

HR 2443

Coast Guard and Maritime Transportation Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Transportation and Public Works

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Sponsor

Name: Rep. Young, Don [R-AK-At Large]

Party: Republican • State: AK • Chamber: House

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Filner, Bob [D-CA-51]	D · CA		Jun 12, 2003
Rep. LoBiondo, Frank A. [R-NJ-2]	R · NJ		Jun 12, 2003
Rep. Oberstar, James L. [D-MN-8]	D · MN		Jun 12, 2003

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Discharged From	Mar 31, 2004
Transportation and Infrastructure Committee	House	Reported by	Jun 12, 2003

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

Bill	Relationship	Last Action
108 HRES 730	Procedurally related	Jul 21, 2004: Motion to reconsider laid on the table Agreed to without objection.
108 S 733	Related bill	Nov 19, 2003: Placed on Senate Legislative Calendar under General Orders. Calendar No. 402.
108 HRES 416	Procedurally related	Oct 29, 2003: Motion to reconsider laid on the table Agreed to without objection.
108 HR 1579	Related bill	Apr 3, 2003: Referred to the Subcommittee on Coast Guard and Maritime Transportation.

**(This measure has not been amended since the Conference Report was filed in the House on July 20, 2004. The summary of that version is repeated here.)**

Coast Guard and Maritime Transportation Act of 2004 - **Title I: Authorization** - (Sec. 101) Authorizes appropriations for FY 2005 for the Coast Guard (CG), under the categories of: (1) CG operation and maintenance, with a portion from the Oil Spill Liability Trust Fund (Fund) for certain purposes under the Oil Pollution Act of 1990 (OPA); (2) acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including related equipment; (3) research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving CG performance in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness; (4) retired pay, payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents; (5) alteration or removal of bridges constituting obstructions to navigation, and personnel and administrative costs associated with the Bridge Alteration Program (with a portion of such funds for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts); (6) environmental compliance and restoration at CG facilities; and (7) maintenance and operation of facilities, supplies, equipment, and services for the CG Reserve.

(Sec. 102) Authorizes a CG end-of-year strength of 45,500 active duty military personnel for FY 2004 and FY 2005. Authorizes average military training student loads for FY 2005 in specified numbers under the categories of Recruit/Special, Flight, Professional, and Officer.

**Title II: Coast Guard Management** - (Sec. 201) Authorizes the CG Commandant (Commandant) to enter into leases of up to 20 years (currently, five years) for CG property with: (1) the CG Academy Alumni Association to construct an alumni visitor facility at the CG Academy; and (2) non-Federal entities to carry out cooperative agreements under the Ports and Waterways Safety Act.

(Sec. 202) Authorizes the Coast Guard Exchange System or a CG morale, welfare, and recreation (MWR) system (equivalent to Department of Defense nonappropriated fund instrumentalities) to enter into contracts or other agreements with other departments, agencies, or instrumentalities of the CG or another Federal agency to provide goods and services beneficial to their efficient management and operation.

(Sec. 203) Authorizes the Commandant to accept original enlistments for other than full years, and reenlistments for any term of years and months from two to six years.

(Sec. 204) Authorizes the CG to offer an incentive bonus to enlisted members who complete training in a skill designated as critical, provided at least four years of obligated active service remain on the member's enlistment at the time the training is completed.

(Sec. 205) Revises the conditions under which the person in command or in charge of an authorized CG vessel or aircraft displaying the prescribed ensign, pennant, or other identifying insignia may fire at or into any vessel, liable to seizure or examination, which does not stop on being ordered to do so or on being pursued. Eliminates the requirement of a prior warning shot as a condition precedent for indemnification from damages resulting from the use of disabling fire, if a warning shot would unreasonably endanger persons or property in the vessel's vicinity.

Extends CG interdiction authority to any military aircraft on which one or more CG members are assigned.

Requires the Commandant to report annually to specified congressional committees on the location, vessels or aircraft, circumstances, and consequences of each incident in which the person in command of an authorized vessel or aircraft fired at or into a vessel without prior use of a warning shot.

(Sec. 206) Revises Federal law to authorize the Secretary of the department in which the CG is operating to: (1) recover from the person liable for a user fee or charge the costs of collecting delinquent payments as well as associated enforcement costs; and (2) employ any Federal, State, or local agency or instrumentality, or any private enterprise or business, to collect user fees or charges (including 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) Gives the CG direct loan authority for acquisition and construction of housing.

Authorizes multiple demonstration projects, which may be conducted at any CG installation in Alaska, to acquire or construct military family or unaccompanied housing through contracts with Alaska-based small business concerns qualified under the Small Business Administration's section 8(a) program. (Current law authorizes one such demonstration project only in Kodiak, Alaska.)

Authorizes the Commandant to make differential lease payments if necessary to encourage private construction of CG housing.

(Sec. 208) Reduces from three years to one year the minimum required amount of constructive credit to be given a CG Reserve Law Specialist upon assignment or designation.

(Sec. 209) Lowers from 62 to 60 the maximum age for retention in an active status as a CG Reserve officer (mandatory retirement age).

(Sec. 210) Authorizes the Secretary to: (1) require that travel or transportation allowances due a CG civilian employee or military member 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 the employee or member charged; and (2) reduce or withhold from the pay or retired pay of a CG employee, member, or retired member any delinquent amounts owed by them.

(Sec. 211) Directs the Secretary to: (1) review the Commandant Instruction 5730.3, regarding congressional detailees (COMDTINST 5730.3), dated April 18, 2003, and compare the standards it sets forth 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) report to specified congressional committees on the findings and conclusions of the review.

(Sec. 212) Authorizes the Secretary of Transportation to enter into lease agreements of up to 20 years to acquire real property or interests for special purpose facilities (facilities used to carry out CG aviation, maritime, or navigation missions other than general purpose office and storage space facilities).

(Sec. 213) Authorizes the Commandant to establish a National Coast Guard Museum, which may be located in New London, Connecticut. Prohibits use of Federal funds in engineering, design, or construction of the Museum. Requires the CG to fund the operation and maintenance of the Museum with nonappropriated and non-Federal funds to the maximum extent practicable. Urges priority use of Federal operation and maintenance funds to preserve and protect historic CG artifacts. Requires submission of an operation and maintenance plan to a specified congressional committee before the

Museum is established. Requires estimated costs and proposed funding sources to be certified as reasonable and realistic by the Inspector General of the Department in which the CG is operating.

(Sec. 214) Increases from 6,200 to 6,700 the limit on the total number of commissioned active duty CG officers for FY 2004 through 2006. Revises the distribution of commissioned CG officers due promotion for the grade of commander and lieutenant commander.

(Sec. 215) Directs the Commandant to notify the Committee at least 180 days before implementing a plan to change the boundaries of CG districts, or before permanently transferring more than ten percent of the personnel or equipment from a district office where they are based.

(Sec. 216) Directs the Commandant to issue a report on the necessity of, and possible standards for, decking materials for CG vessels to mitigate the adverse effects on crew members from shock and vibration.

(Sec. 218) Authorizes the Secretary of Education to provide for the repayment of a certain portion of educational loans of active duty CG members under the CG Education Loan Repayment Program.

(Sec. 219) Increases the amount the Commandant may expend for contingencies of the CG to no more than \$50,000 in any one fiscal year.

(Sec. 220) Revises requirements for removal from active status of a reserve rear admiral or rear admiral (lower half) after completion of four years of service. Provides that such reserve officers may serve a full four-year term.

(Sec. 221) Increases the maximum amount appropriated per annum for necessary expenses for CG confidential investigative expenses of a confidential character.

(Sec. 222) Authorizes the Commandant to consult with the Office of Naval Research and other Federal agencies with research and development (R&D) programs that may provide innovative construction alternatives for the Integrated Deepwater System.

(Sec. 223) Authorizes the President to delegate port security authority to the Secretary of the department in which the CG is operating.

(Sec. 224) Requires the Commandant: (1) in preparing the CG's annual fisheries enforcement plan, to consult with the Under Secretary of Commerce for Oceans and Atmosphere and with State and local enforcement authorities; (2) prior to undertaking fisheries patrol, to notify the Under Secretary and appropriate State and local enforcement authorities of the projected dates for such patrols; and (3) to prepare and make available to the Under Secretary, 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) Authorizes the Secretary of Defense and the Secretary of the department in which the CG is operating (when operating other than as a service in the Navy) to provide child care services to members of the armed forces, with reimbursement (but this is not required), in CG and military child development centers supported in whole or in part with appropriated funds.

(Sec. 226) Declares that personal property of the CG Auxiliary shall not be considered U.S. property, except for liability purposes (unless the the property is being used outside the scope of the Auxiliary mission).

**Title III: Navigation** - (Sec. 301) Gives the CG the right to grant a waiver to allow a sunken wreck not to be marked with a lighted buoy at night. Authorizes the Commandant to 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 impracticable and granting such a waiver would not create an undue hazard to navigation.

(Sec. 302) Amends the Ports and Waterways Safety Act (PWSA) to authorize the Secretary of the department in which the CG is operating to prohibit the use on vessels of electric and electronic devices that interfere with communication or navigation equipment, if they pose a threat to vessel safety. Declares that such authority, however, shall not apply to electric and electronic devices certified to transmit in the maritime services by the Federal Communications Commission (FCC) and used within specified frequency bands.

Authorizes the Secretary of Transportation to enter into cooperative agreements with non-Federal entities to carry out PWSA vessel operating requirements, including vessel traffic services.

(Sec. 303) Amends the Inland Navigational Rules Act of 1980 to repeal the Inland Navigational Rules. Authorizes the Secretary of the department in which the CG is operating to promulgate inland navigation regulations. (Thus allows for future changes to the Inland Navigation Rules through the regulatory process without the need for statutory changes.)

(Sec. 304) Defines Secretary to mean Secretary of Transportation for purposes of the application of the PWSA to the Saint Lawrence Seaway.

**Title IV: Shipping** - (Sec. 401) Authorizes the Secretary of Transportation to require reports from vessel charterers (as well as from owners and masters) to ensure compliance with laws governing vessels engaged in coastwise trade and in the fisheries.

(Sec. 402) Allows suspension as an alternative to the currently required revocation of a merchant mariner's credentials (MMCs) in cases of dangerous drug convictions.

(Sec. 403) Eliminates a prohibition on general or public inspection of merchant mariners' documents.

(Sec. 404) Exempts unmanned barges operating outside of U.S. waters from citizenship requirements regarding command of vessel.

(Sec. 405) Requires foreign flag vessels departing and returning to the same U.S. port, or returning to another port under U.S. jurisdiction, to comply with the International Safety Management Code when any part of the voyage occurs on the high seas.

(Sec. 406) Increases maximum civil penalties for failure to comply with recreational vessel and associated equipment safety standards. Extends such penalties to wrongful labeling and failure to notify of a recall. Sets forth both civil and criminal penalties for any person, including director, officer, or executive employee of a corporation, who knowingly and willfully fails to comply with an order to notify of defects, or comply with Federal standards, related to the safety of recreational vessel and associated equipment.

(Sec. 407) Revises temporary suspension criteria in document suspension and revocation cases. Authorizes the CG to suspend temporarily or revoke MMCs if the mariner has been convicted of certain National Driver Register Act offenses. Authorizes temporary suspension of MMCs if the holder is a security risk that poses a threat to the security of a vessel or the port.

(Sec. 408) Authorizes the CG to suspend or revoke MMCs if the mariner commits an act of incompetence with respect to the operation of a vessel whether or not the mariner is acting under the authority of the MMCs at the time the act occurs. Adds a security risk that poses a threat as a basis for which the Secretary of Transportation may suspend or revoke MMC.

(Sec. 409) Authorizes the Secretary of the department in which the CG is operating to prescribe maximum hours of service for individuals engaged on a towing vessel of at least 26 feet in length that is required to have a licensed operator. Directs the Secretary, before prescribing such regulations, to conduct and report to Congress on a demonstration project involving the implementation of Crew Endurance Management Systems on these vessels.

(Sec. 410) Requires certain vessels operating in U.S. waters to be equipped with and operate electronic charts. Authorizes certain exemptions from and waivers of such requirement.

(Sec. 411) Revises the prohibition against the departure of a foreign vessel from a U.S. port with passengers who are embarked at that 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 (SOLAS) to which the United States Government is currently a party. Extends such prohibition to foreign vessels carrying a U.S. citizen as a passenger (thus allowing the CG to conduct SOLAS-compliance examinations of any foreign vessel carrying U.S. citizen passengers, not just those embarking passengers at a U.S. port).

(Sec. 412) Allows a foreign national enrolled in the U.S. Merchant Marine Academy to operate aboard a vessel as an unlicensed seaman for purposes of fulfilling educational requirements for graduation from the Academy.

(Sec. 413) Prohibits a classification society (including an employee or agent) from reviewing, examining, surveying, or certifying the construction, repair, or alteration of a vessel in the United States unless: (1) the Secretary of the department in which the CG is operating has approved; or (2) the society is a full member of the International Association of Classification Societies. Authorizes the Secretary to approve a person for such purposes only upon determining that: (1) vessels surveyed by the person while acting as a classification society have an adequate safety record; and (2) the person has an adequate program to develop and implement vessel safety standards and make safety records available.

(Sec. 414) Amends Federal shipping law to require the head of an agency to release to the Commandant a Medical Review Officer report of a verified positive drug test or verified test violation by a civilian of a Federal agency, an officer in the Public Health Service, or an officer in the National Oceanic and Atmospheric Administration (NOAA) who is employed in any capacity on board a vessel operated by the agency.

(Sec. 415) Subjects towing vessels to CG inspection. Authorizes the Secretary in the department in which the CG is operating to establish by regulation a safety management system for the characteristics, methods of operation, and nature of service of such vessels.

(Sec. 416) Requires vessels subject to CG inspection to have, among other things, an adequate supply of potable water for drinking and washing by passengers and crew. Sets forth certain standards regarding the adequacy of potable water.

(Sec. 417) Amends the Merchant Marine Act, 1920 to set forth requirements regarding the transportation of platform jackets on non-coastwise qualified launch barges.

(Sec. 418) Extends through September 30, 2010, the authority of: (1) the Commercial Fishing Industry Vessel Safety Advisory Committee; (2) the Houston-Galveston Navigation Safety Advisory Committee; (3) the Lower Mississippi River

Waterway Safety Advisory Committee; (4) the Great Lakes Pilotage Advisory Committee; (5) the Navigation Safety Advisory Council; (6) the National Boating Safety Advisory Council; and (7) the Towing Safety Advisory Committee.

**Title V: Federal Maritime Commission -** (Sec. 501) Authorizes appropriations for FY 2005 through 2008 for the Federal Maritime Commission (FMC).

(Sec. 502) Directs the FMC to report to specified congressional committees on the status of any agreements, or ongoing discussions with, other Federal, State, or local government agencies concerning the sharing of ocean shipping information to assist law enforcement or anti-terrorism efforts, including recommendations on how such information can be utilized to improve port security.

**Title VI: Miscellaneous -** (Sec. 601) Increases civil penalties for violations of certain Federal laws and regulations relating to bridges, rivers, and harbors. Phases in such increases in specified increments over a five-year period until they reach \$25,000 per day per violation.

(Sec. 602) Authorizes the Commandant to convey, without consideration, the decommissioned: (1) CG cutter BRAMBLE to the Port Huron Museum of Arts and History in Port Huron, Michigan; (2) CG cutter PLANETREE to Jewish Life in Sherman Oaks, California; and (3) CG cutter SUNDEW to the Duluth Entertainment and Convention Center Authority in Duluth, Minnesota. Requires, as a condition of such conveyance, that the recipient agree to: (1) use the vessel for education and historical display purposes and not for commercial transportation, and make it available to the Federal Government if needed in time of war or national emergency; and (2) hold the Federal Government harmless for claims arising from exposure to hazardous materials.

(Sec. 603) Authorizes the Secretary of the department in which the CG is operating to subject the motor vessels BLUEFIN and COASTAL MERCHANT to requirements that licensed individuals and crewmembers on fish tender vessels engaged in the Aleutian trade be divided, when at sea, into at least two watches, regardless of the tonnage of such vessels.

(Sec. 604) States that the vessel STAD AMSTERDAM shall be authorized to carry certain nonpaying guests within U.S. waters and between ports and places in the United States. Prohibits the STAD AMSTERDAM from being used to carry individuals for a fare or to be chartered on a for-hire basis in the coastwise trade, or to carry such individuals within U.S. waters and between ports or places in the United States for more than 45 days in any calendar year. Requires the Secretary of the department in which the CG is operating to revoke such authorization if it is determined that the STAD AMSTERDAM has been operated in violation of such limits.

(Sec. 605) Authorizes appropriations to the Secretary of Transportation for FY 2005 and 2006 for a Great Lakes National Maritime Enhancement Institute to study cargo transportation on the Great Lakes. Provides that the Secretary of Transportation shall: (1) evaluate short sea shipping market opportunities on the Great Lakes; (2) analyze 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; and (3) study and develop new vessel designs for shipping on the Great Lakes.

Authorizes appropriations for FY 2005 and 2006.

(Sec. 606) Designates a cove on the southern coast of Elrington Island in Alaska as Koss Cove, in honor of the late Able Bodied Seaman Eric Steiner Koss who served on the NOAA vessel RAINIER and died in the performance of a nautical charting mission in this cove.

(Sec. 607) Authorizes the Secretary of the department in which the CG is operating to issue coastwise trade endorsements for four U.S.-flag, U.S.-owned, and U.S.-built vessels, the OCEAN LEADER, the REVELATION, the W.N. RAGLAND, and the M/T MISS LINDA.

(Sec. 608) Revises requirements for issuance of a certificate of documentation with coastwise trade endorsement for certain vessels to require, among other things, that 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) certify annually to the Secretary of the department in which the CG is operating that it: (1) is a leasing company, bank, or financial institution; (2) owns, or holds the beneficial interest in, the vessel solely as a passive investment; (3) does not operate any vessel for hire and is not an affiliate of any person who operates any vessel for hire; and (4) 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. Sets forth similar certification requirements for coastwise endorsement of certain tank vessels.

Treats a person that owns a foreign-flagged vessel as a U.S. citizen for purposes of issuance of a coastwise endorsement for such vessel (or any replacement vessel of similar size and function) if such person: (1) owned a vessel before January 1, 2001, that had a coastwise endorsement; and (2) derives substantially all of its revenue from leasing vessels engaged in the transportation or distribution of petroleum products and other cargo in Alaska. Limits such owner to coastwise trade only within Alaska and in coastwise trade to and from Alaska.

(Sec. 610) Declares a specified portion of the Wateree River in South Carolina, upstream and downstream from a certain railroad bridge, to not be navigable waters of the United States for purposes of bridge administration.

(Sec. 611) Authorizes the Secretary of the department in which the CG is operating to conduct a pilot program to demonstrate methods to improve processes and procedures for issuing merchant mariners' documents.

(Sec. 612) Directs the Secretary of the department in which the CG is operating to convey all U.S. right, title, and interest in and to Sentinel Island, Alaska, to the eligible entity to which the Sentinel Island Light Station is conveyed for education, park, recreation, cultural, or historical preservation purposes. Prohibits conveyance of: (1) any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance; or (2) any interest in submerged land. Subjects the conveyance of Sentinel Island to reversion to the United States of all right, title, and interest in the property if specified conditions are not met.

(Sec. 614) Expresses the sense of Congress that the Coast Guard should continue to: (1) place a high priority on addressing the safety risks posed to boaters by elevated levels of carbon monoxide unique to watercraft; and (2) 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 minimize the number of carbon monoxide-related boating deaths occurring each year.

(Sec. 615) Deems for penalty mitigation purposes a certain violation of Federal law owing to avoidance of a specified hazardous condition involving the vertical clearance on the Mississippi River at Chalmette, Louisiana, to have been committed by reason of a safety concern.

(Sec. 616) Deems vessels of between 100 and 300 gross tons to be tour vessels for operations in Glacier Bay National Park and Preserve, Alaska, provided certain requirements are met.

(Sec. 617) Expresses the sense of the Congress that the Secretary of the department in which the CG is operating should, on a timely basis, review and adjust the pilotage rates payable for services performed by U.S. registered pilots on



the Great Lakes.

(Sec. 618) Authorizes the Secretary of the department in which the CG is operating to issue a certificate of documentation with endorsement for coastwise trade for specified Westlake chemical barges.

(Sec. 620) Authorizes appropriations for FY 2005 for capital expenses related to LORAN-C navigation infrastructure.

(Sec. 621) Requires a report from the CG to specified congressional committees with respect to performance under the first term of the Integrated Deepwater System contract.

(Sec. 622) Amends Federal transportation law to authorize the Commandant to obtain the judicial review of National Transportation Safety Board (NTSB) orders that have an adverse impact on maritime safety or security.

(Sec. 623) Extends, through FY 2008 or the date related regulations are promulgated if earlier, the authority of the Secretary of the department in which the CG is operating to implement and enforce U.S. Coast Guard 1997 Enforcement Policy for Cargo Residues on the Great Lakes for purposes of regulating incidental discharges from vessels of residues of dry bulk cargo into the waters of the Great Lakes.

(Sec. 624) Directs the Secretary of the department in which the CG is operating to study and report to Congress on 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 such vessel.

(Sec. 625) Directs the Commandant to convey, without consideration, all right, title, and interest of the United States in the Coast Guard Motor Lifeboat Vessel (formerly assigned to the Group Grand Haven Command) to the city of Ludington, Michigan, provided the city complies with specified requirements.

(Sec. 626) Directs the Secretary of the department in which the CG is operating to study and report to specified congressional committees on potential vessel routing measures for reducing vessel strikes of North Atlantic Right Whales.

(Sec. 627) Amends the National Historic Preservation Act to require the Secretary of the department in which the CG is operating to review any proposed conveyance of an historic light station in which the United States retains a reversionary or other interest to ensure that the new owner is capable of or is complying with all conditions of the original conveyance.

(Sec. 628) Authorizes the Secretary of the department in which the CG is operating to waive certain passenger status requirements with respect to one of two adult chaperones who do not meet such requirements on vessels owned or chartered by the Florida National High Adventure Sea Base program of the Boy Scouts of America.

(Sec. 629) Directs the Secretary of the department in which CG is operating to approve the use of a modular accommodation unit on a floating offshore facility for up to 12 individuals if certain requirements are met.

**Title VII: Amendments Relating to Oil Pollution Act of 1990 -** (Sec. 701) Amends the Federal Water Pollution Control Act to direct the President to issue regulations requiring an owner or operator of a non-tank vessel of 400 gross tons and greater that carries oil as fuel for main propulsion to prepare and submit to the President a plan for responding, to the maximum extent practicable, to a worst case discharge of oil, and to a substantial threat of such a discharge.

Authorizes the Secretary of the department in which the CG is operating to issue regulations requiring an owner or operator of a tank vessel, a non-tank vessel, or an onshore or offshore facility that transfers noxious liquid substances in

bulk to or from a vessel to prepare and submit 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.

(Sec. 702) Changes from mandatory to discretionary the authority of the Secretary of the department in which the CG is operating to establish minimum standards for devices warning of overfills and tank levels of oil in cargo tanks and devices for monitoring the pressure of oil cargo tanks. Directs the Secretary to study and report to specified congressional committees on the costs and benefits of methods for effectively detecting the loss of oil from oil cargo tanks.

(Sec. 703) Amends OPA to revise definitions relating to liability and cost recovery under the OPA to conform defenses against liability under OPA with those under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Adds a definition of non-tank vessel.

Excludes from owner and operator liability: (1) State and local governments acquiring a property involuntarily which have not caused or contributed to a discharge or the substantial threat of one; (2) financial institutions holding indicia of ownership to protect their security interest, but not participating in management of the property; and (3) certain subsequent innocent purchasers.

(Sec. 704) Makes funding available beginning October 1, 2012, for the Prince William Sound Oil Spill Recovery Institute for payment of costs due to oil spill discharge damage to natural resources in Alaska.

(Sec. 705) Requires establishment and publication of an environmental equivalency evaluation index to assess overall outflow performance due to collisions and groundings for double hull tank vessels and alternative hull designs.

(Sec. 706) Grants the head of a Federal agency authority to settle a claim under \$500,000 on behalf of a person who, or the Fund that, has paid compensation to a claimant for recovery of removal costs or damages as a result of an oil spill, provided the claim has not been referred to the Attorney General. Authorizes the settlement of recovery claims exceeding \$500,000 (excluding interest) only with prior written approval of the Attorney General.

(Sec. 707) Directs the Commandant to report to specified congressional committees on implementation of the OPA.

(Sec. 708) Directs the President to establish a loan program under the Fund to provide interim assistance to fishermen and aquaculture producer claimants during the oil spill recovery claims procedure. Directs the Secretary of Commerce to study and report to Congress on the effectiveness of the claims procedures and emergency response programs under the OPA concerning claims filed by, and emergency responses carried out to protect the interests of, fishermen and aquaculture producers, including any recommendations to improve such procedures and programs.

**Title VIII: Maritime Transportation Security** - (Sec. 801) Authorizes CG members in the performance of official duties to: (1) carry a firearm; and (2) while at a facility make an arrest without a warrant for any offense against the United States committed in their presence, and seize property as provided by law.

Authorizes State and local law enforcement officers to arrest a person for violation of a security zone regulation if such violation is a felony and the arresting officer has reasonable grounds to believe that the person has committed or is committing such violation.

(Sec. 802) Subjects vessels to in rem liability for civil penalties assessed for violation of certain port security requirements and certain reimbursable costs (incurred by a service provider, including port authorities, facility or terminal operators, shipping agents, Federal, State, or local government agencies, or other persons to whom management of the vessel at

the port is entrusted). Authorizes the Secretary of Transportation to refuse or revoke port clearance to any owner, agent, master, officer, or person in charge of a vessel that is liable for a penalty or fine for violation of port security requirements.

(Sec. 803) Authorizes the maritime intelligence system to include a vessel risk profiling component that assigns incoming vessels a terrorism risk rating.

Changes from discretionary to mandatory the authority of the Secretary of the department in which the CG is operating (the Secretary in this title) to develop and implement a long-range automated vessel tracking system for all vessels in U.S. waters that are equipped with the Global Maritime Distress and Safety System or equivalent satellite technology.

Requires the Secretary to submit to specified congressional committees a plan that establishes a lead agency within the Department of Homeland Security (DHS) to coordinate the efforts of Federal agencies in collecting maritime information with respect to vessels, crew, passengers, cargo, and cargo shippers.

(Sec. 804) Directs the Secretary, in awarding a maritime transportation security grant to implement Area Maritime Transportation Security Plans and facility security plans among port authorities, facility operators, and State and local government agencies, to provide for review and comment by the appropriate Federal Maritime Security Coordinators and the Maritime Administrator. Requires the Secretary to report to specified congressional committees on the design of the grant program.

(Sec. 805) Directs the Secretary to: (1) conduct, and coordinate with the appropriate Federal agencies in preparing, a vulnerability assessment of U.S. waters adjacent to nuclear facilities; and (2) submit such assessments to specified congressional committees.

(Sec. 806) Requires an Area Maritime Security Advisory Committee to include representatives of the port industry, terminal operators, port labor organizations, and other users of the port areas.

(Sec. 807) Directs the Commandant to report to Congress on the implementation and use of joint operational centers for port security at certain U.S. seaports.

(Sec. 808) Replaces the current grant program, administered by the Secretary of Transportation, for the support of research and development of technologies that can be used to secure U.S. ports with a new mandate. Directs the Secretary of the department in which the CG is operating to conduct investigations, fund pilot programs, and award grants, to examine or develop: (1) methods or programs to increase the ability to target for inspection vessels, cargo, crewmembers, or passengers that arrive at U.S. ports; (2) equipment to detect explosives, chemical, biological agents, or nuclear or radiological materials; and (3) methods to improve security and sustainability of port facilities in the event of a maritime transportation security incident. Authorizes the Secretary to conduct pilot projects, in conjunction with ongoing efforts to improve security, at U.S. ports to test the effectiveness and applicability of new port security projects.

Authorizes appropriations for FY 2005 through 2009.

Authorizes the Secretary to make grants or enter into cooperative agreements with 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 through National Port Security Centers.

(Sec. 809) Directs the Secretary to submit to specified congressional committees certain vessel and intermodal security reports.

## Actions Timeline

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- **Aug 9, 2004:** Signed by President.
- **Aug 9, 2004:** Signed by President.
- **Aug 9, 2004:** Became Public Law No: 108-293.
- **Aug 9, 2004:** Became Public Law No: 108-293.
- **Jul 28, 2004:** Presented to President.
- **Jul 28, 2004:** Presented to President.
- **Jul 23, 2004:** Message on Senate action sent to the House.
- **Jul 22, 2004:** Conference report agreed to in Senate: Senate agreed to conference report by Unanimous Consent Vote.(consideration: CR S8624-8627)
- **Jul 22, 2004:** Senate agreed to conference report by Unanimous Consent Vote. (consideration: CR S8624-8627)
- **Jul 21, 2004:** Rule H. Res. 730 passed House.
- **Jul 21, 2004:** Mr. Young (AK) brought up conference report H. Rept. 108-617 for consideration under the provisions of H. Res. 730. (consideration: CR H6469-6475)
- **Jul 21, 2004:** DEBATE - The House proceeded with one hour of debate on the conference report to H.R. 2443.
- **Jul 21, 2004:** The previous question was ordered without objection.
- **Jul 21, 2004:** POSTPONED PROCEEDINGS - At the conclusion of debate on the conference report to H.R. 2443 the Chair put the question on adoption of the conference report and by voice vote, announced that the ayes had prevailed. Mr. Filner demanded the yeas and nays and the Speaker postponed further proceedings until later in the legislative day.
- **Jul 21, 2004:** The House proceeded to consider the conference report H.Rept. 108-617 as unfinished business. (consideration: CR H6495-6496)
- **Jul 21, 2004:** Conference report agreed to in House: On agreeing to the conference report Agreed to by the Yeas and Nays: 425 - 1 (Roll no. 404).
- **Jul 21, 2004:** Motions to reconsider laid on the table Agreed to without objection.
- **Jul 21, 2004:** On agreeing to the conference report Agreed to by the Yeas and Nays: 425 - 1 (Roll no. 404).
- **Jul 21, 2004:** Conference papers: Senate report and manager's statement and message on House action held at the desk in Senate.
- **Jul 20, 2004:** Conference report filed: Conference report H. Rept. 108-617 filed.(text of conference report: CR H6022-6048)
- **Jul 20, 2004:** Conference report H. Rept. 108-617 filed. (text of conference report: CR H6022-6048)
- **Jul 20, 2004:** Rules Committee Resolution H. Res. 730 Reported to House. Rule provides for consideration of the conference report to H.R. 2443.
- **Jul 14, 2004:** Conference committee actions: Conferees agreed to file conference report.
- **Jul 14, 2004:** Conferees agreed to file conference report.
- **May 13, 2004:** Conference committee actions: Conference held.
- **May 13, 2004:** Conference held.
- **May 6, 2004:** Mr. LoBiondo asked unanimous consent that the House disagree to the Senate amendments, and agree to a conference. (consideration: CR H2663-2666)
- **May 6, 2004:** On motion that the House disagree to the Senate amendments, and agree to a conference Agreed to without objection.
- **May 6, 2004:** Mr. Filner moved that the House instruct conferees. (consideration: CR H2663-2666, H2679)
- **May 6, 2004:** DEBATE - The House proceeded with one hour of debate on the Filner motion to instruct conferees on H.R. 2443. The instructions contained within the motion seek to require the managers on the part of the House to insist on the language contained in section 415 of the House bill that requires foreign-flag vessels to have their vessel security plans approved by the United States Coast Guard before entering a port in the United States.
- **May 6, 2004:** On motion that the House instruct conferees Agreed to by the Yeas and Nays: 395 - 19 (Roll no. 148).
- **May 6, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **May 6, 2004:** The Speaker appointed conferees - from the Committee on Transportation and Infrastructure for consideration of the House bill and the Senate amendments, and modifications committed to conference: Young (AK), Coble, Duncan, Hoekstra, LoBiondo, Simmons, Diaz-Balart, M., Oberstar, Filner, Bishop (NY), and Lampson.
- **May 6, 2004:** The Speaker appointed conferees for consideration of the House bill and Senate amendments, and

modifications committed to conference: Cox and Thompson (MS).

- **Mar 31, 2004:** Message on Senate action sent to the House.
- **Mar 30, 2004:** Senate Committee on Commerce, Science, and Transportation discharged by Unanimous Consent.
- **Mar 30, 2004:** Senate Committee on Commerce, Science, and Transportation discharged by Unanimous Consent.
- **Mar 30, 2004:** Measure laid before Senate by unanimous consent. (consideration: CR S3387)
- **Mar 30, 2004:** Passed/agreed to in Senate: Passed Senate with an amendment and an amendment to the Title by Unanimous Consent.
- **Mar 30, 2004:** Passed Senate with an amendment and an amendment to the Title by Unanimous Consent.
- **Mar 30, 2004:** Senate insists on its amendments, asks for a conference, appoints conferees McCain; Stevens; Lott; Hutchison; Snowe; Hollings; Inouye; Breaux; Wyden.
- **Mar 30, 2004:** Senate appointed conferees. Inhofe; Jeffords from the Committee on Environment and Public Works.
- **Nov 6, 2003:** Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.
- **Nov 5, 2003:** Considered under the provisions of rule H. Res. 416. (consideration: CR H10396-10424)
- **Nov 5, 2003:** Rule provides for consideration of H.R. 2443 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Bill is open to amendments.
- **Nov 5, 2003:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 416 and Rule XVIII.
- **Nov 5, 2003:** The Speaker designated the Honorable Doug Ose to act as Chairman of the Committee.
- **Nov 5, 2003:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 2443.
- **Nov 5, 2003:** DEBATE - The Committee of the Whole proceeded with debate on the LoBiondo amendment under the five-minute rule.
- **Nov 5, 2003:** DEBATE - The Committee of the Whole proceeded with debate on the DeFazio amendment under the five-minute rule.
- **Nov 5, 2003:** POSTPONED VOTE - At the conclusion of debate on the DeFazio amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. DeFazio demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Nov 5, 2003:** DEBATE - The Committee of the Whole proceeded with debate on the Manzullo amendment under the five-minute rule.
- **Nov 5, 2003:** DEBATE - The Committee of the Whole proceeded with debate on the Baldwin amendment under the five-minute rule.
- **Nov 5, 2003:** DEBATE - The Committee of the Whole proceeded with debate on the Bell amendment under the five-minute rule.
- **Nov 5, 2003:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of an amendment which had been debated earlier and on which further proceedings had been postponed.
- **Nov 5, 2003:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 2443.
- **Nov 5, 2003:** The previous question was ordered pursuant to the rule.
- **Nov 5, 2003:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text: CR H10402-10409)
- **Nov 5, 2003:** Passed/agreed to in House: On passage Passed by voice vote.
- **Nov 5, 2003:** On passage Passed by voice vote.
- **Nov 5, 2003:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 5, 2003:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 2443.
- **Oct 29, 2003:** Rule H. Res. 416 passed House.
- **Oct 28, 2003:** Rules Committee Resolution H. Res. 416 Reported to House. Rule provides for consideration of H.R. 2443 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Bill is open to amendments.
- **Jul 24, 2003:** Reported (Amended) by the Committee on Transportation. H. Rept. 108-233.
- **Jul 24, 2003:** Reported (Amended) by the Committee on Transportation. H. Rept. 108-233.

- Jul 24, 2003:** Placed on the Union Calendar, Calendar No. 127.
- **Jun 25, 2003:** Committee Consideration and Mark-up Session Held.
  - **Jun 25, 2003:** Ordered to be Reported (Amended) by Voice Vote.
  - **Jun 12, 2003:** Introduced in House
  - **Jun 12, 2003:** Introduced in House
  - **Jun 12, 2003:** Referred to the House Committee on Transportation and Infrastructure.
  - **Jun 12, 2003:** Referred to the Subcommittee on Coast Guard and Maritime Transportation.
  - **Jun 12, 2003:** Subcommittee on Coast Guard and Maritime Transportation Held Hearing Prior to Introduction and Referral (May 22, 2003).
  - **Jun 12, 2003:** Subcommittee Consideration and Mark-up Session Held.
  - **Jun 12, 2003:** Forwarded by Subcommittee to Full Committee by Voice Vote.