H.R.1361
Coast Guard Authorization Act For Fiscal Year 1996 (Engrossed as Agreed to or Passed by House)

SEC. 424. CONVEYANCE OF CAPE ANN LIGHTHOUSE, THACHERS ISLAND, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY-

(1) IN GENERAL- The Secretary of Transportation shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thachers Island, Massachusetts.

(2) IDENTIFICATION OF PROPERTY- The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE-

(1) IN GENERAL- The conveyance of property pursuant to this section shall be made--

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST- In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Cape Ann Lighthouse shall immediately revert to the United States if the Cape Ann Lighthouse, or any part of the property--

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE AND NAVIGATION FUNCTIONS- The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that--

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the town of Rockport may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary of Transportation;

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

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

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

(4) OBLIGATION LIMITATION- The town of Rockport is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS- The town of Rockport shall maintain the Cape Ann Lighthouse in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS- For purposes of this section, the term `Cape Ann Lighthouse' means the Coast Guard property located on Thachers Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of conveyance.

SEC. 425. AMENDMENTS TO JOHNSON ACT.

For purposes of section 5(b)(1)(A) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(1)(A)), commonly known as the Johnson Act, a vessel on

a voyage that begins in the territorial jurisdiction of the State of Indiana and that does not leave the territorial jurisdiction of the State of Indiana shall be considered to be a vessel that is not within the boundaries of any State or possession of the United States.

SEC. 426. TRANSFER OF COAST GUARD PROPERTY IN GOSNOLD, MASSACHUSETTS.

(a) CONVEYANCE REQUIREMENT- The Secretary of Transportation may convey to the town of Gosnold, Massachusetts, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the `United States Coast Guard Cuttyhunk Boathouse and Wharf', as described in subsection (c).

(b) CONDITIONS- Any conveyance of property under subsection (a) shall be subject to the condition that the Coast Guard shall retain in perpetuity and at no cost--

(1) the right of access to, over, and through the boathouse, wharf, and land comprising the property at all times for the purpose of berthing vessels, including vessels belonging to members of the Coast Guard Auxiliary; and

(2) the right of ingress to and egress from the property for purposes of access to Coast Guard facilities and performance of Coast Guard functions.

(c) PROPERTY DESCRIBED- The property referred to in subsection (a) is real property located in the town of Gosnold, Massachusetts (including all buildings, structures, equipment, and other improvements), as determined by the Secretary of Transportation.

SEC. 427. TRANSFER OF COAST GUARD PROPERTY IN NEW SHOREHAM, RHODE ISLAND.

(a) REQUIREMENT- The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the town of New Shoreham, Rhode Island, without consideration, all right, title, and interest of the United States in and to the property known as the United States Coast Guard

Station Block Island, as described in subsection (b), subject to all easements and other interest in the property held by any other person.

(b) PROPERTY DESCRIBED- The property referred to in subsection (a) is real property (including buildings and improvements) located on the west side of Block Island, Rhode Island, at the entrance to the Great Salt Pond and referred to in the books of the Tax Assessor of the town of New Shoreham, Rhode Island, as lots 10 and 12, comprising approximately 10.7 acres.

(c) REVERSIONARY INTEREST- In addition to any term or condition established pursuant to subsection (a), any conveyance of property under subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the town of New Shoreham, Rhode Island.

(d) INDEMNIFICATION FOR PREEXISTING ENVIRONMENTAL LIABILITIES- Notwithstanding any conveyance of property under this section, after such conveyance the Secretary of Transportation shall indemnify the town of New Shoreham, Rhode Island, for any environmental liability arising from the property, that existed before the date of the conveyance.

SEC. 428. VESSEL DEEMED TO BE A RECREATIONAL VESSEL.

The vessel, an approximately 96 meter twin screw motor yacht for which construction commenced in October 1993 (to be named the LIMITLESS), is deemed to be a recreational vessel under chapter 43 of title 46, United States Code.

SEC. 429. REQUIREMENT FOR PROCUREMENT OF BUOY CHAIN.

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

`Sec. 96. Procurement of buoy chain

`(a) The Coast Guard may not procure buoy chain--

`(1) that is not manufactured in the United States; or

`(2) substantially all of the components of which are not produced or manufactured in the United States.

`(b) For purposes of subsection (a)(2), substantially all of the components of a buoy chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components thereof which are produced or manufactured in the United States is greater than the aggregate cost of the components thereof which are produced or manufactured outside the United States.

`(c) In this section--

`(1) the term `buoy chain' means any chain, cable, or other device that is--

`(A) used to hold in place, by attachment to the bottom of a body of water, a floating aid to navigation; and

`(B) not more than 4 inches in diameter; and

`(2) the term `manufacture' includes cutting, heat treating, quality control, welding (including the forging and shot blasting process), and testing.'.

(b) CLERICAL AMENDMENT- The table of sections for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

`96. Procurement of buoy chain.'.

SEC. 430. CRUISE VESSEL TORT REFORM.

(a) Section 4283 of the Revised Statutes of the United States (46 App. 183), is amended by adding a new subsection (g) to read as follows:

`(g) In a suit by any person in which a shipowner, operator, or employer of a crew member is claimed to have direct or vicarious liability for medical malpractice or other tortious conduct occurring at a shoreside facility, or in which the damages sought are alleged to result from the referral to or treatment by any shoreside doctor, hospital, medical facility, or other health care provider, the shipowner, operator, or employer shall be entitled to rely upon any and all statutory limitations of liability applicable to the doctor, hospital, medical facility, or other health care provider in the State in which the shoreside medical care was provided.'.

(b) Section 4283b of the Revised Statutes of the United States (46 App. 183c) is amended by adding a new subsection to read as follows:

`(b) Subsection (a) shall not prohibit provisions or limitations in contracts, agreements, or ticket conditions of carriage with passengers which relieve a manager, agent, master, owner, or operator of a vessel from liability for infliction of emotional distress, mental suffering, or psychological injury so long as such provisions or limitations do not limit liability if the emotional distress, mental suffering, or psychological injury was--

`(1) the result of substantial physical injury to the claimant caused by the negligence or fault of the manager, agent, master, owner, or operator;

`(2) the result of the claimant having been at actual risk of substantial physical injury, which risk was caused by the negligence or fault of the manager, agent, master, owner, or operator; or

`(3) intentionally inflicted by the manager, agent, master, owner, or operator.'.

(c) Section 20 of chapter 153 of the Act of March 4, 1915 (46 App.

688) is amended by adding a new subsection to read as follows:

`(c) Limitation for Certain Aliens in Case of Contractual Alternative Forum–

`(1) No action may be maintained under subsection (a) or under any other maritime law of the United States for maintenance and cure or for damages for the injury or death of a person who was not a citizen or permanent legal resident alien of the United States at the time of the incident giving rise to the action, if the incident giving rise to the action occurred while the person was employed on board a vessel documented other than under the laws of the United States, which vessel was owned by an entity organized other than under the laws of the United States or by a person who is not a citizen or permanent legal resident alien.

`(2) The provisions of paragraph (1) shall only apply if––

`(A) the incident giving rise to the action occurred while the person bringing the action was a party to a contract of employment or was subject to a collective bargaining agreement which, by its terms, provided for an exclusive forum for resolution of all such disputes or actions in a nation other than the United States, a remedy is available to the person under the laws of that nation, and the party seeking to dismiss an action under paragraph (1) is willing to stipulate to jurisdiction under the laws of such nation as to such incident; or

`(B) a remedy is available to the person bringing the action under the laws of the nation in which the person maintained citizenship or permanent residency at the time of the incident giving rise to the action and the party seeking to dismiss an action under paragraph (1) is willing to stipulate to jurisdiction under the laws of such nation as to such incident.

`(3) The provisions of paragraph (1) of this subsection shall not be interpreted to require a court in the United States to accept

jurisdiction of any actions.'.

SEC. 431. LIMITATION ON FEES AND CHARGES WITH RESPECT TO FERRIES.

The Secretary of the department in which the Coast Guard is operating may not assess or collect any fee or charge with respect to a ferry. Notwithstanding any other provision of this Act, the Secretary is authorized to reduce expenditures in an amount equal to the fees or charges which are not collected or assessed as a result of this section.

TITLE V--COAST GUARD REGULATORY REFORM

SEC. 501. SHORT TITLE.

This title may be cited as the `Coast Guard Regulatory Reform Act of 1995'.

SEC. 502. SAFETY MANAGEMENT.

(a) MANAGEMENT OF VESSELS- Title 46, United States Code, is amended by adding after chapter 31 the following new chapter:

`CHAPTER 32--MANAGEMENT OF VESSELS

`Sec.

`3201. Definitions.

`3202. Application.

`3203. Safety management system.

`3204. Implementation of safety management system.

`3205. Certification.

`Sec. 3201. Definitions

`In this chapter--

`(1) `International Safety Management Code' has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

`(2) `responsible person' means--

`(A) the owner of a vessel to which this chapter applies; or

`(B) any other person that has--

`(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

`(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter;

`(3) `vessel engaged on a foreign voyage' means a vessel to which this chapter applies--

`(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

`(B) making a voyage between places outside the United States; or

`(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

`Sec. 3202. Application

`(a) MANDATORY APPLICATION- This chapter applies to the following vessels engaged on a foreign voyage:

`(1) Beginning July 1, 1998--

`(A) a vessel transporting more than 12 passengers described in section 2101(21)(A) of this title; and

`(B) a tanker, bulk freight vessel, or high-speed freight vessel, of at least 500 gross tons.

`(2) Beginning July 1, 2002, a freight vessel and a mobile offshore drilling unit of at least 500 gross tons.

`(b) VOLUNTARY APPLICATION- This chapter applies to a vessel not

described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

`(c) EXCEPTION- Except as provided in subsection (b) of this section, this chapter does not apply to--

`(1) a barge;

`(2) a recreational vessel not engaged in commercial service;

`(3) a fishing vessel;

`(4) a vessel operating on the Great Lakes or its tributary and connecting waters; or

`(5) a public vessel.

`Sec. 3203. Safety management system

`(a) IN GENERAL- The Secretary shall prescribe regulations which establish a safety management system for responsible persons and vessels to which this chapter applies, including--

`(1) a safety and environmental protection policy;

`(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

`(3) defined levels of authority and lines of communications between, and among, personnel on shore and on the vessel;

`(4) procedures for reporting accidents and nonconformities with this chapter;

`(5) procedures for preparing for and responding to emergency situations; and

`(6) procedures for internal audits and management reviews of the system.

`(b) COMPLIANCE WITH CODE- Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

`Sec. 3204. Implementation of safety management system

`(a) SAFETY MANAGEMENT PLAN- Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

`(b) APPROVAL- Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

`(c) PROHIBITION ON VESSEL OPERATION- A vessel to which this chapter applies under section 3202(a) may not be operated without having on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

`Sec. 3205. Certification

`(a) ISSUANCE OF CERTIFICATE AND DOCUMENT- After verifying that the responsible person for a vessel to which this chapter applies and the

vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

`(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT- A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

`(c) VERIFICATION OF COMPLIANCE- The Secretary shall--

`(1) periodically review whether a responsible person having a safety management plan approved under section 3204(b) and each vessel to which the plan applies is complying with the plan; and

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