

108TH CONGRESS }
2d Session } HOUSE OF REPRESENTATIVES { REPORT
108-617

COAST GUARD AND MARITIME TRANSPORTATION ACT OF
2004

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JULY 20, 2004.—Ordered to be printed
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Mr. YOUNG of Alaska, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 2443]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD MANAGEMENT

Sec. 201. Long-term leases.

Sec. 202. Nonappropriated fund instrumentalities.

Sec. 203. Term of enlistments.

Sec. 204. Enlisted member critical skill training bonus.

Sec. 205. Indemnity for disabling vessels liable to seizure or examination.

- Sec. 206. *Administrative, collection, and enforcement costs for certain fees and charges.*
- Sec. 207. *Expansion of Coast Guard housing authorities.*
- Sec. 208. *Requirement for constructive credit.*
- Sec. 209. *Maximum ages for retention in an active status.*
- Sec. 210. *Travel card management.*
- Sec. 211. *Coast Guard fellows and detailees.*
- Sec. 212. *Long-term lease of special use real property.*
- Sec. 213. *National Coast Guard Museum.*
- Sec. 214. *Limitation on number of commissioned officers.*
- Sec. 215. *Redistricting notification requirement.*
- Sec. 216. *Report on shock mitigation standards.*
- Sec. 217. *Recommendations to Congress by Commandant of the Coast Guard.*
- Sec. 218. *Coast Guard education loan repayment program.*
- Sec. 219. *Contingent expenses.*
- Sec. 220. *Reserve admirals.*
- Sec. 221. *Confidential investigative expenses.*
- Sec. 222. *Innovative construction alternatives.*
- Sec. 223. *Delegation of port security authority.*
- Sec. 224. *Fisheries enforcement plans and reporting.*
- Sec. 225. *Use of Coast Guard and military child development centers.*
- Sec. 226. *Treatment of property owned by auxiliary units and dedicated solely for auxiliary use.*

TITLE III—NAVIGATION

- Sec. 301. *Marking of underwater wrecks.*
- Sec. 302. *Use of electronic devices; cooperative agreements.*
- Sec. 303. *Inland navigation rules promulgation authority.*
- Sec. 304. *Saint Lawrence Seaway.*

TITLE IV—SHIPPING

- Sec. 401. *Reports from charterers.*
- Sec. 402. *Removal of mandatory revocation for proved drug convictions in suspension and revocation cases.*
- Sec. 403. *Records of merchant mariners' documents.*
- Sec. 404. *Exemption of unmanned barges from certain citizenship requirements.*
- Sec. 405. *Compliance with International Safety Management Code.*
- Sec. 406. *Penalties.*
- Sec. 407. *Revision of temporary suspension criteria in document suspension and revocation cases.*
- Sec. 408. *Revision of bases for document suspension and revocation cases.*
- Sec. 409. *Hours of service on towing vessels.*
- Sec. 410. *Electronic charts.*
- Sec. 411. *Prevention of departure.*
- Sec. 412. *Service of foreign nationals for maritime educational purposes.*
- Sec. 413. *Classification societies.*
- Sec. 414. *Drug testing reporting.*
- Sec. 415. *Inspection of towing vessels.*
- Sec. 416. *Potable water.*
- Sec. 417. *Transportation of platform jackets.*
- Sec. 418. *Renewal of advisory groups.*

TITLE V—FEDERAL MARITIME COMMISSION

- Sec. 501. *Authorization of appropriations for Federal Maritime Commission.*
- Sec. 502. *Report on ocean shipping information gathering efforts.*

TITLE VI—MISCELLANEOUS

- Sec. 601. *Increase in civil penalties for violations of certain bridge statutes.*
- Sec. 602. *Conveyance of decommissioned Coast Guard cutters.*
- Sec. 603. *Tonnage measurement.*
- Sec. 604. *Operation of vessel STAD AMSTERDAM.*
- Sec. 605. *Great Lakes National Maritime Enhancement Institute.*
- Sec. 606. *Koss Cove.*
- Sec. 607. *Miscellaneous certificates of documentation.*
- Sec. 608. *Requirements for coastwise endorsement.*
- Sec. 609. *Correction of references to National Driver Register.*
- Sec. 610. *Wateree River.*
- Sec. 611. *Merchant mariners' documents pilot program.*

- Sec. 612. *Conveyance.*
- Sec. 613. *Bridge administration.*
- Sec. 614. *Sense of Congress regarding carbon monoxide and watercraft.*
- Sec. 615. *Mitigation of penalty due to avoidance of a certain condition.*
- Sec. 616. *Certain vessels to be tour vessels.*
- Sec. 617. *Sense of Congress regarding timely review and adjustment of Great Lakes pilotage rates.*
- Sec. 618. *Westlake chemical barge documentation.*
- Sec. 619. *Correction to definition.*
- Sec. 620. *LORAN-C.*
- Sec. 621. *Deepwater report.*
- Sec. 622. *Judicial review of National Transportation Safety Board final orders.*
- Sec. 623. *Interim authority for dry bulk cargo residue disposal.*
- Sec. 624. *Small passenger vessel report.*
- Sec. 625. *Conveyance of motor lifeboat.*
- Sec. 626. *Study on routing measures.*
- Sec. 627. *Conveyance of light stations.*
- Sec. 628. *Waiver.*
- Sec. 629. *Approval of modular accommodation units for living quarters.*

TITLE VII—AMENDMENTS RELATING TO OIL POLLUTION ACT OF 1990

- Sec. 701. *Vessel response plans for nontank vessels over 400 gross tons.*
- Sec. 702. *Requirements for tank level and pressure monitoring devices.*
- Sec. 703. *Liability and cost recovery.*
- Sec. 704. *Oil Spill Recovery Institute.*
- Sec. 705. *Alternatives.*
- Sec. 706. *Authority to settle.*
- Sec. 707. *Report on implementation of the Oil Pollution Act of 1990.*
- Sec. 708. *Loans for fishermen and aquaculture producers impacted by oil spills.*

TITLE VIII—MARITIME TRANSPORTATION SECURITY

- Sec. 801. *Enforcement.*
- Sec. 802. *In rem liability for civil penalties and costs.*
- Sec. 803. *Maritime information.*
- Sec. 804. *Maritime transportation security grants.*
- Sec. 805. *Security assessment of waters under the jurisdiction of the United States.*
- Sec. 806. *Membership of Area Maritime Security Advisory Committees.*
- Sec. 807. *Joint operational centers for port security.*
- Sec. 808. *Investigations.*
- Sec. 809. *Vessel and intermodal security reports.*

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2005 for necessary expenses of the Coast Guard as follows:

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

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,500,000,000, of which—

(A) \$23,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, to remain available until expended;

(B) \$1,100,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other ac-

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

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

(1) in paragraph (1) by striking “if, when acting under the authority of that license, certificate, or document—” and inserting “if—”;

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

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

(4) by striking the period at the end of paragraph (1)(B)(iii) and inserting “, or”; and

(5) by adding at the end of paragraph (1)(B) the following:
“(iv) is a security risk that poses a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.”.

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

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

(1) in paragraph (1)(B)—

(A) by striking “incompetence,”; and

(B) by striking the comma after “misconduct”;

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

(3) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(4) by adding at the end the following:

“(4) has committed an act of incompetence relating to the operation of a vessel; or

“(5) is a security risk that poses a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.”.

SEC. 409. HOURS OF SERVICE ON TOWING VESSELS.

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

“(c) The Secretary may prescribe by regulation requirements for maximum hours of service (including recording and recordkeeping of that service) of individuals engaged on a towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding the sheer).”.

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

SEC. 410. ELECTRONIC CHARTS.

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

“SEC. 4A. ELECTRONIC CHARTS.

“(a) SYSTEM REQUIREMENTS.—

“(1) *REQUIREMENTS.*—Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, shall be equipped with and operate electronic charts under regulations prescribed by the Secretary of the department in which the Coast Guard is operating:

“(A) A self-propelled commercial vessel of at least 65 feet overall length.

“(B) A vessel carrying more than a number of passengers for hire determined by the Secretary.

“(C) A towing vessel of more than 26 feet in overall length and 600 horsepower.

“(D) Any other vessel for which the Secretary decides that electronic charts are necessary for the safe navigation of the vessel.

“(2) *EXEMPTIONS AND WAIVERS.*—The Secretary may—

“(A) exempt a vessel from paragraph (1), if the Secretary finds that electronic charts are not necessary for the safe navigation of the vessel on the waters on which the vessel operates; and

“(B) waive the application of paragraph (1) with respect to operation of vessels on navigable waters of the United States specified by the Secretary, if the Secretary finds that electronic charts are not needed for safe navigation on those waters.

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

SEC. 411. PREVENTION OF DEPARTURE.

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

“§ 3505. Prevention of departure

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

(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.”

sleep and rest requirements.” This section would give the Coast Guard the legal authority to implement these recommendations.

The Conferees expect that the Secretary will carefully evaluate the results of the demonstration project prior to determining the need to establish maximum hours of service regulations as permitted under subsection (a). Prior to promulgating any such regulations, the Conferees also expect that the Secretary will evaluate the costs and benefits of establishing maximum hours of service requirements on towing vessels. This evaluation should include a review of Coast Guard casualty data to determine whether there is statistical evidence to support the need for new hours of service regulations.

Section 410. Electronic Charts

Section 410 of the House bill requires shipboard automatic identification systems to include electronic charts and related display.

Section 324 of the Senate amendment would require the Coast Guard, in consultation with NOAA, to report on the costs of completing Electronic Navigation Charts for the existing suite of NOAA charts, the costs and benefits of requiring electronic navigation systems on vessels, and a description of international standards in this area.

The conference substitute requires certain vessels to be equipped with and be able to operate electronic charts.

The section applies to self propelled commercial vessels of at least 65 feet in length, vessels carrying more passengers than an amount prescribed by the Secretary, a towing vessel of more than 26 feet in length and 600 horsepower, and any other vessel for which the Secretary decides that electronic charts are necessary for the safe navigation of the vessel. On September 22, 1993, at about 2:45 a.m. the towing vessel *Mauvilla* and its barges became lost in the fog and struck and displaced the Big Bayou Canot railroad bridge near Mobile, Alabama. Later that night the Amtrak train, Sunset Limited, derailed as it went over the bridge and fell into the water killing 42 passengers and 5 crewmembers. The Conferees believe that electronic charts tied to a Global Positioning Satellite receiver will help prevent accidents such as this in the future. The conferees recognize that vector electronic charts may not be available for all of the navigable waters of the United States. However, the Secretary may allow a vessel operator to use raster electronic charts until vector charts become available for those waters.

This section also allows the Secretary to waive the requirement for a vessel to be equipped with an electronic chart system if the Secretary finds that an electronic chart and related display is not necessary for the safe operation of a vessel or class of vessels on the waters on which those vessels operate. If the vessel is also required to have an Automatic identification system (AIS) on board the vessel under section 70114 of title 46, United States Code, the Conferees believe that the Secretary should require the AIS system information to be integrated with the electronic chart display.