[108th Congress Public Law 293]

[From the U.S. Government Printing Office]

[DOCID: f:publ293.108]

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COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2004

[[Page 118 STAT. 1028]]

Public Law 108-293

108th Congress

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''.

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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

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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.

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

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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

chapter 7 of title 14, United States Code, is amended by adding at the

end the following:

``152. Nonappropriated fund instrumentalities: contracts with other

agencies and instrumentalities to provide or obtain goods and

services.''.

SEC. 203. TERM OF ENLISTMENTS.

Section 351(a) of title 14, United States Code, 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.--Chapter 11 of title 14, United States Code, is

amended by inserting after section 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 sections at the beginning of

chapter 11 of title 14, United States Code, is amended by inserting the

following after the item relating to section 373:

``374. Critical skill training bonus.''.

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

EXAMINATION.

(a) Repeal of Requirement To Fire Warning Shot.--Subsection (a) of

section 637 of title 14, United States Code, is amended--

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

(2) by striking ``after a'' and all that follows through

``signal,'' and inserting ``subject to paragraph (2),''; and

(3) by adding at the end the following:

``(2) Before firing at or into a vessel as authorized in paragraph

(1), the person in command or in charge of the authorized vessel or

authorized aircraft shall fire a gun as a warning signal, except that

the prior firing of a gun 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.''.

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(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 <<NOTE: 14 USC 637 note.>> 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:

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``(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 Sates Code, is amended--

(1) in the heading by striking ``Project'' and inserting

``Projects'';

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(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.

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``(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 DETAILEES.

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 detailees (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 detailees;

(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:

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``(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

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(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.).

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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

amend 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 amend 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

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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

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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.

``(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:

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``(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.''.

SEC. 303. INLAND NAVIGATION RULES PROMULGATION AUTHORITY.

(a) Repeal of Inland Rules.--Section 2 of the Inland Navigational

Rules Act of 1980 (33 U.S.C. 2001-38) is repealed.

(b) Authority To Issue Regulations.--Section 3 of the Inland

Navigational Rules Act of 1980 <<NOTE: 33 USC 2071.>> (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 <<NOTE: 33 USC 2001 note.>> 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''.

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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.

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``(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:

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``(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 <<NOTE: Reports. 46 USC 8904 note.>> 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 <<NOTE: Deadline.>> 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

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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 State 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 <<NOTE: 46 USC 3316 note.>> 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:

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``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

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``(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').''.

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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''.

(e) Navigation Safety Advisory Council.--Section 5(d) of the Inland

Navigational Rules Act of 1980 (33 U.S.C. 2073(d)) 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

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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.

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(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).

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(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;

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(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.

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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

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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;

``(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

``(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--

``(I) was delivered by the builder

of such vessel to the owner of such

vessel after December 31, 1999; and

``(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.

``(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.''.

(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--

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(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 <<NOTE: 46 USC 12106 note.>> 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 <<NOTE: 46 USC 12106 note.>> Secretary of

Transportation shall waive or reduce the qualified proprietary cargo

requirement of section

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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. <<NOTE: Applicability.>> The waiver or reduction shall apply

during the period of time that such circumstances exist.

(e) Regulations.--No <<NOTE: Deadline. 46 USC 12106 note.>> 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''; and

(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. <<NOTE: 33 USC 59kk.>> 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. <<NOTE: 46 USC 7302 note.>> 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.

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(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

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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.

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(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

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(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

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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. <<NOTE: 33 USC 1901 note.>> 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

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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 <<NOTE: Deadline.>> 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;

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(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

(C);

(2) 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

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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) <<NOTE: Deadline. Reports.>> 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

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(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:

``(26) `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.'';

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(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--

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(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--

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``(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

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

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Control Act (33 U.S.C. 1321(c)) or under

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 semicolon

at the end of paragraph (36), by striking the period at the end of

paragraph (37) and inserting a semicolon, and by adding at the end the

following:

``(38) `participate in management'--

``(A)(i) means actually participating in the

management or operational affairs of a vessel or

facility; and

``(ii) does not include merely having the

capacity to influence, or the unexercised right to

control, vessel or facility operations; and

``(B) does not include--

``(i) performing an act or failing to act

prior to the time at which a security interest is

created in a vessel or facility;

``(ii) holding a security interest or

abandoning or releasing a security interest;

``(iii) including in the terms of an extension

of credit, or in a contract or security agreement

relating to the extension, a covenant, warranty,

or other term or condition that relates to

environmental compliance;

``(iv) monitoring or enforcing the terms and

conditions of the extension of credit or security

interest;

``(v) monitoring or undertaking one or more

inspections of the vessel or facility;

``(vi) requiring a removal action or other

lawful means of addressing a discharge or

substantial threat of a discharge of oil in

connection with the vessel or facility prior to,

during, or on the expiration of the term of the

extension of credit;

``(vii) providing financial or other advice or

counseling in an effort to mitigate, prevent, or

cure default or diminution in the value of the

vessel or facility;

``(viii) restructuring, renegotiating, or

otherwise agreeing to alter the terms and

conditions of the extension of credit or security

interest, exercising forbearance;

``(ix) exercising other remedies that may be

available under applicable law for the breach of a

term or condition of the extension of credit or

security agreement; or

``(x) conducting a removal action under 311(c)

of the Federal Water Pollution Control Act (33

U.S.C. 1321(c)) or under the direction of an on-

scene coordinator appointed under the National

Contingency Plan,

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if such actions do not rise to the level of

participating in management under subparagraph (A) of

this paragraph and paragraph (26)(A)(vi);

``(39) `extension of credit' has the meaning provided in

section 101(20)(G)(i) of the Comprehensive Environmental

Response, Compensation and Liability Act of 1980 (42 U.S.C.

9601(20)(G)(i));

``(40) `financial or administrative function' has the

meaning provided in section 101(20)(G)(ii) of the Comprehensive

Environmental Response, Compensation and Liability Act of 1980

(42 U.S.C. 9601(20)(G)(ii));

``(41) `foreclosure' and `foreclose' each has the meaning

provided in section 101(20)(G)(iii) of the Comprehensive

Environmental Response, Compensation and Liability Act of 1980

(42 U.S.C. 9601(20)(G)(iii));

``(42) `lender' has the meaning provided in section

101(20)(G)(iv) of the Comprehensive Environmental Response,

Compensation and Liability Act of 1980 (42 U.S.C.

9601(20)(G)(iv));

``(43) `operational function' has the meaning provided in

section 101(20)(G)(v) of the Comprehensive Environmental

Response, Compensation and Liability Act of 1980 (42 U.S.C.

9601(20)(G)(v)); and

``(44) `security interest' has the meaning provided in

section 101(20)(G)(vi) of the Comprehensive Environmental

Response, Compensation and Liability Act of 1980 (42 U.S.C.

9601(20)(G)(vi)).''.

(c) Definition of Contractual Relationship.--Section 1003 of the Oil

Pollution Act of 1990 (33 U.S.C. 2703) is amended by adding at the end

the following:

``(d) Definition of Contractual Relationship.--

``(1) In general.--For purposes of subsection (a)(3) the

term `contractual relationship' includes, but is not limited to,

land contracts, deeds, easements, leases, or other instruments

transferring title or possession, unless--

``(A) the real property on which the facility

concerned is located was acquired by the responsible

party after the placement of the oil on, in, or at the

real property on which the facility concerned is

located;

``(B) one or more of the circumstances described in

subparagraph (A), (B), or (C) of paragraph (2) is

established by the responsible party by a preponderance

of the evidence; and

``(C) the responsible party complies with paragraph

(3).

``(2) Required circumstance.--The circumstances referred to

in paragraph (1)(B) are the following:

``(A) At the time the responsible party acquired the

real property on which the facility is located the

responsible party did not know and had no reason to know

that oil that is the subject of the discharge or

substantial threat of discharge was located on, in, or

at the facility.

``(B) The responsible party is a government entity

that acquired the facility--

``(i) by escheat;

``(ii) through any other involuntary transfer

or acquisition; or

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``(iii) through the exercise of eminent domain

authority by purchase or condemnation.

``(C) The responsible party acquired the facility by

inheritance or bequest.

``(3) Additional requirements.--For purposes of paragraph

(1)(C), the responsible party must establish by a preponderance

of the evidence that the responsible party--

``(A) has satisfied the requirements of section

1003(a)(3)(A) and (B);

``(B) has provided full cooperation, assistance, and

facility access to the persons that are authorized to

conduct removal actions, including the cooperation and

access necessary for the installation, integrity,

operation, and maintenance of any complete or partial

removal action;

``(C) is in compliance with any land use

restrictions established or relied on in connection with

the removal action; and

``(D) has not impeded the effectiveness or integrity

of any institutional control employed in connection with

the removal action.

``(4) Reason to know.--

``(A) Appropriate inquiries.--To establish that the

responsible party had no reason to know of the matter

described in paragraph (2)(A), the responsible party

must demonstrate to a court that--

``(i) on or before the date on which the

responsible party acquired the real property on

which the facility is located, the responsible

party carried out all appropriate inquiries, as

provided in subparagraphs (B) and (D), into the

previous ownership and uses of the real property

on which the facility is located in accordance

with generally accepted good commercial and

customary standards and practices; and

``(ii) the responsible party took reasonable

steps to--

``(I) stop any continuing discharge;

``(II) prevent any substantial

threat of discharge; and

``(III) prevent or limit any human,

environmental, or natural resource

exposure to any previously discharged

oil.

``(B) Regulations <<NOTE: Deadline.>> establishing

standards and practices.--Not later than 2 years after

the date of the enactment of this paragraph, the

Secretary, in consultation with the Administrator of the

Environmental Protection Agency, shall by regulation

establish standards and practices for the purpose of

satisfying the requirement to carry out all appropriate

inquiries under subparagraph (A).

``(C) Criteria.--In promulgating regulations that

establish the standards and practices referred to in

subparagraph (B), the Secretary shall include in such

standards and practices provisions regarding each of the

following:

``(i) The results of an inquiry by an

environmental professional.

``(ii) Interviews with past and present

owners, operators, and occupants of the facility

and the real

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property on which the facility is located for the

purpose of gathering information regarding the

potential for oil at the facility and on the real

property on which the facility is located.

``(iii) Reviews of historical sources, such as

chain of title documents, aerial photographs,

building department records, and land use records,

to determine previous uses and occupancies of the

real property on which the facility is located

since the property was first developed.

``(iv) Searches for recorded environmental

cleanup liens against the facility and the real

property on which the facility is located that are

filed under Federal, State, or local law.

``(v) Reviews of Federal, State, and local

government records, waste disposal records,

underground storage tank records, and waste

handling, generation, treatment, disposal, and

spill records, concerning oil at or near the

facility and on the real property on which the

facility is located.

``(vi) Visual inspections of the facility, the

real property on which the facility is located,

and adjoining properties.

``(vii) Specialized knowledge or experience on

the part of the responsible party.

``(viii) The relationship of the purchase

price to the value of the facility and the real

property on which the facility is located, if oil

was not at the facility or on the real property.

``(ix) Commonly known or reasonably

ascertainable information about the facility and

the real property on which the facility is

located.

``(x) The degree of obviousness of the

presence or likely presence of oil at the facility

and on the real property on which the facility is

located, and the ability to detect the oil by

appropriate investigation.

``(D) Interim standards and practices.--

``(i) Real property purchased before may 31,

1997.--With respect to real property purchased

before May 31, 1997, in making a determination

with respect to a responsible party described in

subparagraph (A), a court shall take into

account--

``(I) any specialized knowledge or

experience on the part of the

responsible party;

``(II) the relationship of the

purchase price to the value of the

facility and the real property on which

the facility is located, if the oil was

not at the facility or on the real

property;

``(III) commonly known or reasonably

ascertainable information about the

facility and the real property on which

the facility is located;

``(IV) the obviousness of the

presence or likely presence of oil at

the facility and on the real property on

which the facility is located; and

``(V) the ability of the responsible

party to detect oil by appropriate

inspection.

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``(ii) Real property purchased on or after may

31, 1997.--With respect to real property purchased

on or after May 31, 1997, until the Secretary

promulgates the regulations described in clause

(ii), the procedures of the American Society for

Testing and Materials, including the document

known as `Standard E1527-97', entitled `Standard

Practice for Environmental Site Assessment: Phase

I Environmental Site Assessment Process', shall

satisfy the requirements in subparagraph (A).

``(E) Site inspection and title search.--In the case

of real property for residential use or other similar

use purchased by a nongovernmental or noncommercial

entity, inspection and title search of the facility and

the real property on which the facility is located that

reveal no basis for further investigation shall be

considered to satisfy the requirements of this

paragraph.

``(5) Previous owner or operator.--Nothing in this paragraph

or in section 1003(a)(3) shall diminish the liability of any

previous owner or operator of such facility who would otherwise

be liable under this Act. Notwithstanding this paragraph, if a

responsible party obtained actual knowledge of the discharge or

substantial threat of discharge of oil at such facility when the

responsible party owned the facility and then subsequently

transferred ownership of the facility or the real property on

which the facility is located to another person without

disclosing such knowledge, the responsible party shall be

treated as liable under 1002(a) and no defense under section

1003(a) shall be available to such responsible party.

``(6) Limitation on defense.--Nothing in this paragraph

shall affect the liability under this Act of a responsible party

who, by any act or omission, caused or contributed to the

discharge or substantial threat of discharge of oil which is the

subject of the action relating to the facility.''.

SEC. 704. OIL SPILL RECOVERY INSTITUTE.

Section 5006 of the Oil Pollution Act of 1990 (33 U.S.C. 2736) is

amended--

(1) in the first subsection (c), as added by section

1102(b)(4) of Public Law 104-324 (110 Stat. 3965), by striking

``with the eleventh year following the date of enactment of the

Coast Guard Authorization Act of 1996,'' and inserting ``October

1, 2012''; and

(2) by redesignating the second subsection (c) as subsection

(d).

SEC. 705. ALTERNATIVES.

Section 4115(e)(3) of the Oil Pollution Act of 1990 (46 U.S.C. 3703a

note) is amended to read as follows:

``(3) <<NOTE: Deadline.>> No later than one year after the

date of enactment of the Coast Guard and Maritime Transportation

Act of 2004, the Secretary shall, taking into account the

recommendations contained in the report by the Marine Board of

the National Research Council entitled `Environmental

Performance of Tanker Design in Collision and Grounding' and

dated 2001, establish and publish an environmental equivalency

evaluation index (including the methodology to develop that

index) to assess overall outflow performance due to collisions

and

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groundings for double hull tank vessels and alternative hull

designs.''.

SEC. 706. AUTHORITY TO SETTLE.

Section 1015 of the Oil Pollution Act of 1990 (33 U.S.C. 2715) is

amended by adding at the end the following:

``(d) Authority To Settle.--The head of any department or agency

responsible for recovering amounts for which a person is liable under

this title may consider, compromise, and settle a claim for such

amounts, including such costs paid from the Fund, if the claim has not

been referred to the Attorney General. In any case in which the total

amount to be recovered may exceed $500,000 (excluding interest), a claim

may be compromised and settled under the preceding sentence only with

the prior written approval of the Attorney General.''.

SEC. 707. REPORT ON IMPLEMENTATION OF THE OIL POLLUTION ACT OF 1990.

No later than 180 days after the date of the enactment of this Act,

the Commandant of the Coast Guard shall provide a written report to the

Committee on Commerce, Science, and Transportation and the Committee on

Environment and Public Works of the Senate and the Committee on

Transportation and Infrastructure of the House of Representatives that

shall include the following:

(1) The status of the levels of funds currently in the Oil

Spill Liability Trust Fund and projections for levels of funds

over the next 5 years, including a detailed accounting of

expenditures of funds from the Oil Spill Liability Trust Fund

for each of fiscal years 2000 through 2004 by all agencies that

receive such funds.

(2) The domestic and international implications of changing

the phase-out date for single hull vessels pursuant to section

3703a of title 46, United States Code, from 2015 to 2010.

(3) The costs and benefits of requiring vessel monitoring

systems on tank vessels used to transport oil or other hazardous

cargo, and of using additional aids to navigation, such as

RACONs.

(4) A summary of the extent to which the response costs and

damages for oil spill incidents have exceeded the liability

limits established in section 1004 of the Oil Pollution Act of

1990 (33 U.S.C. 2704), and a description of the steps that the

Coast Guard has taken or plans to take to implement subsection

(d)(4) of that section.

(5) A summary of manning, inspection, and other safety

issues for tank barges and towing vessels used in connection

with them, including--

(A) a description of applicable Federal regulations,

guidelines, and other policies;

(B) a record of infractions of applicable

requirements described in subparagraph (A) over the past

10 years;

(C) an analysis of oil spill data over the past 10

years, comparing the number and size of oil spills from

tank barges with those from tanker vessels of a similar

size; and

(D) recommendations on areas of possible

improvements to existing regulations, guidelines and

policies with respect to tank barges and towing vessels.

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SEC. 708. LOANS FOR FISHERMEN AND AQUACULTURE PRODUCERS IMPACTED BY OIL

SPILLS.

(a) Interest; Partial Payment of Claims.--Section 1013 of the Oil

Pollution Act of 1990 (33 U.S.C. 2713) is amended by adding at the end

the following:

``(f) Loan Program.--

``(1) In <<NOTE: President.>> general.--The President shall

establish a loan program under the Fund to provide interim

assistance to fishermen and aquaculture producer claimants

during the claims procedure.

``(2) Eligibility for loan.--A loan may be made under

paragraph (1) only to a fisherman or aquaculture producer that--

``(A) has incurred damages for which claims are

authorized under section 1002;

``(B) has made a claim pursuant to this section that

is pending; and

``(C) has not received an interim payment under

section 1005(a) for the amount of the claim, or part

thereof, that is pending.

``(3) Terms and conditions of loans.--A loan awarded under

paragraph (1)--

``(A) shall have flexible terms, as determined by

the President;

``(B) shall be for a period ending on the later of--

``(i) the date that is 5 years after the date

on which the loan is made; or

``(ii) the date on which the fisherman or

aquaculture producer receives payment for the

claim to which the loan relates under the

procedure established by subsections (a) through

(e) of this section; and

``(C) shall be at a low interest rate, as determined

by the President.''.

(b) Uses of the Fund.--Section 1012(a) of the Oil Pollution Act of

1990 (33 U.S.C. 2712(a)) is amended--

(1) by striking ``Act.'' in paragraph (5)(C) and inserting

``Act; and''; and

(2) by adding at the end the following:

``(6) the making of loans pursuant to the program

established under section 1013(f).''.

(c) Study.--Not <<NOTE: Deadline.>> later than 270 days after the

date of enactment of this Act, the Secretary of Commerce, in

consultation with the Administrator of the Environmental Protection

Agency, shall submit to the Congress a study that contains--

(1) an assessment of the effectiveness of the claims

procedures and emergency response programs under the Oil

Pollution Act of 1990 (33 U.S.C. 2701 et seq.) concerning claims

filed by, and emergency responses carried out to protect the

interests of, fishermen and aquaculture producers; and

(2) any legislative or other recommendations to improve the

procedures and programs referred to in paragraph (1).

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TITLE VIII--MARITIME TRANSPORTATION SECURITY

SEC. 801. ENFORCEMENT.

(a) In General.--Chapter 701 of title 46, United States Code, is

amended by adding at the end the following:

``Sec. 70118. Firearms, arrests, and seizure of property

``Subject to guidelines approved by the Secretary, members of the

Coast Guard may, in the performance of official duties--

``(1) carry a firearm; and

``(2) while at a facility--

``(A) make an arrest without warrant for any offense

against the United States committed in their presence;

and

``(B) seize property as otherwise provided by law.

``Sec. 70119. Enforcement by State and local officers

``(a) In General.--Any State or local government law enforcement

officer who has authority to enforce State criminal laws may make an

arrest for violation of a security zone regulation prescribed under

section 1 of title II of the Act of June 15, 1917 (chapter 30; 50 U.S.C.

191) or security or safety zone regulation under section 7(b) of the

Ports and Waterways Safety Act (33 U.S.C. 1226(b)) or a safety zone

regulation prescribed under section 10(d) of the Deepwater Port Act of

1974 (33 U.S.C. 1509(d)) by a Coast Guard official authorized by law to

prescribe such regulations, if--

``(1) such violation is a felony; and

``(2) the officer has reasonable grounds to believe that the

person to be arrested has committed or is committing such

violation.

``(b) Other Powers not Affected.--The provisions of this section are

in addition to any power conferred by law to such officers. This section

shall not be construed as a limitation of any power conferred by law to

such officers, or any other officer of the United States or any State.

This section does not grant to such officers any powers not authorized

by the law of the State in which those officers are employed.''.

(b) Clerical Amendment.--The chapter analysis at the beginning of

chapter 701 of title 46, United States Code, is amended by adding at the

end the following:

``70118. Enforcement.

``70119. Enforcement by State and local officers.''.

SEC. 802. IN REM LIABILITY FOR CIVIL PENALTIES AND COSTS.

(a) Amendments to Title 46, United States Code.--Chapter 701 of

title 46, United States Code, is amended--

(1) by redesignating section 70117 as 70119; and

(2) by inserting after section 70116 the following:

``Sec. 70117. In rem liability for civil penalties and certain costs

``(a) Civil Penalties.--Any vessel operated in violation of this

chapter or any regulations prescribed under this chapter shall be liable

in rem for any civil penalty assessed pursuant to section 70120 for such

violation, and may be proceeded against for such

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liability in the United States district court for any district in which

the vessel may be found.

``(b) Reimbursable Costs of Service Providers.--A vessel shall be

liable in rem for the reimbursable costs incurred by any service

provider related to implementation and enforcement of this chapter and

arising from a violation by the operator of the vessel of this chapter

or any regulations prescribed under this chapter, and may be proceeded

against for such liability in the United States district court for any

district in which such vessel may be found.

``(c) Definitions.--In this subsection--

``(1) the term `reimbursable costs' means costs incurred by

any service provider acting in conformity with a lawful order of

the Federal government or in conformity with the instructions of

the vessel operator; and

``(2) the term `service provider' means any port authority,

facility or terminal operator, shipping agent, Federal, State,

or local government agency, or other person to whom the

management of the vessel at the port of supply is entrusted,

for--

``(A) services rendered to or in relation to vessel

crew on board the vessel, or in transit to or from the

vessel, including accommodation, detention,

transportation, and medical expenses; and

``(B) required handling of cargo or other items on

board the vessel.

``Sec. 70118. Withholding of clearance

``(a) Refusal or Revocation of Clearance.--If any owner, agent,

master, officer, or person in charge of a vessel is liable for a penalty

under section 70119, or if reasonable cause exists to believe that the

owner, agent, master, officer, or person in charge may be subject to a

penalty under section 70120, the Secretary may, with respect to such

vessel, refuse or revoke any clearance required by section 4197 of the

Revised Statutes of the United States (46 U.S.C. App. 91).

``(b) Clearance Upon Filing of Bond or Other Surety.--The Secretary

may require the filing of a bond or other surety as a condition of

granting clearance refused or revoked under this subsection.''.

(b) Act of June 15, 1917.--Section 2 of title II of the Act of June

15, 1917 (chapter 30; 50 U.S.C. 192), is amended--

(1) in subsection (c) by striking ``Act'' each place it

appears and inserting ``title''; and

(2) by adding at the end the following:

``(d) In Rem Liability.--Any vessel that is used in violation of

this title, or of any regulation issued under this title, shall be

liable in rem for any civil penalty assessed pursuant to subsection (c)

and may be proceeded against in the United States district court for any

district in which such vessel may be found.

``(e) Withholding of Clearance.--

``(1) In general.--If any owner, agent, master, officer, or

person in charge of a vessel is liable for a penalty or fine

under subsection (c), or if reasonable cause exists to believe

that the owner, agent, master, officer, or person in charge may

be subject to a penalty or fine under this section, the

Secretary may, with respect to such vessel, refuse or revoke

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any clearance required by section 4197 of the Revised Statutes

of the United States (46 U.S.C. App. 91).

``(2) Clearance upon filing of bond or other surety.--The

Secretary may require the filing of a bond or other surety as a

condition of granting clearance refused or revoked under this

subsection.''.

(c) Clerical Amendment.--The chapter analysis at the beginning of

chapter 701 of title 46, United States Code, is amended by striking the

last item and inserting the following:

``70117. In rem liability for civil penalties and certain costs.

``70118. Enforcement by injunction or withholding of clearance.

``70119. Civil penalty.''.

SEC. 803. MARITIME INFORMATION.

(a) Maritime Intelligence.--Section 70113(a) of title 46, United

States Code, is amended by adding at the end the following: ``The system

may include a vessel risk profiling component that assigns incoming

vessels a terrorism risk rating.''.

(b) Vessel Tracking System.--Section 70115 of title 46, United

States Code, is amended in the first sentence by striking ``may'' and

inserting ``shall, consistent with international treaties, conventions,

and agreements to which the United States is a party,''.

(c) Maritime <<NOTE: Deadline. Reports.>> Information.--Within 90

days after the date of the enactment of this Act, the Secretary of the

department in which the Coast Guard is operating shall 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 containing a plan for the implementation of section

70113 of title 46, United States Code. The plan shall--

(1) identify Federal agencies with maritime information

relating to vessels, crew, passengers, cargo, and cargo

shippers, those agencies' maritime information collection and

analysis activities, and the resources devoted to those

activities;

(2) <<NOTE: Establishment.>> establish a lead agency within

the Department of Homeland Security to coordinate the efforts of

other Department agencies in the collection of maritime

information and to identify and avoid unwanted redundancy in

those efforts;

(3) identify redundancy in the collection and analysis of

maritime information by agencies within the department in which

the Coast Guard is operating;

(4) establish a timeline for coordinating the collection of

maritime information among agencies within the department in

which the Coast Guard is operating;

(5) include recommendations on co-locating agency personnel

in order to maximize expertise, minimize costs, and avoid

redundancy in both the collection and analysis of maritime

information;

(6) establish a timeline for the incorporation of

information on vessel movements derived through the

implementation of sections 70114 and 70115 of title 46, United

States Code, into the system for collecting and analyzing

maritime information;

(7) include recommendations on educating Federal officials

on the identification of security risks posed through commercial

maritime transportation operations;

(8) include an assessment of the availability and expertise

of private sector maritime information resources;

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(9) include recommendations on how private sector maritime

information resources could be utilized to analyze maritime

security risks;

(10) include recommendations on how to disseminate

information collected and analyzed through Federal maritime

security coordinators, including the manner and extent to which

State, local, and private security personnel should be utilized,

which should be developed after consideration by the Secretary

of the need for nondisclosure of sensitive security information;

and

(11) include recommendations on the need for and how the

department could help support a maritime information sharing and

analysis center for the purpose of collecting and disseminating

real-time or near real-time information to and from public and

private entities, along with recommendations on the appropriate

levels of funding to help disseminate maritime security

information to the private sector.

(d) Limitation on Establishment of Lead Agency.--The Secretary may

not establish a lead agency within the Department of Homeland Security

to coordinate the efforts of other Department agencies in the collection

of maritime information, until at least 90 days after the plan under

subsection (c) is submitted to the Committee on Commerce, Science, and

Transportation of the Senate and the Committee on Transportation and

Infrastructure of the House of Representatives.

SEC. 804. MARITIME TRANSPORTATION SECURITY GRANTS.

(a) Grant Program.--Section 70107(a) of title 46, United States

Code, is amended to read as follows:

``(a) In General.--The Secretary shall establish a grant program for

making a fair and equitable allocation of funds to implement Area

Maritime Transportation Security Plans and facility security plans among

port authorities, facility operators, and State and local government

agencies required to provide port security services. Before awarding a

grant under the program, the Secretary shall provide for review and

comment by the appropriate Federal Maritime Security Coordinators and

the Maritime Administrator. In administering the grant program, the

Secretary shall take into account national economic and strategic

defense concerns.''.

(b) Secretary Administering.--Section 70107 of title 46, United

States Code, is amended--

(1) by striking ``Secretary of Transportation'' each place

it appears and inserting ``Secretary'';

(2) by striking ``Department of Transportation'' each place

it appears and inserting ``department in which the Coast Guard

is operating''.

(c) Effective <<NOTE: 46 USC 70107 note.>> Date.--Subsections (a)

and (b)--

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

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

(d) Report on Design of Maritime Transportation Security Grant

Program.--Within 90 days after the date of enactment of this Act, the

Secretary of the department in which the Coast Guard is operating shall

transmit a report to the Committee on Commerce, Science, and

Transportation of the Senate and the Committee on Transportation and

Infrastructure of House of Representatives on the design of the maritime

transportation security grant program established under section 70107(a)

of title 46, United

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States Code. In the report, the Secretary shall include recommendations

on--

(1) whether the grant program should be discretionary or

formula-based and the reasons for the recommendation;

(2) requirements for ensuring that Federal funds will not be

substituted for grantee funds;

(3) targeting requirements to ensure that funding is

directed in a manner that considers--

(A) national economic and strategic defense

concerns; and

(B) the fiscal capacity of the recipients to fund

facility security plan requirements without grant funds;

and

(4) matching requirements to ensure that Federal funds

provide an incentive to grantees for the investment of their own

funds in the improvements financed in part by Federal funds

provided under the program.

SEC. 805. <<NOTE: Deadline.>> SECURITY ASSESSMENT OF WATERS UNDER THE

JURISDICTION OF THE UNITED STATES.

Not 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--

(1) conduct a vulnerability assessment under section

70102(b) of title 46, United States Code, of the waters under

the jurisdiction of the United States that are adjacent to

nuclear facilities that may be damaged by a transportation

security incident as defined in section 70101 (6) of title 46,

United States Code;

(2) coordinate with the appropriate Federal agencies in

preparing the vulnerability assessment required under paragraph

(1); and

(3) submit the vulnerability assessments required under

paragraph (1) to the Committee on Transportation and

Infrastructure of the House of Representatives and the Committee

on Commerce, Science, and Transportation of the Senate.

SEC. 806. MEMBERSHIP OF AREA MARITIME SECURITY ADVISORY COMMITTEES.

Section 70112(b) of title 46, United States Code, is amended by

adding at the end to following:

``(5) The membership of an Area Maritime Security Advisory

Committee shall include representatives of the port industry,

terminal operators, port labor organizations, and other users of

the port areas.''.

SEC. 807. <<NOTE: Reports. Deadline.>> JOINT OPERATIONAL CENTERS FOR

PORT SECURITY.

The Commandant of the Coast Guard shall report to the Congress,

within 180 days after the date of the enactment of this Act, on the

implementation and use of joint operational centers for port security at

certain United States seaports. The report shall--

(1) <<NOTE: Virginia. South Carolina. California.>> compare

and contrast the composition and operational characteristics of

existing joint operational centers for port security, including

those in Norfolk, Virginia, Charleston, South Carolina, and San

Diego, California;

(2) examine the use of such centers to implement--

(A) the plans developed under section 70103 of title

46, United States Code;

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(B) maritime intelligence activities under section

70113 of title 46, United States Code;

(C) short and long range vessel tracking under

sections 70114 and 70115 of title 46, United States

Code; and

(D) secure transportation systems under section

70116 of title 46, United States Code; and

(3) estimate the number, location and costs of such centers

necessary to implement the activities authorized under sections

70103, 701113, 70114, 70115, and 70116 of title 46, United

States Code.

SEC. 808. INVESTIGATIONS.

(a) In General.--Section 70107 of title 46, United States Code, is

amended by striking subsection (i) and inserting the following:

``(i) Investigations.--

``(1) In general.--The Secretary shall conduct

investigations, fund pilot programs, and award grants, to

examine or develop--

``(A) methods or programs to increase the ability to

target for inspection vessels, cargo, crewmembers, or

passengers that will arrive or have arrived at any port

or place in the United States;

``(B) equipment to detect accurately explosives,

chemical, or biological agents that could be used in a

transportation security incident against the United

States;

``(C) equipment to detect accurately nuclear or

radiological materials, including scintillation-based

detection equipment capable of signalling the presence

of nuclear or radiological materials;

``(D) improved tags and seals designed for use on

shipping containers to track the transportation of the

merchandise in such containers, including sensors that

are able to track a container throughout its entire

supply chain, detect hazardous and radioactive materials

within that container, and transmit that information to

the appropriate law enforcement authorities;

``(E) tools, including the use of satellite tracking

systems, to increase the awareness of maritime areas and

to identify potential transportation security incidents

that could have an impact on facilities, vessels, and

infrastructure on or adjacent to navigable waterways,

including underwater access;

``(F) tools to mitigate the consequences of a

transportation security incident on, adjacent to, or

under navigable waters of the United States, including

sensor equipment, and other tools to help coordinate

effective response to a transportation security

incident;

``(G) applications to apply existing technologies

from other areas or industries to increase overall port

security;

``(H) improved container design, including blast-

resistant containers; and

``(I) methods to improve security and sustainability

of port facilities in the event of a maritime

transportation security incident, including specialized

inspection facilities.

``(2) Implementation of technology.--

``(A) In general.--In conjunction with ongoing

efforts to improve security at United States ports, the

Secretary

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may conduct pilot projects at United States ports to

test the effectiveness and applicability of new port

security projects, including--

``(i) testing of new detection and screening

technologies;

``(ii) projects to protect United States ports

and infrastructure on or adjacent to the navigable

waters of the United States, including underwater

access; and

``(iii) tools for responding to a

transportation security incident at United States

ports and infrastructure on or adjacent to the

navigable waters of the United States, including

underwater access.

``(B) Authorization of appropriations.--There is

authorized to be appropriated to the Secretary

$35,000,000 for each of fiscal years 2005 through 2009

to carry out this subsection.

``(3) National port security centers.--

``(A) In general.--The Secretary may make grants or

enter into cooperative agreements with eligible

nonprofit institutions of higher learning to conduct

investigations in collaboration with ports and the

maritime transportation industry focused on enhancing

security of the Nation's ports in accordance with this

subsection through National Port Security Centers.

``(B) Applications.--To be eligible to receive a

grant under this paragraph, a nonprofit institution of

higher learning, or a consortium of such institutions,

shall submit an application to the Secretary in such

form and containing such information as the Secretary

may require.

``(C) Competitive selection process.--The Secretary

shall select grant recipients under this paragraph

through a competitive process on the basis of the

following criteria:

``(i) Whether the applicant can demonstrate

that personnel, laboratory, and organizational

resources will be available to the applicant to

carry out the investigations authorized in this

paragraph.

``(ii) The applicant's capability to provide

leadership in making national and regional

contributions to the solution of immediate and

long-range port and maritime transportation

security and risk mitigation problems.

``(iii) Whether the applicant can demonstrate

that is has an established, nationally recognized

program in disciplines that contribute directly to

maritime transportation safety and education.

``(iv) Whether the applicant's investigations

will involve major United States ports on the East

Coast, the Gulf Coast, and the West Coast, and

Federal agencies and other entities with expertise

in port and maritime transportation.

``(v) Whether the applicant has a strategic

plan for carrying out the proposed investigations

under the grant.

``(4) Administrative provisions.--

``(A) No duplication of effort.--Before making any

grant, the Secretary shall coordinate with other Federal

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agencies to ensure the grant will not duplicate work

already being conducted with Federal funding.

``(B) Accounting.--

The <<NOTE: Regulations.>> Secretary shall by regulation

establish accounting, reporting, and review procedures

to ensure that funds made available under paragraph (1)

are used for the purpose for which they were made

available, that all expenditures are properly accounted

for, and that amounts not used for such purposes and

amounts not expended are recovered.

``(C) Recordkeeping.--Recipients of grants shall

keep all records related to expenditures and obligations

of funds provided under paragraph (1) and make them

available upon request to the Inspector General of the

department in which the Coast Guard is operating and the

Secretary for audit and examination.

``(5) Annual review and report.--The Inspector General of

the department in which the Coast Guard is operating shall

annually review the programs established under this subsection

to ensure that the expenditures and obligations of funds are

consistent with the purposes for which they are provided, and

report the findings to the Committee on Commerce, Science, and

Transportation of the Senate and the Committee on Transportation

and Infrastructure of the House of Representatives.''.

SEC. 809. VESSEL AND INTERMODAL SECURITY REPORTS.

(a) In General.--Within 180 days after the date of the enactment of

this Act, the Secretary of the department in which the Coast Guard is

operating shall submit the reports and plan required under subsections

(b), (c), (e), (f), and (j) to the Committee on Commerce, Science, and

Transportation of the Senate and the Committee on Transportation and

Infrastructure of the House of Representatives.

(b) Report Regarding Security Inspection of Vessels and Vessel-Borne

Cargo Containers Entering the United States.--

(1) Requirement.--The Secretary shall prepare a report

regarding the numbers and types of vessels and vessel-borne

cargo containers that enter the United States in a year.

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

(A) A section regarding security inspection of

vessels that includes the following:

(i) A complete breakdown of the numbers and

types of vessels that entered the United States in

the most recent 1-year period for which

information is available.

(ii) The cost incurred by the Federal

Government in inspecting such vessels in such 1-

year period, including specification and

comparison of such cost for each type of vessel.

(iii) An estimate of the per-vessel cost that

would be incurred by the Federal Government in

inspecting each type of vessel that enters the

United States each year, including costs for

personnel, vessels, equipment, and funds.

(iv) An estimate of the annual total cost that

would be incurred by the Federal Government in

inspecting all vessels that enter the United

States each year,

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including costs for personnel, vessels, equipment,

and funds.

(B) A section regarding security inspection of

containers that includes the following:

(i) A complete breakdown of the numbers and

types of vessel-borne cargo containers that

entered the United States in the most recent 1-

year period for which information is available,

including specification of the number of 1 TEU

containers and the number of 2 TEU containers.

(ii) The cost incurred by the Federal

Government in inspecting such containers in such

1-year period, including specification and

comparison of such cost for a 1 TEU container and

for a 2 TEU container, and the number of each

inspected.

(iii) An estimate of the per-container cost

that would be incurred by the Federal Government

in inspecting each type of vessel-borne container

that enters the United States each year, including

costs for personnel, vessels, and equipment.

(iv) An estimate of the annual total cost that

would be incurred by the Federal Government in

inspecting, and where allowed by international

agreement, inspecting in a foreign port, all

vessel-borne containers that enter the United

States each year, including costs for personnel,

vessels, and equipment.

(c) Plan for Implementing Secure Systems of Transportation.--The

Secretary shall prepare a plan for the implementation of section 70116

of title 46, United States Code. The plan shall--

(1) include a timeline for establishing standards and

procedures pursuant to section 70116(b) of title 46, United

States Code;

(2) provide a preliminary assessment of resources necessary

to evaluate and certify secure systems of transportation, and

the resources necessary to validate that the secure systems of

transportation are operating in compliance with the

certification requirements;

(3) contain an analysis of whether establishing a voluntary

user fee to fund the certification of private secure systems of

transportation, paid for by the person applying for

certification, would enhance cargo security;

(4) contain an analysis of the need for and feasibility of

establishing a system to inspect, monitor, and track intermodal

shipping containers within the United States; and

(5) contain an analysis of the need for and feasibility of

developing international standards for secure systems of

transportation, including recommendations, that includes an

examination of working with appropriate international

organizations to develop standards to enhance the physical

security of shipping containers consistent with section 70116 of

title 46, United States Code.

(d) Inspector General Implementation Report.--One year after the

date on which the plan under subsection (c) is submitted to the

Congress, the Inspector General of the department in which the Coast

Guard is operating shall transmit a report evaluating the progress made

by the department in implementing the plan to the Committee on Commerce,

Science, and Transportation of

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the Senate and the Committee on Transportation and Infrastructure of the

House of Representatives.

(e) Report on Radiation Detectors.--The Secretary shall prepare a

report on progress in the installation of a system of radiation

detection at all major United States seaports, and a timeline and

expected completion date for the system. In the report, the Secretary

shall include a preliminary analysis of any issues related to the

installation or efficacy of the radiation detection equipment, as well

as a cost estimate for completing installation of the system.

(f) Report on Nonintrusive Inspection at Foreign Ports.--The

Secretary shall prepare a report--

(1) on whether and to what extent foreign seaports have been

willing to utilize nonintrusive screening equipment at their

ports to screen cargo, including the number of cargo containers

that have been screened at foreign seaports, and the ports where

they were screened;

(2) indicating which foreign ports may be willing to utilize

nonintrusive screening equipment for cargo exported for import

into the United States; and

(3) indicating ways to increase the effectiveness of the

United States Government's targeting and screening activities

outside the United States and to what extent additional

resources and program changes will be necessary to maximize

scrutiny of cargo in foreign seaports that is destined for the

United States.

(g) Evaluation <<NOTE: Deadlines. 46 USC 70101 note.>> of Cargo

Inspection Targeting System for International Intermodal Cargo

Containers.--Within 180 days after the date of the enactment of this Act

and annually thereafter, the Inspector General of the department in

which the Coast Guard is operating shall prepare a report that includes

an assessment of--

(1) the effectiveness of the current tracking system to

determine whether it is adequate to prevent international

intermodal containers from being used for purposes of terrorism;

(2) the sources of information, and the quality of the

information at the time of reporting, used by the system to

determine whether targeting information is collected from the

best and most credible sources and evaluate data sources to

determine information gaps and weaknesses;

(3) the targeting system for reporting and analyzing

inspection statistics, as well as testing effectiveness;

(4) the competence and training of employees operating the

system to determine whether they are sufficiently capable to

detect potential terrorist threats; and

(5) whether the system is an effective system to detect

potential acts of terrorism and whether additional steps need to

be taken in order to remedy deficiencies in targeting

international intermodal containers for inspection.

(h) Action Report.--If the Inspector General of the department in

which the Coast Guard is operating determines in any of the reports

prepared under subsection (g) that the targeting system is

insufficiently effective as a means of detecting potential acts of

terrorism utilizing international intermodal containers, then the

Secretary of the department in which the Coast Guard is operating

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shall, within 90 days, submit a report to the Committee on Commerce,

Science, and Transportation of the Senate and the Committee on

Transportation and Infrastructure House of Representatives on what

actions will be taken to correct deficiencies identified in the

Inspector General Report.

(i) Compliance <<NOTE: Deadlines.>> With Security Standards

Established Pursuant to Maritime Transportation Security Plans.--Within

180 days after the date of the enactment of this Act and annually

thereafter, the Secretary of the department in which the Coast Guard is

operating shall prepare a report on compliance and steps taken to ensure

compliance by ports, terminals, vessel operators, and shippers with

security standards established pursuant to section 70103 of title 46,

United States Code. The reports shall also include a summary of security

standards established pursuant to such section during the previous year.

The Secretary shall submit the reports to the Committee on Commerce,

Science, and Transportation of the Senate and the Committee on

Transportation and Infrastructure of the House of Representatives.

(j) Empty <<NOTE: Reports.>> Containers.--The Secretary of the

department in which the Coast Guard is operating shall prepare a report

on the practice and policies in place at United States ports to secure

shipment of empty containers and trailers. The Secretary shall include

in the report recommendations with respect to whether additional Federal

actions are necessary to ensure the safe and secure delivery of cargo

and to prevent potential acts of terrorism involving such containers and

trailers.

(k) Report <<NOTE: 46 USC 70101 note.>> and Plan Formats.--The

Secretary and the Inspector General of the department in which the Coast

Guard is operating may submit any plan or report required by this

section in both classified and redacted formats, if the Secretary

determines that it is appropriate or necessary.

Approved August 9, 2004.

LEGISLATIVE HISTORY--H.R. 2443 (S. 733):

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HOUSE REPORTS: Nos. 108-233 (Comm. on Transportation and Infrasturcture)

and 108-617 (Comm. of Conference).

SENATE REPORTS: No. 108-202 accompanying S. 733 (Comm. on Commerce,

Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 149 (2003):

Nov. 5, considered and passed House.

Vol. 150 (2004):

Mar. 30, considered and passed

Senate, amended.

July 21, House agreed to conference

report.

July 22, Senate agreed to conference

report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Aug. 9, Presidential statement.

<all>