An Act

An Act to authorize appropriations for the Coast Guard for fiscal year 2005, to amend various laws administered by the Coast Guard, and for other purposes. <<NOTE: Aug. 9, 2004 - [H.R. 2443]>>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, <<NOTE: Coast Guard and Maritime Transportation Act of 2004. 14 USC 1 note.>>

SECTION 1. SHORT TITLE.

This Act may be referred to as the `Coast Guard and Maritime Transportation Act of 2004'.

SEC. 2. TABLE OF CONTENTS.

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. 203. Term of enlistments.
Sec. 204. Enlisted member critical skill training bonus.
Sec. 205. Indemnity 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 ages for retention in an active status.
Sec. 210. Travel card management.
Sec. 211. Coast Guard fellows and detailees.
Sec. 212. Long-term lease of special use real property.
Sec. 213. National Coast Guard Museum.
Sec. 214. Limitation on number of commissioned officers.
Sec. 215. Redistricting notification requirement.
Sec. 216. Report on shock mitigation standards.
Sec. 217. Recommendations to Congress by Commandant of the Coast Guard.
Sec. 218. Coast Guard education loan repayment program.
Sec. 219. Contingent expenses.
Sec. 220. Reserve admirals.
Sec. 221. Confidential investigative expenses.
Sec. 222. Innovative construction alternatives.
Sec. 223. Delegation of port security authority.
Sec. 224. Fisheries enforcement plans and reporting.
Sec. 225. Use of Coast Guard and military child development centers.
Sec. 226. Treatment of property owned by auxiliary units and dedicated solely for auxiliary use.

TITLE III--NAVIGATION

Sec. 301. Marking of underwater wrecks.
Sec. 302. Use of electronic devices; cooperative agreements.

[[Page 118 STAT. 1029]]

Sec. 303. Inland navigation rules promulgation authority.
Sec. 304. Saint Lawrence Seaway.

TITLE IV--SHIPPING

Sec. 401. Reports from charterers.
Sec. 402. Removal of mandatory revocation for proved drug convictions in suspension and revocation cases.
Sec. 403. Records of merchant mariners' documents.
Sec. 404. Exemption of unmanned barges from certain citizenship requirements.
Sec. 405. Compliance with International Safety Management Code.
Sec. 406. Penalties.
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. Electronic charts.
Sec. 411. Prevention of departure.
Sec. 412. Service of foreign nationals for maritime educational purposes.
Sec. 413. Classification societies.
Sec. 414. Drug testing reporting.
Sec. 415. Inspection of towing vessels.
Sec. 416. Potable water.
Sec. 417. Transportation of platform jackets.
Sec. 418. Renewal of advisory groups.

TITLE V--FEDERAL MARITIME COMMISSION

Sec. 502. Report on ocean shipping information gathering efforts.

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. 606. Koss Cove.
Sec. 607. Miscellaneous certificates of documentation.
Sec. 608. Requirements for coastwise endorsement.
Sec. 609. Correction of references to National Driver Register.
Sec. 610. Wateree River.
Sec. 611. Merchant mariners' documents pilot program.
Sec. 612. Conveyance.
Sec. 613. Bridge administration.
Sec. 614. Sense of Congress regarding carbon monoxide and watercraft.
Sec. 615. Mitigation of penalty due to avoidance of a certain condition.
Sec. 616. Certain vessels to be tour vessels.
Sec. 617. Sense of Congress regarding timely review and adjustment of
   Great Lakes pilotage rates.
Sec. 618. Westlake chemical barge documentation.
Sec. 619. Correction to definition.
Sec. 620. LORAN-C.
Sec. 621. Deepwater report.
Sec. 622. Judicial review of National Transportation Safety Board final
   orders.
Sec. 623. Interim authority for dry bulk cargo residue disposal.
Sec. 624. Small passenger vessel report.
Sec. 625. Conveyance of motor lifeboat.
Sec. 626. Study on routing measures.
Sec. 627. Conveyance of light stations.
Sec. 628. Waiver.
Sec. 629. Approval of modular accommodation units for living quarters.

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.
Sec. 706. Authority to settle.
Sec. 708. Loans for fishermen and aquaculture producers impacted by oil
   spills.

TITLE VIII--MARITIME TRANSPORTATION SECURITY

Sec. 801. Enforcement.

[[Page 118 STAT. 1030]]

Sec. 802. In rem liability for civil penalties and costs.
Sec. 803. Maritime information.
Sec. 804. Maritime transportation security grants.
Sec. 805. Security assessment of waters under the jurisdiction of the
   United States.
Sec. 806. Membership of Area Maritime Security Advisory Committees.
Sec. 807. Joint operational centers for port security.
Sec. 808. Investigations.
Sec. 809. Vessel and intermodal security reports.

TITLE I--AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.
Funds are authorized to be appropriated for fiscal year 2005 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, $5,404,300,000, of which $25,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,500,000,000, of which--
   (A) $23,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990), to remain available until expended;
   (B) $1,100,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater System; and
   (C) $161,000,000 shall be available for Rescue 21.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $24,200,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,085,460,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $19,650,000, of which--
   (A) $17,150,000, to remain available until expended; and
   (B) <<NOTE: Massachusetts.>> $2,500,000, to remain available until expended, which may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), $17,000,000, to remain available until expended.

(7) For maintenance and operation of facilities, supplies, equipments, and services necessary for the Coast Guard Reserve, as authorized by law, $117,000,000.

[[Page 118 STAT. 1031]]
SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) Active Duty Strength.--The Coast Guard is authorized an end-of-year strength for active duty personnel of 45,500 for the years ending on September 30, 2004, and September 30, 2005.

(b) Military Training Student Loads.--The Coast Guard is authorized average military training student loads as follows:

1. For recruit and special training for fiscal year 2005, 2,500 student years.
2. For flight training for fiscal year 2005, 125 student years.
3. For professional training in military and civilian institutions for fiscal year 2005, 350 student years.
4. For officer acquisition for fiscal year 2005, 1,200 student years.

TITLE II--COAST GUARD MANAGEMENT

SEC. 201. LONG-TERM LEASES.

Section 93 of title 14, United States Code, is amended--

1. by redesignating paragraphs (a) through (x) in order as paragraphs (1) through (23);
2. in paragraph (18) (as so redesignated) by striking the comma at the end and inserting a semicolon;
3. by inserting ``(a)'' before ``For the purpose''; and
4. by adding at the end the following:

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

(2) A lease referred to in paragraph (1) is a lease--

(A) to the United States Coast Guard Academy Alumni Association for the construction of an Alumni Center on the grounds of the United States Coast Guard Academy; or

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

SEC. 202. NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) In General.--Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

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

``The Coast Guard Exchange System, or a morale, welfare, and recreation system of the Coast Guard, may enter into a contract

[[Page 118 STAT. 1032]]

or other agreement with any element or instrumentality of the Coast Guard or with another Federal department, agency, or instrumentality to provide or obtain goods and services beneficial to the efficient management and operation of the Coast Guard Exchange System or that morale, welfare, and recreation system.''

(b) Clerical Amendment.--The table of sections at the beginning of
ch. 7 of tit. 14, U.S. C., 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.''

SEC. 203. TERM OF ENLISTMENTS.

Section 351(a) of tit. 14, U.S. C., is amended by striking ``terms of full years not exceeding six years.'' and inserting ``a period of at least two years but not more than six years.''.

SEC. 204. ENLISTED MEMBER CRITICAL SKILL TRAINING BONUS.

(a) In General.--Ch. 11 of tit. 14, U.S. C., is amended by inserting after sect. 373 the following:

``Sec. 374. Critical skill training bonus

``(a) The Secretary may provide a bonus, not to exceed $20,000, to an enlisted member who completes training in a skill designated as critical, if at least four years of obligated active service remain on the member's enlistment at the time the training is completed. A bonus under this section may be paid in a single lump sum or in periodic installments.

``(b) If an enlisted member voluntarily or because of misconduct does not complete the member's term of obligated active service, the Secretary may require the member 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 sects. at the beginning of ch. 11 of tit. 14, U.S. C., is amended by inserting the following after the item relating to sect. 373:

``374. Critical skill training bonus.''

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

(a) Repeal of Requirement To Fire Warning Shot.--Subsect. (a) of sect. 637 of tit. 14, U.S. C., 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 as a warning signal is not required if that person determines that the firing of a warning signal would unreasonably endanger persons or property in the vicinity of the vessel to be stopped.''.

[[Page 118 STAT. 1033]]
(b) Extension to Military Aircraft of Coast Guard Interdiction Authority.--Subsection (c) of such section is amended--

(1) in paragraph (1) by inserting 'or' after the semicolon; and
(2) in paragraph (2) by--
(A) inserting 'or military aircraft' after 'surface naval vessel'; and
(B) striking ';' or ' and all that follows through paragraph (3) and inserting a period.

(c) Repeal of Termination of Applicability to Naval Aircraft.--Subsection (d) of such section is repealed.

(d) Report.--The Commandant of the Coast Guard shall transmit a report annually to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives describing the location, vessels or aircraft, circumstances, and consequences of each incident in the 12-month period covered by the report in which the person in command or in charge of an authorized vessel or an authorized aircraft (as those terms are used in section 637 of title 14, United States Code) fired at or into a vessel without prior use of the warning signal as authorized by that section.

(e) Technical Correction.--
(1) Correction.--Section 637 of title 14, United States Code, is amended in the section heading by striking 'immunity' and inserting 'indemnity'.
(2) Clerical amendment.--The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by striking the item relating to section 637 and inserting the following:

637. Stopping vessels; indemnity for firing at or into vessel.

SEC. 206. ADMINISTRATIVE, COLLECTION, AND ENFORCEMENT COSTS FOR CERTAIN FEES AND CHARGES.

Section 664 of title 14, United States Code, is amended--
(1) by redesignating subsection (c) as subsection (f);
(2) by inserting after subsection (b) the following:

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

(d)(1) The Secretary may employ any Federal, State, or local agency or instrumentality, or any private enterprise or business, to collect a fee or charge established under this section.
(2) A private enterprise or business employed by the Secretary to collect fees or charges--
(A) shall be subject to reasonable terms and conditions agreed to by the Secretary and the enterprise or business;
(B) shall provide appropriate accounting to the Secretary; and
(C) may not institute litigation as part of that collection.

(e) The Secretary shall account for the agency's costs of collecting a fee or charge as a reimbursable expense, subject to the
availability of appropriations, and the costs shall be credited to the account from which expended.'; and

(3) by adding at the end the following:

[[Page 118 STAT. 1034]]

``(g) In this section the term 'costs of collecting a fee or charge' includes the reasonable administrative, accounting, personnel, contract, equipment, supply, training, and travel expenses of calculating, assessing, collecting, enforcing, reviewing, adjusting, and reporting on a fee or charge.''.

SEC. 207. EXPANSION OF COAST GUARD HOUSING AUTHORITIES.

(a) Eligible Entity Defined.--Section 680 of title 14, United States Code, is amended--

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

(2) by inserting after paragraph (2) the following:

``(3) The term 'eligible entity' means any private person, corporation, firm, partnership, or company and any State or local government or housing authority of a State or local government.''.

(b) Direct Loans for Providing Housing.--Section 682 of title 14, United States Code, is amended--

(1) in the section heading by striking ``Loan guarantees'' and inserting ``Direct loans and loan guarantees'';

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

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

``(a) Direct Loans.--(1) Subject to subsection (c), the Secretary may make direct loans to an eligible entity in order to provide funds to the eligible entity for the acquisition or construction of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

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

(4) in subsection (b) (as so redesignated) by striking `\subsection{b},'' and inserting `\subsection{c},''; and

(5) in subsection (c) (as so redesignated)--

(A) in the heading by striking `\Guarantee''; and

(B) by striking `\Loan guarantees'' and inserting `\Direct loans and loan guarantees''.

(c) Limited Partnerships With Eligible Entities.--Section 684 of title 14, United States Code, is amended--

(1) in the section heading by striking `\nongovernmental'' and inserting `\eligible'';

(2) in subsection (a) by striking `\nongovernmental'' and inserting `\eligible'';

(3) in subsection (b)(1) by striking `\a nongovernmental'' and inserting `\an eligible'';

(4) in subsection (b)(2) by striking `\a nongovernmental'' and inserting `\an eligible''; and
(5) in subsection (c) by striking `\'nongovernmental\'\' and inserting `\'eligible\'\'.

(d) Housing Demonstration Projects in Alaska.--Section 687(g) of title 14, United States Code, is amended--
(1) in the heading by striking `\'Project\'\' and inserting `\'Projects\'\';

[[Page 118 STAT. 1035]]
(2) in paragraph (1) by striking `\'a demonstration project\'\' and inserting `\'demonstration projects\'\';
(3) in paragraph (1) by striking `\'Kodiak, Alaska;\'\' and inserting `\'Kodiak, Alaska, or any other Coast Guard installation in Alaska;\'\';
(4) in paragraph (2) by striking `\'the demonstration project\'\' and inserting `\'such a demonstration project\'\'; and
(5) in paragraph (4) by striking `\'the demonstration project\'\' and inserting `\'such demonstration projects\'\'.

(e) Differential Lease Payments.--Chapter 18 of title 14, United States Code, is amended by inserting after section 687 the following:

``Sec. 687a. Differential lease payments

\'Pursuant to an agreement entered into by the Secretary and a lessor of military family housing or military unaccompanied housing to members of the armed forces, the Secretary may pay the lessor an amount, in addition to the rental payments for the housing made by the members, as the Secretary determines appropriate to encourage the lessor to make the housing available to members of the armed forces as military family housing or as military unaccompanied housing.''.

(f) Clerical Amendment.--The table of sections at the beginning of chapter 18 of title 14, United States Code, is amended--
(1) by striking the item related to section 682 and inserting the following:

``682. Direct loans and loan guarantees.'';

(2) in the item related to section 684 by striking `\'nongovernmental\'\' and inserting `\'eligible\'\'; and
(3) by inserting after the item related to section 687 the following:

``687a. Differential lease payments.''.

SEC. 208. REQUIREMENT FOR CONSTRUCTIVE CREDIT.

Section 727 of title 14, United States Code, is amended in the second sentence by striking `\'three years\'\' and inserting `\'one year\'\'.

SEC. 209. MAXIMUM AGES FOR RETENTION IN AN ACTIVE STATUS.

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

``Sec. 742. Maximum ages for retention in an active status

\'(a) A Reserve officer, if qualified, shall be transferred to the Retired Reserve on the day the officer becomes 60 years of age unless on
active duty. If not qualified for retirement, a Reserve officer shall be discharged effective upon the day the officer becomes 60 years of age unless on active duty.

``(b) A Reserve officer on active duty shall, if qualified, be retired effective upon the day the officer become 62 years of age. If not qualified for retirement, a Reserve officer on active duty shall be discharged effective upon the day the officer becomes 62 years of age.
``(c) Notwithstanding subsection (a) and (b), the Secretary may authorize the retention of a Reserve rear admiral or rear admiral (lower half) in an active status not longer than the day on which the officer concerned becomes 64 years of age.

[[Page 118 STAT. 1036]]

``(d) For purposes of this section, `active duty' does not include active duty for training, duty on a board, or duty of a limited or temporary nature if assigned to active duty from an inactive duty status.''.

SEC. 210. TRAVEL CARD MANAGEMENT.

(a) In General.--Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

``Sec. 517. Travel card management

``(a) In General.--The Secretary may require that travel or transportation allowances due a civilian employee or military member of the Coast Guard be disbursed directly to the issuer of a Federal contractor-issued travel charge card, but only in an amount not to exceed the authorized travel expenses charged by that Coast Guard member to that travel charge card issued to that employee or member.
``(b) Withholding of Nondisputed Obligations.--The Secretary may also establish requirements similar to those established by the Secretary of Defense pursuant to section 2784a of title 10 for deduction or withholding of pay or retired pay from a Coast Guard employee, member, or retired member who is delinquent in payment under the terms of the contract under which the card was issued and does not dispute the amount of the delinquency.''.

(b) Conforming Amendment.--The chapter analysis for chapter 13 of title 14, United States Code, is amended by inserting after the item relating to section 516 the following:

``517. Travel card management.''.

SEC. 211. COAST GUARD FELLOWS AND DETAILLEES.

The <<NOTE: Deadline.>> Secretary of the department in which the Coast Guard is operating, in consultation with the Attorney General, shall by not later than 6 months after the date of the enactment of this Act--

(1) review the Coast Guard Commandant Instruction 5730.3, regarding congressional detaillees (COMDTINST 5370.3), dated April 18, 2003, and compare the standards set forth in the instruction to the standards applied by other executive agencies to congressional detaillees;
(2) determine if any changes to such instruction are necessary to protect against conflicts of interest and preserve the doctrine of separation of powers; and
(3) <<NOTE: Reports.>> submit a report to the Committee on
Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the findings and conclusions of the review.

SEC. 212. LONG-TERM LEASE OF SPECIAL USE REAL PROPERTY.

(a) In General.--Section 672 of title 14, United States Code, is amended by--

(1) striking the heading and inserting the following:

``Sec. 672. Long-term lease of special purpose facilities'';

(2) in subsection (a), inserting ``special purpose facilities, including,'' after ``automatic renewal clauses, for''; and

(3) striking ``(b) The'' and inserting:

``(b) For purposes of this section, the term `special purpose facilities' means any facilities used to carry out Coast Guard aviation, maritime, or navigation missions other than general purpose office and storage space facilities.

``(c) In the case of ATON, VTS, or NDS sites, the''.

(b) Clerical Amendment.--The table of sections at the beginning of chapter 17, United States Code, is amended by striking the item relating to section 672 and inserting the following:

``672. Long-term lease of special purpose facilities.''.

SEC. 213. NATIONAL COAST GUARD MUSEUM.

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

``Sec. 98. National Coast Guard Museum

(a) Establishment.--The Commandant may establish a National Coast Guard Museum, on lands which will be federally owned and administered by the Coast Guard, and are located in New London, Connecticut, at, or in close proximity to, the Coast Guard Academy.

(b) Limitation on Expenditures.--(1) Except as provided in paragraph (2), the Secretary shall not expend any appropriated Federal funds for the engineering, design, or construction of any museum established under this section.

(2) The Secretary shall fund the operation and maintenance of the National Coast Guard Museum with nonappropriated and non-Federal funds to the maximum extent practicable. The priority use of Federal operation and maintenance funds should be to preserve and protect historic Coast Guard artifacts.

(c) Funding Plan.--Before the date on which the Commandant establishes a museum under subsection (a), the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for constructing, operating, and maintaining such a museum, including--

(1) estimated planning, engineering, design, construction, operation, and maintenance costs;

(2) the extent to which appropriated, nonappropriated, and non-Federal funds will be used for such purposes, including the
extent to which there is any shortfall in funding for engineering, design, or construction; and

``(3) <<NOTE: Certification.>> a certification by the Inspector General of the department in which the Coast Guard is operating that the estimates provided pursuant to paragraphs (1) and (2) are reasonable and realistic.

``(d) Authority.--The Commandant may not establish a Coast Guard museum except as set forth in this section.''.

(b) Clerical Amendment.--The chapter analysis at the beginning of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

``98. National Coast Guard Museum.''.

SEC. 214. LIMITATION ON NUMBER OF COMMISSIONED OFFICERS.

Section 42 of title 14, United States Code, is amended--

(1) in subsection (a), by striking `$6,200' and inserting `$6,700 in each fiscal year 2004, 2005, and 2006''; and

[[Page 118 STAT. 1038]]

(2) in subsection (b), by striking `$commander 12.0; lieutenant commander 18.0'' and inserting `$commander 15.0; lieutenant commander 22.0''.

SEC. 215. <<NOTE: 14 USC 93 note.>> REDISTRICTING NOTIFICATION REQUIREMENT.

The Commandant shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 180 days before--

(1) implementing any plan to reduce the number of, change the location of, or change the geographic area covered by any existing Coast Guard Districts; or

(2) permanently transferring more than 10 percent of the personnel or equipment from a district office where such personnel or equipment is based.

SEC. 216. REPORT ON SHOCK MITIGATION STANDARDS.

(a) Report requirement.--Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall issue a report on the necessity of, and possible standards for, decking materials for Coast Guard vessels to mitigate the adverse effects on crew members from shock and vibration.

(b) Recommended standards.--The standards recommended in the report may--

(1) incorporate appropriate industry or manufacturing standards; and

(2) consider the weight and durability of decking material, the effects of repeated use and varying weather conditions, and the capability of decking material to lessen impact.

SEC. 217. RECOMMENDATIONS TO CONGRESS BY COMMANDANT OF THE COAST GUARD.

Section 93 of title 14, United States Code, is amended--

(1) in paragraph (w) by striking `and' after the semicolon...
at the end;
(2) in paragraph (x) by striking the period at the end and inserting "; and"; and
(3) by adding at the end the following:
``(y) after informing the Secretary, make such recommendations to the Congress relating to the Coast Guard as the Commandant considers appropriate.''.

SEC. 218. COAST GUARD EDUCATION LOAN REPAYMENT PROGRAM.

(a) Program Authorized.--Chapter 13 of title 14, United States Code, is amended by inserting after section 471 the following:

``Sec. 472. Education loan repayment program

``(a)(1) Subject to the provisions of this section, the Secretary may repay--
``(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);
``(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or
``(C) any loan made under part E of such title (20 U.S.C. 1087aa et seq.).

Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.
``(2) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed on active duty as an enlisted member of the Coast Guard in a specialty specified by the Secretary.
``(b) The portion or amount of a loan that may be repaid under subsection (a) is 33\1/3\ percent or $1,500, whichever is greater, for each year of service.
``(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of such loan shall accrue and be paid in the same manner as is otherwise required.
``(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.
``(e) <<NOTE: Regulations.>> The Secretary shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out this section during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a)''.

(b) Clerical Amendment.--The table of sections at the beginning of chapter 13 of title 14, United States Code, is amended by inserting after the item relating to section 471 the following:

``472. Education loan repayment program.''.

SEC. 219. CONTINGENT EXPENSES.

Section 476 of title 14, United States Code, is amended--
(1) by striking ``$7,500'' and inserting ``$50,000''; and
(2) by striking the second sentence.
SEC. 220. RESERVE ADMIRALS.

(a) Precedence.--Section 725 of title 14, United States Code, is amended by adding at the end the following:

``(d) Notwithstanding any other law, a Reserve officer shall not lose precedence by reason of promotion to the grade of rear admiral or rear admiral (lower half), if the promotion is determined in accordance with a running mate system.

``(e) The Secretary shall adjust the date of rank of a Reserve officer so that no changes of precedence occur.''.

(b) Promotion.--Section 736(b) of title 14, United States Code, is amended to read as follows:

``(b) Notwithstanding any other provision of law and subject to subsection (c), if promotion of an inactive duty promotion list officer to the grade of rear admiral or rear admiral (lower half) is determined in accordance with a running mate system, a reserve officer, if acceptable to the President and the Senate, shall be promoted to the next higher grade no later than the date the officer's running mate is promoted.''.

(c) Date of Appointment.--Section 736(c) of title 14, United States Code, is amended by striking ``of subsection (a)''.

(d) Maximum Service.--Section 743 of title 14, United States Code, is amended to read as follows:

``Sec. 743. Rear admiral and rear admiral (lower half); maximum service in grade

``(a) Unless retained in or removed from an active status under any other law, a reserve rear admiral or rear admiral (lower half) shall be retired on July 1 of the promotion year immediately following the promotion year in which that officer completes 4 years of service after the appointment of the officer to rear admiral (lower half).

``(b) Notwithstanding any other provision of law, if promotion of inactive duty promotion list officers to the grade of rear admiral is not determined in accordance with a running mate system, a Reserve officer serving in an active status in the grade of rear admiral (lower half) shall be promoted to the grade of rear admiral, if acceptable to the President and the Senate, on the date the officer has served 2 years in an active status in grade of rear admiral (lower half), or in the case of a vacancy occurring prior to having served 2 years in an active status, on the date the vacancy occurs, if the officer served at least 1 year in an active status in the grade of rear admiral (lower half).''.

SEC. 221. CONFIDENTIAL INVESTIGATIVE EXPENSES.

Section 658 of title 14, United States Code, is amended by striking ``$15,000 per annum'' and inserting ``$45,000 each fiscal year''.

SEC. 222. <<NOTE: 14 USC 93 note.>> INNOVATIVE CONSTRUCTION ALTERNATIVES.

The Commandant of the Coast Guard may consult with the Office of Naval Research and other Federal agencies with research and development programs that may provide innovative construction alternatives for the Integrated Deepwater System.
SEC. 223. DELEGATION OF PORT SECURITY AUTHORITY.

The undesignated text following paragraph (b) of the second
unnumbered paragraph of section 1 of title II of the Act of June 15,
1917 (chapter 30; 40 Stat. 220; 50 U.S.C. 191) is amended by adding at
the beginning the following: ``The President may delegate the authority
to issue such rules and regulations to the Secretary of the department
in which the Coast Guard is operating.''.

SEC. 224. <<NOTE: 16 USC 1861b.>> FISHERIES ENFORCEMENT PLANS AND
REPORTING.

(a) Fisheries Enforcement Plans.--In preparing the Coast Guard's
annual fisheries enforcement plan, the Commandant of the Coast Guard
shall consult with the Under Secretary of Commerce for Oceans and
Atmosphere and with State and local enforcement authorities.

(b) Fishery <<NOTE: Notification.>> Patrols.--Prior to undertaking
fisheries patrols, the Commandant of the Coast Guard shall notify the
Under Secretary of Commerce for Oceans and Atmosphere and appropriate
State and local enforcement authorities of the projected dates for such
patrols.

(c) Annual Summary.--The Commandant of the Coast Guard shall prepare
and make available to the Under Secretary of Commerce for Oceans and
Atmosphere, State and local enforcement entities, and other relevant
stakeholders, an annual summary report of fisheries enforcement
activities for the preceding year, including a summary of the number of
patrols, law enforcement actions taken, and resource hours expended.

SEC. 225. <<NOTE: 14 USC 515 note.>> USE OF COAST GUARD AND MILITARY
CHILD DEVELOPMENT CENTERS.

The Secretary of Defense and the Secretary of the department in
which the Coast Guard is operating, when operating other than as a
service in the Navy, may agree to provide child care services
to members of the armed forces, with reimbursement, in Coast Guard and
military child development centers supported in whole or in part with
appropriated funds. For purposes of military child development centers
operated under the authority of subchapter II of chapter 88 of title 10,
United States Code, the child of a member of the Coast Guard shall be
considered the same as the child of a member of any of the other armed
forces.

SEC. 226. TREATMENT OF PROPERTY OWNED BY AUXILIARY UNITS AND DEDICATED
SOLELY FOR AUXILIARY USE.

Section 821 of title 14, United States Code, is amended by adding at
the end the following:
``(d)(1) Except as provided in paragraph (2), personal property of
the auxiliary shall not be considered property of the United States.

``(2) The Secretary may treat personal property of the auxiliary as
property of the United States--
``(A) for the purposes of--
``(i) the statutes and matters referred to in
paragraphs (1) through (6) of subsection (b); and
``(ii) section 641 of this title; and
``(B) as otherwise provided in this chapter.''

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``(3) The Secretary may reimburse the Auxiliary, and each organizational element and unit of the Auxiliary, for necessary expenses of operation, maintenance, and repair or replacement of personal property of the Auxiliary.
``(4) In this subsection, the term `personal property of the Auxiliary' means motor boats, yachts, aircraft, radio stations, motorized vehicles, trailers, or other equipment that is under the administrative jurisdiction of the Coast Guard Auxiliary or an organizational element or unit of the Auxiliary and that is used solely for the purposes described in this subsection.''.

TITLE III--NAVIGATION

SEC. 301. MARKING OF UNDERWATER WRECKS.

Section 15 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 409) is amended--
(1) by striking ``day and a lighted lantern'' in the second sentence inserting ``day and, unless otherwise granted a waiver by the Commandant of the Coast Guard, a light''; and
(2) by adding at the end ``The Commandant of the Coast Guard may waive the requirement to mark a wrecked vessel, raft, or other craft with a light at night if the Commandant determines that placing a light would be impractical and granting such a waiver would not create an undue hazard to navigation.''.

SEC. 302. USE OF ELECTRONIC DEVICES; COOPERATIVE AGREEMENTS.

Section 4(a) of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1223(a)) is amended by--
(1)(A) striking ``and'' after the semicolon at the end of paragraph (4);
(B) striking the period at the end of paragraph (5) and inserting ``; and''; and
(C) adding at the end the following:
``(6) may prohibit the use on vessels of electronic or other devices that interfere with communication and navigation equipment, except that such authority shall not apply to electronic or other devices certified to transmit in the maritime services by the Federal Communications Commission and used within the frequency bands 157.1875-157.4375 MHz and 161.7875-162.0375 MHz.''; and
(2) adding at the end the following:
``(e) Cooperative Agreements.--(1) The Secretary may enter into cooperative agreements with public or private agencies, authorities, associations, institutions, corporations, organizations, or other persons to carry out the functions under subsection (a)(1).
(2) A nongovernmental entity may not under this subsection carry out an inherently governmental function.
(3) As used in this paragraph, the term `inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of judgment in making a decision for the Government.''.

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SEC. 303. INLAND NAVIGATION RULES PROMULGATION AUTHORITY.


(b) Authority To Issue Regulations.--Section 3 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001) is amended to read as follows:

``SEC. 3. INLAND NAVIGATION RULES.

The Secretary of the Department in which the Coast Guard is operating may issue inland navigation regulations applicable to all vessels upon the inland waters of the United States and technical annexes that are as consistent as possible with the respective annexes to the International Regulations.''

(c) Effective Date.--Subsection (a) is effective on the effective date of final regulations prescribed by the Secretary of the Department in which the Coast Guard is operating under section 3 of the Inland Navigation Rules Act of 1980 (33 U.S.C. 2001), as amended by this Act.

SEC. 304. SAINT LAWRENCE SEAWAY.

Section 3(2) of the Ports and Waterways Safety Act (33 U.S.C. 1222(2)) is amended by inserting `, except that 'Secretary' means the Secretary of Transportation with respect to the application of this Act to the Saint Lawrence Seaway' after `in which the Coast Guard is operating'.'

TITLE IV--SHIPPING

SEC. 401. REPORTS FROM CHARTERERS.

Section 12120 of title 46, United States Code, is amended by striking `owners and masters'' and inserting `owners, masters, and charterers''.

[[Page 118 STAT. 1043]]

SEC. 402. REMOVAL OF MANDATORY REVOCATION FOR PROVED DRUG CONVICTIONS IN SUSPENSION AND REVOCATION CASES.

Section 7704(b) of title 46, United States Code, is amended by inserting `suspended or'' after `shall be''.

SEC. 403. RECORDS OF MERCHANT MARINERS' DOCUMENTS.

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

SEC. 404. EXEMPTION OF UNMANNED BARGES FROM CERTAIN CITIZENSHIP REQUIREMENTS.

(a) Limitation on Command.--Section 12110(d) of title 46, United States Code, is amended by inserting `or an unmanned barge operating outside of the territorial waters of the United States,'' after `recreational endorsement,''.

(b) Penalty.--Section 12122(b)(6) of title 46, United States Code, is amended by inserting `or an unmanned barge operating outside of the
territorial waters of the United States,'" after 'recreational endorsement,'".

SEC. 405. COMPLIANCE WITH INTERNATIONAL SAFETY MANAGEMENT CODE.

(a) Application of Existing Law.--Section 3202(a) of title 46, United States Code, is amended to read as follows:

``(a) Mandatory Application.--This chapter applies to a vessel that--

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

``(B) is of at least 500 gross tons as measured under section 14302 of this title and is a tanker, freight vessel, bulk freight vessel, high speed freight vessel, or self-propelled mobile offshore drilling unit; and

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

``(B) is a foreign vessel departing from a place under the jurisdiction of the United States on a voyage, any part of which is on the high seas.''.

(b) Compliance of Regulations With International Safety Management Code.--Section 3203(b) of title 46, United States Code, is amended by striking 'vessels engaged on a foreign voyage.' and inserting 'vessels to which this chapter applies under section 3202(a) of this title.'

SEC. 406. PENALTIES.

Section 4311(b) of title 46, United States Code, is amended to read as follows:

``(b)(1) A person violating section 4307(a) of this title is liable to the United States Government for a civil penalty of not more than $5,000, except that the maximum civil penalty may be not more than $250,000 for a related series of violations.

``(2) If the Secretary decides under section 4310(f) that a recreational vessel or associated equipment contains a defect related to safety or fails to comply with an applicable regulation and directs the manufacturer to provide the notifications specified in this chapter, any person, including a director, officer or executive employee of a corporation, who knowingly and willfully fails to comply with that order, may be fined not more than $10,000, imprisoned for not more than one year, or both.

[[Page 118 STAT. 1044]]

``(3) When a corporation violates section 4307(a), or fails to comply with the Secretary's decision under section 4310(f), any director, officer, or executive employee of the corporation who knowingly and willfully ordered, or knowingly and willfully authorized, a violation is individually liable to the Government for a penalty under paragraphs (1) or (2) in addition to the corporation. However, the director, officer, or executive employee is not liable individually under this subsection if the director, officer, or executive employee can demonstrate by a preponderance of the evidence that--

``(A) the order or authorization was issued on the basis of a decision, in exercising reasonable and prudent judgment, that the defect or the nonconformity with standards and regulations constituting the violation would not cause or constitute a substantial risk of personal injury to the public; and

``(B) at the time of the order or authorization, the
director, officer, or executive employee advised the Secretary in writing of acting under this subparagraph and subparagraph (A).

SEC. 407. REVISION OF TEMPORARY SUSPENSION CRITERIA IN DOCUMENT SUSPENSION AND REVOCATION CASES.

Section 7702(d) of title 46, United States Code, is amended--
(1) in paragraph (1) by striking ``if, when acting under the authority of that license, certificate, or document--'' and inserting ``if--'';
(2) in paragraph (1)(B)(i), by inserting `, while acting under the authority of that license, certificate, or document,''' after `''has'';
(3) by striking `''or'' after the semicolon at the end of paragraph (1)(B)(ii);
(4) by striking the period at the end of paragraph (1)(B)(iii) and inserting `''; or'''; and
(5) by adding at the end of paragraph (1)(B) the following: `''(iv) is a security risk that poses a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.''

SEC. 408. REVISION OF BASES FOR DOCUMENT SUSPENSION AND REVOCATION CASES.

Section 7703 of title 46, United States Code, is amended--
(1) in paragraph (1)(B)--
(A) by striking `''incompetence,'' and (B) by striking the comma after `''misconduct'';
(2) by striking `''or'' after the semicolon at the end of paragraph (2);
(3) by striking the period at the end of paragraph (3) and inserting a semicolon; and
(4) by adding at the end the following:
``(4) has committed an act of incompetence relating to the operation of a vessel; or
(5) is a security risk that poses a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.''

SEC. 409. HOURS OF SERVICE ON TOWING VESSELS.

(a) Regulations.--Section 8904 of title 46, United States Code, is amended by adding at the end of the following:
``(c) The Secretary may prescribe by regulation requirements for maximum hours of service (including recording and recordkeeping of that service) of individuals engaged on a towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding the sheer).''
(b) Demonstration Project.-- Prior to prescribing regulations under this section the Secretary shall conduct and report to the Congress on the results of a demonstration project involving the implementation of Crew Endurance Management Systems on towing vessels. The report shall include a description of the public and private sector resources needed to enable implementation of...
Crew Endurance Management Systems on all United States-flag towing vessels.

SEC. 410. ELECTRONIC CHARTS.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by inserting after section 4 the following: <<NOTE: 33 USC 1223a.>>

'`SEC. 4A. ELECTRONIC CHARTS.

  `(a) System Requirements.--
  ` `(1) Requirements.--Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, shall be equipped with and operate electronic charts under regulations prescribed by the Secretary of the department in which the Coast Guard is operating:
  ` `(A) A self-propelled commercial vessel of at least 65 feet overall length.
  ` `(B) A vessel carrying more than a number of passengers for hire determined by the Secretary.
  ` `(C) A towing vessel of more than 26 feet in overall length and 600 horsepower.
  ` `(D) Any other vessel for which the Secretary decides that electronic charts are necessary for the safe navigation of the vessel.
  ` `(2) Exemptions and waivers.--The Secretary may--
  ` `(A) exempt a vessel from paragraph (1), if the Secretary finds that electronic charts are not necessary for the safe navigation of the vessel on the waters on which the vessel operates; and
  ` `(B) waive the application of paragraph (1) with respect to operation of vessels on navigable waters of the United States specified by the Secretary, if the Secretary finds that electronic charts are not needed for safe navigation on those waters.

  `(b) Regulations.--The Secretary of the department in which the Coast Guard is operating shall prescribe regulations implementing subsection (a) before January 1, 2007, including requirements for the operation and maintenance of the electronic charts required under subsection (a).''.

SEC. 411. PREVENTION OF DEPARTURE.

(a) In General.--Section 3505 of title 46, United States Code, is amended to read as follows:

  `Sec. 3505. Prevention of departure
  `Notwithstanding section 3303 of this title, a foreign vessel carrying a citizen of the United States as a passenger or embarking passengers from a United States port may not depart from a United States port if the Secretary finds that the vessel does not comply with the standards stated in the International Convention for the Safety of Life at Sea to which the United States Government is currently a party.''.

[[Page 118 STAT. 1046]]

States port if the Secretary finds that the vessel does not comply with the standards stated in the International Convention for the Safety of Life at Sea to which the United States Government is currently a party.''.

(b) Conforming Amendment.--Section 3303 of title 46, United States Code, is amended by inserting `and section 3505' after `chapter 37'.

SEC. 412. SERVICE OF FOREIGN NATIONALS FOR MARITIME EDUCATIONAL PURPOSES.

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

``(A) each unlicensed seaman must be--
    ``(i) a citizen of the United States;
    ``(ii) an alien lawfully admitted to the United States for permanent residence; or
    ``(iii) a foreign national who is enrolled in the United States Merchant Marine Academy.''.

SEC. 413. CLASSIFICATION SOCIETIES.

(a) In General.--Section 3316 of title 46, United States Code, is amended by adding at the end the following:

``(c)(1) A classification society (including an employee or agent of that society) may not review, examine, survey, or certify the construction, repair, or alteration of a vessel in the United States unless--

    ``(A) the society has applied for approval under this subsection and the Secretary has reviewed and approved that society with respect to the conduct of that society under paragraph (2); or
    ``(B) the society is a full member of the International Association of Classification Societies.

    ``(2) The Secretary may approve a person for purposes of paragraph (1) only if the Secretary determines that--

    ``(A) the vessels surveyed by the person while acting as a classification society have an adequate safety record; and
    ``(B) the person has an adequate program to--

        ``(i) develop and implement safety standards for vessels surveyed by the person;
        ``(ii) make the safety records of the person available to the Secretary in an electronic format;
        ``(iii) provide the safety records of a vessel surveyed by the person to any other classification society that requests those records for the purpose of conducting a survey of the vessel; and
        ``(iv) request the safety records of a vessel the person will survey from any classification society that previously surveyed the vessel.''.

(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.

SEC. 414. DRUG TESTING REPORTING.

(a) In General.--Chapter 77 of title 46, United States Code, is amended by adding at the end:

[[Page 118 STAT. 1047]]
``Sec. 7706. Drug testing reporting

``(a) Release of Drug Test Results to Coast Guard.--Not later than 2 weeks after receiving from a Medical Review Officer a report of a verified positive drug test or verified test violation by a civilian employee of a Federal agency, an officer in the Public Health Services, or an officer in the National Oceanic and Atmospheric Administration Commissioned Officer Corps, who is employed in any capacity on board a vessel operated by the agency, the head of the agency shall release to the Commandant of the Coast Guard the report.

``(b) Standards, Procedures, and Regulations.--The head of a Federal agency shall carry out a release under subsection (a) in accordance with the standards, procedures, and regulations applicable to the disclosure and reporting to the Coast Guard of drug tests results and drug test records of individuals employed on vessels documented under the laws of the United States.

``(c) Waiver.--Notwithstanding section 503(e) of the Supplemental Appropriations Act, 1987 (5 U.S.C. 7301 note), the report of a drug test of an employee may be released under this section without the prior written consent of the employee.''

(b) Conforming Amendment.--The chapter analysis for chapter 77 of title 46, United States Code, is amended by adding at the end the following:

``7706. Drug testing reporting.''

SEC. 415. INSPECTION OF TOWING VESSELS.

(a) Vessels Subject to Inspection.--Section 3301 of title 46, United States Code, is amended by adding at the end the following:

``(15) towing vessels.''

(b) Safety Management System.--Section 3306 of chapter 33 of title 46, United States Code, is amended by adding at the end the following:

``(j) The Secretary may establish by regulation a safety management system appropriate for the characteristics, methods of operation, and nature of service of towing vessels.''

SEC. 416. POTABLE WATER.

(a) In General.--Section 3305(a) of title 46, United States Code, is amended--

(1) by redesignating paragraphs (4) and (5) in order as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) the following:

``(4) has an adequate supply of potable water for drinking and washing by passengers and crew;''.

(b) Adequacy Determination.--Section 3305(a) of title 46, United States Code, as amended by subsection (a), is further amended--

(1) by inserting ``(1)'' after ``(a)'';

(2) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively; and

(3) by adding at the end the following:

``(2) In determining the adequacy of the supply of potable water under paragraph (1)(D), the Secretary shall consider--

(A) the size and type of vessel;

(B) the number of passengers or crew on board;

(C) the duration and routing of voyages; and
(D) guidelines for potable water recommended by the Centers for Disease Control and Prevention and the Public Health Service.''.

SEC. 417. TRANSPORTATION OF PLATFORM JACKETS.

The thirteenth proviso (pertaining to transportation by launch barge) of section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) is amended to read as follows: `Provided further, <<NOTE: Federal Register, publication. Deadlines.>> That the transportation of any platform jacket in or on a non-coastwise qualified launch barge, that was built before December 31, 2000, and has a launch capacity of 12,000 long tons or more, between two points in the United States, at one of which there is an installation or other device within the meaning of section 4(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)), shall not be deemed transportation subject to this section if the Secretary of Transportation makes a determination, in accordance with procedures established pursuant to this proviso that a suitable coastwise-qualified vessel is not available for use in the transportation and, if needed, launch or installation of a platform jacket and; that the Secretary of Transportation shall adopt procedures implementing this proviso that are reasonably designed to provide timely information so as to maximize the use of coastwise qualified vessels, which procedures shall, among other things, establish that for purposes of this proviso, a coastwise-qualified vessel shall be deemed to be not available only (1) if upon application by an owner or operator for the use of a non-coastwise qualified launch barge for transportation of a platform jacket under this section, which application shall include all relevant information, including engineering details and timing requirements, the Secretary promptly publishes a notice in the Federal Register describing the project and the platform jacket involved, advising that all relevant information reasonably needed to assess the transportation requirements for the platform jacket will be made available to interested parties upon request, and requesting that information on the availability of coastwise-qualified vessels be submitted within 30 days after publication of that notice; and (2) if either (A) no information is submitted to the Secretary within that 30 day period, or (B) although the owner or operator of a coastwise-qualified vessel submits information to the Secretary asserting that the owner or operator has a suitable coastwise-qualified vessel available for this transportation, the Secretary, within 90 days of the date on which the notice is first published determines that the coastwise-qualified vessel is not suitable or reasonably available for the transportation; and that, for the purposes of this proviso, the term 'coastwise-qualified vessel' means a vessel that has been issued a certificate of documentation with a coastwise endorsement under section 12106 of title 46, United States Code, and the term 'platform jacket' refers to a single physical component and includes any type of offshore exploration, development, or production structure or component thereof, including platform jackets, tension leg or SPAR platform superstructures (including the deck, drilling rig and support utilities, and supporting structure), hull (including vertical legs and connecting pontoons or vertical cylinder), tower and base sections of a platform jacket, jacket structures, and deck modules (known as 'topsides').'

SEC. 418. RENEWAL OF ADVISORY GROUPS.
(a) Commercial Fishing Industry Vessel Safety Advisory Committee.--Section 4508(e)(1) of title 46, United States Code, is amended by striking ``of September 30, 2005'' and inserting ``on September 30, 2010''.

(b) Houston-Galveston Navigation Safety Advisory Committee.--Section 18 of the Coast Guard Authorization Act of 1991 (Public Law 102-241; 105 Stat. 2213) is amended--

(1) in subsection (b) by striking ``eighteen'' and inserting ```19'';  
(2) by adding at the end of subsection (b) the following:  
``(12) One member representing recreational boating interests.''; and  
(3) in subsection (h) by striking ``September 30, 2005'' and inserting ``September 30, 2010''.

(c) Lower Mississippi River Waterway Safety Advisory Committee.--Section 19(g) of the Coast Guard Authorization Act of 1991 (Public Law 102-241) <<NOTE: 110 Stat. 3918.>> is amended by striking ``September 30, 2005'' and inserting ``September 30, 2010''.

(d) Great Lakes Pilotage Advisory Committee.--Section 9307(f)(1) of title 46, United States Code, is amended by striking ``September 30, 2005'' and inserting ``September 30, 2010''.


(f) National Boating Safety Advisory Council.--Section 13110(e) of title 46, United States Code, is amended by striking ``September 30, 2005'' and inserting ``September 30, 2010''.

(g) Towing Safety Advisory Committee.--Public Law 96-380 (33 U.S.C. 1231a) is amended in subsection (e) by striking ``September 30, 2005'' and inserting ``September 30, 2010''.

TITLE V--FEDERAL MARITIME COMMISSION

SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL MARITIME COMMISSION.

There are authorized to be appropriated to the Federal Maritime Commission--

(1) for fiscal year 2005, $19,500,000;  
(2) for fiscal year 2006, $20,750,000;  
(3) for fiscal year 2007, $21,500,000; and  
(4) for fiscal year 2008, $22,575,000.

SEC. 502. REPORT ON OCEAN SHIPPING INFORMATION GATHERING EFFORTS.

The Federal Maritime Commission shall transmit to the Senate Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report within 90 days after the date of the enactment of this Act on the status of any agreements, or ongoing discussions with, other Federal, State, or local government agencies concerning the sharing of ocean shipping information for the purpose of assisting law enforcement or anti-terrorism efforts. The Commission shall include in the report recommendations on
how the Commission's ocean shipping information could be better utilized by it and other Federal agencies to improve port security.

TITLE VI--MISCELLANEOUS

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

(a) General Bridge Act of 1906.--Section 5(b) of Act of March 23, 1906 (chapter 1130; 33 U.S.C. 495), popularly known as the General Bridge Act, is amended by striking "$1,000" and inserting "$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and $25,000 for a violation occurring in 2008 and any year thereafter".

(b) Drawbridges.--Section 5(c) of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 18, 1894 (33 U.S.C. 499(c)), is amended by striking "$1,000" and inserting "$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and $25,000 for a violation occurring in 2008 and any year thereafter".

(c) Alteration, Removal, or Repair of Bridges.--Section 18(c) of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (33 U.S.C. 502(c)) is amended by striking "$1,000" and inserting "$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and $25,000 for a violation occurring in 2008 and any year thereafter".

(d) General Bridge Act of 1946.--Section 510(b) of the General Bridge Act of 1946 (33 U.S.C. 533(b)) is amended by striking "$1,000" and inserting "$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and $25,000 for a violation occurring in 2008 and any year thereafter".

SEC. 602. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTERS.

(a) In General.--The Commandant of the Coast Guard may convey all right, title, and interest of the United States in and to a vessel described in subsection (b) to the person designated in subsection (b) with respect to the vessel (in this section referred to as the "recipient"), without consideration, if the person complies with the conditions under subsection (c).

(b) Vessels Described.--The vessels referred to in subsection (a) are the following:

(1) The Coast Guard Cutter BRAMBLE, to be conveyed to the Port Huron Museum of Arts and History (a nonprofit corporation under the laws of the State of Michigan), located in Port Huron, Michigan.

[[Page 118 STAT. 1051]]

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

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

(c) Conditions.--As a condition of any conveyance of a vessel under subsection (a), the Commandant shall require the recipient--

(1) to agree--

(A) to use the vessel for purposes of education and historical display;
(B) not to use the vessel for commercial transportation purposes;
(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and
(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from use of the vessel by the Government under subparagraph (C);

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

(A) in the form of cash, liquid assets, or a written loan commitment; and
(B) in an amount of at least $700,000; and

(3) to agree to any other conditions the Commandant considers appropriate.

(d) Maintenance and Delivery of Vessel.--Prior to conveyance of a vessel under this section, the Commandant may, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. The Commandant shall deliver a vessel conveyed under this section at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of the Toxic Substances Control Act (15 U.S.C. 2605(e)).

(e) Other Excess Equipment.--The Commandant may convey to the recipient of a vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function as an historical display.

SEC. 603. TONNAGE MEASUREMENT.

(a) In General.--The Secretary of the department in which the Coast Guard is operating may apply section 8104(o)(2) of title 46, United States Code, to the vessels described in subsection (b) without regard to the tonnage of those vessels.

(b) Vessels Described.--The vessels referred to in subsection (a) are the following:

(1) The M/V BLUEFIN (United States official number 620431).

(2) The M/V COASTAL MERCHANT (United States official number 1038382).

(c) Application.--Subsection (a) shall not apply to a vessel
described in subsection (b)--
(1) until the Secretary determines that the application of subsection (a) will not compromise safety; and
(2) on or after any date on which the Secretary determines that the vessel has undergone any major modification.

SEC. 604. OPERATION OF VESSEL STAD AMSTERDAM.

(a) In General.--Notwithstanding section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and the ruling by the Acting Director of the International Trade Compliance Division of the Customs Service on May 17, 2002 (Customs Bulletins and Decisions, Vol. 36, No. 23, June 5, 2002), the vessel STAD AMSTERDAM (International Maritime Organization number 9185554) shall be authorized to carry within United States waters and between ports or places in the United States individuals who are not directly and substantially connected with the operation, navigation, ownership, or business of the vessel, who are friends, guests, or employees of the owner of the vessel, and who are not actual or prospective customers for hire of the vessel.

(b) Limitation.--This section does not authorize the vessel STAD AMSTERDAM--
(1) to be used to carry individuals for a fare or to be chartered on a for hire basis in the coastwise trade; or
(2) to carry individuals described in subsection (a) within United States waters and between ports or places in the United States for more than 45 calendar days in any calendar year.

(c) Revocation.--The Secretary of the department in which the Coast Guard is operating shall revoke the authorization provided by subsection (a) if the Secretary determines that the STAD AMSTERDAM has been operated in violation of the limitations imposed by subsection (b).

SEC. 605. GREAT LAKES NATIONAL MARITIME ENHANCEMENT INSTITUTE.

(a) Authority To Designate Institute.--The Secretary of Transportation may designate a National Maritime Enhancement Institute for the Great Lakes region under section 8 of the Act of October 13, 1989 (103 Stat. 694; 46 U.S.C. App. 1121-2). In making any decision on the designation of such an institute, the Secretary shall consider the unique characteristics of Great Lakes maritime industry and trade.

(b) Study and Report.--
(1) In general.--The Secretary of Transportation shall conduct a study that--
(A) evaluates short sea shipping market opportunities on the Great Lakes, including the expanded use of freight ferries, improved mobility, and regional supply chain efficiency;
(B) evaluates markets for foreign trade between ports on the Great Lakes and draft-limited ports in Europe and Africa;
(C) evaluates the environmental benefits of waterborne transportation in the Great Lakes region;

[[Page 118 STAT. 1053]]

(D) analyzes the effect on Great Lakes shipping of the tax imposed by section 4461(a) of the Internal Revenue Code of 1986;
(E) evaluates the state of shipbuilding and ship
repair bases on the Great Lakes;
(F) evaluates opportunities for passenger vessel services on the Great Lakes;
(G) analyzes the origin-to-destination flow of freight cargo in the Great Lakes region that may be transported on vessels to relieve congestion in other modes of transportation;
(H) evaluates the economic viability of establishing transshipment facilities for oceangoing cargoes on the Great Lakes;
(I) evaluates the adequacy of the infrastructure in Great Lakes ports to meet the needs of marine commerce; and
(J) evaluates new vessel designs for domestic and international shipping on the Great Lakes.

(2) Use of national maritime enhancement institutes.--In conducting the study required by paragraph (1), the Secretary may utilize the services of any recognized National Maritime Enhancement Institute.

(3) Reports.--The Secretary shall submit an annual report on the findings and conclusions of the study under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives--
(A) by not later than 1 year after the date of the enactment of this Act; and
(B) by not later than 1 year after the date of submission of the report under subparagraph (A).

(4) Authorization of appropriations.--There is authorized to be appropriated to the Secretary $1,500,000 for each of fiscal years 2005 and 2006 to carry out paragraph (1).

SEC. 606. <<NOTE: Alaska>> KOSS COVE.

(a) In General.--Notwithstanding any other provision of law or existing policy, the cove described in subsection (b) shall be known and designated as "Koss Cove", in honor of the late Able Bodied Seaman Eric Steiner Koss of the National Oceanic and Atmospheric Administration vessel RAINIER who died in the performance of a nautical charting mission off the coast of Alaska.

(b) Cove Described.--The cove referred to in subsection (a) is--
(1) adjacent to and southeast of Point Elrington, Alaska, and forms a portion of the southern coast of Elrington Island;
(2) 3/4 mile across the mouth;
(3) centered at 59 degrees 56.1 minutes North, 148 degrees 14 minutes West; and
(4) 45 miles from Seward, Alaska.

(c) References.--Any reference in any law, regulation, document, record, map, or other paper of the United States to the cove described in subsection (b) is deemed to be a reference to Koss Cove.

[[Page 118 STAT. 1054]]

SEC. 607. MISCELLANEOUS CERTIFICATES OF DOCUMENTATION.

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

(1) OCEAN LEADER (United States official number 679511).
(2) REVELATION (United States official number 1137565).
(3) W. N. RAGLAND (Washington State registration number WN5506NE).
(4) M/T MISS LINDA (United States official number 1140552).

SEC. 608. REQUIREMENTS FOR COASTWISE ENDORSEMENT.

(a) In General.--Section 12106 of title 46, United States Code, is amended--

(1) by striking subsection (e)(1)(B) and inserting the following:

``(B) the person that owns the vessel (or, if the vessel is owned by a trust or similar arrangement, the beneficiary of the trust or similar arrangement) meets the requirements of subsection (f);''; and

(2) by adding at the end the following:

``(f) Ownership Certification Requirement.--
``(1) In general.--A person meets the requirements of this subsection if that person transmits to the Secretary each year the certification required by paragraph (2) or (3) with respect to a vessel.
``(2) Investment certification.--To meet the certification requirement of this paragraph, a person shall certify that it--
``(A) is a leasing company, bank, or financial institution;
``(B) owns, or holds the beneficial interest in, the vessel solely as a passive investment;
``(C) does not operate any vessel for hire and is not an affiliate of any person who operates any vessel for hire; and
``(D) is independent from, and not an affiliate of, any charterer of the vessel or any other person who has the right, directly or indirectly, to control or direct the movement or use of the vessel.
``(3) Certain tank vessels.--
``(A) In general.--To meet the certification requirement of this paragraph, a person shall certify that--
``(i) the aggregate book value of the vessels owned by such person and United States affiliates of such person does not exceed 10 percent of the aggregate book value of all assets owned by such person and its United States affiliates;
``(ii) not more than 10 percent of the aggregate revenues of such person and its United States affiliates is derived from the ownership, operation, or management of vessels;
``(iii) at least 70 percent of the aggregate tonnage of all cargo carried by all vessels owned by such person

[[Page 118 STAT. 1055]]

and its United States affiliates and documented under this section is qualified proprietary cargo;
(iv) any cargo other than qualified proprietary cargo carried by all vessels owned by such person and its United States affiliates and documented under this section consists of oil, petroleum products, petrochemicals, or liquified natural gas;

(v) no vessel owned by such person or any of its United States affiliates and documented under this section carries molten sulphur; and

(vi) such person owned 1 or more vessels documented under subsection (e) of this section as of the date of enactment of the Coast Guard and Maritime Transportation Act of 2004.

(B) Application only to certain vessels.--A person may make a certification under this paragraph only with respect to--

(i) a tank vessel having a tonnage of not less than 6,000 gross tons, as measured under section 14502 of this title (or an alternative tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title); or

(ii) a towing vessel associated with a non-self-propelled tank vessel that meets the requirements of clause (i), where the 2 vessels function as a single self-propelled vessel.

(4) Definitions.--In this subsection:

(A) Affiliate.--The term 'affiliate' means, with respect to any person, any other person that is--

(i) directly or indirectly controlled by, under common control with, or controlling such person; or

(ii) named as being part of the same consolidated group in any report or other document submitted to the United States Securities and Exchange Commission or the Internal Revenue Service.

(B) Cargo.--The term 'cargo' does not include cargo to which title is held for non-commercial reasons and primarily for the purpose of evading the requirements of paragraph (3).

(C) Oil.--The term 'oil' has the meaning given that term in section 2101(20) of this title.

(D) Passive investment.--The term 'passive investment' means an investment in which neither the investor nor any affiliate of such investor is involved in, or has the power to be involved in, the formulation, determination, or direction of any activity or function concerning the management, use, or operation of the asset that is the subject of the investment.

(E) Qualified proprietary cargo.--The term 'qualified proprietary cargo' means--

(i) oil, petroleum products, petrochemicals, or liquefied natural gas cargo that is beneficially owned by the person who submits to the Secretary an application or annual certification under paragraph (3), or by an affiliate of such person, immediately before, during, or immediately after such cargo is carried in coastwise trade on a vessel owned by such
person;

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(ii) oil, petroleum products, petrochemicals, or liquefied natural gas cargo not beneficially owned by the person who submits to the Secretary an application or an annual certification under paragraph (3), or by an affiliate of such person, but that is carried in coastwise trade by a vessel owned by such person and which is part of an arrangement in which vessels owned by such person and at least one other person are operated collectively as one fleet, to the extent that an equal amount of oil, petroleum products, petrochemicals, or liquefied natural gas cargo beneficially owned by such person, or an affiliate of such person, is carried in coastwise trade on 1 or more other vessels, not owned by such person, or an affiliate of such person, if such other vessel or vessels are also part of the same arrangement;
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(iii) in the case of a towing vessel associated with a non-self-propelled tank vessel where the 2 vessels function as a single self-propelled vessel, oil, petroleum products, petrochemicals, or liquefied natural gas cargo that is beneficially owned by the person who owns both such towing vessel and the non-self-propelled tank vessel, or any United States affiliate of such person, immediately before, during, or immediately after such cargo is carried in coastwise trade on either of the 2 vessels; or
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(iv) any oil, petroleum products, petrochemicals, or liquefied natural gas cargo carried on any vessel that is either a self-propelled tank vessel having a length of at least 210 meters or a tank vessel that is a liquefied natural gas carrier that--
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(I) was delivered by the builder of such vessel to the owner of such vessel after December 31, 1999; and
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(II) was purchased by a person for the purpose, and with the reasonable expectation, of transporting on such vessel liquefied natural gas or unrefined petroleum beneficially owned by the owner of such vessel, or an affiliate of such owner, from Alaska to the continental United States.
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(F) United States affiliate.--The term 'United States affiliate' means, with respect to any person, an affiliate the principal place of business of which is located in the United States.''
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(b) Treatment <<NOTE: 46 USC 12106 note.>> of Owner of Certain Vessels.--

(1) In general.--Notwithstanding any other provision of law, a person shall be treated as a citizen of the United States under section 12102(a) of title 46, United States Code, section
2 of the Shipping Act, 1916 (46 U.S.C. App. 802), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), for purposes of issuance of a coastwise endorsement under section 12106(e) of title 46, United States Code (as that section was in effect on the day before the date of enactment of this Act), for a vessel owned by the person on the date of enactment of this Act, or any replacement vessel of a similar size and function, if the person--

[[Page 118 STAT. 1057]]

(A) owned a vessel before January 1, 2001, that had a coastwise endorsement under section 12106(e) of title 46, United States Code; and

(B) as of the date of the enactment of this Act, derives substantially all of its revenue from leasing vessels engaged in the transportation or distribution of petroleum products and other cargo in Alaska.

(2) Limitation on coastwise trade.--A vessel owned by a person described in paragraph (1) for which a coastwise endorsement is issued under section 12106(e) of title 46, United States Code, may be employed in the coastwise trade only within Alaska and in the coastwise trade to and from Alaska.

(3) Termination.--The application of this subsection to a person described in paragraph (1) shall terminate if all of that person's vessels described in paragraph (1) are sold to a person eligible to document vessels under section 12106(a) of title 46, United States Code.

(c) Application to Certain Certificates.--

(1) In general.--The amendments made by this section, and any regulations published after February 4, 2004, with respect to coastwise endorsements, shall not apply to a certificate of documentation, or renewal thereof, endorsed with a coastwise endorsement for a vessel under section 12106(e) of title 46, United States Code, or a replacement vessel of a similar size and function, that was issued prior to the date of enactment of this Act as long as the vessel is owned by the person named therein, or by a subsidiary or affiliate of that person, and the controlling interest in such owner has not been transferred to a person that was not an affiliate of such owner as of the date of enactment of this Act. Notwithstanding the preceding sentence, however, the amendments made by this section shall apply, beginning 3 years after the date of enactment of this Act, with respect to offshore supply vessels (as defined in section 2101(19) of title 46, United States Code, as that section was in effect on the date of enactment of this Act) with a certificate of documentation endorsed with a coastwise endorsement as of the date of enactment of this Act, and the Secretary of the Department in which the Coast Guard is operating shall revoke any such certificate if the vessel does not by then meet the requirements of section 12106(e) of title 46, United States Code, as amended by this section.

(2) Replacement Vessel.--For the purposes of this subsection, "replacement vessel" means--

(A) a temporary replacement vessel for a period of not to exceed 180 days if the vessel described in paragraph (1) is unavailable due to an act of God or a marine casualty; or
(B) a permanent replacement vessel if--
   (i) the vessel described in paragraph (1) is unavailable for more than 180 days due to an act of God or a marine casualty; or
   (ii) a contract to purchase or construct such replacement vessel is executed not later than December 31, 2004.

(d) Waiver.--The Secretary of Transportation shall waive or reduce the qualified proprietary cargo requirement of section 12106(f)(3)(A)(iii) of title 46, United States Code, for a vessel if the person that owns the vessel (or, if the vessel is owned by a trust or similar arrangement, the beneficiary of the trust or similar arrangement) notifies the Secretary that circumstances beyond the direct control of such person or its affiliates prevent, or reasonably threaten to prevent, such person from satisfying such requirement, and the Secretary does not, with good cause, determine otherwise. The waiver or reduction shall apply during the period of time that such circumstances exist.

(e) Regulations.--No later than one year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prescribe final regulations to carry out this section, including amendments made by this section to section 12106 of title 46, United States Code.

SEC. 609. CORRECTION OF REFERENCES TO NATIONAL DRIVER REGISTER.

Title 46, United States Code, is amended--
(1) in section 7302--
   (A) by striking ``section 206(b)(7) of the National Driver Register Act of 1982 (23 U.S.C. 401 note)'' and inserting ``30305(b)(5) of title 49''; and
   (B) by striking ``section 205(a)(3)(A) or (B) of that Act'' and inserting ``30304(a)(3)(A) or (B) of title 49'';
(2) in section 7702(d)(1)(B)(iii) by striking ``section 205(a)(3)(A) or (B) of the National Driver Register Act of 1982'' and inserting ``section 30304(a)(3)(A) or (B) of title 49'';
(3) in section 7703(3) by striking ``section 205(a)(3)(A) or (B) of the National Driver Register Act of 1982'' and inserting ``section 30304(a)(3)(A) or (B) of title 49''.

SEC. 610. WATEREE RIVER.

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

SEC. 611. MERCHANT MARINERS' DOCUMENTS PILOT PROGRAM.
The Secretary of the department in which the Coast Guard is operating may conduct a pilot program to demonstrate methods to improve processes and procedures for issuing merchant mariners' documents.

SEC. 612. CONVEYANCE.

(a) Authority <<NOTE: Alaska.>> To Convey.--

(1) In general.--Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating shall convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to Sentinel Island, Alaska, to the entity to which the Sentinel Island Light Station is conveyed under section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)).

(2) Identification of property.--The Secretary may identify, describe, and determine the property to be conveyed under this subsection.

(3) Limitation.--The Secretary may not under this section convey--

(A) any historical artifact, including any lens or lantern, located on property conveyed under this section at or before the time of the conveyance; or
(B) any interest in submerged land.

(b) General Terms and Conditions.--

(1) In general.--Any conveyance of property under this section shall be made--

(A) without payment of consideration; and
(B) subject to the terms and conditions required by this section and other terms and conditions the Secretary may consider appropriate, including the reservation of easements and other rights on behalf of the United States.

(2) Reversionary interest.--In addition to any term or condition established under this section, any conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property, at the option of the Secretary shall revert to the United States and be placed under the administrative control of the Secretary, if--

(A) the property, or any part of the property--

(i) ceases to be available and accessible to the public, on a reasonable basis, for educational, park, recreational, cultural, historic preservation, or other similar purposes specified for the property in the terms of conveyance;
(ii) ceases to be maintained in a manner that is consistent with its present or future use as a site for Coast Guard aids to navigation or compliance with this section; or
(iii) ceases to be maintained in a manner consistent with the conditions in paragraph (4) established by the Secretary pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.); or
(B) <<NOTE: Deadline. Notification.>> at least 30...
days before that reversion, the Secretary provides written notice to the owner that the property is needed for national security purposes.

(3) Maintenance of navigation functions.--Any conveyance of property under this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that--

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

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

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

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

and for the purpose of enforcing compliance with this subsection; and

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

(4) Maintenance of property.--

(A) In general.--Subject to subparagraph (B), the owner of a property conveyed under this section shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Secretary pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(B) Limitation.--The owner of a property conveyed under this section is not required to maintain any active aids to navigation on the property, except private aids to navigation authorized under section 83 of title 14, United States Code.

(c) Definitions.--In this section, the following definitions apply:

(1) Aids to navigation.--The term ``aids to navigation'' means equipment used for navigation purposes, including a light, antenna, radio, sound signal, electronic navigation equipment, or other associated equipment that are operated or maintained by the United States.

(2) Owner.--The term ``owner'' means, for property conveyed under this section, the person to which property is conveyed under subsection (a)(1), and any successor or assign of that person.

SEC. 613. BRIDGE ADMINISTRATION.
Section 325(b) of the Department of Transportation and Related Agencies Appropriations Act, 1983 (Pub. L. 97-369; 96 Stat. 1765) is amended by striking "provides at least thirty feet of vertical clearance Columbia River datum and at least eighty feet of horizontal clearance, as" and inserting "is so".

SEC. 614. SENSE OF CONGRESS REGARDING CARBON MONOXIDE AND WATERCRAFT.

It is the sense of the Congress that the Coast Guard should continue--

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

(2) to work with vessel and engine manufacturers, the American Boat & Yacht Council, other Federal agencies, and the entire boating community in order to determine the best ways to adequately address this public safety issue and minimize the number of tragic carbon monoxide-related boating deaths that occur each year.

SEC. 615. MITIGATION OF PENALTY DUE TO AVOIDANCE OF A CERTAIN CONDITION.

(a) Treatment of Violation.--For purposes of any administrative proceeding to consider mitigation of any civil penalty for a violation described in subsection (b), such violation is deemed to have been committed by reason of a safety concern.

(b) Violation Described.--A violation referred to in subsection (a) is any violation of the Act of June 19, 1886 (chapter 421; 46 App. U.S.C. 289), occurring before April 1, 2003, and consisting of operation of a passenger vessel in transporting passengers between the Port of New Orleans and another port on the Gulf of Mexico at a time when the master of the vessel determined that the vertical clearance on the Mississippi River at Chalmette, Louisiana, was insufficient to allow the safe return transport of passengers on that vessel to the Port of New Orleans.

(c) Related Penalty Amount.--Any civil penalty assessed for a violation of that Act by a vessel described in subsection (b), that was committed when that vessel was repositioning to the Port of New Orleans in July 2003, shall be mitigated to an amount not to exceed $100 per passenger.

SEC. 616. CERTAIN VESSELS TO BE TOUR VESSELS.

(a) Vessels <<NOTE: Alaska.>> Deemed Tour Vessels.--Notwithstanding any other law, a passenger vessel that is not less than 100 gross tons and not greater than 300 gross tons is deemed to be a tour vessel for the purpose of permit allocation regulations under section 3(h) of Public Law 91-383 (16 U.S.C. 1a-2(h)) and section 3 of the Act of August 25, 1916 (16 U.S.C. 3), with respect to vessel operations in Glacier Bay National Park and Preserve, Alaska (in this section referred to as "Glacier Bay"), if the Secretary of the department in which the Coast Guard is operating determines that the vessel--

(1) has equipment installed that permits all graywater and blackwater to be stored on board for at least 24 hours;
(2) has a draft of not greater than 15 feet;
(3) has propulsion equipment of not greater than 5,000 horsepower; and
(4) is documented under the laws of the United States.
(b) Reallocation of Permits.---

(1) Reallocation required.--Subject to paragraph (2), the Secretary of the Interior, upon application by the operator of a passenger vessel deemed to be a tour vessel under subsection (a), shall reallocate to that vessel any available tour vessel concession permit not used by another vessel, if at the time of application that permit is not sought by a tour vessel of less than 100 gross tons.

(2) Limitations.--No more than three passenger vessels that are deemed to be a tour vessel under subsection (a) may hold a tour vessel concession permit at any given time, and no more than one such vessel may enter Glacier Bay on any particular date.

(c) Compliance With Vessel Requirements.---

(1) Requirement to comply.--Except as otherwise provided in this section, a vessel reallocated a tour vessel concession permit under this section shall comply with all regulations and requirements for Glacier Bay applicable to vessels of at least 100 gross tons.

(2) Revocation of permit.--The Secretary of the Interior may revoke a tour vessel concession permit reallocated to a vessel under this section if that vessel--

(A) discharges graywater or blackwater in Glacier Bay; or

(B) violates a vessel operating requirement for Glacier Bay that applies to vessels that are at least 100 gross tons, including restrictions pertaining to speed, route, and closed waters.

(d) Treatment of Entries Into Glacier Bay.--An entry into Glacier Bay by a vessel reallocated a tour vessel concession permit under this section shall count against the daily vessel quota and seasonal-use days applicable to entries by tour vessels and shall not count against the daily vessel quota or seasonal-use days of any other class of vessel.

SEC. 617. SENSE OF CONGRESS REGARDING TIMELY REVIEW AND ADJUSTMENT OF GREAT LAKES PILOTAGE RATES.

It is the sense of the Congress that the Secretary of the department in which the Coast Guard is operating should, on a timely basis, review and adjust the rates payable under part 401 of title 46, Code of Federal Regulations, for services performed by United States registered pilots on the Great Lakes.

SEC. 618. WESTLAKE CHEMICAL BARGE DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) and section 12106 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for each of the following vessels:

(1) Barge WCAO-101 (United States official number 506677).
(2) Barge WCAO-102 (United States official number 506851).
(3) Barge WCAO-103 (United States official number 506852).
(4) Barge WCAO-104 (United States official number 507172).
(5) Barge WCAO-105 (United States official number 507173).
(6) Barge WCAO-106 (United States official number 620514).
(7) Barge WCAO-107 (United States official number 620515).
(8) Barge WCAO-108 (United States official number 620516).
(9) Barge WCAO-3002 (United States official number 295147).
(10) Barge WCAO-3004 (United States official number 517396).

SEC. 619. <<NOTE: 8 USC 1701.>> CORRECTION TO DEFINITION.

Paragraph (4) of section 2 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107-173) is amended by striking subparagraph (G) and inserting the following:
``(G) The Coast Guard.''

SEC. 620. LORAN-C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $25,000,000 for fiscal year 2005. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 621. DEEPWATER REPORT.

(a) Report.--No later than 180 days after enactment of this Act, the Coast Guard shall provide a written report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives with respect to performance under the first term of the Integrated Deepwater System contract.

(b) Contents.--The report shall include the following:

(1) An analysis of how well the prime contractor has met the two key performance goals of operational effectiveness and minimizing total ownership costs.

(2) A description of the measures implemented by the prime contractor to meet these goals and how these measures have been or will be applied for subcontracts awarded during the 5-year term of the contract, as well as criteria used by the Coast Guard to assess the contractor's performance against these goals.

(3) To the extent available, performance and cost comparisons of alternatives examined in implementing the contract.

(4) A detailed description of the measures that the Coast Guard has taken to implement the recommendations of the General Accounting Office's March 2004 report on the Deepwater program (including the development of measurable award fee criteria, improvements to integrated product teams, and a plan for ensuring competition of subcontracts).

(5) A description of any anticipated changes to the mix of legacy and replacement assets over the life of the program, including Coast Guard infrastructure and human capital needs for integrating such assets, and a timetable and estimated costs for maintaining each legacy asset and introducing each replacement
asset over the life of the contract, including a comparison to any previous estimates of such costs on an asset-specific basis.

SEC. 622. JUDICIAL REVIEW OF NATIONAL TRANSPORTATION SAFETY BOARD FINAL ORDERS.

Section 1153 of title 49, United States Code, is amended by adding at the end the following:

``(d) Commandant Seeking Judicial Review of Maritime Matters.--If the Commandant of the Coast Guard decides that an order of the Board issued pursuant to a review of a Coast Guard action under section 1133 of this title will have an adverse impact on maritime safety or security, the Commandant may obtain judicial review of the order under subsection (a). The Commandant, in the official capacity of the Commandant, shall be a party to the judicial review proceedings.''.

SEC. 623. INTERIM AUTHORITY FOR DRY BULK CARGO RESIDUE DISPOSAL.

(a) Extension of Interim Authority.--The Secretary of the Department in which the Coast Guard is operating shall continue to implement and enforce United States Coast Guard 1997 Enforcement Policy for Cargo Residues on the Great Lakes (hereinafter in this section referred to as the "Policy") or revisions thereto, in accordance with that policy, for the purpose of regulating incidental discharges from vessels of residues of dry bulk cargo into the waters of the Great Lakes under the jurisdiction of the United States, until the earlier of--

(1) the date regulations are promulgated under subsection (b) for the regulation of incidental discharges from vessels of dry bulk cargo residue into the waters of the Great Lakes under the jurisdiction of the United States; or
(2) September 30, 2008.

(b) Permanent Authority.--Notwithstanding any other law, the Commandant of the Coast Guard may promulgate regulations governing the discharge of dry bulk cargo residue on the Great Lakes.

(c) Environmental Assessment.--No later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall commence the environmental assessment necessary to promulgate the regulations under subsection (b).

SEC. 624. SMALL PASSENGER VESSEL REPORT.

(a) In General.--Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall study and report to the Congress regarding measures that should be taken to increase the likelihood of survival of passengers on small passenger vessels who may be in the water resulting from the capsizing of, sinking of, or other marine casualty involving the small passenger vessel. The study shall include a review of the adequacy of existing measures--

(1) to keep the passengers out of the water, including inflatable life rafts and other out-of-the-water survival crafts;
(2) to protect individuals from hypothermia and cold shock...
in water having a temperature of less than 68 degrees Fahrenheit;
(3) for safe egress of passengers wearing personal flotation devices; and
(4) for the enforcement efforts and degree of compliance regarding the 1996 amendments to the Small Passenger Vessel Regulations (part 185 of title 46, Code of Federal Regulations) requiring the master of a small passenger vessel to require passengers to wear personal flotation devices when possible hazardous conditions exist including--
(A) when transiting hazardous bars or inlets;
(B) during severe weather;
(C) in the event of flooding, fire, or other events that may call for evacuation; and
(D) when the vessel is being towed, except during the towing of a non-self-propelled vessel under normal operating conditions.

(b) Contents.--The report under this section shall include--
(1) a section regarding the efforts the Coast Guard has undertaken to enforce the regulations described in subsection (a)(4);
(2) a section detailing compliance with these regulations, to include the number of vessels and masters cited for violations of those regulations for fiscal years 1998 through 2003;
(3) a section detailing the number and types of marine casualties that occurred in fiscal years 1998 through 2003 that included violations of those regulations; and
(4) a section providing recommendation on improving compliance with, and possible modifications to, those regulations.

SEC. 625. CONVEYANCE OF MOTOR LIFEBOAT.

(a) In General.--The Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to the Coast Guard 44-foot Motor Lifeboat Vessel #44345 formerly assigned to the Group Grand Haven Command, to the city of Ludington, Michigan, without consideration, if the recipient complies with the conditions under subsection (b).

(b) Conditions.--As a condition of any conveyance of a vessel under subsection (a), the Commandant shall require the recipient to--
(1) agree--
(A) to use the vessel for purposes of education and historical display;
(B) not to use the vessel for commercial transportation purposes;
(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and
(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from use of the vessel by the Government under subparagraph...
have funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment; and

(3) agree to any other conditions the Commandant considers appropriate.

(c) Maintenance and Delivery of Vessel.--Before conveying a vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. The Commandant shall deliver a vessel conveyed under this section at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

(d) Other Excess Equipment.--The Commandant may convey to the recipient of a vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function as an historical display.

SEC. 626. STUDY ON ROUTING MEASURES.

The Secretary of the department in which the Coast Guard is operating--

(1) shall cooperate with the Administrator of the National Oceanic and Atmospheric Administration in analyzing potential vessel routing measures for reducing vessel strikes of North Atlantic Right Whales, as described in the notice published at pages 30857 through 30861 of volume 69 of the Federal Register; and

(2) within 18 months after the date of the enactment of this Act, shall provide a final report of its analysis to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 627. CONVEYANCE OF LIGHT STATIONS.

Section 308(c) of the National Historic Preservation Act (16 U.S.C. 470w-7(c)) is amended by adding at the end the following:

``(4) Light stations originally conveyed under other authority.--Upon receiving notice of an executed or intended conveyance by an owner who--

``(A) received from the Federal Government under authority other than this Act an historic light station in which the United States retains a reversionary or other interest; and

``(B) is conveying it to another person by sale, gift, or any other manner,

the Secretary shall review the terms of the executed or proposed conveyance to ensure that any new owner is capable of or is complying with any and all conditions of the original conveyance. The Secretary may require the parties to the conveyance and relevant Federal agencies to provide such
information as is necessary to complete this review. If the Secretary determines that the new owner has not or is unable to comply with those conditions, the Secretary shall immediately advise the Administrator, who shall invoke any reversionary interest or take such other action as may be necessary to protect the interests of the United States.''.

SEC. 628. WAIVER.

The Secretary of the department in which the Coast Guard is operating may waive the application of section 2101(21) of title 46, United States Code, with respect to one of two adult chaperones who do not meet the requirements of subparagraph (A)(i), (ii), or (iii) of such section on board each vessel owned or chartered by the Florida National High Adventure Sea Base program of the Boy Scouts of America, if the Secretary determines that such a waiver will not compromise safety.

SEC. 629. APPROVAL OF MODULAR ACCOMMODATION UNITS FOR LIVING QUARTERS.

(a) In General.--The Secretary of the department in which the Coast Guard is operating shall approve the use of a modular accommodation unit on a floating offshore facility to provide accommodations for up to 12 individuals, if --

(1) the unit is approximately 12 feet in length and 40 feet in width;
(2) before March 31, 2002--
   (A) the Secretary approved use of the unit to provide accommodations on such a facility; and
   (B) the unit was used to provide such accommodations; and
(3) the Secretary determines that use of the unit under the approval will not compromise safety.

(b) Application.--The approval by the Secretary under this section shall apply for the 5-year period beginning on the date of the enactment of this Act.

TITLE VII--AMENDMENTS RELATING TO OIL POLLUTION ACT OF 1990

SEC. 701. VESSEL RESPONSE PLANS FOR NONTANK VESSELS OVER 400 GROSS TONS.

(a) Nontank Vessel Defined.--Section 311(a) of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended--

(1) by striking `and'' after the semicolon in paragraph (24)(B);
(2) by striking `threat.'' in paragraph (25) and inserting `threat; and''; and
(3) by adding at the end the following:
   `nontank vessel' means a self-propelled vessel of 400 gross tons as measured under section 14302 of title 46, United States Code, or greater, other than a tank vessel, that carries oil of any kind as fuel for main propulsion and that--
   (A) is a vessel of the United States; or
   (B) operates on the navigable waters of the United States.''.

(b) Amendments To Require Response Plans.--Section 311(j) of the
Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended--

(1) in paragraph (5) in the heading by inserting ``nontank vessel,'' after ``vessel'';

(2) in paragraph (5)(A)--
   (A) by inserting ``(i)'' after ``(A)''; and
   (B) by adding at the end the following:
   ``(ii) <<NOTE: President. Regulations.>> The President shall also issue regulations which require an owner or operator of a non-tank vessel to prepare and submit to the President a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of oil.'';

(3) in paragraph (5)(B), in the matter preceding clause (i), by inserting ``nontank vessels,'' after ``vessels'';

(4) in paragraph (5)(B), by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and by inserting after clause (i) the following:
   ``(ii) A nontank vessel.'';

(5) in paragraph (5)(D)--
   (A) by inserting ``nontank vessel,'' after ``vessel'';
   (B) by striking ``and'' after the semicolon at the end of clause (iii);
   (C) by striking the period at the end of clause (iv) and inserting ``; and''; and
   (D) by adding after clause (iv) the following:
   ``(v) in the case of a plan for a nontank vessel, consider any applicable State-mandated response plan in effect on the date of the enactment of the Coast Guard and Maritime Transportation Act of 2004 and ensure consistency to the extent practicable.'';

[[Page 118 STAT. 1068]]

(6) by inserting ``non-tank vessel,'' in paragraph (5)(E) after ``vessel,'' each place it appears;

(7) in paragraph (5)(F)--
   (A) by inserting ``non-tank vessel,'' after ``vessel'';
   (B) by striking ``vessel or'' and inserting ``vessel, non-tank vessel, or'';

(8) in paragraph (5)(G) by inserting ``nontank vessel,'' after ``vessel'';

(9) in paragraph (5)(H) by inserting ``and nontank vessel'' after each tank vessel;

(10) in paragraph (6) in the matter preceding subparagraph (A) by striking ``Not later than 2 years after the date of enactment of this section, the President shall require--'' and inserting ``The President may require--'';

(11) in paragraph (6)(B) by inserting `, and nontank vessels carrying oil of any kind as fuel for main propulsion,' after `cargo'; and

(12) in paragraph (7) by inserting `, nontank vessel,' after `vessel''.

(c) Implementation <<NOTE: Deadline. 33 USC 1321 note.>> Date.--No later than one year after the date of enactment of this Act, the owner or operator of a nontank vessel (as defined section 311(j)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(9), as amended by this section) shall prepare and submit a vessel response plan for such
vessel.

(d) Addition of Noxious Liquid Substances to the List of Hazardous Substances for Which the Coast Guard May Require a Response Plan.--Section 311(j)(5) of the Federal Water Pollution Control Act (33 U.S.C.1321(j)(5)) is further amended--

(1) by redesignating subparagraphs (B) through (H) as subparagraphs (C) through (I), respectively;
(2) by inserting after subparagraph (A) the following:
``(B) The Secretary of the Department in which the Coast Guard is operating may issue regulations which require an owner or operator of a tank vessel, a non-tank vessel, or a facility described in subparagraph (C) that transfers noxious liquid substances in bulk to or from a vessel to prepare and submit to the Secretary a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of a noxious liquid substance that is not designated as a hazardous substance or regulated as oil in any other law or regulation. For purposes of this paragraph, the term 'noxious liquid substance' has the same meaning when that term is used in the MARPOL Protocol described in section 2(a)(3) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)).'';
(3) by striking ``subparagraph (B)'' in subparagraph (A) and inserting ``subparagraph (C)'';
(4) by striking ``subparagraph (A)'' in subparagraph (C), as redesignated, and inserting ``subparagraphs (A) and (B)''; and
(5) by striking ``subparagraph (D),'' in clause (i) of subparagraph (F), as redesignated, and inserting ``subparagraph (E),''.

SEC. 702. REQUIREMENTS FOR TANK LEVEL AND PRESSURE MONITORING DEVICES.

(a) Requirements.--Section 4110 of the Oil Pollution Act of 1990 (46 U.S.C. 3703 note) is amended--

[[Page 118 STAT. 1069]]

(1) in subsection (a), by striking ``Not later than 1 year after the date of the enactment of this Act, the Secretary shall'' and inserting ``The Secretary may''; and
(2) in subsection (b)--
(A) by striking ``Not later than 1 year after the date of the enactment of this Act, the Secretary shall'' and inserting ``No sooner than 1 year after the Secretary prescribes regulations under subsection (a), the Secretary may''; and
(B) by striking ``the standards'' and inserting ``any standards''.

(b) Study.--

(1) Study requirement.--The Secretary of the department in which the Coast Guard is operating shall conduct a study analyzing the costs and benefits of methods other than those described in subsections (a) and (b) of section 4110 of the Oil Pollution Act of 1990 for effectively detecting the loss of oil from oil cargo tanks. The study may include technologies, monitoring procedures, and other methods.
(2) Input.--In conducting the study, the Secretary may seek input from Federal agencies, industry, and other entities.
(3) Report.--The Secretary shall submit a report on the findings and conclusions of the study to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives by not later than 180 days after the date of the enactment of this Act.

SEC. 703. LIABILITY AND COST RECOVERY.

(a) Definition of Owner or Operator.--Section 1001(26) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(26)) is amended to read as follows:

``(26) `owner or operator'--
``(A) means--
``(i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel;
``(ii) in the case of an onshore or offshore facility, any person owning or operating such facility;
``(iii) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;
``(iv) in the case of any facility, title or control of which was conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to a unit of State or local government, any person who owned, operated, or otherwise controlled activities at such facility immediately beforehand;
``(v) notwithstanding subparagraph (B)(i), and in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including for purposes of liability under section 1002, any State or local government that has caused or contributed to a discharge or substantial threat of a discharge of oil from a vessel or facility ownership or control of which was acquired involuntarily through--

``(I) seizure or otherwise in connection with law enforcement activity;
``(II) bankruptcy;
``(III) tax delinquency;
``(IV) abandonment; or
``(V) other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign;
``(vi) notwithstanding subparagraph (B)(ii), a person that is a lender and that holds indicia of ownership primarily to protect a security interest in a vessel or facility if, while the borrower is still in possession of the vessel or facility encumbered by the security interest, the person--
``(I) exercises decision making control over the environmental

[[Page 118 STAT. 1070]]
compliance related to the vessel or facility, such that the person has undertaken responsibility for oil handling or disposal practices related to the vessel or facility; or

``(II) exercises control at a level comparable to that of a manager of the vessel or facility, such that the person has assumed or manifested responsibility--
``(aa) for the overall management of the vessel or facility encompassing day-to-day decision making with respect to environmental compliance; or
``(bb) over all or substantially all of the operational functions (as distinguished from financial or administrative functions) of the vessel or facility other than the function of environmental compliance; and

``(B) does not include--
``(i) A unit of state or local government that acquired ownership or control of a vessel or facility involuntarily through--
``(I) seizure or otherwise in connection with law enforcement activity;
``(II) bankruptcy;
``(III) tax delinquency;
``(IV) abandonment; or
``(V) other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign;
``(ii) a person that is a lender that does not participate in management of a vessel or facility, but holds indicia of ownership primarily to protect the security interest of the person in the vessel or facility; or
``(iii) a person that is a lender that did not participate in management of a vessel or facility prior to foreclosure, notwithstanding that the person--
``(I) forecloses on the vessel or facility; and
``(II) after foreclosure, sells, re-leases (in the case of a lease finance transaction), or liquidates the vessel or facility, maintains business activities, winds up operations, undertakes a removal action under section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)) or under

[[Page 118 STAT. 1071]]
the direction of an on-scene coordinator appointed under the National Contingency Plan, with respect to the vessel or facility, or takes any other measure to preserve, protect, or prepare the vessel or facility prior to sale or disposition,

if the person seeks to sell, re-lease (in the case of a lease finance transaction), or otherwise divest the person of the vessel or facility at the earliest practicable, commercially reasonable time, on commercially reasonable terms, taking into account market conditions and legal and regulatory requirements;''.

(b) Other Definitions.--Section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701) is amended by striking `"and' after the s