

In the Senate of the United States,

July 27, 2000.

Resolved, That the bill from the House of Representatives (H.R. 820) entitled “An Act to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Coast Guard Authoriza-*
3 *tion Act of 2000”.*

1 ***TITLE I—AUTHORIZATION***

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

3 *(a) AUTHORIZATION FOR FISCAL YEAR 2000.—Funds*
4 *are authorized to be appropriated for necessary expenses of*
5 *the Coast Guard for fiscal year 2000, as follows:*

6 *(1) For the operation and maintenance of the*
7 *Coast Guard, \$2,781,000,000, of which \$300,000,000*
8 *shall be available for defense-related activities and of*
9 *which \$25,000,000 shall be derived from the Oil Spill*
10 *Liability Trust Fund.*

11 *(2) For the acquisition, construction, rebuilding,*
12 *and improvement of aids to navigation, shore and off-*
13 *shore facilities, vessels, and aircraft, including equip-*
14 *ment related thereto, \$389,326,000, to remain avail-*
15 *able until expended, of which \$20,000,000 shall be de-*
16 *rived from the Oil Spill Liability Trust Fund to*
17 *carry out the purposes of section 1012(a)(5) of the Oil*
18 *Pollution Act of 1990.*

19 *(3) For research, development, test, and evalua-*
20 *tion of technologies, materials, and human factors di-*
21 *rectly relating to improving the performance of the*
22 *Coast Guard's mission in support of search and res-*
23 *cue, aids to navigation, marine safety, marine envi-*
24 *ronmental protection, enforcement of laws and trea-*
25 *ties, ice operations, oceanographic research, and de-*

1 *fense readiness, \$19,000,000, to remain available*
2 *until expended, of which \$3,500,000 shall be derived*
3 *from the Oil Spill Liability Trust Fund.*

4 *(4) For retired pay (including the payment of*
5 *obligations otherwise chargeable to lapsed appropria-*
6 *tions for this purpose), payments under the Retired*
7 *Serviceman's Family Protection and Survivor Benefit*
8 *Plans, and payments for medical care of retired per-*
9 *sonnel and their dependents under chapter 55 of title*
10 *10, United States Code, such sums as may be nec-*
11 *essary, to remain available until expended.*

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

17 *(6) For alteration or removal of bridges over*
18 *navigable waters of the United States constituting ob-*
19 *structions to navigation, and for personnel and ad-*
20 *ministrative costs associated with the Bridge Alter-*
21 *ation Program, \$15,000,000, to remain available*
22 *until expended.*

23 *(b) AUTHORIZATION FOR FISCAL YEAR 2001.—Funds*
24 *are authorized to be appropriated for necessary expenses of*
25 *the Coast Guard for fiscal year 2001, as follows:*

1 (1) *For the operation and maintenance of the*
2 *Coast Guard, \$3,399,000,000, of which \$25,000,000*
3 *shall be derived from the Oil Spill Liability Trust*
4 *Fund.*

5 (2) *For the acquisition, construction, rebuilding,*
6 *and improvement of aids to navigation, shore and off-*
7 *shore facilities, vessels, and aircraft, including equip-*
8 *ment related thereto, \$520,000,000, to remain avail-*
9 *able until expended, of which \$20,000,000 shall be de-*
10 *derived from the Oil Spill Liability Trust Fund to*
11 *carry out the purposes of section 1012(a)(5) of the Oil*
12 *Pollution Act of 1990, and of which \$110,000,000*
13 *shall be available for the construction and acquisition*
14 *of a replacement vessel for the Coast Guard Cutter*
15 *MACKINAW.*

16 (3) *For research, development, test, and evalua-*
17 *tion of technologies, materials, and human factors di-*
18 *rectly relating to improving the performance of the*
19 *Coast Guard's mission in support of search and res-*
20 *cue, aids to navigation, marine safety, marine envi-*
21 *ronmental protection, enforcement of laws and trea-*
22 *ties, ice operations, oceanographic research, and de-*
23 *fense readiness, \$21,320,000, to remain available*
24 *until expended, of which \$3,500,000 shall be derived*
25 *from the Oil Spill Liability Trust Fund.*

1 (4) *For retired pay (including the payment of*
2 *obligations otherwise chargeable to lapsed appropria-*
3 *tions for this purpose), payments under the Retired*
4 *Serviceman's Family Protection and Survivor Benefit*
5 *Plans, and payments for medical care of retired per-*
6 *sonnel and their dependents under chapter 55 of title*
7 *10, United States Code, such sums as may be nec-*
8 *essary, to remain available until expended.*

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

14 (6) *For alteration or removal of bridges over*
15 *navigable waters of the United States constituting ob-*
16 *structions to navigation, and for personnel and ad-*
17 *ministrative costs associated with the Bridge Alter-*
18 *ation Program, \$15,500,000, to remain available*
19 *until expended.*

20 (c) *AUTHORIZATION FOR FISCAL YEAR 2002.—Funds*
21 *are authorized to be appropriated for necessary expenses of*
22 *the Coast Guard for fiscal year 2002 as such sums as may*
23 *be necessary, of which \$8,000,000 shall be available for con-*
24 *struction or acquisition of a replacement vessel for the Coast*
25 *Guard Cutter MACKINAW.*

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

3 (a) *END-OF-YEAR STRENGTH FOR FISCAL YEAR*
4 *2000.—The Coast Guard is authorized an end-of-year*
5 *strength for active duty personnel of 40,000 as of September*
6 *30, 2000.*

7 (b) *TRAINING STUDENT LOADS FOR FISCAL YEAR*
8 *2000.—For fiscal year 2000, the Coast Guard is authorized*
9 *average military training student loads as follows:*

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

12 (2) *For flight training, 100 student years.*

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

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

16 (c) *END-OF-YEAR STRENGTH FOR FISCAL YEAR*
17 *2001.—The Coast Guard is authorized an end-of-year*
18 *strength for active duty personnel of 44,000 as of September*
19 *30, 2001.*

20 (d) *TRAINING STUDENT LOADS FOR FISCAL YEAR*
21 *2001.—For fiscal year 2001, the Coast Guard is authorized*
22 *average military training student loads as follows:*

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

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

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

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

4 (e) *END-OF-THE-YEAR STRENGTH FOR FISCAL YEAR*
 5 *2002.—The Coast Guard is authorized an end-of-year*
 6 *strength of active duty personnel of 45,500 as of September*
 7 *30, 2002.*

8 (f) *TRAINING STUDENT LOADS FOR FISCAL YEAR*
 9 *2002.—For fiscal year 2002, the Coast Guard is authorized*
 10 *average military training student loads as follows:*

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

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

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

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

17 **SEC. 103. LORAN-C.**

18 (a) *FISCAL YEAR 2001.—There are authorized to be*
 19 *appropriated to the Department of Transportation, in ad-*
 20 *dition to funds authorized for the Coast Guard for operation*
 21 *of the LORAN-C system, for capital expenses related to*
 22 *LORAN-C navigation infrastructure, \$20,000,000 for fiscal*
 23 *year 2001. The Secretary of Transportation may transfer*
 24 *from the Federal Aviation Administration and other agen-*
 25 *cies of the department funds appropriated as authorized*

1 *under this section in order to reimburse the Coast Guard*
 2 *for related expenses.*

3 (b) *FISCAL YEAR 2002.—There are authorized to be*
 4 *appropriated to the Department of Transportation, in ad-*
 5 *dition to funds authorized for the Coast Guard for operation*
 6 *of the LORAN–C system, for capital expenses related to*
 7 *LORAN–C navigation infrastructure, \$40,000,000 for fiscal*
 8 *year 2002. The Secretary of Transportation may transfer*
 9 *from the Federal Aviation Administration and other agen-*
 10 *cies of the department funds appropriated as authorized*
 11 *under this section in order to reimburse the Coast Guard*
 12 *for related expenses.*

13 **SEC. 104. PATROL CRAFT.**

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

21 (b) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 22 *authorized to be appropriated to the Coast Guard, in addi-*
 23 *tion to amounts otherwise authorized by this Act, up to*
 24 *\$100,000,000, to remain available until expended, for the*
 25 *conversion of, operation and maintenance of, personnel to*

1 *operate and support, and shoreside infrastructure require-*
 2 *ments for, up to 7 patrol craft.*

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

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

9 **TITLE II—PERSONNEL**
 10 **MANAGEMENT**

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

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

15 **SEC. 202. COAST GUARD MEMBERSHIP ON THE USO BOARD**
 16 **OF GOVERNORS.**

17 *Section 200104(a)(2) of title 36, United States Code,*
 18 *is amended—*

19 *(1) by striking “and” at the end of subpara-*
 20 *graph (B);*

21 *(2) by redesignating subparagraph (C) as sub-*
 22 *paragraph (D); and*

23 *(3) by inserting after subparagraph (B) the fol-*
 24 *lowing:*

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

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

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

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

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

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

“511. Compensatory absence from duty for military personnel at isolated duty sta-
 tions.”.

19 **SEC. 204. ACCELERATED PROMOTION OF CERTAIN COAST**
 20 **GUARD OFFICERS.**

21 Title 14, United States Code, is amended—

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

1 “(c) *After selecting the officers to be recommended for*
2 *promotion, a selection board may recommend officers of*
3 *particular merit, from among those officers chosen for pro-*
4 *motion, to be placed at the top of the list of selectees promul-*
5 *gated by the Secretary under section 271(a) of this title.*
6 *The number of officers that a board may recommend to be*
7 *placed at the top of the list of selectees may not exceed the*
8 *percentages set forth in subsection (b) unless such a percent-*
9 *age is a number less than one, in which case the board may*
10 *recommend one officer for such placement. No officer may*
11 *be recommended to be placed at the top of the list of selectees*
12 *unless he or she receives the recommendation of at least a*
13 *majority of the members of a board composed of five mem-*
14 *bers, or at least two-thirds of the members of a board com-*
15 *posed of more than five members.”;*

16 (2) *in section 260(a), by inserting “and the*
17 *names of those officers recommended to be advanced*
18 *to the top of the list of selectees established by the Sec-*
19 *retary under section 271(a) of this title” after “pro-*
20 *motion”; and*

21 (3) *in section 271(a), by inserting at the end*
22 *thereof the following: “The names of all officers ap-*
23 *proved by the President and recommended by the*
24 *board to be placed at the top of the list of selectees*

1 *shall be placed at the top of the list of selectees in the*
2 *order of seniority on the active duty promotion list.”.*

3 **SEC. 205. COAST GUARD ACADEMY BOARD OF TRUSTEES.**

4 *(a) IN GENERAL.—Section 193 of title 14, United*
5 *States Code, is amended to read as follows:*

6 **“§ 193. Board of Trustees.**

7 *“(a) ESTABLISHMENT.—The Commandant of the*
8 *Coast Guard may establish a Coast Guard Academy Board*
9 *of Trustees to provide advice to the Commandant and the*
10 *Superintendent on matters relating to the operation of the*
11 *Academy and its programs.*

12 *“(b) MEMBERSHIP.—The Commandant shall appoint*
13 *the members of the Board of Trustees, which may include*
14 *persons of distinction in education and other fields related*
15 *to the missions and operation of the Academy. The Com-*
16 *mandant shall appoint a chairperson from among the mem-*
17 *bers of the Board of Trustees.*

18 *“(c) EXPENSES.—Members of the Board of Trustees*
19 *who are not Federal employees shall be allowed travel ex-*
20 *penses while away from their homes or regular places of*
21 *business in the performance of service for the Board of*
22 *Trustees. Travel expenses include per diem in lieu of sub-*
23 *sistence in the same manner as persons employed intermit-*
24 *tently in the Government service are allowed expenses under*
25 *section 5703 of title 5.*

1 “(d) *FACA NOT TO APPLY.*— *The Federal Advisory*
 2 *Committee Act (5 U.S.C. App.) shall not apply to the Board*
 3 *of Trustees established pursuant to this section.*”.

4 (b) *CONFORMING AMENDMENTS.*—(1) *Section 194(a)*
 5 *of title 14, United States Code, is amended by striking “Ad-*
 6 *visory Committee” and inserting “Board of Trustees”.*

7 (2) *The chapter analysis for chapter 9 of title 14,*
 8 *United States Code, is amended by striking the item relat-*
 9 *ing to section 193, and inserting the following:*

 “193. *Board of Trustees.*”.

10 **SEC. 206. SPECIAL PAY FOR PHYSICIAN ASSISTANTS.**

11 *Section 302c(d)(1) of title 37, United States Code, is*
 12 *amended by inserting “an officer in the Coast Guard or*
 13 *Coast Guard Reserve designated as a physician assistant,”*
 14 *after “nurse,”.*

15 **SEC. 207. SUSPENSION OF RETIRED PAY OF COAST GUARD**
 16 **MEMBERS WHO ARE ABSENT FROM THE**
 17 **UNITED STATES TO AVOID PROSECUTION.**

18 *Procedures promulgated by the Secretary of Defense*
 19 *under section 633(a) of the National Defense Authorization*
 20 *Act for Fiscal Year 1997 (Pub. L. 104–201) shall apply*
 21 *to the Coast Guard. The Commandant of the Coast Guard*
 22 *shall be considered a Secretary of a military department*
 23 *for purposes of suspending pay under section 633 of that*
 24 *Act.*

1 **SEC. 208. EXTENSION OF COAST GUARD HOUSING AUTHORI-**
 2 **TIES.**

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

5 **TITLE III—MARINE SAFETY**

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

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

15 **SEC. 302. ICEBREAKING SERVICES.**

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

1 **SEC. 303. OIL SPILL LIABILITY TRUST FUND ANNUAL RE-**
 2 **PORT.**

3 (a) *IN GENERAL.*—The report regarding the Oil Spill
 4 Liability Trust Fund required by the Conference Report
 5 (House Report 101–892) accompanying the Department of
 6 Transportation and Related Agencies Appropriations Act,
 7 1991, as that requirement was amended by section 1122 of
 8 the Federal Reports Elimination and Sunset Act of 1995
 9 (26 U.S.C. 9509 note), shall no longer be submitted to Con-
 10 gress.

11 (b) *REPEAL.*—Section 1122 of the Federal Reports
 12 Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note)
 13 is amended by—

14 (1) striking subsection (a); and

15 (2) striking “(b) *REPORT ON JOINT FEDERAL*
 16 *AND STATE MOTOR FUEL TAX COMPLIANCE*
 17 *PROJECT.*—”.

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

20 Section 6002(b) of the Oil Pollution Act of 1990 (33
 21 U.S.C. 2752(b)) is amended after the first sentence by in-
 22 serting “To the extent that such amount is not adequate
 23 for removal of a discharge or the mitigation or prevention
 24 of a substantial threat of a discharge, the Coast Guard may
 25 borrow from the Fund such sums as may be necessary, up
 26 to a maximum of \$100,000,000, and within 30 days shall

1 *notify Congress of the amount borrowed and the facts and*
 2 *circumstances necessitating the loan. Amounts borrowed*
 3 *shall be repaid to the Fund when, and to the extent that*
 4 *removal costs are recovered by the Coast Guard from re-*
 5 *sponsible parties for the discharge or substantial threat of*
 6 *discharge.”.*

7 **SEC. 305. MERCHANT MARINER DOCUMENTATION REQUIRE-**
 8 **MENTS.**

9 (a) *INTERIM MERCHANT MARINERS’ DOCUMENTS.*—
 10 *Section 7302 of title 46, United States Code, is amended—*

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

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

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

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

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

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

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

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

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

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

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

22 **SEC. 306. PENALTIES FOR NEGLIGENT OPERATIONS AND**
 23 **INTERFERING WITH SAFE OPERATION.**

24 Section 2302(a) of title 46, United States Code, is
 25 amended by striking “\$1,000.” and inserting “\$25,000.”.

1 **SECTION 307. AMENDMENT OF DEATH ON THE HIGH SEAS**
 2 **ACT.**

3 (a) *RIGHT OF ACTION.*—*The first section of the Act*
 4 *of March 30, 1920 (46 U.S.C. App. 761(b); popularly*
 5 *known as the “Death on the High Seas Act”) is amended—*

6 (1) *by striking “accident” in subsection (b) and*
 7 *inserting “accident, or an accident involving a pas-*
 8 *senger on a vessel other than a recreational vessel or*
 9 *an individual on a recreational vessel (other than a*
 10 *member of the crew engaged in the business of the rec-*
 11 *reational vessel who has not contributed consideration*
 12 *for carriage and who is paid for on-board services),”;*
 13 *and*

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

15 “(c) *PASSENGER; RECREATION VESSEL.*—*In this sec-*
 16 *tion:*

17 “(1) *PASSENGER.*—*The term ‘passenger’ has the*
 18 *meaning given that term by section 2101(21) of title*
 19 *46, United States Code.*

20 “(2) *RECREATIONAL VESSEL.*—*The term ‘rec-*
 21 *reational vessel’ has the meaning given that term by*
 22 *section 2101(25) of title 46, United States Code.”.*

23 (b) *AMOUNT AND APPORTIONMENT OF RECOVERY.*—
 24 *Section 2(b) of that Act (46 U.S.C. App. 762(b)) is*
 25 *amended—*

1 (1) by striking “accident” in paragraph (1) and
 2 inserting “accident, or an accident involving a pas-
 3 senger on a vessel other than a recreational vessel or
 4 an individual on a recreational vessel (other than a
 5 member of the crew engaged in the business of the rec-
 6 reational vessel who has not contributed consideration
 7 for carriage and who is paid for on-board services),”;
 8 and

9 (2) by striking “companionship.” in paragraph
 10 (2) and inserting “companionship, and the terms
 11 ‘passenger’ and ‘recreational vessel’ have the meaning
 12 given them by paragraphs (21) and (25), respectively,
 13 of section 2101 of title 46, United States Code.”.

14 (c) *EFFECTIVE DATE.*—The amendments made by this
 15 section apply to any death after November 22, 1995.

16 **TITLE IV—RENEWAL OF** 17 **ADVISORY GROUPS**

18 **SEC. 401. COMMERCIAL FISHING INDUSTRY VESSEL ADVI-** 19 **SORY COMMITTEE.**

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

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

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

3 (3) by striking “Secretary” in subsection (a)(1)
4 and inserting “Secretary, through the Commandant
5 of the Coast Guard,”;

6 (4) by striking “Secretary” in subsection (a)(4)
7 and inserting “Commandant”;

8 (5) by striking the last sentence in subsection
9 (b)(5);

10 (6) by striking “Committee” in subsection (c)(1)
11 and inserting “Committee, through the Com-
12 mandant,”;

13 (7) by striking “shall” in subsection (c)(2) and
14 inserting “shall, through the Commandant,”; and

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

18 (9) by striking “of September 30, 2000” and in-
19 serting “on September 30, 2005”.

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

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

1 **SEC. 402. HOUSTON-GALVESTON NAVIGATION SAFETY ADVI-**
2 **SORY COMMITTEE.**

3 *Section 18 of the Coast Guard Authorization Act of*
4 *1991 is amended—*

5 *(1) by striking “operating (hereinafter in this*
6 *part referred to as the ‘Secretary’)” in the second sen-*
7 *tence of subsection (a)(1) and inserting “operating,*
8 *through the Commandant of the Coast Guard,”;*

9 *(2) by striking “Committee” in the third sen-*
10 *tence of subsection (a)(1) and inserting “Committee,*
11 *through the Commandant,”;*

12 *(3) by striking “Secretary,” in the second sen-*
13 *tence of subsection (a)(2) and inserting “Com-*
14 *mandant,”; and*

15 *(4) by striking “September 30, 2000.” in sub-*
16 *section (h) and inserting “September 30, 2005.”.*

17 **SEC. 403. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY**
18 **COMMITTEE.**

19 *Section 19 of the Coast Guard Authorization Act of*
20 *1991 (Public Law 102–241) is amended—*

21 *(1) by striking “operating (hereinafter in this*
22 *part referred to as the ‘Secretary’)” in the second sen-*
23 *tence of subsection (a)(1) and inserting “operating,*
24 *through the Commandant of the Coast Guard,”;*

1 (2) *by striking “Committee” in the third sen-*
 2 *tence of subsection (a)(1) and inserting “Committee,*
 3 *through the Commandant,”; and*

4 (3) *by striking “September 30, 2000” in sub-*
 5 *section (g) and inserting “September 30, 2005”.*

6 **SEC. 404. GREAT LAKES PILOTAGE ADVISORY COMMITTEE**

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

9 (1) *by striking “Secretary” in subsection (a)(1)*
 10 *and inserting “Secretary, through the Commandant*
 11 *of the Coast Guard,”;*

12 (2) *by striking “Secretary,” in subsection*
 13 *(a)(4)(A) and inserting “Commandant,”;*

14 (3) *by striking the last sentence of subsection*
 15 *(c)(2);*

16 (4) *by striking “Committee” in subsection (d)(1)*
 17 *and inserting “Committee, through the Com-*
 18 *mandant,”;*

19 (5) *by striking “Secretary” in subsection (d)(2)*
 20 *and inserting “Secretary, through the Commandant,”;*
 21 *and*

22 (6) *by striking “September 30, 2003.” in sub-*
 23 *section (f)(1) and inserting “September 30, 2005.”.*

1 **SEC. 405. NAVIGATION SAFETY ADVISORY COUNCIL**

2 *Section 5 of the Inland Navigational Rules Act of 1980*
 3 *(33 U.S.C. 2073) is amended—*

4 *(1) by striking “Secretary” in the first sentence*
 5 *of subsection (b) and inserting “Secretary, through*
 6 *the Commandant of the Coast Guard,”;*

7 *(2) by striking “Secretary” in the third sentence*
 8 *of subsection (b) and inserting “Commandant”; and*

9 *(3) by striking “September 30, 2000” in sub-*
 10 *section (d) and inserting “September 30, 2005”.*

11 **SEC. 406. NATIONAL BOATING SAFETY ADVISORY COUNCIL.**

12 *Section 13110 of title 46, United States Code, is*
 13 *amended—*

14 *(1) by striking “consult” in subsection (c) and*
 15 *inserting “consult, through the Commandant of the*
 16 *Coast Guard,”; and*

17 *(2) by striking “September 30, 2000” in sub-*
 18 *section (e) and inserting “September 30, 2005”.*

19 **SEC. 407. TOWING SAFETY ADVISORY COMMITTEE.**

20 *The Act entitled “An Act to Establish a Towing Safety*
 21 *Advisory Committee in the Department of Transportation”*
 22 *(33 U.S.C. 1231a) is amended—*

23 *(1) by striking “Secretary” in the second sen-*
 24 *tence of subsection (b) and inserting “Secretary,*
 25 *through the Commandant of the Coast Guard”;*

1 (2) *by striking “Secretary” in the first sentence*
 2 *of subsection (c) and inserting “Secretary, through the*
 3 *Commandant,”;*

4 (3) *by striking “Committee” in the third sen-*
 5 *tence of subsection (c) and inserting “Committee,*
 6 *through the Commandant,”;*

7 (4) *by striking “Secretary,” in the fourth sen-*
 8 *tence of subsection (c) and inserting “Commandant,”;*
 9 *and*

10 (5) *by striking “September 30, 2000.” in sub-*
 11 *section (e) and inserting “September 30, 2005.”.*

12 ***TITLE V—MISCELLANEOUS***

13 ***SEC. 501. COAST GUARD REPORT ON IMPLEMENTATION OF*** 14 ***NTSB RECOMMENDATIONS.***

15 *The Commandant of the United States Coast Guard*
 16 *shall submit a written report to the Committee on Com-*
 17 *merce, Science, and Transportation within 90 days after*
 18 *the date of enactment of this Act on what actions the Coast*
 19 *Guard has taken to implement the recommendations of the*
 20 *National Transportation Safety Board in its Report No.*
 21 *MAR–99–01. The report—*

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

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

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

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

7 (2) include an assessment of the safety benefits
 8 that might reasonably be expected to result from in-
 9 creased or accelerated funding for—

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

12 (B) the national distress and response sys-
 13 tem modernization project.

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

16 (a) *AUTHORITY TO CONVEY.*—

17 (1) *IN GENERAL.*—*The Administrator of the*
 18 *General Services Administration may convey to the*
 19 *Gulf of Maine Aquarium Development Corporation,*
 20 *its successors and assigns, without payment for con-*
 21 *sideration, all right, title, and interest of the United*
 22 *States of America in and to approximately 4.13 acres*
 23 *of land, including a pier and bulkhead, known as the*
 24 *Naval Reserve Pier property, together with any im-*
 25 *provements thereon in their then current condition,*

1 *located in Portland, Maine. All conditions placed*
2 *with the deed of title shall be construed as covenants*
3 *running with the land. Since the Federal agency ac-*
4 *tions necessary to effectuate the transfer of the Naval*
5 *Reserve Pier property will further the objectives of the*
6 *National Environmental Policy Act of 1969 (42*
7 *U.S.C. 4321 et seq.) and the National Historic Preser-*
8 *vation Act of 1966 (16 U.S.C. 470 et seq.), require-*
9 *ments applicable to agency actions under these and*
10 *other environmental planning laws are unnecessary*
11 *and shall not be required. The provisions of the Stew-*
12 *art B. McKinney Homeless Assistance Act (42 U.S.C.*
13 *11301 et seq.) shall not apply to any building or*
14 *property at the Naval Reserve Pier property.*

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

22 (b) *LEASE TO THE UNITED STATES.—(1) The Naval*
23 *Reserve Pier property shall not be conveyed until the Cor-*
24 *poration enters into a lease agreement with the United*
25 *States, the terms of which are mutually satisfactory to the*

1 *Commandant and the Corporation, in which the Corpora-*
2 *tion shall lease a portion of the Naval Reserve Pier property*
3 *to the United States for a term of 30 years without payment*
4 *of consideration. The lease agreement shall be executed with-*
5 *in 12 months after the date of enactment of this Act.*

6 (2) *The Administrator, in consultation with the Com-*
7 *mandant, may identify and describe the Leased Premises*
8 *and rights of access including, but not limited to, those list-*
9 *ed below, in order to allow the United States Coast Guard*
10 *to operate and perform missions, from and upon the Leased*
11 *Premises—*

12 (A) *the right of ingress and egress over the Naval*
13 *Reserve Pier property, including the pier and bulk-*
14 *head, at any time, without notice, for purposes of ac-*
15 *cess to United States Coast Guard vessels and per-*
16 *formance of United States Coast Guard missions and*
17 *other mission-related activities;*

18 (B) *the right to berth United States Coast Guard*
19 *cutters or other vessels as required, in the moorings*
20 *along the east side of the Naval Reserve Pier property,*
21 *and the right to attach floating docks which shall be*
22 *owned and maintained at the United States sole cost*
23 *and expense;*

24 (C) *the right to operate, maintain, remove, relo-*
25 *cate, or replace an aid to navigation located upon, or*

1 to install any aid to navigation upon, the Naval Re-
2 serve Pier property as the Coast Guard, in its sole
3 discretion, may determine is needed for navigational
4 purposes;

5 (D) the right to occupy up to 3,000 gross square
6 feet at the Naval Reserve Pier property for storage
7 and office space, which will be provided and con-
8 structed by the Corporation, at the Corporation's sole
9 cost and expense, and which will be maintained, and
10 utilities and other operating expenses paid for, by the
11 United States at its sole cost and expense;

12 (E) the right to occupy up to 1,200 gross square
13 feet of offsite storage in a location other than the
14 Naval Reserve Pier property, which will be provided
15 by the Corporation at the Corporation's sole cost and
16 expense, and which will be maintained, and utilities
17 and other operating expenses paid for, by the United
18 States at its sole cost and expense; and

19 (F) the right for United States Coast Guard per-
20 sonnel to park up to 60 vehicles, at no expense to the
21 government, in the Corporation's parking spaces on
22 the Naval Reserve Pier property or in parking spaces
23 that the Corporation may secure within 1,000 feet of
24 the Naval Reserve Pier property or within 1,000 feet
25 of the Coast Guard Marine Safety Office Portland.

1 *Spaces for no less than 30 vehicles shall be located on*
2 *the Naval Reserve Pier property.*

3 *(3) The lease described in paragraph (1) may be re-*
4 *newed, at the sole option of the United States, for additional*
5 *lease terms.*

6 *(4) The United States may not sublease the Leased*
7 *Premises to a third party or use the Leased Premises for*
8 *purposes other than fulfilling the missions of the United*
9 *States Coast Guard and for other mission related activities.*

10 *(5) In the event that the United States Coast Guard*
11 *ceases to use the Leased Premises, the Administrator, in*
12 *consultation with the Commandant, may terminate the*
13 *lease with the Corporation.*

14 *(c) IMPROVEMENT OF LEASED PREMISES.—(1) The*
15 *Naval Reserve Pier property shall not be conveyed until the*
16 *Corporation enters into an agreement with the United*
17 *States, subject to the Commandant's design specifications,*
18 *project's schedule, and final project approval, to replace the*
19 *bulkhead and pier which connects to, and provides access*
20 *from, the bulkhead to the floating docks, at the Corpora-*
21 *tion's sole cost and expense, on the east side of the Naval*
22 *Reserve Pier property within 30 months from the date of*
23 *conveyance. The agreement to improve the Leased Premises*
24 *shall be executed within 12 months after the date of enact-*
25 *ment of this Act.*

1 (2) *In addition to the improvements described in para-*
2 *graph (1), the Commandant is authorized to further im-*
3 *prove the Leased Premises during the lease term, at the*
4 *United States sole cost and expense.*

5 (d) *UTILITY INSTALLATION AND MAINTENANCE OBLI-*
6 *GATIONS.—(1) The Naval Reserve Pier property shall not*
7 *be conveyed until the Corporation enters into an agreement*
8 *with the United States to allow the United States to operate*
9 *and maintain existing utility lines and related equipment,*
10 *at the United States sole cost and expense. At such time*
11 *as the Corporation constructs its proposed public aquarium,*
12 *the Corporation shall replace existing utility lines and re-*
13 *lated equipment and provide additional utility lines and*
14 *equipment capable of supporting a third 110-foot Coast*
15 *Guard cutter, with comparable, new, code compliant utility*
16 *lines and equipment at the Corporation's sole cost and ex-*
17 *pense, maintain such utility lines and related equipment*
18 *from an agreed upon demarcation point, and make such*
19 *utility lines and equipment available for use by the United*
20 *States, provided that the United States pays for its use of*
21 *utilities at its sole cost and expense. The agreement con-*
22 *cerning the operation and maintenance of utility lines and*
23 *equipment shall be executed within 12 months after the date*
24 *of enactment of this Act.*

1 (2) *The Naval Reserve Pier property shall not be con-*
2 *veyed until the Corporation enters into an agreement with*
3 *the United States to maintain, at the Corporation's sole cost*
4 *and expense, the bulkhead and pier on the east side of the*
5 *Naval Reserve Pier property. The agreement concerning the*
6 *maintenance of the bulkhead and pier shall be executed*
7 *within 12 months after the date of enactment of this Act.*

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

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

15 (1) *the Corporation shall not interfere or allow*
16 *interference, in any manner, with use of the Leased*
17 *Premises by the United States; and*

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

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

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

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

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

20 (1) *AID TO NAVIGATION.*—The term “aid to navi-
 21 *gation” means equipment used for navigational pur-*
 22 *poses, including but not limited to, a light, antenna,*
 23 *sound signal, electronic navigation equipment, cam-*
 24 *eras, sensors power source, or other related equipment*

1 *which are operated or maintained by the United*
 2 *States.*

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

6 **SEC. 503. TRANSFER OF COAST GUARD STATION SCITUATE**
 7 **TO THE NATIONAL OCEANIC AND ATMOS-**
 8 **PHERIC ADMINISTRATION.**

9 (a) *AUTHORITY TO TRANSFER.—*

10 (1) *IN GENERAL.—The Administrator of the*
 11 *General Services Administration (Administrator), in*
 12 *consultation with the Commandant, United States*
 13 *Coast Guard, may transfer, without consideration,*
 14 *administrative jurisdiction, custody and control over*
 15 *the Federal property, known as Coast Guard Station*
 16 *Scituate, to the National Oceanic and Atmospheric*
 17 *Administration (NOAA). Since the Federal agency*
 18 *actions necessary to effectuate the administrative*
 19 *transfer of the property will further the objectives of*
 20 *the National Environmental Policy Act of 1969, Pub-*
 21 *lic Law 91–190 (42 U.S.C. 4321 et seq.) and the Na-*
 22 *tional Historic Preservation Act of 1966, Public Law*
 23 *89–665 (16 U.S.C. 470 et seq.), procedures applicable*
 24 *to agency actions under these laws are unnecessary*
 25 *and shall not be required. Similarly, the Federal*

1 *agency actions necessary to effectuate the transfer of*
 2 *the property will not be subject to the Stewart B.*
 3 *McKinney Homeless Assistance Act, Public Law 100–*
 4 *77 (42 U.S.C. 11301 et seq.).*

5 (2) *IDENTIFICATION OF PROPERTY.—The Admin-*
 6 *istrator, in consultation with the Commandant, may*
 7 *identify, describe, and determine the property to be*
 8 *transferred under this subsection.*

9 (b) *TERMS OF TRANSFER.—The transfer of the prop-*
 10 *erty shall be made subject to any conditions and reserva-*
 11 *tions the Administrator and the Commandant consider nec-*
 12 *essary to ensure that—*

13 (1) *the transfer of the property to NOAA is con-*
 14 *tingent upon the relocation of Coast Guard Station*
 15 *Scituate to a suitable site;*

16 (2) *there is reserved to the Coast Guard the right*
 17 *to remove, relocate, or replace any aid to navigation*
 18 *located upon, or install any aid to navigation upon,*
 19 *the property transferred under this section as may be*
 20 *necessary for navigational purposes; and*

21 (3) *the Coast Guard shall have the right to enter*
 22 *the property transferred under this section at any*
 23 *time, without notice, for purposes of operating, main-*
 24 *taining, and inspecting any aid to navigation. The*

1 *transfer of the property shall be made subject to the*
 2 *review and acceptance of the property by NOAA.*

3 *(c) RELOCATION OF STATION SCITUATE.—The Coast*
 4 *Guard may lease land, including unimproved or vacant*
 5 *land, for a term not to exceed 20 years, for the purpose*
 6 *of relocating Coast Guard Station Scituate. The Coast*
 7 *Guard may improve the land leased under paragraph (1)*
 8 *of this subsection.*

9 **SEC. 504. HARBOR SAFETY COMMITTEES.**

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

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

15 *(2) organizational models that can be applied to*
 16 *new or existing harbor safety committees or to proto-*
 17 *type harbor safety committees established under sub-*
 18 *section (b);*

19 *(3) technological assistance that will help harbor*
 20 *safety committees overcome local impediments to safe-*
 21 *ty, mobility, environmental protection, and port secu-*
 22 *rity; and*

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

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

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

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

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

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

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

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

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

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

5 (3) *preempts State law.*

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

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

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

16 (2) *the membership of which includes representa-*
 17 *tives of government agencies, maritime labor and in-*
 18 *dustry organizations, environmental groups, and pub-*
 19 *lic interest groups.*

20 **SEC. 505. EXTENSION OF INTERIM AUTHORITY FOR DRY**
 21 **BULK CARGO RESIDUE DISPOSAL.**

22 Section 415(b)(2) of the Coast Guard Authorization
 23 Act of 1998 is amended by striking “2002.” and inserting
 24 “2003.”.

1 **SEC. 506. LIGHTHOUSE CONVEYANCE.**

2 *Notwithstanding any other provision of law, the con-*
 3 *veyance authorized by section 416(a)(1)(H) of Public Law*
 4 *105–383 shall take place within 3 months after the date*
 5 *of enactment of this Act. Notwithstanding the previous sen-*
 6 *tence, the conveyance shall be subject to subsections (a)(2),*
 7 *(a)(3), (b), and (c) of section 416 of Public Law 105–383.*

8 **SEC. 507. FORMER COAST GUARD PROPERTY IN TRAVERSE**
 9 **CITY, MICHIGAN.**

10 *Notwithstanding any other provision of law, and sub-*
 11 *ject to the availability of funds appropriated specifically*
 12 *for the project, the Coast Guard is authorized to transfer*
 13 *funds in an amount not to exceed \$200,000 and project*
 14 *management authority to the Traverse City Area Public*
 15 *School District for the purposes of demolition and removal*
 16 *of the structure commonly known as “Building 402” at*
 17 *former Coast Guard property located in Traverse City,*
 18 *Michigan, and associated site work. No such funds shall be*
 19 *transferred until the Coast Guard receives a detailed, fixed*
 20 *price estimate from the School District describing the na-*
 21 *ture and cost of the work to be performed, and the Coast*
 22 *Guard shall transfer only that amount of funds it and the*
 23 *School District consider necessary to complete the project.*

24 **SEC. 508. CONVEYANCE OF COAST GUARD PROPERTY IN**
 25 **MIDDLETOWN, CALIFORNIA.**

26 (a) *AUTHORITY TO CONVEY.—*

1 (1) *IN GENERAL.*—*The Administrator of General*
 2 *Services (in this section referred to as the “Adminis-*
 3 *trator”)* shall promptly convey to Lake County, Cali-
 4 *fornia (in this section referred to as the “County”),*
 5 *without consideration, all right, title, and interest of*
 6 *the United States (subject to subsection (c)) in and to*
 7 *the property described in subsection (b).*

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

12 (b) *PROPERTY DESCRIBED.*—

13 (1) *IN GENERAL.*—*The property referred to in*
 14 *subsection (a) is such portion of the Coast Guard*
 15 *Loran Station Middletown as has been reported to the*
 16 *General Services Administration to be excess prop-*
 17 *erty, consisting of approximately 733.43 acres, and is*
 18 *comprised of all or part of tracts A–101, A–102, A–*
 19 *104, A–105, A–106, A–107, A–108, and A–111.*

20 (2) *SURVEY.*—*The exact acreage and legal de-*
 21 *scription of the property conveyed under subsection*
 22 *(a), and any easements or rights-of-way reserved by*
 23 *the United States under subsection (c)(1), shall be de-*
 24 *termined by a survey satisfactory to the Adminis-*

1 *trator. The cost of the survey shall be borne by the*
2 *County.*

3 *(c) CONDITIONS.—*

4 *(1) IN GENERAL.—In making the conveyance*
5 *under subsection (a), the Administrator shall—*

6 *(A) reserve for the United States such exist-*
7 *ing rights-of-way for access and such easements*
8 *as are necessary for continued operation of the*
9 *loran station;*

10 *(B) preserve other existing easements for*
11 *public roads and highways, public utilities, irri-*
12 *gation ditches, railroads, and pipelines; and*

13 *(C) impose such other restrictions on use of*
14 *the property conveyed as are necessary to protect*
15 *the continued operation of the loran station.*

16 *(2) FIREBREAKS AND FENCE.—(A) The Adminis-*
17 *trator may not convey any property under this sec-*
18 *tion unless the County and the Commandant of the*
19 *Coast Guard enter into an agreement with the Ad-*
20 *ministrator under which the County is required, in*
21 *accordance with design specifications and mainte-*
22 *nance standards established by the Commandant—*

23 *(i) to establish and construct within 6*
24 *months after the date of the conveyance, and*

1 *thereafter to maintain, firebreaks on the property*
2 *to be conveyed; and*

3 *(ii) construct within 6 months after the date*
4 *of conveyance, and thereafter maintain, a fence*
5 *approved by the Commandant along the property*
6 *line between the property conveyed and adjoin-*
7 *ing Coast Guard property.*

8 *(B) The agreement shall require that—*

9 *(i) the County shall pay all costs of estab-*
10 *lishment, construction, and maintenance of*
11 *firebreaks under subparagraph (A)(i); and*

12 *(ii) the Commandant shall provide all ma-*
13 *terials needed to construct a fence under sub-*
14 *paragraph (A)(ii), and the County shall pay all*
15 *other costs of construction and maintenance of*
16 *the fence.*

17 *(3) COVENANTS APPURTENANT.—The Adminis-*
18 *trator shall take actions necessary to render the re-*
19 *quirement to establish, construct, and maintain*
20 *firebreaks and a fence under paragraph (2) and other*
21 *requirements and conditions under paragraph (1),*
22 *under the deed conveying the property to the County,*
23 *covenants that run with the land for the benefit of*
24 *land retained by the United States.*

1 (d) *REVERSIONARY INTEREST.*—*The real property*
 2 *conveyed pursuant to this section, at the option of the Ad-*
 3 *ministrator, shall revert to the United States and be placed*
 4 *under the administrative control of the Administrator, if—*

5 (1) *the County sells, conveys, assigns, exchanges,*
 6 *or encumbers the property conveyed or any part*
 7 *thereof;*

8 (2) *the County fails to maintain the property*
 9 *conveyed in a manner consistent with the terms and*
 10 *conditions in subsection (c);*

11 (3) *the County conducts any commercial activi-*
 12 *ties at the property conveyed, or any part thereof,*
 13 *without approval of the Secretary; or*

14 (4) *at least 30 days before the reversion, the Ad-*
 15 *ministrator provides written notice to the owner that*
 16 *the property or any part thereof is needed for na-*
 17 *tional security purposes.*

18 ***TITLE VI—JONES ACT WAIVERS***

19 ***SEC. 601. CERTIFICATES OF DOCUMENTATION.***

20 *Notwithstanding section 27 of the Merchant Marine*
 21 *Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June*
 22 *19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289),*
 23 *and sections 12106 and 12108 of title 46, United States*
 24 *Code, the Secretary of Transportation may issue a certifi-*

1 *cate of documentation with appropriate endorsement for*
 2 *employment in the coastwise trade for the following vessels:*

3 (1) *LOOKING GLASS, United States official*
 4 *number 925735.*

5 (2) *YANKEE, United States official number*
 6 *1076210.*

7 (3) *LUCKY DOG, of St. Petersburg, Florida,*
 8 *State of Florida registration number*
 9 *FLZP7569E373.*

10 (4) *ENTERPRIZE, United States official num-*
 11 *ber 1077571.*

12 (5) *M/V SANDPIPER, United States official*
 13 *number 1079439.*

14 (6) *FRITHA, United States official number*
 15 *1085943.*

16 (7) *PUFFIN, United States official number*
 17 *697029.*

18 **SEC. 602. CERTIFICATE OF DOCUMENTATION FOR THE**
 19 **EAGLE.**

20 *Notwithstanding section 27 of the Merchant Marine*
 21 *Act, 1920 (46 U.S.C. App. 883), chapter 121 of title 46,*
 22 *United States Code, and section 1 of the Act of May 28,*
 23 *1906 (46 U.S.C. App. 292), the Secretary of Transportation*
 24 *shall issue a certificate of documentation with appropriate*
 25 *endorsement for employment in the coastwise trade for the*

1 vessel *EAGLE*, hull number BK—1754, United States offi-
 2 cial number 1091389 if the vessel is—

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

5 (2) if chartered, is chartered to a State, a polit-
 6 ical subdivision of a State, or a public authority
 7 chartered by a State;

8 (3) is operated only in conjunction with—

9 (A) scour jet operations; or

10 (B) dredging services adjacent to facilities
 11 owned by the State, political subdivision, or pub-
 12 lic authority; and

13 (4) is externally identified clearly as a vessel of
 14 that State, subdivision or authority.

15 ***TITLE VII—CERTAIN ALASKAN*** 16 ***CRUISE SHIP OPERATIONS***

17 ***SEC. 701. DISCHARGE OF UNTREATED SEWAGE.***

18 *A cruise vessel operating in the waters of the Alexander*
 19 *Archipelago shall not discharge any untreated sewage.*

20 ***SEC. 702. DISCHARGE OF TREATED SEWAGE.***

21 (a) *LIMIT ON DISCHARGES OF TREATED SEWAGE.—*

22 *A cruise vessel operating in the waters of the Alexander Ar-*
 23 *chipelago shall not discharge any treated sewage unless the*
 24 *cruise vessel is underway and is proceeding at not less than*
 25 *4 knots.*

1 (b) *SUPPLEMENTAL RULEMAKING ON TREATED SEW-*
 2 *AGE DISCHARGE.*—*Additional regulations governing the*
 3 *discharge of treated sewage may be promulgated taking into*
 4 *consideration any studies conducted by any agency of the*
 5 *United States, and recommendations made by the Cruise*
 6 *Ship Waste Disposal and Management Executive Steering*
 7 *Committee convened by the Alaska Department of Environ-*
 8 *mental Conservation.*

9 **SEC. 703. DISCHARGES OF GRAYWATER.**

10 (a) *LIMIT ON DISCHARGES OF GRAYWATER.*—*A cruise*
 11 *vessel operating in the waters of the Alexander Archipelago*
 12 *shall not discharge any graywater unless—*

13 (1) *the cruise vessel is underway and is pro-*
 14 *ceeding at not less than 4 knots; and*

15 (2) *the cruise vessel's graywater system is tested*
 16 *on a frequency prescribed by the Secretary to verify*
 17 *that discharges of graywater do not contain chemicals*
 18 *used in the operation of the vessel (including photo-*
 19 *graphic chemicals or dry cleaning solvents) present in*
 20 *an amount that would constitute a hazardous waste*
 21 *under part 261 of title 40, Code of Federal Regula-*
 22 *tions (or any successor regulation).*

23 (b) *SUPPLEMENTAL RULEMAKING ON GRAYWATER*
 24 *DISCHARGES.*—*Additional regulations governing the dis-*
 25 *charge of graywater may be promulgated after taking into*

1 *consideration any studies conducted by any agency of the*
 2 *United States, and recommendations made by the Cruise*
 3 *Ship Waste Disposal and Management Executive Steering*
 4 *Committee convened by the Alaska Department of Environ-*
 5 *mental Conservation.*

6 **SEC. 704. INSPECTION REGIME.**

7 (a) *IN GENERAL.*—*The Secretary shall incorporate*
 8 *into the commercial vessel examination program an inspec-*
 9 *tion regime sufficient to verify that cruise vessels operating*
 10 *in the waters of the Alexander Archipelago are in full com-*
 11 *pliance with this title and any regulations issued there-*
 12 *under, the Federal Water Pollution Control Act (33 U.S.C.*
 13 *1251 et seq.), other applicable Federal laws and regulations,*
 14 *and all applicable international treaty requirements.*

15 (b) *MATTERS TO BE EXAMINED.*—*The inspection*
 16 *regime—*

17 (1) *shall include—*

18 (A) *examination of environmental compli-*
 19 *ance records and procedures; and*

20 (B) *inspection of the functionality and*
 21 *proper operation of installed equipment for pol-*
 22 *lution abatement and controls; and*

23 (2) *may include unannounced inspections of any*
 24 *aspect of cruise vessel operations or equipment perti-*

1 *ment to the verification under subsection (a) of this*
2 *section.*

3 **SEC. 705. STUDIES.**

4 *Any agency of the United States undertaking a study*
5 *of the environmental impact of cruise vessel discharges of*
6 *sewage, treated sewage or graywater shall ensure that cruise*
7 *vessel operators, other United States agencies with jurisdic-*
8 *tion over cruise vessel operations, and affected coastal State*
9 *governments are provided an opportunity to review and*
10 *comment on such study prior to publication of the study,*
11 *and shall ensure that such study, if used as a basis for a*
12 *rulemaking governing the discharge or treatment of sewage,*
13 *treated sewage or graywater by cruise vessels, is subjected*
14 *to a scientific peer review process prior to the publication*
15 *of the proposed rule.*

16 **SEC. 706. CRIMINAL PENALTIES.**

17 *A person who knowingly violates section 701, 702(a),*
18 *or 703(a), or any regulation promulgated pursuant to sec-*
19 *tion 702(b) or 703(b), commits a class D felony. In the dis-*
20 *cretion of the Court, an amount equal to not more than*
21 *one-half of such fine may be paid to the person giving infor-*
22 *mation leading to conviction.*

23 **SEC. 707. CIVIL PENALTIES.**

24 *(a) IN GENERAL.—A person who is found by the Sec-*
25 *retary, after notice and an opportunity for a hearing, to*

1 *have violated section 701, 702(a), or 703(a), or any regula-*
2 *tion promulgated pursuant to section 702(b) or 703(b),*
3 *shall be liable to the United States for a civil penalty, not*
4 *to exceed \$25,000 for each violation. Each day of a con-*
5 *tinuing violation shall constitute a separate violation. The*
6 *amount of the civil penalty shall be assessed by the Sec-*
7 *retary, or his designee, by written notice. In determining*
8 *the amount of the penalty, the Secretary shall take into ac-*
9 *count the nature, circumstances, extent, and gravity of the*
10 *prohibited acts committed and, with respect to the violator,*
11 *the degree of culpability, any history of prior offenses, abil-*
12 *ity to pay, and other matters as justice may require. An*
13 *amount equal to not more than one-half of such penalties*
14 *may be paid by the Secretary to the person giving informa-*
15 *tion leading to the assessment of such penalties.*

16 **(b) ABATEMENT OF CIVIL PENALTIES; COLLECTION BY**
17 **ATTORNEY GENERAL.**—*The Secretary may compromise,*
18 *modify or remit, with or without conditions, any civil pen-*
19 *alty which is subject to assessment or which has been as-*
20 *essed under this section. If any person fails to pay an as-*
21 *essment of a civil penalty after it has become final, the*
22 *Secretary may refer the matter to the Attorney General of*
23 *the United States for collection in any appropriate district*
24 *court of the United States.*

1 **SEC. 708. LIABILITY IN REM; DISTRICT COURT JURISDIC-**
 2 **TION.**

3 *A vessel operated in violation of this title is liable in*
 4 *rem for any fine imposed under section 706 or civil penalty*
 5 *assessed under section 707, and may be proceeded against*
 6 *in the United States district court of any district in which*
 7 *the vessel may be found.*

8 **SEC. 709. VESSEL CLEARANCE OR PERMITS; REFUSAL OR**
 9 **REVOCATION; BOND OR OTHER SURETY.**

10 *If any vessel subject to this title, its owner, operator,*
 11 *or person in charge is liable for a fine or civil penalty under*
 12 *this title, or if reasonable cause exists to believe that the*
 13 *vessel, its owner, operator, or person in charge may be sub-*
 14 *ject to a fine or a civil penalty under this title, the Sec-*
 15 *retary of the Treasury, upon the request of the Secretary,*
 16 *shall refuse or revoke the clearance required by section 4197*
 17 *of the Revised Statutes of the United States (46 U.S.C. App.*
 18 *91). Clearance may be granted upon the filing of a bond*
 19 *or other surety satisfactory to the Secretary.*

20 **SEC. 710. REGULATIONS.**

21 *The Secretary shall prescribe any regulations nec-*
 22 *essary to carry out the provisions of this title.*

23 **SEC. 711. DEFINITIONS.**

24 *In this title:*

25 (1) **WATERS OF THE ALEXANDER ARCHI-**
 26 **PELAGO.**—*The term “waters of the Alexander Archi-*

1 *pelago*” means all waters under the jurisdiction of the
 2 United States within Southeast Alaska and contained
 3 within an area defined by a line beginning at Cape
 4 Spencer Light and extending due south to Latitude
 5 58°07’15” North, Longitude 136°38’15” West; thence
 6 along a line 3 nautical miles seaward of the terri-
 7 torial sea baseline to a point at the maritime border
 8 between the United States and Canada at Latitude
 9 54°41’15” North, Longitude 130°53’00” West; thence
 10 following that border to Mount Fairweather; thence
 11 returning to Cape Spencer Light.

12 (2) *CRUISE VESSEL*.—

13 (A) *IN GENERAL*.—The term “cruise vessel”
 14 means a commercial passenger vessel of greater
 15 than 10,000 gross tons, as measured under chap-
 16 ter 143 of title 46, United States Code, that does
 17 not regularly carry vehicles or other cargo.

18 (B) *EXCLUSIONS*.—The term “cruise vessel”
 19 does not include a vessel operated by the Federal
 20 Government or the government of a State.

21 (3) *GRAYWATER*.—

22 (A) *IN GENERAL*.—The term “graywater”
 23 means drainage from a dishwasher, shower,
 24 laundry, bath, washbasin, or drinking fountain.

1 (B) *EXCLUSIONS.*—*The term “graywater”*
2 *does not include drainage from a toilet, urinal,*
3 *hospital, cargo or machinery space.*

4 (4) *SECRETARY.*—*The term “Secretary” means*
5 *the Secretary of the department in which the Coast*
6 *Guard is operating.*

7 (5) *SEWAGE.*—*The term “sewage” means human*
8 *body wastes and the wastes from toilets and other re-*
9 *ceptacles intended to receive or retain body waste.*

10 (6) *TREATED SEWAGE.*—*The term “treated sew-*
11 *age” means sewage processed through a properly oper-*
12 *ating and approved marine sanitation device meeting*
13 *applicable regulatory standards and requirements.*

Attest:

Secretary.

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H. R. 820

AMENDMENT

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