

Mr. Speaker, I rise to support the Committee on Science bill H.R. 1042, a bill to prevent the elimination of certain government reports.

Mr. Speaker, the task of the Committee on Science and obligation is to oversee a number of technical and scientific aspects of our government's business. In order to do so, we are enhanced or helped by the important reports that we have been receiving over the years.

This legislation helps to correct an error that eliminated the reporting of or providing of such reports. I am representing the interests of the entire Congress as I speak, but especially the interests of the Committee on Science.

This bill, should it pass both Houses and be signed into law, would stop the elimination of valuable reports that are produced by agencies at the direct request of Congress throughout the entire Federal Government.

Briefly, the situation is that H.R. 1042 was designed to address, began with the signing into law of the Federal Reports Elimination Sunset Act of 1995. This legislation was one of the actions taken in the first year after the Republicans took over that now appears to be excessive.

This bill eliminated every report listed in a document reports to be made to Congress in the 103rd Congress, which was virtually every statutorily required report to Congress. Some reporting requirements were arguably obsolete, but these reports contained much of the information that the executive branch supplies to Congress, ranging from the annual budget documents to reports on the functioning of specific government programs.

These reports go to the heart of executive branch accountability and Congress oversight responsibilities. It is hard to fathom how Congress could do its job of reviewing executive branch activities and making intelligent and legislative decisions without current detailed information on many of those subjects.

H.R. 1042 prevents the elimination of 29 reports within the jurisdictional areas covered by the Committee on Science. These range from the National Energy Policy Plan, which obviously at this juncture in our history is enormously important, and I serve on the Subcommittee on Energy, and we will be intensely reviewing how we can enhance the utilization of our limited resources, create alternative resources for energy and, in general, help America continue to be successful in having the right energy resources, to the Annual Report on Aeronautics and Space Activities, to the Annual Report of the National Science Board. Other reports let Congress know how the administration is doing in such high-priority areas as women and minorities in science and technology, high performance computing, placement of minorities, women and handicapped individuals at the National Science Foundation, and global warming.

Other reports deal with satellites, with critical technologies, with earthquakes and with technology transfer.

Mr. Speaker, this information is too important not to be made public. We, therefore, support this legislation; and I would ask my colleagues to support the passage of H.R. 1042.

Mr. Speaker, I yield back the balance of my time.

Mr. GRUCCI. Mr. Speaker, I include the following letter from the gentleman from Utah (Mr. HANSEN), chairman of the Committee on Resources, for the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, March 20, 2001.

Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science, Rayburn
HOB, Washington, DC.

DEAR MR. CHAIRMAN: I have just reviewed the text of H.R. 1042, to prevent the elimination of certain reports, which is scheduled to be considered by the House of Representatives this Wednesday under suspension of the rules. This bill was referred exclusively to the Committee on Science. One of the reports to Congress proposed to be restored is found in section 7(a) of the Marine Resources and Engineering Development Act of 1966.

Based on recent referrals of bills, the Committee on Resources has primary jurisdiction of the National Sea Grant College Program which is part of the Marine Resources and Engineering Development Act of 1966. The Committee on Science has received sequential referrals of bills which reauthorize appropriations for the Sea Grant program. See H.R. 437 (105th Congress) and H.R. 1175 (104th Congress).

The Committee on Resources supports the restoration of this report to Congress and thanks Congressman Grucci for including it in his bill. We have no objection to the consideration of H.R. 1042 on the Floor this week but ask that this letter be included as part of the debate to register our jurisdictional interest.

Thank you for your leadership in ensuring that Congress has adequate information on the programs it supports and I look forward to working with you in the coming months on legislation of mutual interest.

Sincerely,

JAMES V. HANSEN.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GRUCCI) that the House suspend the rules and pass the bill, H.R. 1042, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GRUCCI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MARITIME POLICY IMPROVEMENT ACT OF 2001

Mr. LOBIONDO. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 1098) to improve the recording and discharging of maritime liens and expand the American Merchant Marine Memorial Wall of Honor, and for other purposes.

The Clerk read as follows:

H.R. 1098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maritime Policy Improvement Act of 2001".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Vessel COASTAL VENTURE.
- Sec. 4. Expansion of American Merchant Marine Memorial Wall of Honor.
- Sec. 5. Discharge of agricultural cargo residue.
- Sec. 6. Recording and discharging maritime liens.
- Sec. 7. Tonnage of R/V DAVIDSON.
- Sec. 8. Miscellaneous certificates of documentation.
- Sec. 9. Exemption for Victory Ships.
- Sec. 10. Certificate of documentation for 3 barges.
- Sec. 11. Certificate of documentation for the EAGLE.
- Sec. 12. Waiver for vessels in New World Challenge Race.
- Sec. 13. Vessel ASPHALT COMMANDER.

SEC. 3. VESSEL COASTAL VENTURE.

Section 1120(g) of the Coast Guard Authorization Act of 1996 (Public Law 104-324; 110 Stat. 3978) is amended by inserting "COASTAL VENTURE (United States official number 971086)," after "vessels".

SEC. 4. EXPANSION OF AMERICAN MERCHANT MARINE MEMORIAL WALL OF HONOR.

(a) FINDINGS.—The Congress finds that—

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

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

(3) the United States Merchant Marine kept the lifeline of freedom open to the allies of the United States during the Second World War, making one of the most significant contributions made by any nation to the victory of the allies in that war;

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

(5) more than 250,000 men and women served in the United States Merchant Marine during the Second World War;

(6) during the Second World War, members of the United States Merchant Marine faced dangers from the elements and from submarines, mines, armed raiders, destroyers, aircraft, and "kamikaze" pilots;

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

(8) during the Second World War, 11,000 members of the United States Merchant Marine were wounded, at least 1,100 of whom later died from their wounds;

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

(10) 1 in 32 members of the United States Merchant Marine serving in the Second

World War died in the line of duty, suffering a higher percentage of war-related deaths than any of the other armed services of the United States; and

(1) The United States Merchant Marine continues to serve the United States, promoting freedom and meeting the high ideals of its former members.

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

(1) IN GENERAL.—The Secretary of Transportation may make grants to the American Merchant Marine Veterans Memorial Committee, Inc., to construct an addition to the American Merchant Marine Memorial Wall of Honor located at the Los Angeles Maritime Museum in San Pedro, California.

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

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

SEC. 5. DISCHARGE OF AGRICULTURAL CARGO RESIDUE.

Notwithstanding any other provision of law, the discharge from a vessel of any agricultural cargo residue material in the form of hold washings shall be governed exclusively by the provisions of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) that implement Annex V to the International Convention for the Prevention of Pollution from Ships.

SEC. 6. RECORDING AND DISCHARGING MARITIME LIENS.

(a) LIENS ON ANY DOCUMENTED VESSEL.—

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

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

“§31343. Recording and discharging liens”.

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

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

“(b)(1) The Secretary shall record a notice complying with subsection (a) of this section if, when the notice is presented to the Secretary for recording, the person having the claim files with the notice a declaration stating the following:

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

“(B) A copy of the notice, as presented for recordation, has been sent to each of the following:

“(i) The owner of the vessel.

“(ii) Each person that recorded under section 31343(a) of this title an unexpired notice of a claim of an undischarged lien on the vessel.

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

“(2) A declaration under this subsection filed by a person that is not an individual must be signed by the president, member, partner, trustee, or other official authorized to execute the declaration on behalf of the person.”.

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

“(c)(1) On full and final discharge of the indebtedness that is the basis for a notice of claim of lien recorded under subsection (b) of this section, the person having the claim shall provide the Secretary with an acknowl-

edged certificate of discharge of the indebtedness. The Secretary shall record the certificate.

“(2) The district courts of the United States shall have jurisdiction over a civil action to declare that a vessel is not subject to a lien claimed under subsection (b) of this section, or that the vessel is not subject to the notice of claim of lien, or both, regardless of the amount in controversy or the citizenship of the parties. Venue in such an action shall be in the district where the vessel is found, or where the claimant resides, or where the notice of claim of lien is recorded. The court may award costs and attorneys fees to the prevailing party, unless the court finds that the position of the other party was substantially justified or other circumstances make an award of costs and attorneys fees unjust.”.

(E) By adding at the end the following:

“(e) A notice of claim of lien recorded under subsection (b) of this section shall expire 3 years after the date specified in the notice under subsection (b) of this section.

“(f) This section does not alter in any respect the law pertaining to the establishment of a maritime lien, the remedy provided by such a lien, or the defenses thereto, including any defense under the doctrine of laches.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 313 of title 46, United States Code, is amended by striking the item relating to section 31343 and inserting the following:

“31343. Recording and discharging liens.”.

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

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

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

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

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

“(2) The Secretary may condition approval of the surrender of the certificate of documentation for a vessel over 1,000 gross tons.”.

(d) TECHNICAL CORRECTION.—Section 9(c) of the Shipping Act, 1916 (46 U.S.C. App. 808(c)) is amended in the matter preceding paragraph (1) by striking “Except” and all that follows “12106(e) of title 46,” and inserting “Except as provided in section 611 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1181) and in sections 12106(e) and 31322(a)(1)(D) of title 46.”.

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

SEC. 7. TONNAGE OF R/V DAVIDSON.

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

(b) APPLICATION.—Subsection (a) shall apply only when the vessel is operating in compliance with the requirements of section 3301(8) of title 46, United States Code.

SEC. 8. MISCELLANEOUS CERTIFICATES OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883),

section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

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

(2) YANKEE (United States official number 1076210).

(3) LUCKY DOG of St. Petersburg, Florida (State of Florida registration number FLZP7569E373).

(4) ENTERPRIZE (United States official number 1077571).

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

(6) FRITHA (United States official number 1085943).

(7) PUFFIN (United States official number 697029).

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

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

(10) ANTJA (State of Florida registration number FL3475MA).

(11) SKIMMER, manufactured by Contour Yachts, Inc. (hull identification number QHG34031D001).

(12) TOKEENA (State of South Carolina registration number SC 1602 BJ).

(13) DOUBLE EAGLE2 (United States official number 1042549).

(14) ENCOUNTER (United States official number 998174).

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

(16) BARGE 10 (United States official number 1101368).

(17) NOT A SHOT (United States official number 911064).

(18) PRIDE OF MANY (Canadian official number 811529).

(19) AMAZING GRACE (United States official number 92769).

(20) SHEWHO (United States official number 1104094).

SEC. 9. EXEMPTION FOR VICTORY SHIPS.

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

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

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

SEC. 10. CERTIFICATE OF DOCUMENTATION FOR 3 BARGES.

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

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

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

(2) The former railroad car barge HUGH, having a length of 185 feet and a width of 34 feet.

(3) The former railroad car barge TOMMY, having a length of 185 feet and a width of 34 feet.

(c) LIMITATION ON OPERATION.—A vessel issued a certificate of documentation under this section may be used only as a floating platform for launching fireworks, including transportation of materials associated with that use.

SEC. 11. CERTIFICATE OF DOCUMENTATION FOR THE EAGLE.

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

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

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

(3) operated only in conjunction with—

(A) scour jet operations; or

(B) dredging services adjacent to facilities owned by the State, political subdivision, or public authority; and

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

SEC. 12. WAIVER FOR VESSELS IN NEW WORLD CHALLENGE RACE.

Notwithstanding section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), beginning on April 1, 2002, the 10 sailboats participating in the New World Challenge Race may transport guests, who have not contributed consideration for their passage, from and around the ports of San Francisco and San Diego, California, before and during stops of that race. This section shall have no force or effect beginning on the earlier of—

(1) 60 days after the last competing sailboat reaches the end of that race in San Francisco, California; or

(2) December 31, 2003.

SEC. 13. VESSEL ASPHALT COMMANDER.

Notwithstanding any other law or agreement with the United States Government, the vessel ASPHALT COMMANDER (United States official number 663105) may be transferred to or placed under a foreign registry or sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the Maritime Policy Improvement Act of 2001. The provisions in this bill were developed during the conference negotiations on the Coast Guard Authorization Act of 2000 but were not enacted because of unrelated matters.

We are aware of no controversy surrounding this bill and hope that the Senate will send it to the President for his signature as soon as possible.

The bill contains provisions to authorize an expansion of the American Merchant Marine Memorial Wall of Honor, to establish a new method for recording and discharging certain maritime liens, and to provide limited relief to certain vessel owners.

Mr. Speaker, these men who braved enemy fire in all of our conflicts should be remembered for their actions to defend freedom and keep the supply lines

open. Their sacrifices and battle should not be forgotten by a Nation that they served too well.

Mr. Speaker, I am pleased to be a part of this effort, and I urge all Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 1098, the Maritime Policy Improvement Act of 2001. Mr. Speaker, this is a noncontroversial bill that includes those maritime policy provisions that had been agreed to last year by the conferees on the Coast Guard Authorization Act of 2000.

However, Mr. Speaker, as was mentioned, that bill was not reported from conference due to failure to agree to a Senate amendment concerning the types of damages that could be awarded for negligent deaths of passengers on board cruise ships. That provision is not included in this bill being considered today.

H.R. 1098 will allow for the recording of maritime liens on all U.S. flag vessels, not just those with preferred mortgages recorded with the Secretary.

It would clarify that the discharge of agricultural residues from cargo tanks in international waters is to be regulated under MARPOL Annex V.

It would provide for the construction of an American Merchant Marine Wall of Honor to honor those in the U.S. merchant marine who served the United States in every conflict beginning with the Revolutionary War.

It allows the Coast Guard to prescribe vessel safety operating standards for World War II victory ships that operate around San Francisco and Tampa.

Mr. Speaker, passage of this bill will clear the slate for the committee of last year's issues related to Coast Guard and maritime policy. Then we can begin to look at the problems currently facing the Coast Guard and the U.S. maritime industry to help them in the years ahead.

Mr. Speaker, I urge my colleagues to strongly support the passage of H.R. 1098, the Maritime Policy Improvement Act of 2001.

Mr. Speaker, I yield back the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I rise today in support of H.R. 1098, the Maritime Policy Improvement Act of 2001.

I am particularly pleased that section 4 of this legislation incorporates a bill that I introduced from the 106th Congress. This section authorizes the Secretary of Transportation to make grants to the American Merchant Marine Veterans Memorial Committee to construct an addition to the American Merchant Marine Memorial Wall of Honor in San Pedro, California.

Since 1775, the maritime community has played a critical role in gaining

and preserving American freedom. The merchant marine served as our first navy and defeated the British navy in our fight for independence. We owe much to the brave mariners past and present who have served in the merchant marine.

The American Merchant Marine Memorial Wall of Honor located in San Pedro, California, is a symbol of the debt we owe those who have served so bravely.

Many of my colleagues will remember how the merchant marine secured its place in American history during the Second World War. During that conflict, the 250,000 men and women in the U.S. merchant marine fleet made enormous contributions to the eventual winning of the war, keeping the lifeline of freedom open to our troops overseas and to our allies. This fleet was truly the fourth arm of defense, as it was called by President Franklin D. Roosevelt and other military leaders.

The members of the U.S. merchant marine faced danger from submarines, mines, armed raiders, destroyers, aircraft kamikazes and the elements. At least 6,800 mariners were killed at sea. More than 11,000 were wounded at sea. Of those injured, at least 1,100 later died from their wounds. More than 600 men and women were taken prisoner by our enemies. In fact, 1 in 32 mariners serving abroad merchant ships in the Second World War died in the line of duty, suffering a greater percentage of war-related deaths than all other U.S. services.

Since that time, the U.S. merchant marine has continued to serve our Nation, promoting freedom and meeting the high ideals of its past members. It is fitting to honor the past and present members of the United States merchant marine. That is why I introduced the legislation.

I am delighted at the chairman and his very fine number of people that sit on that subcommittee that he heads, and I am very grateful for his honoring that.

I thank Chairman YOUNG, Chairman LOBIONDO, and ranking member OBERSTAR. The relatives of those who served their country as men and women merchant mariners will deeply be appreciated. So will I and all citizens and people generally.

Mr. LOBIONDO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. LOBIONDO) that the House suspend the rules and pass the bill, H.R. 1098.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LOBIONDO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.