An Act

To authorize appropriations for the Coast Guard for fiscal years 1983 and 1984, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. This title may be cited as the "Coast Guard Authorization Act of 1982".

SEC. 102. Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal years 1983 and 1984 as follows:

(1) For the operation and maintenance of the Coast Guard, including expenses related to the Capehart housing debt reduction, $1,800,000,000 for fiscal year 1983 and $2,000,000,000 for fiscal year 1984, and such additional amounts for each such fiscal year as may be necessary for increases in salary, pay, and other employee benefits authorized by law.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $550,000,000 for fiscal year 1983 and $650,000,000 for fiscal year 1984.

(3) For research, development, test, and evaluation, $22,000,000 for fiscal year 1983 and $32,000,000 for fiscal year 1984, of which sufficient funds shall be made available to continue in operation a Coast Guard research and development center through the end of fiscal year 1984.

(4) For the alteration or removal of bridges over navigable waters of the United States, constituting obstructions to navigation, $8,000,000, for fiscal year 1983.

(5) For retired pay including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and for payments for medical care of retired personnel and their dependents under the Dependents' Medical Care Act, such sums as may be necessary for fiscal years 1983 and 1984.

SEC. 103. For fiscal years 1983 and 1984, the Coast Guard is authorized an end-of-year strength for active duty personnel of forty-one thousand five hundred. This end-of-year strength shall not include members of the Ready Reserve called to active duty under the authority of section 712 of title 14, United States Code.

SEC. 104. For fiscal years 1983 and 1984, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, three thousand six hundred and sixty student-years.

(2) For flight training, one hundred and eighteen student-years.
(3) For professional training in military and civilian institutions, six hundred and fifty-five student-years.

(4) For officer acquisition, one thousand thirty-eight student-years.

Sec. 105. (a) Section 81 of title 14, United States Code, is amended by adding at the end thereof the following: "The Coast Guard may establish, maintain, and operate aids to maritime navigation under paragraph (1) of this section by contract with any person, public body, or instrumentality."

(b) Not later than one year after the date of enactment of this title, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Congress evaluating—

(1) the exercise by contract of the authority of the Coast Guard under section 81 of title 14, United States Code, to establish, maintain, and operate aids to navigation, including a discussion of any problems involved in exercising such authority by contract, the reasons for exercising or failing to exercise such authority by contract in particular areas, and the feasibility of expanding the exercise of such authority by contract; and

(2) the advantages and disadvantages of increasing the ratio of civilian to military employees assigned to the establishment, maintenance, and operation of aids to navigation on the inland waterways of the United States.

(c) Any authority to enter into contracts provided in this section shall be available only to the extent that appropriated funds are available for that purpose.

Sec. 106. Subsections (e) and (f) of section 475 of title 14, United States Code, are repealed.

Sec. 107. (a) Section 502(b) of the General Bridge Act of 1946 (33 U.S.C. 525(b)) is amended by adding at the end thereof the following: "This subsection shall not apply to any bridge over waters which are not subject to the ebb and flow of the tide and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce."

(b) Section 9 of the Act of March 3, 1899, entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes" (33 U.S.C. 401) is amended by adding at the end thereof the following: "The approval required by this section of the location and plans or any modification of plans of any bridge or causeway shall not apply to any bridge or causeway over waters which are not subject to the ebb and flow of the tide and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce."

(c) The first section of the Act of March 23, 1906, entitled "An Act to regulate the construction of bridges over navigable waters" (33 U.S.C. 491) is amended by adding at the end thereof the following: "This section shall not apply to any bridge over waters which are not subject to the ebb and flow of the tide and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce."

Sec. 108. (a) Section 5 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain
public works on rivers and harbors, and for other purposes”, enacted August 18, 1894 (33 U.S.C. 499; 28 Stat. 362), is amended—
(1) by inserting “(a)” after “Sec. 5.”;
(2) by striking out “or who shall unreasonably delay the opening of said bridge after reasonable signal shall have been given.” in the second sentence;
(3) by striking out “section” and inserting in lieu thereof “subsection”;
(4) by striking out “any violation” and inserting in lieu thereof “any willful violation”; and
(5) by adding at the end thereof the following new subsections:
(b) No vessel owner or operator shall signal a drawbridge to open for any nonstructural vessel appurtenance which is not essential to navigation or which is easily lowered and no person shall unreasonably delay the opening of a draw after the signal required by rules or regulations under this section has been given. The Secretary of Transportation shall issue rules and regulations to implement this subsection.
(c) Whoever violates any rule or regulation issued under subsection (a) or (b), shall be liable to a civil penalty of not more than $1,000. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary of Transportation may, by order, recei...
(c) Section 5 of the Act entitled "An Act to regulate the construction of bridges over navigable waters", enacted March 23, 1906 (33 U.S.C. 495; 34 Stat. 85), is amended—
(1) by inserting "(a)" after "Sec. 5.;"
(2) by striking out "who shall fail" and inserting in lieu thereof "who shall willfully fail";
(3) by striking out "shall be deemed guilty of a violation of this Act, and any persons who shall be guilty of a violation of this Act"; and
(4) by adding at the end thereof the following new subsection:
"(b) Whoever violates any provision of this Act, or any order issued under this Act, shall be liable to a civil penalty of not more than $1,000. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary of Transportation may assess and collect any civil penalty incurred under this subsection and, in his discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty."

(d) Section 510 of the General Bridge Act of 1946 (60 Stat. 847; 33 U.S.C. 533) is amended—
(1) by inserting "(a)" after "Sec. 510.;"
(2) by striking out "who fails" each place it appears and inserting in lieu thereof "who willfully fails", by striking out "who refuses" and inserting in lieu thereof "who willfully refuses", and by striking out "otherwise violates" and inserting in lieu thereof "otherwise willfully violates"; and
(3) by adding at the end thereof the following new subsection:
"(b) Whoever violates any provision of this Act, or any order issued under this Act, shall be liable to a civil penalty of not more than $1,000. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary of Transportation may assess and collect any civil penalty incurred under this subsection and, in his discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty."

SEC. 109. The Act entitled "An Act to constitute a Bureau of Navigation in the Treasury Department", enacted July 5, 1884 (23 Stat. 118), is amended by adding at the end of section 8 (as added by section 9 of Public Law 97-136) the following new subsection:
"(d) In any case in which an inspection or examination is delegated under subsection (a) to the American Bureau of Shipping, or similar American classification society, or agent thereof, such Bureau, society, or agent, as the case may be, shall maintain within the United States complete files of all information derived from or necessarily connected with such inspection or examination for not less than two years after the vessel with respect to which the inspection or examination is made ceases to be certificated and shall
permit access to such files at all reasonable times to any member of
the Coast Guard designated as a marine inspector and serving in a
position as a marine inspector or designated in writing by the
Commandant of the Coast Guard to have such access.”.

SEC. 110. Section 4417a of the Revised Statutes of the United
States (46 U.S.C. 391a) is amended by striking out paragraph (11)
and inserting in lieu thereof the following:
“(11) PERSONNEL AND MANNING STANDARDS FOR FOREIGN VES-
SELS.—The Secretary shall—
“(A) periodically evaluate the manning, training, qualifica-
tion, and watchkeeping standards promulgated by the certificat-
ing state of any foreign vessel which operates on or enters the
navigable waters of the United States, and transfers oil or
hazardous materials in any port or place under the jurisdiction
of the United States; and
“(B) determine, after each evaluation made under clause (A),
whether the foreign state, whose system for licensing and certi-
fication of seafarers was evaluated, has standards which are
comparable to or more stringent than United States standards
or international standards which are accepted by the United
States.”.

SEC. 111. Section 4417a(19) of the Revised Statutes of the United
States (46 U.S.C. 391a(19)) is repealed.

SEC. 112. (a) Section 34 of the Federal Boat Safety Act of 1971 (46
U.S.C. 1483) is amended by striking out “$1,000” and inserting in
lieu thereof “$5,000”.
(b) Section 35(b) of the Federal Boat Safety Act of 1971 (46 U.S.C.
1484(b)) is amended by striking out “$500” and inserting in lieu
thereof “$1,000”.

SEC. 113. The Commandant of the Coast Guard shall review Coast
Guard policies and procedures for towing and salvage of disabled
vessels in order to further minimize the possibility of Coast Guard
competition or interference with private towing activities or other
commercial enterprise.

SEC. 114. Notwithstanding any other provision of law, the number
of full-time civilian employees of the Coast Guard shall be main-
tained at a level not less than five thousand four hundred and
eighty-four throughout fiscal years 1983 and 1984.

SEC. 115. (a)(1) Chapter 3 of title 14, United States Code, is
amended by adding at the end thereof the following new section:
§ 52. Vice admirals, continuity of grade
“The continuity of an officer’s precedence on the active duty
promotion list, date of rank, grade, pay, and allowances as a vice
admiral shall not be interrupted by the termination of an appoint-
ment for the purpose of reappointment to another position as a vice
admiral.”.

(2) The analysis of chapter 3 of title 14, United States Code, is
amended by adding the following new item after the item relating to
section 51:
“§ 52. Vice admirals, continuity of grade.”.

(b)(1) Section 368 of title 14, United States Code, is repealed.
(2) The analysis of chapter 11 of title 14, United States Code, is
amended by striking out:
"368. Discharge in case of underage enlistment."

(c) Section 93 of title 14, United States Code, is amended by—
(1) striking out "and" at the end of subsection (p);
(2) striking out the period at the end of subsection (q) and inserting in lieu thereof "; and "; and
(3) adding at the end thereof the following new subsection:
"(r) provide medical and dental care for personnel entitled thereto by law or regulation, including care in private facilities."

Sec. 116. Section 306(f) of title 37, United States Code, is amended by striking out "The Secretary of Transportation shall make a similar report for the Coast Guard when the Coast Guard is not operating as a service in the Navy."

Sec. 117. Paragraph (1) of the first section of the Act entitled "An Act to authorize appropriations for the Coast Guard for fiscal year 1982, and for other purposes" (95 Stat. 1705; Public Law 97-136) is amended by striking out "$1,404,800,000" and inserting in lieu thereof "$1,548,800,000".

Sec. 118. (a)(1) Section 33(a) of the Federal Boat Safety Act of 1971 (46 U.S.C. 1482(a)) is amended by adding at the end thereof the following: "The Secretary shall, not less often than once a year, publish notice in the Federal Register for solicitation of nominations for membership on the Council."
(2) Section 33(b) of the Federal Boat Safety Act of 1971 (46 U.S.C. 1482(b)) is amended by adding at the end thereof the following: "The Council is authorized to make available to Congress any information, advice, and recommendations which the Council is authorized to give to the Secretary."
(3) Section 33(c) of the Federal Boat Safety Act of 1971 (46 U.S.C. 1482(c)) is amended by striking out "when engaged in the duties of the Council" and inserting in lieu thereof "while attending meetings of the Council".

(b)(1) Section 193 of title 14, United States Code, is amended in the first sentence by inserting before the period the following: "(or, in the case of a member of the Committee who is an officer or employee of the United States, who shall receive no additional pay on account of his service on the Committee)"
(2) Section 193 of title 14, United States Code, is amended by adding at the end thereof the following: "The Secretary shall, not less often than once a year, publish notice in the Federal Register for solicitation of nominations for membership on the Advisory Committee. The Advisory Committee is authorized to make available to Congress any information, advice, and recommendations which the Advisory Committee is authorized to give to the Secretary or the Commandant."

(c)(1) Section 5(a) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073(a)) is amended by adding at the end thereof the following: "The Secretary shall, not less often than once a year, publish notice in the Federal Register for solicitation of nominations for membership on the Council."
(2) Section 5(b) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073(b)) is amended by adding at the end thereof the following: "The Council is authorized to make available to Congress any information, advice, and recommendations which the Council is authorized to give to the Secretary."
(3) Section 5(c) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073(c)) is amended by striking out "or while otherwise
engaged in the business of the Council" and by striking out ",
including traveltime".

(d) The Act entitled "An Act to establish a Towing Safety Advi-
sory Committee in the Department of Transportation" (33 U.S.C.
1231a; 94 Stat. 1521) is amended as follows:

(1) Subsection (b) of the first section is amended by adding at
the end thereof the following: "The Secretary shall, not less
often than once a year, publish notice in the Federal Register
for solicitation of nominations for membership on the
Committee."

(2) Subsection (c) of the first section is amended by adding at
the end thereof the following: "The Committee is authorized to
make available to Congress any information, advice, and recom-
endations which the Committee is authorized to give to the
Secretary."

(3) Subsection (d) of the first section is amended by adding
before the first sentence the following: "Members of the Com-
mittee who are not officers or employees of the United States
shall serve without pay and members of the Committee who are
officers or employees of the United States shall receive no
additional pay on account of their service on the Committee.
While away from their homes or regular places of business,
members of the Committee may be allowed travel expenses,
including per diem in lieu of subsistence, as authorized by
section 5703 of title 5, United States Code."

(e)(1) The Secretary of the department in which the Coast Guard is
operating shall, not less often than once a year, publish notice in the
Federal Register for solicitation of nominations for membership on
any advisory committee established administratively for the pur-
pose of giving advice and recommendations to such Secretary or the
Commandant of the Coast Guard with respect to functions of the
Coast Guard.

(2) Any advisory committee described in paragraph (1) of this
subsection is authorized to make available to Congress any informa-
tion, advice, and recommendations which the committee is author-
ized to give to the Secretary of the department in which the Coast
Guard is operating or the Commandant of the Coast Guard.

(3) Members of any advisory committee described in paragraph (1)
of this subsection who are not officers or employees of the United
States shall serve without pay and members of any such committee
who are officers or employees of the United States shall receive no
additional pay on account of their service on such committee. While
away from their homes or regular places of business, members of
any such committee may be allowed travel expenses, including per
diem in lieu of subsistence, as authorized by section 5703 of title 5,
United States Code.

Sec. 119. Section 4450(a) of the Revised Statutes of the United
States (46 U.S.C. 239(a)) is amended in the first sentence by inserting
"or to the loss of life involved in such casualty" after "of such
casualty".

Sec. 120. Section 4450 of the Revised Statutes of the United States
(46 U.S.C. 239) is amended—

(a) by redesignating subsections (j) and (k) as subsections (k)
and (l), respectively; and

(b) by inserting after subsection (i) the following new
subsection:
"(j)(1) The Commandant of the Coast Guard shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives of any hearing involving the investigation of a major marine casualty involving loss of life under subsection (a) before such hearing occurs.

"(2) The Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Merchant Marine and Fisheries of the House of Representatives any information on major marine casualties which is requested to be submitted by either of the committees or the chairman of either of the committees if the submission of such information is not prohibited by any other statute of the United States."

Sec. 121. It is the sense of the Congress that the President and the Coast Guard should give the search and rescue operations of the Coast Guard a high priority.

TITLE II

Sec. 201. This title may be cited as the “Sailing School Vessels Act of 1982”.


(1) Subsection (a) of the first section is amended by inserting “, or any guest on board a sailing school vessel,” after “purposes” in paragraph (5). Such subsection is further amended by striking out “or” at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof “, or”, and by adding at the end thereof the following:

“(7) any sailing school instructor or sailing school student.”.

(2) Section 2(a) is amended by striking out “and each freight-carrying vessel,” and inserting in lieu thereof “, each freight-carrying vessel, and each sailing school vessel”. Section 2(a)(3) is amended by striking out “and the crew” and inserting in lieu thereof “, crew, sailing school students and sailing school instructors”,

(3) Section 3 is amended by striking out “and freight-carrying vessels” and inserting in lieu thereof “, freight-carrying vessels, and sailing school vessels”. Section 3 is further amended by striking out “and crew,” and inserting in lieu thereof “, crew, sailing school students, and sailing school instructors,” and by inserting after “number of passengers” the following: “, sailing school students, and sailing school instructors”.

(4) Sections 4(a), 4(b), and 5 are each amended by striking out “or freight-carrying vessel” each place it appears and inserting in lieu thereof “, freight-carrying vessel, or sailing school vessel”.

(5) Section 5 is further amended by designating the existing language, as amended by this title, as subsection (a) and by adding at the end thereof the following new subsection:

“(b) Whoever violates any rule or regulation of this Act shall be liable to a civil penalty of not more than $1,000. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secre-
tary of the department in which the Coast Guard is operating may assess and collect any civil penalty incurred under this subsection and, in his discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.”.

(6) The first section is further amended by adding at the end thereof the following:

“(f) The term ‘sailing instruction’ means teaching, research, and practical experience in the operation of vessels propelled primarily by sail and may include any subjects related thereto and to the sea, including but not limited to seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and literature.

“(g) The term ‘sailing school vessel’ means a vessel which the Secretary finds to be less than five hundred gross tons, carrying six or more individuals who are sailing school students or sailing school instructors, principally equipped for propulsion by sail, whether or not the vessel has any auxiliary means of propulsion, and owned or demise chartered and operated by an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 and exempt from tax under section 501(a) of such Code, as now or hereafter amended, or by any State or political subdivision thereof, during such times as the vessel is operated by such organization or State or political subdivision exclusively for the purposes of sailing instruction.

“(h) The term ‘sailing school instructor’ means any person who is aboard a sailing school vessel for the purpose of furnishing sailing instruction. Such term does not include any operator or member of the crew of such a vessel who is among those required to be aboard the vessel to meet requirement establishing under section 3 of this Act.

“(i) The term ‘sailing school student’ means any person who is aboard a sailing school vessel for the purpose of receiving sailing instruction.”.

Sec. 203. Section 13(b) of the Act of March 4, 1915 (46 U.S.C. 672(b)), is amended by adding at the end thereof the following new paragraph:

“(4) ‘Able seaman-sail’ qualified for service on any waters shall have at least six months’ service on deck on sailing school ships, oceanographic research vessels powered primarily by sail, or equivalent sailing vessels operating on the oceans or navigable waters of the United States including the Great Lakes.”.

Sec. 204. Sailing school students and sailing school instructors shall not be considered to be seamen under the provisions of titles 52 and 53 of the Revised Statutes of the United States and any Act amendatory thereof or supplementary thereto, or for the purposes of the maritime law doctrines of maintenance and cure or warranty of seaworthiness.

Sec. 205. Each owner or charterer of a sailing school vessel shall maintain evidence of his or her financial responsibility to meet any liability incurred for death or injury to sailing school students or sailing school instructors on voyages aboard the vessel, in an amount not less than $50,000 for each student or instructor. Such
financial responsibility may be evidenced by policies of insurance or other adequate financial resources.

Sec. 206. For the purposes of section 3 of the Act of February 17, 1898 (46 U.S.C. 291), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), a sailing school vessel shall not be deemed to be a merchant vessel or a vessel engaged in trade or commerce.

Sec. 207. For purposes of sections 203, 204, 205, 206, and 208 of this title, the terms “sailing school students”, “sailing school instructor”, and “sailing school vessel” have the meaning given such terms in the first section of the Act entitled “An Act to require the inspection and certification of certain vessels carrying passengers”, enacted May 10, 1956 (46 U.S.C. 390) as amended by this title.

Sec. 208. (a) The Secretary of the department in which the Coast Guard is operating shall, after consultation with representatives of the private sector having experience in the operation of vessels likely to be certified as sailing school vessels, but not later than eighteen months after the date of enactment of this title, prescribe rules and regulations to carry out this title including the amendments made by this title. Such rules and regulations shall reflect the specialized nature of sailing school vessel operations, and the character, design, and construction of vessels operating as sailing school vessels, and shall include requirements for notice to sailing school students and sailing school instructors regarding the specialized nature of sailing school vessels and applicable safety regulations. Any manning requirement imposed with respect to sailing school vessels shall take into account the participation of sailing school students and sailing school instructors in the operation of such vessels.

(b) Sections 202, 203, 204, 205, 206, and 207 of this title and the amendments made by such sections shall take effect eighteen months after the date of enactment of this Act or on the date upon which the rules and regulations referred to in subsection (a) take effect, whichever is earlier.


LEGISLATIVE HISTORY—S. 2252 (H.R. 5617):

HOUSE REPORTS: No. 97-563, Pt. I (Comm. on Merchant Marine and Fisheries) and Pt. II (Comm. on Public Works and Transportation).

SENATE REPORT No. 97-361 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD. Vol. 128 (1982):
May 5, considered and passed Senate.
July 15, H.R. 5617 considered and passed House; S. 2252, amended, passed in lieu.
Sept. 27, House concurred in House amendments with an amendment.
Sept. 29, House concurred in Senate amendment.