

108TH CONGRESS
1ST SESSION

H. R. 2443

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2003

Mr. YOUNG of Alaska (for himself, Mr. LOBIONDO, Mr. OBERSTAR, and Mr. FILNER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. TABLE OF CONTENTS.**

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

Sec. 1. Short title.

Sec. 2. Table of contents.

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

TITLE II—COAST GUARD MANAGEMENT

- Sec. 201. Long-term leases.
- Sec. 202. Nonappropriated fund instrumentalities.
- Sec. 203. Term of enlistments.
- Sec. 204. Enlisted member critical skill training bonus.
- Sec. 205. Enhancement of Coast Guard authority to stop vessels liable to seizure or examination.
- Sec. 206. Administrative, collection, and enforcement costs for certain fees and charges.
- Sec. 207. Expansion of Coast Guard housing authorities.
- Sec. 208. Requirement for constructive credit.
- Sec. 209. Maximum age for retention in an active status.
- Sec. 210. Travel card management.
- Sec. 211. Coast Guard fellowship program.

TITLE III—NAVIGATION

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

TITLE IV—SHIPPING

- Sec. 401. Reports from charterers.
- Sec. 402. Suspension of documents in lieu of mandatory revocation for proved drug convictions.
- Sec. 403. Suspension of records of merchant mariners' documents.
- Sec. 404. Exemption of unmanned barges from certain citizenship requirements.
- Sec. 405. Administrative, collection, and enforcement costs for certain fees and charges.
- Sec. 406. Compliance with international safety management code.
- Sec. 407. Civil penalties for failure to comply with recreational vessel and associated equipment safety standards.
- Sec. 408. Revision of temporary suspension criteria in document suspension and revocation cases.
- Sec. 409. Revision of bases for document suspension & revocation cases.
- Sec. 410. Hours of service on towing vessels.
- Sec. 411. Automatic identification system electronic charts.
- Sec. 412. Prevention of departure.

TITLE V—FEDERAL MARITIME COMMISSION

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

TITLE VI—MISCELLANEOUS

- Sec. 601. Increase in civil penalties for violations of certain bridge statutes.
- Sec. 602. Conveyance of decommissioned Coast Guard cutter SUNDEW.
- Sec. 603. Tonnage measurement of M/V BLUEFIN.

1 **TITLE I—AUTHORIZATION**

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

3 (a) OPERATIONS AND CAPITAL ACQUISITIONS.—

4 (1) IN GENERAL.—Funds are authorized to be
5 appropriated for fiscal year 2004 for necessary ex-
6 penses of the Coast Guard as follows:

7 (A) OPERATING EXPENSES.—For the oper-
8 ating expenses of the Coast Guard,
9 \$4,946,000,000, of which—

10 (i) \$4,929,000,000 is for operation
11 and maintenance of the Coast Guard; and

12 (ii) \$17,000,000 is for environmental
13 compliance and restoration at Coast Guard
14 facilities (other than parts and equipment
15 associated with operations and mainte-
16 nance).

17 (B) CAPITAL ACQUISITIONS.—For the cap-
18 ital acquisitions of the Coast Guard,
19 \$1,097,000,000, of which—

20 (i) \$355,000,000 is for acquisition,
21 construction, rebuilding, and improvement
22 of aids to navigation, shore and offshore
23 facilities, vessels, and aircraft, including
24 equipment related thereto;

1 (ii) \$702,000,000 is for acquisition
2 and construction of shore and offshore fa-
3 cilities, vessels, and aircraft, including
4 equipment related thereto, and other ac-
5 tivities that constitute the Integrated
6 Deepwater Systems program;

7 (iii) \$22,000,000 is for research, de-
8 velopment, test, and evaluation of tech-
9 nologies, materials, and human factors di-
10 rectly relating to improving the perform-
11 ance of the Coast Guard's mission in sup-
12 port of search and rescue, aids to naviga-
13 tion, marine safety, marine environmental
14 protection, enforcement of laws and trea-
15 ties, ice operations, oceanographic re-
16 search, and defense readiness; and

17 (iv) \$18,000,000 is for the alteration
18 or removal of bridges over navigable waters
19 of the United States constituting obstruc-
20 tions to navigation, and for personnel and
21 administrative costs associated with the
22 Bridge Alteration Program.

23 (2) SOURCE OF FUNDS.—

24 (A) OPERATING EXPENSES.—Of the
25 amount authorized in paragraph (1)(A),

1 \$25,000,000 is authorized to be derived from
2 the Oil Spill Liability Trust Fund to carry out
3 the purposes of section 1012(a)(5) of the Oil
4 Pollution Act of 1990.

5 (B) CAPITAL ACQUISITIONS.—Of the
6 amounts authorized by paragraph (1)(B),

7 (i) \$20,000,000 is authorized to be
8 derived from the Oil Spill Liability Trust
9 Fund to carry out the purposes of section
10 1012(a)(5) of the Oil Pollution Act of
11 1990; and

12 (ii) \$3,500,000 is authorized to be de-
13 rived each fiscal year from the Oil Spill Li-
14 ability Trust Fund to carry out the pur-
15 poses of section 1012(a)(5) of the Oil Pol-
16 lution Act of 1990.

17 (b) RETIRED PAY.—There is authorized to be appro-
18 priated for Coast Guard retired pay (including the pay-
19 ment of obligations otherwise chargeable to lapsed appro-
20 priations for this purpose), payments with respect to the
21 Coast Guard under the Retired Serviceman’s Family Pro-
22 tection and Survivor Benefit Plans, and payments for
23 medical care of retired Coast Guard personnel and their
24 dependents under chapter 55 of title 10, United States
25 Code, \$1,020,000,000.

1 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
2 **AND TRAINING.**

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

6 (b) **MILITARY TRAINING STUDENT LOADS.**—The
7 Coast Guard is authorized average military training stu-
8 dent loads as follows:

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

11 (2) For flight training for fiscal year 2004, 125
12 student years.

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

16 (4) For officer acquisition for fiscal year 2004,
17 1,200 student years.

18 **TITLE II—COAST GUARD**
19 **MANAGEMENT**

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

21 Section 93 of title 14, United States Code, is amend-
22 ed—

23 (1) by redesignating paragraphs (a) through (x)
24 in order as paragraphs (1) through (24);

1 (2) in paragraph (19) (as so redesignated) by
2 striking the comma at the end and inserting a semi-
3 colon;

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

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

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

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

11 “(A) to the United States Coast Guard Acad-
12 emy Alumni Association for the construction of an
13 Alumni Center on the grounds of the United States
14 Coast Guard Academy; or

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

20 **SEC. 202. NONAPPROPRIATED FUND INSTRUMENTALITIES.**

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

1 **“§ 152. Nonappropriated fund instrumentalities: con-**
2 **tracts with other agencies and instru-**
3 **mentalities to provide or obtain goods**
4 **and services**

5 “The Coast Guard Exchange System, or a morale,
6 welfare, and recreation system of the Coast Guard, may
7 enter into a contract or other agreement with any element
8 or instrumentality of the Coast Guard or with another
9 Federal department, agency, or instrumentality to provide
10 or obtain goods and services beneficial to the efficient
11 management and operation of the Coast Guard Exchange
12 System or that morale, welfare, and recreation system.”.

13 (b) CLERICAL AMENDMENT.—The analysis at the be-
14 ginning of chapter 7 of title 14, United States Code, is
15 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.”.

16 **SEC. 203. TERM OF ENLISTMENTS.**

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

1 **SEC. 204. ENLISTED MEMBER CRITICAL SKILL TRAINING**
2 **BONUS.**

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

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

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

14 “(b) If an enlisted member voluntarily or because of
15 misconduct does not complete the member’s term of obli-
16 gated active service, the Secretary may require the mem-
17 ber to repay the United States, on a pro rata basis, all
18 sums paid under this section. The Secretary may charge
19 interest on the amount repaid at a rate, to be determined
20 quarterly, equal to 150 percent of the average of the yields
21 on the 91-day Treasury bills auctioned during the calendar
22 quarter preceding the date on which the amount to be re-
23 paid is determined.”.

24 (b) CLERICAL AMENDMENT.—The analysis at the be-
25 ginning of chapter 11 of title 14, United States Code, is
26 amended by inserting the following after the item relating

1 to section 373:

“374. Critical skill training bonus.”.

2 **SEC. 205. ENHANCEMENT OF COAST GUARD AUTHORITY TO**
3 **STOP VESSELS LIABLE TO SEIZURE OR EXAM-**
4 **INATION.**

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

8 (1) by inserting “(1)” after “(a)”;

9 (2) by striking “after a” and all that follows
10 through “signal,” and inserting “subject to para-

11 graph (2),”; and

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

13 “(2) Before firing at or into a vessel as authorized
14 in paragraph (1), the person in command or in charge of
15 the authorized vessel or authorized aircraft shall fire a gun
16 as a warning signal, except that the prior firing of a gun
17 as a warning signal is not required if that person deter-

18 mines that the firing of a warning signal would unreason-
19 ably endanger persons or property in the vicinity of the
20 vessel to be stopped.”.

21 (b) EXTENSION TO MILITARY AIRCRAFT OF COAST
22 GUARD INTERDICTION AUTHORITY.—Subsection (c) of
23 such section is amended—

24 (1) in paragraph (1) by inserting “or” after the
25 semicolon; and

1 (2) in paragraph (2) by striking “; or” and all
2 that follows through paragraph (3) and inserting a
3 period.

4 (c) REPEAL OF TERMINATION OF APPLICABILITY TO
5 NAVAL AIRCRAFT.—Subsection (d) of such section is re-
6 pealed.

7 **SEC. 206. ADMINISTRATIVE, COLLECTION, AND ENFORCE-**
8 **MENT COSTS FOR CERTAIN FEES AND**
9 **CHARGES.**

10 Section 664 of title 14, United States Code, is
11 amended—

12 (1) by redesignating subsection (c) as sub-
13 section (f);

14 (2) in subsection (f), as so redesignated, by
15 striking “Merchant Marine and Fisheries” and in-
16 serting “Transportation and Infrastructure”;

17 (3) by inserting after subsection (b) the fol-
18 lowing:

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

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

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

7 “(A) shall be subject to reasonable terms and
8 conditions agreed to by the Secretary and the enter-
9 prise or business;

10 “(B) shall provide appropriate accounting to
11 the Secretary; and

12 “(C) may not institute litigation as part of that
13 collection.

14 “(e) The Secretary shall account for the agency’s
15 costs of collecting a fee or charge as a reimbursable ex-
16 pense, and the costs shall be credited to the account from
17 which expended.”; and

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

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

1 **SEC. 207. EXPANSION OF COAST GUARD HOUSING AU-**
2 **THORITIES.**

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

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

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

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

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

15 (1) in the section heading by striking “LOAN
16 GUARANTEES” and inserting “DIRECT LOANS AND
17 LOAN GUARANTEES”;

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

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

22 “(a) **DIRECT LOANS.**—(1) Subject to subsection (c),
23 the Secretary may make direct loans to an eligible entity
24 in order to provide funds to the eligible entity for the ac-
25 quisition or construction of housing units that the Sec-

1 retary determines are suitable for use as military family
2 housing or as military unaccompanied housing.

3 “(2) The Secretary shall establish such terms and
4 conditions with respect to loans made under this sub-
5 section as the Secretary considers appropriate to protect
6 the interests of the United States, including the period
7 and frequency for repayment of such loans and the obliga-
8 tions of the obligors on such loans upon default.”;

9 (4) in subsection (b) (as so redesignated) by
10 striking “subsection (b),” and inserting “subsection
11 (c),”; and

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

13 (A) in the heading by striking “GUAR-
14 ANTEE”; and

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

17 (c) CLERICAL AMENDMENT.—The chapter analysis
18 for chapter 17 of title 14, United States Code, is amended
19 by striking the item related to section 682 and inserting
20 the following:

“682. Direct loans and loan guarantees.”.

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

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

1 **SEC. 209. MAXIMUM AGE FOR RETENTION IN AN ACTIVE**
2 **STATUS.**

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

5 (1) in subsection (a), by striking “sixty-two”
6 and inserting “60”; and

7 (2) in subsection (c), by striking “sixty-two”
8 and inserting “60”.

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

10 Chapter 13 of title 14, United States Code, is amend-
11 ed by adding at the end the following:

12 **“§ 517. Travel card management**

13 “(a) The Secretary may require that travel or trans-
14 portation allowances due a civilian employee or military
15 member of the Coast Guard be disbursed directly to the
16 issuer of a Federal contractor-issued travel charge card,
17 but only in an amount not to exceed the authorized travel
18 expenses charged by that Coast Guard member to that
19 travel charge card issued to that employee or member.

20 “(b) The Secretary may also establish requirements
21 similar to those established by the Secretary of Defense
22 pursuant to section 2784a of title 10 for deduction or
23 withholding of pay or retired pay from a Coast Guard em-
24 ployee, member, or retired member who is delinquent in
25 payment under the terms of the contract under which the

1 card was issued and does not dispute the amount of the
2 delinquency.”.

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

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

7 **“§ 337. Coast Guard Congressional Fellowship Pro-**
8 **gram**

9 “(a) There is established in the Coast Guard a Coast
10 Guard Congressional Fellowship Program to broaden
11 Coast Guard officers’ knowledge of the Congress.

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

15 “(1) The maximum length of a fellowship is one
16 year.

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

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

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

3 (b) LIMITATION ON APPLICATION.—Section
4 337(b)(1) of title 14, United States Code, as amended by
5 this section, does not apply to an individual serving on
6 June 10, 2003, as a Coast Guard congressional fellow.

7 (c) CLERICAL AMENDMENT.—The table of sections
8 for chapter 11 of title 14, United States Code, is amended
9 by inserting after the item relating to section 336 the fol-
10 lowing:

“337. Coast Guard Congressional Fellowship Program.”.

11 **TITLE III—NAVIGATION**

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

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

15 (1) by striking “day and” and inserting “day
16 and, unless otherwise authorized by the Com-
17 mandant of Coast Guard,”; and

18 (2) by striking “lighted lantern” and inserting
19 “light”.

20 **SEC. 302. USE OF ELECTRONIC DEVICES; COOPERATIVE** 21 **AGREEMENTS.**

22 Section 4(a) of the Ports and Waterways Safety Act
23 (33 U.S.C. 1223(a)) is amended by—

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

1 (B) striking the period at the end of paragraph
2 (5) and inserting “; and”; and

3 (C) adding at the end the following:

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

8 (2) adding at the end the following:

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

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

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

1 **SEC. 303. INLAND NAVIGATION RULES PROMULGATION AU-**
2 **THORITY.**

3 (a) REPEAL OF INLAND RULES.—Section 2 of the
4 Inland Navigation Rules Act of 1980 (33 U.S.C. 2001–
5 38) is repealed.

6 (b) AUTHORITY TO ISSUE REGULATIONS.—Section 3
7 of the Inland Navigation Rules Act of 1980 (33 U.S.C.
8 2001) is amended to read as follows:

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

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

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

22 **TITLE IV—SHIPPING**

23 **SEC. 401. REPORTS FROM CHARTERERS.**

24 Section 12120 of title 46, United States Code, is
25 amended by striking “owners and masters” and inserting
26 “owners, masters, and charterers”.

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

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

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

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

11 **SEC. 404. EXEMPTION OF UNMANNED BARGES FROM CER-**
12 **TAIN CITIZENSHIP REQUIREMENTS.**

13 (a) **COMMAND.**—Section 12110(d) of title 46, United
14 States Code, is amended by inserting “or an unmanned
15 barge” after “recreational endorsement”.

16 (b) **SEIZURE AND FORFEITURE.**—Section
17 12122(b)(6) of title 46, United States Code, is amended
18 by inserting “or an unmanned barge” after “recreational
19 endorsement”.

20 **SEC. 405. ADMINISTRATIVE, COLLECTION, AND ENFORCE-**
21 **MENT COSTS FOR CERTAIN FEES AND**
22 **CHARGES.**

23 Section 2110(d) of title 46, United States Code, is
24 amended—

- 25 (1) by inserting “(A)” after “(2)”; and
26 (2) by adding at the end the following:

1 “(B) For purposes of subparagraph (A),
2 costs of collecting the fee or charge include the
3 reasonable administrative, accounting, per-
4 sonnel, contract, equipment, supply, training,
5 and travel expenses of calculating, assessing,
6 collecting, enforcing, reviewing, adjusting, and
7 reporting on the fees and charges.”.

8 **SEC. 406. COMPLIANCE WITH INTERNATIONAL SAFETY**
9 **MANAGEMENT CODE.**

10 (a) APPLICATION OF EXISTING LAW.—Section
11 3202(a) of title 46, United States Code, is amended to
12 read as follows:

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

15 “(1)(A) is transporting more than 12 pas-
16 sengers described in section 2101(21)(A) of this
17 title; or

18 “(B) is of at least 500 gross tons as measured
19 under section 14502 of this title, or an alternate
20 tonnage measured under section 14302 of this title
21 as prescribed by the Secretary under section 14104
22 of this title, that is a tanker, freight vessel, bulk
23 freight vessel, high speed freight vessel, or self-pro-
24 pelled mobile offshore drilling unit; and

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

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

4 (b) COMPLIANCE OF REGULATIONS WITH INTER-
5 NATIONAL SAFETY MANAGEMENT CODE.—Section
6 3203(b) of title 46, United States Code, is amended by
7 striking “vessels engaged on a foreign voyage.” and insert-
8 ing “vessels to which this chapter applies under section
9 3202(a) of this title.”.

10 **SEC. 407. CIVIL PENALTIES FOR FAILURE TO COMPLY WITH**
11 **RECREATIONAL VESSEL AND ASSOCIATED**
12 **EQUIPMENT SAFETY STANDARDS.**

13 Section 4311 of title 46, United States Code, is
14 amended—

15 (1) in subsection (b)—

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

23 (B) in the second sentence, by striking
24 “4307(a)(1)” and inserting “4307(a)”; and

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

3 **SEC. 408. REVISION OF TEMPORARY SUSPENSION CRITERIA**
4 **IN DOCUMENT SUSPENSION AND REVOCA-**
5 **TION CASES.**

6 Section 7702(d)(1) of title 46, United States Code,
7 is amended—

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

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

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

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

18 (5) by adding at the end of paragraph (1)(B)
19 the following:

20 “(iv) is a threat to the safety or security
21 of a vessel or a public or commercial structure
22 located within or adjacent to the marine envi-
23 ronment.”.

1 **SEC. 409. REVISION OF BASES FOR DOCUMENT SUSPEN-**
2 **SION & REVOCATION CASES.**

3 Section 7703 of title 46, United States Code, is
4 amended—

5 (1) in paragraph (1)(B)—

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

7 (B) by striking the comma after “mis-
8 conduct”;

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

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

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

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

15 “(5) is a threat to the safety or security of a
16 vessel or a structure located within or adjacent to
17 the marine environment.”.

18 **SEC. 410. HOURS OF SERVICE ON TOWING VESSELS.**

19 Section 8904 of title 46, United States Code, is
20 amended by adding at the end the following:

21 “(c)(1) The Secretary may prescribe by regulation re-
22 quirements for maximum hours of service (including re-
23 porting and recordkeeping of that service) of individuals
24 engaged on a towing vessel that is at least 26 feet in
25 length measured from end to end over the deck (excluding
26 sheer).

1 “(2) In prescribing regulations under paragraph (1),
2 the Secretary shall consider the costs and benefits of the
3 requirements.”.

4 **SEC. 411. AUTOMATIC IDENTIFICATION SYSTEM ELEC-**
5 **TRONIC CHARTS.**

6 Section 70114(a) of title 46, United States Code, is
7 amended by inserting “, including an electronic chart and
8 related display,” after “automatic identification system”.

9 **SEC. 412. PREVENTION OF DEPARTURE.**

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

12 **“§ 3505. Prevention of departure**

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

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

1 **TITLE V—FEDERAL MARITIME**
2 **COMMISSION**

3 **SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR FED-**
4 **ERAL MARITIME COMMISSION.**

5 (a) AUTHORIZATION.—There is authorized to be ap-
6 propriated to the Federal Maritime Commission for
7 \$18,471,000 for Fiscal Year 2004.

8 (b) REPORT.—The Chairman of the Federal Mari-
9 time Commission and the Secretary of Homeland Security
10 shall jointly report to the Committee of Transportation
11 and Infrastructure of the House of Representatives and
12 the Committee on Commerce, Science, and Transportation
13 of the Senate by not later than 6 months after the date
14 of the enactment of this Act on the implementation of co-
15 ordination mechanisms to assure that maritime transpor-
16 tation data and information gathered by the Commission
17 is shared with appropriate agencies within the department.

18 **TITLE VI—MISCELLANEOUS**

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

21 (a) GENERAL BRIDGE ACT OF 1906.—Section 5(b)
22 of Act of March 23, 1906 (chapter 1130; 33 U.S.C. 495),
23 popularly known as the General Bridge Act, is amended
24 by striking “\$1,000” and inserting “\$5,000 for a violation
25 occurring in 2004; \$10,000 for a violation occurring in

1 2005; \$15,000 for a violation occurring in 2006; \$20,000
2 for a violation occurring in 2007; and \$25,000 for a viola-
3 tion occurring in 2008 and any year thereafter”.

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

14 (c) ALTERATION, REMOVAL, OR REPAIR OF
15 BRIDGES.—Section 18(c) of the Act entitled “An Act
16 making appropriations for the construction, repair, and
17 preservation of certain public works on rivers and harbors,
18 and for other purposes”, approved March 3, 1899 (33
19 U.S.C. 502(c)) is amended by striking “\$1,000” and in-
20 serting “\$5,000 for a violation occurring in 2004; \$10,000
21 for a violation occurring in 2005; \$15,000 for a violation
22 occurring in 2006; \$20,000 for a violation occurring in
23 2007; and \$25,000 for a violation occurring in 2008 and
24 any year thereafter”.

1 (d) GENERAL BRIDGE ACT OF 1946.—Section
2 510(b) of the General Bridge Act of 1946 (33 U.S.C.
3 533(b)) is amended by striking “\$1,000” and inserting
4 “\$5,000 for a violation occurring in 2004; \$10,000 for a
5 violation occurring in 2005; \$15,000 for a violation occur-
6 ring in 2006; \$20,000 for a violation occurring in 2007;
7 and \$25,000 for a violation occurring in 2008 and any
8 year thereafter”.

9 **SEC. 602. CONVEYANCE OF DECOMMISSIONED COAST**
10 **GUARD CUTTER SUNDEW.**

11 (a) IN GENERAL.—Upon the scheduled decommis-
12 sioning of the Coast Guard Cutter SUNDEW, the Com-
13 mandant of the Coast Guard shall convey all right, title,
14 and interest of the United States in and to that vessel
15 to Duluth Entertainment and Convention Center Author-
16 ity (a nonprofit corporation under the laws of the State
17 of Minnesota; in this section referred to as the “recipi-
18 ent”), located in Duluth, Minnesota, without consider-
19 ation, if—

20 (1) the recipient agrees—

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

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

1 (C) to make the vessel available to the
2 United States Government if needed for use by
3 the Commandant in time of war or a national
4 emergency; and

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

12 (2) the recipient has funds available that will be
13 committed to operate and maintain the vessel con-
14 veyed in good working condition, in the form of
15 cash, liquid assets, or a written loan commitment,
16 and in an amount of at least \$700,000; and

17 (3) the recipient agrees to any other conditions
18 the Commandant considers appropriate.

19 (b) MAINTENANCE AND DELIVERY OF VESSEL.—
20 Prior to conveyance of the vessel under this section, the
21 Commandant shall, to the extent practical, and subject to
22 other Coast Guard mission requirements, make every ef-
23 fort to maintain the integrity of the vessel and its equip-
24 ment until the time of delivery. If a conveyance is made
25 under this section, the Commandant shall deliver the ves-

1 sel at the place where the vessel is located, in its present
2 condition, and without cost to the Government. The con-
3 veyance of the vessel under this section shall not be consid-
4 ered a distribution in commerce for purposes of section
5 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

6 (c) OTHER EXCESS EQUIPMENT.—The Commandant
7 may convey to the recipient any excess equipment or parts
8 from other decommissioned Coast Guard vessels for use
9 to enhance the vessel’s operability and function as an his-
10 torical display.

11 **SEC. 603. TONNAGE MEASUREMENT OF M/V BLUEFIN.**

12 (a) IN GENERAL.—The gross tonnage of the M/V
13 BLUEFIN (United States official number 620431) as
14 measured under regulations prescribed under section
15 14502 of title 46, United States Code, is deemed to be
16 488 tons.

17 (b) TERMINATION OF APPLICATION.—This section
18 shall not apply on and after any date on which the Sec-
19 retary of the Department in which the Coast Guard is op-
20 erating determines that the vessel M/V BLUEFIN has un-
21 dergone any major modification.

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