper-
22 ating that items included in the plan pursuant to
23 paragraph (1) and (2) are reasonable and realistic.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of chapter 5 of title 14, United States
 3 Code, is amended by adding at the end the following:

“98. National Coast Guard Museum.”.

4 **SEC. 214. LIMITATION ON NUMBER OF COMMISSIONED OF-**
 5 **FICERS.**

6 Notwithstanding section 42(a) of title 14, United
 7 States Code, the total number of commissioned officers,
 8 excluding commissioned warrant officers, on active duty
 9 in the Coast Guard shall not exceed 6,700 in fiscal year
 10 2004.

11 **SEC. 215. REDISTRICTING NOTIFICATION REQUIREMENT.**

12 The Commandant shall notify the Committee on
 13 Transportation and Infrastructure of the House of Rep-
 14 resentatives at least 180 days before—

15 (1) implementing any plan to reduce the num-
 16 ber of, change the location of, or change the geo-
 17 graphic area covered by any existing Coast Guard
 18 Districts; or

19 (2) shifting of more than 10 per cent of the
 20 personnel or equipment from the station where such
 21 personnel or equipment is based.

22 **SEC. 216. ROTC DEMONSTRATION PROJECT.**

23 (a) IN GENERAL.—For the purpose of preparing se-
 24 lected students for commissioned service in the Coast
 25 Guard, the Secretary of the Department in which the

1 Coast Guard is operating (in this section referred to as
2 the “Secretary”), in consultation with the Superintendent
3 of the Coast Guard Academy, may establish and maintain
4 a Senior Reserve Officers’ Training Corps demonstration
5 project at the University of Alaska (in this section referred
6 to as the “University”).

7 (b) OBLIGATIONS OF UNIVERSITY, GENERALLY.—As
8 part of any demonstration project undertaken under this
9 section, the University shall—

10 (1) give the senior commissioned Coast Guard
11 officer who is assigned to the project the academic
12 rank of professor;

13 (2) adopt, as a part of its curriculum, a 4-year
14 course of military instruction as prescribed by the
15 Secretary; and

16 (3) provide advanced training to eligible mem-
17 bers of the project.

18 (c) STUDENT ELIGIBILITY.—To be eligible for mem-
19 bership in the project an individual must—

20 (1) be a student at the University;

21 (2) be a citizen of the United States;

22 (3) be selected for advanced training under pro-
23 cedures prescribed by the Secretary;

24 (4) enlist in the Coast Guard for the period
25 prescribed by the Secretary;

1 (5) contract (with the consent of the individ-
2 ual's parent or guardian if the individual is a minor)
3 with the Secretary, or a designated representative of
4 the Secretary, to serve for the period required by the
5 program;

6 (6) agree in writing to accept an appointment,
7 if offered, as a commissioned officer in the Coast
8 Guard and to serve for the period prescribed by the
9 Secretary;

10 (7) either—

11 (A) complete successfully—

12 (i) the first 2 years of the 4-year Sen-
13 ior Coast Guard Reserve Officers' Training
14 Corps course; or

15 (ii) field training or a practice cruise
16 of a duration prescribed by the Secretary
17 as a preliminary requirement for admission
18 to the advanced course; or

19 (B) at the discretion of the Secretary con-
20 cerned, agree in writing to complete field train-
21 ing or a practice cruise, as prescribed by the
22 Secretary, within 2 years after admission to the
23 advanced course; and

1 (8) execute a certificate of loyalty in such form
2 as the Secretary prescribes or take a loyalty oath as
3 prescribed by the Secretary.

4 (d) SERVICE OBLIGATION.—A member of the project
5 who is selected for advanced training under subsection (c),
6 and who does not complete the course of instruction, or
7 who completes the course but declines to accept a commis-
8 sion when offered, may be ordered to active duty by the
9 Secretary to serve in the member's enlisted grade or rating
10 for such period of time as the Secretary prescribes but
11 not for more than 2 years.

12 (e) APPOINTMENT AS OFFICER.—

13 (1) IN GENERAL.—Upon satisfactorily com-
14 pleting the academic and military requirements of
15 the program of advanced training under subsection
16 (c), a member of the project who was selected for
17 advanced training under subsection (c) may be ap-
18 pointed as a regular or reserve officer in the Coast
19 Guard in the grade of second lieutenant or ensign,
20 even if under 21 years of age.

21 (2) DATE OF RANK.—The date of rank of offi-
22 cers appointed under this subsection in May or June
23 of any year is the date of graduation of cadets from
24 the Coast Guard Academy. The Secretary shall es-

1 tablish the date of rank of all other officers ap-
2 pointed under this subsection.

3 (3) COMPUTATION OF LENGTH OF SERVICE.—

4 In computing length of service for any purpose, an
5 officer appointed under this subsection may not be
6 credited with enlisted service for the period covered
7 by advanced training under this section, other than
8 any period of enlisted service performed in the Coast
9 Guard.

10 (f) APPOINTMENT AS CADET.—

11 (1) IN GENERAL.—The Secretary may appoint
12 as a cadet in the Coast Guard reserve any eligible
13 member of the project who will be under 31 years
14 of age on December 31 of the calendar year in which
15 the member is eligible under this section for appoint-
16 ment as an ensign in the Coast Guard.

17 (2) ELIGIBILITY REQUIREMENTS.—To be an el-
18 igible member of the project for purposes of para-
19 graph (1) a member must—

20 (A) be a citizen of the United States;

21 (B) be specially selected for the financial
22 assistance program under procedures prescribed
23 by the Secretary;

1 (C) enlist in the Coast Guard reserve as a
2 cadet for the period prescribed by the Sec-
3 retary;

4 (D) contract (with the consent of the mem-
5 ber's parent or guardian if the member is a
6 minor) with the Secretary, or a designated rep-
7 resentative of the Secretary, to serve for the pe-
8 riod required by the project; and

9 (E) agree in writing that, at the discretion of
10 the Secretary, the member will—

11 (i)(I) accept an appointment, if offered, as
12 a commissioned officer in Coast Guard, and, if
13 the member is commissioned as a regular offi-
14 cer and the member's regular commission is
15 terminated before the sixth anniversary of the
16 member's date of rank, the member accept an
17 appointment, if offered, in the Coast Guard re-
18 serve and not resign before that anniversary or
19 before such other date, not beyond the eighth
20 anniversary of the member's date of rank, that
21 the Secretary may prescribe; and

22 (II) serve on active duty for 4 or more
23 years;

24 (ii)(I) accept an appointment, if offered, as
25 a commissioned officer in the Coast Guard; and

1 (II) serve in the Coast Guard reserve until
 2 the eighth anniversary of the receipt of such ap-
 3 pointment, unless otherwise extended under
 4 subsection (g)(4), under such terms and condi-
 5 tions as shall be prescribed by the Secretary; or

6 (iii)(I) accept an appointment, if offered,
 7 as a commissioned officer in the Coast Guard;
 8 and

9 (II) serve in the Coast Guard reserve until
 10 at least the sixth anniversary and, at the discre-
 11 tion of the Secretary, up to the eighth anniver-
 12 sary of the receipt of such appointment, unless
 13 such appointment is otherwise extended under
 14 subsection (g)(4), under such terms and condi-
 15 tions as may be prescribed by the Secretary.

16 The performance of service under subparagraph
 17 (E)(ii) or (E)(iii) may include periods of active duty,
 18 active duty for training, and other service in an ac-
 19 tive or inactive status in the Coast Guard reserve,
 20 except that performance of service under subpara-
 21 graph (E)(iii) shall include not less than 2 years of
 22 active duty.

23 (3) APPOINTMENT AS OFFICER.—Upon satis-
 24 factorily completing the academic and military re-
 25 quirements of the project, a cadet may be appointed

1 as a regular or reserve officer in the grade of second
2 lieutenant or ensign, even if under 21 years of age.

3 (4) DATE OF RANK.—The date of rank of offi-
4 cers appointed under this subsection in May or June
5 of any year is the date of graduation of cadets from
6 Coast Guard Academy in that year. The Secretary
7 shall establish the date of rank of all other officers
8 appointed under this subsection.

9 (5) SERVICE OBLIGATION.—A cadet who does
10 not complete the 4-year course of instruction, or who
11 completes the course but declines to accept a com-
12 mission when offered, may be ordered to active duty
13 by the Secretary to serve in the member's enlisted
14 grade or rating for such period of time as the Sec-
15 retary prescribes but not for more than 4 years.

16 (g) ADVANCED STANDING.—

17 (1) IN GENERAL.—The Secretary may give to
18 any enlisted member of the Coast Guard, or any per-
19 son who has served on active duty in any armed
20 force, such advanced standing in the program as
21 may be justified by the member's education and
22 training.

23 (2) ELIGIBILITY FOR ADVANCED TRAINING.—In
24 determining a member's eligibility for advanced
25 training, the Secretary may credit the member with

1 any military training that is substantially equivalent
2 in kind to that prescribed for admission to advanced
3 training and was received while the member was tak-
4 ing a course of instruction in a program under the
5 jurisdiction of another armed force or while the
6 member was on active duty in the armed forces.

7 (3) EXCUSE FROM PRESCRIBED INSTRU-
8 TION.—The Secretary may excuse from a portion of
9 the prescribed course of military instruction, includ-
10 ing field training and practice cruises, any member
11 found qualified on the basis of the member's pre-
12 vious education, military experience, or both.

13 (4) PARTICIPATION FOLLOWING UNDER-
14 GRADUATE STUDIES.—An individual may become,
15 remain, or be readmitted as, a member of the ad-
16 vanced training program after receiving a
17 baccalaureate degree or completing preprofessional
18 studies if the member has not completed the course
19 of military instruction or all field training or prac-
20 tice cruises prescribed by the Secretary. If a member
21 of the project has been accepted for resident grad-
22 uate or professional study, the Secretary may delay
23 the commencement of the member's obligated period
24 of active duty, and any obligated period of active
25 duty for training or other service in an active or in-

1 active status in the Coast Reserve, until the member
2 has completed that study.

3 (5) RELEASE FROM PROJECT.—The Secretary,
4 if the Secretary determines that the interest of the
5 service so requires, may release any individual from
6 the project and discharge the member from the
7 Coast Guard.

8 (h) MISCELLANEOUS AUTHORITIES.—

9 (1) IN GENERAL.—The Secretary may issue to
10 the senior commissioned Coast Guard officer who is
11 assigned to the project, or to the officers of the
12 Coast Guard who are designated as accountable or
13 responsible for such property—

14 (A) supplies, means of transportation in-
15 cluding aircraft, arms and ammunition, and
16 military textbooks and educational materials;
17 and

18 (B) uniform clothing, except that he may
19 pay monetary allowances for uniform clothing
20 at such rate as he may prescribe.

21 (2) FLIGHT INSTRUCTION.—The Secretary may
22 provide, or contract with civilian flying or aviation
23 schools or educational institutions to provide, the
24 personnel, aircraft, supplies, facilities, services, and
25 instruction necessary for flight instruction and ori-

1 entation for properly designated members of the
2 project.

3 (3) MEDICAL CARE.—The Secretary—

4 (A) may transport members of, and des-
5 ignated applicants for membership in, the
6 project to and from installations when it is nec-
7 essary for them to undergo medical or other ex-
8 aminations or for the purposes of making visits
9 of observation; and

10 (B) may furnish to such members subsist-
11 ence, quarters, and necessary medical care, in-
12 cluding hospitalization, while they are at, or
13 traveling to or from, such an installation.

14 (4) PARTICIPATION IN FLIGHTS AND
15 CRUISES.—The Secretary may authorize members
16 of, and designated applicants for membership in, the
17 project to participate in aerial flights in Coast
18 Guard aircraft and in indoctrination cruises in naval
19 vessels.

20 (5) FINANCIAL ASSISTANCE.—The Secretary
21 may, to the extent amounts are available, provide for
22 the payment of financial assistance to students par-
23 ticipating in the project, including for tuition, fees,
24 books, and laboratory expenses.

1 (i) DETAIL OF RESERVE OFFICERS.—The Secretary
 2 may detail regular or reserve Coast Officers for instruc-
 3 tional and administrative duties related to the project.

4 **SEC. 217. SHOCK MITIGATION REQUIREMENTS.**

5 (a) REQUIREMENTS.—Chapter 17 of title 14, United
 6 States Code, is amended by adding the end the following:

7 **“§ 675. Shock mitigation requirements**

8 “(a) The Secretary shall establish a shock standard
 9 for Coast Guard vessels.

10 “(b) The Secretary shall include shock mitigation re-
 11 quirements for boat decking in each procurement of a ves-
 12 sel for the Coast Guard that does not meet the standard
 13 established under subsection (a).

14 “(c) Requirements under subsection (a) shall specify
 15 the weight and durability of decking material, effects on
 16 decking material of repeated use and weather conditions,
 17 and the capability of decking material to mitigate im-
 18 pacts.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
 20 at the beginning of chapter 17, of title 14, United States
 21 Code, is amended by adding at the end the following:

“675. Shock mitigation requirements.”.

22 **SEC. 218. COAST GUARD YARD.**

23 (a) IN GENERAL.—Section 648 of title 14, United
 24 States Code, is amended by—

1 (1) amending the section heading to read as fol-
 2 lows:

3 **“§ 648. Industrial work”;**

4 (2) inserting “(a)” before the existing text; and

5 (3) adding at the end the following:

6 “(b) The Commandant may enter into a contract or
 7 cooperative agreement with any person for the perform-
 8 ance of work on a local, State, or Federal government ves-
 9 sel, or the engine, ordnance, electronics, or other equip-
 10 ment related to such a vessel.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
 12 at the beginning of chapter 17 of title 14, United States
 13 Code, is amended by amending the item relating to section
 14 648 to read as follows:

“648. Industrial work.”.

15 **SEC. 219. RECOMMENDATIONS TO CONGRESS BY COM-**
 16 **MANDANT OF THE COAST GUARD.**

17 Section 93 of title 14, United States Code, is
 18 amended—

19 (1) in paragraph (w) by striking “and” after
 20 the semicolon at the end;

21 (2) in paragraph (x) by striking the period at
 22 the end and inserting “; and”; and

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

24 “(y) after informing the Secretary, make such
 25 recommendations to the Congress relating to the

1 Coast Guard as the Commandant considers appro-
 2 priate.”.

3 **SEC. 220. ASSIGNMENT OF OFFICER TO NATIONAL WAR**
 4 **COLLEGE.**

5 (a) IN GENERAL.—Chapter 7 of title 14, United
 6 States Code, is amended by adding at the end the fol-
 7 lowing:

8 **“§ 152. Assignment of officer to National War College**

9 “The Commandant shall assign an officer in the
 10 grade of captain to serve as the Coast Guard’s Service
 11 Chair at the National War College.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
 13 at the beginning of chapter 7 of title 14, United States
 14 Code, is amended by adding at the end the following:

“152. Assignment of officer to National War College.”.

15 **SEC. 221. COAST GUARD EDUCATION LOAN REPAYMENT**
 16 **PROGRAM.**

17 (a) PROGRAM AUTHORIZED.—Chapter 13 of title 14,
 18 United States Code, is amended by inserting after section
 19 471 the following:

20 **“§ 472. Education loan repayment program**

21 “(a)(1) Subject to the provisions of this section, the
 22 Secretary may repay—

23 “(A) any loan made, insured, or guaranteed
 24 under part B of title IV of the Higher Education
 25 Act of 1965 (20 U.S.C. 1071 et seq.);

1 “(B) any loan made under part D of such title
2 (the William D. Ford Federal Direct Loan Program,
3 20 U.S.C. 1087a et seq.); or

4 “(C) any loan made under part E of such title
5 (20 U.S.C. 1087aa et seq.).

6 Repayment of any such loan shall be made on the basis
7 of each complete year of service performed by the bor-
8 rower.

9 “(2) The Secretary may repay loans described in
10 paragraph (1) in the case of any person for service per-
11 formed on active duty as an enlisted member of the Coast
12 Guard in a specialty specified by the Secretary.

13 “(b) The portion or amount of a loan that may be
14 repaid under subsection (a) is $33\frac{1}{3}$ percent or \$1,500,
15 whichever is greater, for each year of service.

16 “(c) If a portion of a loan is repaid under this section
17 for any year, interest on the remainder of such loan shall
18 accrue and be paid in the same manner as is otherwise
19 required.

20 “(d) Nothing in this section shall be construed to au-
21 thorize refunding any repayment of a loan.

22 “(e) The Secretary shall, by regulation, prescribe a
23 schedule for the allocation of funds made available to carry
24 out this section during any year for which funds are not

1 sufficient to pay the sum of the amounts eligible for repay-
 2 ment under subsection (a).”.

3 (b) CLERICAL AMENDMENT.—The table of sections
 4 at the beginning of chapter 13 of title 14, United States
 5 Code, is amended by inserting after the item relating to
 6 section 471 the following:

“472. Education loan repayment program.”.

7 **TITLE III—NAVIGATION**

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

9 Section 15 of the Act of March 3, 1899 (33 U.S.C.
 10 409), is amended—

11 (1) by striking “day and” and inserting “day
 12 and, unless otherwise authorized by the Com-
 13 mandant of the Coast Guard,”; and

14 (2) by striking “lighted lantern” and inserting
 15 “light”.

16 **SEC. 302. USE OF ELECTRONIC DEVICES; COOPERATIVE** 17 **AGREEMENTS.**

18 Section 4(a) of the Ports and Waterways Safety Act
 19 of 1972 (33 U.S.C. 1223(a)) is amended by—

20 (1)(A) striking “and” after the semicolon at the
 21 end of paragraph (4);

22 (B) striking the period at the end of paragraph

23 (5) and inserting “; and”; and

24 (C) adding at the end the following:

1 “(6) may prohibit the use on the bridge of a
2 vessel of electronic or other devices that interfere
3 with communications and navigation equipment.”;
4 and

5 (2) adding at the end the following:

6 “(e) COOPERATIVE AGREEMENTS.—(1) The Sec-
7 retary may enter into cooperative agreements with public
8 or private agencies, authorities, associations, institutions,
9 corporations, organizations, or other persons to carry out
10 the functions under subsection (a)(1).

11 “(2) A nongovernmental entity may not under this
12 subsection carry out an inherently governmental function.

13 “(3) As used in this paragraph, the term ‘inherently
14 governmental function’ means any activity that is so inti-
15 mately related to the public interest as to mandate per-
16 formance by an officer or employee of the Federal Govern-
17 ment, including an activity that requires either the exer-
18 cise of discretion in applying the authority of the Govern-
19 ment or the use of judgment in making a decision for the
20 Government.”.

21 **SEC. 303. INLAND NAVIGATION RULES PROMULGATION AU-**
22 **THORITY.**

23 (a) REPEAL OF INLAND RULES.—Section 2 of the
24 Inland Navigational Rules Act of 1980 (33 U.S.C. 2001–
25 38) is repealed.

1 (b) AUTHORITY TO ISSUE REGULATIONS.—Section 3
 2 of the Inland Navigational Rules Act of 1980 (33 U.S.C.
 3 2001) is amended to read as follows:

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

5 “The Secretary of the Department in which the Coast
 6 Guard is operating may issue inland navigation regula-
 7 tions applicable to all vessels upon the inland waters of
 8 the United States and technical annexes that are as con-
 9 sistent as possible with the respective annexes to the Inter-
 10 national Regulations.”.

11 (c) EFFECTIVE DATE.—Subsection (a) is effective on
 12 the effective date of final regulations prescribed by the
 13 Secretary of the Department in which the Coast Guard
 14 is operating under section 3 of the Inland Navigation
 15 Rules Act of 1980 (33 U.S.C. 2001), as amended by this
 16 Act.

17 **TITLE IV—SHIPPING**

18 **SEC. 401. REPORTS FROM CHARTERERS.**

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

1 **SEC. 402. SUSPENSION OF DOCUMENTS IN LIEU OF MANDA-**
2 **TORY REVOCATION FOR PROVED DRUG CON-**
3 **VICTIONS.**

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

6 **SEC. 403. INSPECTION OF RECORDS OF MERCHANT MARI-**
7 **NERS’ DOCUMENTS.**

8 Section 7319 of title 46, United States Code, is
9 amended by striking “The records are not open to general
10 or public inspection.”.

11 **SEC. 404. EXEMPTION OF UNMANNED BARGES FROM CITI-**
12 **ZENSHIP REQUIREMENTS REGARDING COM-**
13 **MAND OF VESSEL.**

14 (a) EXEMPTION FROM LIMITATION ON COMMAND.—
15 Section 12110(d) of title 46, United States Code, is
16 amended by inserting “or an unmanned barge not engaged
17 on a coastwise voyage” after “recreational endorsement”.

18 (b) EXEMPTION FROM SEIZURE AND FOR-
19 FEITURE.—Section 12122(b)(6) of title 46, United States
20 Code, is amended by inserting “or an unmanned barge not
21 engaged on a coastwise voyage” after “recreational en-
22 dorsement”.

1 **SEC. 405. COMPLIANCE WITH INTERNATIONAL SAFETY**
2 **MANAGEMENT CODE.**

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

6 “(a) MANDATORY APPLICATION.—This chapter ap-
7 plies to a vessel that—

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

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

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

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

22 (b) COMPLIANCE OF REGULATIONS WITH INTER-
23 NATIONAL SAFETY MANAGEMENT CODE.—Section
24 3203(b) of title 46, United States Code, is amended by
25 striking “vessels engaged on a foreign voyage.” and insert-

1 ing “vessels to which this chapter applies under section
2 3202(a) of this title.”.

3 **SEC. 406. CIVIL PENALTIES FOR FAILURE TO COMPLY WITH**
4 **RECREATIONAL VESSEL AND ASSOCIATED**
5 **EQUIPMENT SAFETY STANDARDS.**

6 Section 4311(b) of title 46, United States Code, is
7 amended—

8 (1) by striking the first sentence and inserting
9 “A person violating section 4307(a) of this title is
10 liable to the United States Government for a civil
11 penalty of not more than \$5,000, except that the
12 maximum civil penalty may be not more than
13 \$250,000 for a related series of violations.”; and

14 (2) in the second sentence, by striking
15 “4307(a)(1)” and inserting “4307(a)”.

16 **SEC. 407. REVISION OF TEMPORARY SUSPENSION CRITERIA**
17 **IN DOCUMENT SUSPENSION AND REVOCA-**
18 **TION CASES.**

19 Section 7702(d) of title 46, United States Code, is
20 amended—

21 (1) in paragraph (1) by striking “if, when act-
22 ing under the authority of that license, certificate, or
23 document—” and inserting “if—”;

1 (2) in paragraph (1)(B)(i), by inserting “, while
2 acting under the authority of that license, certificate,
3 or document,” after “has”;

4 (3) by striking “or” after the semicolon at the
5 end of paragraph (1)(B)(ii);

6 (4) by striking the period at the end of para-
7 graph (1)(B)(iii) and inserting “; or”; and

8 (5) by adding at the end of paragraph (1)(B)
9 the following:

10 “(iv) is a threat to the safety or security
11 of a vessel or a public or commercial structure
12 located within or adjacent to the marine envi-
13 ronment.”.

14 **SEC. 408. REVISION OF BASES FOR DOCUMENT SUSPEN-**
15 **SION AND REVOCATION CASES.**

16 Section 7703 of title 46, United States Code, is
17 amended—

18 (1) in paragraph (1)(B)—

19 (A) by striking “incompetence,”; and

20 (B) by striking the comma after “mis-
21 conduct”;

22 (2) by striking “or” after the semicolon at the
23 end of paragraph (2);

24 (3) by striking the period at the end of para-
25 graph (3) and inserting a semicolon; and

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

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

3 “(5) is a threat to the safety or security of a

4 vessel or a structure located within or adjacent to

5 the marine environment.”.

6 **SEC. 409. HOURS OF SERVICE ON TOWING VESSELS.**

7 (a) REGULATIONS.—Section 8904 of title 46, United
8 States Code, is amended by adding at the end of the fol-
9 lowing:

10 “(c) The Secretary may prescribe by regulation re-
11 quirements for maximum hours of service (including re-
12 cording and record-keeping of that service) of individuals
13 engaged on a towing vessel that is at least 26 feet in
14 length measured from end to end over the deck (excluding
15 the sheer).”.

16 (b) DEMONSTRATION PROJECT.—Prior to pre-
17 scribing regulations under this section the Secretary shall
18 conduct and report to the Congress on the results of a
19 demonstration project involving the implementation of
20 Crew Endurance Management Systems on towing vessels.
21 The report shall include a description of the public and
22 private sector resources needed to enable implementation
23 of Crew Endurance Management Systems on all United
24 States-flag towing vessels.

1 **SEC. 410. AUTOMATIC IDENTIFICATION SYSTEM ELEC-**
2 **TRONIC CHARTS.**

3 Section 70114(a)(1) of title 46, United States Code,
4 is amended by inserting “, including an electronic chart
5 and related display,” after “automatic identification sys-
6 tem” the first place it appears.

7 **SEC. 411. PREVENTION OF DEPARTURE.**

8 (a) IN GENERAL.—Section 3505 of title 46, United
9 States Code, is amended to read as follows:

10 **“§ 3505. Prevention of departure**

11 “Notwithstanding section 3303 of this title, a foreign
12 vessel carrying a citizen of the United States as a pas-
13 senger or that embarks passengers from a United States
14 port may not depart from a United States port if the Sec-
15 retary finds that the vessel does not comply with the
16 standards stated in the International Convention for the
17 Safety of Life at Sea to which the United States Govern-
18 ment is currently a party.”.

19 (b) CONFORMING AMENDMENT.—Section 3303 of
20 title 46, United States Code, is amended by inserting “and
21 section 3505” after “chapter 37”.

22 **SEC. 412. SERVICE OF FOREIGN NATIONALS FOR MARITIME**
23 **EDUCATIONAL PURPOSES.**

24 Section 8103(b)(1)(A) of title 46, United State Code,
25 is amended to read as follows:

26 “(A) each unlicensed seaman must be—

- 1 “(i) a citizen of the United States;
2 “(ii) an alien lawfully admitted to the
3 United States for permanent residence; or
4 “(iii) a foreign national who is enrolled in
5 the United States Merchant Marine Academy.”.

6 **SEC. 413. CLASSIFICATION SOCIETIES.**

7 (a) IN GENERAL.—Section 3316 of title 46, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 “(c)(1) A person shall not operate in interstate or for-
11 eign commerce as a classification society unless the Sec-
12 retary has reviewed and approved the person with respect
13 to the conduct of those operations.

14 “(2) The Secretary may approve a person for pur-
15 poses of paragraph (1) only if the Secretary determines
16 that—

17 “(A) the vessels surveyed by the person while
18 acting as a classification society have an adequate
19 safety record; and

20 “(B) the person has an adequate program to—

21 “(i) develop safety standards for vessels
22 surveyed by the person;

23 “(ii) make the safety records of the person
24 available to the Secretary in an electronic for-
25 mat;

6 “(iv) request the safety records of a vessel
7 the person will survey from any classification
8 society that previously surveyed the vessel.

9 “(3) The Secretary shall issue regulations imple-
10 menting this subsection, including regulations describing
11 activities that constitute operation in interstate or foreign
12 commerce as a classification society.”.

(b) APPLICATION.—Section 3316(c)(1) of title 46, United States Code, shall apply with respect to operation as a classification society on or after January 1, 2005.

16 SEC. 414. MEMBERSHIP OF AREA MARITIME SECURITY AD-
17 VISORY COMMITTEES.

18 Section 70112(b) of title 46, United States Code, is
19 amended by adding at the end to following:

20 “(5) Membership of an Area Maritime Security Advi-
21 sory Committee shall include representatives of the port
22 industry, terminal operators, port labor organizations, and
23 other users of the port areas.”.

1 **SEC. 415. SECURITY PLANS.**

2 Section 70103(c) of title 46, United States Code, is
3 amended—

4 (1) in paragraph (1)—

5 (A) by striking “operator of a vessel or fa-
6 cility” and inserting “operator of a vessel (in-
7 cluding a foreign vessel) or facility”; and

8 (B) by striking “a security plan” and in-
9 serting “in writing a detailed security plan”;

10 (2) in paragraph (5), by striking “A vessel”
11 and inserting “A vessel (including a foreign vessel)”;

12 (3) in paragraph (6), by inserting “(including a
13 foreign vessel)” after “authorize a vessel”; and

14 (4) in paragraph (7), by inserting “(including a
15 foreign vessel)” after “operator of a vessel”.

16 **TITLE V—FEDERAL MARITIME**
17 **COMMISSION**

18 **SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR FED-**
19 **ERAL MARITIME COMMISSION.**

20 There is authorized to be appropriated to the Federal
21 Maritime Commission \$18,471,000 for Fiscal Year 2004.

22 **TITLE VI—MISCELLANEOUS**

23 **SEC. 601. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS**
24 **OF CERTAIN BRIDGE STATUTES.**

25 (a) GENERAL BRIDGE ACT OF 1906.—Section 5(b)
26 of Act of March 23, 1906 (chapter 1130; 33 U.S.C. 495),

1 popularly known as the General Bridge Act, is amended
2 by striking “\$1,000” and inserting “\$5,000 for a violation
3 occurring in 2004; \$10,000 for a violation occurring in
4 2005; \$15,000 for a violation occurring in 2006; \$20,000
5 for a violation occurring in 2007; and \$25,000 for a viola-
6 tion occurring in 2008 and any year thereafter”.

7 (b) DRAWBRIDGES.—Section 5(c) of the Act entitled
8 “An Act making appropriations for the construction, re-
9 pair, and preservation of certain public works on rivers
10 and harbors, and for other purposes”, approved August
11 18, 1894 (33 U.S.C. 499(c)), is amended by striking
12 “\$1,000” and inserting “\$5,000 for a violation occurring
13 in 2004; \$10,000 for a violation occurring in 2005;
14 \$15,000 for a violation occurring in 2006; \$20,000 for a
15 violation occurring in 2007; and \$25,000 for a violation
16 occurring in 2008 and any year thereafter”.

17 (c) ALTERATION, REMOVAL, OR REPAIR OF
18 BRIDGES.—Section 18(c) of the Act entitled “An Act
19 making appropriations for the construction, repair, and
20 preservation of certain public works on rivers and harbors,
21 and for other purposes”, approved March 3, 1899 (33
22 U.S.C. 502(c)) is amended by striking “\$1,000” and in-
23 serting “\$5,000 for a violation occurring in 2004; \$10,000
24 for a violation occurring in 2005; \$15,000 for a violation
25 occurring in 2006; \$20,000 for a violation occurring in

1 2007; and \$25,000 for a violation occurring in 2008 and
2 any year thereafter”.

3 (d) GENERAL BRIDGE ACT OF 1946.—Section
4 510(b) of the General Bridge Act of 1946 (33 U.S.C.
5 533(b)) is amended by striking “\$1,000” and inserting
6 “\$5,000 for a violation occurring in 2004; \$10,000 for a
7 violation occurring in 2005; \$15,000 for a violation occur-
8 ring in 2006; \$20,000 for a violation occurring in 2007;
9 and \$25,000 for a violation occurring in 2008 and any
10 year thereafter”.

11 **SEC. 602. CONVEYANCE OF DECOMMISSIONED COAST**
12 **GUARD CUTTERS.**

13 (a) IN GENERAL.—The Commandant of the Coast
14 Guard shall convey all right, title, and interest of the
15 United States in and to a vessel described in subsection
16 (b) to the person designated in subsection (b) with respect
17 to the vessel (in this section referred to as the “recipi-
18 ent”), without consideration, if the person complies with
19 the conditions under subsection (c).

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

22 (1) The Coast Guard Cutter BRAMBLE, to be
23 conveyed to the Port Huron Museum of Arts and
24 History (a nonprofit corporation under the laws of

1 the State of Michigan), located in Port Huron,
2 Michigan.

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

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

12 (c) CONDITIONS.—As a condition of any conveyance
13 of a vessel under subsection (a), the Commandant shall
14 require the recipient to—

15 (1) agree—

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

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

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

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

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

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

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

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

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

15 (d) MAINTENANCE AND DELIVERY OF VESSEL.—

16 Prior to conveyance of a vessel under this section, the
17 Commandant shall, to the extent practical, and subject to
18 other Coast Guard mission requirements, make every ef-
19 fort to maintain the integrity of the vessel and its equip-
20 ment until the time of delivery. The Commandant shall
21 deliver a vessel conveyed under this section at the place
22 where the vessel is located, in its present condition, and
23 without cost to the Government. The conveyance of a ves-
24 sel under this section shall not be considered a distribution

1 in commerce for purposes of section 6(e) of Public Law
2 94–469 (15 U.S.C. 2605(e)).

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

8 **SEC. 603. TONNAGE MEASUREMENT.**

9 (a) M/V BLUEFIN.—The gross tonnage of the M/
10 V BLUEFIN (United States official number 620431) as
11 measured under regulations prescribed under section
12 14502 of title 46, United States Code, is deemed to be
13 488 tons.

14 (b) M/V COASTAL MERCHANT.—The gross ton-
15 nage of the M/V COASTAL MERCHANT (United States
16 official number 1038382) as measured under regulations
17 prescribed under section 14502 of title 46, United States
18 Code, is deemed to be 493 tons.

19 (c) TERMINATION OF APPLICATION.—Subsection (a)
20 or (b) shall not apply on and after any date on which the
21 Secretary of the Department in which the Coast Guard
22 is operating determines, respectively, that the vessel M/
23 V BLUEFIN or the vessel M/V COASTAL MERCHANT
24 has undergone any major modification.

1 **SEC. 604. OPERATION OF VESSEL STAD AMSTERDAM.**

2 (a) IN GENERAL.—Notwithstanding section 8 of the
3 Act of June 19, 1886 (46 App. U.S.C. 289), and the rul-
4 ing by the Acting Director of the International Trade
5 Compliance Division of the Customs Service on May 17,
6 2002 (Customs Bulletins and Decisions, Vol. 36, No. 23,
7 June 5, 2002), the vessel STAD AMSTERDAM (Inter-
8 national Maritime Organization number 9185554) shall be
9 authorized to carry within United States waters and be-
10 tween ports or places in the United States individuals who
11 are not directly and substantially connected with the oper-
12 ation, navigation, ownership, or business of the vessel, who
13 are friends, guests, or employees of the owner of the ves-
14 sel, and who are not actual or prospective customers for
15 hire of the vessel.

16 (b) LIMITATION.—This section does not authorize the
17 vessel STAD AMSTERDAM to be used to carry individ-
18 uals for a fare or to be chartered on a for-hire basis in
19 the coastwise trade.

20 **SEC. 605. GREAT LAKES NATIONAL MARITIME ENHANCE-**
21 **MENT INSTITUTE.**

22 (a) DESIGNATION.—The Secretary of Transportation
23 may designate a National Maritime Enhancement Insti-
24 tute for the Great Lakes Region.

25 (b) AUTHORIZED ACTIVITIES.—In addition to the ac-
26 tivities that may be undertaken by that Institute under

1 section 8(b) of Public Law 101–115 (46 App. U.S.C.
2 1121–2), the Great Lakes National Maritime Enhance-
3 ment Institute may—

4 (1) conduct research and evaluate short sea
5 shipping market opportunities on the Great Lakes,
6 including the expanded use of freight ferries, im-
7 proved mobility, and regional supply chain efficiency;

8 (2) evaluate markets for foreign trade between
9 ports on the Great Lakes and draft-limited ports in
10 Europe and Africa;

11 (3) evaluate the environmental benefits of wa-
12 terborne transportation in the Great Lakes region;

13 (4) analyze the effect of the Harbor Mainte-
14 nance Tax on Great Lakes shipping;

15 (5) study the state of shipbuilding and ship re-
16 pair base on the Great Lakes;

17 (6) evaluate opportunities for passenger vessel
18 services on the Great Lakes;

19 (7) analyze the origin to destination flow of
20 freight cargo in the Great Lakes region that may be
21 transported on vessels to relieve congestion in other
22 modes of transportation;

23 (8) evaluate the economic viability establishing
24 transshipment facilities for oceangoing cargoes;

1 (9) evaluate the adequacy of the infrastructure
2 in ports to meet the needs of marine commerce; and
3 (10) study and develop new vessel designs for
4 domestic and international shipping on the Great
5 Lakes.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the Secretary \$5,000,000
8 for each of fiscal years 2004 through 2008 for the activi-
9 ties described in subsection (b).

10 **SEC. 606. AGILE PORT AND INTELLIGENT BORDER SECU-**
11 **RITY NATIONAL DEMONSTRATION PROJECT.**

12 (a) IN GENERAL.—The Secretary of Transportation
13 may carry out an Agile Port and Intelligent Border Secu-
14 rity National Demonstration Project under the Center for
15 the Commercial Deployment of Transportation Tech-
16 nologies to develop and deploy dual use transportation
17 technologies for commercial applications, including the fol-
18 lowing:

19 (1) Agile port facilities, including inland multi-
20 modal transportation facilities.

21 (2) Advanced cargo and passenger vessel hull
22 design, propulsion systems, and construction.

23 (3) Regional supply chain efficiency, improved
24 mobility, and air quality.

1 (4) Maritime, port, cargo, and supply chain se-
2 curity, and total asset visibility.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry
4 out the demonstration project under subsection (a) there
5 is authorized to be appropriated to the Secretary of Trans-
6 portation \$5,000,000 for fiscal year 2004.

7 **SEC. 607. KOSS COVE.**

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

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

17 (1) adjacent to and southeast of Point
18 Elrington, Alaska, and forms a portion of the south-
19 ern coast of Elrington Island;

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

21 (3) centered at 59 degrees 56.1 minutes North,
22 148 degrees 14 minutes West; and

23 (4) 45 miles from Seward, Alaska.

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

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

3 **SEC. 608. MISCELLANEOUS CERTIFICATES OF DOCUMENTA-**
4 **TION.**

5 Notwithstanding section 27 of the Merchant Marine
6 Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of
7 June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C.
8 289), and section 12106 of title 46, United States Code,
9 the Secretary of the department in which the Coast Guard
10 is operating may issue a certificate of documentation with
11 appropriate endorsement for employment in the coastwise
12 trade for the following vessels:

13 (1) OCEAN LEADER (United States official
14 number 679511).

15 (2) REVELATION (United States official
16 number 1137565).

17 **SEC. 609. REGULATIONS.**

18 No later than February 1, 2004, the Secretary of the
19 department in which the Coast Guard is operating shall
20 implement final regulations to carry out section 12106(e),
21 title 46, United States Code.

1 **SEC. 610. REPORT REGARDING SECURITY INSPECTION OF**
2 **VESSELS AND VESSEL-BORNE CARGO CON-**
3 **TAINERS ENTERING THE UNITED STATES.**

4 (a) IN GENERAL.—Not later than 90 days after the
5 date of the enactment of this Act, the Secretary of the
6 Department in which the Coast Guard is operating shall
7 report to the Congress regarding the numbers and types
8 of vessels and vessel-borne cargo containers that enter the
9 United States in a year.

10 (b) CONTENTS.—The report under this section shall
11 include the following:

12 (1) A section regarding security inspection of
13 vessels that includes the following:

14 (A) A complete breakdown of the numbers
15 and types of vessels that entered the United
16 States in the most recent 1-year period for
17 which information is available.

18 (B) The cost incurred by the Federal Gov-
19 ernment in inspecting such vessels in such 1-
20 year period, including specification and com-
21 parison of such cost for each type of vessel.

22 (C) An estimate of the per-vessel cost that
23 would be incurred by the Federal Government
24 in inspecting in a foreign port each type of ves-
25 sel that enters the United States each year, in-

1 including costs for personnel, vessels, equipment,
2 and funds.

3 (D) An estimate of the annual total cost
4 that would be incurred by the Federal Govern-
5 ment in inspecting in foreign ports all vessels
6 that enter the United States each year, includ-
7 ing costs for personnel, vessels, equipment, and
8 funds.

9 (2) A section regarding security inspection of
10 containers that includes the following:

11 (A) A complete breakdown of the numbers
12 and types of vessel-borne cargo containers that
13 entered the United States in the most recent 1-
14 year period for which information is available,
15 including specification of the number of 1 TEU
16 containers and the number of 2 TEU con-
17 tainers.

18 (B) The cost incurred by the Federal Gov-
19 ernment in inspecting such containers in such
20 1-year period, including specification and com-
21 parison of such cost for a 1 TEU container and
22 for a 2 TEU container.

23 (C) An estimate of the per-container cost
24 that would be incurred by the Federal Govern-
25 ment in inspecting in a foreign port each type

1 of vessel-borne container that enters the United
2 States each year, including costs for personnel,
3 vessels, equipment, and funds.

4 (D) An estimate of the annual total cost
5 that would be incurred by the Federal Govern-
6 ment in inspecting in foreign ports all vessel-
7 borne containers that enter the United States
8 each year, including costs for personnel, vessels,
9 equipment, and funds.

10 **SEC. 611. CONVEYANCE OF DECOMMISSIONED COAST**
11 **GUARD VESSELS.**

12 (a) IN GENERAL.—Upon the scheduled decommis-
13 sioning of a Coast Guard vessel listed in subsection (d),
14 the Commandant of the Coast Guard shall convey all
15 right, title, and interest of the United States in and to
16 that vessel to the respective recipient listed in subsection
17 (d) for that vessel, if—

18 (1) the recipient agrees—

19 (A) to use the vessel for public safety ac-
20 tivities;

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

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

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

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

9 (2) the recipient has funds available that will be
10 committed to operate and maintain the vessel con-
11 veyed in good working condition, in the form of
12 cash, liquid assets, or a written loan commitment;
13 and

14 (3) the recipient agrees to any other conditions
15 the Commandant considers appropriate.

16 (b) MAINTENANCE AND DELIVERY OF VESSEL.—

17 Prior to conveyance of the vessel under this section, the
18 Commandant shall, to the extent practical, and subject to
19 other Coast Guard mission requirements, make every ef-
20 fort to maintain the integrity of the vessel and its equip-
21 ment until the time of delivery. If a conveyance is made
22 under this section, the Commandant shall deliver the ves-
23 sel at the place where the vessel is located, in its present
24 condition, and without cost to the Government. The con-
25 veyance of the vessel under this section shall not be consid-

1 ered a distribution in commerce for purposes of section
2 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

3 (c) OTHER EXCESS EQUIPMENT.—The Commandant
4 may convey to the recipient any excess equipment or parts
5 from other decommissioned Coast Guard vessels for use
6 to enhance the vessel’s operability and function.

7 (d) VESSELS AND RECIPIENTS.—The vessels and re-
8 cipients referred to in subsection (a) are the following:

9 (1) A 21-foot rigid hull Coast Guard vessel, to
10 the Berrien County Sheriff’s Department, Berrien
11 County, Michigan.

12 (2) A 44-foot motor life boat, to the Port Nor-
13 ris Fire Company, Commercial Township, New Jer-
14 sey.

15 (3) A 44-foot motor life boat, to the City of
16 Margate, New Jersey.

17 (4) A 44-foot motor life boat, to the Lower
18 Alloway Creek Fire Company, Hancocks Bridge,
19 New Jersey.

20 (5) A 44-foot motor life boat, to the Fortescue
21 Fire Rescue Company 1, Downe Township, New
22 Jersey.

23 (6) A 21-foot rigid hull inflatable, to the
24 Longport Volunteer Fire Department, Longport,
25 New Jersey.

1 (7) A 21-foot rigid hull inflatable, to West
2 Wildwood Fire Company, West Wildwood, New Jer-
3 sey.

4 (8) A 21-foot rigid hull inflatable, to the San
5 Diego Unified Port District, California.

6 **SEC. 612. ASSATEAGUE LIGHTHOUSE LENS.**

7 The Secretary of the department in which the Coast
8 Guard is operating shall convey to the Oyster and Mari-
9 time Museum, located in Chincoteague, Virginia, without
10 consideration, all right, title, and interest of the United
11 States in and to the first order Fresnel lens formerly used
12 in the Assateague Lighthouse located on Assateague Is-
13 land, Virginia.

14 **SEC. 613. STUDY OF THE ROLE OF COAST GUARD ICE**
15 **BREAKERS IN SUPPORTING UNITED STATES**
16 **OPERATIONS IN THE ANTARCTIC AND THE**
17 **ARCTIC.**

18 (a) IN GENERAL.—The Commandant of the Coast
19 Guard may enter into an arrangement with the Polar Re-
20 search Board and the Marine Board of the National Acad-
21 emy of Sciences to—

22 (1) conduct a study of the role of Coast Guard
23 icebreakers in supporting United States operations
24 in the Antarctic and the Arctic, including—

1 (A) roles in logistics and material support
2 and a general inventory of contributions to
3 science in both regions;

4 (B) alternative methods for staging, sup-
5 porting, and conducting Arctic and Antarctic
6 activities other than by use of Coast Guard ice-
7 breakers;

8 (C) the operational status of the POLAR
9 STAR and POLAR SEA, including the pro-
10 jected life expectancy of vessel systems, and
11 strategies for extending the service life of these
12 vessels; and

13 (D) key short-term and long-term func-
14 tions provided by the Coast Guard icebreaker
15 fleet and how these functions might be ad-
16 dressed under different service life extension
17 and replacement scenarios; and

18 (2) conduct a study of changes in the roles and
19 missions of Coast Guard icebreakers in the support
20 of future marine operations in the Arctic that may
21 develop due to environmental change, including—

22 (A) the amount and kind of icebreaking
23 support that may be required in the future to
24 support marine operations in the Northern Sea
25 Route and the Northwest Passage;

1 (B) the suitability of the Polar Class ice-
 2 breakers for these new roles; and

3 (C) appropriate changes in existing laws
 4 governing Coast Guard icebreaking operations
 5 and the potential for new operating regimes.

6 (b) REPORT.—Not later than 18 months after the
 7 date of enactment of the Act, the Commandant shall sub-
 8 mit a report on the studies required under subsection (a)
 9 to the Committee on Transportation and Infrastructure
 10 of the House of Representatives and the Committee on
 11 Commerce, Science, and Transportation of the Senate.

12 (c) CHARGE FOR ICEBREAKING SERVICES.—After
 13 the date on which the Commandant submits the report
 14 under subsection (b), and notwithstanding any other pro-
 15 vision of law, the Secretary of the department in which
 16 the Coast Guard is operating may charge other Federal
 17 agencies for the Secretary’s cost of providing icebreaking
 18 and related transportation services to those agencies.

19 **SEC. 614. CORRECTION OF REFERENCES TO NATIONAL**
 20 **DRIVER REGISTER.**

21 Title 46, United States Code, is amended—

22 (1) in section 7302—

23 (A) by striking “section 206(b)(7) of the
 24 National Driver Register Act of 1982 (23

1 U.S.C. 401 note)” and inserting “30305(b)(5)
 2 of title 49”; and

3 (B) by striking “section 205(a)(3)(A) or
 4 (B) of that Act” and inserting “30304(a)(3)(A)
 5 or (B) of title 49”;

6 (2) in section 7702(d)(1)(B)(iii) by striking
 7 “section 205(a)(3)(A) or (B) of the National Driver
 8 Register Act of 1982” and inserting “section
 9 30304(a)(3)(A) or (B) of title 49”; and

10 (3) in section 7703(3) by striking “section
 11 205(a)(3)(A) or (B) of the National Driver Register
 12 Act of 1982” and inserting “section 30304(a)(3)(A)
 13 or (B) of title 49”.

14 **SEC. 615. WATEREE RIVER.**

15 For purposes of bridge administration, the portion of
 16 the Wateree River in the State of South Carolina, from
 17 a point 100 feet upstream of the railroad bridge located
 18 at approximately mile marker 10.0 to a point 100 feet
 19 downstream of such bridge, is declared to not be navigable
 20 waters of the United States for purposes of the General
 21 Bridge Act of 1946 (33 U.S.C. 525 et seq.).

22 **SEC. 616. ALASKA MERCHANT MARINERS’ DOCUMENTS**
 23 **PILOT PROGRAM.**

24 (a) IN GENERAL.—The Secretary of the department
 25 in which the Coast Guard is operating shall conduct a pilot

1 program in the 17th Coast Guard District to demonstrate
2 methods to improve processing and procedures for issuing
3 merchant mariners' documents.

4 (b) USE OF EXISTING TOOLS.—Before conducting
5 the pilot program authorized under subsection (a), the
6 Secretary shall consult with the Secretary of the Air Force
7 regarding the efficiency and effectiveness of the content
8 management technology and information management
9 tools that are currently used by the department of the Air
10 Force in the Air Force Publishing Directorate.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to the Secretary of the de-
13 partment in which the Coast Guard is operating
14 \$5,000,000 to carry out the pilot program under sub-
15 section (a).

16 **SEC. 617. CONVEYANCE OF SENTINEL ISLAND LIGHT STA-**
17 **TION, ALASKA.**

18 (a) AUTHORITY TO CONVEY.—

19 (1) IN GENERAL.—Notwithstanding any other
20 provision of law, the Secretary of the Department in
21 which the Coast Guard is operating shall convey, by
22 an appropriate means of conveyance, all right, title,
23 and interest of the United States in and to the Sen-
24 tinel Island Light Station and Sentinel Island, Alas-
25 ka, to the Gastineau Channel Historical Society.

1 (2) IDENTIFICATION OF PROPERTY.—The Sec-
2 retary may identify, describe, and determine the
3 property to be conveyed under this subsection.

4 (3) LIMITATION.—The Secretary may not
5 under this section convey—

6 (A) any historical artifact, including any
7 lens or lantern, located on property conveyed
8 under this section at or before the time of the
9 conveyance; or

10 (B) any interest in submerged land.

11 (b) GENERAL TERMS AND CONDITIONS.—

12 (1) IN GENERAL.—Any conveyance of property
13 under this section shall be made—

14 (A) without payment of consideration; and

15 (B) subject to the terms and conditions re-
16 quired by this section and other terms and con-
17 ditions the Secretary may consider appropriate,
18 including the reservation of easements and
19 other rights on behalf of the United States.

20 (2) REVERSIONARY INTEREST.—In addition to
21 any term or condition established under this section,
22 any conveyance of property under this section shall
23 be subject to the condition that all right, title, and
24 interest in the property, at the option of the Sec-
25 retary shall revert to the United States and be

1 placed under the administrative control of the Sec-
2 retary, if—

3 (A) the property, or any part of the
4 property—

5 (i) ceases to be available and acces-
6 sible to the public, on a reasonable basis,
7 for educational, park, recreational, cul-
8 tural, historic preservation, or other simi-
9 lar purposes specified for the property in
10 the terms of conveyance;

11 (ii) ceases to be maintained in a man-
12 ner that is consistent with its present or
13 future use as a site for Coast Guard aids
14 to navigation or compliance with this sec-
15 tion; or

16 (iii) ceases to be maintained in a man-
17 ner consistent with the conditions in para-
18 graph (4) established by the Secretary pur-
19 suant to the National Historic Preserva-
20 tion Act (16 U.S.C. 470 et seq.); or

21 (B) at least 30 days before that reversion,
22 the Secretary provides written notice to the
23 owner that the property is needed for national
24 security purposes.

1 (3) MAINTENANCE OF NAVIGATION FUNC-
2 TIONS.—Any conveyance of property under this sec-
3 tion shall be made subject to the conditions that the
4 Secretary considers to be necessary to assure that—

5 (A) the lights, antennas, and associated
6 equipment located on the property conveyed
7 that are active aids to navigation shall continue
8 to be operated and maintained by the United
9 States for as long as they are needed for this
10 purpose;

11 (B) the owner of the property may not
12 interfere or allow interference in any manner
13 with aids to navigation without express written
14 permission from the Commandant of the Coast
15 Guard;

16 (C) there is reserved to the United States
17 the right to relocate, replace, or add any aids
18 to navigation or make any changes to the prop-
19 erty conveyed as may be necessary for naviga-
20 tional purposes;

21 (D) the United States shall have the right,
22 at any time, to enter the property without no-
23 tice for the purpose of operating, maintaining,
24 and inspecting aids to navigation and for the

1 purpose of enforcing compliance with this sub-
2 section; and

3 (E) the United States shall have an ease-
4 ment of access to and across the property for
5 the purpose of maintaining the aids to naviga-
6 tion in use on the property.

7 (4) MAINTENANCE OF PROPERTY.—

8 (A) IN GENERAL.—Subject to subpara-
9 graph (B), the owner of a property conveyed
10 under this section shall maintain the property
11 in a proper, substantial, and workmanlike man-
12 ner, and in accordance with any conditions es-
13 tablished by the Secretary pursuant to the Na-
14 tional Historic Preservation Act (16 U.S.C. 470
15 et seq.) and other applicable laws.

16 (B) LIMITATION.—The owner of a prop-
17 erty conveyed under this section is not required
18 to maintain any active aids to navigation on the
19 property, except private aids to navigation au-
20 thorized under section 83 of title 14, United
21 States Code.

22 (c) DEFINITIONS.—In this section, the following defi-
23 nitions apply:

24 (1) AIDS TO NAVIGATION.—The term “aids to
25 navigation” means equipment used for navigation

1 purposes, including a light, antenna, radio, sound
 2 signal, electronic navigation equipment, or other as-
 3 sociated equipment that are operated or maintained
 4 by the United States.

5 (2) OWNER.—The term “owner” means, for
 6 property conveyed under this section, the person to
 7 which property is conveyed under subsection (a)(1),
 8 and any successor or assign of that person.

9 **SEC. 618. MARITIME INTELLIGENCE AND LONG-RANGE VES-**
 10 **SEL TRACKING SYSTEM.**

11 (a) MARITIME INTELLIGENCE.—

12 (1) AUTHORIZATION OF APPROPRIATIONS.—
 13 There is authorized to be appropriated to the Sec-
 14 retary of the department in which the Coast Guard
 15 is operating \$25,000,000 for fiscal year 2004 to im-
 16 plement a system to carry out section 70113(a) of
 17 title 46, United States Code.

18 (2) SYSTEM REQUIREMENT.—Any system im-
 19 plemented with amounts made available under this
 20 subsection shall—

21 (A) include a vessel terrorism risk profiling
 22 system that assigns incoming vessels a risk rat-
 23 ing; and

24 (B) be based on independently verified in-
 25 telligence data.

1 (b) VESSEL TRACKING SYSTEM.—

2 (1) AUTHORIZATION OF APPROPRIATIONS.—

3 There is authorized to be appropriated to the Sec-
4 retary of the Department in which the Coast Guard
5 is operating \$12,000,000 for fiscal year 2004 to
6 carry out section 70115 of title 46, United States
7 Code.

8 (2) SYSTEM REQUIREMENTS.—Any automated
9 vessel tracking system implemented with amounts
10 made available under this subsection shall be oper-
11 ated by an existing nonprofit maritime organization
12 that—

13 (A) operates satellite communications sys-
14 tems, and vessel tracking software and hard-
15 ware; and

16 (B) can have nationwide vessel tracking
17 capability in operation by no later than 90 days
18 after the date the organization enters into a
19 contract with the Coast Guard to establish and
20 operate the system.

21 **SEC. 619. COLUMBIA SLOUGH.**

22 Section 325 of Public Law 97–369 (96 Stat. 1785)
23 is repealed.

1 **SEC. 620. SENSE OF CONGRESS REGARDING CARBON MON-**
2 **OXIDE AND WATERCRAFT.**

3 It is the sense of the Congress that the Coast Guard
4 should continue—

5 (1) to place a high priority on addressing the
6 safety risks posed to boaters by elevated levels of
7 carbon monoxide that are unique to watercraft; and

8 (2) to work with vessel and engine manufactur-
9 ers, the American Boat & Yacht Council, other Fed-
10 eral agencies, and the entire boating community in
11 order to determine the best ways to adequately ad-
12 dress this public safety issue and minimize the num-
13 ber of tragic carbon monoxide-related boating deaths
14 that occur each year.

15 **SEC. 621. SENSE OF CONGRESS REGARDING NAMING NEW**
16 **VESSELS UNDER THE DEEPWATER PROGRAM**
17 **FOR CITIES OF THE UNITED STATES.**

18 It is the sense of the Congress that the Coast Guard
19 should consider including in its naming protocols for new
20 vessels constructed under the Deepwater Program the
21 names of cities of the United States and its territories and
22 possessions.

23 **SEC. 622. PORT SECURITY GRANT AUTHORITY.**

24 (a) IN GENERAL.—Section 70107 of title 46, United
25 States Code, is amended—

1 (1) in subsection (a) by striking “Secretary of
2 Transportation, acting through the Maritime Admin-
3 istrator,” and inserting “Secretary, acting through
4 the Commandant of the Coast Guard,”;

5 (2) by striking “Secretary of Transportation”
6 each place it appears and inserting “Secretary, act-
7 ing through the Commandant of the Coast Guard,”;
8 and

9 (3) by striking “Department of Transportation”
10 each place it appears and inserting “department in
11 which the Coast Guard is operating”.

12 (b) EFFECTIVE DATE.—Subsection (a)—

13 (1) shall take effect October 1, 2004; and

14 (2) shall not affect any grant made before that
15 date.

16 **SEC. 623. SECURITY ASSESSMENT OF INDIAN POINT EN-**
17 **ERGY CENTER.**

18 Not later than one year after the date of the enact-
19 ment of this Act, the Secretary of the department in which
20 the Coast Guard is operating shall—

21 (1) conduct a vulnerability assessment under
22 section 70102(b) of title 46, United States Code, of
23 the navigable waters adjacent to Indian Point En-
24 ergy Center, located in Westchester County, New
25 York; and

1 (2) submit a report on that assessment to the
2 Committee on Transportation and Infrastructure of
3 the House of Representatives and the Committee on
4 Commerce, Science and Transportation of the Sen-
5 ate.

6 **SEC. 624. MITIGATION OF PENALTY DUE TO AVOIDANCE OF**
7 **A CERTAIN HAZARDOUS CONDITION.**

8 (a) TREATMENT OF VIOLATION.—For purposes of
9 any administrative proceeding to consider mitigation of
10 any civil penalty for a violation described in subsection (b),
11 such violation is deemed to have been committed by reason
12 of a safety concern.

13 (b) VIOLATION DESCRIBED.—A violation referred to
14 in subsection (a) is any violation of the Act of June 19,
15 1886 (chapter 421; 46 App. U.S.C. 289), occurring before
16 August 1, 2003, and consisting of operation of a passenger
17 vessel in transporting passengers—

18 (1) between the Port of New Orleans and an-
19 other port on the Gulf of Mexico at a time when the
20 power lines across the Mississippi River at
21 Chalmette, Louisiana, are a hazard to the safe re-
22 turn transport of passengers on that vessel to the
23 Port of New Orleans; or

1 (2) in repositioning the vessel to the Port of
2 New Orleans after that hazard is temporarily re-
3 solved.

4 **SEC. 625. DESIGNATION OF EMPRESS OF THE NORTH AS A**
5 **TOUR VESSEL.**

6 Notwithstanding any other law, the passenger vessel
7 EMPRESS OF THE NORTH (United States official
8 number 1140867) is deemed to be a tour vessel for the
9 purpose of the regulations promulgated by the Secretary
10 of the Interior under section 3(h) of Public Law 91–383
11 (16 U.S.C. 1a–2(h)) and section 3 of the Act of August
12 25, 1916 (16 U.S.C. 3), with respect to vessel operations
13 in Glacier Bay National Park and Preserve, Alaska.

14 **SEC. 626. SENSE OF CONGRESS REGARDING TIMELY RE-**
15 **VIEW AND ADJUSTMENT OF GREAT LAKES PI-**
16 **LOTAGE RATES.**

17 It is the sense of the Congress that the Secretary of
18 the department in which the Coast Guard is operating
19 should, on a timely basis, review and adjust the rates pay-
20 able under part 401 of title 46, Code of Federal Regula-
21 tions, for services performed by United States registered
22 pilots on the Great Lakes.

1 **SEC. 627. PRIORITY FOR PUBLIC TRANSPORTATION SYS-**
2 **TEMS IN MAKING GRANTS FOR IMPLEMENTA-**
3 **TION OF SECURITY PLANS.**

4 Section 70107(e) of title 46, United State Code, is
5 amended by adding at the end the following:

6 “(5) PRIORITY FOR PUBLIC TRANSPORTATION
7 SYSTEMS.—

8 “(A) PRIORITY.—In making grants under
9 subsection (a) the Secretary of Transportation
10 shall give priority to otherwise eligible projects
11 concerning implementation of security plans
12 with respect to public transportation systems.

13 “(B) REGULATIONS.—The Secretary shall
14 issue regulations establishing procedures and
15 requirements for awarding grants pursuant to
16 the priority required by this paragraph.”.

17 **SEC. 628. LIMITATION ON BRIDGE ALTERATION PROJECTS.**

18 The Coast Guard may conduct bridge alteration
19 projects using amounts authorized under section
20 101(1)(B)(iv) of this Act only to the extent that the steel,
21 iron, and manufactured products used in such projects are
22 produced in the United States, unless the Commandant
23 of the Coast Guard determines such action to be incon-
24 sistent with the public interest or the cost unreasonable.

1 **TITLE VII—AMENDMENTS RE-**
2 **LATING TO OIL POLLUTION**
3 **ACT OF 1990**

4 **SEC. 701. VESSEL RESPONSE PLANS FOR NONTANK VES-**
5 **SELS OVER 400 GROSS TONS.**

6 (a) NONTANK VESSEL DEFINED.—Section 311(j) of
7 the Federal Water Pollution Control Act (33 U.S.C.
8 1321(j)) is amended by adding at the end the following:

9 “(9) NONTANK VESSEL DEFINED.—In this sub-
10 section, the term ‘nontank vessel’ means a self-pro-
11 pelled vessel of 400 gross tons (as measured under
12 section 14502 of title 46, United States Code, or an
13 alternate tonnage measured under section 14302 of
14 such title as prescribed by the Secretary under sec-
15 tion 14104 of such title) or greater, other than a
16 tank vessel, that carries oil of any kind as fuel for
17 main propulsion and that—

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

19 “(B) operates on the navigable waters of
20 the United States.”.

21 (b) AMENDMENTS TO REQUIRE RESPONSE PLANS.—
22 Section 311(j) of the Federal Water Pollution Control Act
23 (33 U.S.C. 1321(j)) is amended—

24 (1) in paragraph (5) in the heading by inserting
25 “, NONTANK VESSEL,” after “VESSEL”;

1 (2) in paragraph 5(A) by inserting “, nontank
2 vessel,” after “vessel”;

3 (3) in paragraph (5)(B), in the matter pre-
4 ceding clause (i), by inserting “, nontank vessels,”
5 after “vessels”;

6 (4) in paragraph (5)(B), by redesignating
7 clauses (ii) and (iii) as clauses (iii) and (iv), respec-
8 tively, and by inserting after clause (i) the following:

9 “(ii) A nontank vessel.”;

10 (5) in paragraph (5)(D)—

11 (A) by inserting “, nontank vessel,” after
12 “vessel”;

13 (B) by striking “and” after the semicolon
14 at the end of clause (iii);

15 (C) by striking the period at the end of
16 clause (iv) and inserting “; and”; and

17 (D) by adding after clause (iv) the fol-
18 lowing:

19 “(v) for nontank vessels, consider any ap-
20 plicable State-mandated response plan and en-
21 sure consistency to the extent practicable.”;

22 (6) in paragraph (5)(E), in the matter pre-
23 ceding clause (i), by inserting “nontank vessel,”
24 after “vessel,”;

1 (7) in paragraph (5)(E)(i) by inserting
2 “nontank vessel,” , after “vessel,”;

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

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

7 (10) in paragraph (5)(H) by inserting “and
8 nontank vessel” after “each tank vessel”;

9 (11) in paragraph (6) in the matter preceding
10 subparagraph (A) by striking “Not later than 2
11 years after the date of enactment of this section, the
12 President shall require—” and inserting “The Presi-
13 dent may require—”;

14 (12) in paragraph (6)(B) by inserting “, and
15 nontank vessels carrying oil of any kind as fuel for
16 main propulsion,” after “cargo”; and

17 (13) in paragraph (7) by inserting “, nontank
18 vessel,” after “vessel”.

19 (c) IMPLEMENTATION DATE.—The President shall
20 not require the owner or operator of a nontank vessel (as
21 defined section 311(j)(9) of the Federal Water Pollution
22 Control Act (33 U.S.C. 1321(j)(9), as amended by this
23 section) to prepare and submit a vessel response plan for
24 such vessel before the end of the one-year period beginning
25 on the date of the enactment of this Act.

1 **SEC. 702. REQUIREMENTS FOR TANK LEVEL AND PRES-**
 2 **SURE MONITORING DEVICES.**

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

5 (1) in subsection (a), by striking “Not later
 6 than 1 year after the date of the enactment of this
 7 Act, the Secretary shall” and inserting “The Sec-
 8 retary may”;

9 (2) in subsection (b)—

10 (A) by striking “Not later than 1 year
 11 after the date of the enactment of this Act, the
 12 Secretary shall” and inserting “No sooner than
 13 1 year after the Secretary prescribes regula-
 14 tions under subsection (a), the Secretary may”;
 15 and

16 (B) by striking “the standards” and in-
 17 serting “any standards”.

18 **SEC. 703. LIABILITY AND COST RECOVERY.**

19 (a) **DEFINITION OF OWNER OR OPERATOR.**—Section
 20 1001(26) of the Oil Pollution Act of 1990 (33 U.S.C.
 21 2701(26)) is amended to read as follows:

22 “(26) ‘owner or operator’—

23 “(A) means—

24 “(i) in the case of a vessel, any person
 25 owning, operating, or chartering by demise,
 26 the vessel;

1 “(ii) in the case of an onshore or off-
2 shore facility, any person owning or oper-
3 ating such facility;

4 “(iii) in the case of any abandoned
5 offshore facility, the person who owned or
6 operated such facility immediately prior to
7 such abandonment;

8 “(iv) in the case of any facility, title
9 or control of which was conveyed due to
10 bankruptcy, foreclosure, tax delinquency,
11 abandonment, or similar means to a unit
12 of State or local government, any person
13 who owned, operated, or otherwise con-
14 trolled activities at such facility imme-
15 diately beforehand;

16 “(v) notwithstanding subparagraph
17 (B)(i), any State or local government that
18 has caused or contributed to a discharge or
19 substantial threat of a discharge of oil
20 from a vessel or facility ownership or con-
21 trol of which was acquired involuntarily
22 through bankruptcy, tax delinquency,
23 abandonment, or other circumstances in
24 which the government involuntarily ac-

1 quires title by virtue of its function as sov-
2 ereign; and

3 “(vi) notwithstanding subparagraph
4 (B)(ii), a person that is a lender and that
5 holds indicia of ownership primarily to pro-
6 tect a security interest in a vessel or facil-
7 ity if, while the borrower is still in posses-
8 sion of the vessel or facility encumbered by
9 the security interest, the person—

10 “(I) exercises decisionmaking
11 control over the environmental compli-
12 ance related to the vessel or facility,
13 such that the person has undertaken
14 responsibility for oil handling or dis-
15 posal practices related to the vessel or
16 facility; or

17 “(II) exercises control at a level
18 comparable to that of a manager of
19 the vessel or facility, such that the
20 person has assumed or manifested
21 responsibility—

22 “(aa) for the overall man-
23 agement of the vessel or facility
24 encompassing day-to-day deci-

1 sionmaking with respect to envi-
2 ronmental compliance; or

3 “(bb) over all or substan-
4 tially all of the operational func-
5 tions (as distinguished from fi-
6 nancial or administrative func-
7 tions) of the vessel or facility
8 other than the function of envi-
9 ronmental compliance; and

10 “(B) does not include—

11 “(i) a unit of State or local govern-
12 ment that acquired ownership or control of
13 a vessel or facility involuntarily through
14 bankruptcy, tax delinquency, abandonment,
15 or other circumstances in which the gov-
16 ernment involuntarily acquires title by vir-
17 tue of its function as sovereign;

18 “(ii) a person that is a lender that
19 does not participate in management of a
20 vessel or facility, but holds indicia of own-
21 ership primarily to protect the security in-
22 terest of the person in the vessel or facil-
23 ity; or

24 “(iii) a person that is a lender that
25 did not participate in management of a

1 vessel or facility prior to foreclosure, not-
2 withstanding that the person—

3 “(I) forecloses on the vessel or
4 facility; and

5 “(II) after foreclosure, sells, re-
6 leases (in the case of a lease finance
7 transaction), or liquidates the vessel
8 or facility, maintains business activi-
9 ties, winds up operations, undertakes
10 a removal action under 311(c) of the
11 Federal Water Pollution Control Act
12 (33 U.S.C. 311(c)) or under the direc-
13 tion of an on-scene coordinator ap-
14 pointed under the National Contin-
15 gency Plan, with respect to the vessel
16 or facility, or takes any other measure
17 to preserve, protect, or prepare the
18 vessel or facility prior to sale or dis-
19 position,

20 if the person seeks to sell, re-lease (in the
21 case of a lease finance transaction), or oth-
22 erwise divest the person of the vessel or fa-
23 cility at the earliest practicable, commer-
24 cially reasonable time, on commercially
25 reasonable terms, taking into account mar-

1 ket conditions and legal and regulatory re-
2 quirements;”.

3 (b) OTHER DEFINITIONS.—Section 1001 of the Oil
4 Pollution Act of 1990 (33 U.S.C. 2701) is amended by
5 striking “and” after the semicolon at the end of paragraph
6 (36), by striking the period at the end of paragraph (37)
7 and inserting a semicolon, and by adding at the end the
8 following:

9 “(38) ‘participate in management’—

10 “(A)(i) means actually participating in the
11 management or operational affairs of a vessel
12 or facility; and

13 “(ii) does not include merely having the ca-
14 pacity to influence, or the unexercised right to
15 control, vessel or facility operations; and

16 “(B) does not include—

17 “(i) performing an act or failing to
18 act prior to the time at which a security
19 interest is created in a vessel or facility;

20 “(ii) holding a security interest or
21 abandoning or releasing a security interest;

22 “(iii) including in the terms of an ex-
23 tension of credit, or in a contract or secu-
24 rity agreement relating to the extension, a
25 covenant, warranty, or other term or con-

1 dition that relates to environmental compli-
2 ance;

3 “(iv) monitoring or enforcing the
4 terms and conditions of the extension of
5 credit or security interest;

6 “(v) monitoring or undertaking one or
7 more inspections of the vessel or facility;

8 “(vi) requiring a removal action or
9 other lawful means of addressing a dis-
10 charge or substantial threat of a discharge
11 of oil in connection with the vessel or facil-
12 ity prior to, during, or on the expiration of
13 the term of the extension of credit;

14 “(vii) providing financial or other ad-
15 vice or counseling in an effort to mitigate,
16 prevent, or cure default or diminution in
17 the value of the vessel or facility;

18 “(viii) restructuring, renegotiating, or
19 otherwise agreeing to alter the terms and
20 conditions of the extension of credit or se-
21 curity interest, exercising forbearance;

22 “(ix) exercising other remedies that
23 may be available under applicable law for
24 the breach of a term or condition of the ex-
25 tension of credit or security agreement; or

1 “(x) conducting a removal action
2 under 311(c) of the Federal Water Pollu-
3 tion Control Act (33 U.S.C. 1321(c)) or
4 under the direction of an on-scene coordi-
5 nator appointed under the National Con-
6 tingency Plan,

7 if such actions do not rise to the level of partici-
8 pating in management under subparagraph (A)
9 of this paragraph and paragraph (26)(A)(vi);

10 “(39) ‘extension of credit’ has the meaning pro-
11 vided in section 101(20)(G)(i) of the Comprehensive
12 Environmental Response, Compensation and Liabil-
13 ity Act of 1980 (42 U.S.C. 9601(20)(G)(i));

14 “(40) ‘financial or administrative function’ has
15 the meaning provided in section 101(20)(G)(ii) of
16 the Comprehensive Environmental Response, Com-
17 pensation and Liability Act of 1980 (42 U.S.C.
18 9601(20)(G)(ii));

19 “(41) ‘foreclosure’ and ‘foreclose’ each has the
20 meaning provided in section 101(20)(G)(iii) of the
21 Comprehensive Environmental Response, Compensa-
22 tion and Liability Act of 1980 (42 U.S.C.
23 9601(20)(G)(iii));

24 “(42) ‘lender’ has the meaning provided in sec-
25 tion 101(20)(G)(iv) of the Comprehensive Environ-

1 mental Response, Compensation and Liability Act of
2 1980 (42 U.S.C. 9601(20)(G)(iv));

3 “(43) ‘operational function’ has the meaning
4 provided in section 101(20)(G)(v) of the Comprehen-
5 sive Environmental Response, Compensation and Li-
6 ability Act of 1980 (42 U.S.C. 9601(20)(G)(v)); and

7 “(44) ‘security interest’ has the meaning pro-
8 vided in section 101(20)(G)(vi) of the Comprehen-
9 sive Environmental Response, Compensation and Li-
10 ability Act of 1980 (42 U.S.C. 9601(20)(G)(vi)).”.

11 (c) DEFINITION OF CONTRACTUAL RELATIONSHIP.—
12 Section 1003 of the Oil Pollution Act of 1990 (33 U.S.C.
13 2703) is amended by adding at the end the following:

14 “(d) DEFINITION OF CONTRACTUAL RELATION-
15 SHIP.—

16 “(1) IN GENERAL.—For purposes of subsection
17 (a)(3) the term ‘contractual relationship’ includes,
18 but is not limited to, land contracts, deeds, ease-
19 ments, leases, or other instruments transferring title
20 or possession, unless—

21 “(A) the real property on which the facility
22 concerned is located was acquired by the re-
23 sponsible party after the discharge of the oil on,
24 in, or at the facility;

1 “(B) one or more of the circumstances de-
2 scribed in subparagraph (A), (B), or (C) of
3 paragraph (2) is established by the responsible
4 party by a preponderance of the evidence; and

5 “(C) the responsible party complies with
6 paragraph (3).

7 “(2) REQUIRED CIRCUMSTANCE.—The cir-
8 cumstances referred to in paragraph (1)(B) are the
9 following:

10 “(A) At the time the responsible party ac-
11 quired the real property on which the facility is
12 located the responsible party did not know and
13 had no reason to know that oil that is the sub-
14 ject of the discharge or substantial threat of
15 discharge was located on, in, or at the facility.

16 “(B) The responsible party is a govern-
17 ment entity that acquired the facility—

18 “(i) by escheat;

19 “(ii) through any other involuntary
20 transfer or acquisition; or

21 “(iii) through the exercise of eminent
22 domain authority by purchase or con-
23 demnation.

24 “(C) The responsible party acquired the
25 facility by inheritance or bequest.

1 “(3) ADDITIONAL REQUIREMENTS.—For pur-
2 poses of paragraph (1)(C), the responsible party
3 must establish by a preponderance of the evidence
4 that the responsible party—

5 “(A) has satisfied the requirements of sec-
6 tion 1003(a)(3)(A) and (B);

7 “(B) has provided full cooperation, assist-
8 ance, and facility access to the persons that are
9 authorized to conduct removal actions, includ-
10 ing the cooperation and access necessary for the
11 installation, integrity, operation, and mainte-
12 nance of any complete or partial removal action;

13 “(C) is in compliance with any land use re-
14 strictions established or relied on in connection
15 with the removal action; and

16 “(D) has not impeded the effectiveness or
17 integrity of any institutional control employed
18 in connection with the removal action.

19 “(4) REASON TO KNOW.—

20 “(A) APPROPRIATE INQUIRIES.—To estab-
21 lish that the responsible party had no reason to
22 know of the matter described in paragraph
23 (2)(A), the responsible party must demonstrate
24 that—

1 “(i) on or before the date on which
2 the responsible party acquired the real
3 property on which the facility is located,
4 the responsible party carried out all appro-
5 priate inquiries, as provided in subpara-
6 graphs (B) and (D), into the previous own-
7 ership and uses of the real property on
8 which the facility is located in accordance
9 with generally accepted good commercial
10 and customary standards and practices;
11 and

12 “(ii) the responsible party took rea-
13 sonable steps to—

14 “(I) stop any continuing dis-
15 charge;

16 “(II) prevent, minimize or miti-
17 gate any substantial threat of dis-
18 charge; and

19 “(III) prevent or limit any
20 human, environmental, or natural re-
21 source exposure to any previously dis-
22 charged oil.

23 “(B) REGULATIONS ESTABLISHING STAND-
24 ARDS AND PRACTICES.—Not later than 2 years
25 after the date of the enactment of this para-

graph, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall by regulation establish standards and practices for the purpose of satisfying the requirement to carry out all appropriate inquiries under subparagraph (A).

“(C) CRITERIA.—In promulgating regulations that establish the standards and practices referred to in subparagraph (B), the Secretary shall include in such standards and practices provisions regarding each of the following:

“(i) The results of an inquiry by an environmental professional.

“(ii) Interviews with past and present owners, operators, and occupants of the facility and the real property on which the facility is located for the purpose of gathering information regarding the potential for contamination at the facility and on the real property on which the facility is located.

“(iii) Reviews of historical sources, including, to the extent available, chain of title documents, aerial photographs, building department records, and land use

1 records, to determine previous uses and oc-
2 cupancies of the real property on which the
3 facility is located since the property was
4 first developed.

5 “(iv) Searches for recorded environ-
6 mental cleanup liens against the facility
7 and the real property on which the facility
8 is located that are filed under Federal,
9 State, or local law.

10 “(v) Reviews of Federal, State, and
11 local government records, waste disposal
12 records, underground storage tank records,
13 and waste handling, generation, treatment,
14 disposal, and spill records, concerning con-
15 tamination at or near the facility and on
16 the real property on which the facility is
17 located.

18 “(vi) Visual inspections of the facility,
19 the real property on which the facility is
20 located, and adjoining properties.

21 “(vii) Specialized knowledge or experi-
22 ence on the part of the responsible party.

23 “(viii) The relationship of the pur-
24 chase price to the value of the facility and
25 the real property on which the facility is

1 located, if the facility or the real property
2 was not contaminated.

3 “(ix) Commonly known or reasonably
4 ascertainable information about the facility
5 and the real property on which the facility
6 is located.

7 “(x) The degree of obviousness of the
8 presence or likely presence of contamina-
9 tion at the facility and on the real property
10 on which the facility is located, and the
11 ability to detect contamination by appro-
12 priate investigation.

13 “(D) INTERIM STANDARDS AND PRAC-
14 TICES.—

15 “(i) REAL PROPERTY PURCHASED BE-
16 FORE MAY 31, 1997.—With respect to real
17 property purchased before May 31, 1997,
18 in making a determination with respect to
19 a responsible party described in subpara-
20 graph (A), a court or appropriate official
21 shall take into account—

22 “(I) any specialized knowledge or
23 experience on the part of the respon-
24 sible party;

1 “(II) the relationship of the pur-
2 chase price to the value of the facility
3 and the real property on which the fa-
4 cility is located, if the facility or the
5 real property was not contaminated;

6 “(III) commonly known or rea-
7 sonably ascertainable information
8 about the facility and the real prop-
9 erty on which the facility is located;

10 “(IV) the obviousness of the
11 presence or likely presence of contami-
12 nation at the facility and on the real
13 property on which the facility is lo-
14 cated; and

15 “(V) the ability of the responsible
16 party to detect contamination by ap-
17 propriate inspection.

18 “(ii) REAL PROPERTY PURCHASED ON
19 OR AFTER MAY 31, 1997.—With respect to
20 real property purchased on or after May
21 31, 1997, until the Secretary promulgates
22 the regulations described in clause (ii), the
23 procedures of the American Society for
24 Testing and Materials, including the docu-
25 ment known as ‘Standard E1527–97’, enti-

1 tled ‘Standard Practice for Environmental
2 Site Assessment: Phase I Environmental
3 Site Assessment Process’, shall satisfy the
4 requirements in subparagraph (A).

5 “(E) SITE INSPECTION AND TITLE
6 SEARCH.—In the case of real property for resi-
7 dential use or other similar use purchased by a
8 nongovernmental or noncommercial entity, in-
9 spection and title search of the facility and the
10 real property on which the facility is located
11 that reveal no basis for further investigation
12 shall be considered to satisfy the requirements
13 of this paragraph.

14 “(5) PREVIOUS OWNER OR OPERATOR.—Noth-
15 ing in this paragraph or in section 1003(a)(3) shall
16 diminish the liability of any previous owner or oper-
17 ator of such facility who would otherwise be liable
18 under this Act. Notwithstanding this paragraph, if a
19 responsible party obtained actual knowledge of the
20 discharge or substantial threat of discharge of oil at
21 such facility when the responsible party owned the
22 facility and then subsequently transferred ownership
23 of the facility or the real property on which the facil-
24 ity is located to another person without disclosing
25 such knowledge, the responsible party shall be treat-

1 ed as liable under 1002(a) and no defense under sec-
2 tion 1003(a) shall be available to such responsible
3 party.

4 “(6) LIMITATION ON DEFENSE.—Nothing in
5 this paragraph shall affect the liability under this
6 Act of a responsible party who, by any act or omis-
7 sion, caused or contributed to the discharge or sub-
8 stantial threat of discharge of oil which is the sub-
9 ject of the action relating to the facility.”.

10 **SEC. 704. OIL SPILL RECOVERY INSTITUTE.**

11 (a) TERMINATION OF FUNDING FOR INSTITUTE.—
12 Section 5001(i) of the Oil Pollution Act of 1990 (33
13 U.S.C. 2731(i)) is amended by striking “September 30,
14 2012” and inserting “one year after the Secretary of the
15 department in which the Coast Guard is operating, in con-
16 sultation with the Secretary of the Interior, determines
17 that oil and gas exploration, development, and production
18 in Alaska have ceased”.

19 (b) USE OF FUNDING FOR SECTION 1012 OF OPA.—
20 Subsection (c) of section 5006 of the Oil Pollution Act
21 of 1990, as added by section 1102(b)(4) of Public Law
22 104–324 (110 Stat. 3965; 33 U.S.C. 2736(c)), is amended
23 by striking “with the eleventh year following the date of
24 enactment of the Coast Guard Authorization Act of
25 1996,” and inserting “one year after the Secretary of the

1 department in which the Coast Guard is operating, in con-
2 sultation with the Secretary of the Interior, determines
3 that oil and gas exploration, development, and production
4 in Alaska have ceased.”.

5 **SEC. 705. ALTERNATIVES.**

6 Section 4115(e)(3) of the Oil Pollution Act of 1990
7 (46 U.S.C. 3703a note) is amended to read as follows:

8 “(3) No later than one year after the date of
9 enactment of the Coast Guard and Maritime Trans-
10 portation Act of 2003, the Secretary shall, taking
11 into account the recommendations contained in the
12 report by the Marine Board of the National Re-
13 search Council entitled ‘Environmental Performance
14 of Tanker Design in Collision and Grounding’ and
15 dated 2001, establish and publish an environmental
16 equivalency evaluation index (including the method-
17 ology to develop that index) to assess overall outflow
18 performance due to collisions and groundings for
19 double hull tank vessels and alternative hull de-
20 signs.”.

Passed the House of Representatives November 5,
2003.

Attest:

Clerk.