

## Calendar No. 567

106TH CONGRESS  
2D SESSION**S. 1089****[Report No. 106-300]**

To authorize appropriations for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 20, 1999

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

MAY 23, 2000

Reported by Mr. McCAIN, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

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**A BILL**

To authorize appropriations for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Coast Guard Author-  
5       ization Act of 1999”.

★(Star Print)

# **TITLE I—AUTHORIZATION**

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

### **(a) AUTHORIZATION FOR FISCAL YEAR 2000.—**

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2000, as follows:

(1) For the operation and maintenance of the Coast Guard, \$2,941,039,000, of which \$334,000,000 shall be available for defense-related activities and of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$350,326,000, to remain available until expended, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and de-

1       fense readiness, \$21,709,000, 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 Ben-  
8       efit Plans, and payments for medical care of retired  
9       personnel and their dependents under chapter 55 of  
10      title 10, United States Code, such sums as may be  
11      necessary, 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), \$19,500,000, to remain available until ex-  
16      pended.

17          (6) For alteration or removal of bridges over  
18      navigable waters of the United States constituting  
19      obstructions to navigation, and for personnel and  
20      administrative costs associated with the Bridge Al-  
21      teration Program, \$26,000,000, to remain available  
22      until expended.

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

1           (1) For the operation and maintenance of the  
2           Coast Guard, \$2,941,039,000, of which \$25,000,000  
3           shall be derived from the Oil Spill Liability Trust  
4           Fund.

5           (2) For the acquisition, construction, rebuild-  
6           ing, and improvement of aids to navigation, shore  
7           and offshore facilities, vessels, and aircraft, includ-  
8           ing equipment related thereto, \$350,326,000, to re-  
9           main available until expended, of which \$20,000,000  
10          shall be derived from the Oil Spill Liability Trust  
11          Fund to carry out the purposes of section  
12          1012(a)(5) of the Oil Pollution Act of 1990.

13          (3) For research, development, test, and evalua-  
14          tion of technologies, materials, and human factors  
15          directly relating to improving the performance of the  
16          Coast Guard's mission in support of search and res-  
17          cue, aids to navigation, marine safety, marine envi-  
18          ronmental protection, enforcement of laws and trea-  
19          ties, ice operations, oceanographic research, and de-  
20          fense readiness, \$21,709,000, to remain available  
21          until expended, of which \$3,500,000 shall be derived  
22          from the Oil Spill Liability Trust Fund.

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

Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$19,500,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$26,000,000, to remain available until expended.

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

(a) **END-OF-YEAR STRENGTH FOR FISCAL YEAR 2000.**—The Coast Guard is authorized an end-of-year strength for active duty personnel of 36,350 as of September 30, 2000.

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

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

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

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

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

7       (c) ~~END-OF-YEAR STRENGTH FOR FISCAL YEAR~~  
8       2001.—The Coast Guard is authorized an end-of-year  
9       strength for active duty personnel of ~~36,350~~ as of Sep-  
10      tember ~~30~~, 2001.

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

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

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

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

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

## 20           **TITLE II—PERSONNEL**

## 21           **MANAGEMENT**

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

23       Section ~~336~~(d) of title 14, United States Code, is  
24      amended by striking “commander” and inserting “cap-  
25      tain”.

1 **SEC. 202. COAST GUARD RESERVE SPECIAL PAY.**

2 Section 308d(a) of title 37, United States Code, is  
 3 amended by inserting “or the Secretary of the Department  
 4 in which the Coast Guard is operating” after “Secretary  
 5 of Defense”.

6 **SEC. 203. COAST GUARD MEMBERSHIP ON THE USO BOARD**  
 7 **OF GOVERNORS.**

8 Section 1305(b) of title 36, United States Code, is  
 9 amended by redesignating paragraph (3) as paragraph (4)  
 10 and inserting after paragraph (2) the following:

11 “(3) The Secretary of Transportation, or the  
 12 Secretary’s designee, when the Coast Guard is not  
 13 operating under the Department of the Navy.”

14 **SEC. 204. COMPENSATORY ABSENCE FOR ISOLATED DUTY.**

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

17 **“SEC. 511. COMPENSATORY ABSENCE FROM DUTY FOR**  
 18 **MILITARY PERSONNEL AT ISOLATED DUTY**  
 19 **STATIONS**

20 “The Secretary may prescribe regulations to grant  
 21 compensatory absence from duty to military personnel of  
 22 the Coast Guard serving at isolated duty stations of the  
 23 Coast Guard when conditions of duty result in confine-  
 24 ment because of isolation or in long periods of continuous  
 25 duty.”

1       (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of chapter 13 of title 14, United States  
 3 Code, is amended to read as follows:

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

4 **SEC. 205. ACCELERATED PROMOTION OF CERTAIN COAST**  
 5 **GUARD OFFICERS.**

6 Title 14, United States Code, is amended—

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

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



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

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

### 13           **TITLE III—MARINE SAFETY**

#### 14   **SEC. 301. EXTENSION OF TERRITORIAL SEA FOR VESSEL** 15           **BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.**

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

1 **SEC. 302. REPORT ON ICEBREAKING SERVICES.**

2 (a) **REPORT.**—Not later than 9 months after the date  
3 of enactment of this Act, the Commandant of the Coast  
4 Guard shall submit to the Committee on Commerce,  
5 Science, and Transportation of the Senate, and the Com-  
6 mittee on Transportation and Infrastructure of the House,  
7 a report on the use of WYTL-class harbor tugs. The re-  
8 port shall include an analysis of the use of such vessels  
9 to perform icebreaking services; the degree to which, if  
10 any, the decommissioning of each such vessel would result  
11 in a degradation of current icebreaking services; and in  
12 the event that the decommissioning of any such vessel  
13 would result in a significant degradation of icebreaking  
14 services, recommendations to remediate such degradation.

15 (b) **9-MONTH WAITING PERIOD.**—The Commandant  
16 of the Coast Guard shall not plan, implement or finalize  
17 any regulation or take any other action which would result  
18 in the decommissioning of any WYTL-class harbor tugs  
19 until 9 months after the date of the submission of the re-  
20 port required by subsection (a) of this section.

21 **SEC. 303. OIL SPILL LIABILITY TRUST FUND ANNUAL RE-**  
22 **PORT.**

23 (a) **IN GENERAL.**—The report regarding the Oil Spill  
24 Liability Trust Fund required by the Conference Report  
25 (House Report 101–892) accompanying the Department  
26 of Transportation and Related Agencies Appropriations

1 Act, 1991, as that requirement was amended by section  
 2 1122 of the Federal Reports Elimination and Sunset Act  
 3 of 1995 (26 U.S.C. 9509 note), shall no longer be sub-  
 4 mitted to Congress.

5 (b) REPEAL.—Section 1122 of the Federal Reports  
 6 Elimination and Sunset Act of 1995 (26 U.S.C. 9509  
 7 note) is amended by—

8 (1) striking subsection (a); and

9 (2) striking “(b) REPORT ON JOINT FEDERAL  
 10 AND STATE MOTOR FUEL TAX COMPLIANCE  
 11 PROJECT.—”.

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

14 Section 6002(b) of the Oil Pollution Act of 1990 (33  
 15 U.S.C. 2752(b)) is amended after the first sentence by  
 16 inserting “To the extent that such amount is not adequate  
 17 for removal of a discharge or the mitigation or prevention  
 18 of a substantial threat of a discharge, the Coast Guard  
 19 may borrow from the Fund such sums as may be nec-  
 20 essary, up to a maximum of \$100,000,000, and within 30  
 21 days shall notify Congress of the amount borrowed and  
 22 the facts and circumstances necessitating the loan.  
 23 Amounts borrowed shall be repaid to the Fund when, and  
 24 to the extent that removal costs are recovered by the Coast

1 Guard from responsible parties for the discharge or sub-  
 2 stantial threat of discharge.”.

3 **SECTION 1. SHORT TITLE.**

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

6 **TITLE I—AUTHORIZATION**

7 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

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

11 *(1) For the operation and maintenance of the*  
 12 *Coast Guard, \$2,781,000,000, of which \$300,000,000*  
 13 *shall be available for defense-related activities and of*  
 14 *which \$25,000,000 shall be derived from the Oil Spill*  
 15 *Liability Trust Fund.*

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

24 *(3) For research, development, test, and evalua-*  
 25 *tion of technologies, materials, and human factors di-*

1 *rectly relating to improving the performance of the*  
2 *Coast Guard's mission in support of search and res-*  
3 *cue, aids to navigation, marine safety, marine envi-*  
4 *ronmental protection, enforcement of laws and trea-*  
5 *ties, ice operations, oceanographic research, and de-*  
6 *fense readiness, \$19,000,000, to remain available*  
7 *until expended, of which \$3,500,000 shall be derived*  
8 *from the Oil Spill Liability Trust Fund.*

9 *(4) For retired pay (including the payment of*  
10 *obligations otherwise chargeable to lapsed appropria-*  
11 *tions for this purpose), payments under the Retired*  
12 *Serviceman's Family Protection and Survivor Benefit*  
13 *Plans, and payments for medical care of retired per-*  
14 *sonnel and their dependents under chapter 55 of title*  
15 *10, United States Code, such sums as may be nec-*  
16 *essary, to remain available until expended.*

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

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

1        *ation Program, \$15,000,000, to remain available*  
2        *until expended.*

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

6            *(1) For the operation and maintenance of the*  
7        *Coast Guard, \$3,199,000,000, of which \$25,000,000*  
8        *shall be derived from the Oil Spill Liability Trust*  
9        *Fund.*

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

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

1        *ronmental protection, enforcement of laws and trea-*  
2        *ties, ice operations, oceanographic research, and de-*  
3        *fense readiness, \$21,320,000, to remain available*  
4        *until expended, of which \$3,500,000 shall be derived*  
5        *from the Oil Spill Liability Trust Fund.*

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

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

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

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

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

9       (a) *END-OF-YEAR STRENGTH FOR FISCAL YEAR*  
 10   *2000.—The Coast Guard is authorized an end-of-year*  
 11   *strength for active duty personnel of 40,000 as of September*  
 12   *30, 2000.*

13       (b) *TRAINING STUDENT LOADS FOR FISCAL YEAR*  
 14   *2000.—For each of fiscal years 2000 and 2001, the Coast*  
 15   *Guard is authorized average military training student*  
 16   *loads as follows:*

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

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

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

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

23       (c) *END-OF-YEAR STRENGTH FOR FISCAL YEAR*  
 24   *2001.—The Coast Guard is authorized an end-of-year*



1 *strength for active duty personnel of 44,000 as of September*  
 2 *30, 2001.*

3 (d) *TRAINING STUDENT LOADS FOR FISCAL YEAR*  
 4 *2001.—For fiscal year 2001, the Coast Guard is authorized*  
 5 *average military training student loads as follows:*

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

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

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

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

12 (e) *END-OF-THE-YEAR STRENGTH FOR FISCAL YEAR*  
 13 *2002.—The Coast Guard is authorized an end-of-year*  
 14 *strength of active duty personnel of 45,500 as of September*  
 15 *30, 2002.*

16 (f) *TRAINING STUDENT LOADS FOR FISCAL YEAR*  
 17 *2002.—For fiscal year 2002, the Coast Guard is authorized*  
 18 *average military training student loads as follows:*

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

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

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

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

1 **SEC. 103. LORAN-C.**

2       (a) *FISCAL YEAR 2001.*—*There are authorized to be*  
3 *appropriated to the Department of Transportation, in ad-*  
4 *dition to funds authorized for the Coast Guard for operation*  
5 *of the LORAN-C system, for capital expenses related to*  
6 *LORAN-C navigation infrastructure, \$20,000,000 for fiscal*  
7 *year 2001. The Secretary of Transportation may transfer*  
8 *from the Federal Aviation Administration and other agen-*  
9 *cies of the department funds appropriated as authorized*  
10 *under this section in order to reimburse the Coast Guard*  
11 *for related expenses.*

12       (b) *FISCAL YEAR 2002.*—*There are authorized to be*  
13 *appropriated to the Department of Transportation, in ad-*  
14 *dition to funds authorized for the Coast Guard for operation*  
15 *of the LORAN-C system, for capital expenses related to*  
16 *LORAN-C navigation infrastructure, \$40,000,000 for fiscal*  
17 *year 2002. The Secretary of Transportation may transfer*  
18 *from the Federal Aviation Administration and other agen-*  
19 *cies of the department funds appropriated as authorized*  
20 *under this section in order to reimburse the Coast Guard*  
21 *for related expenses.*

22 **SEC. 104. PATROL CRAFT.**

23       (a) *TRANSFER OF CRAFT FROM DOD.*—*Notwith-*  
24 *standing any other provision of law, the Secretary of Trans-*  
25 *portation may accept, by direct transfer without cost, for*  
26 *use by the Coast Guard primarily for expanded drug inter-*

1 *diction activities required to meet national supply reduc-*  
 2 *tion performance goals, up to 7 PC-170 patrol craft from*  
 3 *the Department of Defense if it offers to transfer such craft.*

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

## 11 ***TITLE II—PERSONNEL*** 12 ***MANAGEMENT***

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

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

### 17 ***SEC. 202. COAST GUARD MEMBERSHIP ON THE USO BOARD*** 18 ***OF GOVERNORS.***

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

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

23 *(2) by redesignating subparagraph (C) as sub-*  
 24 *paragraph (D); and*

1           (3) by inserting after subparagraph (B) the fol-  
 2       lowing:

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

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

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

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

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

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

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

21    **SEC. 204. ACCELERATED PROMOTION OF CERTAIN COAST**  
 22       **GUARD OFFICERS.**

23       Title 14, United States Code, is amended—

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

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

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

23          (3) in section 271(a), by inserting at the end  
24          thereof the following: “The names of all officers ap-  
25          proved by the President and recommended by the

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

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

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

8   **“§ 193. Board of Trustees.**

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

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

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

1 tently in the Government service are allowed expenses under  
2 section 5703 of title 5.

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

6 (b) *CONFORMING AMENDMENTS.*—

7 (1) *Section 194(a) of title 14, United States*  
8 *Code, is amended by striking “Advisory Committee”*  
9 *and inserting “Board of Trustees”.*

10 (2) *The chapter analysis for chapter 9 of title 14,*  
11 *United States Code, is amended by striking the item*  
12 *relating to section 193, and inserting the following:*

“193. *Board of Trustees*”.

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

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

18 **SEC. 207. SUSPENSION OF RETIRED PAY OF COAST GUARD**  
19 **MEMBERS WHO ARE ABSENT FROM THE**  
20 **UNITED STATES TO AVOID PROSECUTION.**

21 *Procedures promulgated by the Secretary of Defense*  
22 *under section 633(a) of the National Defense Authorization*  
23 *Act for Fiscal Year 1997 (Public Law 104–201) shall apply*  
24 *to the Coast Guard. The Commandant of the Coast Guard*  
25 *shall be considered a Secretary of a military department*

1 *for purposes of suspending pay under section 633 of that*  
 2 *Act.*

### 3 ***TITLE III—MARINE SAFETY***

#### 4 ***SEC. 301. EXTENSION OF TERRITORIAL SEA FOR VESSEL*** 5 ***BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.***

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

#### 13 ***SEC. 302. REPORT ON ICEBREAKING SERVICES.***

14 *(a) REPORT.—Not later than 9 months after the date*  
 15 *of enactment of this Act, the Commandant of the Coast*  
 16 *Guard shall submit to the Committee on Commerce,*  
 17 *Science, and Transportation of the Senate, and the Com-*  
 18 *mittee on Transportation and Infrastructure of the House,*  
 19 *a report on the use of WYTL-class harbor tugs. The report*  
 20 *shall include an analysis of the use of such vessels to per-*  
 21 *form icebreaking services; the degree to which, if any, the*  
 22 *decommissioning of each such vessel would result in a deg-*  
 23 *radation of current icebreaking services; and in the event*  
 24 *that the decommissioning of any such vessel would result*



1 *in a significant degradation of icebreaking services, rec-*  
 2 *ommendations to remediate such degradation.*

3 *(b) 9-MONTH WAITING PERIOD.—The Commandant of*  
 4 *the Coast Guard shall not plan, implement or finalize any*  
 5 *regulation or take any other action which would result in*  
 6 *the decommissioning of any WYTL-class harbor tugs until*  
 7 *9 months after the date of the submission of the report re-*  
 8 *quired by subsection (a) of this section.*

9 **SEC. 303. OIL SPILL LIABILITY TRUST FUND ANNUAL RE-**  
 10 **PORT.**

11 *(a) IN GENERAL.—The report regarding the Oil Spill*  
 12 *Liability Trust Fund required by the Conference Report*  
 13 *(House Report 101–892) accompanying the Department of*  
 14 *Transportation and Related Agencies Appropriations Act,*  
 15 *1991, as that requirement was amended by section 1122 of*  
 16 *the Federal Reports Elimination and Sunset Act of 1995*  
 17 *(26 U.S.C. 9509 note), shall no longer be submitted to Con-*  
 18 *gress.*

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

22 *(1) striking subsection (a); and*

23 *(2) striking “(b) REPORT ON JOINT FEDERAL*  
 24 *AND STATE MOTOR FUEL TAX COMPLIANCE*  
 25 *PROJECT.—”.*

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

3 *Section 6002(b) of the Oil Pollution Act of 1990 (33*  
 4 *U.S.C. 2752(b)) is amended after the first sentence by in-*  
 5 *serting “To the extent that such amount is not adequate*  
 6 *for removal of a discharge or the mitigation or prevention*  
 7 *of a substantial threat of a discharge, the Coast Guard may*  
 8 *borrow from the Fund such sums as may be necessary, up*  
 9 *to a maximum of \$100,000,000, and within 30 days shall*  
 10 *notify Congress of the amount borrowed and the facts and*  
 11 *circumstances necessitating the loan. Amounts borrowed*  
 12 *shall be repaid to the Fund when, and to the extent that*  
 13 *removal costs are recovered by the Coast Guard from re-*  
 14 *sponsible parties for the discharge or substantial threat of*  
 15 *discharge.”.*

16 **SEC. 305. MERCHANT MARINER DOCUMENT REQUIRE-**  
 17 **MENTS.**

18 *Section 8701(a) of title 46, United States Code, is*  
 19 *amended—*

20 *(1) by striking “and” at the end of paragraph*  
 21 *(8);*

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

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

“(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed as gaming personnel, entertainment personnel, wait staff, or other service personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo, or passengers; and”.

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

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

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

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

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

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

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

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

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

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

15 *SEC. 402. HOUSTON-GALVESTON NAVIGATION SAFETY ADVI-*  
16 *SORY COMMITTEE.*

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

(2) by striking “Committee” in the third sentence of subsection (a)(1) and inserting “Committee, through the Commandant,”;

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

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

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

8           Section 19 of the Coast Guard Authorization Act of  
 9           1991 (Public Law 102–241) is amended—

10           (1) by striking “operating (hereinafter in this  
 11           part referred to as the ‘Secretary’)” in the second sen-  
 12           tence of subsection (a)(1) and inserting “operating,  
 13           through the Commandant of the Coast Guard,”;

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

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

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

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

22           (1) by striking “Secretary” in subsection (a)(1)  
 23           and inserting “Secretary, through the Commandant  
 24           of the Coast Guard,”;

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

3           (3) by striking the last sentence of subsection  
4           (c)(2);

5           (4) by striking “Committee” in subsection (d)(1)  
6           and inserting “Committee, through the Com-  
7           mandant,”;

8           (5) by striking “Secretary” in subsection (d)(2)  
9           and inserting “Secretary, through the Commandant,”;  
10          and

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

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

14          Section 5 of the Inland Navigational Rules Act of 1980  
15          (33 U.S.C. 2073) is amended—

16               (1) by striking “Secretary” in the first sentence  
17               of subsection (b) and inserting “Secretary, through  
18               the Commandant of the Coast Guard,”;

19               (2) by striking “Secretary” in the third sentence  
20               of subsection (b) and inserting “Commandant”; and

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

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

24          Section 13110 of title 46, United States Code, is  
25          amended—

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

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

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

7           *The Act entitled An Act to Establish a Towing Safety*  
 8           *Advisory Committee in the Department of Transportation*  
 9           *(33 U.S.C. 1231a) is amended—*

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

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

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

19           (4) *by striking “Secretary,” in the fourth sen-*  
 20           *tence of subsection (c) and inserting “Commandant,”;*  
 21           *and*

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

1       ***TITLE V—MISCELLANEOUS***

2       ***SEC. 501. COAST GUARD REPORT ON IMPLEMENTATION OF***  
 3               ***NTSB RECOMMENDATIONS.***

4       *The Commandant of the United States Coast Guard*  
 5       *shall submit a written report to the Committee on Com-*  
 6       *merce, Science, and Transportation within 90 days after*  
 7       *the date of enactment of this Act on what actions the Coast*  
 8       *Guard has taken to implement the recommendations of the*  
 9       *National Transportation Safety Board in its Report No.*  
 10       *MAR-99-01. The report—*

11               *(1) shall describe in detail, by geographic*  
 12       *region—*

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

15                       *(B) what progress the Coast Guard has*  
 16       *made in installing direction-finding systems;*  
 17       *and*

18                       *(C) what progress the Coast Guard has*  
 19       *made toward completing its national distress*  
 20       *and response system modernization project; and*

21               *(2) include an assessment of the safety benefits*  
 22       *that might reasonably be expected to result from in-*  
 23       *creased or accelerated funding for—*

24                       *(A) measures described in paragraph*  
 25       *(1)(A); and*



1                   (B) the national distress and response sys-  
 2                   tem modernization project.

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

5           (a) *AUTHORITY TO CONVEY.*—

6                   (1) *IN GENERAL.*—*The Administrator of the*  
 7                   *General Services Administration may convey to the*  
 8                   *Gulf of Maine Aquarium Development Corporation,*  
 9                   *its successors and assigns, without payment for con-*  
 10                   *sideration, all right, title, and interest of the United*  
 11                   *States of America in and to approximately 4.13 acres*  
 12                   *of land, including a pier and bulkhead, known as the*  
 13                   *Naval Reserve Pier property, together with any im-*  
 14                   *provements thereon in their then current condition,*  
 15                   *located in Portland, Maine. All conditions placed*  
 16                   *with the deed of title shall be construed as covenants*  
 17                   *running with the land. Since the Federal agency ac-*  
 18                   *tions necessary to effectuate the transfer of the Naval*  
 19                   *Reserve Pier property will further the objectives of the*  
 20                   *National Environmental Policy Act of 1969 (42*  
 21                   *U.S.C. 4321 et seq.) and the National Historic Preser-*  
 22                   *vation Act of 1966 (16 U.S.C. 470 et seq.), require-*  
 23                   *ments applicable to agency actions under these and*  
 24                   *other environmental planning laws are unnecessary*  
 25                   *and shall not be required. The provisions of the Stew-*

1 *art B. McKinney Homeless Assistance Act (42 U.S.C.*  
2 *11301 et seq.) shall not apply to any building or*  
3 *property at the Naval Reserve Pier property.*

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

11 (b) *LEASE TO THE UNITED STATES.—*

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

22 (2) *The Administrator, in consultation with the*  
23 *Commandant, may identify and describe the Leased*  
24 *Premises and rights of access including, but not lim-*  
25 *ited to, those listed below, in order to allow the*

1       *United States Coast Guard to operate and perform*  
2       *missions, from and upon the Leased Premises:*

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

10              *(B) the right to berth United States Coast*  
11       *Guard cutters or other vessels as required, in the*  
12       *moorings along the east side of the Naval Reserve*  
13       *Pier property, and the right to attach floating*  
14       *docks which shall be owned and maintained at*  
15       *the United States' sole cost and expense;*

16              *(C) the right to operate, maintain, remove,*  
17       *relocate, or replace an aid to navigation located*  
18       *upon, or to install any aid to navigation upon,*  
19       *the Naval Reserve Pier property as the Coast*  
20       *Guard, in its sole discretion, may determine is*  
21       *needed for navigational purposes;*

22              *(D) the right to occupy up to 3,000 gross*  
23       *square feet at the Naval Reserve Pier Property*  
24       *for storage and office space, which will be pro-*  
25       *vided and constructed by the Corporation, at the*

1        *Corporation's sole cost and expense, and which*  
2        *will be maintained, and utilities and other oper-*  
3        *ating expenses paid for, by the United States at*  
4        *its sole cost and expense;*

5            *(E) the right to occupy up to 1200 gross*  
6        *square feet of offsite storage in a location other*  
7        *than the Naval Reserve Pier Property, which*  
8        *will be provided by the Corporation at the Cor-*  
9        *poration's sole cost and expense, and which will*  
10       *be maintained, and utilities and other operating*  
11       *expenses paid for, by the United States at its sole*  
12       *cost and expense; and*

13           *(F) the right for United States Coast Guard*  
14       *personnel to park up to 60 vehicles, at no ex-*  
15       *pense to the government, in the Corporation's*  
16       *parking spaces on the Naval Reserve Pier prop-*  
17       *erty or in parking spaces that the Corporation*  
18       *may secure within 1,000 feet of the Naval Re-*  
19       *serve Pier property or within 1,000 feet of the*  
20       *Coast Guard Marine Safety Office Portland.*  
21       *Spaces for no less than thirty vehicles shall be lo-*  
22       *cated on the Naval Reserve Pier property.*

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

1           (4) *The United States may not sublease the*  
2           *Leased Premises to a third party or use the Leased*  
3           *Premises for purposes other than fulfilling the mis-*  
4           *sions of the United States Coast Guard and for other*  
5           *mission related activities.*

6           (5) *In the event that the United States Coast*  
7           *Guard ceases to use the Leased Premises, the Admin-*  
8           *istrator, in consultation with the Commandant, may*  
9           *terminate the lease with the Corporation.*

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

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

23           (2) *In addition to the improvements described in*  
24           *paragraph (1), the Commandant is authorized to fur-*

1        *ther improve the Leased Premises during the lease*  
2        *term, at the United States' sole cost and expense.*

3        *(d) UTILITY INSTALLATION AND MAINTAINANCE OBLI-*  
4        *GATIONS.—*

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

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

9           (3) *The United States shall be required to main-*  
 10          *tain, at its sole cost and expense, any Coast Guard*  
 11          *active aid to navigation located upon the Naval Re-*  
 12          *serve Pier Property.*

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

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

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

1        *cy responsible for operating and maintaining the aid*  
 2        *to navigation.*

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

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

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

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

22                *(1) AID TO NAVIGATION.—The term “aid to navi-*  
 23                *gation” means equipment used for navigational*  
 24                *purposed, including but not limited to, a light, an-*  
 25                *tenna, sound signal, electronic navigation equipment,*



1       *cameras, sensors power source, or other related equip-*  
 2       *ment which are operated or maintained by the United*  
 3       *States.*

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

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

10       (a) *AUTHORITY TO TRANSFER.—*

11               (1) *IN GENERAL.—The Administrator of the*  
 12       *General Services Administration (Administrator), in*  
 13       *consultation with the Commandant, United States*  
 14       *Coast Guard, may transfer, without consideration,*  
 15       *administrative jurisdiction, custody and control over*  
 16       *the Federal property, known as Coast Guard Station*  
 17       *Scituate, to the National Oceanic and Atmospheric*  
 18       *Administration (NOAA). Since the Federal agency*  
 19       *actions necessary to effectuate the administrative*  
 20       *transfer of the property will further the objectives of*  
 21       *the National Environmental Policy Act of 1969, Pub-*  
 22       *lic Law 91–190 (42 U.S.C. 4321 et seq.) and the Na-*  
 23       *tional Historic Preservation Act of 1966, Public Law*  
 24       *89–665 (16 U.S.C. 470 et seq.), procedures applicable*  
 25       *to agency actions under these laws are unnecessary*

1        *and shall not be required. Similarly, the Federal*  
 2        *agency actions necessary to effectuate the transfer of*  
 3        *the property will not be subject to the Stewart B.*  
 4        *McKinney Homeless Assistance Act, Public Law 100–*  
 5        *77 (42 U.S.C. 11301 et seq.).*

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

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

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

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

22                      (3) *the Coast Guard shall have the right to enter*  
 23        *the property transferred under this section at any*  
 24        *time, without notice, for purposes of operating, main-*  
 25        *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. VESSEL MIST COVE.**

2       (a) *CONSTRUCTION TONNAGE OF M/V MIST COVE.*—  
3 *The M/V MIST COVE (United States official number*  
4 *1085817) is deemed to be less than 100 gross tons, as meas-*  
5 *ured by chapter 145 of title 46, United States Code, for*  
6 *purposes of applying the optional regulatory measurement*  
7 *under section 14305 of that title.*

8       (b) *LIMITATION ON APPLICATION.*—Subsection (a)  
9 *shall not apply on any date on which the length of the vessel*  
10 *exceeds 157 feet.*

11 **SEC. 507. LIGHTHOUSE CONVEYANCE.**

12       *Notwithstanding any other provision of law, the con-*  
13 *veyance authorized by section 416(a)(1)(H) of Public Law*  
14 *105–383 shall take place within 3 months after the date*  
15 *of enactment of this Act. Notwithstanding the previous sen-*  
16 *tence, the conveyance shall be subject to subsections (a)(2),*  
17 *(a)(3), (b), and (c) of section 416 of Public Law 105–383.*



**Calendar No. 567**

106TH CONGRESS  
2D SESSION

**S. 1089**

**[Report No. 106-300]**

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**A BILL**

To authorize appropriations for fiscal years 2000  
and 2001 for the United States Coast Guard,  
and for other purposes.

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MAY 23, 2000

Reported with an amendment