

# ***In the House of Representatives, U. S.,***

*June 4, 2002.*

*Resolved*, That the bill from the Senate (S. 1214) entitled “An Act to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes”, do pass with the following

## **AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2       (a) *SHORT TITLE.*—*This Act may be cited as the*  
3 *“Maritime Transportation Antiterrorism Act of 2002”.*

4       (b) *TABLE OF CONTENTS.*—*The table of contents for*  
5 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

### *TITLE I—MARITIME TRANSPORTATION SECURITY*

*Sec. 101. Port security.*

*Sec. 102. Clarification of Coast Guard authority to control vessels in territorial waters of the United States.*

*Sec. 103. Extension of seaward jurisdiction.*

*Sec. 104. Suspension of limitation on strength of Coast Guard.*

*Sec. 105. Extension of Deepwater Port Act to natural gas.*

*Sec. 106. Assignment of Coast Guard personnel as sea marshals and enhanced use of other security personnel.*

*Sec. 107. Automatic identification system.*

*Sec. 108. Mandatory advanced electronic information for cargo.*

### *TITLE II—MARITIME POLICY IMPROVEMENT*

*Sec. 201. Short title.*

*Sec. 202. Vessel COASTAL VENTURE.*

- Sec. 203. *Expansion of American Merchant Marine Memorial Wall of Honor.*  
 Sec. 204. *Discharge of agricultural cargo residue.*  
 Sec. 205. *Recording and discharging notices of claim of maritime lien.*  
 Sec. 206. *Tonnage of R/V DAVIDSON.*  
 Sec. 207. *Miscellaneous certificates of documentation.*  
 Sec. 208. *Exemption for Victory Ships.*  
 Sec. 209. *Certificate of documentation for 3 barges.*  
 Sec. 210. *Certificate of documentation for the EAGLE.*  
 Sec. 211. *Waiver for vessels in New World Challenge Race.*  
 Sec. 212. *Vessel ASPHALT COMMANDER.*

*TITLE III—COAST GUARD PERSONNEL AND MARINE SAFETY*

- Sec. 301. *Short title.*

*SUBTITLE A—PERSONNEL MANAGEMENT*

- Sec. 311. *Coast Guard band director rank.*  
 Sec. 312. *Compensatory absence for isolated duty.*  
 Sec. 313. *Accelerated promotion of certain Coast Guard officers.*

*SUBTITLE B—MARINE SAFETY*

- Sec. 321. *Extension of Territorial Sea for Vessel Bridge-to-Bridge Radiotelephone Act.*  
 Sec. 322. *Preservation of certain reporting requirements.*  
 Sec. 323. *Oil Spill Liability Trust Fund; emergency fund advancement authority.*  
 Sec. 324. *Merchant mariner documentation requirements.*  
 Sec. 325. *Penalties for negligent operations and interfering with safe operation.*

*SUBTITLE C—RENEWAL OF ADVISORY GROUPS*

- Sec. 331. *Commercial Fishing Industry Vessel Advisory Committee.*  
 Sec. 332. *Houston-Galveston Navigation Safety Advisory Committee.*  
 Sec. 333. *Lower Mississippi River Waterway Advisory Committee.*  
 Sec. 334. *Navigation Safety Advisory Council.*  
 Sec. 335. *National Boating Safety Advisory Council.*  
 Sec. 336. *Towing Safety Advisory Committee.*

*SUBTITLE D—MISCELLANEOUS*

- Sec. 341. *Patrol craft.*  
 Sec. 342. *Boating safety.*  
 Sec. 343. *Caribbean support tender.*  
 Sec. 344. *Prohibition of new maritime user fees.*  
 Sec. 345. *Great Lakes lighthouses.*  
 Sec. 346. *Modernization of National Distress and Response System.*  
 Sec. 347. *Conveyance of Coast Guard property in Portland, Maine.*  
 Sec. 348. *Harbor safety committees.*  
 Sec. 349. *Miscellaneous conveyances.*

*TITLE IV—OMNIBUS MARITIME IMPROVEMENTS*

- Sec. 401. *Short title.*  
 Sec. 402. *Extension of Coast Guard housing authorities.*  
 Sec. 403. *Inventory of vessels for cable laying, maintenance, and repair.*  
 Sec. 404. *Vessel escort operations and towing assistance.*  
 Sec. 405. *Search and rescue center standards.*

- Sec. 406. VHF communications services.*  
*Sec. 407. Lower Columbia River maritime fire and safety activities.*  
*Sec. 408. Conforming references to the former Merchant Marine and Fisheries Committee.*  
*Sec. 409. Restriction on vessel documentation.*  
*Sec. 410. Hypothermia protective clothing requirement.*  
*Sec. 411. Reserve officer promotions.*  
*Sec. 412. Regular lieutenant commanders and commanders; continuation upon failure of selection for promotion.*  
*Sec. 413. Reserve student pre-commissioning assistance program.*  
*Sec. 414. Continuation on active duty beyond thirty years.*  
*Sec. 415. Payment of death gratuities on behalf of Coast Guard auxiliarists.*  
*Sec. 416. Align Coast Guard severance pay and revocation of commission authority with Department of Defense authority.*  
*Sec. 417. Long-term lease authority for lighthouse property.*  
*Sec. 418. Maritime Drug Law Enforcement Act amendments.*  
*Sec. 419. Wing-in-ground craft.*  
*Sec. 420. Electronic filing of commercial instruments for vessels.*  
*Sec. 421. Deletion of thumbprint requirement for merchant mariners' documents.*  
*Sec. 422. Temporary certificates of documentation for recreational vessels.*  
*Sec. 423. Marine casualty investigations involving foreign vessels.*  
*Sec. 424. Conveyance of Coast Guard property in Hampton Township, Michigan.*  
*Sec. 425. Conveyance of property in Traverse City, Michigan.*  
*Sec. 426. Annual report on Coast Guard capabilities and readiness to fulfill national defense responsibilities.*  
*Sec. 427. Extension of authorization for oil spill recovery institute.*  
*Sec. 428. Miscellaneous certificates of documentation.*  
*Sec. 429. Icebreaking services.*  
*Sec. 430. Fishing vessel safety training.*  
*Sec. 431. Limitation on liability of pilots at Coast Guard Vessel Traffic Services.*  
*Sec. 432. Assistance for marine safety station on Chicago lakefront.*  
*Sec. 433. Tonnage measurement for purposes of eligibility of certain vessels for fishery endorsement.*  
*Sec. 434. Extension of time for recreational vessel and associated equipment recalls.*

**TITLE V—AUTHORIZATION OF APPROPRIATIONS FOR THE COAST  
GUARD**

- Sec. 501. Short title.*  
*Sec. 502. Authorization of appropriations.*  
*Sec. 503. Authorized levels of military strength and training.*

**1 TITLE I—MARITIME**  
**2 TRANSPORTATION SECURITY**

**3 SEC. 101. PORT SECURITY.**

- 4 (a) IN GENERAL.—***Title 46, United States Code, is*  
**5 amended by adding at the end the following new subtitle:**

1                                    **“Subtitle VI—Miscellaneous**

“Chap. <b>“701. Port Security</b> .....	Sec. <b>70101</b>
--	----------------------

**“CHAPTER 701—PORT SECURITY**

“Sec.

“70101. *Definitions.*

“70102. *United States facility vulnerability assessments.*

“70103. *Catastrophic emergency planning.*

“70104. *Antiterrorism response.*

“70105. *Transportation security cards.*

“70106. *Maritime antiterrorism teams.*

“70107. *Grants.*

“70108. *Foreign port assessment.*

“70109. *Notifying foreign authorities.*

“70110. *Actions when foreign ports not maintaining effective antiterrorism measures.*

“70111. *Crew and passenger manifests.*

“70112. *Civil penalty.*

2    **“§ 70101. Definitions**

3                    *“For the purpose of this chapter:*

4                    *“(1) The term ‘Area Maritime Transportation*  
 5                    *Antiterrorism Plan’ means an Area Maritime Trans-*  
 6                    *portation Antiterrorism Plan prepared under section*  
 7                    *70103(b).*

8                    *“(2) The term ‘catastrophic emergency’ means*  
 9                    *any event caused by a terrorist act in the United*  
 10                   *States or on a vessel on a voyage to or from the*  
 11                   *United States that causes, or may cause, substantial*  
 12                   *loss of human life or major economic disruption in*  
 13                   *any particular area.*

14                   *“(3) The term ‘facility’ means any structure or*  
 15                   *facility of any kind located in, on, under, or adjacent*

1 *to any waters subject to the jurisdiction of the United*  
 2 *States.*

3 “(4) *The term ‘National Maritime Transpor-*  
 4 *tation Antiterrorism Plan’ means the National Mari-*  
 5 *time Transportation Antiterrorism Plan prepared*  
 6 *and published under section 70103(a).*

7 “(5) *The term ‘owner or operator’ means—*

8 “(A) *in the case of a vessel, any person*  
 9 *owning, operating, or chartering by demise, such*  
 10 *vessel, and*

11 “(B) *in the case of a facility, any person*  
 12 *owning or operating such facility.*

13 “(6) *The term ‘Secretary’ means the Secretary of*  
 14 *Transportation.*

15 “(7) *The term ‘Under Secretary’ means the*  
 16 *Under Secretary of Transportation for Security.*

17 “§ 70102. ***United States facility vulnerability assess-***  
 18 ***ments***

19 “(a) *IN GENERAL.—The Secretary shall conduct a port*  
 20 *vulnerability assessment, including an assessment of the*  
 21 *vulnerability of each facility in a port, for each port in*  
 22 *the United States for which the Secretary believes there is*  
 23 *a high risk of catastrophic emergency.*

1       “(b) *FACILITY ASSESSMENTS.*—(1) *An assessment*  
 2 *under this section for a port shall include an assessment*  
 3 *of each facility in the port.*

4       “(2) *Upon completion of an assessment under this sec-*  
 5 *tion for a port, the Secretary shall provide to the owner*  
 6 *or operator of each facility in the port a copy of the assess-*  
 7 *ment of the facility under this subsection.*

8       “(c) *ACCEPTANCE OF EXISTING ASSESSMENT.*—*In lieu*  
 9 *of conducting such a port vulnerability assessment under*  
 10 *this section, the Secretary may accept an assessment con-*  
 11 *ducted by or on behalf of a port authority or marine ter-*  
 12 *minal operator.*

13       **“§ 70103. Catastrophic emergency planning**

14       “(a) *NATIONAL MARITIME TRANSPORTATION*  
 15 *ANTITERRORISM PLAN.*—(1) *The Secretary shall prepare a*  
 16 *National Maritime Transportation Antiterrorism Plan for*  
 17 *deterring a catastrophic emergency.*

18       “(2) *The National Maritime Transportation*  
 19 *Antiterrorism Plan shall provide for efficient, coordinated,*  
 20 *and effective action to deter and minimize damage from*  
 21 *catastrophic emergencies, and shall include the following:*

22               “(A) *Assignment of duties and responsibilities*  
 23 *among Federal departments and agencies in coordi-*  
 24 *nation with State and local governmental agencies.*

25               “(B) *Identification of security resources.*

1           “(C) *Establishment of procedures for the coordi-*  
2           *nation of activities of—*

3                   “(i) *Coast Guard maritime antiterrorism*  
4                   *teams established under this chapter; and*

5                   “(ii) *Federal Maritime Antiterrorism Coor-*  
6                   *dinators.*

7           “(D) *A system of surveillance and notice de-*  
8           *signed to safeguard against as well as ensure earliest*  
9           *possible notice of catastrophic emergencies and immi-*  
10           *nent threats of catastrophic emergencies to the appro-*  
11           *priate State and Federal agencies.*

12           “(E) *Establishment of criteria and procedures to*  
13           *ensure immediate and effective Federal identification*  
14           *of a catastrophic emergency, or the substantial threat*  
15           *of a catastrophic emergency.*

16           “(F) *Designation of—*

17                   “(i) *areas for which Area Maritime*  
18                   *Transportation Antiterrorism Plans are re-*  
19                   *quired to be prepared under subsection (b);*  
20                   *and*

21                   “(ii) *a Coast Guard official who shall*  
22                   *be the Federal Maritime Antiterrorism Co-*  
23                   *ordinator for each such area.*

1       “(3) *The Secretary may, from time to time, as the Sec-*  
2 *retary considers advisable, revise or otherwise amend the*  
3 *National Maritime Transportation Antiterrorism Plan.*

4       “(4) *Actions to deter and minimize damage from cata-*  
5 *strophic emergencies shall, to the greatest extent possible,*  
6 *be in accordance with the National Maritime Transpor-*  
7 *tation Antiterrorism Plan.*

8       “(b)       *AREA       MARITIME       TRANSPORTATION*  
9 *ANTITERRORISM PLANS.—(1) The Federal Maritime*  
10 *Antiterrorism Coordinator designated under subsection*  
11 *(a)(2)(F) for an area shall—*

12               “(A) *submit to the Secretary an Area Maritime*  
13 *Transportation Antiterrorism Plan for the area; and*

14               “(B) *solicit advice from local harbor safety advi-*  
15 *sory committees to assure preplanning of joint ter-*  
16 *rorism deterrence efforts, including appropriate proce-*  
17 *dures for deterrence of acts of terrorism.*

18       “(2) *The Area Maritime Transportation Antiterrorism*  
19 *Plan shall—*

20               “(A) *when implemented in conjunction with the*  
21 *National Maritime Transportation Antiterrorism*  
22 *Plan, be adequate to deter a terrorist act in or near*  
23 *the area to the maximum extent practicable;*

24               “(B) *describe the area covered by the plan, in-*  
25 *cluding the areas of population or special economic,*



1 *environmental or national security importance that*  
2 *might be damaged by a terrorist act;*

3 *“(C) describe in detail how the plan is integrated*  
4 *with other Area Maritime Transportation*  
5 *Antiterrorism Plans, and with facility antiterrorism*  
6 *plans and vessel antiterrorism plans under this sec-*  
7 *tion;*

8 *“(D) include any other information the Sec-*  
9 *retary requires; and*

10 *“(E) be updated at least every five years by the*  
11 *Federal Maritime Antiterrorism Coordinator.*

12 *“(3) The Secretary shall—*

13 *“(A) review and approve Area Maritime Trans-*  
14 *portation Antiterrorism Plans under this subsection;*  
15 *and*

16 *“(B) periodically review previously approved*  
17 *Area Maritime Transportation Antiterrorism Plans.*

18 *“(c) VESSEL AND FACILITY ANTITERRORISM PLANS.—*

19 *(1) Before January 1, 2003, an owner or operator of a vessel*  
20 *or facility described in paragraph (2) shall prepare and*  
21 *submit to the Secretary a antiterrorism plan for the vessel*  
22 *or facility, for deterring a catastrophic emergency to the*  
23 *maximum extent practicable.*

1       “(2) *The vessels and facilities referred to in paragraph*  
2 *(1) are vessels and facilities that the Secretary believes may*  
3 *be involved in a catastrophic emergency.*

4       “(3) *A antiterrorism plan required under this sub-*  
5 *section shall—*

6           “(A) *be consistent with the requirements of the*  
7 *National Maritime Transportation Antiterrorism*  
8 *Plan and Area Maritime Transportation*  
9 *Antiterrorism Plans;*

10          “(B) *identify the qualified individual having full*  
11 *authority to implement antiterrorism actions, and re-*  
12 *quire immediate communications between that indi-*  
13 *vidual and the appropriate Federal official and the*  
14 *persons providing personnel and equipment pursuant*  
15 *to subparagraph (C);*

16          “(C) *identify, and ensure by contract or other*  
17 *means approved by the Secretary, the availability of*  
18 *antiterrorism measures necessary to deter a cata-*  
19 *strophic emergency or a substantial threat of such a*  
20 *catastrophic emergency;*

21          “(D) *describe the training, periodic unan-*  
22 *nounced drills, and antiterrorism actions of persons*  
23 *on the vessel or at the facility, to be carried out under*  
24 *the plan to deter a catastrophic emergency, or a sub-*  
25 *stantial threat of a catastrophic emergency;*

1           “(E) be updated at least every five years; and

2           “(F) be resubmitted for approval of each signifi-  
3 cant change.

4           “(4) The Secretary shall—

5           “(A) promptly review each such plan;

6           “(B) require amendments to any plan that does  
7 not meet the requirements of this subsection;

8           “(C) approve any plan that meets the require-  
9 ments of this subsection; and

10           “(D) review each plan periodically thereafter.

11           “(5) A vessel or facility for which a plan is required  
12 to be submitted under this subsection may not operate after  
13 January 1, 2003, unless—

14           “(A) the plan has been approved by the Sec-  
15 retary; and

16           “(B) the vessel or facility is operating in compli-  
17 ance with the plan.

18           “(6) Notwithstanding paragraph (5), the Secretary  
19 may authorize a vessel or facility to operate without a  
20 antiterrorism plan approved under this subsection, until  
21 not later than 1 year after the date of the submission to  
22 the Secretary of a plan for the vessel or facility, if the owner  
23 or operator certifies that the owner or operator has ensured  
24 by contract or other means approved by the Secretary to

1 *deter a catastrophic emergency or a substantial threat of*  
2 *a catastrophic emergency.*

3       “(7) *The Secretary shall require each operator of a ves-*  
4 *sel or facility located within or adjacent to waters subject*  
5 *to the jurisdiction of the United States to implement any*  
6 *necessary interim security measures until the antiterrorism*  
7 *plan for that vessel or facility operator is approved.*

8       “(d) *NONDISCLOSURE OF INFORMATION.—Notwith-*  
9 *standing any other provision of law, information developed*  
10 *under this chapter is not required to be disclosed to the pub-*  
11 *lic, including—*

12               “(1) *facility antiterrorism plans, vessel*  
13 *antiterrorism plans, and port vulnerability assess-*  
14 *ments; and*

15               “(2) *other information related to antiterrorism*  
16 *plans, procedures, or programs for vessels or termi-*  
17 *nals authorized under this chapter.*

18       “(e) *PERFORMANCE STANDARDS.—By not later than*  
19 *June 30, 2003, the Under Secretary, in consultation with*  
20 *the Transportation Security Oversight Board, shall—*

21               “(1) *develop and maintain a antiterrorism cargo*  
22 *identification, tracking, and screening system for con-*  
23 *tainerized cargo shipped to and from the United*  
24 *States either directly or via a foreign port; and*

1           “(2) *develop performance standards to enhance*  
2           *the physical security of shipping containers, includ-*  
3           *ing standards for seals and locks.*

4   **“§ 70104. Antiterrorism response**

5           “(a) *COORDINATION.—The Secretary shall cooperate*  
6           *with the Director of the Federal Emergency Management*  
7           *Agency to ensure that Federal, State, and local terrorism*  
8           *response resources are coordinated as part of the Director’s*  
9           *terrorism response plan for United States ports and water-*  
10          *ways.*

11          “(b) *VESSEL RESPONSE PLAN SYSTEM.—Before Janu-*  
12          *ary 1, 2003, the Secretary shall establish a system of*  
13          *antiterrorism response plans for vessels that may be in-*  
14          *volved in a catastrophic emergency.*

15   **“§ 70105. Transportation security cards**

16          “(a) *PROHIBITION.—(1) An individual shall not enter*  
17          *an area of a vessel or facility that is designated as a secure*  
18          *area in an antiterrorism plan for the vessel or facility that*  
19          *is approved by the Secretary under section 70103(c) unless*  
20          *the individual—*

21                  “(A) *holds a transportation security card issued*  
22                  *under this section and is authorized to be in the area*  
23                  *in accordance with the plan; or*

24                  “(B) *is accompanied by another individual who*  
25                  *holds a transportation security card issued under this*

1        *section and is authorized to be in the area in accord-*  
2        *ance with the plan.*

3        *“(2) A person shall not admit an individual into such*  
4        *a secure area unless the entry of the individual into the*  
5        *area is in compliance with paragraph (1).*

6        *“(b) ISSUANCE OF CARDS.—(1) The Secretary shall*  
7        *issue a transportation security card to an individual speci-*  
8        *fied in paragraph (2), unless the Secretary decides that the*  
9        *individual poses a terrorism security risk warranting de-*  
10       *nial of the card.*

11       *“(2) This subsection applies to—*

12            *“(A) an individual allowed unescorted access to*  
13            *a secure area designated in a maritime transpor-*  
14            *tation antiterrorism plan;*

15            *“(B) an individual issued a license, certificate of*  
16            *registry, or merchant mariners document under part*  
17            *E of subtitle II of this title;*

18            *“(C) a vessel pilot;*

19            *“(D) an individual engaged on a towing vessel*  
20            *that pushes, pulls, or hauls alongside a tank vessel;*  
21            *and*

22            *“(E) an individual engaged on a vessel that may*  
23            *be involved in a catastrophic emergency.*

24        *“(c) DETERMINATION OF TERRORISM SECURITY*  
25        *RISK.—(1) An individual may not be denied a transpor-*

1 *tation security card under subsection (a) unless the Sec-*  
2 *retary determines that individual—*

3           “(A) *has been convicted of a felony that the Sec-*  
4 *retary believes could be a terrorism security risk to*  
5 *the United States;*

6           “(B) *may be denied admission to the United*  
7 *States or removed from the United States under the*  
8 *Immigration and Nationality Act (8 U.S.C. 1101 et*  
9 *seq.); or*

10           “(C) *otherwise poses a terrorism security risk to*  
11 *the United States.*

12           “(2) *In making a determination under paragraph (1),*  
13 *the Secretary shall give consideration to the circumstances*  
14 *of any disqualifying act or offense, restitution made by the*  
15 *individual, Federal and State mitigation remedies, and*  
16 *other factors from which it may be concluded that the indi-*  
17 *vidual does not pose a terrorism security risk warranting*  
18 *denial of the card.*

19           “(3) *The Secretary shall establish an appeals process*  
20 *under this section for individuals found to be ineligible for*  
21 *a transportation security card that includes notice and an*  
22 *opportunity for a hearing.*

23           “(4) *Upon application, the Secretary may issue a*  
24 *transportation security card to an individual if the Sec-*

1 *retary has previously determined, under section 5103a of*  
2 *title 49, that the individual does not pose a security risk.*

3       “(d) *BACKGROUND RECORDS CHECK.—(1) On request*  
4 *of the Secretary, the Attorney General shall—*

5               “(A) *conduct a background records check regard-*  
6 *ing the individual; and*

7               “(B) *upon completing the background records*  
8 *check, notify the Secretary of the completion and re-*  
9 *sults of the background records check.*

10       “(2) *A background records check regarding an indi-*  
11 *vidual under this subsection shall consist of the following:*

12               “(A) *A check of the relevant criminal history*  
13 *databases.*

14               “(B) *In the case of an alien, a check of the rel-*  
15 *evant databases to determine the status of the alien*  
16 *under the immigration laws of the United States.*

17               “(C) *As appropriate, a check of the relevant*  
18 *international databases or other appropriate means.*

19               “(D) *Review of any other national security-re-*  
20 *lated information or database identified by the Attor-*  
21 *ney General for purposes of such a background*  
22 *records check.*

23       “(e) *RESTRICTIONS ON USE AND MAINTENANCE OF IN-*  
24 *FORMATION.—(1) Information obtained by the Attorney*  
25 *General or the Secretary of Transportation under this sec-*



1 *tion may not be made available to the public under section*  
2 *552 of title 5.*

3       “(2) *Any information constituting grounds for denial*  
4 *of a transportation security card under subsection (c)(1)*  
5 *shall be maintained confidentially by the Secretary and*  
6 *may be used only for making determinations under this sec-*  
7 *tion.*

8       “(f) *DEFINITION.—In this section, the term ‘alien’ has*  
9 *the meaning given the term in section 101(a)(3) of the Im-*  
10 *migration and Nationality Act (8 U.S.C. 1101(a)(3)).*

11 **“§ 70106. Maritime antiterrorism teams**

12       “(a) *IN GENERAL.—The Secretary shall establish mar-*  
13 *itime antiterrorism teams to safeguard the public and pro-*  
14 *tect vessels, ports, facilities, and cargo on waters subject to*  
15 *the jurisdiction of the United States from terrorist activity.*

16       “(b) *MISSION.—Each maritime antiterrorism team*  
17 *shall be trained, equipped, and capable of being employed*  
18 *to deter, protect against, and rapidly respond to threats of*  
19 *terrorism.*

20       “(c) *COORDINATION WITH OTHER AGENCIES.—To the*  
21 *maximum extent feasible, each maritime antiterrorism*  
22 *team shall coordinate its activities with other Federal,*  
23 *State, and local law enforcement agencies.*

1 **“§ 70107. Grants**

2       “(a) *FINANCIAL ASSISTANCE.—The Under Secretary*  
3 *may provide financial assistance for enhanced facility*  
4 *security—*

5               “(1) *to implement a maritime antiterrorism*  
6 *plan approved by the Secretary; or*

7               “(2) *to implement an interim measure required*  
8 *by the Secretary under section 70103(c)(7).*

9       “(b) *MATCHING REQUIREMENTS.—(1) Except as pro-*  
10 *vided in paragraph (2), Federal funds for any project under*  
11 *this section shall not exceed 75 percent of the total cost of*  
12 *such project.*

13               “(2)(A) *There are no matching requirements for grants*  
14 *under subsection (a) for projects costing not more than*  
15 *\$25,000.*

16               “(B) *If the Under Secretary determines that a pro-*  
17 *posed project merits support and cannot be undertaken*  
18 *without a higher rate of Federal support, then the Under*  
19 *Secretary may approve grants under this section with a*  
20 *matching requirement other than that specified in para-*  
21 *graph (1).*

22       “(c) *PROJECT PROPOSALS.—Each proposal for a*  
23 *grant under this section shall include the following:*

24               “(1) *The name of the individual or entity re-*  
25 *sponsible for conducting the project.*

1           “(2) *A comprehensive description of the need for*  
2 *the project, and a statement of the project’s relation-*  
3 *ship to the Area Maritime Transportation*  
4 *Antiterrorism Plan that applies to the location where*  
5 *the project will be carried out.*

6           “(3) *A description of the qualifications of the in-*  
7 *dividuals who will conduct the project.*

8           “(4) *An estimate of the funds and time required*  
9 *to complete the project.*

10           “(5) *Information regarding the source and*  
11 *amount of matching funding available to the appli-*  
12 *cant, as appropriate.*

13           “(6) *Any other information the Under Secretary*  
14 *considers to be necessary for evaluating the eligibility*  
15 *of the project for funding under this section.*

16           “(d) *AUTHORIZATION OF APPROPRIATIONS.—(1) To*  
17 *carry out this section there is authorized to be appropriated*  
18 *to the Secretary \$83,000,000 for each of fiscal years 2003,*  
19 *2004, and 2005.*

20           “(2) *Of amounts available under this section,*  
21 *\$7,500,000 shall be used for proof-of-concept technology*  
22 *grants, including proposals from a national security lab-*  
23 *oratory referred to in section 3281(1)(C) of division C of*  
24 *Public Law 106–65 (50 U.S.C. 2471(1)(C)).*

1       “(3) *Of the amounts available under this section,*  
 2 *\$7,500,000 shall be used to reimburse a port for enhanced*  
 3 *facility security measures undertaken in the period begin-*  
 4 *ning September 11, 2001, and ending September 30, 2003.*

5       “(4) *Amounts appropriated under this section may re-*  
 6 *main available until expended.*

7       “(e) *MARITIME SECURITY TRAINING GRANTS.—(1)*  
 8 *The Under Secretary may make a grant of not more than*  
 9 *\$500,000 for each of fiscal years 2003, 2004, and 2005, to*  
 10 *each of the following educational institutions for develop-*  
 11 *ment and implementation of a comprehensive port and*  
 12 *maritime security education program:*

13           “(A) *Each of the 6 State maritime academies.*

14           “(B) *The United States Merchant Marine Acad-*  
 15 *emy.*

16           “(C) *The Appalachian Transportation Institute.*

17       “(2) *There is authorized to be appropriated,*  
 18 *\$4,000,000 for grants made under this subsection.*

19       **“§ 70108. Foreign port assessment**

20       “(a) *IN GENERAL.—The Secretary shall assess the ef-*  
 21 *fectiveness of the antiterrorism measures maintained at—*

22           “(1) *a foreign port—*

23                   “(A) *served by vessels documented under*  
 24 *chapter 121 of this title; or*

1           “(B) from which foreign vessels depart on a  
2           voyage to the United States; and

3           “(2) any other foreign port the Secretary believes  
4           poses a high risk of introducing terrorism to inter-  
5           national maritime commerce.

6           “(b) PROCEDURES.—In conducting an assessment  
7           under subsection (a), the Secretary shall assess the effective-  
8           ness of—

9           “(1) screening of containerized and other cargo  
10          and baggage;

11          “(2) security measures to restrict access to cargo,  
12          vessels, and dockside property to authorized personnel  
13          only;

14          “(3) additional security on board vessels;

15          “(4) licensing or certification of compliance with  
16          appropriate security standards;

17          “(5) the security management program of the  
18          foreign port; and

19          “(6) other appropriate measures to deter ter-  
20          rorism against the United States.

21          “(c) CONSULTATION.—In carrying out this section, the  
22          Secretary may consult with—

23          “(1) the Secretary of Defense and the Secretary  
24          of State—

1           “(A) on the terrorist threat that exists in  
2 each country involved; and

3           “(B) to identify foreign ports that pose a  
4 high risk of introducing terrorism to inter-  
5 national maritime commerce;

6           “(2) the Secretary of the Treasury;

7           “(3) appropriate authorities of foreign govern-  
8 ments; and

9           “(4) operators of vessels.

10 **“§ 70109. Notifying foreign authorities**

11           *“If the Secretary, after conducting an assessment*  
12 *under section 70108, finds that a port in a foreign country*  
13 *does not maintain effective antiterrorism measures, the Sec-*  
14 *retary shall notify the appropriate authorities of the govern-*  
15 *ment of the foreign country of the finding and recommend*  
16 *the steps necessary to improve the antiterrorism measures*  
17 *in use at the port.*

18 **“§ 70110. Actions when foreign ports not maintaining**  
19 ***effective antiterrorism measures***

20           “(a) *IN GENERAL.—If the Secretary finds that a for-*  
21 *ign port does not maintain effective antiterrorism meas-*  
22 *ures, the Secretary may—*

23           “(1) *prescribe conditions of entry into the United*  
24 *States for any vessel arriving from that port, or any*

1 vessel carrying cargo originating from or trans-  
2 shipped through that port; and

3 “(2) deny entry into the United States to any  
4 vessel that does not meet such conditions.

5 “(b) *EFFECTIVE DATE FOR SANCTIONS.*—Any action  
6 taken by the Secretary under subsection (a) for a particular  
7 port shall take effect—

8 “(1) 90 days after the government of the foreign  
9 country with jurisdiction over or control of that port  
10 is notified under section 70109 unless the Secretary  
11 finds that the government has brought the  
12 antiterrorism measures at the port up to the security  
13 level the Secretary used in making an assessment  
14 under section 70108 before the end of that 90-day pe-  
15 riod; or

16 “(2) immediately upon the finding of the Sec-  
17 retary under subsection (a) if the Secretary finds,  
18 after consulting with the Secretary of State, that a  
19 condition exists that threatens the safety or security  
20 of passengers, vessels, or crew traveling to or from the  
21 port.

22 “(c) *STATE DEPARTMENT TO BE NOTIFIED.*—The Sec-  
23 retary immediately shall notify the Secretary of State of  
24 a finding that a port does not maintain effective  
25 antiterrorism measures.

1       “(d) *ACTION CANCELED.*—An action required under  
2 this section is no longer required if the Secretary decides  
3 that effective antiterrorism measures are maintained at the  
4 port.

5       “§ 70111. **Crew and passenger manifests**

6       “(a) *IN GENERAL.*—The operator of each commercial  
7 vessel arriving in the United States from a foreign port  
8 shall provide to the Under Secretary by electronic trans-  
9 mission a passenger and crew manifest containing the in-  
10 formation specified in subsection (b).

11       “(b) *INFORMATION.*—A passenger and crew manifest  
12 required under subsection (a) for a vessel shall contain the  
13 following information:

14               “(1) *The full name of each passenger and crew*  
15               *member.*

16               “(2) *The date of birth and citizenship of each*  
17               *passenger and crew member.*

18               “(3) *The sex of each passenger and crew member.*

19               “(4) *The passport number and country of*  
20               *issuance of each passenger and crew member if re-*  
21               *quired for travel.*

22               “(5) *The United States visa number or resident*  
23               *alien card number of each passenger and crew mem-*  
24               *ber, as applicable.*



1           “(6) *Such other information as the Under Sec-*  
 2           *retary determines is reasonably necessary to ensure*  
 3           *maritime safety.*

4           “(c) *TRANSMISSION OF MANIFEST.—Subject to sub-*  
 5           *section (d), a passenger and crew manifest required for a*  
 6           *vessel under subsection (a) shall be transmitted to the Under*  
 7           *Secretary in advance of the vessel arriving in the United*  
 8           *States in such manner, time, and form as the Under Sec-*  
 9           *retary prescribes.*

10          “(d) *TRANSMISSION OF MANIFESTS TO OTHER FED-*  
 11          *ERAL AGENCIES.—Upon request, information provided to*  
 12          *the Under Secretary under this section may be shared with*  
 13          *other Federal agencies for the purpose of protecting national*  
 14          *security.*

15          **“§ 70112. Civil penalty**

16          *“Any person that violates this chapter or any regula-*  
 17          *tion under this chapter shall be liable to the United States*  
 18          *for a civil penalty of not more than \$25,000 for each viola-*  
 19          *tion.”.*

20          (b) *CONFORMING AMENDMENT.—The table of subtitles*  
 21          *at the beginning of title 46, United States Code, is amended*  
 22          *by adding at the end the following:*

          “VI. MISCELLANEOUS ..... 70101”.

23          (c) *APPLICATION OF CREW AND PASSENGER MANIFEST*  
 24          *REQUIREMENT.—Section 70111 of title 46, United States*  
 25          *Code, as enacted by the amendment made by subsection (a),*

1 *shall apply with respect to any vessel arriving in the United*  
2 *States after the 60-day period beginning on the date of the*  
3 *enactment of this Act.*

4 *(d) RULEMAKING REQUIREMENTS.—*

5 *(1) INTERIM FINAL RULE AUTHORITY.—The Sec-*  
6 *retary may issue an interim final rule as a tem-*  
7 *porary regulation implementing this section (includ-*  
8 *ing the amendments made by this section) as soon as*  
9 *practicable after the date of enactment of this section,*  
10 *without regard to the provisions of chapter 5 of title*  
11 *5, United States Code.*

12 *(2) INITIATION OF RULEMAKING.—The Secretary*  
13 *may initiate a rulemaking to implement this section*  
14 *(including the amendments made by this section) as*  
15 *soon as practicable after the date of enactment of this*  
16 *section. The final rule issued pursuant to that rule-*  
17 *making may supersede the interim final rule promul-*  
18 *gated under this subsection.*

19 **SEC. 102. CLARIFICATION OF COAST GUARD AUTHORITY TO**  
20 **CONTROL VESSELS IN TERRITORIAL WATERS**  
21 **OF THE UNITED STATES.**

22 *The Ports and Waterways Safety Act (33 U.S.C. 1221*  
23 *et seq.) is amended by adding at the end the following:*

1 **“SEC. 15. ENTRY OF VESSELS INTO TERRITORIAL SEA; DI-**  
2 **RECTION OF VESSELS BY COAST GUARD.**

3 *“(a) NOTIFICATION OF COAST GUARD.—Under regula-*  
4 *tions prescribed by the Secretary, a commercial vessel enter-*  
5 *ing the territorial sea of the United States shall notify the*  
6 *Secretary by electronic transmission not later than 96 hours*  
7 *before that entry and provide the following information re-*  
8 *garding the vessel:*

9 *“(1) The name of the vessel.*

10 *“(2) The route and port or place of destination*  
11 *in the United States.*

12 *“(3) The time of entry into the territorial sea.*

13 *“(4) Any information requested by the Secretary*  
14 *to demonstrate compliance with applicable inter-*  
15 *national agreements to which the United States is a*  
16 *party.*

17 *“(5) If the vessel is carrying dangerous cargo, a*  
18 *description of that cargo.*

19 *“(6) A description of any hazardous conditions*  
20 *on the vessel.*

21 *“(7) Any other information requested by the Sec-*  
22 *retary.*

23 *“(b) DENIAL OF ENTRY.—The Secretary may deny*  
24 *entry of a vessel into the territorial sea of the United States*  
25 *if—*

1           “(1) *the Secretary has not received notification*  
2           *for the vessel in accordance with subsection (a); or*

3           “(2) *the vessel is not in compliance with any*  
4           *other applicable law relating to marine safety, secu-*  
5           *rity, or environmental protection.*

6           “(c) *DIRECTION OF VESSEL.—The Secretary may di-*  
7           *rect the operation of any vessel in the navigable waters of*  
8           *the United States as necessary during hazardous cir-*  
9           *cumstances, including the absence of a pilot required by*  
10          *State or Federal law, weather, casualty, vessel traffic, or*  
11          *the poor condition of the vessel.*

12          “(d) *IMPLEMENTATION.—The Secretary shall imple-*  
13          *ment this section consistent with section 4(d).”.*

14          **SEC. 103. EXTENSION OF SEAWARD JURISDICTION.**

15          “(a) *DEFINITION OF TERRITORIAL WATERS.—Section*  
16          *1 of title XIII of the Act of June 15, 1917 (50 U.S.C. 195)*  
17          *is amended—*

18                  (1) *by striking “The term ‘United States’ as used*  
19                  *in this Act includes” and inserting the following:*

20                  *“In this Act:*

21                          “(1) *UNITED STATES.—The term ‘United States’*  
22                          *includes”; and*

23                          (2) *by adding at the end the following:*

24                          “(2) *TERRITORIAL WATERS.—The term ‘terri-*  
25                          *torial waters of the United States’ includes all waters*

1       of the territorial sea of the United States as described  
 2       in Presidential Proclamation 5928 of December 27,  
 3       1988.”.

4       (b) *CIVIL PENALTY FOR VIOLATION OF ACT OF JUNE*  
 5       15, 1917.—Section 2 of title II of the Act of June 15, 1917  
 6       (50 U.S.C. 192), is amended—

7               (1) by inserting “(a) *IN GENERAL.*—” before  
 8       “*If*” in the first undesignated paragraph;

9               (2) by striking “(a) *If any other*” and inserting  
 10       “(b) *APPLICATION TO OTHERS.*—*If any other*”; and

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

12       “(c) *CIVIL PENALTY.*—A person violating this Act, or  
 13       any rule, regulation or order issued under this Act, shall  
 14       be liable to the United States Government for a civil pen-  
 15       alty of not more than \$25,000 for each violation. Each day  
 16       of a continuing violation shall constitute a separate viola-  
 17       tion.”.

18       **SEC. 104. SUSPENSION OF LIMITATION ON STRENGTH OF**  
 19                               **COAST GUARD.**

20       (a) *PERSONNEL END STRENGTHS.*—Section 661(a) of  
 21       title 14, United States Code, is amended by adding at the  
 22       end the following: “If at the end of any fiscal year there  
 23       is in effect a declaration of war or national emergency, the  
 24       President may defer the effectiveness of any end-strength  
 25       limitation with respect to that fiscal year prescribed by law

1 *for any military or civilian component of the Coast Guard,*  
 2 *for a period not to exceed 6 months after the end of the*  
 3 *war or termination of the national emergency.”.*

4 (b) *OFFICERS IN COAST GUARD RESERVE.*—Section  
 5 724 of title 14, United States Code, is amended by adding  
 6 at the end thereof the following:

7 “(c) *DEFERRAL OF LIMITATION.*—If at the end of any  
 8 fiscal year there is in effect a declaration of war or national  
 9 emergency, the President may defer the effectiveness of any  
 10 end-strength limitation with respect to that fiscal year pre-  
 11 scribed by law for any military or civilian component of  
 12 the Coast Guard Reserve, for a period not to exceed 6  
 13 months after the end of the war or termination of the na-  
 14 tional emergency.”.

15 **SEC. 105. EXTENSION OF DEEPWATER PORT ACT TO NAT-**  
 16 **URAL GAS.**

17 (a) *IN GENERAL.*—The following provisions of the  
 18 Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.) are  
 19 each amended by inserting “or natural gas” after “oil” each  
 20 place it appears:

21 (1) Section 2(a) (33 U.S.C. 1501(a)).

22 (2) Section 3(9) (33 U.S.C. 1502(9)).

23 (3) Section 4(a) (33 U.S.C. 1503(a)).

24 (4) Section 5(c)(2)(G) and (H) (33 U.S.C.  
 25 1504(c)(2)(G) and (H)).

1           (5) *Section 5(i)(2)(B) (33 U.S.C. 1504(i)(2)(B)).*

2           (6) *Section 5(i)(3)(C) (33 U.S.C. 1504*  
3 *(i)(3)(C)).*

4           (7) *Section 8 (33 U.S.C. 1507).*

5           (8) *Section 21(a) (33 U.S.C. 1520(a)).*

6           (b) *DEFINITION OF NATURAL GAS.—Section 3 of the*  
7 *Deepwater Port Act of 1974 (33 U.S.C. 1502) is amended—*

8           (1) *by redesignating paragraphs (13) through*  
9 *(18) as paragraphs (14) through (19) respectively;*  
10 *and*

11           (2) *by inserting after paragraph (12) the fol-*  
12 *lowing:*

13           “*(13) ‘natural gas’ means either natural gas*  
14 *unmixed, or any mixture of natural or artificial gas,*  
15 *including liquefied natural gas;”.*

16           (c) *FACILITY APPROVAL.—*

17           (1) *Section 5(d) of the Deepwater Port Act of*  
18 *1974 (33 U.S.C. 1504(d)) is amended by adding at*  
19 *the end the following:*

20           “*(4) This subsection shall not apply to deepwater ports*  
21 *for natural gas.”.*

22           (2) *Section 5(i) of the Deepwater Port Act of*  
23 *1974 (33 U.S.C. 1504(i)) is amended by adding at*  
24 *the end the following:*

1           “(4) *The Secretary shall approve or deny any applica-*  
2 *tion for a deepwater port for natural gas submitted pursu-*  
3 *ant to this Act not later than 90 days after the last public*  
4 *hearing on a proposed license. The Secretary shall not con-*  
5 *sider paragraphs (1), (2), and (3) of this subsection for an*  
6 *application for a deepwater port for natural gas.*”.

7           (d) *FACILITY DEVELOPMENT.*—Section 8 of the *Deep-*  
8 *water Port Act of 1974 (33 U.S.C. 1507) is amended by*  
9 *adding at the end the following:*

10           “(d) *MANAGED ACCESS.*—Notwithstanding subsections  
11 (a) and (b), a licensee may exclusively utilize the entire  
12 capacity of the deepwater port and storage facilities for the  
13 acceptance, transport, regasification, or conveyance of nat-  
14 ural gas produced, processed, marketed, or otherwise ob-  
15 tained by agreement by such licensee or its affiliates. The  
16 licensee may make unused capacity of the deepwater port  
17 and storage facilities available to other persons, pursuant  
18 to reasonable terms and conditions imposed by the licensee,  
19 if such use does not otherwise interfere in any way with  
20 the acceptance, transport, regasification, or conveyance of  
21 natural gas produced, processed, marketed, or otherwise ob-  
22 tained by agreement by such licensee or its affiliates.

23           “(e) *JURISDICTION.*—For the purpose of this Act, the  
24 acceptance, transport, regasification, or conveyance of nat-  
25 ural gas shall be subject to regulation exclusively under this



1 *Act until the natural gas from a deepwater port is delivered*  
 2 *out of the deepwater port facilities of the licensee.”.*

3 *(e) REGULATIONS.—*

4 *(1) Not later than 30 days after the date of the*  
 5 *enactment of this Act, the heads of Federal depart-*  
 6 *ments or agencies having expertise concerning, or ju-*  
 7 *risdiction over, any aspect of the construction or oper-*  
 8 *ation of deepwater ports for natural gas shall trans-*  
 9 *mit to the Secretary of Transportation written com-*  
 10 *ments as to their expertise or statutory responsibil-*  
 11 *ities pursuant to the Deepwater Port Act of 1974 (33*  
 12 *U.S.C. 1501 et seq.) or any other Federal law.*

13 *(2) As soon as practicable after the date of the*  
 14 *enactment of this Act, the Secretary of Transportation*  
 15 *shall issue additional final rules that, in the discre-*  
 16 *tion of the Secretary, are determined to be necessary*  
 17 *under the Deepwater Port Act of 1974 (33 U.S.C.*  
 18 *1501 et seq.) for the application and issuance of li-*  
 19 *censes for a deepwater port for natural gas.*

20 **SEC. 106. ASSIGNMENT OF COAST GUARD PERSONNEL AS**  
 21 **SEA MARSHALS AND ENHANCED USE OF**  
 22 **OTHER SECURITY PERSONNEL.**

23 *(a) IN GENERAL.—Section 7(b) of the Ports and Wa-*  
 24 *terways Safety Act (33 U.S.C. 1226(b)) is amended—*

1           (1) by striking “and” after the semicolon in  
2           paragraph (1);

3           (2) by striking “terrorism.” in paragraph (2)  
4           and inserting “terrorism; and”; and

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

6           “(3) dispatch properly trained and qualified  
7           armed Coast Guard personnel on facilities and vessels  
8           to deter or respond to acts of terrorism.”.

9           (b) *REPORT ON USE OF NON-COAST GUARD PER-*  
10          *SONNEL.—The Secretary of Transportation shall evaluate*  
11          *and report to the Congress on—*

12           (1) *the potential use of Federal, State, or local*  
13           *government personnel, and documented United States*  
14           *Merchant Marine personnel, to supplement Coast*  
15           *Guard personnel under section 7(b)(3) of the Ports*  
16           *and Waterways Safety Act (33 U.S.C. 1226(b)(3));*

17           (2) *the possibility of using personnel other than*  
18           *Coast Guard personnel to carry out Coast Guard per-*  
19           *sonnel functions under that section and whether addi-*  
20           *tional legal authority would be necessary to use such*  
21           *personnel for such functions; and*

22           (3) *the possibility of utilizing the United States*  
23           *Merchant Marine Academy, State maritime acad-*  
24           *emies, or Coast Guard approved maritime industry*

1        *schools in the United States, to provide training*  
2        *under that section.*

3        **SEC. 107. AUTOMATIC IDENTIFICATION SYSTEM.**

4        *(a) TRANSPONDER REQUIREMENT.—*

5                *(1) IN GENERAL.—Subject to paragraph (2), the*  
6        *following vessels, while operating on the navigable*  
7        *waters of the United States, shall be equipped with a*  
8        *position indicating transponder and an appropriate*  
9        *situation display or other device suitable for accessing*  
10       *information made available by the transponder sys-*  
11       *tem, in accordance with regulations prescribed by the*  
12       *Secretary of Transportation:*

13                *(A) Vessels subject to Public Law 92–63.*

14                *(B) Small passenger vessels carrying more*  
15        *than a number of passengers determined by the*  
16        *Secretary of Transportation.*

17                *(C) Towing vessels while towing astern or*  
18        *pushing ahead or alongside, except commercial*  
19        *assistance towing vessels rendering assistance to*  
20        *disabled small vessels.*

21                *(2) EXEMPTION.—The Secretary may exempt a*  
22        *vessel from paragraph (1) if the Secretary finds that*  
23        *a transponder is not necessary for the safe navigation*  
24        *of the vessel on the waters on which the vessel oper-*  
25        *ates.*

1           (b) *REGULATIONS.*—*The Secretary of Transportation*  
2 *shall issue regulations implementing subsection (a), includ-*  
3 *ing requirements for the operation and maintenance of*  
4 *transponders required under subsection (a).*

5           (c) *APPLICATION.*—*Subsection (a) shall apply as fol-*  
6 *lows:*

7           (1) *On and after December 31, 2002, to—*

8                   (A) *any vessel built after that date; and*

9                   (B) *notwithstanding paragraphs (2) and*  
10                   *(3), any vessel operating within the geographic*  
11                   *boundaries of a Vessel Traffic Service.*

12           (2) *On and after July 1, 2003, to any vessel*  
13 *built before the date referred to in paragraph (1) that*  
14 *is—*

15                   (A) *a passenger vessel;*

16                   (B) *a tanker; or*

17                   (C) *a towing vessel engaged in moving a*  
18 *tank vessel.*

19           (3) *On and after December 31, 2004, to all other*  
20 *vessels built before the date referred to in paragraph*  
21 *(1).*

22 **SEC. 108. MANDATORY ADVANCED ELECTRONIC INFORMA-**  
23 **TION FOR CARGO.**

24           (a) *IN GENERAL.*—*Section 431(b) of the Tariff Act of*  
25 *1930 (19 U.S.C. 1431(b)) is amended—*

1           (1) *in the first sentence, by striking “Any mani-*  
2           *fest” and inserting “(1) Any manifest”; and*

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

4           “(2)(A) *In addition to any other requirement under*  
5 *this section, for each land, air, or vessel carrier required*  
6 *to make entry under the customs laws of the United States,*  
7 *the pilot, the master, operator, or owner of such carrier (or*  
8 *the authorized agent of such operator or owner) shall pro-*  
9 *vide by electronic transmission cargo information in ad-*  
10 *vance of such entry in such manner, time, and form as pre-*  
11 *scribed under regulations by the Secretary. In issuing such*  
12 *regulations, the Secretary shall consult with other appro-*  
13 *priate Federal departments and agencies as part of an*  
14 *interagency process, including, but not limited to, the De-*  
15 *partment of Transportation, the Department of Justice, and*  
16 *the Department of Defense. The Secretary may exclude any*  
17 *class of land, air, or vessel carrier for which the Secretary*  
18 *concludes the requirements of this subparagraph are not*  
19 *necessary.*

20           “(B) *The Secretary shall provide to appropriate Fed-*  
21 *eral departments and agencies cargo information obtained*  
22 *pursuant to subparagraph (A). In carrying out the pre-*  
23 *ceding sentence, the Secretary, to the maximum extent prac-*  
24 *ticable, shall protect the privacy and property rights with*  
25 *respect to the cargo involved.”.*

1       (b) *CONFORMING AMENDMENTS.*—Subparagraphs (A)  
 2 and (C) of section 431(d)(1) of such Act are each amended  
 3 by inserting before the semicolon “or subsection (b)(2)”.

4               **TITLE II—MARITIME POLICY**  
 5                       **IMPROVEMENT**

6 **SEC. 201. SHORT TITLE.**

7       This title may be cited as the “Maritime Policy Im-  
 8 provement Act of 2002”.

9 **SEC. 202. VESSEL COASTAL VENTURE.**

10       Section 1120(g) of the Coast Guard Authorization Act  
 11 of 1996 (Public Law 104–324; 110 Stat. 3978) is amended  
 12 by inserting “COASTAL VENTURE (United States official  
 13 number 971086),” after “vessels”.

14 **SEC. 203. EXPANSION OF AMERICAN MERCHANT MARINE**  
 15                       **MEMORIAL WALL OF HONOR.**

16       (a) *FINDINGS.*—The Congress finds that—

17               (1) the United States Merchant Marine has  
 18 served the people of the United States in all wars  
 19 since 1775;

20               (2) the United States Merchant Marine served as  
 21 the Nation’s first navy and defeated the British Navy  
 22 to help gain the Nation’s independence;

23               (3) the United States Merchant Marine kept the  
 24 lifeline of freedom open to the allies of the United  
 25 States during the Second World War, making one of

1        *the most significant contributions made by any na-*  
2        *tion to the victory of the allies in that war;*

3                (4) *President Franklin D. Roosevelt and many*  
4        *military leaders praised the role of the United States*  
5        *Merchant Marine as the “Fourth Arm of Defense”*  
6        *during the Second World War;*

7                (5) *more than 250,000 men and women served in*  
8        *the United States Merchant Marine during the Sec-*  
9        *ond World War;*

10               (6) *during the Second World War, members of*  
11        *the United States Merchant Marine faced dangers*  
12        *from the elements and from submarines, mines, armed*  
13        *raiders, destroyers, aircraft, and “kamikaze” pilots;*

14               (7) *during the Second World War, at least 6,830*  
15        *members of the United States Merchant Marine were*  
16        *killed at sea;*

17               (8) *during the Second World War, 11,000 mem-*  
18        *bers of the United States Merchant Marine were*  
19        *wounded, at least 1,100 of whom later died from their*  
20        *wounds;*

21               (9) *during the Second World War, 604 members*  
22        *of the United States Merchant Marine were taken*  
23        *prisoner;*

24               (10) *1 in 32 members of the United States Mer-*  
25        *chant Marine serving in the Second World War died*

1 *in the line of duty, suffering a higher percentage of*  
 2 *war-related deaths than any of the other armed serv-*  
 3 *ices of the United States; and*

4 *(11) the United States Merchant Marine con-*  
 5 *tinues to serve the United States, promoting freedom*  
 6 *and meeting the high ideals of its former members.*

7 *(b) GRANTS TO CONSTRUCT ADDITION TO AMERICAN*  
 8 *MERCHANT MARINE MEMORIAL WALL OF HONOR.—*

9 *(1) IN GENERAL.—The Secretary of Transpor-*  
 10 *tation may make grants to the American Merchant*  
 11 *Marine Veterans Memorial Committee, Inc., to con-*  
 12 *struct an addition to the American Merchant Marine*  
 13 *Memorial Wall of Honor located at the Los Angeles*  
 14 *Maritime Museum in San Pedro, California.*

15 *(2) FEDERAL SHARE.—The Federal share of the*  
 16 *cost of activities carried out with a grant made under*  
 17 *this section shall be 50 percent.*

18 *(3) AUTHORIZATION OF APPROPRIATIONS.—*  
 19 *There is authorized to be appropriated to carry out*  
 20 *this section \$500,000 for fiscal year 2002.*

21 **SEC. 204. DISCHARGE OF AGRICULTURAL CARGO RESIDUE.**

22 *Notwithstanding any other provision of law, the dis-*  
 23 *charge from a vessel of any agricultural cargo residue mate-*  
 24 *rial in the form of hold washings shall be governed exclu-*  
 25 *sively by the provisions of the Act to Prevent Pollution from*



1 *Ships (33 U.S.C. 1901 et seq.) that implement Annex V to*  
 2 *the International Convention for the Prevention of Pollu-*  
 3 *tion from Ships.*

4 **SEC. 205. RECORDING AND DISCHARGING NOTICES OF**  
 5 **CLAIM OF MARITIME LIEN.**

6 (a) *LIENS ON ANY DOCUMENTED VESSEL.—*

7 (1) *IN GENERAL.—Section 31343 of title 46,*  
 8 *United States Code, is amended as follows:*

9 (A) *By amending the section heading to*  
 10 *read as follows:*

11 **“§ 31343. Recording and discharging notices of claim**  
 12 **of maritime lien”.**

13 (B) *In subsection (a) by striking “covered*  
 14 *by a preferred mortgage filed or recorded under*  
 15 *this chapter” and inserting “documented, or for*  
 16 *which an application for documentation has*  
 17 *been filed, under chapter 121”.*

18 (C) *By amending subsection (b) to read as*  
 19 *follows:*

20 *“(b)(1) The Secretary shall record a notice complying*  
 21 *with subsection (a) of this section if, when the notice is pre-*  
 22 *sented to the Secretary for recording, the person having the*  
 23 *claim files with the notice a declaration stating the fol-*  
 24 *lowing:*

1           “(A) *The information in the notice is true and*  
2           *correct to the best of the knowledge, information, and*  
3           *belief of the individual who signed it.*

4           “(B) *A copy of the notice, as presented for rec-*  
5           *ordation, has been sent to each of the following:*

6                   “(i) *The owner of the vessel.*

7                   “(ii) *Each person that recorded under sec-*  
8                   *tion 31343(a) of this title an unexpired notice of*  
9                   *a claim of an undischarged lien on the vessel.*

10                   “(iii) *The mortgagee of each mortgage filed*  
11                   *or recorded under section 31321 of this title that*  
12                   *is an undischarged mortgage on the vessel.*

13           “(2) *A declaration under this subsection filed by a per-*  
14           *son that is not an individual must be signed by the presi-*  
15           *dent, member, partner, trustee, or other individual author-*  
16           *ized to execute the declaration on behalf of the person.”.*

17                   (D) *By amending subsection (c) to read as*  
18                   *follows:*

19                   “(c)(1) *On full and final discharge of the indebtedness*  
20                   *that is the basis for a notice of claim of lien recorded under*  
21                   *subsection (b) of this section, the person having the claim*  
22                   *shall provide the Secretary with an acknowledged certificate*  
23                   *of discharge of the indebtedness. The Secretary shall record*  
24                   *the certificate.*

1           “(2) *The district courts of the United States shall have*  
2 *jurisdiction over a civil action to declare that a vessel is*  
3 *not subject to a lien claimed under subsection (b) of this*  
4 *section, or that the vessel is not subject to the notice of claim*  
5 *of lien, or both, regardless of the amount in controversy or*  
6 *the citizenship of the parties. Venue in such an action shall*  
7 *be in the district where the vessel is found, or where the*  
8 *claimant resides, or where the notice of claim of lien is re-*  
9 *corded. The court may award costs and attorneys fees to*  
10 *the prevailing party, unless the court finds that the position*  
11 *of the other party was substantially justified or other cir-*  
12 *cumstances make an award of costs and attorneys fees un-*  
13 *just. The Secretary shall record any such declaratory*  
14 *order.”.*

15                                   *(E) By adding at the end the following:*

16           “(e) *A notice of claim of lien recorded under subsection*  
17 *(b) of this section shall expire 3 years after the date the*  
18 *lien was established, as such date is stated in the notice*  
19 *under subsection (a) of this section.*

20           “(f) *This section does not alter in any respect the law*  
21 *pertaining to the establishment of a maritime lien, the rem-*  
22 *edy provided by such a lien, or the defenses thereto, includ-*  
23 *ing any defense under the doctrine of laches.”.*

24                                   (2) *CLERICAL AMENDMENT.—The table of sec-*  
25 *tions at the beginning of chapter 313 of title 46,*

1 *United States Code, is amended by striking the item*  
2 *relating to section 31343 and inserting the following:*

*“31343. Recording and discharging notices of claim of maritime lien.”.*

3 *(b) NOTICE REQUIREMENTS.—Section 31325 of title*  
4 *46, United States Code, is amended as follows:*

5 *(1) In subsection (d)(1)(B) by striking “a notice*  
6 *of a claim” and inserting “an unexpired notice of a*  
7 *claim”.*

8 *(2) In subsection (f)(1) by striking “a notice of*  
9 *a claim” and inserting “an unexpired notice of a*  
10 *claim”.*

11 *(c) APPROVAL OF SURRENDER OF DOCUMENTATION.—*  
12 *Section 12111 of title 46, United States Code, is amended*  
13 *by adding at the end the following:*

14 *“(d)(1) The Secretary shall not refuse to approve the*  
15 *surrender of the certificate of documentation for a vessel*  
16 *solely on the basis that a notice of a claim of a lien on*  
17 *the vessel has been recorded under section 31343(a) of this*  
18 *title.*

19 *“(2) The Secretary may condition approval of the sur-*  
20 *render of the certificate of documentation for a vessel over*  
21 *1,000 gross tons.”.*

22 *(d) TECHNICAL CORRECTION.—Section 9(c) of the*  
23 *Shipping Act, 1916 (46 App. U.S.C. 808(c)) is amended*  
24 *in the matter preceding paragraph (1) by striking “Except”*  
25 *and all that follows “12106(e) of title 46,” and inserting*

1 “*Except as provided in section 611 of the Merchant Marine*  
2 *Act, 1936 (46 App. U.S.C. 1181) and in section 12106(e)*  
3 *of title 46,*”.

4 (e) *EFFECTIVE DATE.*—*This section shall take effect*  
5 *July 1, 2002.*

6 **SEC. 206. TONNAGE OF R/V DAVIDSON.**

7 (a) *IN GENERAL.*—*The Secretary of Transportation*  
8 *shall prescribe a tonnage measurement as a small passenger*  
9 *vessel as defined in section 2101 of title 46, United States*  
10 *Code, for the vessel R/V DAVIDSON (United States official*  
11 *number D1066485) for purposes of applying the optional*  
12 *regulatory measurement under section 14305 of that title.*

13 (b) *APPLICATION.*—*Subsection (a) shall apply only*  
14 *when the vessel is operating in compliance with the require-*  
15 *ments of section 3301(8) of title 46, United States Code.*

16 **SEC. 207. MISCELLANEOUS CERTIFICATES OF DOCUMENTA-**  
17 **TION.**

18 *Notwithstanding section 27 of the Merchant Marine*  
19 *Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June*  
20 *19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289),*  
21 *and sections 12106 and 12108 of title 46, United States*  
22 *Code, the Secretary of Transportation may issue a certifi-*  
23 *cate of documentation with appropriate endorsement for*  
24 *employment in the coastwise trade for the following vessels:*

1           (1) *LOOKING GLASS* (United States official  
2           number 925735).

3           (2) *YANKEE* (United States official number  
4           1076210).

5           (3) *LUCKY DOG* of St. Petersburg, Florida  
6           (State of Florida registration number  
7           *FLZP7569E373*).

8           (4) *ENTERPRIZE* (United States official num-  
9           ber 1077571).

10          (5) *M/V SANDPIPER* (United States official  
11          number 1079439).

12          (6) *FRITHA* (United States official number  
13          1085943).

14          (7) *PUFFIN* (United States official number  
15          697029).

16          (8) *VICTORY OF BURNHAM* (United States  
17          official number 663780).

18          (9) *R'ADVENTURE II* (United States official  
19          number 905373).

20          (10) *ANTJA* (State of Florida registration num-  
21          ber *FL3475MA*).

22          (11) *SKIMMER*, manufactured by *Contour*  
23          *Yachts, Inc.* (hull identification number  
24          *QHG34031D001*).

1           (12) *TOKEENA* (State of South Carolina reg-  
2           istration number SC 1602 BJ).

3           (13) *DOUBLE EAGLE2* (United States official  
4           number 1042549).

5           (14) *ENCOUNTER* (United States official num-  
6           ber 998174).

7           (15) *AJ* (United States official number 599164).

8           (16) *BARGE 10* (United States official number  
9           1101368).

10          (17) *NOT A SHOT* (United States official num-  
11          ber 911064).

12          (18) *PRIDE OF MANY* (Canadian official num-  
13          ber 811529).

14          (19) *AMAZING GRACE* (United States official  
15          number 92769).

16          (20) *SHEWHO* (United States official number  
17          1104094).

18 **SEC. 208. EXEMPTION FOR VICTORY SHIPS.**

19          Section 3302(l)(1) of title 46, United States Code, is  
20          amended by adding at the end the following:

21                 “(D) The steamship *SS Red Oak Victory*  
22                 (United States official number 249410), owned by the  
23                 *Richmond Museum Association*, located in Richmond,  
24                 *California*.

1           “(E) *The SS American Victory (United States*  
2           *official number 248005), owned by Victory Ship, Inc.,*  
3           *of Tampa, Florida.*”.

4 **SEC. 209. CERTIFICATE OF DOCUMENTATION FOR 3**  
5           **BARGES.**

6           (a) *DOCUMENTATION CERTIFICATE.*—*Notwithstanding*  
7           *section 12106 of title 46, United States Code, and section*  
8           *27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883),*  
9           *and subject to subsection (c) of this section, the Secretary*  
10           *of Transportation may issue a certificate of documentation*  
11           *with an appropriate endorsement for employment in the*  
12           *coastwise trade for each of the vessels listed in subsection*  
13           *(b).*

14           (b) *VESSELS DESCRIBED.*—*The vessels referred to in*  
15           *subsection (a) are the following:*

16                   (1) *The former Navy deck barge JIM, having a*  
17                   *length of 110 feet and a width of 34 feet.*

18                   (2) *The former railroad car barge HUGH, hav-*  
19                   *ing a length of 185 feet and a width of 34 feet.*

20                   (3) *The former railroad car barge TOMMY, hav-*  
21                   *ing a length of 185 feet and a width of 34 feet.*

22           (c) *LIMITATION ON OPERATION.*—*A vessel issued a cer-*  
23           *tificate of documentation under this section may be used*  
24           *only as a floating platform for launching fireworks, includ-*  
25           *ing transportation of materials associated with that use.*



1 **SEC. 210. CERTIFICATE OF DOCUMENTATION FOR THE**  
 2 **EAGLE.**

3 *Notwithstanding section 27 of the Merchant Marine*  
 4 *Act, 1920 (46 App. U.S.C. 883), chapter 121 of title 46,*  
 5 *United States Code, and section 1 of the Act of May 28,*  
 6 *1906 (46 App. U.S.C. 292), the Secretary of Transportation*  
 7 *shall issue a certificate of documentation with appropriate*  
 8 *endorsement for employment in the coastwise trade for the*  
 9 *vessel EAGLE (hull number BK-1754, United States offi-*  
 10 *cial number 1091389) if the vessel is—*

11 *(1) owned by a State, a political subdivision of*  
 12 *a State, or a public authority chartered by a State;*

13 *(2) if chartered, chartered to a State, a political*  
 14 *subdivision of a State, or a public authority chartered*  
 15 *by a State;*

16 *(3) operated only in conjunction with—*

17 *(A) scour jet operations; or*

18 *(B) dredging services adjacent to facilities*  
 19 *owned by the State, political subdivision, or pub-*  
 20 *lic authority; and*

21 *(4) externally identified clearly as a vessel of*  
 22 *that State, subdivision or authority.*

23 **SEC. 211. WAIVER FOR VESSELS IN NEW WORLD CHAL-**  
 24 **LENGE RACE.**

25 *Notwithstanding section 8 of the Act of June 19, 1886*  
 26 *(46 App. U.S.C. 289), beginning on April 1, 2002, the 10*

1 *sailboats participating in the New World Challenge Race*  
 2 *may transport guests, who have not contributed consider-*  
 3 *ation for their passage, from and around the ports of San*  
 4 *Francisco and San Diego, California, before and during*  
 5 *stops of that race. This section shall have no force or effect*  
 6 *beginning on the earlier of—*

7           (1) *60 days after the last competing sailboat*  
 8           *reaches the end of that race in San Francisco, Cali-*  
 9           *fornia; or*

10           (2) *December 31, 2003.*

11 **SEC. 212. VESSEL ASPHALT COMMANDER.**

12           *Notwithstanding any other law or agreement with the*  
 13 *United States Government, the vessel ASPHALT COM-*  
 14 *MANDER (United States official number 663105) may be*  
 15 *transferred to or placed under a foreign registry or sold to*  
 16 *a person that is not a citizen of the United States and*  
 17 *transferred to or placed under a foreign registry.*

18 **TITLE III—COAST GUARD PER-**  
 19 **SONNEL AND MARITIME SAFE-**  
 20 **TY**

21 **SEC. 301. SHORT TITLE.**

22           *This title may be cited as the “Coast Guard Personnel*  
 23 *and Maritime Safety Act of 2002”.*

1 ***Subtitle A—Personnel Management***

2 ***SEC. 311. COAST GUARD BAND DIRECTOR RANK.***

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

6 ***SEC. 312. COMPENSATORY ABSENCE FOR ISOLATED DUTY.***

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

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

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

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

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

20 ***SEC. 313. ACCELERATED PROMOTION OF CERTAIN COAST***  
 21 ***GUARD OFFICERS.***

22 *Title 14, United States Code, is amended—*

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

1       “(c)(1) After selecting the officers to be recommended  
2 for promotion, a selection board may recommend officers  
3 of particular merit, from among those officers chosen for  
4 promotion, to be placed at the top of the list of selectees  
5 promulgated by the Secretary under section 271(a) of this  
6 title. The number of officers that a board may recommend  
7 to be placed at the top of the list of selectees may not exceed  
8 the percentages set forth in subsection (b) unless such a per-  
9 centage is a number less than one, in which case the board  
10 may recommend one officer for such placement. No officer  
11 may be recommended to be placed at the top of the list of  
12 selectees unless he or she receives the recommendation of at  
13 least a majority of the members of a board composed of five  
14 members, or at least two-thirds of the members of a board  
15 composed of more than five members.

16       “(2) The Secretary shall conduct a survey of the Coast  
17 Guard officer corps to determine if implementation of this  
18 subsection will improve Coast Guard officer retention. A se-  
19 lection board may not make any recommendation under  
20 this subsection before the date on which the Secretary pub-  
21 lishes a finding, based upon the results of the survey, that  
22 implementation of this subsection will improve Coast  
23 Guard officer retention.

24       “(3) The Secretary shall submit any finding made by  
25 the Secretary pursuant to paragraph (2) to the Committee

1 *on Transportation and Infrastructure of the House of Rep-*  
2 *resentatives and the Committee on Commerce, Science, and*  
3 *Transportation of the Senate.”;*

4           (2) *in section 260(a), by inserting “and the*  
5 *names of those officers recommended to be advanced*  
6 *to the top of the list of selectees established by the Sec-*  
7 *retary under section 271(a) of this title” after “pro-*  
8 *motion”;* and

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

## 15           ***Subtitle B—Marine Safety***

### 16 ***SEC. 321. EXTENSION OF TERRITORIAL SEA FOR VESSEL*** 17 ***BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.***

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

1 **SEC. 322. PRESERVATION OF CERTAIN REPORTING RE-**  
2 **QUIREMENTS.**

3 *Section 3003(a)(1) of the Federal Reports Elimination*  
4 *and Sunset Act of 1995 (31 U.S.C. 1113 note) does not*  
5 *apply to any report required to be submitted under any*  
6 *of the following provisions of law:*

7 (1) *COAST GUARD OPERATIONS AND EXPENDI-*  
8 *TURES.—Section 651 of title 14, United States Code.*

9 (2) *SUMMARY OF MARINE CASUALTIES RE-*  
10 *PORTED DURING PRIOR FISCAL YEAR.—Section*  
11 *6307(c) of title 46, United States Code.*

12 (3) *USER FEE ACTIVITIES AND AMOUNTS.—Sec-*  
13 *tion 664 of title 46, United States Code.*

14 (4) *CONDITIONS OF PUBLIC PORTS OF THE*  
15 *UNITED STATES.—Section 308(c) of title 49, United*  
16 *States Code.*

17 (5) *ACTIVITIES OF FEDERAL MARITIME COMMIS-*  
18 *SION.—Section 208 of the Merchant Marine Act, 1936*  
19 *(46 App. U.S.C. 1118).*

20 (6) *ACTIVITIES OF INTERAGENCY COORDINATING*  
21 *COMMITTEE ON OIL POLLUTION RESEARCH.—Section*  
22 *7001(e) of the Oil Pollution Act of 1990 (33 U.S.C.*  
23 *2761(e)).*

1 **SEC. 323. OIL SPILL LIABILITY TRUST FUND; EMERGENCY**  
 2 **FUND ADVANCEMENT AUTHORITY.**

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

16 **SEC. 324. MERCHANT MARINER DOCUMENTATION REQUIRE-**  
 17 **MENTS.**

18 *(a) INTERIM MERCHANT MARINERS’ DOCUMENTS.—*  
 19 *Section 7302 of title 46, United States Code, is amended—*  
 20 *(1) by striking “A” in subsection (f) and insert-*  
 21 *ing “Except as provided in subsection (g), a”; and*  
 22 *(2) by adding at the end the following:*  
 23 *“(g)(1) The Secretary may, pending receipt and review*  
 24 *of information required under subsections (c) and (d), im-*  
 25 *mediately issue an interim merchant mariner’s document*  
 26 *valid for a period not to exceed 120 days, to—*

1           “(A) an individual to be employed as gaming  
2           personnel, entertainment personnel, wait staff, or  
3           other service personnel on board a passenger vessel  
4           not engaged in foreign service, with no duties, includ-  
5           ing emergency duties, related to the navigation of the  
6           vessel or the safety of the vessel, its crew, cargo or  
7           passengers; or

8           “(B) an individual seeking renewal of, or quali-  
9           fying for a supplemental endorsement to, a valid mer-  
10          chant mariner’s document issued under this section.

11          “(2) No more than one interim document may be  
12          issued to an individual under paragraph (1)(A) of this sub-  
13          section.”.

14          (b) *EXCEPTION.*—Section 8701(a) of title 46, United  
15          States Code, is amended—

16               (1) by striking “and” after the semicolon in  
17               paragraph (8);

18               (2) by redesignating paragraph (9) as para-  
19               graph (10); and

20               (3) by inserting after paragraph (8) the fol-  
21               lowing:

22                       “(9) a passenger vessel not engaged in a foreign  
23                       voyage with respect to individuals on board employed  
24                       for a period of not more than 30 service days within  
25                       a 12 month period as entertainment personnel, with



1        *no duties, including emergency duties, related to the*  
 2        *navigation of the vessel or the safety of the vessel, its*  
 3        *crew, cargo or passengers; and”.*

4    **SEC. 325. PENALTIES FOR NEGLIGENT OPERATIONS AND**  
 5                                    **INTERFERING WITH SAFE OPERATION.**

6        *Section 2302(a) of title 46, United States Code, is*  
 7        *amended by striking “\$1,000.” and inserting “\$5,000 in*  
 8        *the case of a recreational vessel, or \$25,000 in the case of*  
 9        *any other vessel.”.*

10        ***Subtitle C—Renewal of Advisory***  
 11                                    ***Groups***

12    **SEC. 331. COMMERCIAL FISHING INDUSTRY VESSEL ADVI-**  
 13                                    **SORY COMMITTEE.**

14        *(a) COMMERCIAL FISHING INDUSTRY VESSEL ADVI-*  
 15        *SORY COMMITTEE.—Section 4508 of title 46, United States*  
 16        *Code, is amended—*

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

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

21                    *(3) by striking “(5 App. U.S.C. 1 et seq.)” in*  
 22                    *subsection (e)(1)(I) and inserting “(5 App. U.S.C.)”;*  
 23                    *and*

24                    *(4) by striking “of September 30, 2000” and in-*  
 25                    *serting “on September 30, 2005”.*

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

“4508. *Commercial Fishing Industry Vessel Safety Advisory Committee.*”.

5 **SEC. 332. HOUSTON-GALVESTON NAVIGATION SAFETY ADVI-**  
 6 **SORY COMMITTEE.**

7           Section 18(h) of the *Coast Guard Authorization Act*  
 8 *of 1991 (Public Law 102–241) is amended by striking*  
 9 *“September 30, 2000.” and inserting “September 30,*  
 10 *2005.”.*

11 **SEC. 333. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY**  
 12 **COMMITTEE.**

13           Section 19 of the *Coast Guard Authorization Act of*  
 14 *1991 (Public Law 102–241) is amended by striking “Sep-*  
 15 *tember 30, 2000” in subsection (g) and inserting “Sep-*  
 16 *tember 30, 2005”.*

17 **SEC. 334. NAVIGATION SAFETY ADVISORY COUNCIL.**

18           Section 5 of the *Inland Navigational Rules Act of 1980*  
 19 *(33 U.S.C. 2073) is amended by striking “September 30,*  
 20 *2000” in subsection (d) and inserting “September 30,*  
 21 *2005”.*

22 **SEC. 335. NATIONAL BOATING SAFETY ADVISORY COUNCIL.**

23           Section 13110 of title 46, *United States Code, is*  
 24 *amended by striking “September 30, 2000” in subsection*  
 25 *(e) and inserting “September 30, 2005”.*

1 **SEC. 336. TOWING SAFETY ADVISORY COMMITTEE.**

2       *The Act entitled “An Act to Establish a Towing Safety*  
 3 *Advisory Committee in the Department of Transportation”*  
 4 *(33 U.S.C. 1231a) is amended by striking “September 30,*  
 5 *2000.” in subsection (e) and inserting “September 30,*  
 6 *2005.”.*

7                   ***Subtitle D—Miscellaneous***

8 **SEC. 341. PATROL CRAFT.**

9       *Notwithstanding any other provision of law, the Sec-*  
 10 *retary of Transportation may accept, by direct transfer*  
 11 *without cost, for use by the Coast Guard primarily for ex-*  
 12 *panded drug interdiction activities required to meet na-*  
 13 *tional supply reduction performance goals, up to 7 PC–170*  
 14 *patrol craft from the Department of Defense if it offers to*  
 15 *transfer such craft.*

16 **SEC. 342. BOATING SAFETY.**

17       *(a) FEDERAL FUNDING.—Section 4(b)(3) of the Act of*  
 18 *August 9, 1950 (16 U.S.C. 777c(b)(3)) is amended by strik-*  
 19 *ing “\$82,000,000” and inserting “\$83,000,000”.*

20       *(b) STATE FUNDING.—Section 13102(a)(3) of title 46,*  
 21 *United States Code, is amended by striking “general State*  
 22 *revenue” and inserting “State funds, including amounts ex-*  
 23 *pended for the State’s recreational boating safety program*  
 24 *by a State agency, a public corporation established under*  
 25 *State law, or any other State instrumentality, as deter-*  
 26 *mined by the Secretary”.*

1 **SEC. 343. CARIBBEAN SUPPORT TENDER.**

2       (a) *IN GENERAL.*—*The Coast Guard may operate and*  
3 *maintain a Caribbean Support Tender (or similar type ves-*  
4 *sel) to provide technical assistance, including law enforce-*  
5 *ment training, for foreign coast guards, navies, and other*  
6 *maritime services.*

7       (b) *MEDICAL AND DENTAL CARE FOR CARIBBEAN*  
8 *SUPPORT TENDER PERSONNEL AND DEPENDENTS.*—

9           (1) *PROVISION.*—*The Commandant may provide*  
10 *medical and dental care to foreign military Carib-*  
11 *bean Support Tender personnel and their dependents*  
12 *accompanying them in the United States—*

13               (A) *on an outpatient basis without cost;*  
14               *and*

15               (B) *on an inpatient basis if the United*  
16 *States is reimbursed for the costs of providing*  
17 *such care.*

18           (2) *CREDITING OF PAYMENTS.*—*Payments re-*  
19 *ceived as reimbursement for the provision of such care*  
20 *shall be credited to the appropriations against which*  
21 *the charges were made for the provision of such care.*

22           (3) *INPATIENT CARE WITHOUT COST.*—*Notwith-*  
23 *standing paragraph (1)(B), the Commandant may*  
24 *provide inpatient medical and dental care in the*  
25 *United States without cost to foreign military Carib-*  
26 *bean Support Tender personnel and their dependents*

1        *accompanying them in the United States if com-*  
2        *parable care is made available to a comparable num-*  
3        *ber of United States military personnel in that for-*  
4        *foreign country.*

5        **SEC. 344. PROHIBITION OF NEW MARITIME USER FEES.**

6        *Section 2110(k) of title 46, United States Code, is*  
7        *amended by striking “2001” and inserting “2006”.*

8        **SEC. 345. GREAT LAKES LIGHTHOUSES.**

9        *(a) FINDINGS.—The Congress finds the following:*

10            *(1) The Great Lakes are home to more than 400*  
11            *lighthouses. 120 of these maritime landmarks are in*  
12            *the State of Michigan.*

13            *(2) Lighthouses are an important part of Great*  
14            *Lakes culture and stand as a testament to the impor-*  
15            *tance of shipping in the region’s political, economic,*  
16            *and social history.*

17            *(3) Advances in navigation technology have*  
18            *made many Great Lakes lighthouses obsolete. In*  
19            *Michigan alone, approximately 70 lighthouses will be*  
20            *designated as excess property of the Federal Govern-*  
21            *ment and will be transferred to the General Services*  
22            *Administration for disposal.*

23            *(4) Unfortunately, the Federal property disposal*  
24            *process is confusing, complicated, and not well-suited*  
25            *to disposal of historic lighthouses or to facilitate*

1       *transfers to nonprofit organizations. This is especially*  
2       *troubling because, in many cases, local nonprofit his-*  
3       *torical organizations have dedicated tremendous re-*  
4       *sources to preserving and maintaining Great Lakes*  
5       *lighthouses.*

6               *(5) If Great Lakes lighthouses disappear, the*  
7       *public will be unaware of an important chapter in*  
8       *Great Lakes history.*

9               *(6) The National Trust for Historic Preservation*  
10       *has placed Michigan lighthouses on their list of Most*  
11       *Endangered Historic Places.*

12       *(b) ASSISTANCE FOR GREAT LAKES LIGHTHOUSE*  
13       *PRESERVATION EFFORTS.—The Secretary of Transpor-*  
14       *tation, acting through the Coast Guard, shall—*

15               *(1) continue to offer advice and technical assist-*  
16       *ance to organizations in the Great Lakes region that*  
17       *are dedicated to lighthouse stewardship; and*

18               *(2) promptly release information regarding the*  
19       *timing of designations of Coast Guard lighthouses on*  
20       *the Great Lakes as excess to the needs of the Coast*  
21       *Guard, to enable those organizations to mobilize and*  
22       *be prepared to take appropriate action with respect to*  
23       *the disposal of those properties.*

1 **SEC. 346. MODERNIZATION OF NATIONAL DISTRESS AND**  
2 **RESPONSE SYSTEM.**

3 (a) *REPORT.*—*The Secretary of Transportation shall*  
4 *prepare a status report on the modernization of the Na-*  
5 *tional Distress and Response System and transmit the re-*  
6 *port, not later than 60 days after the date of enactment*  
7 *of this Act, and annually thereafter until completion of the*  
8 *project, to the Committee on Commerce, Science, and*  
9 *Transportation of the Senate and the Committee on Trans-*  
10 *portation and Infrastructure of the House of Representa-*  
11 *tives.*

12 (b) *CONTENTS.*—*The report required by subsection (a)*  
13 *shall—*

14 (1) *set forth the scope of the modernization, the*  
15 *schedule for completion of the System, and informa-*  
16 *tion on progress in meeting the schedule and on any*  
17 *anticipated delays;*

18 (2) *specify the funding expended to-date on the*  
19 *System, the funding required to complete the System,*  
20 *and the purposes for which the funds were or will be*  
21 *expended;*

22 (3) *describe and map the existing public and*  
23 *private communications coverage throughout the wa-*  
24 *ters of the coastal and internal regions of the conti-*  
25 *ental United States, Alaska, Hawaii, Guam, and the*  
26 *Caribbean, and identify locations that possess direc-*

1        *tion-finding, asset-tracking communications, and dig-*  
2        *ital selective calling service;*

3            (4) *identify areas of high risk to boaters and*  
4        *Coast Guard personnel due to communications gaps;*

5            (5) *specify steps taken by the Secretary to fill ex-*  
6        *isting gaps in coverage, including obtaining direc-*  
7        *tion-finding equipment, digital recording systems,*  
8        *asset-tracking communications, use of commercial*  
9        *VHF services, and digital selective calling services*  
10       *that meet or exceed Global Maritime Distress and*  
11       *Safety System requirements adopted under the Inter-*  
12       *national Convention for the Safety of Life at Sea;*

13           (6) *identify the number of VHF–FM radios*  
14       *equipped with digital selective calling sold to United*  
15       *States boaters;*

16           (7) *list all reported marine accidents, casualties,*  
17       *and fatalities occurring in areas with existing com-*  
18       *munications gaps or failures, including incidents as-*  
19       *sociated with gaps in VHF–FM coverage or digital se-*  
20       *lected calling capabilities and failures associated with*  
21       *inadequate communications equipment aboard the in-*  
22       *volved vessels during calendar years 1997 forward;*

23           (8) *identify existing systems available to close*  
24       *identified marine safety gaps before January 1, 2003,*  
25       *including expeditious receipt and response by appro-*



1        *priate Coast Guard operations centers to VHF–FM*  
 2        *digital selective calling distress signal; and*

3            (9) *identify actions taken to-date to implement*  
 4        *the recommendations of the National Transportation*  
 5        *Safety Board in its Report No. MAR–99–01.*

6    **SEC. 347. CONVEYANCE OF COAST GUARD PROPERTY IN**  
 7            **PORTLAND, MAINE.**

8        (a) *AUTHORITY TO CONVEY.—*

9            (1) *IN GENERAL.—The Secretary of Transpor-*  
 10        *tation, or a designee of the Secretary, may convey to*  
 11        *the Gulf of Maine Aquarium Development Corpora-*  
 12        *tion, its successors and assigns, without payment for*  
 13        *consideration, all right, title, and interest of the*  
 14        *United States in and to approximately 4.13 acres of*  
 15        *land, including a pier and bulkhead, known as the*  
 16        *Naval Reserve Pier property, together with any im-*  
 17        *provements thereon in their then current condition,*  
 18        *located in Portland, Maine. All conditions placed*  
 19        *with the deed of title shall be construed as covenants*  
 20        *running with the land.*

21            (2) *IDENTIFICATION OF PROPERTY.—The Sec-*  
 22        *retary, in consultation with the Commandant of the*  
 23        *Coast Guard, may identify, describe, and determine*  
 24        *the property to be conveyed under this section. The*  
 25        *floating docks associated with or attached to the*

1 *Naval Reserve Pier property shall remain the per-*  
2 *sonal property of the United States.*

3 *(b) LEASE TO THE UNITED STATES.—*

4 *(1) CONDITION OF CONVEYANCE.—The Naval Re-*  
5 *serve Pier property shall not be conveyed until the*  
6 *Corporation enters into a lease agreement with the*  
7 *United States, the terms of which are mutually satis-*  
8 *factory to the Commandant and the Corporation, in*  
9 *which the Corporation shall lease a portion of the*  
10 *Naval Reserve Pier property to the United States for*  
11 *a term of 30 years without payment of consideration.*  
12 *The lease agreement shall be executed within 12*  
13 *months after the date of enactment of this Act.*

14 *(2) IDENTIFICATION OF LEASED PREMISES.—The*  
15 *Secretary, in consultation with the Commandant,*  
16 *may identify and describe the leased premises and*  
17 *rights of access, including the following, in order to*  
18 *allow the Coast Guard to operate and perform mis-*  
19 *sions from and upon the leased premises:*

20 *(A) The right of ingress and egress over the*  
21 *Naval Reserve Pier property, including the pier*  
22 *and bulkhead, at any time, without notice, for*  
23 *purposes of access to Coast Guard vessels and*  
24 *performance of Coast Guard missions and other*  
25 *mission-related activities.*

1           (B) *The right to berth Coast Guard cutters*  
2           *or other vessels as required, in the moorings*  
3           *along the east side of the Naval Reserve Pier*  
4           *property, and the right to attach floating docks*  
5           *which shall be owned and maintained at the*  
6           *United States' sole cost and expense.*

7           (C) *The right to operate, maintain, remove,*  
8           *relocate, or replace an aid to navigation located*  
9           *upon, or to install any aid to navigation upon,*  
10          *the Naval Reserve Pier property as the Coast*  
11          *Guard, in its sole discretion, may determine is*  
12          *needed for navigational purposes.*

13          (D) *The right to occupy up to 3,000 gross*  
14          *square feet at the Naval Reserve Pier property*  
15          *for storage and office space, which will be pro-*  
16          *vided and constructed by the Corporation, at the*  
17          *Corporation's sole cost and expense, and which*  
18          *will be maintained, and utilities and other oper-*  
19          *ating expenses paid for, by the United States at*  
20          *its sole cost and expense.*

21          (E) *The right to occupy up to 1,200 gross*  
22          *square feet of offsite storage in a location other*  
23          *than the Naval Reserve Pier property, which will*  
24          *be provided by the Corporation at the Corpora-*  
25          *tion's sole cost and expense, and which will be*

1           *maintained, and utilities and other operating*  
2           *expenses paid for, by the United States at its sole*  
3           *cost and expense.*

4           *(F) The right for Coast Guard personnel to*  
5           *park up to 60 vehicles, at no expense to the gov-*  
6           *ernment, in the Corporation's parking spaces on*  
7           *the Naval Reserve Pier property or in parking*  
8           *spaces that the Corporation may secure within*  
9           *1,000 feet of the Naval Reserve Pier property or*  
10          *within 1,000 feet of the Coast Guard Marine*  
11          *Safety Office Portland. Spaces for no less than*  
12          *30 vehicles shall be located on the Naval Reserve*  
13          *Pier property.*

14          *(3) RENEWAL.—The lease described in para-*  
15          *graph (1) may be renewed, at the sole option of the*  
16          *United States, for additional lease terms.*

17          *(4) LIMITATION ON SUBLEASES.—The United*  
18          *States may not sublease the leased premises to a third*  
19          *party or use the leased premises for purposes other*  
20          *than fulfilling the missions of the Coast Guard and*  
21          *for other mission related activities.*

22          *(5) TERMINATION.—In the event that the Coast*  
23          *Guard ceases to use the leased premises, the Secretary,*  
24          *in consultation with the Commandant, may termi-*  
25          *nate the lease with the Corporation.*

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

2               (1) *IN GENERAL.*—*The Naval Reserve Pier prop-*  
3 *erty shall not be conveyed until the Corporation en-*  
4 *ters into an agreement with the United States, subject*  
5 *to the Commandant's design specifications, project's*  
6 *schedule, and final project approval, to replace the*  
7 *bulkhead and pier which connects to, and provides ac-*  
8 *cess from, the bulkhead to the floating docks, at the*  
9 *Corporation's sole cost and expense, on the east side*  
10 *of the Naval Reserve Pier property within 30 months*  
11 *from the date of conveyance. The agreement to im-*  
12 *prove the leased premises shall be executed within 12*  
13 *months after the date of enactment of this Act.*

14              (2) *FURTHER IMPROVEMENTS.*—*In addition to*  
15 *the improvements described in paragraph (1), the*  
16 *Commandant may to further improve the leased*  
17 *premises during the lease term, at the United States*  
18 *sole cost and expense.*

19       (d) *UTILITY INSTALLATION AND MAINTENANCE OBLI-*  
20 *GATIONS.*—

21              (1) *UTILITIES.*—*The Naval Reserve Pier prop-*  
22 *erty shall not be conveyed until the Corporation en-*  
23 *ters into an agreement with the United States to*  
24 *allow the United States to operate and maintain ex-*  
25 *isting utility lines and related equipment, at the*

1        *United States sole cost and expense. At such time as*  
2        *the Corporation constructs its proposed public aquar-*  
3        *ium, the Corporation shall replace existing utility*  
4        *lines and related equipment and provide additional*  
5        *utility lines and equipment capable of supporting a*  
6        *third 110-foot Coast Guard cutter, with comparable,*  
7        *new, code compliant utility lines and equipment at*  
8        *the Corporation's sole cost and expense, maintain*  
9        *such utility lines and related equipment from an*  
10       *agreed upon demarcation point, and make such util-*  
11       *ity lines and equipment available for use by the*  
12       *United States, provided that the United States pays*  
13       *for its use of utilities at its sole cost and expense. The*  
14       *agreement concerning the operation and maintenance*  
15       *of utility lines and equipment shall be executed with-*  
16       *in 12 months after the date of enactment of this Act.*

17            (2) *MAINTENANCE.—The Naval Reserve Pier*  
18        *property shall not be conveyed until the Corporation*  
19        *enters into an agreement with the United States to*  
20        *maintain, at the Corporation's sole cost and expense,*  
21        *the bulkhead and pier on the east side of the Naval*  
22        *Reserve Pier property. The agreement concerning the*  
23        *maintenance of the bulkhead and pier shall be exe-*  
24        *cuted within 12 months after the date of enactment*  
25        *of this Act.*

1           (3) *AIDS TO NAVIGATION.*—*The United States*  
2           *shall be required to maintain, at its sole cost and ex-*  
3           *penditure, any Coast Guard active aid to navigation lo-*  
4           *cated upon the Naval Reserve Pier property.*

5           (e) *ADDITIONAL RIGHTS.*—*The conveyance of the*  
6           *Naval Reserve Pier property shall be made subject to condi-*  
7           *tions the Secretary considers necessary to ensure that—*

8                   (1) *the Corporation shall not interfere or allow*  
9                   *interference, in any manner, with use of the leased*  
10                  *premises by the United States; and*

11                  (2) *the Corporation shall not interfere or allow*  
12                  *interference, in any manner, with any aid to naviga-*  
13                  *tion nor hinder activities required for the operation*  
14                  *and maintenance of any aid to navigation, without*  
15                  *the express written permission of the head of the agen-*  
16                  *cy responsible for operating and maintaining the aid*  
17                  *to navigation.*

18           (f) *REMEDIES AND REVERSIONARY INTEREST.*—*The*  
19           *Naval Reserve Pier property, at the option of the Secretary,*  
20           *shall revert to the United States and be placed under the*  
21           *administrative control of the Secretary, if, and only if, the*  
22           *Corporation fails to abide by any of the terms of this section*  
23           *or any agreement entered into under subsection (b), (c), or*  
24           *(d) of this section.*

1           (g) *LIABILITY OF THE PARTIES.*—*The liability of the*  
 2 *United States and the Corporation for any injury, death,*  
 3 *or damage to or loss of property occurring on the leased*  
 4 *property shall be determined with reference to existing State*  
 5 *or Federal law, as appropriate, and any such liability may*  
 6 *not be modified or enlarged by this title or any agreement*  
 7 *of the parties.*

8           (h) *EXPIRATION OF AUTHORITY TO CONVEY.*—*The au-*  
 9 *thority to convey the Naval Reserve property under this sec-*  
 10 *tion shall expire 3 years after the date of enactment of this*  
 11 *Act.*

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

13               (1) *AID TO NAVIGATION.*—*The term “aid to navi-*  
 14 *gation” means equipment used for navigational pur-*  
 15 *poses, including but not limited to, a light, antenna,*  
 16 *sound signal, electronic navigation equipment, cam-*  
 17 *eras, sensors power source, or other related equipment*  
 18 *which are operated or maintained by the United*  
 19 *States.*

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

23 **SEC. 348. HARBOR SAFETY COMMITTEES.**

24           (a) *STUDY.*—*The Coast Guard shall study existing*  
 25 *harbor safety committees in the United States to identify—*



1           (1) *strategies for gaining successful cooperation*  
2           *among the various groups having an interest in the*  
3           *local port or waterway;*

4           (2) *organizational models that can be applied to*  
5           *new or existing harbor safety committees or to proto-*  
6           *type harbor safety committees established under sub-*  
7           *section (b);*

8           (3) *technological assistance that will help harbor*  
9           *safety committees overcome local impediments to safe-*  
10          *ty, mobility, environmental protection, and port secu-*  
11          *rity; and*

12          (4) *recurring resources necessary to ensure the*  
13          *success of harbor safety committees.*

14          (b) *PROTOTYPE COMMITTEES.*—*The Coast Guard shall*  
15          *test the feasibility of expanding the harbor safety committee*  
16          *concept to small and medium-sized ports that are not gen-*  
17          *erally served by a harbor safety committee by establishing*  
18          *1 or more prototype harbor safety committees. In selecting*  
19          *a location or locations for the establishment of a prototype*  
20          *harbor safety committee, the Coast Guard shall—*

21                 (1) *consider the results of the study conducted*  
22                 *under subsection (a);*

23                 (2) *consider identified safety issues for a par-*  
24                 *ticular port;*

1           (3) compare the potential benefits of establishing  
2           such a committee with the burdens the establishment  
3           of such a committee would impose on participating  
4           agencies and organizations;

5           (4) consider the anticipated level of support from  
6           interested parties; and

7           (5) take into account such other factors as may  
8           be appropriate.

9           (c) *EFFECT ON EXISTING PROGRAMS AND STATE*  
10 *LAW.—Nothing in this section—*

11           (1) limits the scope or activities of harbor safety  
12           committees in existence on the date of enactment of  
13           this Act;

14           (2) precludes the establishment of new harbor  
15           safety committees in locations not selected for the es-  
16           tablishment of a prototype committee under sub-  
17           section (b); or

18           (3) preempts State law.

19           (d) *NONAPPLICATION OF FACA.—The Federal Advi-*  
20 *sory Committee Act (5 App. U.S.C.) does not apply to har-*  
21 *bor safety committees established under this section or any*  
22 *other provision of law.*

23           (e) *HARBOR SAFETY COMMITTEE DEFINED.—In this*  
24 *section, the term “harbor safety committee” means a local*  
25 *coordinating body—*

1           (1) *whose responsibilities include recommending*  
 2           *actions to improve the safety of a port or waterway;*  
 3           *and*

4           (2) *the membership of which includes representa-*  
 5           *tives of government agencies, maritime labor, mari-*  
 6           *time industry companies and organizations, environ-*  
 7           *mental groups, and public interest groups.*

8   **SEC. 349. MISCELLANEOUS CONVEYANCES.**

9           (a) *AUTHORITY TO CONVEY.—*

10           (1) *IN GENERAL.—The Secretary of Transpor-*  
 11           *tation may convey, by an appropriate means of con-*  
 12           *veyance, all right, title, and interest of the United*  
 13           *States in and to each of the following properties:*

14                   (A) *Coast Guard Slip Point Light Station,*  
 15                   *located in Clallam County, Washington, to*  
 16                   *Clallam County, Washington.*

17                   (B) *The parcel of land on which is situated*  
 18                   *the Point Piños Light, located in Monterey*  
 19                   *County, California, to the city of Pacific Grove,*  
 20                   *California.*

21           (2) *IDENTIFICATION OF PROPERTY.—The Sec-*  
 22           *retary may identify, describe, and determine the*  
 23           *property to be conveyed under this subsection.*

24           (3) *LIMITATION.—The Secretary may not under*  
 25           *this section convey—*

1           (A) any historical artifact, including any  
2           lens or lantern, located on the property at or be-  
3           fore the time of the conveyance; or

4           (B) any interest in submerged land.

5       (b) *GENERAL TERMS AND CONDITIONS.*—

6           (1) *IN GENERAL.*—Each conveyance of property  
7           under this section shall be made—

8           (A) without payment of consideration; and

9           (B) subject to the terms and conditions re-  
10          quired by this section and other terms and con-  
11          ditions the Secretary may consider appropriate,  
12          including the reservation of easements and other  
13          rights on behalf of the United States.

14          (2) *REVERSIONARY INTEREST.*—In addition to  
15          any term or condition established under this section,  
16          each conveyance of property under this section shall  
17          be subject to the condition that all right, title, and in-  
18          terest in the property shall immediately revert to the  
19          United States, if—

20               (A) the property, or any part of the  
21               property—

22                       (i) ceases to be available and accessible  
23                       to the public, on a reasonable basis, for edu-  
24                       cational, park, recreational, cultural, his-  
25                       toric preservation, or other similar purposes

1           *specified for the property in the terms of*  
2           *conveyance;*

3                   *(ii) ceases to be maintained in a man-*  
4                   *ner that is consistent with its present or fu-*  
5                   *ture use as a site for Coast Guard aids to*  
6                   *navigation or compliance with this title; or*

7                   *(iii) ceases to be maintained in a man-*  
8                   *ner consistent with the conditions in para-*  
9                   *graph (4) established by the Secretary pur-*  
10                  *suant to the National Historic Preservation*  
11                  *Act (16 U.S.C. 470 et seq.); or*

12                  *(B) at least 30 days before that reversion,*  
13                  *the Secretary provides written notice to the*  
14                  *owner that the property is needed for national*  
15                  *security purposes.*

16                  (3) *MAINTENANCE OF NAVIGATION FUNCTIONS.—*  
17                  *Each conveyance of property under this section shall*  
18                  *be made subject to the conditions that the Secretary*  
19                  *considers to be necessary to assure that—*

20                         *(A) the lights, antennas, and associated*  
21                         *equipment located on the property conveyed,*  
22                         *which are active aids to navigation, shall con-*  
23                         *tinue to be operated and maintained by the*  
24                         *United States for as long as they are needed for*  
25                         *this purpose;*

1           (B) *the owner of the property may not*  
2           *interfere or allow interference in any manner*  
3           *with aids to navigation without express written*  
4           *permission from the Commandant;*

5           (C) *there is reserved to the United States*  
6           *the right to relocate, replace, or add any aid to*  
7           *navigation or make any changes to the property*  
8           *conveyed as may be necessary for navigational*  
9           *purposes;*

10          (D) *the United States shall have the right,*  
11          *at any time, to enter the property without notice*  
12          *for the purpose of operating, maintaining and*  
13          *inspecting aids to navigation, and for the pur-*  
14          *pose of enforcing compliance with this sub-*  
15          *section; and*

16          (E) *the United States shall have an ease-*  
17          *ment of access to and across the property for the*  
18          *purpose of maintaining the aids to navigation in*  
19          *use on the property.*

20          (4) *MAINTENANCE OF PROPERTY.*—(A) *Subject to*  
21          *subparagraph (B), the owner of a property conveyed*  
22          *under this section shall maintain the property in a*  
23          *proper, substantial, and workmanlike manner, and in*  
24          *accordance with any conditions established by the*  
25          *conveying authority pursuant to the National His-*

1        *toric Preservation Act (16 U.S.C. 470 et seq.), and*  
2        *other applicable laws.*

3                *(B) The owner of a property conveyed under this*  
4        *section is not required to maintain any active aid to*  
5        *navigation equipment on the property, except private*  
6        *aids to navigation permitted under section 83 of title*  
7        *14, United States Code.*

8        *(c) SPECIAL TERMS AND CONDITIONS.—The Secretary*  
9        *may retain all right, title, and interest of the United States*  
10       *in and to any portion of any parcel referred to in subsection*  
11       *(a)(1)(B) that the Secretary considers appropriate.*

12        *(d) DEFINITIONS.—In this section:*

13                *(1) AIDS TO NAVIGATION.—The term “aids to*  
14        *navigation” means equipment used for navigation*  
15        *purposes, including a light, antenna, radio, sound*  
16        *signal, electronic navigation equipment, or other asso-*  
17        *ciated equipment which are operated or maintained*  
18        *by the United States.*

19                *(2) COMMANDANT.—The term “Commandant”*  
20        *means the Commandant of the Coast Guard.*

21                *(3) OWNER.—The term “owner” means, for a*  
22        *property conveyed under this section, the person iden-*  
23        *tified in subsection (a)(1) of the property, and in-*  
24        *cludes any successor or assign of that person.*

1           (4) *SECRETARY*.—The term “Secretary” means  
2           the Secretary of Transportation.

3           **TITLE IV—OMNIBUS MARITIME**  
4           **IMPROVEMENTS**

5           **SEC. 401. SHORT TITLE.**

6           This title may be cited as the “Omnibus Maritime and  
7           Coast Guard Improvements Act of 2002”.

8           **SEC. 402. EXTENSION OF COAST GUARD HOUSING AUTHORI-**  
9           **TIES.**

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

15          (b) *BUDGET AUTHORITY LIMITATION*.—Section 687(f)  
16          of title 14, United States Code, is amended by striking  
17          “\$20,000,000” and inserting “\$40,000,000”.

18          (c) *DEMONSTRATION PROJECT*.—Section 687 of title  
19          14, United States Code, is amended by adding at the end  
20          the following new subsection:

21                 “(g) *DEMONSTRATION PROJECT AUTHORIZED*.—To  
22                 promote efficiencies through the use of alternative proce-  
23                 dures for expediting new housing projects, the Secretary—  
24                 “(1) may develop and implement a Demonstra-  
25                 tion Project for acquisition or construction of mili-



1        *tary family housing and military unaccompanied*  
2        *housing at the Coast Guard installation at Kodiak,*  
3        *Alaska;*

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

8                *“(3) shall, to the maximum extent possible, ac-*  
9        *quire or construct such housing through contracts*  
10        *with small business concerns qualified under section*  
11        *8(a) of the Small Business Act (15 U.S.C. 637(a))*  
12        *that have their principal place of business in the*  
13        *State of Alaska; and*

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

17        *(d) EXTENSION.—Section 689 of title 14, United*  
18        *States Code, is amended by striking “2001” and inserting*  
19        *“2006”.*

20        **SEC. 403. INVENTORY OF VESSELS FOR CABLE LAYING,**  
21                        **MAINTENANCE, AND REPAIR.**

22        *(a) INVENTORY.—The Secretary of Transportation*  
23        *shall develop, maintain, and periodically update an inven-*  
24        *tory of vessels that are documented under chapter 121 of*  
25        *title 46, United States Code, are 200 feet or more in length,*

1 *and have the capability to lay, maintain, or repair a sub-*  
2 *marine cable, without regard to whether a particular vessel*  
3 *is classified as a cable ship or cable vessel.*

4 (b) *VESSEL INFORMATION.*—*For each vessel listed in*  
5 *the inventory, the Secretary shall include in the*  
6 *inventory—*

7 (1) *the name, length, beam, depth, and other dis-*  
8 *tinguishing characteristics of the vessel;*

9 (2) *the abilities and limitations of the vessel with*  
10 *respect to the laying, maintaining, and repairing of*  
11 *a submarine cable; and*

12 (3) *the name and address of the person to whom*  
13 *inquiries regarding the vessel may be made.*

14 (c) *PUBLICATION.*—*The Secretary shall—*

15 (1) *not later than 60 days after the date of en-*  
16 *actment of this Act, publish in the Federal Register*  
17 *a current inventory developed under subsection (a);*  
18 *and*

19 (2) *every six months thereafter, publish an up-*  
20 *dated inventory.*

21 **SEC. 404. VESSEL ESCORT OPERATIONS AND TOWING AS-**  
22 **SISTANCE.**

23 (a) *IN GENERAL.*—*Except in the case of a vessel in*  
24 *distress, only a vessel of the United States (as that term*  
25 *is defined in section 2101 of title 46, United States Code)*

1 *may perform the following vessel escort operations and ves-*  
2 *sel towing assistance within the navigable waters of the*  
3 *United States:*

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

6           (2) *Operation or assistance required by United*  
7 *States law or regulation.*

8           (3) *Operation provided in whole or in part for*  
9 *the purpose of escorting or assisting a vessel within*  
10 *or through navigation facilities owned, maintained,*  
11 *or operated by the United States Government or the*  
12 *approaches to such facilities, other than facilities op-*  
13 *erated by the St. Lawrence Seaway Development Cor-*  
14 *poration on the St. Lawrence River portion of the*  
15 *Seaway.*

16 (b) *DEFINITIONS.—In this section—*

17           (1) *the term “towing assistance” means oper-*  
18 *ation by an assisting vessel in direct contact with an*  
19 *assisted vessel (including hull-to-hull, by towline, in-*  
20 *cluding if only pretethered, or made fast to that vessel*  
21 *by one or more lines) for purposes of exerting force on*  
22 *the assisted vessel to control, or to assist in control-*  
23 *ling, the movement of the assisted vessel; and*

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

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

8           **SEC. 405. SEARCH AND RESCUE CENTER STANDARDS.**

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

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

13          *“(a) The Secretary shall establish, implement, and*  
14          *maintain the minimum standards necessary for the safe op-*  
15          *eration of all Coast Guard search and rescue center facili-*  
16          *ties, including with respect to the following:*

17                  *“(1) The lighting, acoustics, and temperature in*  
18                  *the facilities.*

19                  *“(2) The number of individuals on a shift in the*  
20                  *facility assigned search and rescue responsibilities*  
21                  *(including communications), which may be adjusted*  
22                  *based on seasonal workload.*

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

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

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

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

9           “(7) *The design of equipment and facilities to*  
10          *minimize fatigue and enhance search and rescue oper-*  
11          *ations.*

12          “(8) *Any other requirements that the Secretary*  
13          *believes will increase the safe operation of the search*  
14          *and rescue centers.*

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

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

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

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

*“676. Search and rescue center standards.”.*

4 **SEC. 406. VHF COMMUNICATIONS SERVICES.**

5           *The Secretary of Transportation may authorize a per-*  
6 *son providing commercial VHF communications services to*  
7 *place commercial VHF communications equipment on real*  
8 *property under the administrative control of the Coast*  
9 *Guard (including towers) subject to any terms agreed to*  
10 *by the parties. The Secretary and that commercial VHF*  
11 *communications service provider also may enter into an*  
12 *agreement providing for VHF communications services to*  
13 *the Coast Guard (including digital selective calling and*  
14 *radio direction finding services) at a discounted rate or*  
15 *price based on providing such access to real property under*  
16 *the administrative control of the Coast Guard. Nothing in*  
17 *the section shall affect the rights or obligations of the United*  
18 *States under section 704(c) of the Telecommunications Act*  
19 *of 1996 (47 U.S.C. 332 note) with respect to the availability*  
20 *of property, or under section 359(d) of the Communications*  
21 *Act of 1934 (47 U.S.C. 357(d)) with respect to charges for*  
22 *transmission of distress messages.*

1 **SEC. 407. LOWER COLUMBIA RIVER MARITIME FIRE AND**  
2 **SAFETY ACTIVITIES.**

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

9 **SEC. 408. CONFORMING REFERENCES TO THE FORMER**  
10 **MERCHANT MARINE AND FISHERIES COM-**  
11 **MITTEE.**

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

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

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

22 *(b) LAWS CODIFIED IN TITLE 33, UNITED STATES*  
23 *CODE.—(1) Section 3(d)(3) of the International Naviga-*  
24 *tional Rules Act of 1977 (33 U.S.C. 1602(d)(3)) is amended*  
25 *by striking “Merchant Marine and Fisheries” and inserting*  
26 *“Transportation and Infrastructure”.*

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

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

9           (2) *Section 901g(b)(3) of the Merchant Marine Act,*  
 10 *1936 (46 App. U.S.C. 1241k(b)(3)) is amended by striking*  
 11 *“Merchant Marine and Fisheries” and inserting “Trans-*  
 12 *portation and Infrastructure”.*

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

17 **SEC. 409. RESTRICTION ON VESSEL DOCUMENTATION.**

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

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

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

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

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



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

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

6   **SEC. 410. HYPOTHERMIA PROTECTIVE CLOTHING REQUIRE-**  
7                                   **MENT.**

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

13   **SEC. 411. RESERVE OFFICER PROMOTIONS.**

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

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

1 *the promotion year in which he or she completes the fol-*  
 2 *lowing amount of service computed from the date of rank*  
 3 *in the grade in which he or she is serving:*

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

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

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

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

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

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

16 **SEC. 412. REGULAR LIEUTENANT COMMANDERS AND COM-**  
 17 **MANDERS; CONTINUATION UPON FAILURE OF**  
 18 **SELECTION FOR PROMOTION.**

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

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

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

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

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

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

10 **SEC. 413. RESERVE STUDENT PRE-COMMISSIONING ASSIST-**  
 11 **ANCE PROGRAM.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24               “(2) *the cost of books;*

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

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

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

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

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

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

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

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

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

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

24           “(3) *A discharge in bankruptcy under title 11 that is*  
25 *entered less than 5 years after the termination of a written*

1 *agreement entered into under subsection (b) does not dis-*  
 2 *charge the individual signing the agreement from a debt*  
 3 *arising under such agreement or under paragraph (1).*

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

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

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

11 **SEC. 414. CONTINUATION ON ACTIVE DUTY BEYOND THIRTY**  
 12 **YEARS.**

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

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



1 **SEC. 415. PAYMENT OF DEATH GRATUITIES ON BEHALF OF**  
 2 **COAST GUARD AUXILIARISTS.**

3 *Section 823a(b) of title 14, United States Code, is*  
 4 *amended by inserting the following new paragraph fol-*  
 5 *lowing paragraph (8):*

6 *“(9) On or after January 1, 2001, Public Law*  
 7 *104–208, section 651.”.*

8 **SEC. 416. ALIGN COAST GUARD SEVERANCE PAY AND REV-**  
 9 **OCATION OF COMMISSION AUTHORITY WITH**  
 10 **DEPARTMENT OF DEFENSE AUTHORITY.**

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

13 *(1) in section 281—*

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

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

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

20 *(3) in section 286—*

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

23 *(B) by striking subsection (b) and inserting*  
 24 *the following:*

25 *“(b) An officer of the Regular Coast Guard who is dis-*  
 26 *charged under this section or section 282, 283, or 284 of*

1 *this title who has completed 6 or more, but less than 20,*  
 2 *continuous years of active service immediately before that*  
 3 *discharge or release is entitled to separation pay computed*  
 4 *under subsection (d)(1) of section 1174 of title 10.*

5       “(c) *An officer of the Regular Coast Guard who is dis-*  
 6 *charged under section 327 of this title, who has completed*  
 7 *6 or more, but less than 20, continuous years of active serv-*  
 8 *ice immediately before that discharge or release is entitled*  
 9 *to separation pay computed under subsection (d)(1) or*  
 10 *(d)(2) of section 1174 of title 10 as determined under regu-*  
 11 *lations promulgated by the Secretary.*

12       “(d) *Notwithstanding subsections (a) or (b), an officer*  
 13 *discharged under chapter 11 of this title for twice failing*  
 14 *of selection for promotion to the next higher grade is not*  
 15 *entitled to separation pay under this section if the officer*  
 16 *requested in writing or otherwise sought not to be selected*  
 17 *for promotion, or requested removal from the list of select-*  
 18 *ees.”;*

19               (4) *in section 286a—*

20                       (A) *by striking “**severance**” in the sec-*  
 21 *tion heading and inserting “**separation**” in*  
 22 *its place; and*

23                       (B) *by striking subsections (a), (b), and (c)*  
 24 *and inserting the following:*

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

7       “(b) A regular warrant officer of the Coast Guard who  
 8 is discharged under section 1165 or 1166 of title 10, and  
 9 has completed 6 or more, but less than 20, continuous years  
 10 of active service immediately before that discharge is enti-  
 11 tled to separation pay computed under subsection (d)(1) or  
 12 (d)(2) of section 1174 of title 10, as determined under regu-  
 13 lations promulgated by the Secretary.

14       “(c) In determining a member’s years of active service  
 15 for the purpose of computing separation pay under this sec-  
 16 tion, each full month of service that is in addition to the  
 17 number of full years of service creditable to the member is  
 18 counted as one-twelfth of a year and any remaining frac-  
 19 tional part of a month is disregarded.”; and

20               (5) in section 327—

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

23                       (B) by striking subsection (a)(2) and insert-  
 24 ing in its place the following:

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

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

4           (D) by striking subsection (b)(2) and insert-  
5           ing in its place the following:

6           “(2) if on that date the officer is ineligible for  
7           voluntary retirement under any law, be honorably  
8           discharged with separation benefits under section  
9           286(c) of this title, unless under regulations promul-  
10          gated by the Secretary the condition under which the  
11          officer is discharged does not warrant an honorable  
12          discharge.”; and

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

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

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

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

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

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

4           (c) *EFFECTIVE DATE.*—The amendments made by  
5           paragraphs (2), (3), (4), and (5) of subsection (a) shall take  
6           effect four years after the date of enactment of this Act, ex-  
7           cept that subsection (d) of section 286 of title 14, United  
8           States Code, as amended by paragraph (3) of subsection (a)  
9           of this section shall take effect on enactment of this Act and  
10          shall apply with respect to conduct on or after that date.  
11          The amendments made to the table of sections of chapter  
12          11 of title 14, United States Code, by paragraphs (2), (3),  
13          and (4) of subsection (b) of this section shall take effect four  
14          years after the date of enactment of this Act.

15       **SEC. 417. LONG-TERM LEASE AUTHORITY FOR LIGHTHOUSE**  
16                               **PROPERTY.**

17          (a) *IN GENERAL.*—Chapter 17 of title 14, United  
18          States Code, is amended by adding at the end a new section  
19          672b to read as follows:

20       **“§672b. Long-term lease authority for lighthouse**  
21                               **property**

22          “(a) The Commandant of the Coast Guard may lease  
23          to non-Federal entities, including private individuals,  
24          lighthouse property under the administrative control of the  
25          Coast Guard for terms not to exceed 30 years. Consideration

1 *for the use and occupancy of lighthouse property leased*  
 2 *under this section, and for the value of any utilities and*  
 3 *services furnished to a lessee of such property by the Com-*  
 4 *mandant, may consist, in whole or in part, of non-pecu-*  
 5 *niary remuneration including, but not limited to, the im-*  
 6 *provement, alteration, restoration, rehabilitation, repair,*  
 7 *and maintenance of the leased premises by the lessee. Sec-*  
 8 *tion 321 of chapter 314 of the Act of June 30, 1932 (40*  
 9 *U.S.C. 303b) shall not apply to leases issued by the Com-*  
 10 *mandant under this section.*

11       “(b) Amounts received from leases made under this sec-  
 12 tion, less expenses incurred, shall be deposited in the Treas-  
 13 ury.”.

14       (b) CLERICAL AMENDMENT.—The table of sections at  
 15 the beginning of chapter 17 of title 14, United States Code,  
 16 is amended by adding after the item relating to section 672  
 17 the following:

“672b. Long-term lease authority for lighthouse property.”.

18 **SEC. 418. MARITIME DRUG LAW ENFORCEMENT ACT AMEND-**  
 19 **MENTS.**

20       (a) Section 3 of the Maritime Drug Law Enforcement  
 21 Act (46 App. U.S.C. 1903) is amended—

22               (1) in subsection (c)(1)(D) by striking “and”;

23               (2) in subsection (c)(1)(E) by striking “United  
 24 States.” and inserting “United States; and”; and

1           (3) by inserting after subsection (c)(1)(E) the fol-  
2           lowing:

3           “(F) a vessel located in the contiguous zone of  
4           the United States, as defined in Presidential Procla-  
5           mation 7219 of September 2, 1999, and (i) is entering  
6           the United States, (ii) has departed the United States,  
7           or (iii) is a hovering vessel as defined in 19 U.S.C.  
8           1401(k).”.

9           (b) The second section 3 of the Maritime Drug Law  
10          Enforcement Act (46 App. U.S.C. 1904) is amended—

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

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

14          “(b) Practices commonly recognized as smuggling tac-  
15          tics may provide prima facie evidence of intent to use a  
16          vessel to commit, or to facilitate the commission of, an of-  
17          fense under this chapter, and may support seizure and for-  
18          feiture of the vessel, even in the absence of controlled sub-  
19          stances aboard the vessel. The following indicia, inter alia,  
20          may be considered, in the totality of the circumstances, to  
21          be prima facie evidence that a vessel is intended to be used  
22          to commit, or to facilitate the commission of an offense  
23          under this chapter:

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

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

4           “(B) the presence of any compartment or  
5 equipment which is built or fitted out for smug-  
6 gling, not including items such as a safe or lock-  
7 box reasonably used for the storage of personal  
8 valuables;

9           “(C) the presence of an auxiliary tank not  
10 installed in accordance with applicable law, or  
11 installed in such a manner as to enhance the ves-  
12 sel’s smuggling capability;

13           “(D) the presence of engines that are exces-  
14 sively over-powered in relation to the design and  
15 size of the vessel;

16           “(E) the presence of materials used to re-  
17 duce or alter the heat or radar signature of the  
18 vessel and avoid detection;

19           “(F) the presence of a camouflaging paint  
20 scheme, or of materials used to camouflage the  
21 vessel, to avoid detection; or

22           “(G) the display of false vessel registration  
23 numbers, false indicia of vessel nationality, false  
24 vessel name, or false vessel homeport.



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

4           “(3) *The presence of excessive fuel, lube oil, food,*  
5           *water, or spare parts, inconsistent with legitimate*  
6           *vessel operation, inconsistent with the construction or*  
7           *equipment of the vessel, or inconsistent with the char-*  
8           *acter of the vessel’s stated purpose.*

9           “(4) *The operation of the vessel without lights*  
10          *during times lights are required to be displayed under*  
11          *applicable law or regulation, and in a manner of*  
12          *navigation consistent with smuggling tactics used to*  
13          *avoid detection by law enforcement authorities.*

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

18          “(6) *The declaration to government authority of*  
19          *apparently false information about the vessel, crew, or*  
20          *voyage, or the failure to identify the vessel by name*  
21          *or country of registration when requested to do so by*  
22          *government authority.*

23          “(7) *The presence of controlled substance residue*  
24          *on the vessel, on an item aboard the vessel, or on a*  
25          *person aboard the vessel, of a quantity or other nature*

1       *which reasonably indicates manufacturing or dis-*  
2       *tribution activity.*

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

6               “(9) *The presence of a controlled substance in the*  
7       *water in the vicinity of the vessel, where given the*  
8       *currents, weather conditions, and course and speed of*  
9       *the vessel, the quantity or other nature is such that*  
10       *it reasonably indicates manufacturing or distribution*  
11       *activity.*”.

12   **SEC. 419. WING-IN-GROUND CRAFT.**

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

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

19               “(48) *wing-in-ground craft means a vessel that*  
20       *is capable of operating completely above the surface of*  
21       *the water on a dynamic air cushion created by aero-*  
22       *dynamic lift due to the ground effect between the ves-*  
23       *sel and the water’s surface.*”.

1 **SEC. 420. ELECTRONIC FILING OF COMMERCIAL INSTRU-**  
2 **MENTS FOR VESSELS.**

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

5 *(1) by striking “(A)”;* and

6 *(2) by striking subparagraph (B).*

7 **SEC. 421. DELETION OF THUMBPRINT REQUIREMENT FOR**  
8 **MERCHANT MARINERS’ DOCUMENTS.**

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

11 **SEC. 422. TEMPORARY CERTIFICATES OF DOCUMENTATION**  
12 **FOR RECREATIONAL VESSELS.**

13 *(a) Section 12103(a) of title 46, United States Code,*  
14 *is amended by inserting “, or a temporary certificate of*  
15 *documentation,” after “certificate of documentation”.*

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

18 **“§ 12103a. Issuance of temporary certificate of docu-**  
19 **mentation by third parties**

20 *“(a) The Secretary of Transportation may delegate,*  
21 *subject to the supervision and control of the Secretary and*  
22 *under terms set out by regulation, to private entities deter-*  
23 *mined and certified by the Secretary to be qualified, the*  
24 *authority to issue a temporary certificate of documentation*  
25 *for a recreational vessel, if the applicant for the certificate*

1 *of documentation meets the requirements set out in sections*  
 2 *12102 and 12103 of this chapter.*

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

6       (2) *The table of sections at the beginning of chapter*  
 7 *121 of title 46, United States Code, is amended by inserting*  
 8 *after the item relating to section 12103 the following:*

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

9       **SEC. 423. MARINE CASUALTY INVESTIGATIONS INVOLVING**  
 10                                   **FOREIGN VESSELS.**

11       *Section 6101 of title 46, United States Code, is*  
 12 *amended—*

13               (1) *by redesignating the second subsection (e) as*  
 14 *subsection (f); and*

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

17       “(g) *To the extent consistent with generally recognized*  
 18 *practices and procedures of international law, this part ap-*  
 19 *plies to a foreign vessel involved in a marine casualty or*  
 20 *incident, as defined in the International Maritime Organi-*  
 21 *zation Code for the Investigation of Marine Casualties and*  
 22 *Incidents, where the United States is a Substantially Inter-*  
 23 *ested State and is, or has the consent of, the Lead Inves-*  
 24 *tigating State under the Code.”.*

1 **SEC. 424. CONVEYANCE OF COAST GUARD PROPERTY IN**  
2 **HAMPTON TOWNSHIP, MICHIGAN.**

3 (a) *REQUIREMENT TO CONVEY.*—

4 (1) *IN GENERAL.*—*Notwithstanding any other*  
5 *law, the Secretary of Transportation (in this section*  
6 *referred to as the “Secretary”) shall convey to*  
7 *BaySail, Inc. (a nonprofit corporation established*  
8 *under the laws of the State of Michigan; in this sec-*  
9 *tion referred to as “BaySail”), without monetary con-*  
10 *sideration, all right, title, and interest of the United*  
11 *States in and to property adjacent to Coast Guard*  
12 *Station Saginaw River, located in Hampton Town-*  
13 *ship, Michigan, as identified under paragraph (2). No*  
14 *submerged lands may be conveyed under this section.*

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

19 (3) *SURVEY.*—*The exact acreage and legal de-*  
20 *scription of the property conveyed under paragraph*  
21 *(1), as identified under paragraph (2), and any ease-*  
22 *ments or rights-of-way reserved by the United States*  
23 *under subsection (b), shall be determined by a survey*  
24 *satisfactory to the Secretary. The cost of the survey*  
25 *shall be borne by BaySail.*

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

6           (c) *REVERSIONARY INTEREST.*—

7                 (1) *IN GENERAL.*—*During the 5-year period be-*  
8 *ginning on the date the Secretary makes the convey-*  
9 *ance authorized by subsection (a), the real property*  
10 *conveyed pursuant to this section, at the option of the*  
11 *Secretary, shall revert to the United States and be*  
12 *placed under the administrative control of the Sec-*  
13 *retary, if—*

14                         (A) *BaySail sells, conveys, assigns, ex-*  
15 *changes, or encumbers the property conveyed or*  
16 *any part thereof;*

17                         (B) *BaySail fails to maintain the property*  
18 *conveyed in a manner consistent with the terms*  
19 *and conditions under subsection (b);*

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

23                         (D) *at least 30 days before the reversion, the*  
24 *Secretary provides written notice to the owner*

1           *that the property or any part thereof is needed*  
2           *for national security purposes.*

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

7 **SEC. 425. CONVEYANCE OF PROPERTY IN TRAVERSE CITY,**  
8           **MICHIGAN.**

9           *Section 1005(c) of the Coast Guard Authorization Act*  
10          *of 1996 (110 Stat. 3957) is amended by striking “the Tra-*  
11          *verse City Area Public School District” and inserting “a*  
12          *public or private nonprofit entity for an educational or rec-*  
13          *reational purpose”.*

14 **SEC. 426. ANNUAL REPORT ON COAST GUARD CAPABILITIES**  
15                 **AND READINESS TO FULFILL NATIONAL DE-**  
16                 **FENSE RESPONSIBILITIES.**

17          *Not later than February 15 each year, the Secretary*  
18          *of Transportation shall submit to the Committee on Trans-*  
19          *portation and Infrastructure of the House of Representa-*  
20          *tives and the Committee on Commerce, Science, and Trans-*  
21          *portation of the Senate a report, prepared in conjunction*  
22          *with the Commandant of the Coast Guard, setting forth the*  
23          *capabilities and readiness of the Coast Guard to fulfill its*  
24          *national defense responsibilities.*

1 **SEC. 427. EXTENSION OF AUTHORIZATION FOR OIL SPILL**  
 2 **RECOVERY INSTITUTE.**

3 *Section 5001(i) of the Oil Pollution Act of 1990 (33*  
 4 *U.S.C. 2731(i)) is amended by striking “10 years” and all*  
 5 *that follows through the end of the sentence and inserting*  
 6 *“September 30, 2012.”.*

7 **SEC. 428. MISCELLANEOUS CERTIFICATES OF DOCUMENTA-**  
 8 **TION.**

9 *Notwithstanding section 27 of the Merchant Marine*  
 10 *Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June*  
 11 *19, 1886 (46 App. U.S.C. 289), and section 12106 of title*  
 12 *46, United States Code, the Secretary of Transportation*  
 13 *may issue a certificate of documentation with appropriate*  
 14 *endorsement for employment in the coastwise trade for each*  
 15 *of the following vessels:*

16 (1) *LAUDERDALE LADY (United States offi-*  
 17 *cial number 1103520).*

18 (2) *SOVEREIGN (United States official number*  
 19 *1028144).*

20 (3) *CALEDONIA (United States official number*  
 21 *679530).*

22 **SEC. 429. ICEBREAKING SERVICES.**

23 *The Commandant of the Coast Guard shall not plan,*  
 24 *implement, or finalize any regulation or take any other ac-*  
 25 *tion which would result in the decommissioning of any*  
 26 *WYTL-class harbor tugs unless and until the Commandant*



1 certifies in writing to the Committee on Commerce, Science,  
2 and Transportation of the Senate and the Committee on  
3 Transportation and Infrastructure of the House of Rep-  
4 resentatives, that sufficient replacement capability has been  
5 procured by the Coast Guard to remediate any degradation  
6 in current icebreaking services that would be caused by such  
7 decommissioning.

8 **SEC. 430. FISHING VESSEL SAFETY TRAINING.**

9 (a) *IN GENERAL.*—The Commandant of the Coast  
10 Guard may provide support, with or without reimburse-  
11 ment, to an entity engaged in fishing vessel safety training  
12 including—

13 (1) assistance in developing training curricula;

14 (2) use of Coast Guard personnel, including ac-  
15 tive duty members, members of the Coast Guard Re-  
16 serve, and members of the Coast Guard Auxiliary, as  
17 temporary or adjunct instructors;

18 (3) sharing of appropriate Coast Guard informa-  
19 tional and safety publications; and

20 (4) participation on applicable fishing vessel  
21 safety training advisory panels.

22 (b) *NO INTERFERENCE WITH OTHER FUNCTIONS.*—In  
23 providing support under subsection (a), the Commandant  
24 shall ensure that the support does not interfere with any  
25 Coast Guard function or operation.

1 **SEC. 431. LIMITATION ON LIABILITY OF PILOTS AT COAST**  
 2 **GUARD VESSEL TRAFFIC SERVICES.**

3 (a) *IN GENERAL.*—Chapter 23 of title 46, United  
 4 States Code, is amended by adding at the end the following:

5 **“§2307. Limitation of liability for Coast Guard Vessel**  
 6 **Traffic Service pilots**

7 “Any pilot, acting in the course and scope of his or  
 8 her duties while at a United States Coast Guard Vessel  
 9 Traffic Service, who provides information, advice, or com-  
 10 munication assistance while under the supervision of a  
 11 Coast Guard officer, member, or employee shall not be liable  
 12 for damages caused by or related to such assistance unless  
 13 the acts or omissions of such pilot constitute gross neg-  
 14 ligence or willful misconduct.”.

15 (b) *CLERICAL AMENDMENT.*—The chapter analysis for  
 16 chapter 23 of title 46, United States Code, is amended by  
 17 adding at the end the following:

“2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots.”.

18 **SEC. 432. ASSISTANCE FOR MARINE SAFETY STATION ON**  
 19 **CHICAGO LAKEFRONT.**

20 (a) *ASSISTANCE AUTHORIZED.*—The Secretary of  
 21 Transportation may use amounts authorized under this sec-  
 22 tion to provide financial assistance to the City of Chicago,  
 23 Illinois, to pay the Federal share of the cost of a project  
 24 to demolish the Old Coast Guard Station, located at the  
 25 north end of the inner Chicago Harbor breakwater at the

1 *foot of Randolph Street, and to plan, engineer, design, and*  
2 *construct a new facility at that site for use as a marine*  
3 *safety station on the Chicago lakefront.*

4 (b) *COST SHARING.—*

5 (1) *FEDERAL SHARE.—The Federal share of the*  
6 *cost of a project carried out with assistance under this*  
7 *section may not exceed one third of the total cost of*  
8 *the project or \$2,000,000, whichever is less.*

9 (2) *NON-FEDERAL SHARE.—There shall not be*  
10 *applied to the non-Federal share of a project carried*  
11 *out with assistance under this section—*

12 (A) *the value of land and existing facilities*  
13 *used for the project; and*

14 (B) *any costs incurred for site work per-*  
15 *formed before the date of the enactment of this*  
16 *Act, including costs for reconstruction of the east*  
17 *breakwater wall and associated utilities.*

18 (c) *AUTHORIZATION OF APPROPRIATIONS.—In addi-*  
19 *tion to the other amounts authorized by this Act, for pro-*  
20 *viding financial assistance under this section there is au-*  
21 *thorized to be appropriated to the Secretary of Transpor-*  
22 *tation \$2,000,000 for fiscal year 2002, to remain available*  
23 *until expended.*

1 **SEC. 433. TONNAGE MEASUREMENT FOR PURPOSES OF ELI-**  
 2 **GIBILITY OF CERTAIN VESSELS FOR FISHERY**  
 3 **ENDORSEMENT.**

4 *Section 12102(c)(5) of title 46, United States Code, is*  
 5 *amended by striking “of more than 750 gross registered*  
 6 *tons” and inserting “of more than 750 gross tons as meas-*  
 7 *ured under chapter 145 or 1900 gross tons as measured*  
 8 *under chapter 143”.*

9 **SEC. 434. EXTENSION OF TIME FOR RECREATIONAL VESSEL**  
 10 **AND ASSOCIATED EQUIPMENT RECALLS.**

11 *Section 4310(c) of title 46, United States Code, is*  
 12 *amended—*

13 *(1) in paragraph (2)(A) and (B) by striking “5”*  
 14 *each place it appears and inserting “10”; and*

15 *(2) in paragraph (1)(A), (B), and (C) by insert-*  
 16 *ing “by first class mail or” before “by certified mail”*  
 17 *.*

18 **TITLE V—AUTHORIZATION OF**  
 19 **APPROPRIATIONS FOR THE**  
 20 **COAST GUARD**

21 **SEC. 501. SHORT TITLE.**

22 *This title may be cited as the “Coast Guard Authoriza-*  
 23 *tion Act for Fiscal Year 2002”.*

24 **SEC. 502. AUTHORIZATION OF APPROPRIATIONS.**

25 *Funds are authorized to be appropriated for fiscal year*  
 26 *2002 for necessary expenses of the Coast Guard, as follows:*

1           (1) *For the operation and maintenance of the*  
2 *Coast Guard, \$4,205,838,000, of which—*

3           (A) *\$25,000,000 is authorized to be derived*  
4 *from the Oil Spill Liability Trust Fund to carry*  
5 *out the purposes of section 1012(a)(5) of the Oil*  
6 *Pollution Act of 1990;*

7           (B) *\$5,500,000 is authorized to be available*  
8 *for the commercial fishing vessel safety program;*  
9 *and*

10          (C) *\$623,000,000 is authorized to be avail-*  
11 *able for domestic maritime homeland security.*

12          (2) *For the acquisition, construction, rebuilding,*  
13 *and improvement of aids to navigation, shore and off-*  
14 *shore facilities, vessels, and aircraft, including equip-*  
15 *ment related thereto, \$717,823,000, of which—*

16          (A) *\$20,000,000 is authorized to be derived*  
17 *from the Oil Spill Liability Trust Fund to carry*  
18 *out the purposes of section 1012(a)(5) of the Oil*  
19 *Pollution Act of 1990;*

20          (B) *\$58,500,000 is authorized to be avail-*  
21 *able for domestic maritime homeland security*  
22 *vessels and detection equipment; and*

23          (C) *\$338,000,000 is authorized to be avail-*  
24 *able to implement the Coast Guard's Integrated*  
25 *Deepwater System.*

1           (3) *For research, development, test, and evalua-*  
2 *tion of technologies, materials, and human factors di-*  
3 *rectly relating to improving the performance of the*  
4 *Coast Guard's mission in support of search and res-*  
5 *cue, aids to navigation, marine safety, marine envi-*  
6 *ronmental protection, enforcement of laws and trea-*  
7 *ties, ice operations, oceanographic research, and de-*  
8 *fense readiness, \$21,722,000, to remain available*  
9 *until expended, of which \$3,500,000 is authorized to*  
10 *be derived each fiscal year from the Oil Spill Liabil-*  
11 *ity Trust Fund to carry out the purposes of section*  
12 *1012(a)(5) of the Oil Pollution Act of 1990.*

13           (4) *For retired pay (including the payment of*  
14 *obligations otherwise chargeable to lapsed appropria-*  
15 *tions for this purpose), payments under the Retired*  
16 *Serviceman's Family Protection and Survivor Benefit*  
17 *Plans, and payments for medical care of retired per-*  
18 *sonnel and their dependents under chapter 55 of title*  
19 *10, United States Code, \$876,346,000.*

20           (5) *For alteration or removal of bridges over*  
21 *navigable waters of the United States constituting ob-*  
22 *structions to navigation, and for personnel and ad-*  
23 *ministrative costs associated with the Bridge Alter-*  
24 *ation Program, \$15,466,000, to remain available*  
25 *until expended, of which \$1,750,000 may be available*

1       *for a new Chelsea Street bridge in Boston, Massachu-*  
2       *setts.*

3               *(6) For environmental compliance and restora-*  
4       *tion at Coast Guard facilities (other than parts and*  
5       *equipment associated with operations and mainte-*  
6       *nance), \$16,927,000, to remain available until ex-*  
7       *pended.*

8       **SEC. 503. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
9               **AND TRAINING.**

10       *(a) ACTIVE DUTY STRENGTH.—The Coast Guard is*  
11       *authorized an end-of-year strength for active duty personnel*  
12       *of 44,000 as of September 30, 2002.*

13       *(b) MILITARY TRAINING STUDENT LOADS.—The Coast*  
14       *Guard is authorized average military training student*  
15       *loads as follows:*

16               *(1) For recruit and special training for fiscal*  
17       *year 2002, 1,500 student years.*

18               *(2) For flight training for fiscal year 2002, 125*  
19       *student years.*

20               *(3) For professional training in military and ci-*  
21       *vilian institutions for fiscal year 2002, 300 student*  
22       *years.*

- 1           (4) *For officer acquisition for fiscal year 2002,*
- 2           *1,000 student years.*

Attest:

*Clerk.*



107TH CONGRESS  
2D SESSION

**S. 1214**

---

---

**AMENDMENT**