

107TH CONGRESS
1ST SESSION

H. R. 3507

To authorize appropriations for the Coast Guard for fiscal year 2002, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 2001

Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LoBIONDO, and Ms. BROWN of Florida) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To authorize appropriations for the Coast Guard for fiscal
year 2002, 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 Author-
5 ization Act for Fiscal Year 2002”.

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—AUTHORIZATION OF APPROPRIATIONS FOR THE COAST
GUARD

- Sec. 101. Short title.
- Sec. 102. Authorization of appropriations.
- Sec. 103. Authorized levels of military strength and training.

TITLE II—MARITIME POLICY IMPROVEMENT

- Sec. 201. Short title.
- Sec. 202. Vessel COASTAL VENTURE.
- Sec. 203. Expansion of American Merchant Marine Memorial Wall of Honor.
- Sec. 204. Discharge of agricultural cargo residue.
- Sec. 205. Recording and discharging maritime liens.
- Sec. 206. Tonnage of R/V DAVIDSON.
- Sec. 207. Miscellaneous certificates of documentation.
- Sec. 208. Exemption for Victory Ships.
- Sec. 209. Certificate of documentation for 3 barges.
- Sec. 210. Certificate of documentation for the EAGLE.
- Sec. 211. Waiver for vessels in New World Challenge Race.
- Sec. 212. Vessel ASPHALT COMMANDER.

TITLE III—COAST GUARD PERSONNEL AND MARINE SAFETY

- Sec. 301. Short title.

SUBTITLE A—PERSONNEL MANAGEMENT

- Sec. 311. Coast Guard band director rank.
- Sec. 312. Compensatory absence for isolated duty.
- Sec. 313. Accelerated promotion of certain Coast Guard officers.

SUBTITLE B—MARINE SAFETY

- Sec. 321. Extension of Territorial Sea for Vessel Bridge-to-Bridge Radiotelephone Act.
- Sec. 322. Preservation of certain reporting requirements.
- Sec. 323. Oil Spill Liability Trust Fund; emergency fund advancement authority.
- Sec. 324. Merchant mariner documentation requirements.
- Sec. 325. Penalties for negligent operations and interfering with safe operation.

SUBTITLE C—RENEWAL OF ADVISORY GROUPS

- Sec. 331. Commercial Fishing Industry Vessel Advisory Committee.
- Sec. 332. Houston-Galveston Navigation Safety Advisory Committee.
- Sec. 333. Lower Mississippi River Waterway Advisory Committee.
- Sec. 334. Navigation Safety Advisory Council.
- Sec. 335. National Boating Safety Advisory Council.
- Sec. 336. Towing Safety Advisory Committee.

SUBTITLE D—MISCELLANEOUS

- Sec. 341. Patrol craft.
- Sec. 342. Clarification of Coast Guard authority to control vessels in territorial waters of the United States.
- Sec. 343. Caribbean support tender.
- Sec. 344. Prohibition of new maritime user fees.
- Sec. 345. Great Lakes lighthouses.
- Sec. 346. Modernization of National Distress and Response System.
- Sec. 347. Conveyance of Coast Guard property in Portland, Maine.

- Sec. 348. Harbor safety committees.
- Sec. 349. Miscellaneous conveyances.
- Sec. 350. Boating safety.

TITLE IV—OMNIBUS MARITIME IMPROVEMENTS

- Sec. 401. Short title.
- Sec. 402. Extension of Coast Guard housing authorities.
- Sec. 403. Inventory of vessels for cable laying, maintenance, and repair.
- Sec. 404. Vessel escort operations and towing assistance.
- Sec. 405. Search and rescue center standards.
- Sec. 406. VHF communications services.
- Sec. 407. Lower Columbia River maritime fire and safety activities.
- Sec. 408. Conforming references to the former Merchant Marine and Fisheries Committee.
- Sec. 409. Restriction on vessel documentation.
- Sec. 410. Hypothermia protective clothing requirement.
- Sec. 411. Reserve officer promotions.
- Sec. 412. Regular lieutenant commanders and commanders; continuation upon failure of selection for promotion.
- Sec. 413. Reserve student pre-commissioning assistance program.
- Sec. 414. Continuation on active duty beyond thirty years.
- Sec. 415. Payment of death gratuities on behalf of Coast Guard auxiliarists.
- Sec. 416. Align Coast Guard severance pay and revocation of commission authority with Department of Defense authority.
- Sec. 417. Long-term lease authority for lighthouse property.
- Sec. 418. Maritime Drug Law Enforcement Act amendments.
- Sec. 419. Wing-in-ground craft.
- Sec. 420. Electronic filing of commercial instruments for vessels.
- Sec. 421. Deletion of thumbprint requirement for merchant mariners' documents.
- Sec. 422. Temporary certificates of documentation for recreational vessels.
- Sec. 423. Marine casualty investigations involving foreign vessels.
- Sec. 424. Conveyance of Coast Guard property in Hampton Township, Michigan.
- Sec. 425. Conveyance of property in Traverse City, Michigan.
- Sec. 426. Annual report on Coast Guard capabilities and readiness to fulfill national defense responsibilities.
- Sec. 427. Extension of authorization for oil spill recovery institute.
- Sec. 428. Miscellaneous certificates of documentation.
- Sec. 429. Icebreaking services.
- Sec. 430. Fishing vessel safety training.
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- Sec. 432. Assistance for marine safety station on Chicago lakefront.
- Sec. 433. Tonnage measurement for purposes of eligibility of certain vessels for fishery endorsement.
- Sec. 434. Extension of time for recreational vessel and associated equipment recalls.

1 **TITLE I—AUTHORIZATION OF**
2 **APPROPRIATIONS FOR THE**
3 **COAST GUARD**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Coast Guard Author-
6 ization Act of 2001”.

7 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

8 Funds are authorized to be appropriated for fiscal
9 year 2002 for necessary expenses of the Coast Guard, as
10 follows:

11 (1) For the operation and maintenance of the
12 Coast Guard, \$4,205,838,000, of which—

13 (A) \$25,000,000 is authorized to be de-
14 rived from the Oil Spill Liability Trust Fund to
15 carry out the purposes of section 1012(a)(5) of
16 the Oil Pollution Act of 1990;

17 (B) \$5,500,000 is authorized to be avail-
18 able for the commercial fishing vessel safety
19 program; and

20 (C) \$623,000,000 is authorized to be avail-
21 able for domestic maritime homeland security.

22 (2) For the acquisition, construction, rebuild-
23 ing, and improvement of aids to navigation, shore
24 and offshore facilities, vessels, and aircraft, includ-

1 ing equipment related thereto, \$717,823,000, of
2 which—

3 (A) \$20,000,000 is authorized to be de-
4 rived from the Oil Spill Liability Trust Fund to
5 carry out the purposes of section 1012(a)(5) of
6 the Oil Pollution Act of 1990;

7 (B) \$58,500,000 is authorized to be avail-
8 able for domestic maritime homeland security
9 vessels and detection equipment; and

10 (C) \$338,000,000 is authorized to be avail-
11 able to implement the Coast Guard’s Integrated
12 Deepwater System.

13 (3) For research, development, test, and evalua-
14 tion of technologies, materials, and human factors
15 directly relating to improving the performance of the
16 Coast Guard’s mission in support of search and res-
17 cue, aids to navigation, marine safety, marine envi-
18 ronmental protection, enforcement of laws and trea-
19 ties, ice operations, oceanographic research, and de-
20 fense readiness, \$21,722,000, to remain available
21 until expended, of which \$3,500,000 is authorized to
22 be derived each fiscal year from the Oil Spill Liabil-
23 ity Trust Fund to carry out the purposes of section
24 1012(a)(5) of the Oil Pollution Act of 1990.

1 (4) For retired pay (including the payment of
2 obligations otherwise chargeable to lapsed appropria-
3 tions for this purpose), payments under the Retired
4 Serviceman's Family Protection and Survivor Ben-
5 efit Plans, and payments for medical care of retired
6 personnel and their dependents under chapter 55 of
7 title 10, United States Code, \$876,346,000.

8 (5) For alteration or removal of bridges over
9 navigable waters of the United States constituting
10 obstructions to navigation, and for personnel and
11 administrative costs associated with the Bridge Al-
12 teration Program, \$15,466,000, to remain available
13 until expended, of which \$1,750,000 may be avail-
14 able for a new Chelsea Street bridge in Boston, Mas-
15 sachusetts.

16 (6) For environmental compliance and restora-
17 tion at Coast Guard facilities (other than parts and
18 equipment associated with operations and mainte-
19 nance), \$16,927,000, to remain available until ex-
20 pended.

21 **SEC. 103. AUTHORIZED LEVELS OF MILITARY STRENGTH**
22 **AND TRAINING.**

23 (a) ACTIVE DUTY STRENGTH.—The Coast Guard is
24 authorized an end-of-year strength for active duty per-
25 sonnel of 44,000 as of September 30, 2002.

1 (b) MILITARY TRAINING STUDENT LOADS.—The
 2 Coast Guard is authorized average military training stu-
 3 dent loads as follows:

4 (1) For recruit and special training for fiscal
 5 year 2002, 1,500 student years.

6 (2) For flight training for fiscal year 2002, 125
 7 student years.

8 (3) For professional training in military and ci-
 9 vilian institutions for fiscal year 2002, 300 student
 10 years.

11 (4) For officer acquisition for fiscal year 2002,
 12 1,000 student years.

13 **TITLE II—MARITIME POLICY** 14 **IMPROVEMENT**

15 **SEC. 201. SHORT TITLE.**

16 This title may be cited as the “Maritime Policy Im-
 17 provement Act of 2001”.

18 **SEC. 202. VESSEL COASTAL VENTURE.**

19 Section 1120(g) of the Coast Guard Authorization
 20 Act of 1996 (Public Law 104–324; 110 Stat. 3978) is
 21 amended by inserting “COASTAL VENTURE (United
 22 States official number 971086),” after “vessels”.

23 **SEC. 203. EXPANSION OF AMERICAN MERCHANT MARINE** 24 **MEMORIAL WALL OF HONOR.**

25 (a) FINDINGS.—The Congress finds that—

1 (1) the United States Merchant Marine has
2 served the people of the United States in all wars
3 since 1775;

4 (2) the United States Merchant Marine served
5 as the Nation’s first navy and defeated the British
6 Navy to help gain the Nation’s independence;

7 (3) the United States Merchant Marine kept
8 the lifeline of freedom open to the allies of the
9 United States during the Second World War, mak-
10 ing one of the most significant contributions made
11 by any nation to the victory of the allies in that war;

12 (4) President Franklin D. Roosevelt and many
13 military leaders praised the role of the United States
14 Merchant Marine as the “Fourth Arm of Defense”
15 during the Second World War;

16 (5) more than 250,000 men and women served
17 in the United States Merchant Marine during the
18 Second World War;

19 (6) during the Second World War, members of
20 the United States Merchant Marine faced dangers
21 from the elements and from submarines, mines,
22 armed raiders, destroyers, aircraft, and “kamikaze”
23 pilots;

1 (7) during the Second World War, at least
2 6,830 members of the United States Merchant Ma-
3 rine were killed at sea;

4 (8) during the Second World War, 11,000
5 members of the United States Merchant Marine
6 were wounded, at least 1,100 of whom later died
7 from their wounds;

8 (9) during the Second World War, 604 mem-
9 bers of the United States Merchant Marine were
10 taken prisoner;

11 (10) 1 in 32 members of the United States
12 Merchant Marine serving in the Second World War
13 died in the line of duty, suffering a higher percent-
14 age of war-related deaths than any of the other
15 armed services of the United States; and

16 (11) the United States Merchant Marine con-
17 tinues to serve the United States, promoting free-
18 dom and meeting the high ideals of its former mem-
19 bers.

20 (b) GRANTS TO CONSTRUCT ADDITION TO AMER-
21 ICAN MERCHANT MARINE MEMORIAL WALL OF
22 HONOR.—

23 (1) IN GENERAL.—The Secretary of Transpor-
24 tation may make grants to the American Merchant
25 Marine Veterans Memorial Committee, Inc., to con-

1 struct an addition to the American Merchant Marine
2 Memorial Wall of Honor located at the Los Angeles
3 Maritime Museum in San Pedro, California.

4 (2) FEDERAL SHARE.—The Federal share of
5 the cost of activities carried out with a grant made
6 under this section shall be 50 percent.

7 (3) AUTHORIZATION OF APPROPRIATIONS.—
8 There is authorized to be appropriated to carry out
9 this section \$500,000 for fiscal year 2002.

10 **SEC. 204. DISCHARGE OF AGRICULTURAL CARGO RESIDUE.**

11 Notwithstanding any other provision of law, the dis-
12 charge from a vessel of any agricultural cargo residue ma-
13 terial in the form of hold washings shall be governed exclu-
14 sively by the provisions of the Act to Prevent Pollution
15 from Ships (33 U.S.C. 1901 et seq.) that implement
16 Annex V to the International Convention for the Preven-
17 tion of Pollution from Ships.

18 **SEC. 205. RECORDING AND DISCHARGING NOTICES OF**
19 **CLAIM OF MARITIME LIEN.**

20 (a) LIENS ON ANY DOCUMENTED VESSEL.—

21 (1) IN GENERAL.—Section 31343 of title 46,
22 United States Code, is amended as follows:

23 (A) By amending the section heading to
24 read as follows:

1 **“§ 31343. Recording and discharging notices of claim**
2 **of maritime lien”.**

3 (B) In subsection (a) by striking “covered
4 by a preferred mortgage filed or recorded under
5 this chapter” and inserting “documented, or for
6 which an application for documentation has
7 been filed, under chapter 121”.

8 (C) By amending subsection (b) to read as
9 follows:

10 “(b)(1) The Secretary shall record a notice complying
11 with subsection (a) of this section if, when the notice is
12 presented to the Secretary for recording, the person hav-
13 ing the claim files with the notice a declaration stating
14 the following:

15 “(A) The information in the notice is true and
16 correct to the best of the knowledge, information,
17 and belief of the individual who signed it.

18 “(B) A copy of the notice, as presented for rec-
19 ordation, has been sent to each of the following:

20 “(i) The owner of the vessel.

21 “(ii) Each person that recorded under sec-
22 tion 31343(a) of this title an unexpired notice
23 of a claim of an undischarged lien on the vessel.

24 “(iii) The mortgagee of each mortgage
25 filed or recorded under section 31321 of this

1 title that is an undischarged mortgage on the
2 vessel.

3 “(2) A declaration under this subsection filed by a
4 person that is not an individual must be signed by the
5 president, member, partner, trustee, or other individual
6 authorized to execute the declaration on behalf of the per-
7 son.”.

8 (D) By amending subsection (c) to read as
9 follows:

10 “(c)(1) On full and final discharge of the indebted-
11 ness that is the basis for a notice of claim of lien recorded
12 under subsection (b) of this section, the person having the
13 claim shall provide the Secretary with an acknowledged
14 certificate of discharge of the indebtedness. The Secretary
15 shall record the certificate.

16 “(2) The district courts of the United States shall
17 have jurisdiction over a civil action to declare that a vessel
18 is not subject to a lien claimed under subsection (b) of
19 this section, or that the vessel is not subject to the notice
20 of claim of lien, or both, regardless of the amount in con-
21 troversy or the citizenship of the parties. Venue in such
22 an action shall be in the district where the vessel is found,
23 or where the claimant resides, or where the notice of claim
24 of lien is recorded. The court may award costs and attor-
25 neys fees to the prevailing party, unless the court finds

1 that the position of the other party was substantially justifi-
 2 fied or other circumstances make an award of costs and
 3 attorneys fees unjust. The Secretary shall record any such
 4 declaratory order.”.

5 (E) By adding at the end the following:

6 “(e) A notice of claim of lien recorded under sub-
 7 section (b) of this section shall expire 3 years after the
 8 date the lien was established, as such date is stated in
 9 the notice under subsection (a) of this section.

10 “(f) This section does not alter in any respect the
 11 law pertaining to the establishment of a maritime lien, the
 12 remedy provided by such a lien, or the defenses thereto,
 13 including any defense under the doctrine of laches.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
 15 tions at the beginning of chapter 313 of title 46,
 16 United States Code, is amended by striking the item
 17 relating to section 31343 and inserting the fol-
 18 lowing:

“31343. Recording and discharging notices of claim of maritime lien.”.

19 (b) NOTICE REQUIREMENTS.—Section 31325 of title
 20 46, United States Code, is amended as follows:

21 (1) In subsection (d)(1)(B) by striking “a no-
 22 tice of a claim” and inserting “an unexpired notice
 23 of a claim”.

1 (2) In subsection (f)(1) by striking “a notice of
2 a claim” and inserting “an unexpired notice of a
3 claim”.

4 (c) APPROVAL OF SURRENDER OF DOCUMENTA-
5 TION.—Section 12111 of title 46, United States Code, is
6 amended by adding at the end the following:

7 “(d)(1) The Secretary shall not refuse to approve the
8 surrender of the certificate of documentation for a vessel
9 solely on the basis that a notice of a claim of a lien on
10 the vessel has been recorded under section 31343(a) of
11 this title.

12 “(2) The Secretary may condition approval of the
13 surrender of the certificate of documentation for a vessel
14 over 1,000 gross tons.”.

15 (d) TECHNICAL CORRECTION.—Section 9(c) of the
16 Shipping Act, 1916 (46 App. U.S.C. 808(c)) is amended
17 in the matter preceding paragraph (1) by striking “Ex-
18 cept” and all that follows “12106(e) of title 46,” and in-
19 serting “Except as provided in section 611 of the Mer-
20 chant Marine Act, 1936 (46 App. U.S.C. 1181) and in
21 section 12106(e) of title 46,”.

22 (e) EFFECTIVE DATE.—This section shall take effect
23 July 1, 2002.

1 **SEC. 206. TONNAGE OF R/V DAVIDSON.**

2 (a) IN GENERAL.—The Secretary of Transportation
3 shall prescribe a tonnage measurement as a small pas-
4 senger vessel as defined in section 2101 of title 46, United
5 States Code, for the vessel R/V DAVIDSON (United
6 States official number D1066485) for purposes of apply-
7 ing the optional regulatory measurement under section
8 14305 of that title.

9 (b) APPLICATION.—Subsection (a) shall apply only
10 when the vessel is operating in compliance with the re-
11 quirements of section 3301(8) of title 46, United States
12 Code.

13 **SEC. 207. MISCELLANEOUS CERTIFICATES OF DOCUMENTA-**
14 **TION.**

15 Notwithstanding section 27 of the Merchant Marine
16 Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of
17 June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C.
18 289), and sections 12106 and 12108 of title 46, United
19 States Code, the Secretary of Transportation may issue
20 a certificate of documentation with appropriate endorse-
21 ment for employment in the coastwise trade for the fol-
22 lowing vessels:

23 (1) LOOKING GLASS (United States official
24 number 925735).

25 (2) YANKEE (United States official number
26 1076210).

1 (3) LUCKY DOG of St. Petersburg, Florida
2 (State of Florida registration number
3 FLZP7569E373).

4 (4) ENTERPRISE (United States official
5 number 1077571).

6 (5) M/V SANDPIPER (United States official
7 number 1079439).

8 (6) FRITHA (United States official number
9 1085943).

10 (7) PUFFIN (United States official number
11 697029).

12 (8) VICTORY OF BURNHAM (United States
13 official number 663780).

14 (9) R'ADVENTURE II (United States official
15 number 905373).

16 (10) ANTJA (State of Florida registration
17 number FL3475MA).

18 (11) SKIMMER, manufactured by Contour
19 Yachts, Inc. (hull identification number
20 QHG34031D001).

21 (12) TOKEENA (State of South Carolina reg-
22 istration number SC 1602 BJ).

23 (13) DOUBLE EAGLE2 (United States offi-
24 cial number 1042549).

1 (14) ENCOUNTER (United States official
2 number 998174).

3 (15) AJ (United States official number
4 599164).

5 (16) BARGE 10 (United States official number
6 1101368).

7 (17) NOT A SHOT (United States official
8 number 911064).

9 (18) PRIDE OF MANY (Canadian official
10 number 811529).

11 (19) AMAZING GRACE (United States official
12 number 92769).

13 (20) SHEWHO (United States official number
14 1104094).

15 **SEC. 208. EXEMPTION FOR VICTORY SHIPS.**

16 Section 3302(l)(1) of title 46, United States Code,
17 is amended by adding at the end the following:

18 “(D) The steamship SS Red Oak Victory
19 (United States official number 249410), owned by
20 the Richmond Museum Association, located in Rich-
21 mond, California.

22 “(E) The SS American Victory (United States
23 official number 248005), owned by Victory Ship,
24 Inc., of Tampa, Florida.”.

1 **SEC. 209. CERTIFICATE OF DOCUMENTATION FOR 3**
2 **BARGES.**

3 (a) DOCUMENTATION CERTIFICATE.—Notwith-
4 standing section 12106 of title 46, United States Code,
5 and section 27 of the Merchant Marine Act, 1920 (46
6 App. U.S.C. 883), and subject to subsection (c) of this
7 section, the Secretary of Transportation may issue a cer-
8 tificate of documentation with an appropriate endorsement
9 for employment in the coastwise trade for each of the ves-
10 sels listed in subsection (b).

11 (b) VESSELS DESCRIBED.—The vessels referred to in
12 subsection (a) are the following:

13 (1) The former Navy deck barge JIM, having
14 a length of 110 feet and a width of 34 feet.

15 (2) The former railroad car barge HUGH, hav-
16 ing a length of 185 feet and a width of 34 feet.

17 (3) The former railroad car barge TOMMY,
18 having a length of 185 feet and a width of 34 feet.

19 (c) LIMITATION ON OPERATION.—A vessel issued a
20 certificate of documentation under this section may be
21 used only as a floating platform for launching fireworks,
22 including transportation of materials associated with that
23 use.

1 **SEC. 210. CERTIFICATE OF DOCUMENTATION FOR THE**
2 **EAGLE.**

3 Notwithstanding section 27 of the Merchant Marine
4 Act, 1920 (46 App. U.S.C. 883), chapter 121 of title 46,
5 United States Code, and section 1 of the Act of May 28,
6 1906 (46 App. U.S.C. 292), the Secretary of Transpor-
7 tation shall issue a certificate of documentation with ap-
8 propriate endorsement for employment in the coastwise
9 trade for the vessel EAGLE (hull number BK-1754,
10 United States official number 1091389) if the vessel is—

11 (1) owned by a State, a political subdivision of
12 a State, or a public authority chartered by a State;

13 (2) if chartered, chartered to a State, a political
14 subdivision of a State, or a public authority char-
15 tered by a State;

16 (3) operated only in conjunction with—

17 (A) scour jet operations; or

18 (B) dredging services adjacent to facilities
19 owned by the State, political subdivision, or
20 public authority; and

21 (4) externally identified clearly as a vessel of
22 that State, subdivision or authority.

23 **SEC. 211. WAIVER FOR VESSELS IN NEW WORLD CHAL-**
24 **LENCE RACE.**

25 Notwithstanding section 8 of the Act of June 19,
26 1886 (46 App. U.S.C. 289), beginning on April 1, 2002,

1 the 10 sailboats participating in the New World Challenge
 2 Race may transport guests, who have not contributed con-
 3 sideration for their passage, from and around the ports
 4 of San Francisco and San Diego, California, before and
 5 during stops of that race. This section shall have no force
 6 or effect beginning on the earlier of—

7 (1) 60 days after the last competing sailboat
 8 reaches the end of that race in San Francisco, Cali-
 9 fornia; or

10 (2) December 31, 2003.

11 **SEC. 212. VESSEL ASPHALT COMMANDER.**

12 Notwithstanding any other law or agreement with the
 13 United States Government, the vessel ASPHALT COM-
 14 MANDER (United States official number 663105) may
 15 be transferred to or placed under a foreign registry or sold
 16 to a person that is not a citizen of the United States and
 17 transferred to or placed under a foreign registry.

18 **TITLE III—COAST GUARD PER-**
 19 **SONNEL AND MARITIME**
 20 **SAFETY**

21 **SEC. 301. SHORT TITLE.**

22 This title may be cited as the “Coast Guard Per-
 23 sonnel and Maritime Safety Act of 2001”.

1 **Subtitle A—Personnel Management**

2 **SEC. 311. COAST GUARD BAND DIRECTOR RANK.**

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

6 **SEC. 312. COMPENSATORY ABSENCE FOR ISOLATED DUTY.**

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

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

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

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

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

20 **SEC. 313. ACCELERATED PROMOTION OF CERTAIN COAST** 21 **GUARD OFFICERS.**

22 Title 14, United States Code, is amended—

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

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

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

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

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

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

18 **Subtitle B—Marine Safety**

19 **SEC. 321. EXTENSION OF TERRITORIAL SEA FOR VESSEL** 20 **BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.**

21 Section 4(b) of the Vessel Bridge-to-Bridge Radio-
 22 telephone Act (33 U.S.C. 1203(b)), is amended by striking
 23 “United States inside the lines established pursuant to
 24 section 2 of the Act of February 19, 1895 (28 Stat. 672),
 25 as amended.” and inserting “United States, which in-

1 cludes all waters of the territorial sea of the United States
2 as described in Presidential Proclamation 5928 of Decem-
3 ber 27, 1988.”.

4 **SEC. 322. PRESERVATION OF CERTAIN REPORTING RE-**
5 **QUIREMENTS.**

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

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

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

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

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

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

24 (6) ACTIVITIES OF INTERAGENCY COORDI-
25 NATING COMMITTEE ON OIL POLLUTION RE-

1 SEARCH.—Section 7001(e) of the Oil Pollution Act
2 of 1990 (33 U.S.C. 2761(e)).

3 **SEC. 323. OIL SPILL LIABILITY TRUST FUND; EMERGENCY**
4 **FUND ADVANCEMENT AUTHORITY.**

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

18 **SEC. 324. MERCHANT MARINER DOCUMENTATION RE-**
19 **QUIREMENTS.**

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

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

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

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

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

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

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

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

21 (1) by striking “and” after the semicolon in
22 paragraph (8);

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

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

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

10 **SEC. 325. PENALTIES FOR NEGLIGENT OPERATIONS AND**
 11 **INTERFERING WITH SAFE OPERATION.**

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

16 **Subtitle C—Renewal of Advisory**
 17 **Groups**

18 **SEC. 331. COMMERCIAL FISHING INDUSTRY VESSEL ADVI-**
 19 **SORY COMMITTEE.**

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

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

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

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

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

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

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

12 **SEC. 332. HOUSTON-GALVESTON NAVIGATION SAFETY AD-**
 13 **VISORY COMMITTEE.**

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

18 **SEC. 333. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY**
 19 **COMMITTEE.**

20 Section 19 of the Coast Guard Authorization Act of
 21 1991 (Public Law 102–241) is amended by striking “Sep-
 22 tember 30, 2000” in subsection (g) and inserting “Sep-
 23 tember 30, 2005”.

1 **SEC. 334. 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. 335. 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. 336. 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 **Subtitle D—Miscellaneous**

17 **SEC. 341. 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. 342. 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 96 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. 343. CARIBBEAN SUPPORT TENDER.**

20 “(a) IN GENERAL.—The Coast Guard may operate
21 and maintain a Caribbean Support Tender (or similar type
22 vessel) to provide technical assistance, including law en-
23 forcement training, for foreign coast guards, navies, and
24 other maritime services.

1 (b) MEDICAL AND DENTAL CARE FOR CARIBBEAN
2 SUPPORT TENDER PERSONNEL AND DEPENDENTS.—

3 (1) PROVISION.—The Commandant may pro-
4 vide medical and dental care to foreign military Car-
5 ibbean Support Tender personnel and their depend-
6 ents accompanying them in the United States—

7 (A) on an outpatient basis without cost;
8 and

9 (B) on an inpatient basis if the United
10 States is reimbursed for the costs of providing
11 such care.

12 (2) CREDITING OF PAYMENTS.—Payments re-
13 ceived as reimbursement for the provision of such
14 care shall be credited to the appropriations against
15 which the charges were made for the provision of
16 such care.

17 (3) INPATIENT CARE WITHOUT COST.—Not-
18 withstanding paragraph (1)(B), the Commandant
19 may provide inpatient medical and dental care in the
20 United States without cost to foreign military Carib-
21 bean Support Tender personnel and their depend-
22 ents accompanying them in the United States if
23 comparable care is made available to a comparable
24 number of United States military personnel in that
25 foreign country.

1 **SEC. 344. 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. 345. 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. 346. MODERNIZATION OF NATIONAL DISTRESS AND**
20 **RESPONSE SYSTEM.**

21 (a) REPORT.—The Secretary of Transportation shall
22 prepare a status report on the modernization of the Na-
23 tional Distress and Response System and transmit the re-
24 port, not later than 60 days after the date of enactment
25 of this Act, and annually thereafter until completion of

1 the project, to the Committee on Commerce, Science, and
2 Transportation of the Senate and the Committee on
3 Transportation and Infrastructure of the House of Rep-
4 resentatives.

5 (b) CONTENTS.—The report required by subsection
6 (a) shall—

7 (1) set forth the scope of the modernization, the
8 schedule for completion of the System, and informa-
9 tion on progress in meeting the schedule and on any
10 anticipated delays;

11 (2) specify the funding expended to-date on the
12 System, the funding required to complete the Sys-
13 tem, and the purposes for which the funds were or
14 will be expended;

15 (3) describe and map the existing public and
16 private communications coverage throughout the wa-
17 ters of the coastal and internal regions of the conti-
18 nental United States, Alaska, Hawaii, Guam, and
19 the Caribbean, and identify locations that possess di-
20 rection-finding, asset-tracking communications, and
21 digital selective calling service;

22 (4) identify areas of high risk to boaters and
23 Coast Guard personnel due to communications gaps;

24 (5) specify steps taken by the Secretary to fill
25 existing gaps in coverage, including obtaining direc-

1 tion-finding equipment, digital recording systems,
2 asset-tracking communications, use of commercial
3 VHF services, and digital selective calling services
4 that meet or exceed Global Maritime Distress and
5 Safety System requirements adopted under the
6 International Convention for the Safety of Life at
7 Sea;

8 (6) identify the number of VHF–FM radios
9 equipped with digital selective calling sold to United
10 States boaters;

11 (7) list all reported marine accidents, casualties,
12 and fatalities occurring in areas with existing com-
13 munications gaps or failures, including incidents as-
14 sociated with gaps in VHF–FM coverage or digital
15 selected calling capabilities and failures associated
16 with inadequate communications equipment aboard
17 the involved vessels during calendar years 1997 for-
18 ward;

19 (8) identify existing systems available to close
20 identified marine safety gaps before January 1,
21 2003, including expeditious receipt and response by
22 appropriate Coast Guard operations centers to
23 VHF–FM digital selective calling distress signal;
24 and

1 (9) identify actions taken to-date to implement
2 the recommendations of the National Transportation
3 Safety Board in its Report No. MAR-99-01.

4 **SEC. 347. CONVEYANCE OF COAST GUARD PROPERTY IN**
5 **PORTLAND, MAINE.**

6 (a) AUTHORITY TO CONVEY.—

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

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

1 (b) LEASE TO THE UNITED STATES.—

2 (1) CONDITION OF CONVEYANCE.—The Naval
3 Reserve Pier property shall not be conveyed until the
4 Corporation enters into a lease agreement with the
5 United States, the terms of which are mutually sat-
6 isfactory to the Commandant and the Corporation,
7 in which the Corporation shall lease a portion of the
8 Naval Reserve Pier property to the United States
9 for a term of 30 years without payment of consider-
10 ation. The lease agreement shall be executed within
11 12 months after the date of enactment of this Act.

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

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

24 (B) The right to berth Coast Guard cut-
25 ters or other vessels as required, in the moor-

1 ings along the east side of the Naval Reserve
2 Pier property, and the right to attach floating
3 docks which shall be owned and maintained at
4 the United States' sole cost and expense.

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

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

19 (E) The right to occupy up to 1,200 gross
20 square feet of offsite storage in a location other
21 than the Naval Reserve Pier property, which
22 will be provided by the Corporation at the Cor-
23 poration's sole cost and expense, and which will
24 be maintained, and utilities and other operating

1 expenses paid for, by the United States at its
2 sole cost and expense.

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

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

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

21 (5) TERMINATION.—In the event that the Coast
22 Guard ceases to use the leased premises, the Sec-
23 retary, in consultation with the Commandant, may
24 terminate the lease with the Corporation.

25 (c) IMPROVEMENT OF LEASED PREMISES.—

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

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

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

21 (1) UTILITIES.—The Naval Reserve Pier prop-
22 erty shall not be conveyed until the Corporation en-
23 ters into an agreement with the United States to
24 allow the United States to operate and maintain ex-
25 isting utility lines and related equipment, at the

1 United States sole cost and expense. At such time
2 as the Corporation constructs its proposed public
3 aquarium, the Corporation shall replace existing util-
4 ity lines and related equipment and provide addi-
5 tional utility lines and equipment capable of sup-
6 porting a third 110-foot Coast Guard cutter, with
7 comparable, new, code compliant utility lines and
8 equipment at the Corporation's sole cost and ex-
9 pense, maintain such utility lines and related equip-
10 ment from an agreed upon demarcation point, and
11 make such utility lines and equipment available for
12 use by the United States, provided that the United
13 States pays for its use of utilities at its sole cost
14 and expense. The agreement concerning the oper-
15 ation and maintenance of utility lines and equipment
16 shall be executed within 12 months after the date
17 of enactment of this Act.

18 (2) MAINTENANCE.—The Naval Reserve Pier
19 property shall not be conveyed until the Corporation
20 enters into an agreement with the United States to
21 maintain, at the Corporation's sole cost and expense,
22 the bulkhead and pier on the east side of the Naval
23 Reserve Pier property. The agreement concerning
24 the maintenance of the bulkhead and pier shall be

1 executed within 12 months after the date of enact-
2 ment of this Act.

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

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

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

13 (2) the Corporation shall not interfere or allow
14 interference, in any manner, with any aid to naviga-
15 tion nor hinder activities required for the operation
16 and maintenance of any aid to navigation, without
17 the express written permission of the head of the
18 agency responsible for operating and maintaining
19 the aid to navigation.

20 (f) REMEDIES AND REVERSIONARY INTEREST.—The
21 Naval Reserve Pier property, at the option of the Sec-
22 retary, shall revert to the United States and be placed
23 under the administrative control of the Secretary, if, and
24 only if, the Corporation fails to abide by any of the terms

1 of this section or any agreement entered into under sub-
2 section (b), (c), or (d) of this section.

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

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

14 (i) DEFINITIONS.—In this section:

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

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

1 **SEC. 348. HARBOR SAFETY COMMITTEES.**

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

5 (1) strategies for gaining successful cooperation
6 among the various groups having an interest in the
7 local port or waterway;

8 (2) organizational models that can be applied to
9 new or existing harbor safety committees or to pro-
10 totype harbor safety committees established under
11 subsection (b);

12 (3) technological assistance that will help har-
13 bor safety committees overcome local impediments to
14 safety, mobility, environmental protection, and port
15 security; and

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

18 (b) PROTOTYPE COMMITTEES.—The Coast Guard
19 shall test the feasibility of expanding the harbor safety
20 committee concept to small and medium-sized ports that
21 are not generally served by a harbor safety committee by
22 establishing 1 or more prototype harbor safety commit-
23 tees. In selecting a location or locations for the establish-
24 ment of a prototype harbor safety committee, the Coast
25 Guard shall—

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

3 (2) consider identified safety issues for a par-
4 ticular port;

5 (3) compare the potential benefits of estab-
6 lishing such a committee with the burdens the estab-
7 lishment of such a committee would impose on par-
8 ticipating agencies and organizations;

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

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

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

15 (1) limits the scope or activities of harbor safe-
16 ty committees in existence on the date of enactment
17 of this Act;

18 (2) precludes the establishment of new harbor
19 safety committees in locations not selected for the
20 establishment of a prototype committee under sub-
21 section (b); or

22 (3) preempts State law.

23 (d) NONAPPLICATION OF FACA.—The Federal Advi-
24 sory Committee Act (5 App. U.S.C.) does not apply to har-

1 bor safety committees established under this section or
 2 any other provision of law.

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

6 (1) whose responsibilities include recommending
 7 actions to improve the safety of a port or waterway;
 8 and

9 (2) the membership of which includes represent-
 10 atives of government agencies, maritime labor, mari-
 11 time industry companies and organizations, environ-
 12 mental groups, and public interest groups.

13 **SEC. 349. MISCELLANEOUS CONVEYANCES.**

14 (a) AUTHORITY TO CONVEY.—

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

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

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

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

4 (3) LIMITATION.—The Secretary may not
5 under this section convey—

6 (A) any historical artifact, including any
7 lens or lantern, located on the property at or
8 before the time of the conveyance; or

9 (B) any interest in submerged land.

10 (b) GENERAL TERMS AND CONDITIONS.—

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

13 (A) without payment of consideration; and

14 (B) subject to the terms and conditions re-
15 quired by this section and other terms and con-
16 ditions the Secretary may consider appropriate,
17 including the reservation of easements and
18 other rights on behalf of the United States.

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

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

3 (i) ceases to be available and acces-
4 sible to the public, on a reasonable basis,
5 for educational, park, recreational, cul-
6 tural, historic preservation, or other simi-
7 lar purposes specified for the property in
8 the terms of conveyance;

9 (ii) ceases to be maintained in a man-
10 ner that is consistent with its present or
11 future use as a site for Coast Guard aids
12 to navigation or compliance with this title;
13 or

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

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

23 (3) MAINTENANCE OF NAVIGATION FUNC-
24 TIONS.—Each conveyance of property under this
25 section shall be made subject to the conditions that

1 the Secretary considers to be necessary to assure
2 that—

3 (A) the lights, antennas, and associated
4 equipment located on the property conveyed,
5 which are active aids to navigation, shall con-
6 tinue to be operated and maintained by the
7 United States for as long as they are needed for
8 this purpose;

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

13 (C) there is reserved to the United States
14 the right to relocate, replace, or add any aid to
15 navigation or make any changes to the property
16 conveyed as may be necessary for navigational
17 purposes;

18 (D) the United States shall have the right,
19 at any time, to enter the property without no-
20 tice for the purpose of operating, maintaining
21 and inspecting aids to navigation, and for the
22 purpose of enforcing compliance with this sub-
23 section; and

24 (E) the United States shall have an ease-
25 ment of access to and across the property for

1 the purpose of maintaining the aids to naviga-
2 tion in use on the property.

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

11 (B) The owner of a property conveyed under
12 this section is not required to maintain any active
13 aid to navigation equipment on the property, except
14 private aids to navigation permitted under section
15 83 of title 14, United States Code.

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

21 (d) DEFINITIONS.—In this section:

22 (1) AIDS TO NAVIGATION.—The term “aids to
23 navigation” means equipment used for navigation
24 purposes, including a light, antenna, radio, sound
25 signal, electronic navigation equipment, or other as-

1 sociated equipment which are operated or main-
2 tained by the United States.

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

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

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

11 **SEC. 350. BOATING SAFETY.**

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

15 (b) STATE FUNDING.—Section 13102(a)(3) of title
16 46, United States Code, is amended by striking “general
17 State revenue” and inserting “State funds, including
18 amounts expended for the State’s recreational boating
19 safety program by a State agency, a public corporation
20 established under State law, or any other State instrumen-
21 tality, as determined by the Secretary”.

1 **TITLE IV—OMNIBUS MARITIME** 2 **IMPROVEMENTS**

3 **SEC. 401. SHORT TITLE.**

4 This title may be cited as the “Omnibus Maritime
 5 and Coast Guard Improvements Act of 2001”.

6 **SEC. 402. EXTENSION OF COAST GUARD HOUSING AU-** 7 **THORITIES.**

8 (a) **HOUSING CONTRACTORS.**—Section 681(a) of title
 9 14, United States Code, is amended by inserting “, includ-
 10 ing a small business concern qualified under section 8(a)
 11 of the Small Business Act (15 U.S.C. 637(a)),” after “pri-
 12 vate persons”.

13 (b) **BUDGET AUTHORITY LIMITATION.**—Section
 14 687(f) of title 14, United States Code, is amended by
 15 striking “\$20,000,000” and inserting “\$40,000,000”.

16 (c) **DEMONSTRATION PROJECT.**—Section 687 of title
 17 14, United States Code, is amended by adding at the end
 18 the following new subsection:

19 “(g) **DEMONSTRATION PROJECT AUTHORIZED.**—To
 20 promote efficiencies through the use of alternative proce-
 21 dures for expediting new housing projects, the Secretary—
 22 “(1) may develop and implement a Demonstra-
 23 tion Project for acquisition or construction of mili-
 24 tary family housing and military unaccompanied

1 housing at the Coast Guard installation at Kodiak,
2 Alaska;

3 “(2) in implementing the Demonstration
4 Project shall utilize, to the maximum extent possible,
5 the contracting authority of the Small Business Ad-
6 ministration’s section 8(a) program;

7 “(3) shall, to the maximum extent possible, ac-
8 quire or construct such housing through contracts
9 with small business concerns qualified under section
10 8(a) of the Small Business Act (15 U.S.C. 637(a))
11 that have their principal place of business in the
12 State of Alaska; and

13 “(4) shall report to Congress by September 1 of
14 each year on the progress of activities under the
15 Demonstration Project.”.

16 (d) EXTENSION.—Section 689 of title 14, United
17 States Code, is amended by striking “2001” and inserting
18 “2006”.

19 **SEC. 403. INVENTORY OF VESSELS FOR CABLE LAYING,**
20 **MAINTENANCE, AND REPAIR.**

21 (a) INVENTORY.—The Secretary of Transportation
22 shall develop, maintain, and periodically update an inven-
23 tory of vessels that are documented under chapter 121 of
24 title 46, United States Code, are 200 feet or more in
25 length, and have the capability to lay, maintain, or repair

1 a submarine cable, without regard to whether a particular
2 vessel is classified as a cable ship or cable vessel.

3 (b) VESSEL INFORMATION.—For each vessel listed in
4 the inventory, the Secretary shall include in the
5 inventory—

6 (1) the name, length, beam, depth, and other
7 distinguishing characteristics of the vessel;

8 (2) the abilities and limitations of the vessel
9 with respect to the laying, maintaining, and repair-
10 ing of a submarine cable; and

11 (3) the name and address of the person to
12 whom inquiries regarding the vessel may be made.

13 (c) PUBLICATION.—The Secretary shall—

14 (1) not later than 60 days after the date of en-
15 actment of this Act, publish in the Federal Register
16 a current inventory developed under subsection (a);
17 and

18 (2) every six months thereafter, publish an up-
19 dated inventory.

20 **SEC. 404. VESSEL ESCORT OPERATIONS AND TOWING AS-**
21 **SISTANCE.**

22 (a) IN GENERAL.—Except in the case of a vessel in
23 distress, only a vessel of the United States (as that term
24 is defined in section 2101 of title 46, United States Code)
25 may perform the following vessel escort operations and

1 vessel towing assistance within the navigable waters of the
2 United States:

3 (1) Operation or assistance that commences or
4 terminates at a port or place in the United States.

5 (2) Operation or assistance required by United
6 States law or regulation.

7 (3) Operation provided in whole or in part for
8 the purpose of escorting or assisting a vessel within
9 or through navigation facilities owned, maintained,
10 or operated by the United States Government or the
11 approaches to such facilities, other than facilities op-
12 erated by the St. Lawrence Seaway Development
13 Corporation on the St. Lawrence River portion of
14 the Seaway.

15 (b) DEFINITIONS.—In this section—

16 (1) the term “towing assistance” means oper-
17 ation by an assisting vessel in direct contact with an
18 assisted vessel (including hull-to-hull, by towline, in-
19 cluding if only pretethered, or made fast to that ves-
20 sel by one or more lines) for purposes of exerting
21 force on the assisted vessel to control, or to assist
22 in controlling, the movement of the assisted vessel;
23 and

1 (2) the term “escort operations” means accom-
2 panying a vessel for the purpose of providing towing
3 or towing assistance to the vessel.

4 (c) PENALTY.—A person violating this section is lia-
5 ble to the United States Government for a civil penalty
6 of not more than \$10,000 for each day during which the
7 violation occurs.

8 **SEC. 405. SEARCH AND RESCUE CENTER STANDARDS.**

9 (a) IN GENERAL.—Title 14, United States Code, is
10 amended by adding at the end of chapter 17 the following
11 new section:

12 **“§ 676. Search and rescue center standards**

13 “(a) The Secretary shall establish, implement, and
14 maintain the minimum standards necessary for the safe
15 operation of all Coast Guard search and rescue center fa-
16 cilities, including with respect to the following:

17 “(1) The lighting, acoustics, and temperature in
18 the facilities.

19 “(2) The number of individuals on a shift in
20 the facility assigned search and rescue responsibil-
21 ities (including communications), which may be ad-
22 justed based on seasonal workload.

23 “(3) The length of time an individual may serve
24 on watch to minimize fatigue, based on the best sci-
25 entific information available.

1 “(4) The scheduling of individuals having
2 search and rescue responsibilities to minimize fa-
3 tigue of the individual when on duty in the facility.

4 “(5) The workload of each individual engaged
5 in search and rescue responsibilities in the facility.

6 “(6) Stress management for the individuals as-
7 signed search and rescue responsibilities in the fa-
8 cilities.

9 “(7) The design of equipment and facilities to
10 minimize fatigue and enhance search and rescue op-
11 erations.

12 “(8) Any other requirements that the Secretary
13 believes will increase the safe operation of the search
14 and rescue centers.

15 “(b) An individual on duty or watch in a Coast Guard
16 search and rescue center facility, including a communica-
17 tions center, may not work more than 12 hours in a 24-
18 hour period except in an emergency.”.

19 (b) APPLICATION.—Section 676(b) of title 14, United
20 States Code (as enacted by subsection (a) of this section)
21 shall apply beginning on July 1, 2002.

22 (c) PRESCRIPTION OF STANDARDS.—The Secretary
23 shall prescribe the standards required under section
24 676(a) of title 14, United States Code, as enacted by sub-
25 section (a) of this section, before July 1, 2002.

1 (d) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 17 of title 14, United States
3 Code, is amended by adding at the end the following:

“676. Search and rescue center standards.”.

4 **SEC. 406. VHF COMMUNICATIONS SERVICES.**

5 The Secretary of Transportation may authorize a
6 person providing commercial VHF communications serv-
7 ices to place commercial VHF communications equipment
8 on real property under the administrative control of the
9 Coast Guard (including towers) subject to any terms
10 agreed to by the parties. The Secretary and that commer-
11 cial VHF communications service provider also may enter
12 into an agreement providing for VHF communications
13 services to the Coast Guard (including digital selective
14 calling and radio direction finding services) at a dis-
15 counted rate or price based on providing such access to
16 real property under the administrative control of the Coast
17 Guard. Nothing in the section shall affect the rights or
18 obligations of the United States under section 704(e) of
19 the Telecommunications Act of 1996 (47 U.S.C. 332 note)
20 with respect to the availability of property, or under sec-
21 tion 359(d) of the Communications Act of 1934 (47
22 U.S.C. 357(d)) with respect to charges for transmission
23 of distress messages.

1 **SEC. 407. LOWER COLUMBIA RIVER MARITIME FIRE AND**
2 **SAFETY ACTIVITIES.**

3 There is authorized to be appropriated to the Sec-
4 retary of Transportation not more than \$987,400 for
5 lower Columbia River marine, fire, oil, and toxic spill re-
6 sponse communications, training, equipment, and program
7 administration activities conducted by the Maritime Fire
8 and Safety Association, to remain available until ex-
9 pended.

10 **SEC. 408. CONFORMING REFERENCES TO THE FORMER**
11 **MERCHANT MARINE AND FISHERIES COM-**
12 **MITTEE.**

13 (a) LAWS CODIFIED IN TITLE 14, UNITED STATES
14 CODE.—(1) Section 194(b)(2) of title 14, United States
15 Code, is amended by striking “Merchant Marine and Fish-
16 eries” and inserting “Transportation and Infrastructure”.

17 (2) Section 663 of title 14, United States Code, is
18 amended by striking “Merchant Marine and Fisheries”
19 and inserting “Transportation and Infrastructure”.

20 (3) Section 664 of title 14, United States Code, is
21 amended by striking “Merchant Marine and Fisheries”
22 and inserting “Transportation and Infrastructure”.

23 (b) LAWS CODIFIED IN TITLE 33, UNITED STATES
24 CODE.—(1) Section 3(d)(3) of the International Naviga-
25 tional Rules Act of 1977 (33 U.S.C. 1602(d)(3)) is

1 amended by striking “Merchant Marine and Fisheries”
2 and inserting “Transportation and Infrastructure”.

3 (2) Section 5004(2) of the Oil Pollution Act of 1990
4 (33 U.S.C. 2734(2)) is amended by striking “Merchant
5 Marine and Fisheries” and inserting “Transportation and
6 Infrastructure”.

7 (c) LAWS CODIFIED IN TITLE 46, UNITED STATES
8 CODE.—(1) Section 6307 of title 46, United States Code,
9 is amended by striking “Merchant Marine and Fisheries”
10 and inserting “Transportation and Infrastructure”.

11 (2) Section 901g(b)(3) of the Merchant Marine Act,
12 1936 (46 App. U.S.C. 1241k(b)(3)) is amended by strik-
13 ing “Merchant Marine and Fisheries” and inserting
14 “Transportation and Infrastructure”.

15 (3) Section 913(b) of the International Maritime and
16 Port Security Act (46 App. U.S.C. 1809(b)) is amended
17 by striking “Merchant Marine and Fisheries” and insert-
18 ing “Transportation and Infrastructure”.

19 **SEC. 409. RESTRICTION ON VESSEL DOCUMENTATION.**

20 Section 12108(a) of title 46, United States Code, is
21 amended by—

22 (1) amending paragraph (2) to read as follows:

23 “(2) was built in the United States;”;

24 (2) striking “and” at the end of paragraph (3);

25 (3) inserting after paragraph (3) the following:

1 “(4) was not forfeited to the United States
2 Government after July 1, 2001, for a breach of the
3 laws of the United States; and”; and

4 (4) redesignating paragraph (4) as paragraph
5 (5).

6 **SEC. 410. HYPOTHERMIA PROTECTIVE CLOTHING RE-**
7 **QUIREMENT.**

8 The Commandant of the Coast Guard shall ensure
9 that all Coast Guard personnel are equipped with ade-
10 quate safety equipment, including hypothermia protective
11 clothing where appropriate, while performing search and
12 rescue missions.

13 **SEC. 411. RESERVE OFFICER PROMOTIONS.**

14 (a) Section 729(i) of title 14, United States Code,
15 is amended by inserting “on the date a vacancy occurs,
16 or as soon thereafter as practicable, in the grade to which
17 the officer was selected for promotion, or if promotion was
18 determined in accordance with a running mate system,”
19 after “grade”.

20 (b) Section 731(b) of title 14, United States Coast
21 Code, is amended by striking the period at the end of the
22 sentence and inserting “, or in the event that promotion
23 is not determined in accordance with a running mate sys-
24 tem, then a Reserve officer becomes eligible for consider-
25 ation for promotion to the next higher grade at the begin-

1 ning of the promotion year in which he or she completes
 2 the following amount of service computed from the date
 3 of rank in the grade in which he or she is serving:

4 “(1) two years in the grade of lieutenant (jun-
 5 ior grade);

6 “(2) three years in the grade of lieutenant;

7 “(3) four years in the grade of lieutenant com-
 8 mander;

9 “(4) four years in the grade of commander; and

10 “(5) three years in the grade of captain.”.

11 (c) Section 736(a) of title 14, United States Code,
 12 is amended by inserting “the date of rank shall be the
 13 date of appointment in that grade, unless the promotion
 14 was determined in accordance with a running mate sys-
 15 tem, in which event” after “subchapter,”.

16 **SEC. 412. REGULAR LIEUTENANT COMMANDERS AND COM-**
 17 **MANDERS; CONTINUATION UPON FAILURE OF**
 18 **SELECTION FOR PROMOTION.**

19 Section 285 of title 14, United States Code, is
 20 amended—

21 (1) by striking “Each officer” and inserting

22 “(a) Each officer”; and

23 (2) by adding at the end the following new sub-
 24 sections:

1 “(b) A lieutenant commander or commander of the
2 Regular Coast Guard subject to discharge or retirement
3 under subsection (a) may be continued on active duty
4 when the Secretary directs a selection board convened
5 under section 251 of this title to continue up to a specified
6 number of lieutenant commanders or commanders on ac-
7 tive duty. When so directed, the selection board shall rec-
8 ommend those officers who in the opinion of the board
9 are best qualified to advance the needs and efficiency of
10 the Coast Guard. When the recommendations of the board
11 are approved by the Secretary, the officers recommended
12 for continuation shall be notified that they have been rec-
13 ommended for continuation and offered an additional term
14 of service that fulfills the needs of the Coast Guard.

15 “(c)(1) An officer who holds the grade of lieutenant
16 commander of the Regular Coast Guard may not be con-
17 tinued on active duty under subsection (b) for a period
18 that extends beyond 24 years of active commissioned serv-
19 ice unless promoted to the grade of commander of the
20 Regular Coast Guard. An officer who holds the grade of
21 commander of the Regular Coast Guard may not be con-
22 tinued on active duty under subsection (b) for a period
23 that extends beyond 26 years of active commissioned serv-
24 ice unless promoted to the grade of captain of the Regular
25 Coast Guard.

1 “(2) Unless retired or discharged under another pro-
 2 vision of law, each officer who is continued on active duty
 3 under subsection (b) but is not subsequently promoted or
 4 continued on active duty, and is not on a list of officers
 5 recommended for continuation or for promotion to the
 6 next higher grade, shall, if eligible for retirement under
 7 any provision of law, be retired under that law on the first
 8 day of the first month following the month in which the
 9 period of continued service is completed.”.

10 **SEC. 413. RESERVE STUDENT PRE-COMMISSIONING ASSIST-**
 11 **ANCE PROGRAM.**

12 (a) IN GENERAL.—Chapter 21 of title 14, United
 13 States Code, is amended by inserting after section 709 the
 14 following new section:

15 **“§ 709a. Reserve student pre-commissioning assist-**
 16 **ance program**

17 “(a) The Secretary may provide financial assistance
 18 to an eligible enlisted member of the Coast Guard Reserve,
 19 not on active duty, for expenses of the member while the
 20 member is pursuing on a full-time basis at an institution
 21 of higher education a program of education approved by
 22 the Secretary that leads to—

23 “(1) a baccalaureate degree in not more than
 24 five academic years; or

25 “(2) a post-baccalaureate degree.

1 “(b)(1) To be eligible for financial assistance under
2 this section, an enlisted member of the Coast Guard Re-
3 serve must—

4 “(A) be enrolled on a full-time basis in a pro-
5 gram of education referred to in subsection (a) at
6 any institution of higher education; and

7 “(B) enter into a written agreement with the
8 Coast Guard described in paragraph (2).

9 “(2) A written agreement referred to in paragraph
10 (1)(B) is an agreement between the member and the Sec-
11 retary in which the member agrees—

12 “(A) to accept an appointment as a commis-
13 sioned officer in the Coast Guard Reserve, if ten-
14 dered;

15 “(B) to serve on active duty for up to five
16 years; and

17 “(C) under such terms and conditions as shall
18 be prescribed by the Secretary, to serve in the Coast
19 Guard Reserve until the eighth anniversary of the
20 date of the appointment.

21 “(c) Expenses for which financial assistance may be
22 provided under this section are—

23 “(1) tuition and fees charged by the institution
24 of higher education involved;

25 “(2) the cost of books;

1 “(3) in the case of a program of education lead-
2 ing to a baccalaureate degree, laboratory expenses;
3 and

4 “(4) such other expenses as deemed appropriate
5 by the Secretary.

6 “(d) The amount of financial assistance provided to
7 a member under this section shall be prescribed by the
8 Secretary, but may not exceed \$25,000 for any academic
9 year.

10 “(e) Financial assistance may be provided to a mem-
11 ber under this section for up to five consecutive academic
12 years.

13 “(f) A member who receives financial assistance
14 under this section may be ordered to active duty in the
15 Coast Guard Reserve by the Secretary to serve in a des-
16 ignated enlisted grade for such period as the Secretary
17 prescribes, but not more than four years, if the member—

18 “(1) completes the academic requirements of
19 the program and refuses to accept an appointment
20 as a commissioned officer in the Coast Guard Re-
21 serve when offered;

22 “(2) fails to complete the academic require-
23 ments of the institution of higher education involved;
24 or

1 “(3) fails to maintain eligibility for an original
2 appointment as a commissioned officer.

3 “(g)(1) If a member requests to be released from the
4 program and the request is accepted by the Secretary, or
5 if the member fails because of misconduct to complete the
6 period of active duty specified, or if the member fails to
7 fulfill any term or condition of the written agreement re-
8 quired to be eligible for financial assistance under this sec-
9 tion, the financial assistance shall be terminated. The
10 member shall reimburse the United States in an amount
11 that bears the same ratio to the total cost of the education
12 provided to such person as the unserved portion of active
13 duty bears to the total period of active duty such person
14 agreed to serve. The Secretary shall have the option to
15 order such reimbursement without first ordering the mem-
16 ber to active duty. An obligation to reimburse the United
17 States imposed under this paragraph is for all purposes
18 a debt owed to the United States.

19 “(2) The Secretary may waive the service obligated
20 under subsection (f) of a member who is not physically
21 qualified for appointment and who is determined to be un-
22 qualified for service as an enlisted member of the Coast
23 Guard Reserve due to a physical or medical condition that
24 was not the result of the member’s own misconduct or
25 grossly negligent conduct.

1 “(3) A discharge in bankruptcy under title 11 that
 2 is entered less than 5 years after the termination of a writ-
 3 ten agreement entered into under subsection (b) does not
 4 discharge the individual signing the agreement from a
 5 debt arising under such agreement or under paragraph
 6 (1).

7 “(h) As used in this section, ‘institution of higher
 8 education’ has the meaning given that term in section 101
 9 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

10 (b) CLERICAL AMENDMENT.—The analysis at the be-
 11 ginning of chapter 21 of title 14, United States Code, is
 12 amended by adding the following new item after the item
 13 relating to section 709:

“709a. Reserve student pre-commissioning assistance program.”.

14 **SEC. 414. CONTINUATION ON ACTIVE DUTY BEYOND THIR-**
 15 **TY YEARS.**

16 Section 289 of title 14, United States Code, is
 17 amended by adding at the end the following new sub-
 18 section:

19 “(h) Notwithstanding subsection (g) and section 288
 20 of this title, the Commandant may by annual action retain
 21 on active duty from promotion year to promotion year any
 22 officer who would otherwise be retired under subsection
 23 (g) or section 288 of this title. An officer so retained, un-
 24 less retired under some other provision of law, shall be
 25 retired on June 30 of that promotion year in which no

1 action is taken to further retain the officer under this sub-
 2 section.”.

3 **SEC. 415. PAYMENT OF DEATH GRATUITIES ON BEHALF OF**
 4 **COAST GUARD AUXILIARISTS.**

5 Section 823a(b) of title 14, United States Code, is
 6 amended by inserting the following new paragraph fol-
 7 lowing paragraph (8):

8 “(9) On or after January 1, 2001, Public Law
 9 104–208, section 651.”.

10 **SEC. 416. ALIGN COAST GUARD SEVERANCE PAY AND REV-**
 11 **OCATION OF COMMISSION AUTHORITY WITH**
 12 **DEPARTMENT OF DEFENSE AUTHORITY.**

13 (a) IN GENERAL.—Chapter 11 of title 14, United
 14 States Code, is amended—

15 (1) in section 281—

16 (A) by striking “**three**” in the section
 17 heading and inserting “**five**”; and

18 (B) by striking “three” in the text and in-
 19 serting “five”;

20 (2) in section 283(b)(2)(A), by striking “sever-
 21 ance” and inserting “separation”;

22 (3) in section 286—

23 (A) by striking “**severance**” in the sec-
 24 tion heading and inserting “**separation**”; and

1 (B) by striking subsection (b) and insert-
2 ing the following:

3 “(b) An officer of the Regular Coast Guard who is
4 discharged under this section or section 282, 283, or 284
5 of this title who has completed 6 or more, but less than
6 20, continuous years of active service immediately before
7 that discharge or release is entitled to separation pay com-
8 puted under subsection (d)(1) of section 1174 of title 10.

9 “(c) An officer of the Regular Coast Guard who is
10 discharged under section 327 of this title, who has com-
11 pleted 6 or more, but less than 20, continuous years of
12 active service immediately before that discharge or release
13 is entitled to separation pay computed under subsection
14 (d)(1) or (d)(2) of section 1174 of title 10 as determined
15 under regulations promulgated by the Secretary.

16 “(d) Notwithstanding subsections (a) or (b), an offi-
17 cer discharged under chapter 11 of this title for twice fail-
18 ing of selection for promotion to the next higher grade
19 is not entitled to separation pay under this section if the
20 officer requested in writing or otherwise sought not to be
21 selected for promotion, or requested removal from the list
22 of selectees.”;

23 (4) in section 286a—

1 (A) by striking “**severance**” in the sec-
2 tion heading and inserting “**separation**” in
3 its place; and

4 (B) by striking subsections (a), (b), and
5 (c) and inserting the following:

6 “(a) A regular warrant officer of the Coast Guard
7 who is discharged under section 580 of title 10, and has
8 completed 6 or more, but less than 20, continuous years
9 of active service immediately before that discharge is enti-
10 tled to separation pay computed under subsection (d)(1)
11 of section 1174 of title 10.

12 “(b) A regular warrant officer of the Coast Guard
13 who is discharged under section 1165 or 1166 of title 10,
14 and has completed 6 or more, but less than 20, continuous
15 years of active service immediately before that discharge
16 is entitled to separation pay computed under subsection
17 (d)(1) or (d)(2) of section 1174 of title 10, as determined
18 under regulations promulgated by the Secretary.

19 “(c) In determining a member’s years of active serv-
20 ice for the purpose of computing separation pay under this
21 section, each full month of service that is in addition to
22 the number of full years of service creditable to the mem-
23 ber is counted as one-twelfth of a year and any remaining
24 fractional part of a month is disregarded.”; and

25 (5) in section 327—

1 (A) by striking “**severance**” in the sec-
 2 tion heading and inserting “**separation**”;

3 (B) by striking subsection (a)(2) and in-
 4 serting in its place the following:

5 “(2) for discharge with separation benefits
 6 under section 286(c) of this title.”;

7 (C) by striking subsection (a)(3);

8 (D) by striking subsection (b)(2) and in-
 9 serting in its place the following:

10 “(2) if on that date the officer is ineligible for
 11 voluntary retirement under any law, be honorably
 12 discharged with separation benefits under section
 13 286(c) of this title, unless under regulations promul-
 14 gated by the Secretary the condition under which
 15 the officer is discharged does not warrant an honor-
 16 able discharge.”; and

17 (E) by striking subsection (b)(3).

18 (b) CLERICAL AMENDMENT.—The table of sections
 19 at the beginning of chapter 11 of title 14, United States
 20 Code, is amended—

21 (1) in the item relating to section 281, by strik-
 22 ing “three” and inserting “five” in its place; and

23 (2) in the item relating to section 286, by strik-
 24 ing “severance” and inserting “separation” in its
 25 place;

1 (3) in the item relating to section 286a, by
2 striking “severance” and inserting “separation” in
3 its place; and

4 (4) in the item relating to section 327, by strik-
5 ing “severance” and inserting “separation” in its
6 place.

7 (c) EFFECTIVE DATE.—The amendments made by
8 paragraphs (2), (3), (4), and (5) of subsection (a) shall
9 take effect four years after the date of enactment of this
10 Act, except that subsection (d) of section 286 of title 14,
11 United States Code, as amended by paragraph (3) of sub-
12 section (a) of this section shall take effect on enactment
13 of this Act and shall apply with respect to conduct on or
14 after that date. The amendments made to the table of sec-
15 tions of chapter 11 of title 14, United States Code, by
16 paragraphs (2), (3), and (4) of subsection (b) of this sec-
17 tion shall take effect four years after the date of enact-
18 ment of this Act.

19 **SEC. 417. LONG-TERM LEASE AUTHORITY FOR LIGHTHOUSE**
20 **PROPERTY.**

21 (a) IN GENERAL.—Chapter 17 of title 14, United
22 States Code, is amended by adding at the end a new sec-
23 tion 672b to read as follows:

1 **“§ 672b. Long-term lease authority for lighthouse**
2 **property**

3 “(a) The Commandant of the Coast Guard may lease
4 to non-Federal entities, including private individuals,
5 lighthouse property under the administrative control of the
6 Coast Guard for terms not to exceed 30 years. Consider-
7 ation for the use and occupancy of lighthouse property
8 leased under this section, and for the value of any utilities
9 and services furnished to a lessee of such property by the
10 Commandant, may consist, in whole or in part, of non-
11 pecuniary remuneration including, but not limited to, the
12 improvement, alteration, restoration, rehabilitation, re-
13 pair, and maintenance of the leased premises by the lessee.
14 Section 321 of chapter 314 of the Act of June 30, 1932
15 (40 U.S.C. 303b) shall not apply to leases issued by the
16 Commandant under this section.

17 “(b) Amounts received from leases made under this
18 section, less expenses incurred, shall be deposited in the
19 Treasury.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 17 of title 14, United States
22 Code, is amended by adding after the item relating to sec-
23 tion 672 the following:

“672b. Long-term lease authority for lighthouse property.”.

1 **SEC. 418. MARITIME DRUG LAW ENFORCEMENT ACT**
2 **AMENDMENTS.**

3 (a) Section 3 of the Maritime Drug Law Enforcement
4 Act (46 App. U.S.C. 1903) is amended—

5 (1) in subsection (c)(1)(D) by striking “and”;

6 (2) in subsection (c)(1)(E) by striking “United
7 States.” and inserting “United States; and”; and

8 (3) by inserting after subsection (c)(1)(E) the
9 following:

10 “(F) a vessel located in the contiguous zone of
11 the United States, as defined in Presidential Procla-
12 mation 7219 of September 2, 1999, and (i) is enter-
13 ing the United States, (ii) has departed the United
14 States, or (iii) is a hovering vessel as defined in 19
15 U.S.C. 1401(k).”.

16 (b) The second section 3 of the Maritime Drug Law
17 Enforcement Act (46 App. U.S.C. 1904) is amended—

18 (1) by inserting “(a)” before “Any property”;
19 and

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

21 “(b) Practices commonly recognized as smuggling
22 tactics may provide prima facie evidence of intent to use
23 a vessel to commit, or to facilitate the commission of, an
24 offense under this chapter, and may support seizure and
25 forfeiture of the vessel, even in the absence of controlled
26 substances aboard the vessel. The following indicia, inter

1 alia, may be considered, in the totality of the cir-
2 cumstances, to be prima facie evidence that a vessel is in-
3 tended to be used to commit, or to facilitate the commis-
4 sion of an offense under this chapter:

5 “(1) The construction or adaptation of the ves-
6 sel in a manner that facilitates smuggling,
7 including—

8 “(A) the configuration of the vessel to ride
9 low in the water or present a low hull profile to
10 avoid being detected visually or by radar;

11 “(B) the presence of any compartment or
12 equipment which is built or fitted out for smug-
13 gling, not including items such as a safe or
14 lock-box reasonably used for the storage of per-
15 sonal valuables;

16 “(C) the presence of an auxiliary tank not
17 installed in accordance with applicable law, or
18 installed in such a manner as to enhance the
19 vessel’s smuggling capability;

20 “(D) the presence of engines that are ex-
21 cessively over-powered in relation to the design
22 and size of the vessel;

23 “(E) the presence of materials used to re-
24 duce or alter the heat or radar signature of the
25 vessel and avoid detection;

1 “(F) the presence of a camouflaging paint
2 scheme, or of materials used to camouflage the
3 vessel, to avoid detection; or

4 “(G) the display of false vessel registration
5 numbers, false indicia of vessel nationality, false
6 vessel name, or false vessel homeport.

7 “(2) The presence or absence of equipment,
8 personnel, or cargo inconsistent with the type or de-
9 clared purpose of the vessel.

10 “(3) The presence of excessive fuel, lube oil,
11 food, water, or spare parts, inconsistent with legiti-
12 mate vessel operation, inconsistent with the con-
13 struction or equipment of the vessel, or inconsistent
14 with the character of the vessel’s stated purpose.

15 “(4) The operation of the vessel without lights
16 during times lights are required to be displayed
17 under applicable law or regulation, and in a manner
18 of navigation consistent with smuggling tactics used
19 to avoid detection by law enforcement authorities.

20 “(5) The failure of the vessel to stop or respond
21 or heave to when hailed by government authority, es-
22 pecially where the vessel conducts evasive maneu-
23 vering when hailed.

24 “(6) The declaration to government authority of
25 apparently false information about the vessel, crew,

1 or voyage, or the failure to identify the vessel by
2 name or country of registration when requested to
3 do so by government authority.

4 “(7) The presence of controlled substance res-
5 idue on the vessel, on an item aboard the vessel, or
6 on a person aboard the vessel, of a quantity or other
7 nature which reasonably indicates manufacturing or
8 distribution activity.

9 “(8) The use of petroleum products or other
10 substances on the vessel to foil the detection of con-
11 trolled substance residue.

12 “(9) The presence of a controlled substance in
13 the water in the vicinity of the vessel, where given
14 the currents, weather conditions, and course and
15 speed of the vessel, the quantity or other nature is
16 such that it reasonably indicates manufacturing or
17 distribution activity.”.

18 **SEC. 419. WING-IN-GROUND CRAFT.**

19 (a) Section 2101(35) of title 46, United States Code,
20 is amended by inserting “a wing-in-ground craft, regard-
21 less of tonnage, carrying at least one passenger for hire,
22 and” after the phrase “‘small passenger vessel’ means”.

23 (b) Section 2101 of title 46, United States Code, is
24 amended by adding at the end the following:

1 “(48) wing-in-ground craft means a vessel that
2 is capable of operating completely above the surface
3 of the water on a dynamic air cushion created by
4 aerodynamic lift due to the ground effect between
5 the vessel and the water’s surface.”.

6 **SEC. 420. ELECTRONIC FILING OF COMMERCIAL INSTRU-**
7 **MENTS FOR VESSELS.**

8 Section 31321(a)(4) of title 46, United States Code,
9 is amended—

10 (1) by striking “(A)”; and

11 (2) by striking subparagraph (B).

12 **SEC. 421. DELETION OF THUMBPRINT REQUIREMENT FOR**
13 **MERCHANT MARINERS’ DOCUMENTS.**

14 Section 7303 of title 46, United States Code, is
15 amended by striking “the thumbprint,”.

16 **SEC. 422. TEMPORARY CERTIFICATES OF DOCUMENTATION**
17 **FOR RECREATIONAL VESSELS.**

18 (a) Section 12103(a) of title 46, United States Code,
19 is amended by inserting “, or a temporary certificate of
20 documentation,” after “certificate of documentation”.

21 (b)(1) Chapter 121 of title 46, United States Code,
22 is amended by adding after section 12103 the following:

1 **“§ 12103a. Issuance of temporary certificate of docu-**
 2 **mentation by third parties**

3 “(a) The Secretary of Transportation may delegate,
 4 subject to the supervision and control of the Secretary and
 5 under terms set out by regulation, to private entities de-
 6 termined and certified by the Secretary to be qualified,
 7 the authority to issue a temporary certificate of docu-
 8 mentation for a recreational vessel, if the applicant for the
 9 certificate of documentation meets the requirements set
 10 out in sections 12102 and 12103 of this chapter.

11 “(b) A temporary certificate of documentation issued
 12 under section 12103(a) and subsection (a) of this section
 13 is valid for up to 30 days from issuance.”.

14 (2) The table of sections at the beginning of chapter
 15 121 of title 46, United States Code, is amended by insert-
 16 ing after the item relating to section 12103 the following:

“12103a. Issuance of temporary certificate of documentation by third parties.”.

17 **SEC. 423. MARINE CASUALTY INVESTIGATIONS INVOLVING**
 18 **FOREIGN VESSELS.**

19 Section 6101 of title 46, United States Code, is
 20 amended—

21 (1) by redesignating the second subsection (e)
 22 as subsection (f); and

23 (2) by adding at the end the following new sub-
 24 section:

1 “(g) To the extent consistent with generally recog-
 2 nized practices and procedures of international law, this
 3 part applies to a foreign vessel involved in a marine cas-
 4 ualty or incident, as defined in the International Maritime
 5 Organization Code for the Investigation of Marine Casual-
 6 ties and Incidents, where the United States is a Substan-
 7 tially Interested State and is, or has the consent of, the
 8 Lead Investigating State under the Code.”.

9 **SEC. 424. CONVEYANCE OF COAST GUARD PROPERTY IN**
 10 **HAMPTON TOWNSHIP, MICHIGAN.**

11 (a) REQUIREMENT TO CONVEY.—

12 (1) IN GENERAL.—Notwithstanding any other
 13 law, the Secretary of Transportation (in this section
 14 referred to as the “Secretary”) shall convey to
 15 BaySail, Inc. (a nonprofit corporation established
 16 under the laws of the State of Michigan; in this sec-
 17 tion referred to as “BaySail”), without monetary
 18 consideration, all right, title, and interest of the
 19 United States in and to property adjacent to Coast
 20 Guard Station Saginaw River, located in Hampton
 21 Township, Michigan, as identified under paragraph
 22 (2). No submerged lands may be conveyed under
 23 this section.

24 (2) IDENTIFICATION OF PROPERTY.—The Sec-
 25 retary, in consultation with the Commandant of the

1 Coast Guard, shall identify, describe, and determine
2 the property to be conveyed under this section.

3 (3) SURVEY.—The exact acreage and legal de-
4 scription of the property conveyed under paragraph
5 (1), as identified under paragraph (2), and any ease-
6 ments or rights-of-way reserved by the United States
7 under subsection (b), shall be determined by a sur-
8 vey satisfactory to the Secretary. The cost of the
9 survey shall be borne by BaySail.

10 (b) TERMS AND CONDITIONS OF CONVEYANCE.—The
11 conveyance of property under this section shall be made
12 subject to any terms and conditions the Secretary con-
13 siders necessary, including the reservation of easements
14 and other rights on behalf of the United States.

15 (c) REVERSIONARY INTEREST.—

16 (1) IN GENERAL.—During the 5-year period be-
17 ginning on the date the Secretary makes the convey-
18 ance authorized by subsection (a), the real property
19 conveyed pursuant to this section, at the option of
20 the Secretary, shall revert to the United States and
21 be placed under the administrative control of the
22 Secretary, if—

23 (A) BaySail sells, conveys, assigns, ex-
24 changes, or encumbers the property conveyed or
25 any part thereof;

1 (B) BaySail fails to maintain the property
2 conveyed in a manner consistent with the terms
3 and conditions under subsection (b);

4 (C) BaySail conducts any commercial ac-
5 tivity at the property conveyed, or any part
6 thereof, without approval of the Secretary; or

7 (D) at least 30 days before the reversion,
8 the Secretary provides written notice to the
9 owner that the property or any part thereof is
10 needed for national security purposes.

11 (2) ADDITIONAL PERIOD.—The Secretary may,
12 before the completion of the 5-year period described
13 in paragraph (1), authorize an additional 5-year pe-
14 riod during which paragraph (1) shall apply.

15 **SEC. 425. CONVEYANCE OF PROPERTY IN TRAVERSE CITY,**
16 **MICHIGAN.**

17 Section 1005(c) of the Coast Guard Authorization
18 Act of 1996 (110 Stat. 3957) is amended by striking “the
19 Traverse City Area Public School District” and inserting
20 “a public or private nonprofit entity for an educational
21 or recreational purpose”.

1 **SEC. 426. ANNUAL REPORT ON COAST GUARD CAPABILI-**
2 **TIES AND READINESS TO FULFILL NATIONAL**
3 **DEFENSE RESPONSIBILITIES.**

4 Not later than February 15 each year, the Secretary
5 of Transportation shall submit to the Committee on
6 Transportation and Infrastructure of the House of Rep-
7 resentatives and the Committee on Commerce, Science,
8 and Transportation of the Senate a report, prepared in
9 conjunction with the Commandant of the Coast Guard,
10 setting forth the capabilities and readiness of the Coast
11 Guard to fulfill its national defense responsibilities.

12 **SEC. 427. EXTENSION OF AUTHORIZATION FOR OIL SPILL**
13 **RECOVERY INSTITUTE.**

14 Section 5001(i) of the Oil Pollution Act of 1990 (33
15 U.S.C. 2731(i)) is amended by striking “10 years” and
16 all that follows through the end of the sentence and insert-
17 ing “September 30, 2012.”.

18 **SEC. 428. MISCELLANEOUS CERTIFICATES OF DOCUMENTA-**
19 **TION.**

20 Notwithstanding section 27 of the Merchant Marine
21 Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of
22 June 19, 1886 (46 App. U.S.C. 289), and section 12106
23 of title 46, United States Code, the Secretary of Transpor-
24 tation may issue a certificate of documentation with ap-
25 propriate endorsement for employment in the coastwise
26 trade for each of the following vessels:

1 (1) LAUDERDALE LADY (United States offi-
2 cial number 1103520).

3 (2) SOVEREIGN (United States official num-
4 ber 1028144).

5 (3) CALEDONIA (United States official num-
6 ber 679530).

7 **SEC. 429. ICEBREAKING SERVICES.**

8 The Commandant of the Coast Guard shall not plan,
9 implement, or finalize any regulation or take any other
10 action which would result in the decommissioning of any
11 WYTL-class harbor tugs unless and until the Com-
12 mandant certifies in writing to the Committee on Com-
13 merce, Science, and Transportation of the Senate and the
14 Committee on Transportation and Infrastructure of the
15 House of Representatives, that sufficient replacement ca-
16 pability has been procured by the Coast Guard to reme-
17 diate any degradation in current icebreaking services that
18 would be caused by such decommissioning.

19 **SEC. 430. FISHING VESSEL SAFETY TRAINING.**

20 (a) IN GENERAL.—The Commandant of the Coast
21 Guard may provide support, with or without reimburse-
22 ment, to an entity engaged in fishing vessel safety training
23 including—

24 (1) assistance in developing training curricula;

1 (2) use of Coast Guard personnel, including ac-
 2 tive duty members, members of the Coast Guard Re-
 3 serve, and members of the Coast Guard Auxiliary, as
 4 temporary or adjunct instructors;

5 (3) sharing of appropriate Coast Guard infor-
 6 mational and safety publications; and

7 (4) participation on applicable fishing vessel
 8 safety training advisory panels.

9 (b) NO INTERFERENCE WITH OTHER FUNCTIONS.—

10 In providing support under subsection (a), the Com-
 11 mandant shall ensure that the support does not interfere
 12 with any Coast Guard function or operation.

13 **SEC. 431. LIMITATION ON LIABILITY OF PILOTS AT COAST**
 14 **GUARD VESSEL TRAFFIC SERVICES.**

15 (a) IN GENERAL.—Chapter 23 of title 46, United
 16 States Code, is amended by adding at the end the fol-
 17 lowing:

18 **“§ 2307. Limitation of liability for Coast Guard Vessel**
 19 **Traffic Service pilots**

20 “Any pilot, acting in the course and scope of his or
 21 her duties while at a United States Coast Guard Vessel
 22 Traffic Service, who provides information, advice, or com-
 23 munication assistance while under the supervision of a
 24 Coast Guard officer, member, or employee shall not be lia-
 25 ble for damages caused by or related to such assistance

1 unless the acts or omissions of such pilot constitute gross
2 negligence or willful misconduct.”.

3 (b) CLERICAL AMENDMENT.—The chapter analysis
4 for chapter 23 of title 46, United States Code, is amended
5 by adding at the end the following:

“2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots.”.

6 **SEC. 432. ASSISTANCE FOR MARINE SAFETY STATION ON**
7 **CHICAGO LAKEFRONT.**

8 (a) ASSISTANCE AUTHORIZED.—The Secretary of
9 Transportation may use amounts authorized under this
10 section to provide financial assistance to the City of Chi-
11 cago, Illinois, to pay the Federal share of the cost of a
12 project to demolish the Old Coast Guard Station, located
13 at the north end of the inner Chicago Harbor breakwater
14 at the foot of Randolph Street, and to plan, engineer, de-
15 sign, and construct a new facility at that site for use as
16 a marine safety station on the Chicago lakefront.

17 (b) COST SHARING.—

18 (1) FEDERAL SHARE.—The Federal share of
19 the cost of a project carried out with assistance
20 under this section may not exceed one third of the
21 total cost of the project or \$2,000,000, whichever is
22 less.

23 (2) NON-FEDERAL SHARE.—There shall not be
24 applied to the non-Federal share of a project carried
25 out with assistance under this section—

1 (A) the value of land and existing facilities
2 used for the project; and

3 (B) any costs incurred for site work per-
4 formed before the date of the enactment of this
5 Act, including costs for reconstruction of the
6 east breakwater wall and associated utilities.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-
8 tion to the other amounts authorized by this Act, for pro-
9 viding financial assistance under this section there is au-
10 thorized to be appropriated to the Secretary of Transpor-
11 tation \$2,000,000 for fiscal year 2002, to remain available
12 until expended.

13 **SEC. 433. TONNAGE MEASUREMENT FOR PURPOSES OF ELI-**
14 **GIBILITY OF CERTAIN VESSELS FOR FISHERY**
15 **ENDORSEMENT.**

16 Section 12102(c)(5) of title 46, United States Code,
17 is amended by striking “of more than 750 gross registered
18 tons” and inserting “of more than 750 gross tons as meas-
19 ured under chapter 145 or 1900 gross tons as measured
20 under chapter 143”.

21 **SEC. 434. EXTENSION OF TIME FOR RECREATIONAL VESSEL**
22 **AND ASSOCIATED EQUIPMENT RECALLS.**

23 Section 4310(c) of title 46, United States Code, is
24 amended—

1 (1) in paragraph (2)(A) and (B) by striking
2 “5” each place it appears and inserting “10”; and
3 (2) in paragraph (1)(A), (B), and (C) by insert-
4 ing “by first class mail or” before “by certified
5 mail”.

○