

Union Calendar No. 221

107TH CONGRESS
2^D SESSION

H. R. 2481

[Report No. 107-243]

To improve maritime safety and the quality of life for Coast Guard personnel,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2001

Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LOBIONDO, and Ms. BROWN of Florida) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

OCTOBER 16, 2001

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

NOVEMBER 30, 2001

Committee of the Whole House on the State of the Union discharged, and referred to the Committee on Armed Services for a period ending not later than February 15, 2002, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the Committee on Armed Services pursuant to clause 1(c), rule X

FEBRUARY 15, 2002

Referral to the Committee on Armed Services extended for a period ending not later than March 29, 2002

MARCH 29, 2002

The Committee on Armed Services discharged; referred to the Committee of the Whole House on the State of the Union

A BILL

To improve maritime safety and the quality of life for Coast Guard personnel, 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 “Omnibus Maritime Im-*
5 *provements Act of 2001”.*

6 **SEC. 2. EXTENSION OF COAST GUARD HOUSING AUTHORI-**
7 **TIES.**

8 (a) *HOUSING CONTRACTORS.*—*Section 681(a) of title*
9 *14, United States Code, is amended by inserting “, includ-*
10 *ing a small business concern qualified under section 8(a)*
11 *of the Small Business Act (15 U.S.C. 637(a)),” after “pri-*
12 *vate persons”.*

13 (b) *BUDGET AUTHORITY LIMITATION.*—*Section 687(f)*
14 *of title 14, United States Code, is amended by striking*
15 *“\$20,000,000” and inserting “\$40,000,000”.*

16 (c) *DEMONSTRATION PROJECT.*—*Section 687 of title*
17 *14, United States Code, is amended by adding at the end*
18 *the following new subsection:*

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

4 “(1) *may develop and implement a Demonstra-*
5 *tion Project for acquisition or construction of mili-*
6 *tary family housing and military unaccompanied*
7 *housing at the Coast Guard installation at Kodiak,*
8 *Alaska;*

9 “(2) *in implementing the Demonstration Project*
10 *shall utilize, to the maximum extent possible, the con-*
11 *tracting authority of the Small Business Administra-*
12 *tion’s section 8(a) program;*

13 “(3) *shall, to the maximum extent possible, ac-*
14 *quire or construct such housing through contracts*
15 *with small business concerns qualified under section*
16 *8(a) of the Small Business Act (15 U.S.C. 637(a))*
17 *that have their principal place of business in the*
18 *State of Alaska; and*

19 “(4) *shall report to Congress by September 1 of*
20 *each year on the progress of activities under the Dem-*
21 *onstration Project.”.*

22 “(d) *EXTENSION.*—Section 689 of title 14, United
23 States Code, is amended by striking “2001” and inserting
24 “2006”.

1 **SEC. 3. VESSELS FOR CABLE LAYING.**

2 (a) *REQUIREMENT.*—*Only eligible vessels may be used*
3 *after the date of enactment of this Act in the course of—*

4 (1) *laying a submarine cable between 2 landings*
5 *in the United States;*

6 (2) *making a shore landing of a submarine cable*
7 *in the United States;*

8 (3) *laying or burying a submarine cable on or*
9 *under the lands beneath the navigable waters of the*
10 *United States; or*

11 (4) *servicing or maintaining a submarine*
12 *cable—*

13 (A) *between 2 landings in the United*
14 *States, or*

15 (B) *on or under the lands beneath the navi-*
16 *gable waters of the United States,*
17 *if that cable is owned by, operated by, or operated for*
18 *the United States Government.*

19 (b) *DEFINITION.*—*For purposes of this section—*

20 (1) *the term “eligible vessel” means—*

21 (A) *a United States-flag vessel, if before*
22 *July 1, 2001, it was a United States-flag vessel*
23 *used in the course of any of the services specified*
24 *in paragraphs (1) through (4) of subsection (a);*

25 *or*

1 (B) a vessel documented under section
2 12105 of title 46, United States Code; and

3 (2) the term “navigable waters of the United
4 States” includes all waters of the territorial sea of the
5 United States as described in Presidential Proclama-
6 tion No. 5928 of December 27, 1988.

7 **SEC. 4. VESSEL ESCORT OPERATIONS AND TOWING ASSIST-**
8 **ANCE.**

9 (a) *IN GENERAL.*—*Except in the case of a vessel in*
10 *distress, only a vessel of the United States (as that term*
11 *is defined in section 2101 of title 46, United States Code)*
12 *may perform the following vessel escort operations and ves-*
13 *sel towing assistance within the navigable waters of the*
14 *United States:*

15 (1) *Operation or assistance that commences or*
16 *terminates at a port or place in the United States.*

17 (2) *Operation or assistance required by United*
18 *States law or regulation.*

19 (3) *Operation provided in whole or in part for*
20 *the purpose of escorting or assisting a vessel within*
21 *or through navigation facilities owned, maintained,*
22 *or operated by the United States Government or the*
23 *approaches to such facilities, other than facilities op-*
24 *erated by the St. Lawrence Seaway Development Cor-*

1 *poration on the St. Lawrence River portion of the*
2 *Seaway.*

3 *(b) DEFINITIONS.—In this section—*

4 *(1) the term “towing assistance” means oper-*
5 *ation by an assisting vessel in direct contact with an*
6 *assisted vessel (including hull-to-hull, by towline, in-*
7 *cluding if only pretethered, or made fast to that vessel*
8 *by one or more lines) for purposes of exerting force on*
9 *the assisted vessel to control, or to assist in control-*
10 *ling, the movement of the assisted vessel; and*

11 *(2) the term “escort operations” means accom-*
12 *panying a vessel for the purpose of providing towing*
13 *or towing assistance to the vessel.*

14 *(c) PENALTY.—A person violating this section is liable*
15 *to the United States Government for a civil penalty of not*
16 *more than \$10,000 for each day during which the violation*
17 *occurs.*

18 **SEC. 5. SEARCH AND RESCUE CENTER STANDARDS.**

19 *(a) IN GENERAL.—Title 14, United States Code, is*
20 *amended by adding at the end of chapter 17 the following*
21 *new section:*

22 **“§ 676. Search and rescue center standards**

23 *“(a) The Secretary shall establish, implement, and*
24 *maintain the minimum standards necessary for the safe op-*

1 *eration of all Coast Guard search and rescue center facili-*
2 *ties, including with respect to the following:*

3 “(1) *The lighting, acoustics, and temperature in*
4 *the facilities.*

5 “(2) *The number of individuals on a shift in the*
6 *facility assigned search and rescue responsibilities*
7 *(including communications), which may be adjusted*
8 *based on seasonal workload.*

9 “(3) *The length of time an individual may serve*
10 *on watch to minimize fatigue, based on the best sci-*
11 *entific information available.*

12 “(4) *The scheduling of individuals having search*
13 *and rescue responsibilities to minimize fatigue of the*
14 *individual when on duty in the facility.*

15 “(5) *The workload of each individual engaged in*
16 *search and rescue responsibilities in the facility.*

17 “(6) *Stress management for the individuals as-*
18 *signed search and rescue responsibilities in the facili-*
19 *ties.*

20 “(7) *The design of equipment and facilities to*
21 *minimize fatigue and enhance search and rescue oper-*
22 *ations.*

23 “(8) *Any other requirements that the Secretary*
24 *believes will increase the safe operation of the search*
25 *and rescue centers.*

1 “(b) *An individual on duty or watch in a Coast Guard*
2 *search and rescue center facility, including a communica-*
3 *tions center, may not work more than 12 hours in a 24-*
4 *hour period except in an emergency.*”.

5 (b) *APPLICATION.*—Section 676(b) of title 14, United
6 States Code (as enacted by subsection (a) of this section)
7 shall apply beginning on July 1, 2002.

8 (c) *PRESCRIPTION OF STANDARDS.*—The Secretary
9 shall prescribe the standards required under section 676(a)
10 of title 14, United States Code, as enacted by subsection
11 (a) of this section, before July 1, 2002.

12 (d) *CLERICAL AMENDMENT.*—The table of sections at
13 the beginning of chapter 17 of title 14, United States Code,
14 is amended by adding at the end the following:

“676. Search and rescue center standards.”.

15 **SEC. 6. VHF COMMUNICATIONS SERVICES.**

16 The Secretary of Transportation may authorize a per-
17 son providing commercial VHF communications services to
18 place commercial VHF communications equipment on
19 Coast Guard owned or controlled property (including tow-
20 ers) subject to any terms agreed to by the parties. The Sec-
21 retary and that commercial VHF communications service
22 provider also may enter into an agreement providing for
23 VHF communications services to the Coast Guard (includ-
24 ing digital selective calling and radio direction finding

1 *services) at a discounted price based on providing such ac-*
2 *cess to property owned or controlled by the Coast Guard.*

3 **SEC. 7. LOWER COLUMBIA RIVER MARITIME FIRE AND**
4 **SAFETY ACTIVITIES.**

5 *There is authorized to be appropriated to the Secretary*
6 *of Transportation not more than \$987,400 for lower Colum-*
7 *bia River marine, fire, oil, and toxic spill response commu-*
8 *nications, training, equipment, and program administra-*
9 *tion activities conducted by the Maritime Fire and Safety*
10 *Association.*

11 **SEC. 8. CONFORMING REFERENCES TO THE FORMER MER-**
12 **CHANT MARINE AND FISHERIES COMMITTEE.**

13 *(a) LAWS CODIFIED IN TITLE 14, UNITED STATES*
14 *CODE.—(1) Section 194(b)(2) of title 14, United States*
15 *Code, is amended by striking “Merchant Marine and Fish-*
16 *eries” and inserting “Transportation and Infrastructure”.*

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

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

23 *(b) LAWS CODIFIED IN TITLE 33, UNITED STATES*
24 *CODE.—(1) Section 3(d)(3) of the International Naviga-*
25 *tional Rules Act of 1977 (33 U.S.C. 1602(d)(3)) is amended*

1 *by striking “Merchant Marine and Fisheries” and inserting*
 2 *“Transportation and Infrastructure”.*

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

7 (c) *LAWS CODIFIED IN TITLE 46, UNITED STATES*
 8 *CODE.—(1) Section 6307 of title 46, United States Code,*
 9 *is amended by striking “Merchant Marine and Fisheries”*
 10 *and inserting “Transportation and Infrastructure”.*

11 (2) *Section 901g(b)(3) of the Merchant Marine Act,*
 12 *1936 (46 App. U.S.C. 1241k(b)(3)) is amended by striking*
 13 *“Merchant Marine and Fisheries” and inserting “Trans-*
 14 *portation and Infrastructure”.*

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

19 **SEC. 9. RESTRICTION ON VESSEL DOCUMENTATION.**

20 *Section 12108(a) of title 46, United States Code, is*
 21 *amended by—*

22 (1) *amending paragraph (2) to read as follows:*

23 *“(2) was built in the United States;”;*

24 (2) *striking “and” at the end of paragraph (3);*

25 (3) *inserting after paragraph (3) the following:*

1 “(4) was not forfeited to the United States Gov-
2 ernment after July 1, 2001, for a breach of the laws
3 of the United States; and”;

4 (4) redesignating paragraph (4) as paragraph
5 (5).

6 **SEC. 10. HYPOTHERMIA PROTECTIVE CLOTHING REQUIRE-**
7 **MENT.**

8 *The Commandant of the Coast Guard shall ensure that*
9 *all Coast Guard personnel are equipped with adequate safe-*
10 *ty equipment, including hypothermia protective clothing*
11 *where appropriate, while performing search and rescue mis-*
12 *sions.*

13 **SEC. 11. RESERVE OFFICER PROMOTIONS.**

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

20 (b) Section 731(b) of title 14, United States Code, is
21 amended by striking the period at the end of the sentence
22 and inserting “, or in the event that promotion is not deter-
23 mined in accordance with a running mate system, then a
24 Reserve officer becomes eligible for consideration for pro-
25 motion to the next higher grade at the beginning of the pro-

1 *motion year in which he or she completes the following*
 2 *amount of service computed from the date of rank in the*
 3 *grade in which he or she is serving:*

4 “(1) *two years in the grade of lieutenant (junior*
 5 *grade);*

6 “(2) *three years in the grade of lieutenant;*

7 “(3) *four years in the grade of lieutenant com-*
 8 *mander;*

9 “(4) *four years in the grade of commander; and*

10 “(5) *three years in the grade of captain.”.*

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

16 **SEC. 12. REGULAR LIEUTENANT COMMANDERS AND COM-**
 17 **MANDERS; CONTINUATION UPON FAILURE OF**
 18 **SELECTION FOR PROMOTION.**

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

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

23 (2) *by adding at the end the following new sub-*
 24 *sections:*

1 “(b) A lieutenant commander or commander of the
2 Regular Coast Guard subject to discharge or retirement
3 under subsection (a) may be continued on active duty when
4 the Secretary directs a selection board convened under sec-
5 tion 251 of this title to continue up to a specified number
6 of lieutenant commanders or commanders on active duty.
7 When so directed, the selection board shall recommend those
8 officers who in the opinion of the board are best qualified
9 to advance the needs and efficiency of the Coast Guard.
10 When the recommendations of the board are approved by
11 the Secretary, the officers recommended for continuation
12 shall be notified that they have been recommended for con-
13 tinuation and offered an additional term of service that ful-
14 fills the needs of the Coast Guard.

15 “(c)(1) An officer who holds the grade of lieutenant
16 commander of the Regular Coast Guard may not be contin-
17 ued on active duty under subsection (b) for a period that
18 extends beyond 24 years of active commissioned service un-
19 less promoted to the grade of commander of the Regular
20 Coast Guard. An officer who holds the grade of commander
21 of the Regular Coast Guard may not be continued on active
22 duty under subsection (b) for a period that extends beyond
23 26 years of active commissioned service unless promoted to
24 the grade of captain of the Regular Coast Guard.

1 “(2) *Unless retired or discharged under another provi-*
 2 *sion of law, each officer who is continued on active duty*
 3 *under subsection (b) but is not subsequently promoted or*
 4 *continued on active duty, and is not on a list of officers*
 5 *recommended for continuation or for promotion to the next*
 6 *higher grade, shall, if eligible for retirement under any pro-*
 7 *vision of law, be retired under that law on the first day*
 8 *of the first month following the month in which the period*
 9 *of continued service is completed.”.*

10 **SEC. 13. RESERVE STUDENT PRE-COMMISSIONING ASSIST-**
 11 **ANCE PROGRAM.**

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

15 **“§ 709a. Reserve student pre-commissioning assistance**
 16 **program**

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

23 “(1) *a baccalaureate degree in not more than five*
 24 *academic years; or*

25 “(2) *a post-baccalaureate degree.*

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

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

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

9 “(2) *A written agreement referred to in paragraph*
10 *(1)(B) is an agreement between the member and the Sec-*
11 *retary in which the member agrees—*

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

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

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

20 “(c) *Expenses for which financial assistance may be*
21 *provided under this section are—*

22 “(1) *tuition and fees charged by the institution*
23 *of higher education involved;*

24 “(2) *the cost of books;*

1 “(3) *in the case of a program of education lead-*
2 *ing to a baccalaureate degree, laboratory expenses;*
3 *and*

4 “(4) *such other expenses as deemed appropriate*
5 *by the Secretary.*

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

9 “(e) *Financial assistance may be provided to a mem-*
10 *ber under this section for up to five consecutive academic*
11 *years.*

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

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

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

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

1 “(g)(1) If a member requests to be released from the
2 program and the request is accepted by the Secretary, or
3 if the member fails because of misconduct to complete the
4 period of active duty specified, or if the member fails to
5 fulfill any term or condition of the written agreement re-
6 quired to be eligible for financial assistance under this sec-
7 tion, the financial assistance shall be terminated. The mem-
8 ber shall reimburse the United States in an amount that
9 bears the same ratio to the total cost of the education pro-
10 vided to such person as the unserved portion of active duty
11 bears to the total period of active duty such person agreed
12 to serve. The Secretary shall have the option to order such
13 reimbursement without first ordering the member to active
14 duty.

15 “(2) The Secretary may waive the service obligated
16 under subsection (f) of a member who is not physically
17 qualified for appointment and who is determined to be un-
18 qualified for service as an enlisted member of the Coast
19 Guard Reserve due to a physical or medical condition that
20 was not the result of the member’s own misconduct or gross-
21 ly negligent conduct.

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

1 (b) *CLERICAL AMENDMENT.*—*The analysis at the be-*
 2 *ginning of chapter 21 of title 14, United States Code, is*
 3 *amended by adding the following new item after the item*
 4 *relating to section 709:*

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

5 **SEC. 14. CONTINUATION ON ACTIVE DUTY BEYOND THIRTY**
 6 **YEARS.**

7 Section 289 of title 14, United States Code, is amended
 8 by adding at the end the following new subsection:

9 “(h) Notwithstanding subsection (g) and section 288
 10 of this title, the Commandant may by annual action retain
 11 on active duty from promotion year to promotion year any
 12 officer who would otherwise be retired under subsection (g)
 13 or section 288 of this title. An officer so retained, unless
 14 retired under some other provision of law, shall be retired
 15 on June 30 of that promotion year in which no action is
 16 taken to further retain the officer under this subsection.”.

17 **SEC. 15. PAYMENT OF DEATH GRATUITIES ON BEHALF OF**
 18 **COAST GUARD AUXILIARISTS.**

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

22 “(9) On or after January 1, 2001, Public Law
 23 104–208, section 651.”.

1 **SEC. 16. ALIGN COAST GUARD SEVERANCE PAY AND REV-**
2 **OCATION OF COMMISSION AUTHORITY WITH**
3 **DEPARTMENT OF DEFENSE AUTHORITY.**

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

6 (1) *in section 281—*

7 (A) *by striking “three” in the section*
8 *heading and inserting “five”; and*

9 (B) *by striking “three” in the text and in-*
10 *serting “five”;*

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

13 (3) *in section 286—*

14 (A) *by striking “severance” in the sec-*
15 *tion heading and inserting “separation”; and*

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

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

24 “(c) *An officer of the Regular Coast Guard who is dis-*
25 *charged under section 327 of this title, who has completed*
26 *6 or more, but less than 20, continuous years of active serv-*

1 *ice immediately before that discharge or release is entitled*
2 *to separation pay computed under subsection (d)(1) or*
3 *(d)(2) of section 1174 of title 10 as determined under regu-*
4 *lations promulgated by the Secretary.*

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

12 (4) in section 286a—

13 (A) by striking “**severance**” in the sec-
14 tion heading and inserting “**separation**” in
15 its place; and

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

18 “(a) A regular warrant officer of the Coast Guard who
19 is discharged under section 580 of title 10, and has com-
20 pleted 6 or more, but less than 20, continuous years of ac-
21 tive service immediately before that discharge is entitled to
22 separation pay computed under subsection (d)(1) of section
23 1174 of title 10.

24 “(b) A regular warrant officer of the Coast Guard who
25 is discharged under section 1165 or 1166 of title 10, and

1 *has completed 6 or more, but less than 20, continuous years*
2 *of active service immediately before that discharge is enti-*
3 *tled to separation pay computed under subsection (d)(1) or*
4 *(d)(2) of section 1174 of title 10, as determined under regu-*
5 *lations promulgated by the Secretary.*

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

12 (5) *in section 327—*

13 (A) *by striking “**severance**” in the sec-*
14 *tion heading and inserting “**separation**”;*

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

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

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

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

22 “(2) *if on that date the officer is ineligible for*
23 *voluntary retirement under any law, be honorably*
24 *discharged with separation benefits under section*
25 *286(c) of this title, unless under regulations promul-*

1 gated by the Secretary the condition under which the
2 officer is discharged does not warrant an honorable
3 discharge.”; and

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

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

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

10 (2) in the item relating to section 286, by strik-
11 ing “severance” and inserting “separation” in its
12 place;

13 (3) in the item relating to section 286a, by strik-
14 ing “severance” and inserting “separation” in its
15 place; and

16 (4) in the item relating to section 327, by strik-
17 ing “severance” and inserting “separation” in its
18 place.

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

1 *The amendments made to the table of sections of chapter*
2 *11 of title 14, United States Code, by paragraphs (2), (3),*
3 *and (4) of subsection (b) of this section shall take effect four*
4 *years after the date of enactment of this Act.*

5 **SEC. 17. LONG-TERM LEASE AUTHORITY FOR LIGHTHOUSE**
6 **PROPERTY.**

7 (a) *IN GENERAL.*—Chapter 17 of title 14, United
8 States Code, is amended by adding at the end a new section
9 672b to read as follows:

10 **“§672b. Long-term lease authority for lighthouse**
11 **property**

12 “(a) *The Commandant of the Coast Guard may lease*
13 *to non-Federal entities, including private individuals,*
14 *lighthouse property under the administrative control of the*
15 *Coast Guard for terms not to exceed 30 years. Consideration*
16 *for the use and occupancy of lighthouse property leased*
17 *under this section, and for the value of any utilities and*
18 *services furnished to a lessee of such property by the Com-*
19 *mandant, may consist, in whole or in part, of non-pecu-*
20 *niary remuneration including, but not limited to, the im-*
21 *provement, alteration, restoration, rehabilitation, repair,*
22 *and maintenance of the leased premises by the lessee. Sec-*
23 *tion 321 of chapter 314 of the Act of June 30, 1932 (40*
24 *U.S.C. 303b) shall not apply to leases issued by the Com-*
25 *mandant under this section.*

1 (1) by inserting “(a)” before “Any property”;

2 and

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

4 “(b) Practices commonly recognized as smuggling tac-
5 tics may provide prima facie evidence of intent to use a
6 vessel to commit, or to facilitate the commission of, an of-
7 fense under this chapter, and may support seizure and for-
8 feiture of the vessel, even in the absence of controlled sub-
9 stances aboard the vessel. The following indicia, inter alia,
10 may be considered, in the totality of the circumstances, to
11 be prima facie evidence that a vessel is intended to be used
12 to commit, or to facilitate the commission of an offense
13 under this chapter:

14 “(1) The construction or adaptation of the vessel
15 in a manner that facilitates smuggling, including—

16 “(A) the configuration of the vessel to ride
17 low in the water or present a low hull profile to
18 avoid being detected visually or by radar;

19 “(B) the presence of any compartment or
20 equipment which is built or fitted out for smug-
21 gling, not including items such as a safe or lock-
22 box reasonably used for the storage of personal
23 valuables;

24 “(C) the presence of an auxiliary tank not
25 installed in accordance with applicable law, or

1 *installed in such a manner as to enhance the ves-*
2 *sel's smuggling capability;*

3 “(D) *the presence of engines that are exces-*
4 *sively over-powered in relation to the design and*
5 *size of the vessel;*

6 “(E) *the presence of materials used to re-*
7 *duce or alter the heat or radar signature of the*
8 *vessel and avoid detection;*

9 “(F) *the presence of a camouflaging paint*
10 *scheme, or of materials used to camouflage the*
11 *vessel, to avoid detection; or*

12 “(G) *the display of false vessel registration*
13 *numbers, false indicia of vessel nationality, false*
14 *vessel name, or false vessel homeport.*

15 “(2) *The presence or absence of equipment, per-*
16 *sonnel, or cargo inconsistent with the type or declared*
17 *purpose of the vessel.*

18 “(3) *The presence of excessive fuel, lube oil, food,*
19 *water, or spare parts, inconsistent with legitimate*
20 *vessel operation, inconsistent with the construction or*
21 *equipment of the vessel, or inconsistent with the char-*
22 *acter of the vessel's stated purpose.*

23 “(4) *The operation of the vessel without lights*
24 *during times lights are required to be displayed under*
25 *applicable law or regulation, and in a manner of*

1 *navigation consistent with smuggling tactics used to*
2 *avoid detection by law enforcement authorities.*

3 *“(5) The failure of the vessel to stop or respond*
4 *or heave to when hailed by government authority, es-*
5 *pecially where the vessel conducts evasive maneu-*
6 *vering when hailed.*

7 *“(6) The declaration to government authority of*
8 *apparently false information about the vessel, crew, or*
9 *voyage, or the failure to identify the vessel by name*
10 *or country of registration when requested to do so by*
11 *government authority.*

12 *“(7) The presence of controlled substance residue*
13 *on the vessel, on an item aboard the vessel, or on a*
14 *person aboard the vessel, of a quantity or other nature*
15 *which reasonably indicates manufacturing or dis-*
16 *tribution activity.*

17 *“(8) The use of petroleum products or other sub-*
18 *stances on the vessel to foil the detection of controlled*
19 *substance residue.*

20 *“(9) The presence of a controlled substance in the*
21 *water in the vicinity of the vessel, where given the*
22 *currents, weather conditions, and course and speed of*
23 *the vessel, the quantity or other nature is such that*
24 *it reasonably indicates manufacturing or distribution*
25 *activity.”.*

1 **SEC. 19. WING-IN-GROUND CRAFT.**

2 (a) Section 2101(35) of title 46, United States Code,
3 is amended by inserting “a wing-in-ground craft, regardless
4 of tonnage, carrying at least one passenger for hire, and”
5 after the phrase “‘small passenger vessel’ means”.

6 (b) Section 2101 of title 46, United States Code, is
7 amended by adding at the end the following:

8 “(48) wing-in-ground craft means a vessel that
9 is capable of operating completely above the surface of
10 the water on a dynamic air cushion created by aero-
11 dynamic lift due to the ground effect between the ves-
12 sel and the water’s surface.”.

13 **SEC. 20. ELECTRONIC FILING OF COMMERCIAL INSTRU-**
14 **MENTS FOR VESSELS.**

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

17 (1) by striking “(A)”; and

18 (2) by striking subparagraph (B).

19 **SEC. 21. DELETION OF THUMBPRINT REQUIREMENT FOR**
20 **MERCHANT MARINERS’ DOCUMENTS.**

21 Section 7303 of title 46, United States Code, is amend-
22 ed by striking “the thumbprint,”.

1 **SEC. 22. TEMPORARY CERTIFICATES OF DOCUMENTATION**
2 **FOR RECREATIONAL VESSELS.**

3 (a) Section 12103(a) of title 46, United States Code,
4 is amended by inserting “, or a temporary certificate of
5 documentation,” after “certificate of documentation”.

6 (b)(1) Chapter 121 of title 46, United States Code, is
7 amended by adding after section 12103 the following:

8 **“§ 12103a. Issuance of temporary certificate of docu-**
9 **mentation by third parties**

10 “(a) The Secretary of Transportation may delegate,
11 subject to the supervision and control of the Secretary and
12 under terms set out by regulation, to private entities deter-
13 mined and certified by the Secretary to be qualified, the
14 authority to issue a temporary certificate of documentation
15 for a recreational vessel, if the applicant for the certificate
16 of documentation meets the requirements set out in sections
17 12102 and 12103 of this chapter.

18 “(b) A temporary certificate of documentation issued
19 under section 12103(a) and subsection (a) of this section
20 is valid for up to 30 days from issuance.”.

21 (2) The table of sections at the beginning of chapter
22 121 of title 46, United States Code, is amended by inserting
23 after the item relating to section 12103 the following:

“12103a. Issuance of temporary certificate of documentation by third parties.”.

1 **SEC. 23. MARINE CASUALTY INVESTIGATIONS INVOLVING**
2 **FOREIGN VESSELS.**

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

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

7 *(2) by adding at the end the following new sub-*
8 *section:*

9 *“(g) To the extent consistent with generally recognized*
10 *practices and procedures of international law, this part ap-*
11 *plies to a foreign vessel involved in a marine casualty or*
12 *incident, as defined in the International Maritime Organi-*
13 *zation Code for the Investigation of Marine Casualties and*
14 *Incidents, where the United States is a Substantially Inter-*
15 *ested State and is, or has the consent of, the Lead Inves-*
16 *tigating State under the Code.”.*

17 **SEC. 24. CONVEYANCE OF COAST GUARD PROPERTY IN**
18 **HAMPTON TOWNSHIP, MICHIGAN.**

19 *(a) REQUIREMENT TO CONVEY.—*

20 *(1) IN GENERAL.—Notwithstanding any other*
21 *law, the Secretary of Transportation (in this section*
22 *referred to as the “Secretary”) shall convey to*
23 *BaySail, Inc. (a nonprofit corporation established*
24 *under the laws of the State of Michigan; in this sec-*
25 *tion referred to as “BaySail”), without monetary con-*
26 *sideration, all right, title, and interest of the United*

1 *States in and to property adjacent to Coast Guard*
2 *Station Saginaw River, located in Hampton Town-*
3 *ship, Michigan, as identified under paragraph (2). No*
4 *submerged lands may be conveyed under this section.*

5 (2) *IDENTIFICATION OF PROPERTY.—The Sec-*
6 *retary, in consultation with the Commandant of the*
7 *Coast Guard, shall identify, describe, and determine*
8 *the property to be conveyed under this section.*

9 (3) *SURVEY.—The exact acreage and legal de-*
10 *scription of the property conveyed under paragraph*
11 *(1), as identified under paragraph (2), and any ease-*
12 *ments or rights-of-way reserved by the United States*
13 *under subsection (b), shall be determined by a survey*
14 *satisfactory to the Secretary. The cost of the survey*
15 *shall be borne by BaySail.*

16 (b) *TERMS AND CONDITIONS OF CONVEYANCE.—The*
17 *conveyance of property under this section shall be made sub-*
18 *ject to any terms and conditions the Secretary considers*
19 *necessary, including the reservation of easements and other*
20 *rights on behalf of the United States.*

21 (c) *REVERSIONARY INTEREST.—*

22 (1) *IN GENERAL.—During the 5-year period be-*
23 *ginning on the date the Secretary makes the convey-*
24 *ance authorized by subsection (a), the real property*
25 *conveyed pursuant to this section, at the option of the*

1 *Secretary, shall revert to the United States and be*
2 *placed under the administrative control of the Sec-*
3 *retary, if—*

4 *(A) BaySail sells, conveys, assigns, ex-*
5 *changes, or encumbers the property conveyed or*
6 *any part thereof;*

7 *(B) BaySail fails to maintain the property*
8 *conveyed in a manner consistent with the terms*
9 *and conditions under subsection (b);*

10 *(C) BaySail conducts any commercial ac-*
11 *tivity at the property conveyed, or any part*
12 *thereof, without approval of the Secretary; or*

13 *(D) at least 30 days before the reversion, the*
14 *Secretary provides written notice to the owner*
15 *that the property or any part thereof is needed*
16 *for national security purposes.*

17 *(2) ADDITIONAL PERIOD.—The Secretary may,*
18 *before the completion of the 5-year period described in*
19 *paragraph (1), authorize an additional 5-year period*
20 *during which paragraph (1) shall apply.*

Union Calendar No. 221

107TH CONGRESS
2^D SESSION

H. R. 2481

[Report No. 107-243]

A BILL

To improve maritime safety and the quality of life
for Coast Guard personnel, and for other purposes.

MARCH 29, 2002

Committee discharged; referred to the Committee of the
Whole House on the State of the Union