

## Calendar No. 209

107TH CONGRESS  
1ST SESSION**S. 951****[Report No. 107–89]**

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

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## IN THE SENATE OF THE UNITED STATES

MAY 24, 2001

Ms. SNOWE (for herself, Mr. KERRY, Mr. MCCAIN, Mr. HOLLINGS, Mr. BREAUX, Mr. LOTT, Mr. MURKOWSKI, and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

OCTOBER 31, 2001

Reported by Mr. HOLLINGS, with an amendment in the nature of a substitute  
[Strike out all after the enacting clause and insert the part printed in italic]

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**A BILL**

To authorize appropriations for the Coast Guard, 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 of 2001”.

# 1 SEC. 2. TABLE OF CONTENTS.

## 2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

### TITLE I—AUTHORIZATION

- Sec. 101. Authorization of appropriations.
- Sec. 102. Authorized levels of military strength and training.
- Sec. 103. LORAN-C.
- Sec. 104. Patrol craft.
- Sec. 105. Caribbean support tender.

### TITLE II—PERSONNEL MANAGEMENT

- Sec. 201. Coast Guard band director rank.
- Sec. 202. Coast Guard membership on the USO Board of Governors.
- Sec. 203. Compensatory absence for isolated duty.
- Sec. 204. Suspension of retired pay of Coast Guard members who are absent from the United States to avoid prosecution.
- Sec. 205. Extension of Coast Guard housing authorities.
- Sec. 206. Accelerated promotion of certain Coast Guard officers.
- Sec. 207. Regular lieutenant commanders and commanders; continuation on failure of selection for promotion.
- Sec. 208. Reserve officer promotion
- Sec. 209. Reserve Student Pre-Commissioning Assistance Program.

### TITLE III—MARINE SAFETY

- Sec. 301. Extension of Territorial Sea for Vessel Bridge-to-Bridge Radiotelephone Act.
- Sec. 302. Icebreaking services.
- Sec. 303. Modification of various reporting requirements.
- Sec. 304. Oil Spill Liability Trust Fund; emergency fund borrowing authority.
- Sec. 305. Merchant mariner documentation requirements.
- Sec. 306. Penalties for negligent operations and interfering with safe operation.
- Sec. 307. Fishing vessel safety training.
- Sec. 308. Extend time for recreational vessel and associated equipment recalls.

### TITLE IV—RENEWAL OF ADVISORY GROUPS

- Sec. 401. Commercial Fishing Industry Vessel Advisory Committee.
- Sec. 402. Houston-Galveston Navigation Safety Advisory Committee.
- Sec. 403. Lower Mississippi River Waterway Advisory Committee.
- Sec. 404. Navigation Safety Advisory Council.
- Sec. 405. National Boating Safety Advisory Council.
- Sec. 406. Towing Safety Advisory Committee.

### TITLE V—MISCELLANEOUS

- Sec. 501. Modernization of national distress and response system.
- Sec. 502. Conveyance of Coast Guard property in Portland, Maine.
- Sec. 503. Harbor safety committees.
- Sec. 504. Limitation of liability of pilots at Coast Guard Vessel Traffic Services.

## TITLE VI—JONES ACT WAIVERS

Sec. 601. Repeal of special authority to revoke endorsements.

# 1           **TITLE I—AUTHORIZATION**

## 2   **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

3           (a) ~~AUTHORIZATION FOR FISCAL YEAR 2000.—~~

4   There are authorized to be appropriated for necessary ex-  
5   penses of the Coast Guard for fiscal year 2000 the fol-  
6   lowing amounts:

7           (1) For the operation and maintenance of the  
8   Coast Guard, \$2,853,000,000, of which  
9   \$300,000,000 shall be available for defense-related  
10   activities and of which \$25,000,000 shall be derived  
11   from the Oil Spill Liability Trust Fund.

12          (2) For the acquisition, construction, rebuild-  
13   ing, and improvement of aids to navigation, shore  
14   and offshore facilities, vessels, and aircraft, includ-  
15   ing equipment related thereto, \$999,100,000, to re-  
16   main available until expended, of which \$20,000,000  
17   shall be derived from the Oil Spill Liability Trust  
18   Fund to carry out the purposes of section  
19   1012(a)(5) of the Oil Pollution Act of 1990.

20          (3) For research, development, test, and evalua-  
21   tion of technologies, materials, and human factors  
22   directly relating to improving the performance of the  
23   Coast Guard's mission in support of search and res-  
24   cue, aids to navigation, marine safety, marine envi-

1       ronmental protection, enforcement of laws and trea-  
2       ties, ice operations, oceanographic research, and de-  
3       fense readiness, \$19,000,000, to remain available  
4       until expended, of which \$3,500,000 shall be derived  
5       from the Oil Spill Liability Trust Fund.

6           (4) For retired pay (including the payment of  
7       obligations otherwise chargeable to lapsed appropria-  
8       tions for this purpose), payments under the Retired  
9       Serviceman's Family Protection and Survivor Ben-  
10      efit Plans, and payments for medical care of retired  
11      personnel and their dependents under chapter 55 of  
12      title 10, United States Code, \$730,327,000, to re-  
13      main available until expended.

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

19          (6) For alteration or removal of bridges over  
20      navigable waters of the United States constituting  
21      obstructions to navigation, and for personnel and  
22      administrative costs associated with the Bridge Al-  
23      teration Program, \$15,000,000, to remain available  
24      until expended.

1       (b) AUTHORIZATION FOR FISCAL YEAR 2001.—

2       There are authorized to be appropriated for necessary ex-  
3       penses of the Coast Guard for fiscal year 2001 the fol-  
4       lowing amounts:

5               (1) For the operation and maintenance of the  
6       Coast Guard, \$3,483,000,000, of which \$25,000,000  
7       shall be derived from the Oil Spill Liability Trust  
8       Fund.

9               (2) For the acquisition, construction, rebuild-  
10      ing, and improvement of aids to navigation, shore  
11      and offshore facilities, vessels, and aircraft, includ-  
12      ing equipment related thereto, \$428,000,000, to re-  
13      main available until expended, of which \$20,000,000  
14      shall be derived from the Oil Spill Liability Trust  
15      Fund to carry out the purposes of section  
16      1012(a)(5) of the Oil Pollution Act of 1990.

17              (3) For research, development, test, and evalua-  
18      tion of technologies, materials, and human factors  
19      directly relating to improving the performance of the  
20      Coast Guard's mission in support of search and res-  
21      cue, aids to navigation, marine safety, marine envi-  
22      ronmental protection, enforcement of laws and trea-  
23      ties, ice operations, oceanographic research, and de-  
24      fense readiness, \$21,320,000, to remain available

1       until expended, of which \$3,500,000 shall be derived  
 2       from the Oil Spill Liability Trust Fund.

3           (4) For retired pay (including the payment of  
 4       obligations otherwise chargeable to lapsed appropria-  
 5       tions for this purpose), payments under the Retired  
 6       Serviceman's Family Protection and Survivor Ben-  
 7       efit Plans, and payments for medical care of retired  
 8       personnel and their dependents under chapter 55 of  
 9       title 10, United States Code, \$868,000,000, to re-  
 10      main available until expended.

11          (5) For environmental compliance and restora-  
 12      tion at Coast Guard facilities (other than parts and  
 13      equipment associated with operations and mainte-  
 14      nance), \$16,700,000, to remain available until ex-  
 15      pended.

16          (6) For alteration or removal of bridges over  
 17      navigable waters of the United States constituting  
 18      obstructions to navigation, and for personnel and  
 19      administrative costs associated with the Bridge Al-  
 20      teration Program, \$15,500,000, to remain available  
 21      until expended.

22      (c) AUTHORIZATION FOR FISCAL YEAR 2002.—  
 23      Funds are authorized to be appropriated for necessary ex-  
 24      penses of the Coast Guard for fiscal year 2002, as follows:

1           (1) For the operation and maintenance of the  
2       Coast Guard, \$3,633,000,000, of which \$25,000,000  
3       shall be derived from the Oil Spill Liability Trust  
4       Fund.

5           (2) For the acquisition, construction, rebuild-  
6       ing, and improvement of aids to navigation, shore  
7       and offshore facilities, vessels, and aircraft, includ-  
8       ing equipment related thereto, \$660,000,000, to re-  
9       main available until expended, of which \$20,000,000  
10      shall be derived from the Oil Spill Liability Trust  
11      Fund to carry out the purposes of section  
12      1012(a)(5) of the Oil Pollution Act of 1990.

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, \$22,000,000, to remain available  
21      until expended, of which \$3,500,000 shall be derived  
22      from the Oil Spill Liability Trust Fund.

23          (4) For retired pay (including the payment of  
24      obligations otherwise chargeable to lapsed appropria-  
25      tions for this purpose), payments under the Retired

Service­man's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$876,350,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$15,500,000, to remain available until expended.

**SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH  
AND TRAINING.**

(a) **END-OF-YEAR STRENGTH FOR FISCAL YEAR 2000.**—The Coast Guard is authorized an end-of-year strength for active duty personnel of 40,000 as of September 30, 2000.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2000.—For fiscal year 2000, the Coast Guard is authorized average military training student loads as follows:



1           (1) For recruit and special training, 1,500 stu-  
2       dent years.

3           (2) For flight training, 100 student years.

4           (3) For professional training in military and ei-  
5       vilian institutions, 300 student years.

6           (4) For officer acquisition, 1,000 student years.

7       (c) ~~END-OF-YEAR STRENGTH FOR FISCAL YEAR~~  
8       2001.—The Coast Guard is authorized an end-of-year  
9       strength for active duty personnel of 44,000 as of Sep-  
10      tember 30, 2001.

11       (d) ~~TRAINING STUDENT LOADS FOR FISCAL YEAR~~  
12      2001.—For fiscal year 2001, the Coast Guard is author-  
13      ized average military training student loads as follows:

14           (1) For recruit and special training, 1,500 stu-  
15      dent years.

16           (2) For flight training, 125 student years.

17           (3) For professional training in military and ei-  
18      vilian institutions, 300 student years.

19           (4) For officer acquisition, 1,000 student years.

20       (e) ~~END-OF-YEAR STRENGTH FOR FISCAL YEAR~~  
21      2002.—The Coast Guard is authorized an end-of-year  
22      strength of active duty personnel of 45,500 as of Sep-  
23      tember 30, 2002.

1       (f) TRAINING STUDENT LOADS FOR FISCAL YEAR  
 2 2002.—For fiscal year 2002, the Coast Guard is author-  
 3 ized average military training student loads as follows:

4           (1) For recruit and special training, 1,500 stu-  
 5 dent years.

6           (2) For flight training, 125 student years.

7           (3) For professional training in military and ei-  
 8 vilian institutions, 300 student years.

9           (4) For officer acquisition, 1,050 student years.

10 **SEC. 103. LORAN-C.**

11       (a) IN GENERAL.—There are authorized to be appro-  
 12 priated to the Department of Transportation, in addition  
 13 to funds authorized for the Coast Guard for operation of  
 14 the LORAN-C system, for capital expenses related to  
 15 LORAN-C navigation infrastructure, \$25,000,000 for fis-  
 16 cal year 2001. The Secretary of Transportation may  
 17 transfer from the Federal Aviation Administration and  
 18 other agencies of the department funds appropriated as  
 19 authorized under this section in order to reimburse the  
 20 Coast Guard for related expenses.

21       (b) FISCAL YEAR 2002.—There are authorized to be  
 22 appropriated to the Department of Transportation, in ad-  
 23 dition to funds authorized for the Coast Guard for oper-  
 24 ation of the LORAN-C system, for capital expenses re-  
 25 lated to LORAN-C navigation infrastructure,

1 \$44,000,000 for fiscal year 2002. The Secretary of Trans-  
 2 portation may transfer from the Federal Aviation Admin-  
 3 istration and other agencies of the department funds ap-  
 4 propriated as authorized under this section in order to re-  
 5 imburse the Coast Guard for related expenses.

6 **SEC. 104. PATROL CRAFT.**

7 (a) **TRANSFER OF CRAFT FROM DOD.**—Notwith-  
 8 standing any other provision of law, the Secretary of  
 9 Transportation may accept, by direct transfer without  
 10 cost, for use by the Coast Guard primarily for expanded  
 11 drug interdiction activities required to meet national sup-  
 12 ply reduction performance goals, up to 7 PC-170 patrol  
 13 craft from the Department of Defense if it offers to trans-  
 14 fer such craft.

15 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There  
 16 are authorized to be appropriated to the Coast Guard, in  
 17 addition to amounts otherwise authorized by this Act, up  
 18 to \$100,000,000, to remain available until expended, for  
 19 the conversion of, operation and maintenance of, personnel  
 20 to operate and support, and shoreside infrastructure re-  
 21 quirements for, up to 7 patrol craft.

22 **SEC. 105. CARIBBEAN SUPPORT TENDER.**

23 The Coast Guard is authorized to operate and main-  
 24 tain a Caribbean Support Tender (or similar type vessel)  
 25 to provide technical assistance, including law enforcement

1 training, for foreign coast guards, navies, and other mari-  
 2 time services.

## 3 **TITLE II—PERSONNEL** 4 **MANAGEMENT**

### 5 **SEC. 201. COAST GUARD BAND DIRECTOR RANK.**

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

### 9 **SEC. 202. COAST GUARD MEMBERSHIP ON THE USO BOARD** 10 **OF GOVERNORS.**

11 Section 220104(a)(2) of title 36, United States Code,  
 12 is amended—

13 (1) by striking “and” at the end of subpara-  
 14 graph (B);

15 (2) by redesignating subparagraph (C) as sub-  
 16 paragraph (D); and

17 (3) by inserting after subparagraph (B) the fol-  
 18 lowing:

19 “(C) the Secretary of Transportation, or  
 20 the Secretary’s designee, when the Coast Guard  
 21 is not operating under the Department of the  
 22 Navy; and”.

### 23 **SEC. 203. COMPENSATORY ABSENCE FOR ISOLATED DUTY.**

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

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

3 “The Secretary may grant compensatory absence  
 4 from duty to military personnel of the Coast Guard serv-  
 5 ing at isolated duty stations of the Coast Guard when con-  
 6 ditions of duty result in confinement because of isolation  
 7 or in long periods of continuous duty.”.

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

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

12 **SEC. 204. SUSPENSION OF RETIRED PAY OF COAST GUARD**  
 13 **MEMBERS WHO ARE ABSENT FROM THE**  
 14 **UNITED STATES TO AVOID PROSECUTION.**

15 Section 633 of the National Defense Authorization  
 16 Act for Fiscal Year 1997 (Public Law 104–201) is amend-  
 17 ed by redesignating subsections (b), (c), and (d) in order  
 18 as subsections (c), (d), and (e), and by inserting after sub-  
 19 section (a) the following:

20 “(b) APPLICATION TO COAST GUARD.—Procedures  
 21 promulgated by the Secretary of Defense under subsection  
 22 (a) shall apply to the Coast Guard. The Commandant of  
 23 the Coast Guard shall be considered a Secretary of a mili-

1 tary department for purposes of suspending pay under  
 2 this section.”.

3 **SEC. 205. EXTENSION OF COAST GUARD HOUSING AU-**  
 4 **THORITIES.**

5 Section 689 of title 14, United States Code, is  
 6 amended by striking “2001.” and inserting “2006.”.

7 **SEC. 206. ACCELERATED PROMOTION OF CERTAIN COAST**  
 8 **GUARD OFFICERS.**

9 Title 14, United States Code, is amended—

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

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

1 members, or at least two-thirds of the members of a board  
 2 composed of more than five members.

3       ~~“(2) A selection board may not make any rec-~~  
 4 ~~ommendation under this subsection before the date the~~  
 5 ~~Secretary publishes a finding that implementation of this~~  
 6 ~~subsection will improve Coast Guard officer retention and~~  
 7 ~~management.~~

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

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

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

1 **SEC. 207. REGULAR LIEUTENANT COMMANDERS AND COM-**  
 2 **MANDERS; CONTINUATION ON FAILURE OF**  
 3 **SELECTION FOR PROMOTION.**

4 Section 285 of title 14, United States Code, is  
 5 amended—

6 (1) by striking “Each officer” and inserting  
 7 “(a) Each officer”; and

8 (2) by adding at the end the following new sub-  
 9 sections:

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

24 “(c)(1) An officer who holds the grade of lieutenant  
 25 commander of the Regular Coast Guard may not be con-  
 26 tinued on active duty under subsection (b) for a period



1 which extends beyond 24 years of active commissioned  
 2 service unless promoted to the grade of commander of the  
 3 Regular Coast Guard. An officer who holds the grade of  
 4 commander of the Regular Coast Guard may not be con-  
 5 tinued on active duty under subsection (b) for a period  
 6 which extends beyond 26 years of active commissioned  
 7 service unless promoted to the grade of captain of the Reg-  
 8 ular Coast Guard.

9 “(2) Unless retired or discharged under another pro-  
 10 vision of law, each officer who is continued on active duty  
 11 under subsection (b), is not subsequently promoted or con-  
 12 tinued on active duty, and is not on a list of officers rec-  
 13 ommended for continuation or for promotion to the next  
 14 higher grade, shall, if eligible for retirement under any  
 15 provision of law, be retired under that law on the first  
 16 day of the first month following the month in which the  
 17 period of continued service is completed.”

18 **SEC. 208. RESERVE OFFICER PROMOTIONS.**

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

1       (b) Section 731 of title 14, United States Coast Code;  
 2 is amended by striking the period at the end of the sen-  
 3 tence in section 731, and inserting “; or in the event that  
 4 promotion is not determined in accordance with a running  
 5 mate system, then a Reserve officer becomes eligible for  
 6 consideration for promotion to the next higher grade at  
 7 the beginning of the promotion year in which he completes  
 8 the following amount of service computed from his date  
 9 of rank in the grade in which he is serving:

10           (1) 2 years in the grade of lieutenant (junior  
 11 grade);

12           (2) 3 years in the grade of lieutenant;

13           (3) 4 years in the grade of lieutenant com-  
 14 mander;

15           (4) 4 years in the grade of commander; and

16           (5) 3 years in the grade of captain.”

17       (c) Section 736(a) of title 14, United States Code;  
 18 is amended by inserting “the date of rank shall be the  
 19 date of appointment in that grade, unless the promotion  
 20 was determined in accordance with a running mate sys-  
 21 tem, in which event” after “subchapter,” in the first sen-  
 22 tence in Section 736(a).

1 **SEC. 209. RESERVE STUDENT PRE-COMMISSIONING ASSIST-**  
 2 **ANCE PROGRAM.**

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

6 **“§ 709a. Reserve student pre-commissioning assist-**  
 7 **ance program**

8 “(a) The Secretary may provide financial assistance  
 9 to an eligible enlisted member of the Coast Guard Reserve,  
 10 not on active duty, for expenses of the member while the  
 11 member is pursuing on a full-time basis at an institution  
 12 of higher education a program of education approved by  
 13 the Secretary that leads to—

14 “(1) a baccalaureate degree in not more than 5  
 15 academic years; or

16 “(2) a doctor of jurisprudence or bachelor of  
 17 laws degree in not more than 3 academic years.

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

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

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

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

4           ~~“(A) to accept an appointment as a commis-~~  
 5       ~~sioned officer in the Coast Guard Reserve, if ten-~~  
 6       ~~dered;~~

7           ~~“(B) to serve on active duty for up to five~~  
 8       ~~years; and~~

9           ~~“(C) under such terms and conditions as shall~~  
 10       ~~be prescribed by the Secretary, to serve in the Coast~~  
 11       ~~Guard Reserve until the eighth anniversary of the~~  
 12       ~~date of the appointment.~~

13       ~~“(c) Expenses for which financial assistance may be~~  
 14       ~~provided under this section are-~~

15           ~~“(1) tuition and fees charged by the institution~~  
 16       ~~of higher education involved;~~

17           ~~“(2) the cost of books;~~

18           ~~“(3) in the case of a program of education lead-~~  
 19       ~~ing to a baccalaureate degree, laboratory expenses;~~  
 20       ~~and~~

21           ~~“(4) such other expenses deemed appropriate by~~  
 22       ~~the Secretary.~~

23       ~~“(d) The amount of financial assistance provided to~~  
 24       ~~a member under this section shall be prescribed by the~~

1 Secretary, but may not exceed \$25,000 for any academic  
2 year.

3       “(e) Financial assistance may be provided to a mem-  
4 ber under this section for up to 5 consecutive academic  
5 years.

6       “(f) A member who receives financial assistance  
7 under this section may be ordered to active duty in the  
8 Coast Guard Reserve by the Secretary to serve in a des-  
9 ignated enlisted grade for such period as the Secretary  
10 prescribes, but not more than 4 years, if the member”

11           “(1) completes the academic requirements of  
12 the program and refuses to accept an appointment  
13 as a commissioned officer in the Coast Guard Re-  
14 serve when offered;

15           “(2) fails to complete the academic require-  
16 ments of the institution of higher education involved;  
17 or

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

20       “(g)(1) If a member requests to be released from the  
21 program and the request is accepted by the Secretary, or  
22 if the member fails because of misconduct to complete the  
23 period of active duty specified, or if the member fails to  
24 fulfill any term or condition of the written agreement re-  
25 quired to be eligible for financial assistance under this sec-

tion, the financial assistance shall be terminated. The member shall reimburse the United States in an amount that bears the same ratio to the total cost of the education provided to such person as the unserved portion of active duty bears to the total period of active duty such person agreed to serve. The Secretary shall have the option to order such reimbursement without first ordering the member to active duty.

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

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

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 21 of title 14, United States Code, is amended by adding the following new item after the item relating to section 709:

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

# 1       **TITLE III—MARINE SAFETY**

## 2   **SEC. 301. EXTENSION OF TERRITORIAL SEA FOR VESSEL** 3               **BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.**

4       Section 4(b) of the Vessel Bridge-to-Bridge Radio-  
 5 telephone Act (33 U.S.C. 1203(b)), is amended by striking  
 6 “United States inside the lines established pursuant to  
 7 section 2 of the Act of February 19, 1895 (28 Stat. 672),  
 8 as amended.” and inserting “United States, which in-  
 9 cludes all waters of the territorial sea of the United States  
 10 as described in Presidential Proclamation 5928 of Decem-  
 11 ber 27, 1988.”.

## 12   **SEC. 302. ICEBREAKING SERVICES.**

13       The Commandant of the Coast Guard shall not plan,  
 14 implement or finalize any regulation or take any other ac-  
 15 tion which would result in the decommissioning of any  
 16 WYTTL-class harbor tugs unless and until the Com-  
 17 mandant certifies in writing to the Committee on Com-  
 18 merce, Science, and Transportation of the Senate and the  
 19 Committee on Transportation and Infrastructure of the  
 20 House, that sufficient replacement assets have been pro-  
 21 cured by the Coast Guard to remediate any degradation  
 22 in current icebreaking services that would be caused by  
 23 such decommissioning.

1 **SEC. 303. MODIFICATION OF VARIOUS REPORTING RE-**  
 2 **QUIREMENTS.**

3 (a) **TERMINATION OF OIL SPILL LIABILITY TRUST**  
 4 **FUND ANNUAL REPORT.—**

5 (1) **IN GENERAL.**—The report regarding the Oil  
 6 Spill Liability Trust Fund required by the Con-  
 7 ference Report (House Report 101–892) accom-  
 8 panying the Department of Transportation and Re-  
 9 lated Agencies Appropriations Act, 1991, as that re-  
 10 quirement was amended by section 1122 of the Fed-  
 11 eral Reports Elimination and Sunset Act of 1995  
 12 (26 U.S.C. 9509 note), shall no longer be submitted  
 13 to the Congress.

14 (2) **REPEAL.**—Section 1122 of the Federal Re-  
 15 ports Elimination and Sunset Act of 1995 (26  
 16 U.S.C. 9509 note) is amended by—

17 (A) striking subsection (a); and

18 (B) striking “(b) **REPORT ON JOINT FED-**  
 19 **ERAL AND STATE MOTOR FUEL TAX COMPLI-**  
 20 **ANCE PROJECT.**—”.

21 (b) **PRESERVATION OF CERTAIN REPORTING RE-**  
 22 **QUIREMENTS.**—Section 3003(a)(1) of the Federal Reports  
 23 Elimination and Sunset Act of 1995 (31 U.S.C. 1113  
 24 note) does not apply to any report required to be sub-  
 25 mitted under any of the following provisions of law:



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

4           ~~(2) SUMMARY OF MARINE CASUALTIES RE-~~  
 5           ~~PORTED DURING PRIOR FISCAL YEAR.—Section~~  
 6           ~~6307(e) of title 46, United States Code.~~

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

9           ~~(4) CONDITIONS OF PUBLIC PORTS OF THE~~  
 10          ~~UNITED STATES.—Section 308(e) of title 49, United~~  
 11          ~~States Code.~~

12          ~~(5) ACTIVITIES OF FEDERAL MARITIME COM-~~  
 13          ~~MISSION.—Section 208 of the Merchant Marine Act,~~  
 14          ~~1936 (46 App. U.S.C. 1118).~~

15          ~~(6) ACTIVITIES OF INTERAGENCY COORDI-~~  
 16          ~~NATING COMMITTEE ON OIL POLLUTION RE-~~  
 17          ~~SEARCH.—Section 7001(e) of the Oil Pollution Act~~  
 18          ~~of 1990 (33 U.S.C. 2761(e)).~~

19   **SEC. 304. OIL SPILL LIABILITY TRUST FUND; EMERGENCY**  
 20           **FUND BORROWING AUTHORITY.**

21          Section 6002(b) of the Oil Pollution Act of 1990 (33  
 22   U.S.C. 2752(b)) is amended after the first sentence by  
 23   inserting “To the extent that such amount is not adequate  
 24   for removal of a discharge or the mitigation or prevention  
 25   of a substantial threat of a discharge, the Coast Guard

1 may borrow from the Fund such sums as may be nec-  
 2 essary, up to a maximum of \$100,000,000, and within 30  
 3 days shall notify Congress of the amount borrowed and  
 4 the facts and circumstances necessitating the loan.  
 5 Amounts borrowed shall be repaid to the Fund when, and  
 6 to the extent that removal costs are recovered by the Coast  
 7 Guard from responsible parties for the discharge or sub-  
 8 stantial threat of discharge.”.

9 **SEC. 305. MERCHANT MARINER DOCUMENTATION RE-**  
 10 **QUIREMENTS.**

11 (a) INTERIM MERCHANT MARINERS’ DOCUMENTS.—  
 12 Section 7302 of title 46, United States Code, is  
 13 amended—

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

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

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

21 “(A) an individual to be employed as gaming  
 22 personnel, entertainment personnel, wait staff, or  
 23 other service personnel on board a passenger vessel  
 24 not engaged in foreign service, with no duties, in-  
 25 cluding emergency duties, related to the navigation

1 of the vessel or the safety of the vessel, its crew,  
2 cargo or passengers; or

3 “(B) an individual seeking renewal of, or quali-  
4 fying for a supplemental endorsement to, a valid  
5 merchant mariner’s document issued under this sec-  
6 tion.

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

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

12 (1) by striking “and” after the semicolon in  
13 paragraph (8);

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

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

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

1 **SEC. 306. PENALTIES FOR NEGLIGENT OPERATIONS AND**  
 2 **INTERFERING WITH SAFE OPERATION.**

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

7 **SEC. 307. FISHING VESSEL SAFETY TRAINING.**

8 (a) ~~IN GENERAL.~~—The Commandant of the Coast  
 9 Guard may provide support, with or without reimburse-  
 10 ment, to an entity engaged in fishing vessel safety training  
 11 including—

- 12 (1) assistance in developing training curricula;
- 13 (2) use of Coast Guard personnel, including ac-  
 14 tive duty members, members of the Coast Guard Re-  
 15 serve, and members of the Coast Guard Auxiliary, as  
 16 temporary or adjunct instructors;
- 17 (3) sharing of appropriate Coast Guard infor-  
 18 mational and safety publications; and
- 19 (4) participation on applicable fishing vessel  
 20 safety training advisory panels.

21 (b) ~~NO INTERFERENCE WITH OTHER FUNCTIONS.~~—  
 22 In providing support under subsection (a), the Com-  
 23 mandant shall ensure that the support does not interfere  
 24 with any Coast Guard function or operation.

1 **SEC. 308. EXTEND TIME FOR RECREATIONAL VESSEL AND**  
 2 **ASSOCIATED EQUIPMENT RECALLS.**

3 Section 4310(c)(2) of title 46, United States Code, is  
 4 amended in subparagraphs (A) and (B) by striking “5”  
 5 wherever it appears and inserting “10” in its place.

6 **TITLE IV—RENEWAL OF**  
 7 **ADVISORY GROUPS**

8 **SEC. 401. COMMERCIAL FISHING INDUSTRY VESSEL ADVI-**  
 9 **SORY COMMITTEE.**

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

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

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

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

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

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

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

1 **SEC. 402. HOUSTON-GALVESTON NAVIGATION SAFETY AD-**  
 2 **VISORY COMMITTEE.**

3 Section 18(h) of the Coast Guard Authorization Act  
 4 of 1991 (Public Law 102–241) is amended by striking  
 5 “September 30, 2000.” and inserting “September 30,  
 6 2005.”.

7 **SEC. 403. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY**  
 8 **COMMITTEE.**

9 Section 19 of the Coast Guard Authorization Act of  
 10 1991 (Public Law 102–241) is amended by striking “Sep-  
 11 tember 30, 2000” in subsection (g) and inserting “Sep-  
 12 tember 30, 2005”.

13 **SEC. 404. NAVIGATION SAFETY ADVISORY COUNCIL.**

14 Section 5 of the Inland Navigational Rules Act of  
 15 1980 (33 U.S.C. 2073) is amended by striking “Sep-  
 16 tember 30, 2000” in subsection (d) and inserting “Sep-  
 17 tember 30, 2005”.

18 **SEC. 405. NATIONAL BOATING SAFETY ADVISORY COUNCIL.**

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

22 **SEC. 406. TOWING SAFETY ADVISORY COMMITTEE.**

23 The Act entitled “An Act to Establish a Towing Safe-  
 24 ty Advisory Committee in the Department of Transpor-  
 25 tation” (33 U.S.C. 1231a) is amended by striking “Sep-

1 tember 30, 2000.” in subsection (c) and inserting “Sep-  
 2 tember 30, 2005.”.

## 3 **TITLE V—MISCELLANEOUS**

### 4 **SEC. 501. MODERNIZATION OF NATIONAL DISTRESS AND** 5 **RESPONSE SYSTEM.**

6 (a) **REPORT.**—The Secretary of Transportation shall  
 7 prepare a status report on the modernization of the Na-  
 8 tional Distress and Response System and transmit the re-  
 9 port, not later than 60 days after the date of enactment  
 10 of this Act, and annually thereafter until completion of  
 11 the project, to the Committee on Commerce, Science, and  
 12 Transportation of the Senate and the Committee on  
 13 Transportation and Infrastructure of the House of Rep-  
 14 resentatives.

15 (b) **CONTENTS.**—The report required by subsection  
 16 (a) shall—

17 (1) set forth the scope of the modernization, the  
 18 schedule for completion of the System, and provide  
 19 information on progress in meeting the schedule and  
 20 on any anticipated delays;

21 (2) specify the funding expended to-date on the  
 22 System, the funding required to complete the sys-  
 23 tem, and the purposes for which the funds were or  
 24 will be expended;

1           (3) describe and map the existing public and  
2           private communications coverage throughout the wa-  
3           ters of the coastal and internal regions of the conti-  
4           nental United States, Alaska, Hawaii, Guam, and  
5           the Caribbean, and identify locations that possess di-  
6           rection-finding, asset-tracking communications, and  
7           digital selective calling service;

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

10          (5) specify steps taken by the Secretary to fill  
11          existing gaps in coverage, including obtaining direc-  
12          tion-finding equipment, digital recording systems,  
13          asset-tracking communications, use of commercial  
14          VHF services, and digital selective calling services  
15          that meet or exceed Global Maritime Distress and  
16          Safety System requirements adopted under the  
17          International Convention for the Safety of Life at  
18          Sea;

19          (6) identify the number of VHF-FM radios  
20          equipped with digital selective calling sold to United  
21          States boaters;

22          (7) list all reported marine accidents, casualties,  
23          and fatalities associated with existing communica-  
24          tions gaps or failures, including incidents associated  
25          with gaps in VHF-FM coverage or digital selective



calling capabilities and failures associated with inadequate communications equipment aboard the involved vessels;

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

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

**SEC. 502. CONVEYANCE OF COAST GUARD PROPERTY IN  
PORTLAND, MAINE.**

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of General Services may convey to the Gulf of Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve Pier property, together with any improvements thereon in their then current condition, located in Portland, Maine. All conditions placed with the deed of title

1 shall be construed as covenants running with the  
2 land.

3 ~~(2) IDENTIFICATION OF PROPERTY.—~~The Ad-  
4 ministrator, in consultation with the Commandant of  
5 the Coast Guard, may identify, describe, and deter-  
6 mine the property to be conveyed under this section.  
7 The floating docks associated with or attached to the  
8 Naval Reserve Pier property shall remain the per-  
9 sonal property of the United States.

10 ~~(b) LEASE TO THE UNITED STATES.—~~

11 ~~(1) CONDITION OF CONVEYANCE.—~~The Naval  
12 Reserve Pier property shall not be conveyed until the  
13 Corporation enters into a lease agreement with the  
14 United States, the terms of which are mutually sat-  
15 isfactory to the Commandant and the Corporation,  
16 in which the Corporation shall lease a portion of the  
17 Naval Reserve Pier property to the United States  
18 for a term of 30 years without payment of consider-  
19 ation. The lease agreement shall be executed within  
20 12 months after the date of enactment of this Act.

21 ~~(2) IDENTIFICATION OF LEASED PREMISES.—~~  
22 The Administrator, in consultation with the Com-  
23 mandant, may identify and describe the leased prem-  
24 ises and rights of access, including the following, in

1 order to allow the Coast Guard to operate and per-  
2 form missions from and upon the leased premises:

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

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

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

21 (D) The right to occupy up to 3,000 gross  
22 square feet at the Naval Reserve Pier property  
23 for storage and office space, which will be pro-  
24 vided and constructed by the Corporation, at  
25 the Corporation's sole cost and expense, and

1 which will be maintained, and utilities and  
2 other operating expenses paid for, by the  
3 United States at its sole cost and expense.

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

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

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

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

6           (5) TERMINATION.—In the event that the Coast  
 7 Guard ceases to use the leased premises, the Admin-  
 8 istrator, in consultation with the Commandant, may  
 9 terminate the lease with the Corporation.

10       (c) IMPROVEMENT OF LEASED PREMISES.—

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

24           (2) FURTHER IMPROVEMENTS.—In addition to  
 25 the improvements described in paragraph (1), the

1       Commandant is authorized to further improve the  
2       leased premises during the lease term, at the United  
3       States sole cost and expense.

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

6               (1) UTILITIES.—The Naval Reserve Pier prop-  
7       erty shall not be conveyed until the Corporation en-  
8       ters into an agreement with the United States to  
9       allow the United States to operate and maintain ex-  
10      isting utility lines and related equipment, at the  
11      United States sole cost and expense. At such time  
12      as the Corporation constructs its proposed public  
13      aquarium, the Corporation shall replace existing util-  
14      ity lines and related equipment and provide addi-  
15      tional utility lines and equipment capable of sup-  
16      porting a third 110-foot Coast Guard cutter, with  
17      comparable, new, code compliant utility lines and  
18      equipment at the Corporation's sole cost and ex-  
19      pense, maintain such utility lines and related equip-  
20      ment from an agreed upon demarcation point, and  
21      make such utility lines and equipment available for  
22      use by the United States, provided that the United  
23      States pays for its use of utilities at its sole cost and  
24      expense. The agreement concerning the operation  
25      and maintenance of utility lines and equipment shall

1 be executed within 12 months after the date of en-  
 2 actment of this Act.

3 ~~(2) MAINTENANCE.~~—The Naval Reserve Pier  
 4 property shall not be conveyed until the Corporation  
 5 enters into an agreement with the United States to  
 6 maintain, at the Corporation's sole cost and expense,  
 7 the bulkhead and pier on the east side of the Naval  
 8 Reserve Pier property. The agreement concerning  
 9 the maintenance of the bulkhead and pier shall be  
 10 executed within 12 months after the date of enact-  
 11 ment of this Act.

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

16 ~~(c) ADDITIONAL RIGHTS.~~—The conveyance of the  
 17 Naval Reserve Pier property shall be made subject to con-  
 18 ditions the Administrator or the Commandant consider  
 19 necessary to ensure that—

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

23 (2) the Corporation shall not interfere or allow  
 24 interference, in any manner, with any aid to naviga-  
 25 tion nor hinder activities required for the operation

1       and maintenance of any aid to navigation, without  
 2       the express written permission of the head of the  
 3       agency responsible for operating and maintaining  
 4       the aid to navigation.

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

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

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

23      (i) DEFINITIONS.—In this section:

24           (1) AID TO NAVIGATION.—The term “aid to  
 25      navigation” means equipment used for navigational



1 purposes, including but not limited to, a light, an-  
 2 tenna, sound signal, electronic navigation equipment,  
 3 cameras, sensors power source, or other related  
 4 equipment which are operated or maintained by the  
 5 United States.

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

9 **SEC. 503. HARBOR SAFETY COMMITTEES.**

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

13 (1) strategies for gaining successful cooperation  
 14 among the various groups having an interest in the  
 15 local port or waterway;

16 (2) organizational models that can be applied to  
 17 new or existing harbor safety committees or to pro-  
 18 totype harbor safety committees established under  
 19 subsection (b);

20 (3) technological assistance that will help har-  
 21 bor safety committees overcome local impediments to  
 22 safety, mobility, environmental protection, and port  
 23 security; and

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

1       (b) ~~PROTOTYPE COMMITTEES.~~—The Coast Guard  
 2 shall test the feasibility of expanding the harbor safety  
 3 committee concept to small and medium-sized ports that  
 4 are not generally served by a harbor safety committee by  
 5 establishing ~~1~~ or more prototype harbor safety commit-  
 6 tees. In selecting a location or locations for the establish-  
 7 ment of a prototype harbor safety committee, the Coast  
 8 Guard shall—

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

11           (2) ~~consider identified safety issues for a par-~~  
 12       ticular port;

13           (3) ~~compare the potential benefits of estab-~~  
 14       lishing such a committee with the burdens the estab-  
 15       lishment of such a committee would impose on par-  
 16       ticipating agencies and organizations;

17           (4) ~~consider the anticipated level of support~~  
 18       from interested parties; and

19           (5) ~~take into account such other factors as may~~  
 20       be appropriate.

21       (c) ~~EFFECT ON EXISTING PROGRAMS AND STATE~~  
 22       LAW.—Nothing in this section—

23           (1) ~~limits the scope or activities of harbor safe-~~  
 24       ty committees in existence on the date of enactment  
 25       of this Act;

1           (2) precludes the establishment of new harbor  
2           safety committees in locations not selected for the  
3           establishment of a prototype committee under sub-  
4           section (b); or

5           (3) preempts State law.

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

10          (e) **HARBOR SAFETY COMMITTEE DEFINED.**—In this  
11           section, the term “harbor safety committee” means a local  
12           coordinating body—

13           (1) whose responsibilities include recommending  
14           actions to improve the safety of a port or waterway;  
15           and

16           (2) the membership of which includes represent-  
17           atives of government agencies, maritime labor, mari-  
18           time industry companies and organizations, environ-  
19           mental groups, and public interest groups.

20           **SEC. 504. LIMITATION OF LIABILITY OF PILOTS AT COAST**  
21                           **GUARD VESSEL TRAFFIC SERVICES.**

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

1 **“§ 2307. Limitation of liability for Coast Guard Ves-**  
 2 **sel Traffic Service pilots**

3 “Any pilot, acting in the course and scope of his du-  
 4 ties while at a United States Coast Guard Vessel Traffic  
 5 Service, who provides information, advice or communica-  
 6 tion assistance shall not be liable for damages caused by  
 7 or related to such assistance unless the acts or omissions  
 8 of such pilot constitute gross negligence or willful mis-  
 9 conduct.”.

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

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

13 **TITLE VI—JONES ACT WAIVERS**

14 **SEC. 601. REPEAL OF SPECIAL AUTHORITY TO REVOKE EN-**  
 15 **DORSEMENTS.**

16 Section 503 of the Coast Guard Authorization Act  
 17 of 1998 (46 U.S.C. 12106 note) is repealed.

18 **SECTION 1. SHORT TITLE.**

19 *This Act may be cited as the “Coast Guard Authoriza-*  
 20 *tion Act of 2001”.*

21 **SEC. 2. TABLE OF CONTENTS.**

22 *The table of contents for this Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

**TITLE I—AUTHORIZATION**

*Sec. 101. Authorization of appropriations.*

- Sec. 102. Authorized levels of military strength and training.*
- Sec. 103. LORAN–C.*
- Sec. 104. Patrol craft.*
- Sec. 105. Caribbean support tender.*

#### *TITLE II—PERSONNEL MANAGEMENT*

- Sec. 201. Coast Guard band director rank.*
- Sec. 202. Compensatory absence for isolated duty.*
- Sec. 203. Suspension of retired pay of Coast Guard members who are absent from the United States to avoid prosecution.*
- Sec. 204. Extension of Coast Guard housing authorities.*
- Sec. 205. Accelerated promotion of certain Coast Guard officers.*
- Sec. 206. Regular lieutenant commanders and commanders; continuation on failure of selection for promotion.*
- Sec. 207. Reserve officer promotion*
- Sec. 208. Reserve Student Pre-Commissioning Assistance Program.*
- Sec. 209. Continuation on active duty beyond 30 years.*
- Sec. 210. Payment of death gratuities on behalf of Coast Guard Auxiliarists.*
- Sec. 211. Align Coast Guard severance pay and revocation of commission authority with Department of Defense authority.*

#### *TITLE III—MARINE SAFETY*

- Sec. 301. Modernization of national distress and response system.*
- Sec. 302. Extension of Territorial Sea for Vessel Bridge-to-Bridge Radiotelephone Act.*
- Sec. 303. Icebreaking services.*
- Sec. 304. Modification of various reporting requirements.*
- Sec. 305. Oil Spill Liability Trust Fund; emergency fund advancement authority.*
- Sec. 306. Merchant mariner documentation requirements.*
- Sec. 307. Penalties for negligent operations and interfering with safe operation.*
- Sec. 308. Fishing vessel safety training.*
- Sec. 309. Extend time for recreational vessel and associated equipment recalls.*
- Sec. 310. Safety equipment requirement.*
- Sec. 311. Marine casualty investigations involving foreign vessels.*

#### *TITLE IV—RENEWAL OF ADVISORY GROUPS*

- Sec. 401. Commercial Fishing Industry Vessel Advisory Committee.*
- Sec. 402. Houston-Galveston Navigation Safety Advisory Committee.*
- Sec. 403. Lower Mississippi River Waterway Advisory Committee.*
- Sec. 404. Navigation Safety Advisory Council.*
- Sec. 405. National Boating Safety Advisory Council.*
- Sec. 406. Towing Safety Advisory Committee.*
- Sec. 407. Great Lakes Pilotage Advisory Committee.*

#### *TITLE V—MISCELLANEOUS*

- Sec. 501. Conveyance of Coast Guard property in Portland, Maine.*
- Sec. 502. Harbor safety committees.*
- Sec. 503. Limitation of liability of pilots at Coast Guard Vessel Traffic Services.*
- Sec. 504. Conforming references to the former Merchant Marine and Fisheries Committee.*
- Sec. 505. Long-term lease authority for lighthouse property.*
- Sec. 506. Electronic filing of commercial instruments for vessels.*
- Sec. 507. Radio direction finding apparatus carriage requirement.*

## TITLE VI—JONES ACT WAIVERS

*Sec. 601. Repeal of special authority to revoke endorsements.*

1       ***TITLE I—AUTHORIZATION***

2       ***SEC. 101. AUTHORIZATION OF APPROPRIATIONS.***

3       *Funds are authorized to be appropriated for necessary*  
4 *expenses of the Coast Guard for fiscal year 2002, as follows:*

5           (1) *For the operation and maintenance of the*  
6 *Coast Guard, \$3,633,000,000, of which \$25,000,000*  
7 *shall be derived from the Oil Spill Liability Trust*  
8 *Fund.*

9           (2) *For the acquisition, construction, rebuilding,*  
10 *and improvement of aids to navigation, shore and off-*  
11 *shore facilities, vessels, and aircraft, including equip-*  
12 *ment related thereto, \$669,323,000 of which—*

13           (A) *\$20,000,000 shall be derived from the*  
14 *Oil Spill Liability Trust Fund to carry out the*  
15 *purposes of section 1012(a)(5) of the Oil Pollu-*  
16 *tion Act of 1990; and*

17           (B) *not less than \$338,000,000 shall be*  
18 *available to the Coast Guard only to implement*  
19 *the Coast Guard's Integrated Deepwater system.*

20           (3) *For research, development, test, and evalua-*  
21 *tion of technologies, materials, and human factors di-*  
22 *rectly relating to improving the performance of the*  
23 *Coast Guard's mission in support of search and res-*  
24 *cue, aids to navigation, marine safety, marine envi-*

1        *ronmental protection, enforcement of laws and trea-*  
 2        *ties, ice operations, oceanographic research, and de-*  
 3        *fense readiness, \$22,000,000, to remain available*  
 4        *until expended, of which \$3,500,000 shall be derived*  
 5        *from the Oil Spill Liability Trust Fund.*

6            *(4) For retired pay (including the payment of*  
 7        *obligations otherwise chargeable to lapsed appropria-*  
 8        *tions for this purpose), payments under the Retired*  
 9        *Serviceman's Family Protection and Survivor Benefit*  
 10       *Plans, and payments for medical care of retired per-*  
 11       *sonnel and their dependents under chapter 55 of title*  
 12       *10, United States Code, \$876,350,000, to remain*  
 13       *available until expended.*

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

19           *(6) For alteration or removal of bridges over*  
 20       *navigable waters of the United States constituting ob-*  
 21       *structions to navigation, and for personnel and ad-*  
 22       *ministrative costs associated with the Bridge Alter-*  
 23       *ation Program—*

24                *(A) \$13,500,000, to remain available until*  
 25                *expended; and*

1                   (B) \$2,000,000, to remain available until  
 2                   expended, which may be utilized for construction  
 3                   of a new Chelsea Street Bridge over the Chelsea  
 4                   River in Boston, Massachusetts.

5 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
 6 **AND TRAINING.**

7           (a) *END-OF-YEAR STRENGTH FOR FISCAL YEAR*  
 8 *2002.—The Coast Guard is authorized an end-of-year*  
 9 *strength of active duty personnel of 45,500 as of September*  
 10 *30, 2002.*

11           (b) *TRAINING STUDENT LOADS FOR FISCAL YEAR*  
 12 *2002.—For fiscal year 2002, the Coast Guard is authorized*  
 13 *average military training student loads as follows:*

14                   (1) *For recruit and special training, 1,500 stu-*  
 15 *dent years.*

16                   (2) *For flight training, 125 student years.*

17                   (3) *For professional training in military and ci-*  
 18 *vilian institutions, 300 student years.*

19                   (4) *For officer acquisition, 1,050 student years.*

20 **SEC. 103. LORAN-C.**

21           *There are authorized to be appropriated to the Depart-*  
 22 *ment of Transportation, in addition to funds authorized for*  
 23 *the Coast Guard for operation of the LORAN-C system, for*  
 24 *capital expenses related to LORAN-C navigation infra-*  
 25 *structure, \$22,000,000 for fiscal year 2002. The Secretary*



1 of Transportation may transfer from the Federal Aviation  
 2 Administration and other agencies of the department funds  
 3 appropriated as authorized under this section in order to  
 4 reimburse the Coast Guard for related expenses.

5 **SEC. 104. PATROL CRAFT.**

6 (a) *TRANSFER OF CRAFT FROM DOD.*—Notwith-  
 7 standing any other provision of law, the Secretary of Trans-  
 8 portation may accept, by direct transfer without cost, for  
 9 use by the Coast Guard primarily for expanded drug inter-  
 10 diction activities required to meet national supply reduc-  
 11 tion performance goals, up to 7 PC-170 patrol craft from  
 12 the Department of Defense if it offers to transfer such craft.

13 (b) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
 14 authorized to be appropriated to the Coast Guard, in addi-  
 15 tion to amounts otherwise authorized by this Act, up to  
 16 \$100,000,000, to remain available until expended, for the  
 17 conversion of, operation and maintenance of, personnel to  
 18 operate and support, and shoreside infrastructure require-  
 19 ments for, up to 7 patrol craft.

20 **SEC. 105. CARIBBEAN SUPPORT TENDER.**

21 (a) *IN GENERAL.*—The Coast Guard is authorized to  
 22 operate and maintain a Caribbean Support Tender (or  
 23 similar type vessel) to provide technical assistance, includ-  
 24 ing law enforcement training, for foreign coast guards, na-  
 25 vies, and other maritime services.

1       (b) *MEDICAL AND DENTAL CARE.*—

2               (1) *The Commandant may provide medical and*  
3       *dental care to foreign military Caribbean Support*  
4       *Tender personnel and their dependents accompanying*  
5       *them in the United States—*

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

8                       (B) *on an inpatient basis if the United*  
9       *States is reimbursed for the costs of providing*  
10       *such care. Payments received as reimbursement*  
11       *for the provision of such care shall be credited to*  
12       *the appropriations against which the charges*  
13       *were made for the provision of such care.*

14               (2) *Notwithstanding paragraph (1)(B), the*  
15       *Commandant may provide inpatient medical*  
16       *and dental care in the United States without*  
17       *cost to foreign military Caribbean Support Ten-*  
18       *der personnel and their dependents accom-*  
19       *panying them in the United States if comparable*  
20       *care is made available to a comparable number*  
21       *of United States military personnel in that for-*  
22       *ign country.*

## **TITLE II—PERSONNEL MANAGEMENT**

### **SEC. 201. COAST GUARD BAND DIRECTOR RANK.**

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

### **SEC. 202. COMPENSATORY ABSENCE FOR ISOLATED DUTY.**

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

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

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

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

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

1 **SEC. 203. SUSPENSION OF RETIRED PAY OF COAST GUARD**  
 2 **MEMBERS WHO ARE ABSENT FROM THE**  
 3 **UNITED STATES TO AVOID PROSECUTION.**

4 *Section 633 of the National Defense Authorization Act*  
 5 *for Fiscal Year 1997 (Public Law 104–201) is amended by*  
 6 *redesignating subsections (b), (c), and (d) in order as sub-*  
 7 *sections (c), (d), and (e), and by inserting after subsection*  
 8 *(a) the following:*

9 “(b) *APPLICATION TO COAST GUARD.—Procedures*  
 10 *promulgated by the Secretary of Defense under subsection*  
 11 *(a) shall apply to the Coast Guard. The Commandant of*  
 12 *the Coast Guard shall be considered a Secretary of a mili-*  
 13 *tary department for purposes of suspending pay under this*  
 14 *section.”.*

15 **SEC. 204. EXTENSION OF COAST GUARD HOUSING AUTHORI-**  
 16 **TIES.**

17 (a) *IN GENERAL.—Section 689 of title 14, United*  
 18 *States Code, is amended by striking “2001.” and inserting*  
 19 *“2006.”.*

20 (b) *HOUSING DEMONSTRATION PROJECT.—Section*  
 21 *687 of title 14, United States Code, is amended by adding*  
 22 *at the end the following:*

23 “(g) *DEMONSTRATION PROJECT AUTHORIZED.—To*  
 24 *promote efficiencies through the use of alternative proce-*  
 25 *dures for expediting new housing projects, the Secretary—*

1           “(1) may develop and implement a demonstra-  
 2           tion project for acquisition or construction of military  
 3           family housing and military unaccompanied housing  
 4           at the Coast Guard installation at Kodiak, Alaska;

5           “(2) in implementing the demonstration project  
 6           shall utilize, to the maximum extent possible, the con-  
 7           tracting authority of the Small Business Administra-  
 8           tion’s section 8(a) program;

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

15          “(4) shall report to Congress by September 1st of  
 16          each year on the progress of activities under the dem-  
 17          onstration project.”.

18 **SEC. 205. ACCELERATED PROMOTION OF CERTAIN COAST**

19 **GUARD OFFICERS.**

20 *Title 14, United States Code, is amended—*

21           (1) by adding at the end of section 259 the fol-  
 22           lowing:

23           “(c)(1) After selecting the officers to be recommended  
 24           for promotion, a selection board may recommend officers  
 25           of particular merit, from among those officers chosen for

1 promotion, to be placed at the top of the list of selectees  
 2 promulgated by the Secretary under section 271(a) of this  
 3 title. The number of officers that a board may recommend  
 4 to be placed at the top of the list of selectees may not exceed  
 5 the percentages set forth in subsection (b) unless such a per-  
 6 centage is a number less than one, in which case the board  
 7 may recommend one officer for such placement. No officer  
 8 may be recommended to be placed at the top of the list of  
 9 selectees unless he or she receives the recommendation of at  
 10 least a majority of the members of a board composed of five  
 11 members, or at least two-thirds of the members of a board  
 12 composed of more than five members.

13 “(2) A selection board may not make any rec-  
 14 ommendation under this subsection before the date the Sec-  
 15 retary publishes a finding that implementation of this sub-  
 16 section will improve Coast Guard officer retention and  
 17 management.

18 “(3) The Secretary shall submit any finding made by  
 19 the Secretary pursuant to paragraph (2) to the Committee  
 20 on Transportation and Infrastructure of the House of Rep-  
 21 resentatives and the Committee on Commerce, Science, and  
 22 Transportation of the Senate.”;

23 (2) by inserting “and the names of those officers  
 24 recommended to be advanced to the top of the list of  
 25 selectees established by the Secretary under section

1       271(a) of this title” in section 260(a) after “pro-  
2       motion”; and

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

9   **SEC. 206. REGULAR LIEUTENANT COMMANDERS AND COM-**  
10                   **MANDERS; CONTINUATION ON FAILURE OF**  
11                   **SELECTION FOR PROMOTION.**

12       Section 285 of title 14, United States Code, is  
13   amended—

14               (1) by striking “Each officer” and inserting “(a)  
15       Each officer”; and

16               (2) by adding at the end the following new sub-  
17       sections:

18       “(b) A lieutenant commander or commander of the  
19       Regular Coast Guard subject to discharge or retirement  
20       under subsection (a) may be continued on active duty when  
21       the Secretary directs a selection board convened under sec-  
22       tion 251 of this title to continue up to a specified number  
23       of lieutenant commanders or commanders on active duty.  
24       When so directed, the selection board shall recommend those  
25       officers who in the opinion of the board are best qualified

1 *to advance the needs and efficiency of the Coast Guard.*  
 2 *When the recommendations of the board are approved by*  
 3 *the Secretary, the officers recommended for continuation*  
 4 *shall be notified that they have been recommended for con-*  
 5 *tinuation and offered an additional term of service that ful-*  
 6 *fills the needs of the Coast Guard.*

7       “(c)(1) *An officer who holds the grade of lieutenant*  
 8 *commander of the Regular Coast Guard may not be contin-*  
 9 *ued on active duty under subsection (b) for a period which*  
 10 *extends beyond 24 years of active commissioned service un-*  
 11 *less promoted to the grade of commander of the Regular*  
 12 *Coast Guard. An officer who holds the grade of commander*  
 13 *of the Regular Coast Guard may not be continued on active*  
 14 *duty under subsection (b) for a period which extends beyond*  
 15 *26 years of active commissioned service unless promoted to*  
 16 *the grade of captain of the Regular Coast Guard.*

17       “(2) *Unless retired or discharged under another provi-*  
 18 *sion of law, each officer who is continued on active duty*  
 19 *under subsection (b), is not subsequently promoted or con-*  
 20 *tinued on active duty, and is not on a list of officers rec-*  
 21 *ommended for continuation or for promotion to the next*  
 22 *higher grade, shall, if eligible for retirement under any pro-*  
 23 *vision of law, be retired under that law on the first day*  
 24 *of the first month following the month in which the period*  
 25 *of continued service is completed.”*



1 **SEC. 207. RESERVE OFFICER PROMOTIONS.**

2       (a) Section 729(i) of title 14, United States Code is  
 3 amended by inserting “on the date a vacancy occurs, or  
 4 as soon thereafter as practicable, in the grade to which the  
 5 officer was selected for promotion, or if promotion was de-  
 6 termined in accordance with a running mate system,” after  
 7 “grade”.

8       (b) Section 731 of title 14, United States Coast Code,  
 9 is amended by striking the period at the end of the sentence  
 10 in section 731, and inserting “, or in the event that pro-  
 11 motion is not determined in accordance with a running  
 12 mate system, then a Reserve officer becomes eligible for con-  
 13 sideration for promotion to the next higher grade at the be-  
 14 ginning of the promotion year in which he completes the  
 15 following amount of service computed from his date of rank  
 16 in the grade in which he is serving:

17               “(1) 2 years in the grade of lieutenant (junior  
 18 grade).

19               “(2) 3 years in the grade of lieutenant.

20               “(3) 4 years in the grade of lieutenant com-  
 21 mander.

22               “(4) 4 years in the grade of commander.

23               “(5) 3 years in the grade of captain.”.

24       (c) Section 736(a) of title 14, United States Code, is  
 25 amended by inserting “the date of rank shall be the date  
 26 of appointment in that grade, unless the promotion was de-

1 *terminated in accordance with a running mate system, in*  
 2 *which event” after “subchapter,” in the first sentence.*

3 **SEC. 208. RESERVE STUDENT PRE-COMMISSIONING ASSIST-**  
 4 **ANCE PROGRAM.**

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

8 **“§ 709a. Reserve student pre-commissioning assistance**  
 9 **program**

10 *“(a) The Secretary may provide financial assistance*  
 11 *to an eligible enlisted member of the Coast Guard Reserve,*  
 12 *not on active duty, for expenses of the member while the*  
 13 *member is pursuing on a full-time basis at an institution*  
 14 *of higher education a program of education approved by*  
 15 *the Secretary that leads to—*

16 *“(1) a baccalaureate degree in not more than 5*  
 17 *academic years; or*

18 *“(2) a doctor of jurisprudence or bachelor of laws*  
 19 *degree in not more than 3 academic years.*

20 *“(b)(1) To be eligible for financial assistance under*  
 21 *this section, an enlisted member of the Coast Guard Reserve*  
 22 *shall—*

23 *“(A) be enrolled on a full-time basis in a pro-*  
 24 *gram of education referred to in subsection (a) at any*  
 25 *institution of higher education; and*

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

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

6           “(A) to accept an appointment as a commis-  
7 sioned officer in the Coast Guard Reserve, if tendered;

8           “(B) to serve on active duty for up to five years;  
9       and

10          “(C) under such terms and conditions as shall be  
11 prescribed by the Secretary, to serve in the Coast  
12 Guard Reserve until the eighth anniversary of the  
13 date of the appointment.

14          “(c) Expenses for which financial assistance may be  
15 provided under this section are the following:

16          “(1) Tuition and fees charged by the institution  
17 of higher education involved.

18          “(2) The cost of books.

19          “(3) In the case of a program of education lead-  
20 ing to a baccalaureate degree, laboratory expenses.

21          “(4) Such other expenses as are deemed appro-  
22 priate by the Secretary.

23          “(d) The amount of financial assistance provided to  
24 a member under this section shall be prescribed by the Sec-  
25 retary, but may not exceed \$25,000 for any academic year.

1       “(e) *Financial assistance may be provided to a mem-*  
2 *ber under this section for up to 5 consecutive academic*  
3 *years.*

4       “(f) *A member who receives financial assistance under*  
5 *this section may be ordered to active duty in the Coast*  
6 *Guard Reserve by the Secretary to serve in a designated*  
7 *enlisted grade for such period as the Secretary prescribes,*  
8 *but not more than 4 years, if the member—*

9               “(1) *completes the academic requirements of the*  
10 *program and refuses to accept an appointment as a*  
11 *commissioned officer in the Coast Guard Reserve*  
12 *when offered;*

13               “(2) *fails to complete the academic requirements*  
14 *of the institution of higher education involved; or*

15               “(3) *fails to maintain eligibility for an original*  
16 *appointment as a commissioned officer.*

17       “(g)(1) *If a member requests to be released from the*  
18 *program and the request is accepted by the Secretary, or*  
19 *if the member fails because of misconduct to complete the*  
20 *period of active duty specified, or if the member fails to*  
21 *fulfill any term or condition of the written agreement re-*  
22 *quired to be eligible for financial assistance under this sec-*  
23 *tion, the financial assistance shall be terminated. The mem-*  
24 *ber shall reimburse the United States in an amount that*  
25 *bears the same ratio to the total cost of the education pro-*

1 *vided to such person as the unserved portion of active duty*  
 2 *bears to the total period of active duty such person agreed*  
 3 *to serve. The Secretary shall have the option to order such*  
 4 *reimbursement without first ordering the member to active*  
 5 *duty.*

6       “(2) *The Secretary may waive the service obligated*  
 7 *under subsection (f) of a member who is not physically*  
 8 *qualified for appointment and who is determined to be un-*  
 9 *qualified for service as an enlisted member of the Coast*  
 10 *Guard Reserve due to a physical or medical condition that*  
 11 *was not the result of the member’s own misconduct or gross-*  
 12 *ly negligent conduct.*

13       “(h) *As used in this section, the term ‘institution of*  
 14 *higher education’ has the meaning given that term in sec-*  
 15 *tion 101 of the Higher Education Act of 1965 (20 U.S.C.*  
 16 *1001).’.*

17       (b) *CLERICAL AMENDMENT.—The chapter analysis for*  
 18 *chapter 21 of title 14, United States Code, is amended by*  
 19 *adding the following new item after the item relating to*  
 20 *section 709:*

*“709A. Reserve student pre-commissioning assistance program”.*

21 **SEC. 209. CONTINUATION ON ACTIVE DUTY BEYOND 30**  
 22 **YEARS.**

23       *Section 289 of title 14, United States Code, is amended*  
 24 *by adding at the end the following:*

1       “(h) Notwithstanding subsection (g) and section 288  
 2 of this title, the Commandant may by annual action retain  
 3 on active duty from promotion year to promotion year any  
 4 officer who would otherwise be retired under subsection (g)  
 5 or section 288 of this title. An officer so retained, unless  
 6 retired under some other provision of law, shall be retired  
 7 on June 30 of that promotion year in which no action is  
 8 taken to further retain the officer under this subsection.”.

9       **SEC. 210. PAYMENT OF DEATH GRATUITIES ON BEHALF OF**  
 10                               **COAST GUARD AUXILIARISTS.**

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

14               “(9) On or after January 1, 2001, the first sec-  
 15 tion 651 contained in the Omnibus Consolidated Ap-  
 16 propriations Act, 1997 (110 Stat. 3009-368).”.

17       **SEC. 211. ALIGN COAST GUARD SEVERANCE PAY AND REV-**  
 18                               **OCATION OF COMMISSION AUTHORITY WITH**  
 19                               **DEPARTMENT OF DEFENSE AUTHORITY.**

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

22               (1) in section 281—

23                       (A) by striking “three” in the section head-  
 24 ing and inserting “five”; and

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

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

5                   (3) in section 286—

6                   (A) by striking “severance” in the section  
 7                   heading and inserting “separation”; and

8                   (B) by striking subsection (b) and inserting  
 9                   the following:

10           “(b) An officer of the Regular Coast Guard who is dis-  
 11 charged under this section or section 282, 283, or 284 of  
 12 this title who has completed 6 or more, but less than 20,  
 13 continuous years of active service immediately before that  
 14 discharge or release is entitled to separation pay computed  
 15 under subsection (d)(1) of section 1174 of title 10.

16           “(c) An officer of the Regular Coast Guard who is dis-  
 17 charged under section 327 of this title, who has completed  
 18 6 or more, but less than 20, continuous years of active serv-  
 19 ice immediately before that discharge or release is entitled  
 20 to separation pay computed under subsection (d)(1) or  
 21 (d)(2) of section 1174 of title 10 as determined under regu-  
 22 lations promulgated by the Secretary.

23           “(d) Notwithstanding subsections (a) or (b), an officer  
 24 discharged under chapter 11 of this title for twice failing  
 25 of selection for promotion to the next higher grade is not

1 *entitled to separation pay under this section if the officer*  
 2 *requested in writing or otherwise sought not to be selected*  
 3 *for promotion, or requested removal from the list of select-*  
 4 *ees.”;*

5 *(4) in section 286a—*

6 *(A) by striking “severance” in the section*  
 7 *heading and inserting “separation” in its place;*  
 8 *and*

9 *(B) by striking subsections (a), (b), and (c)*  
 10 *and inserting the following:*

11 *“(a) A regular warrant officer of the Coast Guard who*  
 12 *is discharged under section 580 of title 10, and has com-*  
 13 *pleted 6 or more, but less than 20, continuous years of ac-*  
 14 *tive service immediately before that discharge is entitled to*  
 15 *separation pay computed under subsection (d)(1) of section*  
 16 *1174 of title 10.*

17 *“(b) A regular warrant officer of the Coast Guard who*  
 18 *is discharged under section 1165 or 1166 of title 10, and*  
 19 *has completed 6 or more, but less than 20, continuous years*  
 20 *of active service immediately before that discharge is enti-*  
 21 *tled to separation pay computed under subsection (d)(1) or*  
 22 *(d)(2) of section 1174 of title 10, as determined under regu-*  
 23 *lations promulgated by the Secretary.*

24 *“(c) In determining a member’s years of active service*  
 25 *for the purpose of computing separation pay under this sec-*



1 *tion, each full month of service that is in addition to the*  
 2 *number of full years of service creditable to the member is*  
 3 *counted as one-twelfth of a year and any remaining frac-*  
 4 *tional part of a month is disregarded.”; and*

5 *(5) in section 327—*

6 *(A) by striking “severance” in the section*  
 7 *heading and inserting “separation”;*

8 *(B) by striking subsection (a)(2) and insert-*  
 9 *ing in its place the following:*

10 *“(2) for discharge with separation benefits under*  
 11 *section 286(c) of this title.”;*

12 *(C) by striking subsection (a)(3);*

13 *(D) by striking subsection (b)(2) and insert-*  
 14 *ing in its place the following:*

15 *“(2) if on that date the officer is ineligible for*  
 16 *voluntary retirement under any law, be honorably*  
 17 *discharged with separation benefits under section*  
 18 *286(c) of this title, unless under regulations promul-*  
 19 *gated by the Secretary the condition under which the*  
 20 *officer is discharged does not warrant an honorable*  
 21 *discharge.”; and*

22 *(E) by striking subsection (b)(3).*

23 *(b) CLERICAL AMENDMENT.—The table of sections at*  
 24 *the beginning of chapter 11 of title 14, United States Code,*  
 25 *is amended—*

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

3           (2) *in the item relating to section 286, by strik-*  
4           *ing “severance” and inserting “separation” in its*  
5           *place;*

6           (3) *in the item relating to section 286a, by strik-*  
7           *ing “severance” and inserting “separation” in its*  
8           *place; and*

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

12          (c) *EFFECTIVE DATE.—The amendments made by*  
13          *paragraphs (2), (3), (4), and (5) of subsection (a) shall take*  
14          *effect four years after the date of enactment of this Act, ex-*  
15          *cept that subsection (d) of section 286 of title 14, United*  
16          *States Code, as amended by paragraph (3) of subsection (a)*  
17          *of this section shall take effect on enactment of this Act and*  
18          *shall apply with respect to conduct on or after that date.*  
19          *The amendments made to the table of sections of chapter*  
20          *11 of title 14, United States Code, by paragraphs (2), (3),*  
21          *and (4) of subsection (b) of this section shall take effect four*  
22          *years after the date of enactment of this Act.*

1       ***TITLE III—MARINE SAFETY***

2       ***SEC. 301. MODERNIZATION OF NATIONAL DISTRESS AND***  
 3       ***RESPONSE SYSTEM.***

4       (a) *REPORT.*—The Secretary of Transportation shall  
 5       prepare a status report on the modernization of the Na-  
 6       tional Distress and Response System and transmit the re-  
 7       port, not later than 60 days after the date of enactment  
 8       of this Act, and annually thereafter until completion of the  
 9       project, to the Committee on Commerce, Science, and  
 10      Transportation of the Senate and the Committee on Trans-  
 11      portation and Infrastructure of the House of Representa-  
 12      tives.

13      (b) *CONTENTS.*—The report required by subsection (a)  
 14      shall—

15           (1) set forth the scope of the modernization, the  
 16           schedule for completion of the System, and provide in-  
 17           formation on progress in meeting the schedule and on  
 18           any anticipated delays;

19           (2) specify the funding expended to-date on the  
 20           System, the funding required to complete the system,  
 21           and the purposes for which the funds were or will be  
 22           expended;

23           (3) describe and map the existing public and  
 24           private communications coverage throughout the wa-  
 25           ters of the coastal and internal regions of the conti-

1        *mental United States, Alaska, Hawaii, Guam, and the*  
2        *Caribbean, and identify locations that possess direc-*  
3        *tion-finding, asset-tracking communications, and dig-*  
4        *ital selective calling service;*

5            *(4) identify areas of high risk to boaters and*  
6        *Coast Guard personnel due to communications gaps;*

7            *(5) specify steps taken by the Secretary to fill ex-*  
8        *isting gaps in coverage, including obtaining direc-*  
9        *tion-finding equipment, digital recording systems,*  
10       *asset-tracking communications, use of commercial*  
11       *VHF services, and digital selective calling services*  
12       *that meet or exceed Global Maritime Distress and*  
13       *Safety System requirements adopted under the Inter-*  
14       *national Convention for the Safety of Life at Sea;*

15           *(6) identify the number of VHF–FM radios*  
16       *equipped with digital selective calling sold to United*  
17       *States boaters;*

18           *(7) list all reported marine accidents, casualties,*  
19       *and fatalities associated with existing communica-*  
20       *tions gaps or failures, including incidents associated*  
21       *with gaps in VHF–FM coverage or digital selective*  
22       *calling capabilities and failures associated with inad-*  
23       *equately communications equipment aboard the in-*  
24       *involved vessels;*

1           (8) *identify existing systems available to close*  
 2           *identified marine safety gaps before January 1, 2003,*  
 3           *including expeditious receipt and response by appro-*  
 4           *priate Coast Guard operations centers to VHF–FM*  
 5           *digital selective calling distress signal; and*

6           (9) *identify actions taken to-date to implement*  
 7           *the recommendations of the National Transportation*  
 8           *Safety Board in its Report No. MAR-99-01.*

9   **SEC. 302. EXTENSION OF TERRITORIAL SEA FOR VESSEL**  
 10           **BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.**

11        *Section 4(b) of the Vessel Bridge-to-Bridge Radio-*  
 12        *telephone Act (33 U.S.C. 1203(b)), is amended by striking*  
 13        *“United States inside the lines established pursuant to sec-*  
 14        *tion 2 of the Act of February 19, 1895 (28 Stat. 672), as*  
 15        *amended.” and inserting “United States, which includes all*  
 16        *waters of the territorial sea of the United States as described*  
 17        *in Presidential Proclamation 5928 of December 27, 1988.”.*

18   **SEC. 303. ICEBREAKING SERVICES.**

19        *The Commandant of the Coast Guard shall not plan,*  
 20        *implement or finalize any regulation or take any other ac-*  
 21        *tion which would result in the decommissioning of any*  
 22        *WYTL-class harbor tugs unless and until the Commandant*  
 23        *certifies in writing to the Committee on Commerce, Science,*  
 24        *and Transportation of the Senate and the Committee on*  
 25        *Transportation and Infrastructure of the House, that suffi-*

1 *cient replacement assets have been procured by the Coast*  
 2 *Guard to remediate any degradation in current icebreaking*  
 3 *services that would be caused by such decommissioning.*

4 **SEC. 304. MODIFICATION OF VARIOUS REPORTING RE-**  
 5 **QUIREMENTS.**

6 *(a) TERMINATION OF OIL SPILL LIABILITY TRUST*  
 7 *FUND ANNUAL REPORT.—*

8 *(1) IN GENERAL.—The report regarding the Oil*  
 9 *Spill Liability Trust Fund required by the Conference*  
 10 *Report (House Report 101–892) accompanying the*  
 11 *Department of Transportation and Related Agencies*  
 12 *Appropriations Act, 1991, as that requirement was*  
 13 *amended by section 1122 of the Federal Reports*  
 14 *Elimination and Sunset Act of 1995 (26 U.S.C. 9509*  
 15 *note), shall no longer be submitted to the Congress.*

16 *(2) REPEAL.—Section 1122 of the Federal Re-*  
 17 *ports Elimination and Sunset Act of 1995 (26 U.S.C.*  
 18 *9509 note) is amended by—*

19 *(A) striking subsection (a); and*

20 *(B) striking “(b) REPORT ON JOINT FED-*  
 21 *ERAL AND STATE MOTOR FUEL TAX COMPLI-*  
 22 *ANCE PROJECT.—”.*

23 *(b) PRESERVATION OF CERTAIN REPORTING REQUIRE-*  
 24 *MENTS.—Section 3003(a)(1) of the Federal Reports Elimi-*  
 25 *nation and Sunset Act of 1995 (31 U.S.C. 1113 note) does*

1 *not apply to any report required to be submitted under any*  
 2 *of the following provisions of law:*

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

5 (2) *SUMMARY OF MARINE CASUALTIES RE-*  
 6 *PORTED DURING PRIOR FISCAL YEAR.—Section*  
 7 *6307(c) of title 46, United States Code.*

8 (3) *USER FEE ACTIVITIES AND AMOUNTS.—Sec-*  
 9 *tion 664 of title 46, United States Code.*

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

13 (5) *ACTIVITIES OF FEDERAL MARITIME COMMIS-*  
 14 *SION.—Section 208 of the Merchant Marine Act, 1936*  
 15 *(46 U.S.C. App. 1118).*

16 (6) *ACTIVITIES OF INTERAGENCY COORDINATING*  
 17 *COMMITTEE ON OIL POLLUTION RESEARCH.—Section*  
 18 *7001(e) of the Oil Pollution Act of 1990 (33 U.S.C.*  
 19 *2761(e)).*

20 **SEC. 305. OIL SPILL LIABILITY TRUST FUND; EMERGENCY**  
 21 **FUND ADVANCEMENT AUTHORITY.**

22 *Section 6002(b) of the Oil Pollution Act of 1990 (33*  
 23 *U.S.C. 2752(b)) is amended after the first sentence by in-*  
 24 *serting “To the extent that such amount is not adequate*  
 25 *for removal of a discharge or the mitigation or prevention*

1 *of a substantial threat of a discharge, the Coast Guard may*  
 2 *obtain an advance from the Fund such sums as may be*  
 3 *necessary, up to a maximum of \$100,000,000, and within*  
 4 *30 days shall notify Congress of the amount advanced and*  
 5 *the facts and circumstances necessitating the advance.*  
 6 *Amounts advanced shall be repaid to the Fund when, and*  
 7 *to the extent that removal costs are recovered by the Coast*  
 8 *Guard from responsible parties for the discharge or substan-*  
 9 *tial threat of discharge.”.*

10 **SEC. 306. MERCHANT MARINER DOCUMENTATION REQUIRE-**  
 11 **MENTS.**

12 (a) *INTERIM MERCHANT MARINERS’ DOCUMENTS.*—

13 *Section 7302 of title 46, United States Code, is amended—*

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

16 (2) *by adding at the end the following:*

17 “(g)(1) *The Secretary may, pending receipt and review*  
 18 *of information required under subsections (c) and (d), im-*  
 19 *mediately issue an interim merchant mariner’s document*  
 20 *valid for a period not to exceed 120 days, to—*

21 “(A) *an individual to be employed as gaming*  
 22 *personnel, entertainment personnel, wait staff, or*  
 23 *other service personnel on board a passenger vessel*  
 24 *not engaged in foreign service, with no duties, includ-*  
 25 *ing emergency duties, related to the navigation of the*



1        *vessel or the safety of the vessel, its crew, cargo or*  
 2        *passengers; or*

3                *“(B) an individual seeking renewal of, or quali-*  
 4        *fying for a supplemental endorsement to, a valid mer-*  
 5        *chant mariner’s document issued under this section.*

6        *“(2) No more than one interim document may be*  
 7        *issued to an individual under paragraph (1)(A) of this sub-*  
 8        *section.”.*

9        *(b) EXCEPTION.—Section 8701(a) of title 46, United*  
 10       *States Code, is amended—*

11                *(1) by striking “and” after the semicolon in*  
 12        *paragraph (8);*

13                *(2) by redesignating paragraph (9) as para-*  
 14        *graph (10); and*

15                *(3) by inserting after paragraph (8) the fol-*  
 16        *lowing:*

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

1 **SEC. 307. PENALTIES FOR NEGLIGENT OPERATIONS AND**  
 2 **INTERFERING WITH SAFE OPERATION.**

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

7 **SEC. 308. FISHING VESSEL SAFETY TRAINING.**

8 *(a) IN GENERAL.—The Commandant of the Coast*  
 9 *Guard may provide support, with or without reimburse-*  
 10 *ment, to an entity engaged in fishing vessel safety training*  
 11 *including—*

- 12 *(1) assistance in developing training curricula;*  
 13 *(2) use of Coast Guard personnel, including ac-*  
 14 *tive duty members, members of the Coast Guard Re-*  
 15 *serve, and members of the Coast Guard Auxiliary, as*  
 16 *temporary or adjunct instructors;*  
 17 *(3) sharing of appropriate Coast Guard informa-*  
 18 *tional and safety publications; and*  
 19 *(4) participation on applicable fishing vessel*  
 20 *safety training advisory panels.*

21 *(b) NO INTERFERENCE WITH OTHER FUNCTIONS.—In*  
 22 *providing support under subsection (a), the Commandant*  
 23 *shall ensure that the support does not interfere with any*  
 24 *Coast Guard function or operation.*

1 **SEC. 309. EXTEND TIME FOR RECREATIONAL VESSEL AND**  
 2 **ASSOCIATED EQUIPMENT RECALLS.**

3 *Section 4310(c)(2) of title 46, United States Code, is*  
 4 *amended in subparagraphs (A) and (B) by striking “5”*  
 5 *wherever it appears and inserting “10” in its place.*

6 **SEC. 310. SAFETY EQUIPMENT REQUIREMENT.**

7 *The Commandant of the Coast Guard shall ensure that*  
 8 *all Coast Guard personnel are equipped with adequate safe-*  
 9 *ty equipment, including survival suits where appropriate,*  
 10 *while performing search and rescue missions.*

11 **SEC. 311. MARINE CASUALTY INVESTIGATIONS INVOLVING**  
 12 **FOREIGN VESSELS.**

13 *Section 6101 of title 46, United States Code, is*  
 14 *amended—*

15 *(1) by redesignating the second subsection (e) as*  
 16 *subsection (f); and*

17 *(2) by adding at the end the following new sub-*  
 18 *section:*

19 *“(g) To the extent consistent with generally recognized*  
 20 *practices and procedures of international law, this part ap-*  
 21 *plies to a foreign vessel involved in a marine casualty or*  
 22 *incident, as defined in the International Maritime Organi-*  
 23 *zation Code for the Investigation of Marine Casualties and*  
 24 *Incidents, where the United States is a Substantially Inter-*  
 25 *ested State and is, or has the consent of, the Lead Inves-*  
 26 *tigating State under the Code.”.*

## **TITLE IV—RENEWAL OF ADVISORY GROUPS**

### **SEC. 401. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.**

(a) *COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.*—Section 4508 of title 46, United States Code, is amended—

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

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

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

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

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

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

### **SEC. 402. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.**

Section 18(h) of the Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended by striking

1 “September 30, 2000.” and inserting “September 30,  
2 2005.”.

3 **SEC. 403. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY**  
4 **COMMITTEE.**

5 *Section 19 of the Coast Guard Authorization Act of*  
6 *1991 (Public Law 102–241) is amended by striking “Sep-*  
7 *tember 30, 2000” in subsection (g) and inserting “Sep-*  
8 *tember 30, 2005”.*

9 **SEC. 404. NAVIGATION SAFETY ADVISORY COUNCIL.**

10 *Section 5 of the Inland Navigational Rules Act of 1980*  
11 *(33 U.S.C. 2073) is amended by striking “September 30,*  
12 *2000” in subsection (d) and inserting “September 30,*  
13 *2005”.*

14 **SEC. 405. NATIONAL BOATING SAFETY ADVISORY COUNCIL.**

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

18 **SEC. 406. TOWING SAFETY ADVISORY COMMITTEE.**

19 *The Act entitled “An Act to Establish a Towing Safety*  
20 *Advisory Committee in the Department of Transportation”*  
21 *(33 U.S.C. 1231a) is amended by striking “September 30,*  
22 *2000.” in subsection (e) and inserting “September 30,*  
23 *2005.”.*

1 **SEC. 407. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.**

2 *Section 9307 of title 46, United States Code, is*  
 3 *amended—*

4 *(1) by inserting “an association within” after*  
 5 *“President of” in subsection (b)(2)(A); and*

6 *(2) by striking the last sentence of subsection*  
 7 *(c)(2).*

8 **TITLE V—MISCELLANEOUS**

9 **SEC. 501. CONVEYANCE OF COAST GUARD PROPERTY IN**  
 10 **PORTLAND, MAINE.**

11 *(a) AUTHORITY TO CONVEY.—*

12 *(1) IN GENERAL.—The Administrator of General*  
 13 *Services may convey to the Gulf of Maine Aquarium*  
 14 *Development Corporation, its successors and assigns,*  
 15 *without payment for consideration, all right, title,*  
 16 *and interest of the United States in and to approxi-*  
 17 *mately 4.13 acres of land, including a pier and bulk-*  
 18 *head, known as the Naval Reserve Pier property, to-*  
 19 *gether with any improvements thereon in their then*  
 20 *current condition, located in Portland, Maine. All*  
 21 *conditions placed with the deed of title shall be con-*  
 22 *strued as covenants running with the land.*

23 *(2) IDENTIFICATION OF PROPERTY.—The Admin-*  
 24 *istrator, in consultation with the Commandant of the*  
 25 *Coast Guard, may identify, describe, and determine*  
 26 *the property to be conveyed under this section. The*

1     *floating docks associated with or attached to the*  
 2     *Naval Reserve Pier property shall remain the per-*  
 3     *sonal property of the United States.*

4     *(b) LEASE TO THE UNITED STATES.—*

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

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

21                *(A) The right of ingress and egress over the*  
 22     *Naval Reserve Pier property, including the pier*  
 23     *and bulkhead, at any time, without notice, for*  
 24     *purposes of access to Coast Guard vessels and*

1        *performance of Coast Guard missions and other*  
2        *mission-related activities.*

3                *(B) The right to berth Coast Guard cutters*  
4        *or other vessels as required, in the moorings*  
5        *along the east side of the Naval Reserve Pier*  
6        *property, and the right to attach floating docks*  
7        *which shall be owned and maintained at the*  
8        *United States' sole cost and expense.*

9                *(C) The right to operate, maintain, remove,*  
10        *relocate, or replace an aid to navigation located*  
11        *upon, or to install any aid to navigation upon,*  
12        *the Naval Reserve Pier property as the Coast*  
13        *Guard, in its sole discretion, may determine is*  
14        *needed for navigational purposes.*

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

23                *(E) The right to occupy up to 1,200 gross*  
24        *square feet of offsite storage in a location other*  
25        *than the Naval Reserve Pier property, which will*



1        *be provided by the Corporation at the Corpora-*  
2        *tion's sole cost and expense, and which will be*  
3        *maintained, and utilities and other operating*  
4        *expenses paid for, by the United States at its sole*  
5        *cost and expense.*

6                *(F) The right for Coast Guard personnel to*  
7        *park up to 60 vehicles, at no expense to the gov-*  
8        *ernment, in the Corporation's parking spaces on*  
9        *the Naval Reserve Pier property or in parking*  
10       *spaces that the Corporation may secure within*  
11       *1,000 feet of the Naval Reserve Pier property or*  
12       *within 1,000 feet of the Coast Guard Marine*  
13       *Safety Office Portland. Spaces for no less than*  
14       *30 vehicles shall be located on the Naval Reserve*  
15       *Pier property.*

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

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

24                *(5) TERMINATION.—In the event that the Coast*  
25       *Guard ceases to use the leased premises, the Adminis-*

1        *trator, in consultation with the Commandant, may*  
 2        *terminate the lease with the Corporation.*

3        *(c) IMPROVEMENT OF LEASED PREMISES.—*

4                *(1) IN GENERAL.—The Naval Reserve Pier prop-*  
 5        *erty shall not be conveyed until the Corporation en-*  
 6        *ters into an agreement with the United States, subject*  
 7        *to the Commandant's design specifications, project's*  
 8        *schedule, and final project approval, to replace the*  
 9        *bulkhead and pier which connects to, and provides ac-*  
 10       *cess from, the bulkhead to the floating docks, at the*  
 11       *Corporation's sole cost and expense, on the east side*  
 12       *of the Naval Reserve Pier property within 30 months*  
 13       *from the date of conveyance. The agreement to im-*  
 14       *prove the leased premises shall be executed within 12*  
 15       *months after the date of enactment of this Act.*

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

21        *(d) UTILITY INSTALLATION AND MAINTENANCE OBLI-*  
 22        *GATIONS.—*

23               *(1) UTILITIES.—The Naval Reserve Pier prop-*  
 24        *erty shall not be conveyed until the Corporation en-*  
 25        *ters into an agreement with the United States to*

1     *allow the United States to operate and maintain ex-*  
2     *isting utility lines and related equipment, at the*  
3     *United States sole cost and expense. At such time as*  
4     *the Corporation constructs its proposed public aquar-*  
5     *ium, the Corporation shall replace existing utility*  
6     *lines and related equipment and provide additional*  
7     *utility lines and equipment capable of supporting a*  
8     *third 110-foot Coast Guard cutter, with comparable,*  
9     *new, code compliant utility lines and equipment at*  
10    *the Corporation's sole cost and expense, maintain*  
11    *such utility lines and related equipment from an*  
12    *agreed upon demarcation point, and make such util-*  
13    *ity lines and equipment available for use by the*  
14    *United States, provided that the United States pays*  
15    *for its use of utilities at its sole cost and expense.*  
16    *The agreement concerning the operation and mainte-*  
17    *nance of utility lines and equipment shall be executed*  
18    *within 12 months after the date of enactment of this*  
19    *Act.*

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

1        *maintenance of the bulkhead and pier shall be exe-*  
 2        *cuted within 12 months after the date of enactment*  
 3        *of this Act.*

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

8            (e) *ADDITIONAL RIGHTS.*—*The conveyance of the*  
 9        *Naval Reserve Pier property shall be made subject to condi-*  
 10       *tions the Administrator or the Commandant consider nec-*  
 11       *essary to ensure that—*

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

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

22            (f) *REMEDIES AND REVERSIONARY INTEREST.*—*The*  
 23        *Naval Reserve Pier property, at the option of the Adminis-*  
 24        *trator, shall revert to the United States and be placed under*  
 25        *the administrative control of the Administrator, if, and*

1 *only if, the Corporation fails to abide by any of the terms*  
 2 *of this section or any agreement entered into under sub-*  
 3 *section (b), (c), or (d) of this section.*

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

11 *(h) EXPIRATION OF AUTHORITY TO CONVEY.—The au-*  
 12 *thority to convey the Naval Reserve property under this sec-*  
 13 *tion shall expire 3 years after the date of enactment of this*  
 14 *Act.*

15 *(i) DEFINITIONS.—In this section:*

16 *(1) AID TO NAVIGATION.—The term “aid to navi-*  
 17 *gation” means equipment used for navigational pur-*  
 18 *poses, including but not limited to, a light, antenna,*  
 19 *sound signal, electronic navigation equipment, cam-*  
 20 *eras, sensors power source, or other related equipment*  
 21 *which are operated or maintained by the United*  
 22 *States.*

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

1 **SEC. 502. HARBOR SAFETY COMMITTEES.**

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

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

7 (2) *organizational models that can be applied to*  
 8 *new or existing harbor safety committees or to proto-*  
 9 *type harbor safety committees established under sub-*  
 10 *section (b);*

11 (3) *technological assistance that will help harbor*  
 12 *safety committees overcome local impediments to safe-*  
 13 *ty, mobility, environmental protection, and port secu-*  
 14 *rity; and*

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

17 (b) *PROTOTYPE COMMITTEES.*—*The Coast Guard shall*  
 18 *test the feasibility of expanding the harbor safety committee*  
 19 *concept to small and medium-sized ports that are not gen-*  
 20 *erally served by a harbor safety committee by establishing*  
 21 *1 or more prototype harbor safety committees. In selecting*  
 22 *a location or locations for the establishment of a prototype*  
 23 *harbor safety committee, the Coast Guard shall—*

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

1           (2) *consider identified safety issues for a par-*  
 2       *ticular port;*

3           (3) *compare the potential benefits of establishing*  
 4       *such a committee with the burdens the establishment*  
 5       *of such a committee would impose on participating*  
 6       *agencies and organizations;*

7           (4) *consider the anticipated level of support from*  
 8       *interested parties; and*

9           (5) *take into account such other factors as may*  
 10      *be appropriate.*

11       (c) *EFFECT ON EXISTING PROGRAMS AND STATE*  
 12      *LAW.—Nothing in this section—*

13           (1) *limits the scope or activities of harbor safety*  
 14       *committees in existence on the date of enactment of*  
 15       *this Act;*

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

20           (3) *preempts State law.*

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

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

4           (1) *whose responsibilities include recommending*  
 5 *actions to improve the safety, mobility, environmental*  
 6 *protection, and port security of a port or waterway;*  
 7 *and*

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

12 **SEC. 503. LIMITATION OF LIABILITY OF PILOTS AT COAST**  
 13 **GUARD VESSEL TRAFFIC SERVICES.**

14       (a) *IN GENERAL.*—Chapter 23 of title 46, United  
 15 States Code, is amended by adding at the end the following:

16 **“§ 2307. Limitation of liability for Coast Guard Ves-**  
 17 **sel Traffic Service pilots**

18       *“Any pilot, acting in the course and scope of his duties*  
 19 *while at a United States Coast Guard Vessel Traffic Serv-*  
 20 *ice, who provides information, advice or communication as-*  
 21 *sistance shall not be liable for damages caused by or related*  
 22 *to such assistance unless the acts or omissions of such pilot*  
 23 *constitute gross negligence or willful misconduct.”.*



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

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

4   **SEC. 504. CONFORMING REFERENCES TO THE FORMER**  
 5                           **MERCHANT MARINE AND FISHERIES COM-**  
 6                           **MITTEE.**

7       (a) *LAWS CODIFIED IN TITLE 14, UNITED STATES*  
 8 *CODE.*—

9               (1) *Section 194(b)(2) of title 14, United States*  
 10 *Code, is amended by striking “Merchant Marine and*  
 11 *Fisheries” and inserting “Transportation and Infra-*  
 12 *structure”.*

13              (2) *Section 663 of title 14, United States Code,*  
 14 *is amended by striking “Merchant Marine and Fish-*  
 15 *eries” and inserting “Transportation and Infrastruc-*  
 16 *ture”.*

17              (3) *Section 664 of title 14, United States Code,*  
 18 *is amended by striking “Merchant Marine and Fish-*  
 19 *eries” and inserting “Transportation and Infrastruc-*  
 20 *ture”.*

21       (b) *LAWS CODIFIED IN TITLE 33, UNITED STATES*  
 22 *CODE.*—

23              (1) *Section 3(d)(3) of the International Naviga-*  
 24 *tional Rules Act of 1977 (33 U.S.C. 1602(d)(3)) is*  
 25 *amended by striking “Merchant Marine and Fish-*

1        *eries,” and inserting “Transportation and Infrastruc-*  
 2        *ture,”.*

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

7        *(c) LAWS CODIFIED IN TITLE 46, UNITED STATES*  
 8        *CODE.—*

9            *(1) Section 6307 of title 46, United States Code,*  
 10        *is amended by striking “Merchant Marine and Fish-*  
 11        *eries” and inserting “Transportation and Infrastruc-*  
 12        *ture”.*

13        *(2) Section 901g(b)(3) of the Merchant Marine Act,*  
 14        *1936 (46 U.S.C. App. 1241k(b)(3)) is amended by striking*  
 15        *“Merchant Marine and Fisheries” and inserting “Trans-*  
 16        *portation and Infrastructure”.*

17        *(3) Section 913(b) of the International Maritime and*  
 18        *Port Security Act (46 U.S.C. App. 1809(b)) is amended by*  
 19        *striking “Merchant Marine and Fisheries” and inserting*  
 20        *“Transportation and Infrastructure”.*

21        **SEC. 505. LONG-TERM LEASE AUTHORITY FOR LIGHTHOUSE**  
 22            **PROPERTY.**

23        *(a) IN GENERAL.—Chapter 17 of title 14, United*  
 24        *States Code, is amended by adding at the end a new section*  
 25        *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. Consideration*  
 7 *for the use and occupancy of lighthouse property leased*  
 8 *under this section, and for the value of any utilities and*  
 9 *services furnished to a lessee of such property by the Com-*  
 10 *mandant, may consist, in whole or in part, of non-pecu-*  
 11 *niary remuneration including, but not limited to, the im-*  
 12 *provement, alteration, restoration, rehabilitation, repair,*  
 13 *and maintenance of the leased premises by the lessee. Sec-*  
 14 *tion 321 of chapter 314 of the Act of June 30, 1932 (40*  
 15 *U.S.C. 303b) shall not apply to leases issued by the Com-*  
 16 *mandant under this section.*

17           “(b) *Amounts received from leases made under this sec-*  
 18 *tion, less expenses incurred, shall be deposited in the Treas-*  
 19 *ury.”.*

20           (b) *CLERICAL AMENDMENT.—The table of sections at*  
 21 *the beginning of chapter 17, United States Code, is amended*  
 22 *by adding after the item relating to section 672 the fol-*  
 23 *lowing:*

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

1 **SEC. 506. ELECTRONIC FILING OF COMMERCIAL INSTRU-**  
 2 **MENTS FOR VESSELS.**

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

5 *(1) by striking “(A)”;* and

6 *(2) by striking subparagraph (B).*

7 **SEC. 507. RADIO DIRECTION FINDING APPARATUS CAR-**  
 8 **RIAGE REQUIREMENT.**

9 *The first sentence of section 365 of the Communica-*  
 10 *tions Act of 1934 (47 U.S.C. 363) is amended by striking*  
 11 *“operators.” and inserting “operators, or with radio direc-*  
 12 *tion-finding apparatus.”.*

13 **TITLE VI—JONES ACT WAIVERS**

14 **SEC. 601. REPEAL OF SPECIAL AUTHORITY TO REVOKE EN-**  
 15 **DORSEMENTS.**

16 *Section 503 of the Coast Guard Authorization Act of*  
 17 *1998 (46 U.S.C. 12106 note) is repealed.*



**Calendar No. 209**

107TH CONGRESS  
1ST SESSION

**S. 951**

**[Report No. 107–89]**

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**A BILL**

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

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OCTOBER 31, 2001

Reported with an amendment in the nature of a  
substitute