

107TH CONGRESS
1ST SESSION

H. R. 1099

AN ACT

To make changes in laws governing Coast Guard personnel, increase marine safety, renew certain groups that advise the Coast Guard on safety issues, make miscellaneous improvements to Coast Guard operations and policies, 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 cited as the “Coast Guard Personnel
 5 and Maritime Safety Act of 2001”.

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.

TITLE I—PERSONNEL MANAGEMENT

- Sec. 101. Coast Guard band director rank.
- Sec. 102. Compensatory absence for isolated duty.
- Sec. 103. Accelerated promotion of certain Coast Guard officers.

TITLE II—MARINE SAFETY

- Sec. 201. Extension of Territorial Sea for Vessel Bridge-to-Bridge Radio-
telephone Act.
- Sec. 202. Preservation of certain reporting requirements.
- Sec. 203. Oil Spill Liability Trust Fund; emergency fund borrowing authority.
- Sec. 204. Merchant mariner documentation requirements.
- Sec. 205. Penalties for negligent operations and interfering with safe operation.

TITLE III—RENEWAL OF ADVISORY GROUPS

- Sec. 301. Commercial Fishing Industry Vessel Advisory Committee.
- Sec. 302. Houston-Galveston Navigation Safety Advisory Committee.
- Sec. 303. Lower Mississippi River Waterway Advisory Committee.
- Sec. 304. Navigation Safety Advisory Council.
- Sec. 305. National boating safety advisory council.
- Sec. 306. Towing Safety Advisory Committee.

TITLE IV—MISCELLANEOUS

- Sec. 401. Patrol craft.
- Sec. 402. Clarification of Coast Guard authority to control vessels in territorial
waters of the United States.
- Sec. 403. Caribbean support tender.
- Sec. 404. Prohibition of new maritime user fees.
- Sec. 405. Great Lakes lighthouses.
- Sec. 406. Coast Guard report on implementation of NTSB recommendations.
- Sec. 407. Conveyance of Coast Guard property in Portland, Maine.
- Sec. 408. Harbor safety committees.
- Sec. 409. Miscellaneous conveyances.
- Sec. 410. Partnerships for performance of work at Coast Guard Yard.
- Sec. 411. Boating safety.

1 **TITLE I—PERSONNEL**
2 **MANAGEMENT**

3 **SEC. 101. COAST GUARD BAND DIRECTOR RANK.**

4 Section 336(d) of title 14, United States Code, is
5 amended by striking “commander” and inserting “cap-
6 tain”.

7 **SEC. 102. COMPENSATORY ABSENCE FOR ISOLATED DUTY.**

8 (a) **IN GENERAL.**—Section 511 of title 14, United
9 States Code, is amended to read as follows:

10 **“§ 511. Compensatory absence from duty for military**
11 **personnel at isolated duty stations**

12 “The Secretary may grant compensatory absence
13 from duty to military personnel of the Coast Guard serv-
14 ing at isolated duty stations of the Coast Guard when con-
15 ditions of duty result in confinement because of isolation
16 or in long periods of continuous duty.”.

17 (b) **CLERICAL AMENDMENT.**—The chapter analysis
18 for chapter 13 of title 14, United States Code, is amended
19 by striking the item relating to section 511 and inserting
20 the following:

 “511. Compensatory absence from duty for military personnel at isolated duty
 stations.”.

21 **SEC. 103. ACCELERATED PROMOTION OF CERTAIN COAST**
22 **GUARD OFFICERS.**

23 Title 14, United States Code, is amended—

1 (1) in section 259, by adding at the end a new
2 subsection (c) to read as follows:

3 “(c)(1) After selecting the officers to be rec-
4 ommended for promotion, a selection board may rec-
5 ommend officers of particular merit, from among those of-
6 ficers chosen for promotion, to be placed at the top of the
7 list of selectees promulgated by the Secretary under sec-
8 tion 271(a) of this title. The number of officers that a
9 board may recommend to be placed at the top of the list
10 of selectees may not exceed the percentages set forth in
11 subsection (b) unless such a percentage is a number less
12 than one, in which case the board may recommend one
13 officer for such placement. No officer may be rec-
14 ommended to be placed at the top of the list of selectees
15 unless he or she receives the recommendation of at least
16 a majority of the members of a board composed of five
17 members, or at least two-thirds of the members of a board
18 composed of more than five members.

19 “(2) The Secretary shall conduct a survey of the
20 Coast Guard officer corps to determine if implementation
21 of this subsection will improve Coast Guard officer reten-
22 tion. A selection board may not make any recommendation
23 under this subsection before the date on which the Sec-
24 retary publishes a finding, based upon the results of the

1 survey, that implementation of this subsection will im-
2 prove Coast Guard officer retention.

3 “(3) The Secretary shall submit any finding made by
4 the Secretary pursuant to paragraph (2) to the Committee
5 on Transportation and Infrastructure of the House of
6 Representatives and the Committee on Commerce,
7 Science, and Transportation of the Senate.”;

8 (2) in section 260(a), by inserting “and the
9 names of those officers recommended to be advanced
10 to the top of the list of selectees established by the
11 Secretary under section 271(a) of this title” after
12 “promotion”; and

13 (3) in section 271(a), by inserting at the end
14 thereof the following: “The names of all officers ap-
15 proved by the President and recommended by the
16 board to be placed at the top of the list of selectees
17 shall be placed at the top of the list of selectees in
18 the order of seniority on the active duty promotion
19 list.”.

20 **TITLE II—MARINE SAFETY**

21 **SEC. 201. EXTENSION OF TERRITORIAL SEA FOR VESSEL**

22 **BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.**

23 Section 4(b) of the Vessel Bridge-to-Bridge Radio-
24 telephone Act (33 U.S.C. 1203(b)), is amended by striking
25 “United States inside the lines established pursuant to

1 section 2 of the Act of February 19, 1895 (28 Stat. 672),
2 as amended.” and inserting “United States, which in-
3 cludes all waters of the territorial sea of the United States
4 as described in Presidential Proclamation 5928 of Decem-
5 ber 27, 1988.”.

6 **SEC. 202. PRESERVATION OF CERTAIN REPORTING RE-**
7 **QUIREMENTS.**

8 Section 3003(a)(1) of the Federal Reports Elimini-
9 nation and Sunset Act of 1995 (31 U.S.C. 1113 note)
10 does not apply to any report required to be submitted
11 under any of the following provisions of law:

12 (1) COAST GUARD OPERATIONS AND EXPENDI-
13 TURES.—Section 651 of title 14, United States
14 Code.

15 (2) SUMMARY OF MARINE CASUALTIES RE-
16 PORTED DURING PRIOR FISCAL YEAR.—Section
17 6307(e) of title 46, United States Code.

18 (3) USER FEE ACTIVITIES AND AMOUNTS.—
19 Section 664 of title 46, United States Code.

20 (4) CONDITIONS OF PUBLIC PORTS OF THE
21 UNITED STATES.—Section 308(e) of title 49, United
22 States Code.

23 (5) ACTIVITIES OF FEDERAL MARITIME COM-
24 MISSION.—Section 208 of the Merchant Marine Act,
25 1936 (46 App. U.S.C. 1118).

1 (6) ACTIVITIES OF INTERAGENCY COORDI-
 2 NATING COMMITTEE ON OIL POLLUTION RE-
 3 SEARCH.—Section 7001(e) of the Oil Pollution Act
 4 of 1990 (33 U.S.C. 2761(e)).

5 **SEC. 203. OIL SPILL LIABILITY TRUST FUND; EMERGENCY**
 6 **FUND BORROWING AUTHORITY.**

7 Section 6002(b) of the Oil Pollution Act of 1990 (33
 8 U.S.C. 2752(b)) is amended after the first sentence by
 9 inserting “To the extent that such amount is not adequate
 10 for removal of a discharge or the mitigation or prevention
 11 of a substantial threat of a discharge, the Coast Guard
 12 may borrow from the Fund such sums as may be nec-
 13 essary, up to a maximum of \$100,000,000, and within 30
 14 days shall notify Congress of the amount borrowed and
 15 the facts and circumstances necessitating the loan.
 16 Amounts borrowed shall be repaid to the Fund when, and
 17 to the extent that removal costs are recovered by the Coast
 18 Guard from responsible parties for the discharge or sub-
 19 stantial threat of discharge.”.

20 **SEC. 204. MERCHANT MARINER DOCUMENTATION RE-**
 21 **QUIREMENTS.**

22 (a) INTERIM MERCHANT MARINERS’ DOCUMENTS.—
 23 Section 7302 of title 46, United States Code, is
 24 amended—

1 (1) by striking “A” in subsection (f) and insert-
2 ing “Except as provided in subsection (g), a”; and

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

4 “(g)(1) The Secretary may, pending receipt and re-
5 view of information required under subsections (c) and
6 (d), immediately issue an interim merchant mariner’s doc-
7 ument valid for a period not to exceed 120 days, to—

8 “(A) an individual to be employed as gaming
9 personnel, entertainment personnel, wait staff, or
10 other service personnel on board a passenger vessel
11 not engaged in foreign service, with no duties, in-
12 cluding emergency duties, related to the navigation
13 of the vessel or the safety of the vessel, its crew,
14 cargo or passengers; or

15 “(B) an individual seeking renewal of, or quali-
16 fying for a supplemental endorsement to, a valid
17 merchant mariner’s document issued under this sec-
18 tion.

19 “(2) No more than one interim document may be
20 issued to an individual under paragraph (1)(A) of this
21 subsection.”.

22 (b) EXCEPTION.—Section 8701(a) of title 46, United
23 States Code, is amended—

24 (1) by striking “and” after the semicolon in
25 paragraph (8);

1 (2) by redesignating paragraph (9) as para-
2 graph (10); and

3 (3) by inserting after paragraph (8) the fol-
4 lowing:

5 “(9) a passenger vessel not engaged in a for-
6 eign voyage with respect to individuals on board em-
7 ployed for a period of not more than 30 service days
8 within a 12 month period as entertainment per-
9 sonnel, with no duties, including emergency duties,
10 related to the navigation of the vessel or the safety
11 of the vessel, its crew, cargo or passengers; and”.

12 **SEC. 205. PENALTIES FOR NEGLIGENT OPERATIONS AND**
13 **INTERFERING WITH SAFE OPERATION.**

14 Section 2302(a) of title 46, United States Code, is
15 amended by striking “\$1,000.” and inserting “\$5,000 in
16 the case of a recreational vessel, or \$25,000 in the case
17 of any other vessel.”.

18 **TITLE III—RENEWAL OF**
19 **ADVISORY GROUPS**

20 **SEC. 301. COMMERCIAL FISHING INDUSTRY VESSEL ADVI-**
21 **SORY COMMITTEE.**

22 (a) COMMERCIAL FISHING INDUSTRY VESSEL ADVI-
23 SORY COMMITTEE.—Section 4508 of title 46, United
24 States Code, is amended—

1 (1) by inserting “**Safety**” in the heading after
2 “**Vessel**”;

3 (2) by inserting “Safety” in subsection (a) after
4 “Vessel”;

5 (3) by striking “(5 U.S.C App. 1 et seq.)” in
6 subsection (e)(1)(I) and inserting “(5 U.S.C.
7 App.)”; and

8 (4) by striking “of September 30, 2000” and
9 inserting “on September 30, 2005”.

10 (b) CONFORMING AMENDMENT.—The chapter anal-
11 ysis for chapter 45 of title 46, United States Code, is
12 amended by striking the item relating to section 4508 and
13 inserting the following:

“4508. Commercial Fishing Industry Vessel Safety Advisory Committee.”.

14 **SEC. 302. HOUSTON-GALVESTON NAVIGATION SAFETY AD-**
15 **VISORY COMMITTEE.**

16 Section 18(h) of the Coast Guard Authorization Act
17 of 1991 (Public Law 102–241) is amended by striking
18 “September 30, 2000.” and inserting “September 30,
19 2005.”.

20 **SEC. 303. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY**
21 **COMMITTEE.**

22 Section 19 of the Coast Guard Authorization Act of
23 1991 (Public Law 102–241) is amended by striking “Sep-
24 tember 30, 2000” in subsection (g) and inserting “Sep-
25 tember 30, 2005”.

1 **SEC. 304. NAVIGATION SAFETY ADVISORY COUNCIL.**

2 Section 5 of the Inland Navigational Rules Act of
3 1980 (33 U.S.C. 2073) is amended by striking “Sep-
4 tember 30, 2000” in subsection (d) and inserting “Sep-
5 tember 30, 2005”.

6 **SEC. 305. NATIONAL BOATING SAFETY ADVISORY COUNCIL.**

7 Section 13110 of title 46, United States Code, is
8 amended by striking “September 30, 2000” in subsection
9 (e) and inserting “September 30, 2005”.

10 **SEC. 306. TOWING SAFETY ADVISORY COMMITTEE.**

11 The Act entitled “An Act to Establish a Towing Safe-
12 ty Advisory Committee in the Department of Transpor-
13 tation” (33 U.S.C. 1231a) is amended by striking “Sep-
14 tember 30, 2000.” in subsection (e) and inserting “Sep-
15 tember 30, 2005.”.

16 **TITLE IV—MISCELLANEOUS**

17 **SEC. 401. PATROL CRAFT.**

18 Notwithstanding any other provision of law, the Sec-
19 retary of Transportation may accept, by direct transfer
20 without cost, for use by the Coast Guard primarily for ex-
21 panded drug interdiction activities required to meet na-
22 tional supply reduction performance goals, up to 7 PC-
23 170 patrol craft from the Department of Defense if it of-
24 fers to transfer such craft.

1 **SEC. 402. CLARIFICATION OF COAST GUARD AUTHORITY TO**
2 **CONTROL VESSELS IN TERRITORIAL WATERS**
3 **OF THE UNITED STATES.**

4 The Ports and Waterways Safety Act (33 U.S.C.
5 1221 et seq.) is amended by adding at the end the fol-
6 lowing:

7 **“SEC. 15. ENTRY OF VESSELS INTO TERRITORIAL SEA; DI-**
8 **RECTION OF VESSELS BY COAST GUARD.**

9 “(a) NOTIFICATION OF COAST GUARD.—Under regu-
10 lations prescribed by the Secretary, a commercial vessel
11 entering the territorial sea of the United States shall no-
12 tify the Secretary not later than 24 hours before that
13 entry and provide the following information regarding the
14 vessel:

15 “(1) The name of the vessel.

16 “(2) The route and port or place of destination
17 in the United States.

18 “(3) The time of entry into the territorial sea.

19 “(4) Any information requested by the Sec-
20 retary to demonstrate compliance with applicable
21 international agreements to which the United States
22 is a party.

23 “(5) If the vessel is carrying dangerous cargo,
24 a description of that cargo.

25 “(6) A description of any hazardous conditions
26 on the vessel.

1 “(7) Any other information requested by the
2 Secretary.

3 “(b) DENIAL OF ENTRY.—The Secretary may deny
4 entry of a vessel into the territorial sea of the United
5 States if—

6 “(1) the Secretary has not received notification
7 for the vessel in accordance with subsection (a); or

8 “(2) the vessel is not in compliance with any
9 other applicable law relating to marine safety, secu-
10 rity, or environmental protection.

11 “(c) DIRECTION OF VESSEL.—The Secretary may di-
12 rect the operation of any vessel in the navigable waters
13 of the United States as necessary during hazardous cir-
14 cumstances, including the absence of a pilot required by
15 State or Federal law, weather, casualty, vessel traffic, or
16 the poor condition of the vessel.

17 “(d) IMPLEMENTATION.—The Secretary shall imple-
18 ment this section consistent with section 4(d).”.

19 **SEC. 403. CARIBBEAN SUPPORT TENDER.**

20 The Coast Guard is authorized to operate and main-
21 tain a Caribbean Support Tender (or similar type vessel)
22 to provide technical assistance, including law enforcement
23 training, for foreign coast guards, navies, and other mari-
24 time services.

1 **SEC. 404. PROHIBITION OF NEW MARITIME USER FEES.**

2 Section 2110(k) of title 46, United States Code, is
3 amended by striking “2001” and inserting “2006”.

4 **SEC. 405. GREAT LAKES LIGHTHOUSES.**

5 (a) FINDINGS.—The Congress finds the following:

6 (1) The Great Lakes are home to more than
7 400 lighthouses. 120 of these maritime landmarks
8 are in the State of Michigan.

9 (2) Lighthouses are an important part of Great
10 Lakes culture and stand as a testament to the im-
11 portance of shipping in the region’s political, eco-
12 nomic, and social history.

13 (3) Advances in navigation technology have
14 made many Great Lakes lighthouses obsolete. In
15 Michigan alone, approximately 70 lighthouses will be
16 designated as excess property of the Federal Govern-
17 ment and will be transferred to the General Services
18 Administration for disposal.

19 (4) Unfortunately, the Federal property dis-
20 posal process is confusing, complicated, and not well-
21 suited to disposal of historic lighthouses or to facili-
22 tate transfers to nonprofit organizations. This is es-
23 pecially troubling because, in many cases, local non-
24 profit historical organizations have dedicated tre-
25 mendous resources to preserving and maintaining
26 Great Lakes lighthouses.

1 (5) If Great Lakes lighthouses disappear, the
2 public will be unaware of an important chapter in
3 Great Lakes history.

4 (6) The National Trust for Historic Preserva-
5 tion has placed Michigan lighthouses on their list of
6 Most Endangered Historic Places.

7 (b) ASSISTANCE FOR GREAT LAKES LIGHTHOUSE
8 PRESERVATION EFFORTS.—The Secretary of Transpor-
9 tation, acting through the Coast Guard, shall—

10 (1) continue to offer advice and technical assist-
11 ance to organizations in the Great Lakes region that
12 are dedicated to lighthouse stewardship; and

13 (2) promptly release information regarding the
14 timing of designations of Coast Guard lighthouses
15 on the Great Lakes as excess to the needs of the
16 Coast Guard, to enable those organizations to mobi-
17 lize and be prepared to take appropriate action with
18 respect to the disposal of those properties.

19 **SEC. 406. COAST GUARD REPORT ON IMPLEMENTATION OF**
20 **NTSB RECOMMENDATIONS.**

21 The Commandant of the Coast Guard shall submit
22 a written report to the Committee on Transportation and
23 Infrastructure of the House of Representatives and the
24 Committee on Commerce, Science, and Transportation of
25 the Senate within 90 days after the date of enactment of

1 this Act on what actions the Coast Guard has taken to
2 implement the recommendations of the National Trans-
3 portation Safety Board in its Report No. MAR-99-01.

4 The report—

5 (1) shall describe in detail, by geographic
6 region—

7 (A) what steps the Coast Guard is taking
8 to fill gaps in its communications coverage;

9 (B) what progress the Coast Guard has
10 made in installing direction-finding systems;
11 and

12 (C) what progress the Coast Guard has
13 made toward completing its national distress
14 and response system modernization project; and

15 (2) include an assessment of the safety benefits
16 that might reasonably be expected to result from in-
17 creased or accelerated funding for—

18 (A) measures described in paragraph
19 (1)(A); and

20 (B) the national distress and response sys-
21 tem modernization project.

22 **SEC. 407. CONVEYANCE OF COAST GUARD PROPERTY IN**
23 **PORTLAND, MAINE.**

24 (a) **AUTHORITY TO CONVEY.**—

1 (1) IN GENERAL.—The Secretary of Transpor-
2 tation, or a designee of the Secretary, may convey
3 to the Gulf of Maine Aquarium Development Cor-
4 poration, its successors and assigns, without pay-
5 ment for consideration, all right, title, and interest
6 of the United States in and to approximately 4.13
7 acres of land, including a pier and bulkhead, known
8 as the Naval Reserve Pier property, together with
9 any improvements thereon in their then current con-
10 dition, located in Portland, Maine. All conditions
11 placed with the deed of title shall be construed as
12 covenants running with the land.

13 (2) IDENTIFICATION OF PROPERTY.—The Sec-
14 retary, in consultation with the Commandant of the
15 Coast Guard, may identify, describe, and determine
16 the property to be conveyed under this section. The
17 floating docks associated with or attached to the
18 Naval Reserve Pier property shall remain the per-
19 sonal property of the United States.

20 (b) LEASE TO THE UNITED STATES.—

21 (1) CONDITION OF CONVEYANCE.—The Naval
22 Reserve Pier property shall not be conveyed until the
23 Corporation enters into a lease agreement with the
24 United States, the terms of which are mutually sat-
25 isfactory to the Commandant and the Corporation,

1 in which the Corporation shall lease a portion of the
2 Naval Reserve Pier property to the United States
3 for a term of 30 years without payment of consider-
4 ation. The lease agreement shall be executed within
5 12 months after the date of enactment of this Act.

6 (2) IDENTIFICATION OF LEASED PREMISES.—

7 The Secretary, in consultation with the Com-
8 mandant, may identify and describe the leased prem-
9 ises and rights of access, including the following, in
10 order to allow the Coast Guard to operate and per-
11 form missions from and upon the leased premises:

12 (A) The right of ingress and egress over
13 the Naval Reserve Pier property, including the
14 pier and bulkhead, at any time, without notice,
15 for purposes of access to Coast Guard vessels
16 and performance of Coast Guard missions and
17 other mission-related activities.

18 (B) The right to berth Coast Guard cut-
19 ters or other vessels as required, in the moor-
20 ings along the east side of the Naval Reserve
21 Pier property, and the right to attach floating
22 docks which shall be owned and maintained at
23 the United States' sole cost and expense.

24 (C) The right to operate, maintain, re-
25 move, relocate, or replace an aid to navigation

1 located upon, or to install any aid to navigation
2 upon, the Naval Reserve Pier property as the
3 Coast Guard, in its sole discretion, may deter-
4 mine is needed for navigational purposes.

5 (D) The right to occupy up to 3,000 gross
6 square feet at the Naval Reserve Pier property
7 for storage and office space, which will be pro-
8 vided and constructed by the Corporation, at
9 the Corporation's sole cost and expense, and
10 which will be maintained, and utilities and
11 other operating expenses paid for, by the
12 United States at its sole cost and expense.

13 (E) The right to occupy up to 1,200 gross
14 square feet of offsite storage in a location other
15 than the Naval Reserve Pier property, which
16 will be provided by the Corporation at the Cor-
17 poration's sole cost and expense, and which will
18 be maintained, and utilities and other operating
19 expenses paid for, by the United States at its
20 sole cost and expense.

21 (F) The right for Coast Guard personnel
22 to park up to 60 vehicles, at no expense to the
23 government, in the Corporation's parking
24 spaces on the Naval Reserve Pier property or in
25 parking spaces that the Corporation may secure

1 within 1,000 feet of the Naval Reserve Pier
2 property or within 1,000 feet of the Coast
3 Guard Marine Safety Office Portland. Spaces
4 for no less than 30 vehicles shall be located on
5 the Naval Reserve Pier property.

6 (3) RENEWAL.—The lease described in para-
7 graph (1) may be renewed, at the sole option of the
8 United States, for additional lease terms.

9 (4) LIMITATION ON SUBLEASES.—The United
10 States may not sublease the leased premises to a
11 third party or use the leased premises for purposes
12 other than fulfilling the missions of the Coast Guard
13 and for other mission related activities.

14 (5) TERMINATION.—In the event that the Coast
15 Guard ceases to use the leased premises, the Sec-
16 retary, in consultation with the Commandant, may
17 terminate the lease with the Corporation.

18 (c) IMPROVEMENT OF LEASED PREMISES.—

19 (1) IN GENERAL.—The Naval Reserve Pier
20 property shall not be conveyed until the Corporation
21 enters into an agreement with the United States,
22 subject to the Commandant’s design specifications,
23 project’s schedule, and final project approval, to re-
24 place the bulkhead and pier which connects to, and
25 provides access from, the bulkhead to the floating

1 docks, at the Corporation's sole cost and expense, on
2 the east side of the Naval Reserve Pier property
3 within 30 months from the date of conveyance. The
4 agreement to improve the leased premises shall be
5 executed within 12 months after the date of enact-
6 ment of this Act.

7 (2) FURTHER IMPROVEMENTS.—In addition to
8 the improvements described in paragraph (1), the
9 Commandant is authorized to further improve the
10 leased premises during the lease term, at the United
11 States sole cost and expense.

12 (d) UTILITY INSTALLATION AND MAINTENANCE OB-
13 LIGATIONS.—

14 (1) UTILITIES.—The Naval Reserve Pier prop-
15 erty shall not be conveyed until the Corporation en-
16 ters into an agreement with the United States to
17 allow the United States to operate and maintain ex-
18 isting utility lines and related equipment, at the
19 United States sole cost and expense. At such time
20 as the Corporation constructs its proposed public
21 aquarium, the Corporation shall replace existing util-
22 ity lines and related equipment and provide addi-
23 tional utility lines and equipment capable of sup-
24 porting a third 110-foot Coast Guard cutter, with
25 comparable, new, code compliant utility lines and

1 equipment at the Corporation's sole cost and ex-
2 pense, maintain such utility lines and related equip-
3 ment from an agreed upon demarcation point, and
4 make such utility lines and equipment available for
5 use by the United States, provided that the United
6 States pays for its use of utilities at its sole cost and
7 expense. The agreement concerning the operation
8 and maintenance of utility lines and equipment shall
9 be executed within 12 months after the date of en-
10 actment of this Act.

11 (2) MAINTENANCE.—The Naval Reserve Pier
12 property shall not be conveyed until the Corporation
13 enters into an agreement with the United States to
14 maintain, at the Corporation's sole cost and expense,
15 the bulkhead and pier on the east side of the Naval
16 Reserve Pier property. The agreement concerning
17 the maintenance of the bulkhead and pier shall be
18 executed within 12 months after the date of enact-
19 ment of this Act.

20 (3) AIDS TO NAVIGATION.—The United States
21 shall be required to maintain, at its sole cost and ex-
22 pense, any Coast Guard active aid to navigation lo-
23 cated upon the Naval Reserve Pier property.

1 (e) ADDITIONAL RIGHTS.—The conveyance of the
2 Naval Reserve Pier property shall be made subject to con-
3 ditions the Secretary considers necessary to ensure that—

4 (1) the Corporation shall not interfere or allow
5 interference, in any manner, with use of the leased
6 premises by the United States; and

7 (2) the Corporation shall not interfere or allow
8 interference, in any manner, with any aid to naviga-
9 tion nor hinder activities required for the operation
10 and maintenance of any aid to navigation, without
11 the express written permission of the head of the
12 agency responsible for operating and maintaining
13 the aid to navigation.

14 (f) REMEDIES AND REVERSIONARY INTEREST.—The
15 Naval Reserve Pier property, at the option of the Sec-
16 retary, shall revert to the United States and be placed
17 under the administrative control of the Secretary, if, and
18 only if, the Corporation fails to abide by any of the terms
19 of this section or any agreement entered into under sub-
20 section (b), (c), or (d) of this section.

21 (g) LIABILITY OF THE PARTIES.—The liability of the
22 United States and the Corporation for any injury, death,
23 or damage to or loss of property occurring on the leased
24 property shall be determined with reference to existing
25 State or Federal law, as appropriate, and any such liabil-

1 ity may not be modified or enlarged by this Act or any
2 agreement of the parties.

3 (h) EXPIRATION OF AUTHORITY TO CONVEY.—The
4 authority to convey the Naval Reserve property under this
5 section shall expire 3 years after the date of enactment
6 of this Act.

7 (i) DEFINITIONS.—In this section:

8 (1) AID TO NAVIGATION.—The term “aid to
9 navigation” means equipment used for navigational
10 purposes, including but not limited to, a light, an-
11 tenna, sound signal, electronic navigation equipment,
12 cameras, sensors power source, or other related
13 equipment which are operated or maintained by the
14 United States.

15 (2) CORPORATION.—The term “Corporation”
16 means the Gulf of Maine Aquarium Development
17 Corporation, its successors and assigns.

18 **SEC. 408. HARBOR SAFETY COMMITTEES.**

19 (a) STUDY.—The Coast Guard shall study existing
20 harbor safety committees in the United States to
21 identify—

22 (1) strategies for gaining successful cooperation
23 among the various groups having an interest in the
24 local port or waterway;

1 (2) organizational models that can be applied to
2 new or existing harbor safety committees or to pro-
3 totype harbor safety committees established under
4 subsection (b);

5 (3) technological assistance that will help har-
6 bor safety committees overcome local impediments to
7 safety, mobility, environmental protection, and port
8 security; and

9 (4) recurring resources necessary to ensure the
10 success of harbor safety committees.

11 (b) PROTOTYPE COMMITTEES.—The Coast Guard
12 shall test the feasibility of expanding the harbor safety
13 committee concept to small and medium-sized ports that
14 are not generally served by a harbor safety committee by
15 establishing 1 or more prototype harbor safety commit-
16 tees. In selecting a location or locations for the establish-
17 ment of a prototype harbor safety committee, the Coast
18 Guard shall—

19 (1) consider the results of the study conducted
20 under subsection (a);

21 (2) consider identified safety issues for a par-
22 ticular port;

23 (3) compare the potential benefits of estab-
24 lishing such a committee with the burdens the estab-

1 lishment of such a committee would impose on par-
2 ticipating agencies and organizations;

3 (4) consider the anticipated level of support
4 from interested parties; and

5 (5) take into account such other factors as may
6 be appropriate.

7 (c) EFFECT ON EXISTING PROGRAMS AND STATE
8 LAW.—Nothing in this section—

9 (1) limits the scope or activities of harbor safe-
10 ty committees in existence on the date of enactment
11 of this Act;

12 (2) precludes the establishment of new harbor
13 safety committees in locations not selected for the
14 establishment of a prototype committee under sub-
15 section (b); or

16 (3) preempts State law.

17 (d) NONAPPLICATION OF FACA.—The Federal Advi-
18 sory Committee Act (5 U.S.C. App.) does not apply to har-
19 bor safety committees established under this section or
20 any other provision of law.

21 (e) HARBOR SAFETY COMMITTEE DEFINED.—In this
22 section, the term “harbor safety committee” means a local
23 coordinating body—

1 (1) whose responsibilities include recommending
2 actions to improve the safety of a port or waterway;
3 and

4 (2) the membership of which includes represent-
5 atives of government agencies, maritime labor, mari-
6 time industry companies and organizations, environ-
7 mental groups, and public interest groups.

8 **SEC. 409. MISCELLANEOUS CONVEYANCES.**

9 (a) **AUTHORITY TO CONVEY.**—

10 (1) **IN GENERAL.**—The Secretary of Transpor-
11 tation may convey, by an appropriate means of con-
12 veyance, all right, title, and interest of the United
13 States in and to each of the following properties:

14 (A) Coast Guard Slip Point Light Station,
15 located in Clallam County, Washington, to
16 Clallam County, Washington.

17 (B) The parcel of land on which is situated
18 the Point Piños Light, located in Monterey
19 County, California, to the city of Pacific Grove,
20 California.

21 (2) **IDENTIFICATION OF PROPERTY.**—The Sec-
22 retary may identify, describe, and determine the
23 property to be conveyed under this subsection.

24 (3) **LIMITATION.**—The Secretary may not
25 under this section convey—

1 (A) any historical artifact, including any
2 lens or lantern, located on the property at or
3 before the time of the conveyance; or

4 (B) any interest in submerged land.

5 (b) GENERAL TERMS AND CONDITIONS.—

6 (1) IN GENERAL.—Each conveyance of property
7 under this section shall be made—

8 (A) without payment of consideration; and

9 (B) subject to the terms and conditions re-
10 quired by this section and other terms and con-
11 ditions the Secretary may consider appropriate,
12 including the reservation of easements and
13 other rights on behalf of the United States.

14 (2) REVERSIONARY INTEREST.—In addition to
15 any term or condition established under this section,
16 each conveyance of property under this section shall
17 be subject to the condition that all right, title, and
18 interest in the property shall immediately revert to
19 the United States, if—

20 (A) the property, or any part of the
21 property—

22 (i) ceases to be available and acces-
23 sible to the public, on a reasonable basis,
24 for educational, park, recreational, cul-
25 tural, historic preservation, or other simi-

1 lar purposes specified for the property in
2 the terms of conveyance;

3 (ii) ceases to be maintained in a man-
4 ner that is consistent with its present or
5 future use as a site for Coast Guard aids
6 to navigation or compliance with this Act;
7 or

8 (iii) ceases to be maintained in a man-
9 ner consistent with the conditions in para-
10 graph (4) established by the Secretary pur-
11 suant to the National Historic Preserva-
12 tion Act (16 U.S.C. 470 et seq.); or

13 (B) at least 30 days before that reversion,
14 the Secretary provides written notice to the
15 owner that the property is needed for national
16 security purposes.

17 (3) MAINTENANCE OF NAVIGATION FUNC-
18 TIONS.—Each conveyance of property under this
19 section shall be made subject to the conditions that
20 the Secretary considers to be necessary to assure
21 that—

22 (A) the lights, antennas, and associated
23 equipment located on the property conveyed,
24 which are active aids to navigation, shall con-
25 tinue to be operated and maintained by the

1 United States for as long as they are needed for
2 this purpose;

3 (B) the owner of the property may not
4 interfere or allow interference in any manner
5 with aids to navigation without express written
6 permission from the Commandant;

7 (C) there is reserved to the United States
8 the right to relocate, replace, or add any aid to
9 navigation or make any changes to the property
10 conveyed as may be necessary for navigational
11 purposes;

12 (D) the United States shall have the right,
13 at any time, to enter the property without no-
14 tice for the purpose of operating, maintaining
15 and inspecting aids to navigation, and for the
16 purpose of enforcing compliance with this sub-
17 section; and

18 (E) the United States shall have an ease-
19 ment of access to and across the property for
20 the purpose of maintaining the aids to naviga-
21 tion in use on the property.

22 (4) MAINTENANCE OF PROPERTY.—(A) Subject
23 to subparagraph (B), the owner of a property con-
24 veyed under this section shall maintain the property
25 in a proper, substantial, and workmanlike manner,

1 and in accordance with any conditions established by
2 the conveying authority pursuant to the National
3 Historic Preservation Act (16 U.S.C. 470 et seq.),
4 and other applicable laws.

5 (B) The owner of a property conveyed under
6 this section is not required to maintain any active
7 aid to navigation equipment on the property, except
8 private aids to navigation permitted under section
9 83 of title 14, United States Code.

10 (c) SPECIAL TERMS AND CONDITIONS.—The Sec-
11 retary may retain all right, title, and interest of the United
12 States in and to any portion of any parcel referred to in
13 subsection (a)(1)(B) that the Secretary considers appro-
14 priate.

15 (d) DEFINITIONS.—In this section:

16 (1) AIDS TO NAVIGATION.—The term “aids to
17 navigation” means equipment used for navigation
18 purposes, including a light, antenna, radio, sound
19 signal, electronic navigation equipment, or other as-
20 sociated equipment which are operated or main-
21 tained by the United States.

22 (2) COMMANDANT.—The term “Commandant”
23 means the Commandant of the Coast Guard.

24 (3) OWNER.—The term “owner” means, for a
25 property conveyed under this section, the person

1 identified in subsection (a)(1) of the property, and
2 includes any successor or assign of that person.

3 (4) SECRETARY.—The term “Secretary” means
4 the Secretary of Transportation.

5 **SEC. 410. PARTNERSHIPS FOR PERFORMANCE OF WORK AT**
6 **COAST GUARD YARD.**

7 (a) AUTHORITY.—The Commandant of the Coast
8 Guard may enter into agreements and other arrangements
9 with public and private foreign and domestic entities, to
10 establish partnerships for the performance of work at the
11 Coast Guard Yard, located in Baltimore, Maryland.

12 (b) RECEIPT OF FUNDS, CONTRIBUTIONS, AND USE
13 OF FACILITIES.—

14 (1) IN GENERAL.—The Coast Guard may,
15 under partnerships under this section, receive funds,
16 contributions of materials and services, and use of
17 non-Coast Guard facilities.

18 (2) TREATMENT OF FUNDS RECEIVED.—Funds
19 received by the Coast Guard under this subsection
20 shall be deposited into the Coast Guard Yard Re-
21 volving Fund.

22 (c) 5-YEAR BUSINESS PLAN.—The Secretary of
23 Transportation shall, within 6 months after the date of
24 the enactment of this Act, submit to the Congress a 5-

1 year business plan for the most efficient utilization of the
2 Coast Guard Yard.

3 **SEC. 411. BOATING SAFETY.**

4 (a) FEDERAL FUNDING.—Section 4(b)(3) of the Act
5 of August 9, 1950 (16 U.S.C. 777c(b)(3)) is amended by
6 striking “\$82,000,000” and inserting “\$83,000,000”.

7 (b) STATE FUNDING.—Section 13102(a)(3) of title
8 46, United States Code, is amended by striking “general
9 State revenue” and inserting “State funds, including
10 amounts expended for the State’s recreational boating
11 safety program by a State agency, a public corporation
12 established under State law, or any other State instrumen-
13 tality, as determined by the Secretary”.

Passed the House of Representatives March 22,
2001.

Attest:

Clerk.

107TH CONGRESS
1ST SESSION

H. R. 1099

AN ACT

To make changes in laws governing Coast Guard personnel, increase marine safety, renew certain groups that advise the Coast Guard on safety issues, make miscellaneous improvements to Coast Guard operations and policies, and for other purposes.