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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coast Guard Personnel
and Maritime Safety Act of 2001”.

SEC. 2. TABLE OF CONTENTS.

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Sec. 2. Table of contents.

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telephone Act.
Sec. 202. Preservation of certain reporting requirements.
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TITLE I—PERSONNEL MANAGEMENT

SEC. 101. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking “commander” and inserting “captain”.

SEC. 102. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

(a) In General.—Section 511 of title 14, United States Code, is amended to read as follows:

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

“The Secretary may grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.”.

(b) Clerical Amendment.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by striking the item relating to section 511 and inserting the following:

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

SEC. 103. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—
in section 259, by adding at the end a new subsection (e) to read as follows:

“(c)(1) After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

“(2) The Secretary shall conduct a survey of the Coast Guard officer corps to determine if implementation of this subsection will improve Coast Guard officer retention. A selection board may not make any recommendation under this subsection before the date on which the Secretary publishes a finding, based upon the results of the
survey, that implementation of this subsection will improve Coast Guard officer retention.

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

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

(3) in section 271(a), by inserting at the end thereof the following: “The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.”.

TITLE II—MARINE SAFETY

SEC. 201. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIONOTELEPHONE ACT.

Section 4(b) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(b)), is amended by striking “United States inside the lines established pursuant to
section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.” and inserting “United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.”.

SEC. 202. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

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

(1) COAST GUARD OPERATIONS AND EXPENDITURES.—Section 651 of title 14, United States Code.

(2) SUMMARY OF MARINE CASUALTIES REPORTED DURING PRIOR FISCAL YEAR.—Section 6307(c) of title 46, United States Code.

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

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

(6) Activities of interagency coordinating committee on oil pollution research.—Section 7001(e) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(e)).

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

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting “To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may borrow from the Fund such sums as may be necessary, up to a maximum of $100,000,000, and within 30 days shall notify Congress of the amount borrowed and the facts and circumstances necessitating the loan. Amounts borrowed shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.”.

SEC. 204. MERCHANT MARINER DOCUMENTATION REQUIREMENTS.

(a) Interim Merchant Mariners’ Documents.—Section 7302 of title 46, United States Code, is amended—
(1) by striking “A” in subsection (f) and inserting “Except as provided in subsection (g), a”; and
(2) by adding at the end the following:
“(g)(1) The Secretary may, pending receipt and review of information required under subsections (c) and (d), immediately issue an interim merchant mariner’s document valid for a period not to exceed 120 days, to—
“(A) an individual to be employed as gaming personnel, entertainment personnel, wait staff, or other service personnel on board a passenger vessel not engaged in foreign service, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; or
“(B) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid merchant mariner’s document issued under this section.
“(2) No more than one interim document may be issued to an individual under paragraph (1)(A) of this subsection.”.
(b) EXCEPTION.—Section 8701(a) of title 46, United States Code, is amended—
(1) by striking “and” after the semicolon in paragraph (8);
(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

“(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; and’’.

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

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

TITLE III—RENEWAL OF ADVISORY GROUPS

SEC. 301. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

(a) Commercial Fishing Industry Vessel Advisory Committee.—Section 4508 of title 46, United States Code, is amended—
(1) by inserting “Safety” in the heading after “Vessel”;

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

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

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

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

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

SEC. 302. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.


SEC. 303. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

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

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SEC. 304. NAVIGATION SAFETY ADVISORY COUNCIL.


SEC. 305. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

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

SEC. 306. TOWING SAFETY ADVISORY COMMITTEE.

The Act entitled “An Act to Establish a Towing Safety Advisory Committee in the Department of Transportation” (33 U.S.C. 1231a) is amended by striking “September 30, 2000.” in subsection (e) and inserting “September 30, 2005.”.

TITLE IV—MISCELLANEOUS

SEC. 401. PATROL CRAFT.

Notwithstanding any other provision of law, the Secretary of Transportation may accept, by direct transfer without cost, for use by the Coast Guard primarily for expanded drug interdiction activities required to meet national supply reduction performance goals, up to 7 PC-170 patrol craft from the Department of Defense if it offers to transfer such craft.
SEC. 402. CLARIFICATION OF COAST GUARD AUTHORITY TO CONTROL VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

“SEC. 15. ENTRY OF VESSELS INTO TERRITORIAL SEA; DIRECTION OF VESSELS BY COAST GUARD.

“(a) NOTIFICATION OF COAST GUARD.—Under regulations prescribed by the Secretary, a commercial vessel entering the territorial sea of the United States shall notify the Secretary not later than 24 hours before that entry and provide the following information regarding the vessel:

“(1) The name of the vessel.

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

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

“(4) Any information requested by the Secretary to demonstrate compliance with applicable international agreements to which the United States is a party.

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

“(6) A description of any hazardous conditions on the vessel.
“(7) Any other information requested by the Secretary.

“(b) **Denial of Entry.**—The Secretary may deny entry of a vessel into the territorial sea of the United States if—

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

“(2) the vessel is not in compliance with any other applicable law relating to marine safety, security, or environmental protection.

“(c) **Direction of Vessel.**—The Secretary may direct the operation of any vessel in the navigable waters of the United States as necessary during hazardous circumstances, including the absence of a pilot required by State or Federal law, weather, casualty, vessel traffic, or the poor condition of the vessel.

“(d) **Implementation.**—The Secretary shall implement this section consistent with section 4(d).”.

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

The Coast Guard is authorized to operate and maintain a Caribbean Support Tender (or similar type vessel) to provide technical assistance, including law enforcement training, for foreign coast guards, navies, and other maritime services.
SEC. 404. PROHIBITION OF NEW MARITIME USER FEES.

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

SEC. 405. GREAT LAKES LIGHTHOUSES.

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

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

(2) Lighthouses are an important part of Great Lakes culture and stand as a testament to the importance of shipping in the region’s political, economic, and social history.

(3) Advances in navigation technology have made many Great Lakes lighthouses obsolete. In Michigan alone, approximately 70 lighthouses will be designated as excess property of the Federal Government and will be transferred to the General Services Administration for disposal.

(4) Unfortunately, the Federal property disposal process is confusing, complicated, and not well-suited to disposal of historic lighthouses or to facilitate transfers to nonprofit organizations. This is especially troubling because, in many cases, local nonprofit historical organizations have dedicated tremendous resources to preserving and maintaining Great Lakes lighthouses.
(5) If Great Lakes lighthouses disappear, the public will be unaware of an important chapter in Great Lakes history.

(6) The National Trust for Historic Preservation has placed Michigan lighthouses on their list of Most Endangered Historic Places.

(b) ASSISTANCE FOR GREAT LAKES LIGHTHOUSE PRESERVATION EFFORTS.—The Secretary of Transportation, acting through the Coast Guard, shall—

(1) continue to offer advice and technical assistance to organizations in the Great Lakes region that are dedicated to lighthouse stewardship; and

(2) promptly release information regarding the timing of designations of Coast Guard lighthouses on the Great Lakes as excess to the needs of the Coast Guard, to enable those organizations to mobilize and be prepared to take appropriate action with respect to the disposal of those properties.

SEC. 406. COAST GUARD REPORT ON IMPLEMENTATION OF NTSB RECOMMENDATIONS.

The Commandant of the Coast Guard shall submit a written report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 90 days after the date of enactment of
this Act on what actions the Coast Guard has taken to implement the recommendations of the National Transportation Safety Board in its Report No. MAR–99–01.

The report—

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

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

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

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

(2) include an assessment of the safety benefits that might reasonably be expected to result from increased or accelerated funding for—

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

(B) the national distress and response system modernization project.

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

(a) AUTHORITY TO CONVEY.—
(1) **In General.**—The Secretary of Transportation, or a designee of the Secretary, may convey to the Gulf of Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve Pier property, together with any improvements thereon in their then current condition, located in Portland, Maine. All conditions placed with the deed of title shall be construed as covenants running with the land.

(2) **Identification of Property.**—The Secretary, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section. The floating docks associated with or attached to the Naval Reserve Pier property shall remain the personal property of the United States.

**(b) Lease to the United States.**—

(1) **Condition of Conveyance.**—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into a lease agreement with the United States, the terms of which are mutually satisfactory to the Commandant and the Corporation,
in which the Corporation shall lease a portion of the Naval Reserve Pier property to the United States for a term of 30 years without payment of consider-
ation. The lease agreement shall be executed within 12 months after the date of enactment of this Act.

(2) IDENTIFICATION OF LEASED PREMISES.—
The Secretary, in consultation with the Com-
mandant, may identify and describe the leased prem-
ises and rights of access, including the following, in order to allow the Coast Guard to operate and per-
form missions from and upon the leased premises:

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

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

(C) The right to operate, maintain, re-
move, relocate, or replace an aid to navigation
located upon, or to install any aid to navigation
upon, the Naval Reserve Pier property as the
Coast Guard, in its sole discretion, may deter-
mine is needed for navigational purposes.

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

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

(F) The right for Coast Guard personnel
to park up to 60 vehicles, at no expense to the
government, in the Corporation’s parking
spaces on the Naval Reserve Pier property or in
parking spaces that the Corporation may secure.
within 1,000 feet of the Naval Reserve Pier property or within 1,000 feet of the Coast Guard Marine Safety Office Portland. Spaces for no less than 30 vehicles shall be located on the Naval Reserve Pier property.

(3) RENEWAL.—The lease described in paragraph (1) may be renewed, at the sole option of the United States, for additional lease terms.

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

(5) TERMINATION.—In the event that the Coast Guard ceases to use the leased premises, the Secretary, in consultation with the Commandant, may terminate the lease with the Corporation.

(c) IMPROVEMENT OF LEASED PREMISES.—

(1) IN GENERAL.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States, subject to the Commandant’s design specifications, project’s schedule, and final project approval, to replace the bulkhead and pier which connects to, and provides access from, the bulkhead to the floating
docks, at the Corporation’s sole cost and expense, on
the east side of the Naval Reserve Pier property
within 30 months from the date of conveyance. The
agreement to improve the leased premises shall be
executed within 12 months after the date of enact-
ment of this Act.

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

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

(1) UTILITIES.—The Naval Reserve Pier prop-
erty shall not be conveyed until the Corporation en-
ters into an agreement with the United States to
allow the United States to operate and maintain ex-
isting utility lines and related equipment, at the
United States sole cost and expense. At such time
as the Corporation constructs its proposed public
aquarium, the Corporation shall replace existing util-
ity lines and related equipment and provide addi-
tional utility lines and equipment capable of sup-
porting a third 110-foot Coast Guard cutter, with
comparable, new, code compliant utility lines and
equipment at the Corporation’s sole cost and expense, maintain such utility lines and related equipment from an agreed upon demarcation point, and make such utility lines and equipment available for use by the United States, provided that the United States pays for its use of utilities at its sole cost and expense. The agreement concerning the operation and maintenance of utility lines and equipment shall be executed within 12 months after the date of enactment of this Act.

(2) MAINTENANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to maintain, at the Corporation’s sole cost and expense, the bulkhead and pier on the east side of the Naval Reserve Pier property. The agreement concerning the maintenance of the bulkhead and pier shall be executed within 12 months after the date of enactment of this Act.

(3) AIDS TO NAVIGATION.—The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier property.
(c) ADDITIONAL RIGHTS.—The conveyance of the Naval Reserve Pier property shall be made subject to conditions the Secretary considers necessary to ensure that—

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

(2) the Corporation shall not interfere or allow interference, in any manner, with any aid to navigation nor hinder activities required for the operation and maintenance of any aid to navigation, without the express written permission of the head of the agency responsible for operating and maintaining the aid to navigation.

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

(g) LIABILITY OF THE PARTIES.—The liability of the United States and the Corporation for any injury, death, or damage to or loss of property occurring on the leased property shall be determined with reference to existing State or Federal law, as appropriate, and any such liabil-
ity may not be modified or enlarged by this Act or any
agreement of the parties.

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

(i) DEFINITIONS.—In this section:

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

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

SEC. 408. HARBOR SAFETY COMMITTEES.

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

(1) strategies for gaining successful cooperation
among the various groups having an interest in the
local port or waterway;
(2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);

(3) technological assistance that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and

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

(b) Prototype Committees.—The Coast Guard shall test the feasibility of expanding the harbor safety committee concept to small and medium-sized ports that are not generally served by a harbor safety committee by establishing 1 or more prototype harbor safety committees. In selecting a location or locations for the establishment of a prototype harbor safety committee, the Coast Guard shall—

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

(2) consider identified safety issues for a particular port;

(3) compare the potential benefits of establishing such a committee with the burdens the estab-
lishment of such a committee would impose on par-
   (4) consider the anticipated level of support
   participating agencies and organizations; and
   (5) take into account such other factors as may

(e) **Effect on Existing Programs and State Law.**—Nothing in this section—
   (1) limits the scope or activities of harbor safe-
   ty committees in existence on the date of enactment
   of this Act;
   (2) precludes the establishment of new harbor
   safety committees in locations not selected for the
   establishment of a prototype committee under sub-
   section (b); or
   (3) preempts State law.

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

(e) **Harbor Safety Committee Defined.**—In this
   section, the term “harbor safety committee” means a local
   coordinating body—
(1) whose responsibilities include recommending
actions to improve the safety of a port or waterway;
and
(2) the membership of which includes represen-
tatives of government agencies, maritime labor, mari-
time industry companies and organizations, environ-
mental groups, and public interest groups.

SEC. 409. MISCELLANEOUS CONVEYANCES.

(a) AUTHORITY TO CONVEY.—

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

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

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

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

(3) LIMITATION.—The Secretary may not
under this section convey—
(A) any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance; or

(B) any interest in submerged land.

(b) General Terms and Conditions.—

(1) In general.—Each conveyance of property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions required by this section and other terms and conditions the Secretary may consider appropriate, including the reservation of easements and other rights on behalf of the United States.

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

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

(i) ceases to be available and accessible to the public, on a reasonable basis, for educational, park, recreational, cultural, historic preservation, or other simi-
lar purposes specified for the property in the terms of conveyance;

(ii) ceases to be maintained in a manner that is consistent with its present or future use as a site for Coast Guard aids to navigation or compliance with this Act; or

(iii) ceases to be maintained in a manner consistent with the conditions in paragraph (4) established by the Secretary pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.); or

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

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—Each conveyance of property under 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 for as long as they are needed for this purpose;

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

(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 property conveyed 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 operating, maintaining and inspecting aids to navigation, and for the purpose of enforcing compliance with this subsection; and

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

(4) MAINTENANCE OF PROPERTY.—(A) Subject to subparagraph (B), the owner of a property conveyed under this section shall maintain the property in a proper, substantial, and workmanlike manner,
and in accordance with any conditions established by
the conveying authority pursuant to the National
Historic Preservation Act (16 U.S.C. 470 et seq.),
and other applicable laws.

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

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

(d) DEFINITIONS.—In this section:

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

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

(3) OWNER.—The term “owner” means, for a
property conveyed under this section, the person
identified in subsection (a)(1) of the property, and includes any successor or assign of that person.

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

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

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

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

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

(2) TREATMENT OF FUNDS RECEIVED.—Funds received by the Coast Guard under this subsection shall be deposited into the Coast Guard Yard Revolving Fund.

(c) 5-YEAR BUSINESS PLAN.—The Secretary of Transportation shall, within 6 months after the date of the enactment of this Act, submit to the Congress a 5-
year business plan for the most efficient utilization of the Coast Guard Yard.

SEC. 411. BOATING SAFETY.

(a) Federal Funding.—Section 4(b)(3) of the Act of August 9, 1950 (16 U.S.C. 777e(b)(3)) is amended by striking “$82,000,000” and inserting “$83,000,000”.

(b) State Funding.—Section 13102(a)(3) of title 46, United States Code, is amended by striking “general State revenue” and inserting “State funds, including amounts expended for the State’s recreational boating safety program by a State agency, a public corporation established under State law, or any other State instrumentality, as determined by the Secretary”.


Attest:

Clerk.
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.