

Public Law 98-557
98th Congress

An Act

Oct. 30, 1984
[S. 2526]

To authorize appropriations for the Coast Guard for fiscal years 1985 and 1986, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Coast Guard Authorization Act of 1984".

Coast Guard
Authorization
Act of 1984.
Uniformed
services.
Vessels.

AUTHORIZATION OF FUNDS

SEC. 2. Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal years 1985 and 1986 as follows:

(1) For the operation and maintenance of the Coast Guard, including expenses related to the Capehart housing debt reduction, \$1,800,000,000 for fiscal year 1985 and \$1,950,000,000 for fiscal year 1986; and for increases in salary, pay, and other employee benefits authorized by law, and for the full amount of fixed costs associated with operation of five Coast Guard polar icebreaking vessels manned by Coast Guard military personnel, such sums as may be necessary for each such fiscal year.

Aleutian Islands.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, \$580,000,000 for fiscal year 1985 (of which \$30,000,000 shall be for design, survey, acquisition and construction of a search and rescue facility in Western Alaska to serve the Aleutian Islands) and \$680,000,000 for fiscal year 1986 (of which \$30,000,000 shall be for construction of such facility).

(3) For research, development, test, and evaluation, \$35,000,000 for fiscal year 1985 and \$38,000,000 for fiscal year 1986.

(4) For the alteration or removal of bridges over navigable waters of the United States, constituting obstructions to navigation, \$8,700,000 for fiscal year 1985, and such sums as may be necessary for expenses of the Coast Guard for such purposes for fiscal year 1986.

(5) For retired pay including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and for payments for medical care of retired personnel and their dependents under the Dependents' Medical Care Act, such sums as may be necessary for fiscal years 1985 and 1986.

70 Stat. 250.

PERSONNEL LEVELS

SEC. 3. Notwithstanding any other provision of law, the Coast Guard's full-time equivalent strength levels for fiscal years 1985 and 1986 shall be maintained as follows:

(1) For active duty military personnel, not less than 39,150 for fiscal years 1985 and 1986, which shall not include members of the Ready Reserve called to active duty under the authority of section 712 of title 14, United States Code, or Public Health Service officers on active duty with the Coast Guard.

(2) For civilian employees of the Coast Guard, not less than 5,484 for fiscal years 1985 and 1986.

MILITARY TRAINING

SEC. 4. For fiscal years 1985 and 1986, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 3,500 student-years.

(2) For flight training, 118 student-years.

(3) For professional training in military and civilian institutions, 556 student-years.

(4) For officer acquisition, 1,038 student-years.

TRANSFER OF FUNDS

SEC. 5. (a) Whenever the Secretary of the department in which the Coast Guard is operating determines it to be in the national interest, the Secretary may transfer not to exceed 5 percent of the funds appropriated for the purposes described in paragraph (1) or (2) of section 2 of this Act for use for any purpose described in any paragraph of section 2, except that the total available for the purposes for which the funds are transferred shall not be increased by more than 10 percent as a result of the transfer.

(b) No transfer of funds may occur under subsection (a) of this section until 15 days after the Secretary has provided written notification to the Chairman of the Committee on Commerce, Science, and Transportation of the Senate and the Chairman of the Committee on Merchant Marine and Fisheries of the House of Representatives stating the reasons for the determination and a description of the purposes for which the funds proposed to be transferred will be used.

Effective date.

POLAR ICEBREAKING

SEC. 6. (a) It is the sense of the Congress that the United States has important security, economic, and environmental interests in developing and maintaining a fleet of icebreaking vessels capable of operating effectively and independently in the heavy ice regions of the Arctic and Antarctic.

(b) The Secretary of the department in which the Coast Guard is operating shall prepare design and construction plans for the purchase of at least 2 new polar icebreaking vessels to be operational by the conclusion of fiscal year 1990, and shall provide detailed reports to the Congress describing the status of those plans in January 1985 and January 1986. In preparing such plans, the Secretary shall consult with other interested Federal agencies for the purpose of ensuring that all appropriate military, scientific, economic, and environmental interests are taken into account.

Reports.

ALCOHOL USE BY BOATERS

97 Stat. 508.

SEC. 7. (a) Section 2302 of title 46, United States Code, is amended by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following:

“(c) An individual who is intoxicated when operating a vessel, as determined under standards prescribed by the Secretary by regulation, shall be—

“(1) liable to the United States Government for a civil penalty of not more than \$1,000; or

“(2) fined not more than \$5,000, imprisoned for not more than one year, or both.”.

97 Stat. 536.
Report.

(b)(1) Section 6101(b) of title 46, United States Code, is amended by adding at the end thereof the following: “Each report filed under this section shall include information as to whether the use of alcohol contributed to the casualty.”.

97 Stat. 536.

(2) Section 6102(a) of title 46, United States Code, is amended by inserting immediately before the period at the end thereof the following: “, including information and statistics concerning the number of casualties in which the use of alcohol contributed to the casualty”.

Ante, p. 1013.

(3) Section 13102(c)(4) of title 46, United States Code, is amended by inserting immediately after “program” the following: “, that includes the dissemination of information concerning the hazards of operating a vessel when under the influence of alcohol”.

RECREATIONAL BOATING SAFETY AMENDMENTS

97 Stat. 531.

SEC. 8. (a) Section 4307(a)(1)(A) of title 46, United States Code, is amended—

(1) by inserting “(i)” immediately after “(A)”;

(2) by striking “or” at the end of clause (i), as so redesignated by paragraph (1) of this subsection, and inserting in lieu thereof “and”; and

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

“(ii) it does not contain a defect which has been identified, in any communication to such person by the Secretary or the manufacturer of that vessel, equipment or component, as creating a substantial risk of personal injury to the public; or”.

97 Stat. 534.

(b) Section 4311(b)(1) of title 46, United States Code, is amended by inserting “defect or the” immediately before “nonconformity”.

(c) Section 4311(f)(1) of title 46, United States Code, is amended by inserting “or that the person was not advised by the Secretary or the manufacturer of that vessel, equipment or component that the vessel, equipment or component contains a defect which creates a substantial risk of personal injury to the public” immediately before the semicolon.

RESCUE SWIMMING PROGRAM

14 USC 88 note.

SEC. 9. The Secretary of the department in which the Coast Guard is operating shall use such sums as are necessary, from amounts appropriated for the operation and maintenance of the Coast Guard, to establish a helicopter rescue swimming program for the purpose of training selected Coast Guard personnel in rescue swimming skills.

LIFESAIVING EQUIPMENT ON PASSENGER FERRIES

SEC. 10. The Secretary of the department in which the Coast Guard is operating shall proceed vigorously with efforts to develop improved lifesaving equipment for use on passenger ferries.

14 USC 92 note.

SAN FRANCISCO VTS

SEC. 11. (a) Of the funds authorized to be appropriated by paragraph (1) of section 2 of this Act, such sums as are necessary shall be used to maintain in full operation the vessel traffic service (VTS) system in San Francisco, California, throughout fiscal years 1985 and 1986.

(b) None of the funds authorized to be appropriated by this Act may be used to develop or issue a request for proposals to contract any function or activity involved in operating the vessel traffic service (VTS) system in San Francisco, California, which is, on the date of enactment of this Act, performed by Coast Guard personnel.

(c) None of the funds authorized to be appropriated by this Act may be used to hire, train, or otherwise utilize civilian personnel to replace Coast Guard military personnel involved in operating the vessel traffic service (VTS) system in San Francisco, California, until the Coast Guard has conducted a study in accordance with this subsection and has submitted the results of such study to the Congress. Such study shall identify the costs, efficiencies, and benefits, if any, that would accrue to the Federal Government, the Coast Guard, the ports, the Navy, and other users of the vessel traffic service (VTS) system in San Francisco, California, from the use of civilian personnel in that system.

Study.

LONG RANGE SEARCH AND SURVEILLANCE AIRCRAFT

SEC. 12. (a) Of the amounts authorized to be appropriated by paragraphs (1) and (2) of section 2 of this Act, such sums as are necessary shall be used to procure, maintain, and operate a fleet of not less than twenty-seven long-range search and surveillance aircraft for use by the Coast Guard.

(b) The Secretary of the department in which the Coast Guard is operating is encouraged to conduct the research, development, test and evaluation necessary for an electronic surveillance system, capable of producing and documenting images for search and rescue or law enforcement purposes, for the long range search and surveillance aircraft of the Coast Guard.

PROTECTION OF SEAMEN

SEC. 13. (a) Chapter 21 of title 46, United States Code, is amended by adding at the end thereof the following:

“§ 2114. Protection of seamen against discrimination

46 USC 2114.

“(a) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel may not discharge or in any manner discriminate against a seaman because the seaman in good faith has reported or is about to report to the Coast Guard that the seaman believes that a violation of this subtitle, or a regulation issued under this subtitle, has occurred.

“(b) A seaman discharged or otherwise discriminated against in violation of this section may bring an action in an appropriate

district court of the United States. In that action, the court may order any appropriate relief, including—

“(1) restraining violations of this section; and

“(2) reinstatement to the seaman’s former position with back pay.”

(b) The analysis of chapter 21 of title 46, United States Code, is amended by adding at the end thereof the following:

“2114. Protection of seamen against discrimination.”

CONTRACTING FOR SERVICES PERFORMED BY THE COAST GUARD

SEC. 14. (a) The Secretary of the department in which the Coast Guard is operating is encouraged to identify those functions and services presently performed by Coast Guard personnel which are not inherently governmental in nature, and which may be performed with equal effectiveness and at lower cost under contract to the private sector.

(b) None of the funds authorized to be appropriated by this Act may be used—

(1) to issue any contract that would have the effect, either by itself or in combination with other contracting proposals, of causing a deterioration in the overall ability of the Coast Guard to carry out its missions in behalf of the security, safety, and economic and environmental well-being of the United States; or

(2) to issue a request for proposals to contract out any function or activity which is, on the date of enactment of this Act, performed by civilian employees or members of the Coast Guard, unless a period of thirty days in which either the Senate or House of Representatives is in session has expired after the Secretary has submitted in writing to the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Committee on Commerce, Science, and Transportation of the Senate, and the Chairman of the Committee on Merchant Marine and Fisheries of the House of Representatives a full and complete statement (including relevant supporting studies) concerning the proposed contracting and the reasons therefor.

(c) Prior to the beginning of fiscal years 1985 and 1986, the Secretary shall submit to the Congress a list of functions or activities for which the Secretary expects to submit notifications required by subsection (b)(2) of this section during that fiscal year.

(d) The requirements of subsection (b)(2) of this section do not apply to contracts for functions or activities which are performed by three or fewer Coast Guard personnel.

LEGAL EQUITY FOR WOMEN

SEC. 15. (a)(1) Section 371 of title 14, United States Code, is amended—

(A) by striking “male” both places it appears in the second sentence of subsection (a);

(B) in subsection (c)(1)—

(i) by striking “he agrees in writing that, upon his” and inserting in lieu thereof “the person agrees in writing that, upon”; and

(ii) by striking “he will” and inserting in lieu thereof “the person will”; and

(C) by striking "he has the consent of his parent or guardian to his agreement" in subsection (c)(2) and inserting in lieu thereof "the person has the consent of the person's parent or guardian to the agreement".

(2) The first sentence of section 487 of such title is amended by striking "widows" and inserting in lieu thereof "surviving spouses". 14 USC 487.

(3)(A) The following sections of such title are amended by striking "enlisted man" each place it appears and inserting in lieu thereof "enlisted member": 353, 354, 355, 357, 359, 360, 361, 362, 365, 366, 367, 370, 421, 423, and 424.

(B) The following sections of such title are amended by striking "enlisted men" each place it appears and inserting in lieu thereof "enlisted members": 41, 211(a)(2), 212(a)(2), 213(a)(1), 214, 357, 432(c), 478(d), and 480.

(C) The following sections of such title are amended by striking "Enlisted men" each place it appears and inserting in lieu thereof "Enlisted members": 41, 352, 367, 478(a), 481, and 482.

(D) The following sections of such title are amended by striking "officers and enlisted men" each place it appears and inserting in lieu thereof "members": 92(b), 144(a), 145(a)(2), 148, 149, 487, and 832.

(E) Section 149 of such title is amended by striking "Officers and enlisted men" and inserting in lieu thereof "Members".

(F) Section 351(a) of such title is amended by striking "men" and inserting in lieu thereof "persons".

(G) Section 361 of such title is amended by striking "the man" and inserting in lieu thereof "the member".

(H) Sections 192 and 483 of such title are amended by striking "commissioned officer, warrant officer, or enlisted man" each place it appears and inserting in lieu thereof "member".

(I) Section 488 of such title is amended by striking "officers and men" and inserting in lieu thereof "members".

(4)(A)(i) The heading of section 149 of such title is amended to read as follows:

"§ 149. Detail of members to assist foreign governments".

(ii) The item relating to such section in the analysis of chapter 7 of such title is amended as follows:

"149. Detail of members to assist foreign governments."

(B)(i) The heading of section 360 of such title is amended to read as follows:

"§ 360. Recall to active duty with consent of member".

(ii) The item relating to such section in the analysis of chapter 11 of such title is amended to read as follows:

"360. Recall to active duty with consent of member."

(C)(i) The heading of section 361 of such title is amended to read as follows:

"§ 361. Relief of retired enlisted member promoted while on active duty".

(ii) The item relating to such section in the analysis of chapter 11 of such title is amended to read as follows:

“361. Relief of retired enlisted member promoted while on active duty.”.

14 USC 487.

(D)(i) The heading of section 487 of such title is amended to read as follows:

“§ 487. Procurement and sale of stores to members and civilian employees”.

(ii) The item relating to such section in the analysis of chapter 13 of such title is amended to read as follows:

“487. Procurement and sale of stores to members and civilian employees.”.

(E)(i) The heading preceding section 350 in such title is amended to read as follows:

“ENLISTED MEMBERS”

(ii) The heading preceding the item relating to section 350 in the analysis of chapter 11 of such title is amended to read as follows:

“ENLISTED MEMBERS”

(b)(1) The first section of the Act of August 19, 1950 (33 U.S.C. 771) is amended—

(A) by striking “he” in clause (1) and inserting in lieu thereof “that employee”;

(B) by amending clause (2) to read as follows:

“(2) the surviving spouse of the former employee was married to the former employee prior to the retirement of the former employee from the Lighthouse Service and has not remarried—”; and

(C) by striking “such widow, so long as she” in the material after clause (2) and inserting in lieu thereof “the surviving spouse, so long as the surviving spouse”.

(2) Section 2 of such Act (33 U.S.C. 772) is amended—

(A) by amending clause (2) to read as follows:

“(2) the surviving spouse of the employee has not since remarried.”; and

(B) by striking “such widow, so long as she” in the material after clause (2) and inserting in lieu thereof “the surviving spouse, so long as the surviving spouse”.

COASTAL AND INLAND NAVIGATION SAFETY

Mississippi
River.

SEC. 16. (a) Subsection (e) of Public Law 96-380 (33 U.S.C. 1231a(e)) is amended by striking “five years from the date of enactment of this Act” and inserting in lieu thereof “on September 30, 1990”.

(b)(1) Rule 24(i) of the Inland Navigational Rules, enacted by section 2 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2024(i)), is amended by inserting “(except below the Huey P. Long Bridge on the Mississippi River)” immediately after “Western Rivers”.

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

(A) by amending the second sentence in subsection (c) to read as follows: “Members of the Council, while away from their home or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.”; and

(B) by striking "5 years from the date of enactment of this Act" in subsection (d) and inserting in lieu thereof "on September 30, 1990".

(c) Rule 14 of the Inland Navigational Rules, enacted by section 2 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2014), is amended—

(1) in subsection (a), by striking "When" and inserting in lieu thereof "Unless otherwise agreed, when"; and

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

"(d) Notwithstanding paragraph (a) of this Rule, a power-driven vessel operating on the Great Lakes, Western Rivers, or waters specified by the Secretary, and proceeding downbound with a following current shall have the right-of-way over an upbound vessel, shall propose the manner of passage, and shall initiate the maneuvering signals prescribed by Rule 34(a)(i), as appropriate."

Great Lakes.
Western Rivers.

COAST GUARD MANAGEMENT AND EFFICIENCY

SEC. 17. (a) Section 971(b) of title 10, United States Code, is amended—

(1) by striking "and" at the end of clause (1);

(2) by striking the period at the end of clause (2) and inserting in lieu thereof "; and"; and

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

"(3) no officer of the Coast Guard may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy."

(b)(1) Section 257 of title 14, United States Code, is amended by adding at the end thereof the following:

"(e) An officer whose involuntary retirement or separation is deferred under section 295 of this title is not eligible for consideration for promotion to the next higher grade during the period of that deferment."

Infra.

(2)(A) Chapter 11 of such title is amended by inserting immediately after section 294 the following:

"§ 295. Deferment of retirement or separation for medical reasons

14 USC 295.

"(a) Subject to subsection (b), the Secretary may defer the retirement or separation of a commissioned officer, other than a commissioned warrant officer, if the evaluation of the physical condition of the officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization, medical observation, or other physical disability processing that cannot be completed before the date on which the officer would otherwise be retired or separated.

"(b) A deferment under subsection (a)—

"(1) may only be made with the consent of the officer involved; and

"(2) if the Secretary receives written notice from the officer withdrawing that consent, shall end not later than the end of the sixty-day period beginning on the date the Secretary receives that notice."

(B) The analysis of such chapter is amended by inserting immediately after the item relating to section 294 the following:

"295. Deferment of retirement or separation for medical reasons."

14 USC 647.

(3)(A) Section 647 of such title is amended by striking "\$25,000" and inserting in lieu thereof "\$100,000".

14 USC 647 note.

(B) The amendment made by subparagraph (A) of this paragraph shall apply to all claims considered, ascertained, adjusted, determined, compromised or settled on or after the date of enactment of this Act.

(4) Section 367 of such title is amended—

(A) by striking "(a)" before "Under regulations";

(B) by striking "person detained" and inserting in lieu thereof "member detained"; and

(C) by striking "(1) of this subsection" and inserting in lieu thereof "clause (1)".

(c) Section 1114 of title 18, United States Code, is amended by striking "any officer or enlisted man of the Coast Guard," and inserting in lieu thereof "any member of the Coast Guard, any employee of the Coast Guard assigned to perform investigative, inspection or law enforcement functions,".

(d) Section 402(d) of title 37, United States Code, is amended by inserting "and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy" immediately after "Secretary of Defense".

(e)(1) Subsection (a) of section 3732 of the Revised Statutes of the United States (41 U.S.C. 11) is amended—

(A) by striking "except in the War and Navy Departments" and inserting in lieu thereof "except in the Department of Defense and in the Department of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy"; and

(B) by striking "or transportation" and inserting in lieu thereof "transportation, or medical and hospital supplies".

(2) Subsection (b) of such section is amended by inserting "and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy" immediately after "The Secretary of Defense".

(3) The first proviso under the heading "MEDICAL DEPARTMENT" in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirteenth, nineteen hundred and seven", approved June 12, 1906 (34 Stat. 255), is repealed.

41 USC 11.

(f)(1) Section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c) is amended—

(A) by striking "and the Secretary of Health and Human Services" each place it appears and inserting in lieu thereof "the Secretary of Health and Human Services, and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy"; and

(B) by inserting "the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy," immediately before "and the appropriate officials".

(2) Section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d) is amended—

97 Stat. 698.

(A) by striking "and the Secretary of Health and Human Services" each place it appears and inserting in lieu thereof "the Secretary of Health and Human Services, and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy"; and

(B) by inserting “and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy” immediately after “with the Secretary of Health and Human Services” each place it appears.

(g)(1) The first section of the Act of March 23, 1906 (33 U.S.C. 491), popularly known as the “Bridge Act of 1906”, is amended—

(A) by striking “and Chief of Engineers for their approval, nor until they” and inserting in lieu thereof “for the Secretary’s approval, nor until the Secretary”;

(B) by striking “by the Chief of Engineers and”;

(C) by striking “of the Chief of Engineers and”; and

(D) by striking “of Transportation” the second and third place it appears.

(2) Section 502(b) of the General Bridge Act of 1946 (33 U.S.C. 525(b)) is amended—

(A) by striking “the Chief of Engineers and”; and

(B) by striking “they” both places it appears and inserting in lieu thereof “the Secretary”.

REPEAL OF DUPLICATE TANKERMAN MANNING REQUIREMENT

SEC. 18. Section 8703(b) of title 46, United States Code, relating to tankerman manning requirements, is repealed.

INCLUSION OF SECRETARY OF TRANSPORTATION IN CERTAIN MEDICAL MATTERS

SEC. 19. Chapter 55 of title 10, United States Code, is amended—

(1) in section 1072—

(A) by striking all after “by” through “may be,” in paragraph (2)(D)(iii) and inserting in lieu thereof “the administering Secretary”; and

(B) by adding at the end thereof the following:

“(3) ‘Administering Secretaries’ means the Secretaries of executive departments specified in section 1073 of this title as having responsibility for administering this chapter.”;

(2) in section 1073, by striking all after “jurisdiction,” through “Navy, and” and inserting in lieu thereof “the Secretary of Transportation shall administer this chapter for the Coast Guard when the Coast Guard is not operating as a service in the Navy, and the Secretary of Health and Human Services shall administer this chapter”;

(3) in section 1074, by striking “Secretary of Defense and the Secretary of Health and Human Services” each place it appears and inserting in lieu thereof “administering Secretaries”;

(4) in section 1074(a), by striking “Secretary of Defense and the Secretary of Health and Human Services” and inserting in lieu thereof “administering Secretaries”;

(5) in section 1076 (b) and (d), by striking “the Secretary of Defense and the Secretary of Health and Human Services” and inserting in lieu thereof “the administering Secretaries”;

(6) in section 1078 (a) and (b), by striking “the Secretary of Health and Human Services” and inserting in lieu thereof “the other administering Secretaries”;

(7) in section 1079—

(A) by striking “the Secretary of Defense and the Secretary of Health and Human Services” each place it appears

and inserting in lieu thereof "the administering Secretaries"; and

97 Stat. 648.

(B) by striking "with the Secretary of Health and Human Services" in subsections (a), (h)(2), and (k) and inserting in lieu thereof "with the other administering Secretaries";

(8) in section 1080, by striking "the Secretary of Health and Human Services" and inserting in lieu thereof "the other administering Secretaries";

(9) in section 1081, by striking "the Secretary of Defense or the Secretary of Health and Human Services" and inserting in lieu thereof "the appropriate administering Secretary";

(10) in section 1083, by striking "the Secretary of Health and Human Services" and inserting in lieu thereof "the other administering Secretaries";

(11) in section 1084—

(A) by striking "the Secretary of Defense or the Secretary of Health and Human Services" and inserting in lieu thereof "an administering Secretary"; and

(B) by striking "he" and inserting in lieu thereof "the administering Secretary";

(12) by amending the text of section 1085 to read as follows: "If a member or former member of a uniformed service under the jurisdiction of one executive department (or a dependent of such a member or former member) receives inpatient medical or dental care in a facility under the jurisdiction of another executive department, the appropriation for maintaining and operating the facility furnishing the care shall be reimbursed at rates established by the President to reflect the average cost of providing the care.";

(13) in section 1086—

(A) by striking "the Secretary of Health and Human Services" in subsection (a) and inserting in lieu thereof "the other administering Secretaries"; and

(B) by striking "the Secretary of Defense and the Secretary of Health and Human Services" in subsection (e) and inserting in lieu thereof "the administering Secretaries"; and

97 Stat. 650.

(14) in section 1092(a)(1), by striking "Secretary of Health and Human Services" and inserting in lieu thereof "other administering Secretaries".

CUTTER AVAILABILITY

SEC. 20. Throughout fiscal years 1985 and 1986, there shall be available for service at all times on the Atlantic and Gulf Coasts of the United States not less than, in the aggregate, thirty high and medium endurance Coast Guard cutters.

COAST GUARD REPRESENTATION ON RESERVE FORCES POLICY BOARD

SEC. 21. Section 175(b) of title 10, United States Code, is amended to read as follows:

"(b) Whenever the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation may designate two officers of the Coast Guard, Regular or Reserve, to serve as voting members of the Board."

EXPOSURE SUITS

SEC. 22. (a)(1) Chapter 31 of title 46, United States Code, is amended by adding at the end thereof the following:

“§ 3102. Exposure suits

46 USC 3102.

“(a) The Secretary shall by regulation require exposure suits on vessels designated by the Secretary that operate in the Atlantic Ocean north of thirty-two degrees North latitude or south of thirty-two degrees South latitude and in all other waters north of thirty-five degrees North latitude or south of thirty-five degrees South latitude. The Secretary may not exclude a vessel from designation under this section only because that vessel carries other lifesaving equipment.

Regulations.
Atlantic Ocean.

“(b) The Secretary shall establish standards for an exposure suit required by this section, including standards to guarantee adequate thermal protection, buoyance, and flotation stability.

“(c)(1) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel violating this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of not more than \$5,000. The vessel also is liable in rem for the penalty.

“(2) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel violating this section or a regulation prescribed under this section may be fined not more than \$25,000, imprisoned for not more than 5 years, or both.”

(2) The analysis of chapter 31 of title 46, United States Code, is amended by inserting immediately after the item relating to section 3101 the following:

“3102. Exposure suits.”

(b) Section 3102 of title 46, United States Code (as added by subsection (a) of this section), does not limit the authority of the Secretary of the department in which the Coast Guard is operating to prescribe regulations requiring exposure suits on vessels not required by section 3102 to have exposure suits.

46 USC 3102
note.

(c) The regulations prescribed under section 3102 of title 46, United States Code (as added by subsection (a) of this section), shall be effective not later than 60 days after the date of enactment of this Act.

Regulations.
Effective date.
46 USC 3102
note.

(d) Not later than six months after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Congress evaluating the benefits and disadvantages of extending the regulations prescribed under section 3102 of title 46, United States Code (as added by subsection (a) of this section) to require exposure suits on designated vessels operating in all waters north of thirty-one degrees North latitude or south of thirty-one degrees South latitude.

Report.

VESSEL FIRE RESPONSE CAPABILITY

SEC. 23. (a) The Secretary of the department in which the Coast Guard is operating shall make a grant to the Maritime Fire and Safety Association, a nonprofit organization incorporated in the State of Oregon. Such grant shall be used for a demonstration project to develop a fire response capability for vessels through the acquisition of equipment and supplies and through training of fire

Grants.

response personnel. The Secretary shall ensure that funds made available by such grant are used for such purposes.

(b) For purposes of subsection (a) of this section, there are authorized to be appropriated not to exceed \$349,000 for fiscal year 1985, not to exceed \$160,000 for fiscal year 1986, and not to exceed \$103,000 for fiscal year 1987.

CADET PREAPPOINTMENT TRAVEL EXPENSES

SEC. 24. (a) Chapter 9 of title 14, United States Code, is amended by inserting immediately after section 181 the following:

14 USC 181a.

“§ 181a. Cadet applicants; preappointment travel to Academy

“The Secretary is authorized to expend appropriated funds for selective preappointment travel to the Academy for orientation visits of cadet applicants.”.

(b) The table of sections at the beginning of such chapter is amended by inserting immediately after the item relating to section 181 the following:

“181a. Cadet applicants; preappointment travel to Academy.”.

COMMODORE AND REAR ADMIRAL RESERVE POSITIONS

SEC. 25. (a)(1) Section 42(b) of title 14, United States Code, is amended by striking “.375” both places it appears and inserting in lieu thereof “.375”.

(2) Section 290 of such title is amended by striking “Board” in the fourth sentence and inserting in lieu thereof “Boards”.

(3) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 462a.

(4) Section 724 of such title is amended—

(A) by inserting “(1)” immediately after “(b)”;

(B) by striking the last sentence; and

(C) by adding at the end thereof the following:

“(2) The authorized number of Reserve Officers in an active status not on active duty in the grades of commodore and rear admiral is a total of two. However, the Secretary of the department in which the Coast Guard is operating may authorize an additional number of Reserve officers not on active duty in the grades of commodore and rear admiral as necessary in order to meet planned mobilization requirements.”.

(b)(1) The matter in the table in section 201(a) of title 37, United States Code, under the heading “Navy, Coast Guard, and National Oceanic and Atmospheric Administration” and in the columns for O-8 and O-7 is amended to read as follows:

“Rear admiral
“Commodore”.

(2)(A) The heading of section 202 of such title is amended to read as follows:

“§ 202. Pay grade: retired Coast Guard commodores”.

(B) The item relating to section 202 in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

“202. Pay grade: retired Coast Guard commodores.”.

(c) The matter in the table in section 741(a) of title 10, United States Code, under the heading "Navy and Coast Guard" is amended—

(1) by striking "Rear admiral (Navy) and Rear admiral (upper half) (Coast Guard)" and inserting in lieu thereof "Rear admiral"; and

(2) by striking "Commodore (Navy) and Rear admiral (lower half) (Coast Guard)" and inserting in lieu thereof "Commodore".

ASSOCIATE DEPUTY SECRETARY OF TRANSPORTATION

SEC. 26. (a) Section 102 of title 49, United States Code, is amended by redesignating subsection (d) as subsection (e) and inserting immediately after subsection (c) the following:

"(d) The Department has an Associate Deputy Secretary appointed by the President, by and with the advice and consent of the Senate. The Associate Deputy Secretary shall carry out powers and duties prescribed by the Secretary."

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following: "Associate Deputy Secretary, Department of Transportation."

(c) Notwithstanding any other provision of law, until April 15, 1985, the position created by subsection (a) of this section may be held by a person named by the President alone from among qualified individuals.

49 USC 102 note.

FLAT RATE PER DIEM TEST

SEC. 28. (a) Before October 1, 1986, the Secretary of the department in which the Coast Guard is operating may test a flat rate per diem allowances system for military travel allowances.

(b) Such flat rate per diem allowances shall be an amount determined by the Secretary to be sufficient to meet normal and necessary expenses in the area in which travel is performed, but such allowances may not be more than \$75 for each day in the continental United States.

(c) The test authorized by this section may not begin before the Committees on Commerce, Science, and Transportation and Armed Services of the Senate and the Committees on Merchant Marine and Fisheries and Armed Services of the House of Representatives are notified of the test.

IMPROVEMENTS IN SHIPPING LAWS ADMINISTERED BY THE COAST GUARD

SEC. 29. (a) Section 7101(e)(3) of title 46, United States Code, is amended to read as follows:

97 Stat. 539.

"(3) has a thorough physical examination each year while holding the license, except that this requirement does not apply to an individual who will serve as a pilot only on a vessel of less than 1,600 gross tons;"

(b) Section 8101(g) of title 46, United States Code, is amended by striking "or part B of this subtitle applies" and inserting in lieu thereof "applies or which is subject to inspection under chapter 33 of this title".

97 Stat. 548.

(c) Section 8301(a) of title 46, United States Code, is amended—

97 Stat. 550.

(1) by inserting "(except the Great Lakes)" immediately after "lakes"; and

(2) by striking “to which part B of this subtitle applies” and inserting in lieu thereof “subject to inspection under chapter 33 of this title”.

97 Stat. 550. (d) Section 8301(a)(1) of title 46, United States Code, is amended by inserting “propelled by machinery or carrying passengers” immediately after “vessels”.

97 Stat. 553. (e) Section 8501(a) of title 46, United States Code, is amended by striking “part” and inserting in lieu thereof “subtitle”.

(f)(1) Section 8502(a) of title 46, United States Code, is amended to read as follows:

“(a) Except as provided in subsection (g) of this section, a coastwise seagoing vessel shall be under the direction and control of a pilot licensed under section 7101 of this title if the vessel is—

97 Stat. 539. “(1) not sailing on register;

“(2) underway;

“(3) not on the high seas; and

“(4)(A) propelled by machinery and subject to inspection under Part B of this subtitle; or

“(B) subject to inspection under chapter 37 of this title.”.

97 Stat. 553. (2) Section 8502 of title 46, United States Code, is amended by adding at the end thereof the following:

“(g) The Secretary shall designate by regulation the areas of the approaches to and waters of Prince William Sound, Alaska, on which a vessel subject to this section is not required to be under the direction and control of a pilot licensed under section 7101 of this title.”.

(3)(A) Chapter 85 of title 46, United States Code, is amended by adding at the end thereof the following:

46 USC 8503. **“§ 8503. Federal pilots authorized**

“(a) The Secretary may require a pilot licensed under section 7101 of this title on a self-propelled vessel when a pilot is not required by State law and the vessel is—

“(1) engaged in foreign commerce; and

“(2) operating on the navigable waters of the United States.

“(b) A requirement prescribed under subsection (a) of this section is terminated when the State having jurisdiction over the area involved—

“(1) establishes a requirement for a State licensed pilot; and

“(2) notifies the Secretary of that fact.

Saint Lawrence Seaway.

“(c) For the Saint Lawrence Seaway, the Secretary may not delegate the authority under this section to an agency except the Saint Lawrence Seaway Development Corporation.

“(d) A person violating this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of not more than \$25,000. Each day of a continuing violation is a separate violation. The vessel also is liable in rem for the penalty.

“(e) A person that knowingly violates this section or a regulation prescribed under this section shall be fined not more than \$50,000, imprisoned for not more than five years, or both.”.

(B) The analysis of chapter 85 of title 46, United States Code, is amended by inserting immediately after the item relating to section 8502 the following:

“8503. Federal pilots authorized.”.

(g) Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226) is repealed. Repeal.

(h) Section 10 of the Ports and Waterways Safety Act (33 U.S.C. 1229) is amended by striking "6, and 7" and inserting in lieu thereof "and 6".

LOGBOOK REQUIREMENT

SEC. 30. Section 11301(a) of title 46, United States Code, is amended to read as follows: 97 Stat. 581.

"(a) Except a vessel on a voyage from a port in the United States to a port in Canada, a vessel of the United States shall have an official logbook if the vessel is—

"(1) on a voyage from a port in the United States to a foreign port; or

"(2) of at least 100 gross tons and is on a voyage between a port of the United States on the Atlantic Ocean and on the Pacific Ocean."

TRENT RIVER RAILROAD BRIDGE

SEC. 31. Notwithstanding any other provision of law, the Trent River Railroad Bridge, mile 0.0, in New Bern, North Carolina, is deemed an unreasonable obstruction to navigation. New Bern, N.C.

AMENDMENTS TO THE COASTWISE LOAD LINE ACT

SEC. 32. (a) Section 1(b) of the Act of August 27, 1935 (46 App. U.S.C. 88(b)), popularly known as the "Coastwise Load Line Act, 1935", is amended to read as follows:

"(b) This Act does not apply to—

"(1) a fish tender vessel of not more than 500 gross tons—

"(A) constructed, under construction, or contracted to be constructed as a vessel of this type before January 1, 1980; or

"(B) converted for use as a vessel of this type before January 1, 1983; and

"(2) a fish processing vessel of not more than 5,000 gross tons, except a vessel constructed after August 15, 1974, or converted for use as a vessel of this type after January 1, 1983."

(b) Section 2 of such Act (46 App. U.S.C. 88a) is amended to read as follows:

"SEC. 2. (a) For vessels to which this Act applies, the Secretary of the department in which the Coast Guard is operating shall establish by regulation load lines and marks indicating the maximum depth to which these vessels may be loaded safely.

"(b) In prescribing regulations under this Act, the Secretary shall consider the age, condition, character, design, and construction of a vessel to which this Act applies, including subdivision and stability characteristics. Regulations.

"(c) This Act applies to the Great Lakes, except that the Secretary may establish special operating regulations for barges operating close to shore between Calumet Harbor, Illinois, and Burns Harbor, Indiana, that exempt these barges from the load line and marking requirements of this section. Regulations. Calumet Harbor, Ill. Burns Harbor, Ind.

"(d) The Secretary may not establish on any vessel a load line that is above the actual line of safety."

TECHNICAL AMENDMENTS REGARDING COMMERCIAL FISHING INDUSTRY VESSELS

SEC. 33. (a) Section 4502(b)(3) of title 46, United States Code, is amended by striking "the exemption" and inserting in lieu thereof "this chapter".

(b) Section 4503 of title 46, United States Code, is amended by striking "shall be deemed" and inserting in lieu thereof "is deemed".

(c) Section 8104 (k) and (l) of title 46, United States Code, is amended by striking "may" and inserting in lieu thereof "shall".

Ante, pp. 445, 449.

(d) Section 402(13) of the Act of July 17, 1984 (Public Law 98-364) is amended by striking "Section 10101(a)" and inserting in lieu thereof "Section 10101".

SAILING SCHOOL VESSELS

SEC. 34. (a) Section 2101 of title 46, United States Code, is amended:

(1) in clause (21)(B), by inserting "or a sailing school vessel" immediately after "vessel" the first time it appears; and

(2) in clause (27), by striking all after "by sail" and inserting in lieu thereof "and may include—

"(A) any subject related to that operation and to the sea, including seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and literature; and

"(B) only when in conjunction with a subject referred to in subclause (A) of this clause, instruction in mathematics and language arts skills to sailing school students having learning disabilities."

46 USC app. 446b.

(b) Section 206 of the Sailing School Vessels Act of 1982 (46 App. U.S.C. 446(b)) is amended by inserting "section 11101(a)-(c) of title 46, United States Code," immediately before "and".

COMPENSATION OF COMMANDANT OF THE COAST GUARD

SEC. 35. (a) Footnote 2 of the table entitled "COMMISSIONED OFFICERS" in section 101(b)(1) of the Uniformed Services Pay Act of 1981 (Public Law 97-60; 95 Stat. 990) is amended—

37 USC 1009 note.

- (1) by striking "or"; and
- (2) by inserting "or Commandant of the Coast Guard," immediately after "Corps,".

(b) The first sentence of footnote 4 of the table in section 1401 of title 10, United States Code, is amended—

- (1) by striking "or"; and
- (2) by inserting "or Commandant of the Coast Guard," immediately after "Corps,".

(c) The amendments made by this section shall become effective on October 1, 1984.

Effective date.
10 USC 1401 note.

Approved October 30, 1984.

LEGISLATIVE HISTORY—S. 2526:

SENATE REPORT No. 98-454 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 130 (1984):

Oct. 5, considered and passed Senate.

Oct. 9, considered and passed House.