

103^D CONGRESS
1ST SESSION

S. 1052

To authorize appropriations for fiscal years 1994 and 1995 for the Coast Guard, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 27 (legislative day, APRIL 19), 1993

Mr. HOLLINGS (for himself, Mr. STEVENS, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize appropriations for fiscal years 1994 and 1995 for the Coast Guard, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coast Guard Author-
5 ization Act of 1993”.

6 **TITLE I—AUTHORIZATIONS**

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

8 (a) FISCAL YEAR 1994.—Funds are authorized to be
9 appropriated for necessary expenses of the Coast Guard
10 for fiscal year 1994, as follows:

1 (1) For the operation and maintenance of the
2 Coast Guard, \$2,609,747,000, of which—

3 (A) \$25,000,000 shall be derived from the
4 Oil Spill Liability Trust Fund; and

5 (B) \$32,250,000 shall be expended from
6 the Boat Safety Account.

7 (2) For the acquisition, construction, rebuild-
8 ing, and improvement of aids to navigation, shore
9 and offshore facilities, vessels, and aircraft, includ-
10 ing equipment related thereto, \$414,000,000, to re-
11 main available until expended, of which \$20,000,000
12 shall be derived from the Oil Spill Liability Trust
13 Fund.

14 (3) For research, development, test, and evalua-
15 tion, \$25,000,000, to remain available until ex-
16 pended, of which \$4,457,000 shall be derived from
17 the Oil Spill Liability Trust Fund.

18 (4) For retired pay (including the payment of
19 obligations otherwise chargeable to lapsed appropria-
20 tions for this purpose), payments under the Retired
21 Serviceman's Family Protection and Survivor Bene-
22 fit Plans, and payments for medical care of retired
23 personnel and their dependents under chapter 55 of
24 title 10, United States Code, \$548,774,000, to re-
25 main available until expended.

1 (5) For alteration or removal of bridges over
2 navigable waters of the United States constituting
3 obstructions to navigation, and for personnel and
4 administrative costs associated with the Bridge Al-
5 teration Program, \$12,940,000, to remain available
6 until expended.

7 (6) For environmental compliance and restora-
8 tion at Coast Guard facilities, \$23,057,000, to re-
9 main available until expended.

10 (b) FISCAL YEAR 1995.—Funds are authorized to be
11 appropriated for necessary expenses of the Coast Guard
12 for fiscal year 1995, as follows:

13 (1) For the operation and maintenance of the
14 Coast Guard, \$2,711,762,000, of which—

15 (A) \$26,000,000 shall be derived from the
16 Oil Spill Liability Trust Fund; and

17 (B) \$33,500,000 shall be expended from
18 the Boat Safety Account.

19 (2) For the acquisition, construction, rebuild-
20 ing, and improvement of aids to navigation, shore
21 and offshore facilities, vessels, and aircraft, includ-
22 ing equipment related thereto, \$596,000,000, to re-
23 main available until expended, of which \$20,500,000
24 shall be derived from the Oil Spill Liability Trust
25 Fund.

1 (3) For research, development, test, and evalua-
2 tion, \$25,750,000, to remain available until ex-
3 pended, of which \$4,600,000 shall be derived from
4 the Oil Spill Liability Trust Fund.

5 (4) For retired pay (including the payment of
6 obligations otherwise chargeable to lapsed appropria-
7 tions for this purpose), payments under the Retired
8 Serviceman's Family Protection and Survivor Bene-
9 fit Plans, and payments for medical care of retired
10 personnel and their dependents under chapter 55 of
11 title 10, United States Code, \$579,500,000, to re-
12 main available until expended.

13 (5) For alteration or removal of bridges over
14 navigable waters of the United States constituting
15 obstructions to navigation, and for personnel and
16 administrative costs associated with the Bridge Al-
17 teration Program, \$13,289,000 to remain available
18 until expended.

19 (6) For environmental compliance and restora-
20 tion at Coast Guard Facilities, \$23,749,000, to re-
21 main available until expended.

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

24 (a) AUTHORIZED MILITARY STRENGTH LEVEL.—
25 The Coast Guard is authorized an end-of-year strength for

1 active duty personnel of 39,138 as of September 30, 1994
2 (of which not more than 6,400 shall be commissioned offi-
3 cers), and 39,138 as of September 30, 1995 (of which not
4 more than 6,400 shall be commissioned officers). The au-
5 thorized strength does not include members of the Ready
6 Reserve called to active duty for special or emergency aug-
7 mentation of regular Coast Guard forces for periods of
8 one hundred and eighty days or less.

9 (b) AUTHORIZED LEVEL OF MILITARY TRAINING.—
10 The Coast Guard is authorized average military training
11 student loads as follows:

12 (1) For recruit and special training, one thou-
13 sand nine hundred and eighty-six student years for
14 fiscal year 1994 and one thousand nine hundred and
15 eighty-six student years for fiscal year 1995.

16 (2) For flight training, one hundred and four-
17 teen student years for fiscal year 1994 and one hun-
18 dred and fourteen student years for fiscal year 1995.

19 (3) For professional training in military and ci-
20 vilian institutions, three hundred and thirty-eight
21 student years for fiscal year 1994 and three hundred
22 and thirty-eight student years for fiscal year 1995.

23 (4) For officer acquisition, nine hundred and
24 fifty-five student years for fiscal year 1994 and nine

1 hundred and fifty-five student years for fiscal year
2 1995.

3 **TITLE II—PERSONNEL MANAGEMENT**
4 **IMPROVEMENT**

5 **SEC. 201. ELIMINATION OF PERMANENT CEILING ON NUM-**
6 **BER OF COMMISSIONED OFFICERS.**

7 (a) ELIMINATION OF CEILING.—Section 42 of title
8 14, United States Code, is amended by striking subsection
9 (a), and by redesignating subsections (b) through (e) as
10 subsections (a) through (d), respectively.

11 (b) CONFORMING AMENDMENTS.—(1) Section 42(d)
12 of title 14, United States Code, as redesignated by sub-
13 section (a) of this section, is amended by striking “sub-
14 section (c)” and inserting in lieu thereof “subsection (b)”.

15 (2) The section heading for section 42 of title 14,
16 United States Code, is amended by striking “**Number**
17 **and distribution**” and inserting in lieu thereof “**Dis-**
18 **tribution**”.

19 (3) In the analysis for chapter 3 of title 14, United
20 States Code, the item relating to section 42 is amended
21 by striking “Number and distribution” and inserting in
22 lieu thereof “Distribution”.

23 **SEC. 202. INCREASED GRADE FOR CHIEF OF STAFF.**

24 (a) AUTHORITY FOR GRADE OF VICE ADMIRAL.—(1)
25 Chapter 3 of title 14, United States Code, is amended by

1 inserting immediately after section 50 the following new
2 section:

3 **“§ 50a. Chief of Staff**

4 “(a) The President may appoint, by and with the ad-
5 vice and consent of the Senate, a Chief of Staff of the
6 Coast Guard who shall rank next after the area command-
7 ers and who shall perform such duties as the Commandant
8 may prescribe. The Chief of Staff shall be appointed from
9 the officers on the active duty promotion list serving above
10 the grade of captain. The Commandant shall make rec-
11 ommendations for such appointment.

12 “(b) The Chief of Staff shall, while so serving, have
13 the grade of vice admiral with the pay and allowances of
14 that grade. The appointment and grade of the Chief of
15 Staff shall be effective on the date the officer assumes that
16 duty, and shall terminate on the date the officer is de-
17 tached from that duty, except as provided in section 51(d)
18 of this title.”.

19 (2) The analysis for chapter 3 of title 14, United
20 States Code, is amended by inserting immediately after
21 the item relating to section 50 the following new item:

“50a. Chief of Staff.”.

22 (b) ELIMINATION OF UNNECESSARY SENIORITY EX-
23 CEPTION.—Section 41a(b) of title 14, United States Code,
24 is amended by striking “, except that the rear admiral

1 serving as Chief of Staff shall be the senior rear admiral
2 for all purposes other than pay”.

3 (c) CLERICAL AMENDMENTS.—Section 41a of title
4 14, United States Code, is amended—

5 (1) in subsection (c), by striking “his” and in-
6 serting in lieu thereof “that person’s”; and

7 (2) in subsection (d), by striking “he” and in-
8 serting in lieu thereof “that officer”, and by striking
9 “his” and inserting in lieu thereof “that officer’s”.

10 **SEC. 203. CONTINUITY OF GRADE OF ADMIRALS AND VICE**
11 **ADMIRALS.**

12 (a) RETIREMENT.—(1) Section 51 of title 14, United
13 States Code, is amended by adding at the end the follow-
14 ing new subsection:

15 “(d) An officer serving in the grade of admiral or vice
16 admiral shall continue to hold that grade—

17 “(1) while being processed for physical disabili-
18 ty retirement, beginning on the day of the process-
19 ing and ending on the day that officer is retired, but
20 not for more than one hundred and eighty days; and

21 “(2) while awaiting retirement, beginning on
22 the day that officer is relieved from the position of
23 Commandant, Vice Commandant, Area Commander,
24 or Chief of Staff and ending on the day before the

1 officer's retirement, but not for more than sixty
2 days.”.

3 (2) Section 51 of title 14, United States Code, is fur-
4 ther amended—

5 (1) in subsections (a) and (b), by striking “as
6 Commander, Atlantic Area, or Commander, Pacific
7 Area” each place it appears and inserting in lieu
8 thereof “in the grade of vice admiral”; and

9 (2) in subsection (c), by striking “his” and in-
10 serting in lieu thereof “that officer's”.

11 (b) ELIMINATION OF UNNECESSARY PROVISION FOR
12 CHIEF OF STAFF.—Section 290 of title 14, United States
13 Code, is amended—

14 (1) in subsection (a), by striking “or in the po-
15 sition of Chief of Staff” in the second sentence; and

16 (2) in subsection (f), by striking “Chief of Staff
17 or” each place it appears.

18 (c) CONFORMING AMENDMENT RELATING TO RE-
19 TIREMENT OF COMMANDANT.—Section 46(a) of title 14,
20 United States Code, is amended by striking “shall, at the
21 expiration of his term, be retired with the grade of admi-
22 ral.” and inserting in lieu thereof “shall be retired with
23 the grade of admiral at the expiration of the appointed
24 term, except as provided in section 51(d) of this title.”.

1 (d) CONFORMING AMENDMENTS RELATING TO RE-
2 TIREMENT OF VICE COMMANDANT.—(1) Section 47 of
3 title 14, United States Code, is amended—

4 (A) by striking subsections (b), (c), and (d);
5 and

6 (B) in subsection (a)—

7 (i) by striking “(a)” at the beginning; and

8 (ii) by striking the last sentence and in-
9 serting in lieu thereof “The appointment and
10 grade of a Vice Commandant shall be effective
11 on the date the officer assumes that duty, and
12 shall terminate on the date the officer is de-
13 tached from that duty, except as provided in
14 section 51(d) of this title.”.

15 (2) The section heading for section 47 of title 47,
16 United States Code, is amended by striking “; **retire-**
17 **ment**”.

18 (3) The item relating to section 47 in the analysis
19 for chapter 3 of title 14, United States Code, is amended
20 by striking “; retirement”.

21 (e) CONFORMING AMENDMENTS RELATING TO AREA
22 COMMANDERS.—Section 50 of title 14, United States
23 Code, is amended—

24 (1) in subsection (a) by striking “his” and in-
25 serting in lieu thereof “that area commander’s”; and

1 (2) in subsection (b) by striking the last sen-
2 tence and inserting in lieu thereof “The appointment
3 and grade of an area commander shall be effective
4 on the date the officer assumes that duty, and shall
5 terminate on the date the officer is detached from
6 that duty, except as provided in section 51(d) of this
7 title.”.

8 **SEC. 204. VOLUNTEER SERVICES.**

9 Section 93 of title 14, United States Code, is amend-
10 ed—

11 (1) by striking “and” at the end of subsection
12 (r);

13 (2) by striking the period at the end of sub-
14 section (s) and inserting in lieu thereof “; and”; and

15 (3) by adding at the end the following new sub-
16 section:

17 “(t) enter into cooperative agreements with
18 States, local governments, nongovernmental organi-
19 zations, and individuals, and accept and utilize vol-
20 untary services, notwithstanding section 1342 of
21 title 31, United States Code, to provide for the
22 maintenance and improvement of natural and his-
23 toric resources on, or to benefit natural and historic
24 research on, Coast Guard facilities, subject to the re-
25 quirement that—

1 “(1) a person providing voluntary services
2 under this subsection shall not be considered a
3 Federal employee except for purposes of chap-
4 ter 81 of title 5, United States Code, with re-
5 spect to compensation for work-related injuries,
6 and chapter 171 of title 28, United States
7 Code, with respect to tort claims; and

8 “(2) a cooperative agreement under this
9 subsection shall provide for the Commandant
10 and the other party or parties to the agreement
11 to—

12 “(A) contribute funds on a matching
13 basis to defray the cost of programs,
14 projects, and activities under the agree-
15 ment; or

16 “(B) furnish services on a matching
17 basis to carry out such programs, projects,
18 and activities; or

19 “(C) both contribute funds as de-
20 scribed in subparagraph (A) and furnish
21 services as described in subparagraph
22 (B).”.

23 **SEC. 205. RESERVE RETENTION BOARDS.**

24 Section 741(a) of title 14, United States Code, is
25 amended by striking “and are not on active duty and not

1 on an approved list of selectees for promotion to the next
 2 higher grade” and inserting in lieu thereof “except those
 3 officers who are on extended active duty, are on a list of
 4 selectees for promotion, will complete 30 years’ total com-
 5 missioned service by 30 June next following the date on
 6 which the retention board is convened, or have reached
 7 age 59 by the date on which the retention board is con-
 8 vened”.

9 **TITLE III—NAVIGATION SAFETY AND**
 10 **WATERWAY SERVICE MANAGEMENT**

11 **SEC. 301. NORTH ATLANTIC ROUTES.**

12 Sections 3 and 5 of the Act of June 25, 1936 (46
 13 U.S.C. App. 738b and 738d), are repealed.

14 **SEC. 302. TECHNICAL AMENDMENT FOR BOAT SAFETY AC-**
 15 **COUNT.**

16 Section 9503(c)(4)(A)(ii) of the Internal Revenue
 17 Code of 1986 (26 U.S.C. 9503(c)(4)(A)(ii)) is amended—

18 (1) by striking “No” at the beginning of
 19 subclause (II) and inserting in lieu thereof “Subject
 20 to subclause (III), no”; and

21 (2) by adding at the end the following new
 22 subclause:

23 “(III) CALCULATION OF AMOUNT
 24 IN ACCOUNT.—Amounts previously
 25 appropriated from the Aquatic Re-

1 sources Trust Fund for carrying out
 2 the purposes of section 13106 of title
 3 46, United States Code, but not dis-
 4 tributed, shall not be included when
 5 calculating whether the Boat Safety
 6 Account exceeds the limit established
 7 in subclause (II).”.

8 **SEC. 303. UNMANNED SEAGOING BARGES.**

9 Section 3302 of title 46, United States Code, is
 10 amended by adding at the end the following new sub-
 11 section:

12 “(m) A seagoing barge is not subject to inspection
 13 under section 3301 of this title if the vessel is—

14 “(1) unmanned; and

15 “(2) does not carry oil in bulk or a reportable
 16 or harmful quantity of a hazardous material.”.

17 **TITLE IV—ENGINEERING AND**
 18 **DEVELOPMENT AMENDMENTS**

19 **SEC. 401. COAST GUARD FAMILY HOUSING.**

20 (a) IN GENERAL.—Chapter 17 of title 14, United
 21 States Code, is amended by adding at the end the follow-
 22 ing new section:

23 **“§ 670. Procurement authority for family housing**

24 “(a) The Coast Guard, on behalf of the United
 25 States, is authorized, where appropriate—

1 “(1) subject to the availability of appropriations
2 sufficient to cover its full obligations, to acquire real
3 property or interests therein by purchase, lease for
4 a term not to exceed five years, or otherwise, for use
5 as Coast Guard family housing units, including the
6 acquisition of condominium units, which may include
7 the obligation to pay maintenance, repair, and other
8 condominium related fees; and

9 “(2) for adequate compensation, by sale, lease,
10 or otherwise, to dispose of any real property or in-
11 terest therein used for Coast Guard family housing
12 units; except that such disposition shall be made by
13 the General Services Administration in accordance
14 with the Federal Property and Administrative Serv-
15 ices Act of 1949 (40 U.S.C. 471 et seq.).

16 “(b) In procuring real property and interests therein
17 under subsection (a) of this section, the Coast Guard may
18 use procedures other than competitive procedures in cir-
19 cumstances which are set forth in section 303(c) of the
20 Federal Property and Administrative Services Act of 1949
21 (41 U.S.C. 253(c)).

22 “(c)(1) For the purposes of this section, a multiyear
23 contract is a contract to lease Coast Guard family housing
24 units for more than one, but not more than five fiscal
25 years.

1 “(2) The Coast Guard may enter into multiyear con-
2 tracts under subsection (a) of this section whenever the
3 Coast Guard finds that—

4 “(A) the use of such a contract will promote the
5 efficiency of the Coast Guard family housing pro-
6 gram and will result in reduced total costs under the
7 contract; and

8 “(B) the estimates of both the cost of the con-
9 tract and the anticipated cost avoidance through the
10 use of a multiyear contract are realistic.

11 “(3) A multiyear contract authorized under sub-
12 section (a) of this section shall contain cancellation and
13 termination provisions to the extent necessary to protect
14 the best interests of the United States, and may include
15 consideration of both recurring and nonrecurring costs.
16 The contract may provide for a cancellation payment to
17 be made. Amounts that were originally obligated for the
18 cost of the contract may be used for cancellation or termi-
19 nation costs.”.

20 (b) CONFORMING AMENDMENT.—The analysis for
21 chapter 17 of title 14, United States Code, as amended
22 by this title, is further amended by adding at the end the
23 following new item:

“670. Procurement authority for family housing.”.

1 **SEC. 402. AIR STATION CAPE COD IMPROVEMENTS.**

2 (a) IN GENERAL.—Chapter 17 of title 14, United
3 States Code, as amended by this title, is further amended
4 by adding at the end the following new section:

5 **“§671. Air Station Cape Cod improvements**

6 “The Coast Guard may spend or obligate appro-
7 priated funds for the repair, improvement, restoration, or
8 replacement of those federally or nonfederally owned sup-
9 port buildings, including appurtenances, which are on
10 leased or permitted real property constituting Coast
11 Guard Air Station Cape Cod, located on Massachusetts
12 Military Reservation, Cape Cod, Massachusetts.”.

13 (b) CONFORMING AMENDMENT.—The analysis for
14 chapter 17 of title 14, United States Code, as amended
15 by this title, is further amended by adding at the end the
16 following new item:

“671. Air Station Cape Cod improvements.”.

17 **SEC. 403. LONG-TERM LEASE AUTHORITY FOR AIDS TO**
18 **NAVIGATION.**

19 (a) IN GENERAL.—Chapter 17 of title 14, United
20 States Code, as amended by this title, is further amended
21 by adding at the end the following new section:

22 **“§672. Long-term lease authority for navigation and**
23 **communications systems sites**

24 “(a) The Coast Guard, on behalf of the United
25 States, is authorized, subject to the availability of appro-

1 priations, to enter into lease agreements to acquire real
2 property or interests therein for a term not to exceed
3 twenty years, inclusive of any automatic renewal clauses,
4 for aids-to-navigation sites, vessel traffic service sensor
5 sites, or National Distress System high level antenna sites.
6 The lease agreements shall include cancellation and termi-
7 nation provisions to the extent necessary to protect the
8 best interests of the United States. Cancellation payment
9 provisions may include consideration of both recurring and
10 nonrecurring costs associated with the real property inter-
11 ests under the contract. The lease agreements may provide
12 for a cancellation payment to be made. Amounts that were
13 originally obligated for the cost of the contract may be
14 used for cancellation or termination costs.

15 “(b) In procuring real property and interests therein
16 under subsection (a) of this section, the Coast Guard may
17 use procedures other than competitive procedures in cir-
18 cumstances which are set forth in section 303(c) of the
19 Federal Property and Administrative Services Act of 1949
20 (41 U.S.C. 253(c)).

21 “(c)(1) The Coast Guard may enter into multiyear
22 lease agreements under subsection (a) of this section
23 whenever the Coast Guard finds that—

24 “(A) the use of such a lease agreement will pro-
25 mote the efficiency of the aids-to-navigation pro-

1 eral, State, or other educational research grants, except
 2 that no such award may be accepted for the acquisition
 3 or construction of facilities, or for the routine functions
 4 of the Academy.”.

5 (b) CONFORMING AMENDMENT.—The analysis for
 6 chapter 9 of title 14, United States Code, is amended by
 7 adding at the end the following new item:

“196. Participation in Federal, State, or other educational research grants.”.

8 **TITLE VI—PASSENGER VESSEL SAFETY**

9 **SEC. 601. SHORT TITLE.**

10 This title may be cited as the “Passenger Vessel
 11 Safety Act of 1993”.

12 **SEC. 602. DEFINITION OF PASSENGER.**

13 Section 2101(21) of title 46, United States Code, is
 14 amended to read as follows:

15 “(21) ‘passenger’—

16 “(A) on a vessel, other than a vessel re-
 17 ferred to in subclause (B), (C), or (D) of this
 18 clause, means an individual carried on the ves-
 19 sel except—

20 “(i) the owner or an individual rep-
 21 resentative of the owner or, in the case of
 22 a vessel under charter, an individual
 23 charterer or individual representative of
 24 the charterer;

25 “(ii) the master; or

1 “(iii) a member of the crew engaged
2 in the business of the vessel who has not
3 contributed consideration for carriage and
4 who is paid for on board services;

5 “(B) on an offshore supply vessel, means
6 an individual carried on the vessel except—

7 “(i) an individual as described in
8 subclause (A)(i), (A)(ii), or (A)(iii) of this
9 clause;

10 “(ii) an employee of the owner, or of
11 a subcontractor to the owner, engaged in
12 the business of the owner;

13 “(iii) an employee of the charterer, or
14 of a subcontractor to the charterer, en-
15 gaged in the business of the charterer; or

16 “(iv) an individual employed in a
17 phase of exploration, exploitation, or pro-
18 duction of offshore mineral or energy re-
19 sources served by the vessel;

20 “(C) on a fishing vessel, fish processing
21 vessel, or fish tender vessel, means an individ-
22 ual carried on the vessel except—

23 “(i) an individual as described in
24 subclause (A)(i), (A)(ii), or (A)(iii) of this
25 clause;

1 “(ii) a managing operator;

2 “(iii) an employee of the owner, or of
3 a subcontractor to the owner, engaged in
4 the business of the owner; or

5 “(iv) an employee of the charterer, or
6 of a subcontractor to the charterer, en-
7 gaged in the business of the charterer; and

8 “(D) on a sailing school vessel, means an
9 individual carried on the vessel except—

10 “(i) an individual as described in
11 subclause (A)(i), (A)(ii), or (A)(iii) of this
12 clause;

13 “(ii) an employee of the owner of the
14 vessel engaged in the business of the
15 owner, except when the vessel is operating
16 under a demise charter;

17 “(iii) an employee of the demise
18 charterer of the vessel engaged in the busi-
19 ness of the demise charterer; or

20 (iv) a sailing school instructor or sail-
21 ing school student.”.

22 **SEC. 603. DEFINITION OF PASSENGER VESSEL.**

23 Section 2101(22) of title 46, United States Code, is
24 amended to read as follows:

1 “(22) passenger vessel’ means a vessel of at
2 least 100 gross tons—

3 “(A) that is carrying more than 12 pas-
4 sengers, including at least one passenger for
5 hire;

6 “(B) that is chartered and carrying more
7 than 12 passengers; or

8 “(C) that is a submersible vessel carrying
9 at least one passenger for hire.”.

10 **SEC. 604. DEFINITION OF SMALL PASSENGER VESSEL.**

11 Section 2101(35) of title 46, United States Code, is
12 amended to read as follows:

13 “(35) ‘small passenger vessel’ means a vessel of
14 less than 100 gross tons—

15 “(A) that is carrying more than 6 pas-
16 sengers, including at least one passenger for
17 hire;

18 “(B) that is chartered, with the crew pro-
19 vided or specified by the owner or the owner’s
20 representative, and carrying more than 6 pas-
21 sengers;

22 “(C) that is chartered, with no crew pro-
23 vided or specified by the owner or the owner’s
24 representative, and carrying more than 12 pas-
25 sengers; or

1 “(D) that is a submersible vessel carrying
2 at least one passenger for hire.”.

3 **SEC. 605. DEFINITION OF UNINSPECTED PASSENGER VES-**
4 **SEL.**

5 Section 2101(42) of title 46, United States Code, is
6 amended to read as follows:

7 “(42) ‘uninspected passenger vessel’ means an
8 uninspected vessel—

9 “(A) of at least 100 gross tons—

10 “(i) that is carrying not more than 12
11 passengers, including at least one pas-
12 senger for hire; or

13 “(ii) that is chartered, with the crew
14 provided or specified by the owner or the
15 owner’s representative, and carrying not
16 more than 12 passengers; or

17 “(B) of less than 100 gross tons—

18 “(i) that is carrying not more than 6
19 passengers, including at least one pas-
20 senger for hire; or

21 “(ii) that is chartered, with the crew
22 provided or specified by the owner or the
23 owner’s representative, and carrying not
24 more than 6 passengers.”.

1 **SEC. 606. DEFINITION OF PASSENGER FOR HIRE.**

2 Section 2101 of title 46, United States Code, is
3 amended by inserting immediately after clause (21) the
4 following new clause:

5 “(21a) ‘passenger for hire’ means a passenger
6 for whom consideration is contributed as a condition
7 of carriage on the vessel, whether directly or indi-
8 rectly flowing to the owner, charterer, operator,
9 agent, or any other person having an interest in the
10 vessel.”.

11 **SEC. 607. DEFINITION OF CONSIDERATION.**

12 Section 2101 of title 46, United States Code, is
13 amended by inserting immediately after clause (5) the fol-
14 lowing new clause:

15 “(5a) ‘consideration’ means an economic bene-
16 fit, inducement, right, or profit, including pecuniary
17 payment accruing to an individual, person, or entity,
18 but not including a voluntary sharing of the actual
19 expenses of the voyage by monetary contribution or
20 donation of fuel, food, beverage, or other supplies.”.

21 **SEC. 608. DEFINITION OF OFFSHORE SUPPLY VESSEL.**

22 Section 2101(19) of title 46, United States Code, is
23 amended by inserting “individuals in addition to the
24 crew,” immediately after “supplies,” and by striking “and
25 is not a small passenger vessel”.

1 **SEC. 609. DEFINITION OF SAILING SCHOOL VESSEL.**

2 Section 2101(30)(B) of title 46, United States Code,
3 is amended by striking “at least 6” and inserting in lieu
4 thereof “more than 6”.

5 **SEC. 610. DEFINITION OF SUBMERSIBLE VESSEL.**

6 Section 2101 of title 46, United States Code, is
7 amended by inserting immediately after clause (37) the
8 following new clause:

9 “(37a) ‘submersible vessel’ means a vessel that
10 is capable of operating below the surface of the
11 water.”.

12 **SEC. 611. EXEMPTION AUTHORITY.**

13 (a) Section 2113 of title 46, United States Code, is
14 amended to read as follows:

15 **“§ 2113. Authority to exempt certain vessels**

16 “If the Secretary decides that the application of a
17 provision of part B, C, F, or G of this subtitle is not nec-
18 essary in performing the mission of certain vessels en-
19 gaged in excursions or an oceanographic research vessel,
20 or not necessary for the safe operation of certain vessels
21 carrying passengers, the Secretary by regulation may—

22 “(1) for an excursion vessel, issue a special per-
23 mit specifying the conditions of operation and equip-
24 ment;

1 “(2) exempt an oceanographic research vessel
2 from that provision under conditions the Secretary
3 may specify; and

4 “(3) establish different operating and equip-
5 ment requirements for uninspected passenger vessels
6 described in section 2101(42)(A) of this title.”.

7 **SEC. 612. EQUIPMENT AND STANDARDS FOR UNINSPECTED**
8 **PASSENGER VESSELS.**

9 Section 4105 of title 46, United States Code, is
10 amended—

11 (1) by redesignating the existing text as sub-
12 section (a); and

13 (2) by adding at the end the following new sub-
14 section:

15 “(b) Within 24 months after the date of enactment
16 of this subsection, the Secretary shall, by regulation, re-
17 quire certain additional equipment (including liferafts or
18 other lifesaving equipment), or establish construction
19 standards or additional operating standards, for the
20 uninspected passenger vessels described in section
21 2101(42)(A) of this title.”.

22 **SEC. 613. APPLICABILITY DATE FOR REVISED REGULA-**
23 **TIONS.**

24 (a) **APPLICABILITY DATE FOR CERTAIN CHARTERED**
25 **VESSELS.**—Revised regulations governing small passenger

1 vessels and passenger vessels, as the definitions of those
2 terms in section 2101 of title 46, United States Code, are
3 amended by this Act, shall not apply before May 1, 1994,
4 to such vessels when chartered with no crew provided.

5 (b) EXTENSION OF PERIOD.—The Secretary of the
6 department in which the Coast Guard is operating may
7 extend for up to 1 additional year the period of inapplica-
8 bility specified in subsection (a) if the owner of the vessel
9 concerned demonstrates to the satisfaction of the Sec-
10 retary that a good faith effort, with due diligence and care,
11 has failed to enable compliance with the regulations by
12 May 1, 1994.

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