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# H.R.2459 - Coast Guard Authorization Act of 1989

101st Congress (1989-1990)

**Sponsor:** Rep. Tauzin, W. J. (Billy) [D-LA-3] (Introduced 05/24/1989)
**Committees:** House - Merchant Marine and Fisheries
**Committee Reports:** H.Rept 101-227
**Latest Action:** 12/12/1989 Became Public Law No: 101-225. (All Actions)
**Roll Call Votes:** There has been 1 roll call vote
**Tracker:** Introduced Passed House Passed Senate Resolving Differences To President **Became Law**

Summary(3) **Text(7)** Actions(69) Titles(4) Amendments(10) Cosponsors(3) Committees(1) Related Bills(11)

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**Enrolled Bill**

--H.R.2459--
H.R.2459
One Hundred First Congress of the United States of America
AT THE FIRST SESSION
Begun and held at the City of Washington on Tuesday, the third day of January,
one thousand nine hundred and eighty-nine
An Act
To authorize appropriations for the Coast Guard for fiscal year 1990, and
for other
purposes.
Be it enacted by the Senate and House of Representatives of the United
States of America in Congress assembled,
SECTION 1. SHORT TITLE.
This Act may be cited as the `Coast Guard Authorization Act of 1989'.
TITLE I--AUTHORIZATIONS
SEC. 101. AUTHORIZATION OF FUNDS FOR FISCAL YEAR 1990.
Funds are authorized to be appropriated for necessary expenses of the Coast
Guard for fiscal year 1990, as follows:
(1) OPERATION AND MAINTENANCE- For the operation and maintenance of the
Coast Guard, $2,312,200,000.
(2) ACQUISITION AND CONSTRUCTION- For the acquisition, construction,
rebuilding, and improvement of aids to navigation, shore and offshore
facilities, vessels, and aircraft, including related equipment, $746,300,000
of which up to $20,000,000 shall be used to rehabilitate the Coast Guard
Cutter Mackinaw, and additional sums as may be necessary to carry out the
Coast Guard icebreaker ship program and the Coast Guard patrol boat program,
to remain available until expended.
(3) RESEARCH AND DEVELOPMENT- For research, development, test, and evaluation,
$29,000,000, to remain available until expended.
(4) RETIREMENT BENEFITS- For retired pay (including the payment of obligations
otherwise chargeable to lapsed appropriations for this purpose), payments
under the Retired Serviceman's Family Protection and Survivor Benefit Plans,
and payments for medical care of retired personnel and their dependents
under chapter 55 of title 10, United States Code, $420,800,000, to remain
available until expended.
(5) ALTERATION OR REMOVAL OF BRIDGES- For alteration or removal of bridges
over navigable waters of the United States constituting obstructions to
navigation, $2,300,000.
SEC. 102. AUTHORIZATION OF FUNDS FOR FISCAL YEAR 1991.
Funds are authorized to be appropriated for necessary expenses of the Coast
Guard for fiscal year 1991, as follows:
(1) OPERATION AND MAINTENANCE- For the operation and maintenance of the

Coast Guard, $2,381,500,000.
(2) ACQUISITION AND CONSTRUCTION- For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including related equipment, $501,800,000, to remain available until expended.
(3) RESEARCH AND DEVELOPMENT- For research, development, test, and evaluation, $29,000,000, to remain available until expended.
(4) RETIREMENT BENEFITS- For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and for payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $451,200,000, to remain available until expended.
(5) ALTERATION OR REMOVAL OF BRIDGES- For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, $7,500,000.

SEC. 103. AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING FOR FISCAL YEAR 1990.

(a) ACTIVE DUTY PERSONNEL- As of September 30, 1990, the Coast Guard is authorized an end-of-year strength for active duty personnel of 38,750. This authorized strength does not include members of the Ready Reserve called to active duty under section 712 of title 14, United States Code.
(b) STUDENT LOADS- For fiscal year 1990, the Coast Guard is authorized average military training student loads as follows:
(1) RECRUIT AND SPECIAL TRAINING- For recruit and special training, 2,687 student years.
(2) FLIGHT TRAINING- For flight training, 110 student years.
(3) PROFESSIONAL TRAINING- For professional training in military and civilian institutions, 390 student years.
(4) OFFICER ACQUISITION- For officer acquisition, 900 student years.

SEC. 104. AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING FOR FISCAL YEAR 1991.

(a) ACTIVE DUTY PERSONNEL- As of September 30, 1991, the Coast Guard is authorized an end-of-year strength for active duty personnel of 39,300. This authorized strength does not include members of the Ready Reserve called to active duty under section 712 of title 14, United States Code.
(b) STUDENT LOADS- For fiscal year 1991, the Coast Guard is authorized average military training student loads as follows:
(1) RECRUIT AND SPECIAL TRAINING- For recruit and special training, 2,787 student years.
(2) FLIGHT TRAINING- For flight training, 110 student years.
(3) PROFESSIONAL TRAINING- For professional training in military and civilian institutions, 390 student years.
(4) OFFICER ACQUISITION- For officer acquisition, 900 student years.

SEC. 105. MODIFICATION AND EXTENSION OF RULES OF ROAD ADVISORY COUNCIL AND EXTENSION OF TOWING SAFETY ADVISORY COMMITTEE.

(a) Rules of the Road Advisory Council-
(1) MODIFICATION AND EXTENSION- Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended as follows:
(A) Subsection (a) is amended by striking `Rules of the Road Advisory Council' and inserting `Navigation Safety Advisory Council'.
(B) Subsection (b) is amended to read as follows:
`(b) The Council shall advise, consult with, and make recommendations to the Secretary on matters relating to the prevention of collisions, rammings, and groundings, including the Inland Rules of the Road, the International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. Any advice or recommendation made by the Council to the Secretary shall reflect the independent judgment of the Council on the matter concerned. The Council shall meet at the call of the Secretary, but in any event not less than twice during each calendar year. All proceedings of the Council shall be public, and a record of the proceedings shall be made available for public inspection.'.
(C) Subsection (d) is amended by striking `September 30, 1990' and inserting `September 30, 1995'.
(2) REFERENCES- Each reference to the Rules of the Road Advisory Council in a law, regulation, order, document, record, or paper of the United States is deemed to be a reference to the Navigation Safety Advisory Council.
(b) TOWING SAFETY COMMITTEE- Subsection (e) of the Act entitled `An Act to establish a Towing Safety Advisory Committee in the Department of Transportation', approved October 6, 1980 (33 U.S.C. 2131a(e)), is amended by striking `September 30, 1990' and inserting `September 30, 1995'.

SEC. 106. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE APPOINTMENTS.
Section 4508 of title 46, United States Code, is amended by adding at the end of subsection (b)(2) the following: `The Secretary may not seek or use information concerning the political affiliation of individuals in making appointments to the Committee.'

TITLE II--PROGRAMS

SEC. 201. TECHNICAL AMENDMENTS TO ACT TO PREVENT POLLUTION FROM SHIPS.
The Act to Prevent Pollution from Ships (33 U.S.C. 1901-1912) is amended--
(1) in section 6(c)(1), by striking `Annex V' and inserting `Annex I and Annex II';
(2) in section 8(c)(1), by inserting `or of this Act' after `Convention'; and
(3) in section 8(e)(2), by inserting `or of this Act' after `MARPOL Protocol'.

SEC. 202. TECHNICAL CORRECTIONS RELATING TO SAFEGUARDING MILITARY WHISTLEBLOWERS.
Section 1034 of title 10, United States Code, is amended--
(1) in subsection (c)(1), by inserting `when the Coast Guard is not operating as a service in the Navy' immediately after `in the case of a member of the Coast Guard';
(2) in subsection (c)(5), by inserting `(or to the Secretary of Transportation in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy)' immediately after `to the Secretary of Defense';
(3) in subsection (c)(6), by inserting `(or to the Secretary of Transportation in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy)' immediately after `to the Secretary of Defense'; and
(4) in the first sentence of subsection (e), by inserting `(except for a member or former member of the Coast Guard when the Coast Guard is not operating as a service in the Navy)' immediately after `former member of the armed forces'.

SEC. 203. MISCELLANEOUS PROVISIONS CONCERNING CONTINUITY OF GRADE, APPOINTMENT, AND RETIREMENT OF COAST GUARD PERSONNEL.
Title 14, United States Code, is amended--
(1) in section 52, by inserting `or admiral' immediately after `to another position as a vice admiral';
(2) in section 271(e), by inserting at the end of the first sentence, `except that advice and consent is not required for appointments under this section in the grade of lieutenant (junior grade) or lieutenant' immediately after `consent of the Senate';
(3) in section 289(c), by striking `no less than 75 percent' and inserting `no less than 50 percent';
(4) in section 736(c), by adding at the end of the following new sentence: `However, the Secretary may adjust the date of appointment--
`(1) if a delay in the finding required under section 734(a) of this title is beyond the control of the officer and the officer is otherwise qualified for promotion; or
`(2) for any other reason that equity requires.'; and
(5) in section 741(a), by inserting `who have 18 years or more of service for retirement and are' after `in an active status' the third time it appears.

SEC. 204. AUTHORIZATION OF JUNIOR RESERVE OFFICERS TRAINING PROGRAM PILOT PROGRAM.
(a) IN GENERAL- The Secretary of the department in which the Coast Guard is operating (hereinafter in this section referred to as the `Secretary') may carry out a pilot program to establish and maintain a junior reserve officers training program in cooperation with the Dade County Public School System of Dade County, Florida, as part of the Maritime and Science Technology Academy established by that school system (hereinafter in this section referred to as the `Academy').
(b) PROGRAM REQUIREMENTS- A pilot program carried out by the Secretary under this section--
(1) shall be known as the `Claude Pepper Junior Reserve Officers Training Program', and
(2) shall provide to students at the Academy--
(A) instruction in subject areas relating to operations of the Coast Guard; and
(B) training in skills which are useful and appropriate for a career in the Coast Guard.
(c) PROVISION OF ADDITIONAL SUPPORT- To carry out a pilot program under this section, the Secretary may provide to the Academy--
(1) assistance in course development, instruction, and other support activities;

(2) commissioned, warrant, and petty officers of the Coast Guard to serve as administrators and instructors; and

(3) necessary and appropriate course materials, equipment, and uniforms.

(d) Employment of Retired Coast Guard Personnel-

(1) IN GENERAL- Subject to paragraph (2) of this subsection, the Secretary may authorize the Academy to employ as administrators and instructors for the pilot program retired Coast Guard and Coast Guard Reserve commissioned, warrant, and petty officers who request that employment and who are approved by the Secretary and the Academy.

(2) AUTHORIZED PAY- (A) Retired members employed under paragraph (1) of this subsection are entitled to receive their retired or retainer pay and an additional amount of not more than the difference between--

(i) the amount the individual would be paid as pay and allowance if they were considered to have been ordered to active duty during that period of employment; and

(ii) the amount of retired pay the individual is entitled to receive during that period.

(B) The Secretary shall pay to the Academy an amount equal to one half of the amount described in subparagraph (A) of this paragraph, from funds appropriated for that purpose.

(C) Notwithstanding any other law, while employed under this subsection, an individual is not considered to be on active duty or inactive duty training.

SEC. 205. LIMITATIONS ON CONTRACTING OF COAST GUARD SERVICES.

Notwithstanding any other provision of law, an officer or employee of the United States may not enter into a contract for procurement of performance of any function being performed by Coast Guard personnel as of January 1, 1989, before--

(1) a study has been performed by the Secretary of Transportation under the Office of Management and Budget Circular A-76 with respect to that procurement;

(2) the Secretary of Transportation has performed a study, in addition to the study required by paragraph (1) of this subsection, to determine the impact of that procurement on the multimission capabilities of the Coast Guard; and

(3) copies of the studies required by paragraphs (1) and (2) of this subsection are submitted to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 206. LOCAL HIRE.

(a) IN GENERAL- Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

`Sec. 666. Local hire

`(a) Notwithstanding any other law, each contract awarded by the Coast Guard for construction or services to be performed in whole or in part in a State that has an unemployment rate in excess of the national average rate of unemployment (as determined by the Secretary of Labor) shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in that State, individuals who are local residents and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills. The Secretary of Transportation may waive the requirements of this subsection in the interest of national security or economic efficiency.

`(b) LOCAL RESIDENT DEFINED- As used in this section, `local resident' means a resident of, or an individual who commutes daily to, a State described in subsection (a).'.

(b) CLERICAL AMENDMENT- The analysis for chapter 17 of title 14, United States Code, is amended by adding at the end the following:

`666. Local hire.'.

SEC. 207. REPORT ON CONTROL OF EXOTIC SPECIES.

(a) IN GENERAL- Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Congress a report on the options available to control the infestation of the waters of the United States, including the Great Lakes, by exotic species from the ballast water of vessels operating on the waters of the United States. In preparing this report, the Secretary shall consult with the Secretary of the Interior, the Secretary of Commerce, the Great Lakes Fishery Commission, and other appropriate parties.

(b) EXOTIC SPECIES DEFINED- In this section `exotic species' means nonnative fish, mollusks, crustaceans, zooplankton, and other aquatic organisms, other than sea lampreys.

SEC. 208. LAW ENFORCEMENT SURVEILLANCE.

Not later than 6 months after the date of the enactment of this Act, the

Secretary of Transportation shall--
(1) submit a report to the Congress that identifies--
(A) the needs for outfitting existing Coast Guard aircraft with surveillance and reconnaissance equipment to assist in the conduct of law enforcement activities; and
(B) the cost of that equipment; and
(2) in cooperation with the Secretary of Defense, establish and submit to the Congress a plan for closing existing gaps in radar coverage along the coastline of the United States on the Gulf of Mexico and the coastline of the southeastern United States on the Atlantic Ocean.

SEC. 209. NUMBERING OF VESSELS.

Section 2101 of title 46, United States Code, is amended by inserting after paragraph (17) the following:
`(17a) `numbered vessel' means a vessel for which a number has been issued under chapter 123 of this title.'.

SEC. 210. CONSTRUCTIVE SEIZURE PROCEDURES.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation and the Secretary of the Treasury, in order to avoid the devastating economic effects on innocent owners of seizures of their vessels, shall develop a procedure for constructive seizure of vessels of the United States engaged in commercial service as defined in section 2101 of title 46, United States Code, that are suspected of being used for committing violations of law involving personal use quantities of controlled substances.

SEC. 211. USER FEES REPORT CLARIFICATION.

Section 664(c) of title 14, United States Code, is amended as follows:
(1) in paragraph (1) by striking `collected stating--' and substituting `collected under any law stating--'; and
(2) in paragraph (2) by inserting `under any law' after `collected' the first time it appears.

SEC. 212. BOARD FOR THE CORRECTION OF MILITARY RECORDS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall--
(1) amend part 52 of title 33, Code of Federal Regulations, governing the proceedings of the board established by the Secretary under section 1552 of title 10, United States Code, to ensure that a complete application for correction of military records is processed expeditiously and that final action on the application is taken within 10 months of its receipt; and
(2) appoint and maintain a permanent staff, and a panel of civilian officers or employees to serve as members of the board, which are adequate to ensure compliance with paragraph (1) of this subsection.

SEC. 213. CONSIDERATION OF MARITIME ADMINISTRATION VESSELS.

Before acquiring a vessel for use by the Coast Guard, the Secretary of Transportation or the Commandant of the Coast Guard, as appropriate, shall review the inventory of vessels acquired by the Secretary or the Secretary of Commerce as the result of a default under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271-1279c), to determine whether any of those vessels are suitable for use by the Coast Guard.

SEC. 214. REQUIREMENT TO REPORT SEXUAL OFFENSES.

(a) IN GENERAL- Chapter 101 of title 46, United States Code is amended by:
(1) deleting section 10104; and
(2) adding the following new section:

`Sec. 10104. Requirement to report sexual offenses

`(a) A master or other individual in charge of a documented vessel shall report to the Secretary a complaint of a sexual offense prohibited under chapter 109A of title 18, United States Code.
`(b) A master or other individual in charge of a documented vessel who knowingly fails to report in compliance with this section is liable to the United States Government for a civil penalty of not more than $5,000.'.
(b) CLERICAL AMENDMENT- The analysis for chapter 101 of title 46, United States Code, is amended by striking, `10104. Regulations.' and inserting `10104. Requirement to report sexual offenses.'.

SEC. 215. LIMITATION ON VESSEL TRANSFER FROM GULFPORT, MISSISSIPPI.

The Secretary of Transportation shall not transfer the Coast Guard cutter ACUSHNET from Gulfport, Mississippi, until at least two Coast Guard patrol boats are based permanently in Gulfport.

SEC. 216. CONSIDERATION OF DEPARTMENT OF DEFENSE HOUSING FOR COAST GUARD.

Notwithstanding any other provision of law, the Coast Guard is deemed to be an instrumentality within the Department of Defense for the purposes of section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687).

SEC. 217. PROHIBITION AGAINST REDUCTION IN SERVICES.

The Secretary of Transportation may not reduce expenditures in fiscal year 1990 or fiscal year 1991 for Coast Guard services other than drug law enforcement to increase drug law enforcement unless the Secretary first notifies the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives 30 days prior to any reduction, except that nothing in this section shall be construed to reduce the Coast Guard's ability to respond to interdiction opportunities that may arise in the course of normal activities.

SEC. 218. COST OF SECURITY AT KENNEBUNKPORT, MAINE.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall--

(1) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives that identifies the costs incurred by the Coast Guard and any reallocation of assets or personnel that would have been used for search and rescue of law enforcement operations, as a result of providing security at Kennebunkport, Maine; and

(2) actively seek reimbursement of those costs from the Secretary of Treasury.

SEC. 219. VESSEL TRAFFIC SERVICE RESTORATION.

The Secretary of the department in which the Coast Guard is operating shall reestablish a vessel traffic service on the Lower Mississippi River in New Orleans, and shall continue operation of the New York Harbor area and other existing vessel traffic service systems.

SEC. 220. SEARCH AND RESCUE SATELLITE SYSTEM.

(a)(1) The Secretary of Transportation shall take such action as may be necessary to upgrade the ground segment of the Search and Rescue Satellite Aided Tracking system (hereafter in this section referred to as `SARSAT').

(2) In carrying out this section, the Secretary of Transportation shall establish not less than 5 SARSAT ground stations for the purpose of providing adequate coverage of the United States area of search and rescue for which it has responsibility under the program known as `COSPAS-SARSAT'. In establishing such stations, the Secretary, after consultation with the satellite search and rescue offices of the Coast Guard, the National Oceanic and Atmospheric Administration, the Air Force, the National Aeronautics and Space Administration, and the SARSAT Program Steering Group, shall locate the stations in the most optimum sites to assure complete coverage of the search and rescue areas for which the United States is responsible.

(b) The Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration, shall administer the SARSAT ground stations. Such administration shall be carried out in consultation with the Secretary of Transportation and the Secretary of Defense.

(c) For the purpose of carrying out the provisions of subsection (a) of this section, there is authorized to be appropriated $5,300,000. Moneys appropriated pursuant to this subsection shall remain available until expended.

SEC. 221. BOSTON LIGHT STATION.

(a) The Congress finds and declares the following:

(1) The Boston Light Station (hereafter in this section referred to as the `Boston Light') on Little Brewster Island, Boston Harbor, Massachusetts, is the Nation's oldest lighthouse station.

(2) The Boston Light is a National Historic Landmark and Little Brewster Island is listed in the National Register of Historic Places. As such, they should be administered and maintained in a way that preserves for public enjoyment and appreciation their special historic character.

(3) Continued manned operation of the Boston Light will preserve its special historic character. Any proposal to automate or modernize Boston Light must be consistent with the provisions of sections 106 and 110 of the National Historic Preservation Act (16 U.S.C. 470f and 470h-2).

(4) Efforts should be undertaken that will facilitate public access to, and enhance the public enjoyment and appreciation of, the Boston Light and Little Brewster Island.

(b) The Boston Light shall be operated on a permanently manned basis. The amounts authorized to be appropriated under sections 101 and 102 include funds--

(1) for maintenance of the keeper's house and of the Boston Lighthouse; and

(2) to enhance public access to the Boston Light and Little Brewster Island, including making pier improvements on the island.

(c) The Secretary of Transportation shall, in consultation with the Secretary of Interior, the Massachusetts Department of Environmental Management, the Massachusetts Historical Preservation Officer, appropriate local government entities, and private preservation groups, develop a strategy to implement

policies regarding the ownership, maintenance, staffing, and use of the Boston Light. The strategy shall propose ways--

(1) to provide improved public access to the Boston Light and Little Brewster Island; and

(2) to ensure that the special historic character of the Boston Light will be preserved, with the continuing presence of Coast Guard personnel, so as to provide the best possible public enjoyment and appreciation.

SEC. 222. COAST GUARD ENVIRONMENTAL COMPLIANCE AND RESTORATION PROGRAM.

(a) ENVIRONMENTAL COMPLIANCE AND RESTORATION PROGRAM- Title 14, United States Code, is amended by adding the following new chapter 19 after chapter 17:

`CHAPTER 19--ENVIRONMENTAL COMPLIANCE AND RESTORATION PROGRAM

`Sec.

`690. Definitions.

`691. Environmental Compliance and Restoration Program.

`692. Environmental Compliance and Restoration Account.

`693. Annual Report to Congress.

`Sec. 690. Definitions

`For the purposes of this chapter--

`(1) `environment', `facility', `person', `release', `removal', `remedial', and `response' have the same meaning they have in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601);

`(2) `hazardous substance' has the same meaning it has in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), except that it also includes the meaning given `oil' in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); and

`(3) `pollutant' has the same meaning it has in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

`Sec. 691. Environmental Compliance and Restoration Program

`(a) The Secretary shall carry out a program of environmental compliance and restoration at current and former Coast Guard facilities.

`(b) Program goals include:

`(1) Identifying, investigating, and cleaning up contamination from hazardous substances and pollutants.

`(2) Correcting other environmental damage that poses an imminent and substantial danger to the public health or welfare or to the environment.

`(3) Demolishing and removing unsafe buildings and structures, including buildings and structures at former Coast Guard facilities.

`(4) Preventing contamination from hazardous substances and pollutants at current Coast Guard facilities.

`(c)(1) The Secretary shall respond to releases of hazardous substances and pollutants--

`(A) at each Coast Guard facility the United States owns, leases, or otherwise possesses;

`(B) at each Coast Guard facility the United States owned, leased, or otherwise possessed when the actions leading to contamination from hazardous substances or pollutants occurred; and

`(C) on each vessel the Coast Guard owns or operates.

`(2) Paragraph (1) of this subsection does not apply to a removal or remedial action when a potentially responsible person responds under section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9622).

`(3) The Secretary shall pay a fee or charge imposed by a state authority for permit services for disposing of hazardous substances or pollutants from Coast Guard facilities to the same extent that nongovernmental entities are required to pay for permit services. This paragraph does not apply to a payment that is the responsibility of a lessee, contractor, or other private person.

`(d) The Secretary may agree with another Federal agency for that agency to assist in carrying out the Secretary's responsibilities under this chapter. The Secretary may enter into contracts, cooperative agreements, and grant agreements with State and local governments to assist in carrying out the Secretary's responsibilities under this chapter. Services that may be obtained under this subsection include identifying, investigating, and cleaning up off-site contamination that may have resulted from the release of a hazardous substance or pollutant at a Coast Guard facility.

`(e) Section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9619) applies to response action contractors that carry out response actions under this chapter. The Coast Guard shall indemnify response action contractors to the extent that adequate insurance is not generally available at a fair price at the time the contractor enters into the contract to cover the contractor's reasonable, potential,

long-term liability.
`Sec. 692. Environmental Compliance and Restoration Account
`(a) There is established for the Coast Guard an account known as the Coast Guard Environmental Compliance and Restoration Account. All sums appropriated to carry out the Coast Guard's environmental compliance and restoration functions under this chapter or another law shall be credited or transferred to the account and remain available until expended.
`(b) Funds may be obligated or expended from the account to carry out the Coast Guard's environmental compliance and restoration functions under this chapter or another law.
`(c) In proposing the budget for any fiscal year under section 1105 of title 31, United States Code, the President shall set forth separately the amount requested for the Coast Guard's environmental compliance and restoration activities under this chapter or another law.
`(d) Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607) for the Secretary's response actions at current and former Coast Guard facilities shall be credited to the account.
`Sec. 693. Annual Report to Congress
`(a) The Secretary shall submit to Congress a report each fiscal year describing the progress the Secretary has made during the preceding fiscal year in implementing this chapter.
`(b) Each report shall include:
`(1) A statement for each facility or vessel for which the Secretary is responsible under section 691(c) of this title where a release of a hazardous substance or pollutant has been identified.
`(2) The status of response actions contemplated or undertaken at each facility.
`(3) The specific cost estimates and budgetary proposals for response actions contemplated or undertaken at each facility.
`(4) The total amount required to clean up contamination at all identified facilities.'.
(b) TITLE ANALYSIS- The title analysis at the beginning of part I of title 14, United States Code, is amended by adding after item 17:
690'.
(c) PRIOR AUTHORIZATION REQUIREMENT- Section 662 of title 14, United States Code, is amended by adding the following new paragraph:
`(5) For environmental compliance and restoration at Coast Guard facilities.'.
SEC. 223. BLOCK ISLAND SOUTHEAST LIGHTHOUSE PRESERVATION.
(a) CONVEYANCE- (1) The Secretary of the department in which the Coast Guard is operating may convey, by any appropriate means, all right, title and interest of the United States in the Block Island Southeast Lighthouse to the Block Island Southeast Lighthouse Foundation (hereafter referred to as the `Foundation') of the town of New Shoreham, Rhode Island.
(2) The purpose of this conveyance is to establish and maintain a nonprofit center for the public at the Block Island Southeast Lighthouse for interpretation and preservation of the culture of the United States Coast Guard and Block Island's maritime history.
(3) The Secretary may not transfer the Block Island Southeast Lighthouse until the Foundation or the State of Rhode Island, acting on its behalf, requests from the Secretary that the transfer occur.
(b) TERMS AND CONDITIONS- The conveyance shall be made--
(1) without payment of consideration;
(2) subject to the condition that if the property, or any part of the property, ceases to be used for the purpose of this section, title to all such property shall be deemed to have immediately reverted to the United States; and
(3) subject to such other terms and conditions as the Secretary of the department in which the Coast Guard is operating may impose.
(c) REQUIREMENTS- The conveyance shall include provisions necessary to assure that--
(1) the light, antennae, sound signal, and associated equipment which are active aids to navigation shall continue to be operated and maintained by the United States;
(2) the Foundation will not interfere or allow interference in any manner with navigational aids without written permission of the United States;
(3) there is reserved to the United States the right to relocate, replace, or add any navigational aids, or make any changes on any portion of the property as may be necessary for navigation purposes;
(4) the United States shall have the right, at any time, to enter the property without notice to maintain navigational aids; and

(5) the United States shall have an easement for access to the property to maintain navigational aids.

(d) PROPERTY DESCRIPTION- The Secretary of the department in which the Coast Guard is operating shall identify, describe, and determine the property to be conveyed under this section.

(e) DEFINITION- For purposes of this section, `Block Island Southeast Lighthouse' means the lighthouse and attached keeper's dwelling, several ancillary buildings, a fog signal, and land (but not less than nine acres) necessary to carry out the purposes of this section located in the town of New Shoreham, Rhode Island.

(f) STRATEGY- The Secretary of Transportation shall within six months of the date of enactment, in consultation with the Secretary of the Interior, appropriate state, local, and other governmental entities, and private preservation groups, develop a strategy regarding the ownership, maintenance, operation, and use of the Block Island Southeast Lighthouse that will preserve the special historic character of the Lighthouse and ensure public access. Any proposal must be consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.), other applicable law, and efforts to interpret and preserve the material culture of the United States Coast Guard and Block Island's maritime history.

TITLE III--MISCELLANEOUS

SEC. 301. DOCUMENTATION OF VESSELS.

(a) TECHNICAL AMENDMENTS- Chapter 121 of title 46, United States Code, is amended as follows:

(1) Section 12101(b) is amended--

(A) in paragraph (1), by striking `registry as' and inserting `registry endorsement as';

(B) in paragraph (2), by striking `coastwise license' and inserting `coastwise endorsement';

(C) in paragraph (3), by striking `Great Lakes license' and inserting `Great Lakes endorsement';

(D) by repealing paragraph (4); and

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

(2) Section 12102 is amended--

(A) in the matter preceding paragraph (1) of subsection (a)--

(i) by inserting `that is' before `not', and

(ii) by inserting `or is not titled in a State' after `foreign country';

(B) by striking `(b)(1)' and inserting `(c)(1)';

(C) in subsection (c)(1) (as redesignated by subparagraph (B)), by striking `fishery license' and inserting `fishery endorsement'; and

(D) by repealing subsection (c).

(3) Section 12103 is amended--

(A) in subsection (a), by striking `of one of the types' and inserting `endorsed with one or more of the endorsements'; and

(B) in subsection (b)--

(i) by striking `(b)' and inserting `(b)(1)'; and

(ii) by adding at the end the following new paragraph:

`(2) The Secretary shall require each person applying to document a vessel to provide--

`(A) the person's social security number; or

`(B) for a person other than an individual--

`(i) the person's taxpayer identification number; or

`(ii) if the person does not have a taxpayer identification number, the social security number of an individual who is a corporate officer, general partner, or individual trustee of the person and who signs the application for documentation for the vessels.'.

(4) Section 12104(2) is amended by striking `vessel license,' and inserting `endorsement,'.

(5) Section 12105 is amended--

(A) by amending subsection (a) to read as follows:

`(a) A certificate of documentation may be endorsed with a registry endorsement.';

(B) in subsection (b), by inserting `endorsement' after `registry';

(C) by repealing subsections (c) and (d); and

(D) in the catchline, by inserting `endorsements' after `Registry'.

(6) Section 12106 is amended--

(A) in subsection (a), by striking `A coastwise license or, as provided in section 12105(c) of this title, an appropriately endorsed registry, may be issued' and inserting `A certificate of documentation may be endorsed with a coastwise endorsement';

(B) in subsection (b), by striking `coastwise license or an appropriately

endorsed registry' and inserting `certificate of documentation with a coastwise endorsement';
(C) in subsection (c), by striking `license' and inserting `endorsement';
(D) by repealing subsection (d); and
(E) in the catchline, by striking `licenses and registry' and inserting `endorsements'.
(7) Section 12107 is amended--
(A) in subsection (a), by striking `A Great Lakes license, or as provided in section 12105(c) of this title, an appropriately endorsed registry, may be issued' and inserting `A certificate of documentation may be endorsed with a Great Lakes endorsement';
(B) by amending subsection (b) to read as follows:
`(b) Subject to the laws of the United States regulating trade with Canada, only a vessel for which a certificate of documentation with a Great Lakes endorsement is issued may be employed on the Great Lakes and their tributary and connecting waters in trade with Canada.';
(C) by repealing subsection (c); and
(D) in the catchline, by striking `licenses and registry' and inserting `endorsements'.
(8) Section 12108 is amended--
(A) in subsection (a), by striking `A fishery license or, as provided in section 12105(c) of this title, an appropriately endorsed registry, may be issued' and inserting `A certificate of documentation may be endorsed with a fishery endorsement';
(B) in subsection (a)(1), by striking `and';
(C) in subsection (b), by striking `fishery license or an appropriately endorsed registry' and inserting `certificate of documentation with a fishery endorsement';
(D) in subsection (C), by striking `license' and inserting `endorsement';
(E) by repealing subsection (d); and
(F) in the catchline, by striking `licenses and registry' and inserting `endorsements'.
(9) Section 12109 is amended--
(A) by striking subsection (a) and inserting the following:
`(a) A certificate of documentation with a recreational endorsement may be issued for a vessel that is eligible for documentation.';
(B) in subsection (b)--
(i) by striking `licensed recreational vessel' and inserting `documented vessel with a recreational endorsement'; and
(ii) by striking `Such' and inserting `A recreational';
(C) by adding at the end the following new subsection:
`(c) A documented vessel operating under a recreational endorsement may be operated only for pleasure.'; and
(D) in the catchline, by striking `vessel licenses' and inserting `endorsements'.
(10) Section 12110 is amended--
(A) by amending subsection (a) to read as follows:
`(a) A vessel may not be employed in a trade except a trade covered by the endorsement issued for that vessel.'; and
(B) in subsection (c)--
(i) by striking `certificate of documentation' and inserting `endorsement',
(ii) by striking `recreational vessel' and inserting `vessel with a recreational endorsement', and
(iii) by striking `except' and inserting `other than'.
(11) Section 12112 is amended--
(A) in subsection (a), by striking `an appropriate document' and inserting `a certificate of documentation with an appropriate endorsement'; and
(B) in subsection (b), by striking `an appropriate' and inserting `a'.
(12) The table of sections at the beginning of chapter 121 is amended by striking the entries for sections 12105 through 12109 and inserting the following:
`12105. Registry endorsements.
`12106. Coastwise endorsements.
`12107. Great Lakes endorsements.
`12108. Fishery endorsements.
`12109. Recreational endorsements.'.
(b) DOCUMENTATION SURRENDER AND INVALIDATION- Section 12111(c)(3) of title 46, United States Code, does not apply to a mortgage that--
(1) was filed or recorded before January 1, 1989; and
(2) was not a preferred mortgage (as that term is defined in section 31301(6) of that title) on that date.

SEC. 302. VESSEL IDENTIFICATION SYSTEMS.

Chapter 125 of title 46, United States Code, is amended as follows:

(1) Section 12501(b)(2) is amended to read as follows:

`(2) identifying the owner of the vessel, including--

`(A) the owner's social security number; or

`(B) for an owner other than an individual--

`(i) the owner's taxpayer identification number; or

`(ii) if the owner does not have a taxpayer identification number, the social security number of an individual who is a corporate officer, general partner, or individual trustee of the owner and who signed the application for documentation or numbering for the vessel;'.

(2) Section 12503(a)(2) is amended to read as follows:

`(2) identifies the owner of the vessel, including by--

`(A) the owner's social security number; or

`(B) for an owner other than an individual--

`(i) the owner's taxpayer identification number; or

`(ii) if the owner does not have a taxpayer identification number, the social security number of an individual who is a corporate officer, general partner, or individual trustee of the owner and who signed the application for documentation or numbering for the vessel;'.

(3) Section 12504 is amended by striking `Secretary, the Secretary of Transportation--' and inserting `Secretary of Transportation, the Secretary--'.

SEC. 303. COMMERCIAL INSTRUMENTS AND MARITIME LIENS.

Chapter 313 of title 46, United States Code, is amended as follows:

(1) Section 31306 is amended--

(A) in subsection (a), by striking `When' and inserting `Except as provided by the Secretary of Transportation, when' and by striking `of Transportation'; and

(B) in subsection (c), by striking `An' and inserting `Except as provided by the Secretary, an'.

(2) Section 31321(c) is amended--

(A) by striking `that has not yet been documented,' and inserting `for which an application for documentation is filed,'; and

(B) by striking `party whose name and address is stated on' and inserting `interested party to';

(3) Section 31322 is amended--

(A) by amending subsection (a)(2) to read as follows:

`(2) Paragraph (1)(D) of this subsection does not apply to--

`(A) a documented vessel that has a fisheries endorsement or a recreational endorsement, or both endorsements; or

`(B) a vessel for which an application for documentation with a fisheries endorsement or a recreational endorsement, or both endorsements, has been filed.';

(B) in subsection (d)(1), by striking `representing financing of a vessel under State law that is made under applicable State law' and inserting `granting a security interest perfected under State law'; and

(C) in subsection (e) (1) and (2) by striking `the validity of the preferred mortgage' each place that phrase appears and inserting `the status of the preferred mortgage'.

(4) Section 31325 is amended by amending subsections (b) and (c) to read as follows:

`(b) On default of any term of the preferred mortgage, the mortgage may--

`(1) enforce the perferred mortgage lien in a civil action in rem for a documented vessel, a vessel to be documented under chapter 121 of this title, or a foreign vessel; and

`(2) enforce a claim for the outstanding indebtedness secured by the mortgaged vessel in--

`(A) a civil action in personam in admiralty against the mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness; and

`(B) a civil action against the mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness; and

`(c) The district courts have original jurisdiction of a civil action brought under subsection (b) (1) or (2) of this section. However, for a documented vessel, a vessel to be documented under chapter 121 of this title, or a foreign vessel, this jurisdiction is exclusive of the courts of the States for a civil action brought under subsection (b)(1) of this section.'

(5) Section 31341(a)(3) is amended by striking `mangement' and inserting `management'.

(6) Section 31342 is amended--
(A) by striking `A person providing necessaries to a vessel (except a public vessel) on the order of a person listed in section 31341 of this title' and inserting `(a) Except as provided in subsection (b) of this section, a person providing necessaries to a vessel on the order of the owner'; and
(B) by adding the following new subsection (b) at the end:
`(b) This section does not apply to a public vessel.'.

SEC. 304. AMENDMENTS TO THE SHIPPING ACT, 1916.

(a) EXEMPTION FROM REQUIREMENT OF APPROVAL BY SECRETARY- Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808), is amended in subsection (c)(1) by inserting `or the last documentation of which was under the laws of the United States' before the semicolon at the end;
(2) in subsection (c)(2) by inserting `, or a vessel the last documentation of which was under the laws of the United States,' after `a documented vessel';
(3) in subsection (d) (1) and (2), by striking `or control in' and inserting `in or control of'; and
(4) adding the following new paragraph:
`(4) A person that charters, sells, transfers, or mortgages a vessel, or an interest in or control of a vessel, in violation of this section is liable to the United States Government for a civil penalty of not more than $10,000 for each violation.'.
(b) REMISSION OF FORFEITURE- Section 38 of the Shipping Act, 1916 (46 App. U.S.C. 836) is amended by striking `duties.' and inserting `duties, except that forfeitures may be remitted without seizure of the vessel.'.

SEC. 305. CIVIL PENALTY PROCEDURES.

Chapter 3 of title 49, United States Code, is amended--
(1) by adding at the end of subchapter II the following new section:
`Sec. 336. Civil penalty procedures
`(a) After notice and an opportunity for a hearing, a person found by the Secretary of Transportation to have violated a provision of law that the Secretary carries out through the Maritime Administrator or the Commandant of the Coast Guard or a regulation prescribed under that law by the Secretary for which a civil penalty is provided, is liable to the United States Government for the civil penalty provided. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.
`(b) The Secretary may compromise, modify, or remit, with or without consideration, a civil penalty until the assessment is referred to the Attorney General.
`(c) If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection in an appropriate district court of the United States.
`(d) The Secretary may refund or remit a civil penalty collected under this section if--
`(1) application has been made for refund or remission of the penalty within one year from the date of payment; and
`(2) the Secretary finds that the penalty was unlawfully, improperly, or excessively imposed.'; and
(2) in the table of sections, by adding at the end the following:
`336. Civil penalty procedures.'.

SEC. 306. EXEMPTION OF CERTAIN FISHING INDUSTRY FROM INSPECTION REQUIREMENTS.

Section 403(a) of Public Law 98-364 is amended by striking `1990' in the first sentence and inserting `1991'.

SEC. 307. LAWS REPEALED.

The following laws are repealed:
(1) Section 4172 of the Revised Statutes of the United States (46 App. U.S.C. 41).
(2) Section 8 of Public Law 96-376 (46 App. U.S.C. 382b-1).
(3) Section 9(a) of the Shipping Act, 1916 (46 App. U.S.C. 808(a)).
(4) Sections 15 and 34 of the Merchant Marine Act, 1920.
(5) Section 701 of the Merchant Marine Act, 1928 (46 App. U.S.C. 891s).
(6) Section 6 of the Act of June 16, 1933 (46 App. U.S.C. 891y).
(7) Sections 201(b), 201(g), 510(h), 612, 804(c)(2), 805(e), 806(a), 807, 1106, 1107, and 1109 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1111(b), 1111(g), 1160(h), 1182, 1222(c)(2), 1223(e), 1224, 1225, 1276, 1279, and 1279b).
(8) Section 402 of the Act of October 8, 1940 (46 App. U.S.C. 1155a).
(9) Section 101 of the Act of June 25, 1958 (46 App. U.S.C. 1242-1).

(10) Sections 3(b) and 9 of the Act of December 13, 1977 (46 App. U.S.C. 1502(b) and 1508).
(11) Sections 20(a), 21, and 22 of the Shipping Act of 1984 (46 App. U.S.C. 1720).
(12) Sections 3(b)-(f), 4, 5(a), (b), and (d), 6, 7, 8(a)-(c), 10, 11(b), 12(b)-(e), and 13 of the Act of March 8, 1946 (50 App. U.S.C. 1736(b)-(f), 1737, 1738(a), (b), and (d), 1739, 1740, 1741(a)-(c), 1743, 1744(b), 1745(b)-(f), and 1746).
(13) Section 2 of the Act of June 29, 1949 (50 App. U.S.C. 1738a).
(14) The Act of September 21, 1959 (50 App. U.S.C. 1745a).
(15) Sections 1-5 of the Act of March 21, 1945 (50 App. U.S.C. 1721-1725).
(16) The Act of August 20, 1954 (50 App. U.S.C. 2391-2394).
(17) Section 4377 of the Revised Statutes of the United States (46 App. U.S.C. 325).

SEC. 308. COASTWISE DOCUMENTATION AND OPERATION.

(a) DOCUMENTATION- Notwithstanding section 12106 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation endorsed with a coastwise endorsement for each of the following vessels:
(1) Camelot (United States official number 536408);
(2) Crili (United States official number 656976);
(3) Da Warrior (Hawaiian Registration number HA 161 CP);
(4) Harbor Exec (United States official number 563895);
(5) Jamal (United States official number 611165);
(6) Karlissa (United States official number 950453);
(7) Lazy Jack (Maine Registration number ME9395G);
(8) Magnum Force (United States official number 287968);
(9) Terangi No. 2 (United States official number 572048);
(10) 3/4 Time (United States official number 907962); and
(11) Winddancer (United States official number 955031).
(b) OPERATION- Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the submersible vessel PC-1501 may engage in the coastwise trade.

SEC. 309. EFFECTIVE DATES.

(a) IN GENERAL- Except as provided in subsection (b), the amendments made by this Act take effect on the date of the enactment of this Act.
(b) Exceptions-
(1) The amendments made by section 1(a)(2) take effect January 1, 1989, except that the amendment made by subparagraph (A) of such section does not apply to a vessel titled in a State until one year after the Secretary of Transportation prescribes guidelines for a titling system under section 13106(b)(8) of title 46, United States Code.
(2) The amendments made by section 1(a)(3) take effect on the 180th day after the date of the enactment of this Act.

SEC. 310. SUBSTITUTION OF VESSEL.

Section 4(c)(2) of 101 Stat. 1780 is amended by adding after `1987' the following: `, except that an alternative vessel of no greater tonnage than the vessel in the application may be substituted, if that substitution is made by the original applicant'.

Speaker of the House of Representatives.
Vice President of the United States and
President of the Senate.