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]

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”.
The table of contents for this Act is as follows:

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TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION FOR FISCAL YEAR 2000.—

There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2000 the following amounts:

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

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $999,100,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard’s mission in support of search and rescue, aids to navigation, marine safety, marine envi-
ronmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $19,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations 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, $730,327,000, 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, $15,000,000, to remain available until expended.
(b) Authorization for Fiscal Year 2001.—

There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2001 the following amounts:

(1) For the operation and maintenance of the Coast Guard, $3,483,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund:

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $428,000,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990:

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard’s mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $21,220,000, to remain available...
until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations 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, $868,000,000, 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), $16,700,000, 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.

(c) Authorization for Fiscal Year 2002.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2002, as follows:
(1) For the operation and maintenance of the Coast Guard, $3,633,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $660,000,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard’s mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations 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) For recruit and special training, 1,500 student years.

(2) For flight training, 100 student years.

(3) For professional training in military and civilian institutions, 300 student years.

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

(c) End-of-Year Strength for Fiscal Year 2001.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 44,000 as of September 30, 2001.

(d) Training Student Loads for Fiscal Year 2001.—For fiscal year 2001, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

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

(e) End-of-Year Strength for Fiscal Year 2002.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2002.
(f) Training Student Loads for Fiscal Year 2002.—For fiscal year 2002, the Coast Guard is authorized average military training student loads as follows:

1. For recruit and special training, 1,500 student years.
2. For flight training, 125 student years.
3. For professional training in military and civilian institutions, 300 student years.
4. For officer acquisition, 1,050 student years.

SEC. 103. LORAN–C.

(a) In General.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN–C system, for capital expenses related to LORAN–C navigation infrastructure, $25,000,000 for fiscal year 2001. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

(b) Fiscal Year 2002.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN–C system, for capital expenses related to LORAN–C navigation infrastructure,
$44,000,000 for fiscal year 2002. The Secretary of Trans-
portation may transfer from the Federal Aviation Admin-
istration and other agencies of the department funds ap-
propriated as authorized under this section in order to re-
imburse the Coast Guard for related expenses.

**SEC. 104. PATROL CRAFT.**

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

(b) **Authorization of Appropriations.**—There
are authorized to be appropriated to the Coast Guard, in
addition to amounts otherwise authorized by this Act, up
to $100,000,000, to remain available until expended, for
the conversion of, operation and maintenance of, personnel
to operate and support, and shoreside infrastructure re-
quirements for, up to 7 patrol craft.

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

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

**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. COAST GUARD MEMBERSHIP ON THE USO BOARD OF GOVERNORS.**

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

(1) by striking “and” at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

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

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

(a) In General.—Section 511 of title 14, United States Code, is amended to read as follows:
§ 511. Compensatory absence from duty for military personnel at isolated duty stations

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

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

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

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

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

"(b) Application to Coast Guard.—Procedures promulgated by the Secretary of Defense under subsection (a) shall apply to the Coast Guard. The Commandant of the Coast Guard shall be considered a Secretary of a mili-
tary department for purposes of suspending pay under this section.”

SEC. 205. EXTENSION OF COAST GUARD HOUSING AUTHORITIES.

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

SEC. 206. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

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

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

\(\text{**(2)**} \) A selection board may not make any recommendation under this subsection before the date the Secretary publishes a finding that implementation of this subsection will improve Coast Guard officer retention and management.

\(\text{**(3)**} \) The Secretary shall submit any finding made by the Secretary pursuant to paragraph (2) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

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

(3) in section 271(a), by inserting at the end thereof the following: “The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.”
SEC. 207. REGULAR LIEUTENANT COMMANDERS AND COMMANDERS; CONTINUATION ON FAILURE OF SELECTION FOR PROMOTION.

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

(1) by striking "Each officer" and inserting 
"(a) Each officer"; and

(2) by adding at the end the following new subsections:

"(b) A lieutenant commander or commander of the Regular Coast Guard subject to discharge or retirement under subsection (a) may be continued on active duty when the Secretary directs a selection board convened under section 251 of this title to continue up to a specified number of lieutenant commanders or commanders on active duty. When so directed, the selection board shall recommend those officers who in the opinion of the board are best qualified to advance the needs and efficiency of the Coast Guard. When the recommendations of the board are approved by the Secretary, the officers recommended for continuation shall be notified that they have been recommended for continuation and offered an additional term of service that fulfills the needs of the Coast Guard.

"(c)(1) An officer who holds the grade of lieutenant commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period
which extends beyond 24 years of active commissioned service unless promoted to the grade of commander of the Regular Coast Guard. An officer who holds the grade of commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period which extends beyond 26 years of active commissioned service unless promoted to the grade of captain of the Regular Coast Guard.

"(2) Unless retired or discharged under another provision of law, each officer who is continued on active duty under subsection (b), is not subsequently promoted or continued on active duty, and is not on a list of officers recommended for continuation or for promotion to the next higher grade, shall, if eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which the period of continued service is completed."

SEC. 208. RESERVE OFFICER PROMOTIONS.

(a) Section 729(i) of Title 14, United States Code is amended by inserting "on the date a vacancy occurs, or as soon thereafter as practicable, in the grade to which the officer was selected for promotion, or if promotion was determined in accordance with a running mate system," after "grade".
(b) Section 731 of title 14, United States Coast Code, is amended by striking the period at the end of the sentence in section 731, and inserting "or in the event that promotion is not determined in accordance with a running mate system, then a Reserve officer becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he completes the following amount of service computed from his date of rank in the grade in which he is serving:

(1) 2 years in the grade of lieutenant (junior grade);
(2) 3 years in the grade of lieutenant;
(3) 4 years in the grade of lieutenant commander;
(4) 4 years in the grade of commander; and
(5) 3 years in the grade of captain."

(c) Section 736(a) of title 14, United States Code, is amended by inserting "the date of rank shall be the date of appointment in that grade, unless the promotion was determined in accordance with a running mate system, in which event" after "subchapter," in the first sentence in Section 736(a).
SEC. 209. RESERVE STUDENT PRE-COMMISSIONING ASSISTANCE PROGRAM.

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

"§ 709a. Reserve student pre-commissioning assistance program

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

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

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

(b)(1) To be eligible for financial assistance under this section, an enlisted member of the Coast Guard Reserve must—

(A) be enrolled on a full-time basis in a program of education referred to in subsection (a) at any institution of higher education; and

(B) enter into a written agreement with the Coast Guard described in paragraph (2).
(2) A written agreement referred to in paragraph (1)(B) is an agreement between the member and the Secretary in which the member agrees:

(A) to accept an appointment as a commissioned officer in the Coast Guard Reserve, if tendered;

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

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

(c) Expenses for which financial assistance may be provided under this section are:

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

(2) the cost of books;

(3) in the case of a program of education leading to a baccalaureate degree, laboratory expenses; and

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

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

"(e) Financial assistance may be provided to a member under this section for up to 5 consecutive academic years.

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

"(1) completes the academic requirements of the program and refuses to accept an appointment as a commissioned officer in the Coast Guard Reserve when offered;

"(2) fails to complete the academic requirements of the institution of higher education involved; or

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

"(g)(1) If a member requests to be released from the program and the request is accepted by the Secretary, or if the member fails because of misconduct to complete the period of active duty specified, or if the member fails to fulfill any term or condition of the written agreement required 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 24 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".
TITLE III—MARINE SAFETY

SEC. 301. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.

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

SEC. 302. ICEBREAKING SERVICES.

The Commandant of the Coast Guard shall not plan, implement or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House, that sufficient replacement assets have been procured by the Coast Guard to remediate any degradation in current icebreaking services that would be caused by such decommissioning.
SEC. 303. MODIFICATION OF VARIOUS REPORTING REQUIREMENTS.

(a) Termination of Oil Spill Liability Trust Fund Annual Report.—

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

(2) Repeal.—Section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note) is amended by—

(A) striking subsection (a); and

(B) striking ``(b) Report on Joint Federal and State Motor Fuel Tax Compliance Project. —''.

(b) Preservation of Certain Reporting Requirements.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:
(1) Coast Guard operations and expenditures.—Section 651 of title 14, United States Code.

(2) Summary of marine casualties reported during prior fiscal year.—Section 6307(c) of title 46, United States Code.

(3) User fee activities and amounts.—Section 664 of title 46, United States Code.

(4) Conditions of public ports of the United States.—Section 308(c) of title 49, United States Code.


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

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

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

SEC. 305. MERCHANT MARINER DOCUMENTATION RE-
QUIREMENTS.

(a) INTERIM MERCHANT MARINERS’ DOCUMENTS.—

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

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

(2) by adding at the end the following:

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

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

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of the vessel or the safety of the vessel, its crew, 
goods or passengers; or 

(B) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid 
merchant mariner’s document issued under this section.

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

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

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

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

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

(a) a passenger vessel not engaged in a for-
"eign voyage with respect to individuals on board em-
ployed for a period of not more than 30 service days 
within a 12 month period as entertainment per-
sonnel, with no duties, including emergency duties, 
related to the navigation of the vessel or the safety 
of the vessel, its crew, cargo or passengers; and 11.
SEC. 306. PENALTIES FOR NEGLIGENT OPERATIONS AND INTERFERING WITH SAFE OPERATION.

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

SEC. 307. FISHING VESSEL SAFETY TRAINING.

(a) In General.—The Commandant of the Coast Guard may provide support, with or without reimbursement, to an entity engaged in fishing vessel safety training including—

1. assistance in developing training curricula;
2. use of Coast Guard personnel, including active duty members, members of the Coast Guard Reserve, and members of the Coast Guard Auxiliary, as temporary or adjunct instructors;
3. sharing of appropriate Coast Guard informational and safety publications; and
4. participation on applicable fishing vessel safety training advisory panels.

(b) No Interference with Other Functions.—In providing support under subsection (a), the Commandant shall ensure that the support does not interfere with any Coast Guard function or operation.
SEC. 308. EXTEND TIME FOR RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT RECALLS.

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

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 (c)(1)(I) and inserting "(5 U.S.C. App.)"; and

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

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

"4508. Commercial Fishing Industry Vessel Safety Advisory Committee."
SEC. 402. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.


SEC. 403. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

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

SEC. 404. NAVIGATION SAFETY ADVISORY COUNCIL.


SEC. 405. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

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

SEC. 406. TOWING SAFETY ADVISORY COMMITTEE.

The Act entitled “An Act to Establish a Towing Safety Advisory Committee in the Department of Transportation” (33 U.S.C. 1231a) is amended by striking “Sep-
TITLE V—MISCELLANEOUS

SEC. 501. MODERNIZATION OF NATIONAL DISTRESS AND RESPONSE SYSTEM.

(a) REPORT.—The Secretary of Transportation shall prepare a status report on the modernization of the National Distress and Response System and transmit the report, not later than 60 days after the date of enactment of this Act, and annually thereafter until completion of the project, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

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

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

(2) specify the funding expended to date on the System, the funding required to complete the system, and the purposes for which the funds were or will be expended;
(3) describe and map the existing public and private communications coverage throughout the waters of the coastal and internal regions of the continental United States, Alaska, Hawaii, Guam, and the Caribbean, and identify locations that possess direction-finding, asset-tracking communications, and digital selective calling service;

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

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

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

(7) list all reported marine accidents, casualties, and fatalities associated with existing communications gaps or failures; including incidents associated 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 expeditions 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
shall be construed as covenants running with the land.

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

(b) Lease to the United States.—

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

(2) Identification of leased premises.—The Administrator, in consultation with the Commandant, may identify and describe the leased premises and rights of access, including the following, in
order to allow the Coast Guard to operate and per-
form missions from and upon the leased premises:

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

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

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

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

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

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

(3) RENEWAL.—The lease described in paragraph (1) may be renewed, at the sole option of the United States, for additional lease terms.
(4) LIMITATION ON SUBLLEASES.—The United States may not sublease the leased premises to a third party or use the leased premises for purposes other than fulfilling the missions of the Coast Guard and for other mission related activities.

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

(c) IMPROVEMENT OF LEASED PREMISES.—

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

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

(d) Utility Installation and Maintenance Obligations.—

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

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

(3) AIDS TO NAVIGATION.—The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier property.

(e) ADDITIONAL RIGHTS.—The conveyance of the Naval Reserve Pier property shall be made subject to conditions the Administrator or the Commandant consider necessary to ensure that—

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

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

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

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

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

(i) DEFINITIONS.—In this section:

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

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

SEC. 503. HARBOR SAFETY COMMITTEES.

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

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

(2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);

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

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

1. consider the results of the study conducted under subsection (a);
2. consider identified safety issues for a particular port;
3. compare the potential benefits of establishing such a committee with the burdens the establishment of such a committee would impose on participating agencies and organizations;
4. consider the anticipated level of support from interested parties; and
5. take into account such other factors as may be appropriate.

(c) Effect on Existing Programs and State Law.—Nothing in this section—

1. limits the scope or activities of harbor safety committees in existence on the date of enactment of this Act;
(2) precludes the establishment of new harbor safety committees in locations not selected for the establishment of a prototype committee under subsection (b); or

(3) preempts State law.

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

(e) Harbor Safety Committee Defined.—In this section, the term “harbor safety committee” means a local coordinating body—

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

(2) the membership of which includes representatives of government agencies, maritime labor, maritime industry companies and organizations, environmental groups, and public interest groups.

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

(a) In General.—Chapter 23 of title 46, United States Code, is amended by adding at the end the following:
§ 2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots

"Any pilot, acting in the course and scope of his duties while at a United States Coast Guard Vessel Traffic Service, who provides information, advice or communication assistance shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct."

(b) Clerical Amendment.—The chapter analysis for chapter 23 of title 46, United States Code, is amended by adding at the end the following:

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

TITLE VI—JONES ACT WAIVERS

SEC. 601. REPEAL OF SPECIAL AUTHORITY TO REVOKE ENDORSEMENTS.


SECTION 1. SHORT TITLE.

This Act may be cited as the “Coast Guard Authorization Act of 2001”.

SEC. 2. TABLE OF CONTENTS.

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. 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. 403. Lower Mississippi River Waterway Advisory Committee.
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 I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

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

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and off-shore facilities, vessels, and aircraft, including equipment related thereto, $669,323,000 of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990; and

(B) not less than $338,000,000 shall be available to the Coast Guard only to implement the Coast Guard’s Integrated Deepwater system.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard’s mission in support of search and rescue, aids to navigation, marine safety, marine envi-
ronmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations 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—

(A) $13,500,000, to remain available until expended; and
(B) $2,000,000, to remain available until expended, which may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

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

(a) End-of-Year Strength for Fiscal Year 2002.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2002.

(b) Training Student Loads for Fiscal Year 2002.—For fiscal year 2002, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

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

SEC. 103. LORAN–C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $22,000,000 for fiscal year 2002. The Secretary
of Transportation may transfer from the Federal Aviation
Administration and other agencies of the department funds
appropriated as authorized under this section in order to
reimburse the Coast Guard for related expenses.

SEC. 104. PATROL CRAFT.

(a) Transfer of Craft from DOD.—Notwithstanding any other provision of law, the Secretary of Trans-
portation may accept, by direct transfer without cost, for
use by the Coast Guard primarily for expanded drug inter-
diction activities required to meet national supply reduc-
tion performance goals, up to 7 PC–170 patrol craft from
the Department of Defense if it offers to transfer such craft.

(b) Authorization of Appropriations.—There are
authorized to be appropriated to the Coast Guard, in addi-
tion to amounts otherwise authorized by this Act, up to
$100,000,000, to remain available until expended, for the
conversion of, operation and maintenance of, personnel to
operate and support, and shoreside infrastructure require-
ments for, up to 7 patrol craft.

SEC. 105. CARIBBEAN SUPPORT TENDER.

(a) In General.—The Coast Guard is authorized to
operate and maintain a Caribbean Support Tender (or
similar type vessel) to provide technical assistance, includ-
ing law enforcement training, for foreign coast guards, na-
vies, and other maritime services.
(b) **MEDICAL AND DENTAL CARE.**—

1. The Commandant may provide medical and dental care to foreign military Caribbean Support Tender personnel and their dependents accompanying them in the United States—

   (A) on an outpatient basis without cost; and

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

2. Notwithstanding paragraph (1)(B), the Commandant may provide inpatient medical and dental care in the United States without cost to foreign military Caribbean Support Tender personnel and their dependents accompanying them in the United States if comparable care is made available to a comparable number of United States military personnel in that foreign 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.”.
SEC. 203. SUSPENSION OF RETIRED PAY OF COAST GUARD MEMBERS WHO ARE ABSENT FROM THE UNITED STATES TO AVOID PROSECUTION.

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

“(b) APPLICATION TO COAST GUARD.—Procedures promulgated by the Secretary of Defense under subsection (a) shall apply to the Coast Guard. The Commandant of the Coast Guard shall be considered a Secretary of a military department for purposes of suspending pay under this section.”.

SEC. 204. EXTENSION OF COAST GUARD HOUSING AUTHORITIES.

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

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

“(g) DEMONSTRATION PROJECT AUTHORIZED.—To promote efficiencies through the use of alternative procedures for expediting new housing projects, the Secretary—
“(1) may develop and implement a demonstration project for acquisition or construction of military family housing and military unaccompanied housing at the Coast Guard installation at Kodiak, Alaska;

“(2) in implementing the demonstration project shall utilize, to the maximum extent possible, the contracting authority of the Small Business Administration’s section 8(a) program;

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

“(4) shall report to Congress by September 1st of each year on the progress of activities under the demonstration project.”.

SEC. 205. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

(1) by adding at the end of section 259 the following:

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

“(2) A selection board may not make any recommendation under this subsection before the date the Secretary publishes a finding that implementation of this subsection will improve Coast Guard officer retention and management.

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

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

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

SEC. 206. REGULAR LIEUTENANT COMMANDERS AND COMMANDERS; CONTINUATION ON FAILURE OF SELECTION FOR PROMOTION.

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

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

(2) by adding at the end the following new subsections:

“(b) A lieutenant commander or commander of the Regular Coast Guard subject to discharge or retirement under subsection (a) may be continued on active duty when the Secretary directs a selection board convened under section 251 of this title to continue up to a specified number of lieutenant commanders or commanders on active duty. When so directed, the selection board shall recommend those officers who in the opinion of the board are best qualified
to advance the needs and efficiency of the Coast Guard.

When the recommendations of the board are approved by
the Secretary, the officers recommended for continuation
shall be notified that they have been recommended for con-
tinuation and offered an additional term of service that ful-
fills the needs of the Coast Guard.

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

“(2) Unless retired or discharged under another provi-
sion of law, each officer who is continued on active duty
under subsection (b), is not subsequently promoted or con-
tinued on active duty, and is not on a list of officers rec-
ommended for continuation or for promotion to the next
higher grade, shall, if eligible for retirement under any pro-
vision of law, be retired under that law on the first day
of the first month following the month in which the period
of continued service is completed.”
SEC. 207. RESERVE OFFICER PROMOTIONS.

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

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

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

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

“(3) 4 years in the grade of lieutenant commander.

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

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

(c) Section 736(a) of title 14, United States Code, is amended by inserting “the date of rank shall be the date of appointment in that grade, unless the promotion was de-
termined in accordance with a running mate system, in which event” after “subchapter,” in the first sentence.

SEC. 208. RESERVE STUDENT PRE-COMMISSIONING ASSISTANCE PROGRAM.

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

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

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

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

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

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

“(A) be enrolled on a full-time basis in a program of education referred to in subsection (a) at any institution of higher education; and
“(B) enter into a written agreement with the Coast Guard described in paragraph (2).

“(2) A written agreement referred to in paragraph (1)(B) is an agreement between the member and the Secretary in which the member agrees—

“(A) to accept an appointment as a commissioned officer in the Coast Guard Reserve, if tendered;

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

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

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

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

“(2) The cost of books.

“(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

“(4) Such other expenses as are deemed appropriate by the Secretary.

“(d) The amount of financial assistance provided to a member under this section shall be prescribed by the Secretary, but may not exceed $25,000 for any academic year.
“(e) Financial assistance may be provided to a member under this section for up to 5 consecutive academic years.

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

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

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

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

“(g)(1) If a member requests to be released from the program and the request is accepted by the Secretary, or if the member fails because of misconduct to complete the period of active duty specified, or if the member fails to fulfill any term or condition of the written agreement required to be eligible for financial assistance under this section, 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 pro-
vided 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.

“(b) 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”.

SEC. 209. CONTINUATION ON ACTIVE DUTY BEYOND 30 YEARS.

Section 289 of title 14, United States Code, is amended by adding at the end the following:
“(h) Notwithstanding subsection (g) and section 288 of this title, the Commandant may by annual action retain on active duty from promotion year to promotion year any officer who would otherwise be retired under subsection (g) or section 288 of this title. An officer so retained, unless retired under some other provision of law, shall be retired on June 30 of that promotion year in which no action is taken to further retain the officer under this subsection.”.

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

(a) Section 823a(b) of title 14, United States Code, is amended by inserting the following new paragraph following paragraph (8):

“(9) On or after January 1, 2001, the first section 651 contained in the Omnibus Consolidated Appropriations Act, 1997 (110 Stat. 3009-368).”.

SEC. 211. ALIGN COAST GUARD SEVERANCE PAY AND REVERSION OF COMMISSION AUTHORITY WITH DEPARTMENT OF DEFENSE AUTHORITY.

(a) In general.—Chapter 11 of title 14, United States Code, is amended—

(1) in section 281—

(A) by striking “three” in the section heading and inserting “five”; and
(B) by striking “three” in the text and inserting “five”;

(2) in section 283(b)(2)(A), by striking “severance” and inserting “separation”;

(3) in section 286—

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

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

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

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

“(d) Notwithstanding subsections (a) or (b), an officer discharged under chapter 11 of this title for twice failing of selection for promotion to the next higher grade is not
entitled to separation pay under this section if the officer
requested in writing or otherwise sought not to be selected
for promotion, or requested removal from the list of select-
ees.”;

(4) in section 286a—

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

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

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

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

“(c) In determining a member’s years of active service
for the purpose of computing separation pay under this sec-
tion, each full month of service that is in addition to the
number of full years of service creditable to the member is
counted as one-twelfth of a year and any remaining frac-
tional part of a month is disregarded.”; and

(5) in section 327—

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

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

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

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

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

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

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

(b) CLERICAL AMENDMENT.—The table of sections at
the beginning of chapter 11 of title 14, United States Code,
is amended—
(1) in the item relating to section 281, by striking “three” and inserting “five” in its place; and
(2) in the item relating to section 286, by striking “severance” and inserting “separation” in its place;
(3) in the item relating to section 286a, by striking “severance” and inserting “separation” in its place; and
(4) in the item relating to section 327, by striking “severance” and inserting “separation” in its place.

(c) EFFECTIVE DATE.—The amendments made by paragraphs (2), (3), (4), and (5) of subsection (a) shall take effect four years after the date of enactment of this Act, except that subsection (d) of section 286 of title 14, United States Code, as amended by paragraph (3) of subsection (a) of this section shall take effect on enactment of this Act and shall apply with respect to conduct on or after that date. The amendments made to the table of sections of chapter 11 of title 14, United States Code, by paragraphs (2), (3), and (4) of subsection (b) of this section shall take effect four years after the date of enactment of this Act.
TITLE III—MARINE SAFETY

SEC. 301. MODERNIZATION OF NATIONAL DISTRESS AND RESPONSE SYSTEM.

(a) REPORT.—The Secretary of Transportation shall prepare a status report on the modernization of the National Distress and Response System and transmit the report, not later than 60 days after the date of enactment of this Act, and annually thereafter until completion of the project, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

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

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

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

(3) describe and map the existing public and private communications coverage throughout the waters of the coastal and internal regions of the conti-
nental United States, Alaska, Hawaii, Guam, and the Caribbean, and identify locations that possess direction-finding, asset-tracking communications, and digital selective calling service;

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

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

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

(7) list all reported marine accidents, casualties, and fatalities associated with existing communications gaps or failures, including incidents associated 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. 302. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.

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

SEC. 303. ICEBREAKING SERVICES.

The Commandant of the Coast Guard shall not plan, implement or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House, that suffi-
cient replacement assets have been procured by the Coast Guard to remediate any degradation in current icebreaking services that would be caused by such decommissioning.

SEC. 304. MODIFICATION OF VARIOUS REPORTING REQUIREMENTS.

(a) Termination of Oil Spill Liability Trust Fund Annual Report.—

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

(2) Repeal.—Section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note) is amended by—

(A) striking subsection (a); and

(B) striking “(b) Report on Joint Federal and State Motor Fuel Tax Compliance Project.—”.

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

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

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

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

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


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

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

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

SEC. 306. MERCHANT MARINER DOCUMENTATION REQUIRE-
MENTS.

(a) INTERIM MERCHANT MARINERS’ DOCUMENTS.—
Section 7302 of title 46, United States Code, is amended—
(1) by striking “A” in subsection (f) and insert-
ing “Except as provided in subsection (g), a”; and
(2) by adding at the end the following:
“(g)(1) The Secretary may, pending receipt and review
of information required under subsections (c) and (d), im-
mediately issue an interim merchant mariner’s document
valid for a period not to exceed 120 days, to—
“(A) an individual to be employed as gaming
personnel, entertainment personnel, wait staff, or
other service personnel on board a passenger vessel
not engaged in foreign service, with no duties, includ-
ing emergency duties, related to the navigation of the
vessel or the safety of the vessel, its crew, cargo or passengers; or

“(B) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid merchant mariner’s document issued under this section.

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

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

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

(2) by redesignating paragraph (9) as paragraph (10); and

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

“(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; and”.
SEC. 307. PENALTIES FOR NEGLIGENT OPERATIONS AND INTERFERING WITH SAFE OPERATION.

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

SEC. 308. FISHING VESSEL SAFETY TRAINING.

(a) In General.—The Commandant of the Coast Guard may provide support, with or without reimbursement, to an entity engaged in fishing vessel safety training including—

(1) assistance in developing training curricula;

(2) use of Coast Guard personnel, including active duty members, members of the Coast Guard Reserve, and members of the Coast Guard Auxiliary, as temporary or adjunct instructors;

(3) sharing of appropriate Coast Guard informational and safety publications; and

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

(b) No Interference with Other Functions.—In providing support under subsection (a), the Commandant shall ensure that the support does not interfere with any Coast Guard function or operation.
SEC. 309. EXTEND TIME FOR RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT RECALLS.

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

SEC. 310. SAFETY EQUIPMENT REQUIREMENT.

The Commandant of the Coast Guard shall ensure that all Coast Guard personnel are equipped with adequate safety equipment, including survival suits where appropriate, while performing search and rescue missions.

SEC. 311. MARINE CASUALTY INVESTIGATIONS INVOLVING FOREIGN VESSELS.

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

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

(2) by adding at the end the following new subsection:

“(g) To the extent consistent with generally recognized practices and procedures of international law, this part applies to a foreign vessel involved in a marine casualty or incident, as defined in the International Maritime Organization Code for the Investigation of Marine Casualties and Incidents, where the United States is a Substantially Interested State and is, or has the consent of, the Lead Investigating 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
“September 30, 2000.” and inserting “September 30, 2005.”.

SEC. 403. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

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

SEC. 404. NAVIGATION SAFETY ADVISORY COUNCIL.


SEC. 405. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

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

SEC. 406. TOWING SAFETY ADVISORY COMMITTEE.

The Act entitled “An Act to Establish a Towing Safety Advisory Committee in the Department of Transportation” (33 U.S.C. 1231a) is amended by striking “September 30, 2000.” in subsection (e) and inserting “September 30, 2005.”.
SEC. 407. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.

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

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

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

TITLE V—MISCELLANEOUS

SEC. 501. 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 shall be construed as covenants running with the land.

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

(b) LEASE TO THE UNITED STATES.—

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

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

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

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

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

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

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

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

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

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

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

(c) Improvement of Leased Premises.—

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

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

(d) Utility Installation and Maintenance Obligations.—

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

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

(3) AIDS TO NAVIGATION.—The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier property.

(e) ADDITIONAL RIGHTS.—The conveyance of the Naval Reserve Pier property shall be made subject to conditions the Administrator or the Commandant consider necessary to ensure that—

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

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

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

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

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

(i) DEFINITIONS.—In this section:

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

(2) CORPORATION.—The term “Corporation” means the Gulf of Maine Aquarium Development Corporation, its successors and assigns.
SEC. 502. HARBOR SAFETY COMMITTEES.

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

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

(2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);

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

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

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

(1) consider the results of the study conducted under subsection (a);
(2) consider identified safety issues for a particular port;

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

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

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

(c) Effect on Existing Programs and State Law.—Nothing in this section—

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

(2) precludes the establishment of new harbor safety committees in locations not selected for the establishment of a prototype committee under subsection (b); or

(3) preempts State law.

(d) Nonapplication of FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to harbor safety committees established under this section or any other provision of law.
(e) Harbor Safety Committee Defined.—In this section, the term “harbor safety committee” means a local coordinating body—

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

(2) the membership of which includes representatives of government agencies, maritime labor, maritime industry companies and organizations, environmental groups, and public interest groups.

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

(a) In General.—Chapter 23 of title 46, United States Code, is amended by adding at the end the following:

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

“Any pilot, acting in the course and scope of his duties while at a United States Coast Guard Vessel Traffic Service, who provides information, advice or communication assistance shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct.”.
(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 23 of title 46, United States Code, is amended by adding at the end the following:

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

SEC. 504. CONFORMING REFERENCES TO THE FORMER MERCHANT MARINE AND FISHERIES COMMITTEE.

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

(1) Section 194(b)(2) of title 14, United States Code, is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

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

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

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

(1) Section 3(d)(3) of the International Navigational Rules Act of 1977 (33 U.S.C. 1602(d)(3)) is amended by striking “Merchant Marine and Fish-
eries,” and inserting “Transportation and Infrastructure,”.

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

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

(1) Section 6307 of title 46, United States Code, is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

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

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

SEC. 505. LONG-TERM LEASE AUTHORITY FOR LIGHTHOUSE PROPERTY.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end a new section 672b to read as follows:
“§ 672b. Long-term lease authority for lighthouse property

“(a) The Commandant of the Coast Guard may lease to non-Federal entities, including private individuals, lighthouse property under the administrative control of the Coast Guard for terms not to exceed 30 years. Consideration for the use and occupancy of lighthouse property leased under this section, and for the value of any utilities and services furnished to a lessee of such property by the Commandant, may consist, in whole or in part, of non-pecuniary remuneration including, but not limited to, the improvement, alteration, restoration, rehabilitation, repair, and maintenance of the leased premises by the lessee. Section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b) shall not apply to leases issued by the Commandant under this section.

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17, United States Code, is amended by adding after the item relating to section 672 the following:

“672b. Long-term lease authority for lighthouse property.”.
SEC. 506. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS FOR VESSELS.

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

(1) by striking ``(A)''; and

(2) by striking subparagraph (B).

SEC. 507. RADIO DIRECTION FINDING APPARATUS CARRIAGE REQUIREMENT.

The first sentence of section 365 of the Communications Act of 1934 (47 U.S.C. 363) is amended by striking ``operators.'' and inserting ``operators, or with radio direction-finding apparatus.''.

TITLE VI—JONES ACT WAIVERS

SEC. 601. REPEAL OF SPECIAL AUTHORITY TO REVOKE ENDORSEMENTS.

A BILL

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

October 31, 2001
Reported with an amendment in the nature of a substitute