

30th anniversary of the enactment of the Federal Water Pollution Control Act.

### COAST GUARD AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. LOBIONDO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3507) to authorize appropriations for the Coast Guard for fiscal year 2002, and for other purposes.

The Clerk read as follows:

H.R. 3507

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act for Fiscal Year 2002".

#### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

#### TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR THE COAST GUARD

Sec. 101. Short title.

Sec. 102. Authorization of appropriations.

Sec. 103. Authorized levels of military strength and training.

#### 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 maritime liens.

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 Radio-telephone 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. Clarification of Coast Guard authority to control vessels in territorial waters of the United States.

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.

Sec. 350. Boating safety.

#### 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 auxiliaries.

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 I—AUTHORIZATION OF APPROPRIATIONS FOR THE COAST GUARD

##### SEC. 101. SHORT TITLE.

This title may be cited as the "Coast Guard Authorization Act of 2001".

##### SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2002 for necessary expenses of the Coast Guard, as follows:

(1) For the operation and maintenance of the Coast Guard, \$4,205,838,000, of which—

(A) \$25,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;

(B) \$5,500,000 is authorized to be available for the commercial fishing vessel safety program; and

(C) \$623,000,000 is authorized to be available for domestic maritime homeland security.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$717,823,000, of which—

(A) \$20,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;

(B) \$58,500,000 is authorized to be available for domestic maritime homeland security vessels and detection equipment; and

(C) \$338,000,000 is authorized to be available to implement the Coast Guard's Integrated Deepwater System.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$21,722,000, to remain available until expended, of which \$3,500,000 is authorized to be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$876,346,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$15,466,000, to remain available until expended, of which \$1,750,000 may be available for a new Chelsea Street bridge in Boston, Massachusetts.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$16,927,000, to remain available until expended.

##### SEC. 103. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength

for active duty personnel of 44,000 as of September 30, 2002.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training for fiscal year 2002, 1,500 student years.

(2) For flight training for fiscal year 2002, 125 student years.

(3) For professional training in military and civilian institutions for fiscal year 2002, 300 student years.

(4) For officer acquisition for fiscal year 2002, 1,000 student years.

## TITLE II—MARITIME POLICY IMPROVEMENT

### SEC. 201. SHORT TITLE.

This title may be cited as the “Maritime Policy Improvement Act of 2001”.

### SEC. 202. 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. 203. 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

(11) 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. 204. 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. 205. RECORDING AND DISCHARGING NOTICES OF CLAIM OF MARITIME LIEN.

#### (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 notices of claim of maritime lien”.

(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 individual 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 acknowledged 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 at-

torneys fees unjust. The Secretary shall record any such declaratory order.”.

(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 the lien was established, as such date is stated in the notice under subsection (a) 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 notices of claim of maritime lien.”.

(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 App. U.S.C. 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 section 12106(e) of title 46.”.

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

### SEC. 206. 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. 207. MISCELLANEOUS CERTIFICATES OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 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) ENTERPRISE (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) ENOUNTER (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. 208. EXEMPTION FOR VICTORY SHIPS.

Section 3302(1)(L) 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. 209. 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. 210. CERTIFICATE OF DOCUMENTATION FOR THE EAGLE.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), chapter 121 of title 46, United States Code, and section 1 of the Act of May 28, 1906 (46 App. U.S.C. 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. 211. 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. 212. 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.

### TITLE III—COAST GUARD PERSONNEL AND MARITIME SAFETY

#### SEC. 301. SHORT TITLE.

This title may be cited as the “Coast Guard Personnel and Maritime Safety Act of 2001”.

#### Subtitle A—Personnel Management

##### SEC. 311. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking “commander” and inserting “captain”.

##### SEC. 312. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

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

##### “511. Compensatory absence from duty for military personnel at isolated duty stations

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

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

“511. Compensatory absence from duty for military personnel at isolated duty stations.”.

##### SEC. 313. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

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

“(c)(1) After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such

placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

“(2) The Secretary shall conduct a survey of the Coast Guard officer corps to determine if implementation of this subsection will improve Coast Guard officer retention. A selection board may not make any recommendation under this subsection before the date on which the Secretary publishes a finding, based upon the results of the survey, that implementation of this subsection will improve Coast Guard officer retention.

“(3) The Secretary shall submit any finding made by the Secretary pursuant to paragraph (2) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”;

(2) in section 260(a), by inserting “and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title” after “promotion”; and

(3) in section 271(a), by inserting at the end thereof the following: “The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.”.

#### Subtitle B—Marine Safety

##### SEC. 321. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIO-TELEPHONE ACT.

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

##### SEC. 322. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

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

(1) COAST GUARD OPERATIONS AND EXPENDITURES.—Section 651 of title 14, United States Code.

(2) SUMMARY OF MARINE CASUALTIES REPORTED DURING PRIOR FISCAL YEAR.—Section 6307(c) of title 46, United States Code.

(3) USER FEE ACTIVITIES AND AMOUNTS.—Section 664 of title 46, United States Code.

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

(5) ACTIVITIES OF FEDERAL MARITIME COMMISSION.—Section 208 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1118).

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

##### SEC. 323. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND ADVANCEMENT AUTHORITY.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting “To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may obtain an advance from the Fund such sums as may be

necessary, up to a maximum of \$100,000,000, and within 30 days shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance. Amounts advanced shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.”.

**SEC. 324. MERCHANT MARINER DOCUMENTATION REQUIREMENTS.**

(a) **INTERIM MERCHANT MARINERS' DOCUMENTS.**—Section 7302 of title 46, United States Code, is amended—

(1) by striking “A” in subsection (f) and inserting “Except as provided in subsection (g), a”; and

(2) by adding at the end the following:

“(g)(1) The Secretary may, pending receipt and review of information required under subsections (c) and (d), immediately issue an interim merchant mariner's document valid for a period not to exceed 120 days, to—

“(A) an individual to be employed as gaming personnel, entertainment personnel, wait staff, or other service personnel on board a passenger vessel not engaged in foreign service, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; or

“(B) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid merchant mariner's document issued under this section.

“(2) No more than one interim document may be issued to an individual under paragraph (1)(A) of this subsection.”.

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

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

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

“(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; and”.

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

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

**Subtitle C—Renewal of Advisory Groups**

**SEC. 331. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.**

(a) **COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.**—Section 4508 of title 46, United States Code, is amended—

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

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

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

(4) by striking “of September 30, 2000” and inserting “on September 30, 2005”.

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

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

**SEC. 332. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.**

Section 18(h) of the Coast Guard Authorization Act of 1991 (Public Law 102-241) is

amended by striking “September 30, 2000.” and inserting “September 30, 2005.”.

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

Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102-241) is amended by striking “September 30, 2000” in subsection (g) and inserting “September 30, 2005”.

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

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

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

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

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

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

**Subtitle D—Miscellaneous**

**SEC. 341. PATROL CRAFT.**

Notwithstanding any other provision of law, the Secretary of Transportation may accept, by direct transfer without cost, for use by the Coast Guard primarily for expanded drug interdiction activities required to meet national supply reduction performance goals, up to 7 PC-170 patrol craft from the Department of Defense if it offers to transfer such craft.

**SEC. 342. CLARIFICATION OF COAST GUARD AUTHORITY TO CONTROL VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES.**

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

**SEC. 15. ENTRY OF VESSELS INTO TERRITORIAL SEA; DIRECTION OF VESSELS BY COAST GUARD.**

“(a) **NOTIFICATION OF COAST GUARD.**—Under regulations prescribed by the Secretary, a commercial vessel entering the territorial sea of the United States shall notify the Secretary not later than 96 hours before that entry and provide the following information regarding the vessel:

“(1) The name of the vessel.

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

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

“(4) Any information requested by the Secretary to demonstrate compliance with applicable international agreements to which the United States is a party.

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

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

“(7) Any other information requested by the Secretary.

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

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

“(2) the vessel is not in compliance with any other applicable law relating to marine safety, security, or environmental protection.

“(c) **DIRECTION OF VESSEL.**—The Secretary may direct the operation of any vessel in the navigable waters of the United States as necessary during hazardous circumstances, including the absence of a pilot required by

State or Federal law, weather, casualty, vessel traffic, or the poor condition of the vessel.

“(d) **IMPLEMENTATION.**—The Secretary shall implement this section consistent with section 4(d).”.

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

(a) **IN GENERAL.**—The Coast Guard may operate and maintain a Caribbean Support Tender (or similar type vessel) to provide technical assistance, including law enforcement training, for foreign coast guards, navies, and other maritime services.

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

(1) **PROVISION.**—The Commandant may provide medical and dental care to foreign military Caribbean Support Tender personnel and their dependents accompanying them in the United States—

(A) on an outpatient basis without cost; and

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

(2) **CREDITING OF PAYMENTS.**—Payments received as reimbursement for the provision of such care shall be credited to the appropriations against which the charges were made for the provision of such care.

(3) **INPATIENT CARE WITHOUT COST.**—Notwithstanding paragraph (1)(B), the Commandant may provide inpatient medical and dental care in the United States without cost to foreign military Caribbean Support Tender personnel and their dependents accompanying them in the United States if comparable care is made available to a comparable number of United States military personnel in that foreign country.

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

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

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

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

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

(2) Lighthouses are an important part of Great Lakes culture and stand as a testament to the importance of shipping in the region's political, economic, and social history.

(3) Advances in navigation technology have made many Great Lakes lighthouses obsolete. In Michigan alone, approximately 70 lighthouses will be designated as excess property of the Federal Government and will be transferred to the General Services Administration for disposal.

(4) Unfortunately, the Federal property disposal process is confusing, complicated, and not well-suited to disposal of historic lighthouses or to facilitate transfers to non-profit organizations. This is especially troubling because, in many cases, local nonprofit historical organizations have dedicated tremendous resources to preserving and maintaining Great Lakes lighthouses.

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

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

(b) **ASSISTANCE FOR GREAT LAKES LIGHTHOUSE PRESERVATION EFFORTS.**—The Secretary of Transportation, acting through the Coast Guard, shall—

(1) continue to offer advice and technical assistance to organizations in the Great Lakes region that are dedicated to lighthouse stewardship; and

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

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

(a) REPORT.—The Secretary of Transportation shall prepare a status report on the modernization of the National Distress and Response System and transmit the report, not later than 60 days after the date of enactment of this Act, and annually thereafter until completion of the project, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

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

(1) set forth the scope of the modernization, the schedule for completion of the System, and information on progress in meeting the schedule and on any anticipated delays;

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

(3) describe and map the existing public and private communications coverage throughout the waters of the coastal and internal regions of the continental United States, Alaska, Hawaii, Guam, and the Caribbean, and identify locations that possess direction-finding, asset-tracking communications, and digital selective calling service;

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

(5) specify steps taken by the Secretary to fill existing gaps in coverage, including obtaining direction-finding equipment, digital recording systems, asset-tracking communications, use of commercial VHF services, and digital selective calling services that meet or exceed Global Maritime Distress and Safety System requirements adopted under the International Convention for the Safety of Life at Sea;

(6) identify the number of VHF-FM radios equipped with digital selective calling sold to United States boaters;

(7) list all reported marine accidents, casualties, and fatalities occurring in areas with existing communications gaps or failures, including incidents associated with gaps in VHF-FM coverage or digital selected calling capabilities and failures associated with inadequate communications equipment aboard the involved vessels during calendar years 1997 forward;

(8) identify existing systems available to close identified marine safety gaps before January 1, 2003, including expeditious receipt and response by appropriate Coast Guard operations centers to VHF-FM digital selective calling distress signal; and

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

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

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation, or a designee of the Secretary, may convey to the Gulf of Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve Pier property, together with any improvements thereon in their

then current condition, located in Portland, Maine. All conditions placed with the deed of title shall be construed as covenants running with the land.

(2) IDENTIFICATION OF PROPERTY.—The Secretary, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section. The floating docks associated with or attached to the Naval Reserve Pier property shall remain the personal property of the United States.

(b) LEASE TO THE UNITED STATES.—

(1) CONDITION OF CONVEYANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into a lease agreement with the United States, the terms of which are mutually satisfactory to the Commandant and the Corporation, in which the Corporation shall lease a portion of the Naval Reserve Pier property to the United States for a term of 30 years without payment of consideration. The lease agreement shall be executed within 12 months after the date of enactment of this Act.

(2) IDENTIFICATION OF LEASED PREMISES.—The Secretary, in consultation with the Commandant, may identify and describe the leased premises and rights of access, including the following, in order to allow the Coast Guard to operate and perform missions from and upon the leased premises:

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

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

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

(D) The right to occupy up to 3,000 gross square feet at the Naval Reserve Pier property for storage and office space, which will be provided and constructed by the Corporation, at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(E) The right to occupy up to 1,200 gross square feet of offsite storage in a location other than the Naval Reserve Pier property, which will be provided by the Corporation at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense.

(F) The right for Coast Guard personnel to park up to 60 vehicles, at no expense to the government, in the Corporation's parking spaces on the Naval Reserve Pier property or in parking spaces that the Corporation may secure within 1,000 feet of the Naval Reserve Pier property or within 1,000 feet of the Coast Guard Marine Safety Office Portland. Spaces for no less than 30 vehicles shall be located on the Naval Reserve Pier property.

(3) RENEWAL.—The lease described in paragraph (1) may be renewed, at the sole option of the United States, for additional lease terms.

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

(5) TERMINATION.—In the event that the Coast Guard ceases to use the leased premises, the Secretary, in consultation with the Commandant, may terminate the lease with the Corporation.

(c) IMPROVEMENT OF LEASED PREMISES.—

(1) IN GENERAL.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States, subject to the Commandant's design specifications, project's schedule, and final project approval, to replace the bulkhead and pier which connects to, and provides access from, the bulkhead to the floating docks, at the Corporation's sole cost and expense, on the east side of the Naval Reserve Pier property within 30 months from the date of conveyance. The agreement to improve the leased premises shall be executed within 12 months after the date of enactment of this Act.

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

(d) UTILITY INSTALLATION AND MAINTENANCE OBLIGATIONS.—

(1) UTILITIES.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to allow the United States to operate and maintain existing utility lines and related equipment, at the United States sole cost and expense. At such time as the Corporation constructs its proposed public aquarium, the Corporation shall replace existing utility lines and related equipment and provide additional utility lines and equipment capable of supporting a third 110-foot Coast Guard cutter, with comparable, new, code compliant utility lines and equipment at the Corporation's sole cost and expense. The agreement concerning the operation and maintenance of utility lines and equipment shall be executed within 12 months after the date of enactment of this Act.

(2) MAINTENANCE.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to maintain, at the Corporation's sole cost and expense, the bulkhead and pier on the east side of the Naval Reserve Pier property. The agreement concerning the maintenance of the bulkhead and pier shall be executed within 12 months after the date of enactment of this Act.

(3) AIDS TO NAVIGATION.—The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier property.

(e) ADDITIONAL RIGHTS.—The conveyance of the Naval Reserve Pier property shall be made subject to conditions the Secretary considers necessary to ensure that—

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

(2) the Corporation shall not interfere or allow interference, in any manner, with any aid to navigation nor hinder activities required for the operation and maintenance of any aid to navigation, without the express written permission of the head of the agency responsible for operating and maintaining the aid to navigation.

(f) REMEDIES AND REVERSIONARY INTEREST.—The Naval Reserve Pier property, at the option of the Secretary, shall revert to

the United States and be placed under the administrative control of the Secretary, if, and only if, the Corporation fails to abide by any of the terms of this section or any agreement entered into under subsection (b), (c), or (d) of this section.

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

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to convey the Naval Reserve property under this section shall expire 3 years after the date of enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) AID TO NAVIGATION.—The term “aid to navigation” means equipment used for navigational purposes, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, cameras, sensors power source, or other related equipment which are operated or maintained by the United States.

(2) CORPORATION.—The term “Corporation” means the Gulf of Maine Aquarium Development Corporation, its successors and assigns.

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

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

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

(2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);

(3) technological assistance that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and

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

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

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

(2) consider identified safety issues for a particular port;

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

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

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

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

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

(2) precludes the establishment of new harbor safety committees in locations not selected for the establishment of a prototype committee under subsection (b); or

(3) preempts State law.

(d) NONAPPLICATION OF FACA.—The Federal Advisory Committee Act (5 App. U.S.C.) does not apply to harbor safety committees established under this section or any other provision of law.

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

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

(2) the membership of which includes representatives of government agencies, maritime labor, maritime industry companies and organizations, environmental groups, and public interest groups.

**SEC. 349. MISCELLANEOUS CONVEYANCES.**

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to each of the following properties:

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

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

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this subsection.

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

(A) any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance; or

(B) any interest in submerged land.

(b) GENERAL TERMS AND CONDITIONS.—

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

(A) without payment of consideration; and

(B) subject to the terms and conditions required by this section and other terms and conditions the Secretary may consider appropriate, including the reservation of easements and other rights on behalf of the United States.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established under this section, each conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property shall immediately revert to the United States, if—

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

(i) ceases to be available and accessible to the public, on a reasonable basis, for educational, park, recreational, cultural, historic preservation, or other similar purposes specified for the property in the terms of conveyance;

(ii) ceases to be maintained in a manner that is consistent with its present or future use as a site for Coast Guard aids to navigation or compliance with this title; or

(iii) ceases to be maintained in a manner consistent with the conditions in paragraph (4) established by the Secretary pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.); or

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

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

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

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

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

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating, maintaining and inspecting aids to navigation, and for the purpose of enforcing compliance with this subsection; and

(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

(4) MAINTENANCE OF PROPERTY.—(A) Subject to subparagraph (B), the owner of a property conveyed under this section shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the conveying authority pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable laws.

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

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

(d) DEFINITIONS.—In this section:

(1) AIDS TO NAVIGATION.—The term “aids to navigation” means equipment used for navigational purposes, including a light, antenna, radio, sound signal, electronic navigation equipment, or other associated equipment which are operated or maintained by the United States.

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

(3) OWNER.—The term “owner” means, for a property conveyed under this section, the person identified in subsection (a)(1) of the property, and includes any successor or assign of that person.

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

**SEC. 350. BOATING SAFETY.**

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

(b) STATE FUNDING.—Section 13102(a)(3) of title 46, United States Code, is amended by striking “general State revenue” and inserting “State funds, including amounts expended for the State’s recreational boating safety program by a State agency, a public corporation established under State law, or any other State instrumentality, as determined by the Secretary”.

**TITLE IV—OMNIBUS MARITIME IMPROVEMENTS**

**SEC. 401. SHORT TITLE.**

This title may be cited as the “Omnibus Maritime and Coast Guard Improvements Act of 2001”.

**SEC. 402. EXTENSION OF COAST GUARD HOUSING AUTHORITIES.**

(a) HOUSING CONTRACTORS.—Section 681(a) of title 14, United States Code, is amended by inserting “, including a small business concern qualified under section 8(a) of the Small Business Act (15 U.S.C. 637(a)),” after “private persons”.

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

(c) DEMONSTRATION PROJECT.—Section 687 of title 14, United States Code, is amended by

adding at the end the following new subsection:

“(g) DEMONSTRATION PROJECT AUTHORIZED.—To promote efficiencies through the use of alternative procedures for expediting new housing projects, the Secretary—

“(1) may develop and implement a Demonstration Project for acquisition or construction of military family housing and military unaccompanied housing at the Coast Guard installation at Kodiak, Alaska;

“(2) in implementing the Demonstration Project shall utilize, to the maximum extent possible, the contracting authority of the Small Business Administration’s section 8(a) program;

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

“(4) shall report to Congress by September 1 of each year on the progress of activities under the Demonstration Project.”.

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

#### SEC. 403. INVENTORY OF VESSELS FOR CABLE LAYING, MAINTENANCE, AND REPAIR.

(a) INVENTORY.—The Secretary of Transportation shall develop, maintain, and periodically update an inventory of vessels that are documented under chapter 121 of title 46, United States Code, are 200 feet or more in length, and have the capability to lay, maintain, or repair a submarine cable, without regard to whether a particular vessel is classified as a cable ship or cable vessel.

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

(1) the name, length, beam, depth, and other distinguishing characteristics of the vessel;

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

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

(c) PUBLICATION.—The Secretary shall—

(1) not later than 60 days after the date of enactment of this Act, publish in the Federal Register a current inventory developed under subsection (a); and

(2) every six months thereafter, publish an updated inventory.

#### SEC. 404. VESSEL ESCORT OPERATIONS AND TOWING ASSISTANCE.

(a) IN GENERAL.—Except in the case of a vessel in distress, only a vessel of the United States (as that term is defined in section 2101 of title 46, United States Code) may perform the following vessel escort operations and vessel towing assistance within the navigable waters of the United States:

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

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

(3) Operation provided in whole or in part for the purpose of escorting or assisting a vessel within or through navigation facilities owned, maintained, or operated by the United States Government or the approaches to such facilities, other than facilities operated by the St. Lawrence Seaway Development Corporation on the St. Lawrence River portion of the Seaway.

(b) DEFINITIONS.—In this section—

(1) the term “towing assistance” means operation by an assisting vessel in direct contact with an assisted vessel (including hull-to-hull, by towline, including if only

pretethered, or made fast to that vessel by one or more lines) for purposes of exerting force on the assisted vessel to control, or to assist in controlling, the movement of the assisted vessel; and

(2) the term “escort operations” means accompanying a vessel for the purpose of providing towing or towing assistance to the vessel.

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

#### SEC. 405. SEARCH AND RESCUE CENTER STANDARDS.

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

#### § 676. Search and rescue center standards

(a) The Secretary shall establish, implement, and maintain the minimum standards necessary for the safe operation of all Coast Guard search and rescue center facilities, including with respect to the following:

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

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

“(3) The length of time an individual may serve on watch to minimize fatigue, based on the best scientific information available.

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

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

“(6) Stress management for the individuals assigned search and rescue responsibilities in the facilities.

“(7) The design of equipment and facilities to minimize fatigue and enhance search and rescue operations.

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

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

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

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

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

“676. Search and rescue center standards.”.

#### SEC. 406. VHF COMMUNICATIONS SERVICES.

The Secretary of Transportation may authorize a person providing commercial VHF communications services to place commercial VHF communications equipment on real property under the administrative control of the Coast Guard (including towers) subject to any terms agreed to by the parties. The Secretary and that commercial VHF communications service provider also may enter into an agreement providing for VHF communications services to the Coast Guard (including digital selective calling and radio direction finding services) at a discounted rate or price based on providing such access to real property under the administrative control of the Coast Guard. Nothing in the sec-

tion shall affect the rights or obligations of the United States under section 704(c) of the Telecommunications Act of 1996 (47 U.S.C. 332 note) with respect to the availability of property, or under section 359(d) of the Communications Act of 1934 (47 U.S.C. 357(d)) with respect to charges for transmission of distress messages.

#### SEC. 407. LOWER COLUMBIA RIVER MARITIME FIRE AND SAFETY ACTIVITIES.

There is authorized to be appropriated to the Secretary of Transportation not more than \$987,400 for lower Columbia River marine, fire, oil, and toxic spill response communications, training, equipment, and program administration activities conducted by the Maritime Fire and Safety Association, to remain available until expended.

#### SEC. 408. CONFORMING REFERENCES TO THE FORMER MERCHANT MARINE AND FISHERIES COMMITTEE.

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

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

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

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

(2) Section 5004(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2734(2)) is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

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

(2) Section 901g(b)(3) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241k(b)(3)) is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

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

#### SEC. 409. RESTRICTION ON VESSEL DOCUMENTATION.

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

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

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

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

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

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

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

#### SEC. 410. HYPOTHERMIA PROTECTIVE CLOTHING REQUIREMENT.

The Commandant of the Coast Guard shall ensure that all Coast Guard personnel are equipped with adequate safety equipment, including hypothermia protective clothing where appropriate, while performing search and rescue missions.

#### SEC. 411. RESERVE OFFICER PROMOTIONS.

(a) Section 729(i) of title 14, United States Code, is amended by inserting “on the date a vacancy occurs, or as soon thereafter as

practicable, in the grade to which the officer was selected for promotion, or if promotion was determined in accordance with a running mate system," after "grade".

(b) Section 731(b) of title 14, United States Coast Code, is amended by striking the period at the end of the sentence and inserting " , or in the event that promotion is not determined in accordance with a running mate system, then a Reserve officer becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he or she completes the following amount of service computed from the date of rank in the grade in which he or she is serving:

"(1) two years in the grade of lieutenant (junior grade);

"(2) three years in the grade of lieutenant;

"(3) four years in the grade of lieutenant commander;

"(4) four years in the grade of commander; and

"(5) three years in the grade of captain.".

(c) Section 736(a) of title 14, United States Code, is amended by inserting "the date of rank shall be the date of appointment in that grade, unless the promotion was determined in accordance with a running mate system, in which event" after "subchapter,".

**SEC. 412. REGULAR LIEUTENANT COMMANDERS AND COMMANDERS: CONTINUATION UPON FAILURE OF SELECTION FOR PROMOTION.**

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

(1) by striking "Each officer" and inserting "(a) Each officer"; and

(2) by adding at the end the following new subsections:

"(b) A lieutenant commander or commander of the Regular Coast Guard subject to discharge or retirement under subsection (a) may be continued on active duty when the Secretary directs a selection board convened under section 251 of this title to continue up to a specified number of lieutenant commanders or commanders on active duty. When so directed, the selection board shall recommend those officers who in the opinion of the board are best qualified to advance the needs and efficiency of the Coast Guard. When the recommendations of the board are approved by the Secretary, the officers recommended for continuation shall be notified that they have been recommended for continuation and offered an additional term of service that fulfills the needs of the Coast Guard.

"(c)(1) An officer who holds the grade of lieutenant commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period that extends beyond 24 years of active commissioned service unless promoted to the grade of commander of the Regular Coast Guard. An officer who holds the grade of commander of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period that extends beyond 26 years of active commissioned service unless promoted to the grade of captain of the Regular Coast Guard.

"(2) Unless retired or discharged under another provision of law, each officer who is continued on active duty under subsection (b) but is not subsequently promoted or continued on active duty, and is not on a list of officers recommended for continuation or for promotion to the next higher grade, shall, if eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which the period of continued service is completed.".

**SEC. 413. RESERVE STUDENT PRE-COMMISSIONING ASSISTANCE PROGRAM.**

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

**"§709a. Reserve student pre-commissioning assistance program**

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

"(1) a baccalaureate degree in not more than five academic years; or

"(2) a post-baccalaureate degree.

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

"(A) be enrolled on a full-time basis in a program of education referred to in subsection (a) at any institution of higher education; and

"(B) enter into a written agreement with the Coast Guard described in paragraph (2).

"(2) A written agreement referred to in paragraph (1)(B) is an agreement between the member and the Secretary in which the member agrees—

"(A) to accept an appointment as a commissioned officer in the Coast Guard Reserve, if tendered;

"(B) to serve on active duty for up to five years; and

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

"(c) Expenses for which financial assistance may be provided under this section are—

"(1) tuition and fees charged by the institution of higher education involved;

"(2) the cost of books;

"(3) in the case of a program of education leading to a baccalaureate degree, laboratory expenses; and

"(4) such other expenses as deemed appropriate by the Secretary.

"(d) The amount of financial assistance provided to a member under this section shall be prescribed by the Secretary, but may not exceed \$25,000 for any academic year.

"(e) Financial assistance may be provided to a member under this section for up to five consecutive academic years.

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

"(1) completes the academic requirements of the program and refuses to accept an appointment as a commissioned officer in the Coast Guard Reserve when offered;

"(2) fails to complete the academic requirements of the institution of higher education involved; or

"(3) fails to maintain eligibility for an original appointment as a commissioned officer.

"(g)(1) If a member requests to be released from the program and the request is accepted by the Secretary, or if the member fails because of misconduct to complete the period of active duty specified, or if the member fails to fulfill any term or condition of the written agreement required to be eligible for financial assistance under this section, the financial assistance shall be terminated. The member shall reimburse the United States in an amount that bears the same

ratio to the total cost of the education provided to such person as the unserved portion of active duty bears to the total period of active duty such person agreed to serve. The Secretary shall have the option to order such reimbursement without first ordering the member to active duty. An obligation to reimburse the United States imposed under this paragraph is for all purposes a debt owed to the United States.

"(2) The Secretary may waive the service obligation under subsection (f) of a member who is not physically qualified for appointment and who is determined to be unqualified for service as an enlisted member of the Coast Guard Reserve due to a physical or medical condition that was not the result of the member's own misconduct or grossly negligent conduct.

"(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (b) does not discharge the individual signing the agreement from a debt arising under such agreement or under paragraph (1).

"(h) As used in this section, 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).".

(b) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 21 of title 14, United States Code, is amended by adding the following new item after the item relating to section 709:

"709a. Reserve student pre-commissioning assistance program.".

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

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

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

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

Section 823a(b) of title 14, United States Code, is amended by inserting the following new paragraph following paragraph (8):

"(9) On or after January 1, 2001, Public Law 104-208, section 651.".

**SEC. 416. ALIGN COAST GUARD SEVERANCE PAY AND REVOCATION OF COMMISSION AUTHORITY WITH DEPARTMENT OF DEFENSE AUTHORITY.**

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

(1) in section 281—

(A) by striking "three" in the section heading and inserting "five"; and

(B) by striking "three" in the text and inserting "five";

(2) in section 283(b)(2)(A), by striking "severance" and inserting "separation";

(3) in section 286—

(A) by striking "severance" in the section heading and inserting "separation"; and

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

"(b) An officer of the Regular Coast Guard who is discharged under this section or section 282, 283, or 284 of this title who has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) of section 1174 of title 10.

“(c) An officer of the Regular Coast Guard who is discharged under section 327 of this title, who has completed 6 or more, but less than 20, continuous years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) or (d)(2) of section 1174 of title 10 as determined under regulations promulgated by the Secretary.

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

(4) in section 286a—

(A) by striking “**severance**” in the section heading and inserting “**separation**” in its place; and

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

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

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

“(c) In determining a member’s years of active service for the purpose of computing separation pay under this section, each full month of service that is in addition to the number of full years of service creditable to the member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.”; and

(5) in section 327—

(A) by striking “**severance**” in the section heading and inserting “**separation**”;

(B) by striking subsection (a)(2) and inserting in its place the following:

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

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

(D) by striking subsection (b)(2) and inserting in its place the following:

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

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

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

(1) in the item relating to section 281, by striking “three” and inserting “five” in its place; and

(2) in the item relating to section 286, by striking “severance” and inserting “separation” in its place;

(3) in the item relating to section 286a, by striking “severance” and inserting “separation” in its place; and

(4) in the item relating to section 327, by striking “severance” and inserting “separation” in its place.

(c) EFFECTIVE DATE.—The amendments made by paragraphs (2), (3), (4), and (5) of subsection (a) shall take effect four years after the date of enactment of this Act, except that subsection (d) of section 286 of title 14, United States Code, as amended by para-

graph (3) of subsection (a) of this section shall take effect on enactment of this Act and shall apply with respect to conduct on or after that date. The amendments made to the table of sections of chapter 11 of title 14, United States Code, by paragraphs (2), (3), and (4) of subsection (b) of this section shall take effect four years after the date of enactment of this Act.

#### SEC. 417. LONG-TERM LEASE AUTHORITY FOR LIGHTHOUSE PROPERTY.

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

#### “§ 672b. Long-term lease authority for light-house property

“(a) The Commandant of the Coast Guard may lease to non-Federal entities, including private individuals, lighthouse property under the administrative control of the Coast Guard for terms not to exceed 30 years. Consideration for the use and occupancy of lighthouse property leased under this section, and for the value of any utilities and services furnished to a lessee of such property by the Commandant, may consist, in whole or in part, of non-pecuniary remuneration including, but not limited to, the improvement, alteration, restoration, rehabilitation, repair, and maintenance of the leased premises by the lessee. Section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b) shall not apply to leases issued by the Commandant under this section.

“(b) Amounts received from leases made under this section, less expenses incurred, shall be deposited in the Treasury.”.

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

#### “672b. Long-term lease authority for light-house property.”.

#### SEC. 418. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENTS.

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

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

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

(3) by inserting after subsection (c)(1)(E) the following:

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

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

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

(2) by adding at the end the following:

“(b) Practices commonly recognized as smuggling tactics may provide prima facie evidence of intent to use a vessel to commit, or to facilitate the commission of, an offense under this chapter, and may support seizure and forfeiture of the vessel, even in the absence of controlled substances aboard the vessel. The following indicia, *inter alia*, may be considered, in the totality of the circumstances, to be prima facie evidence that a vessel is intended to be used to commit, or to facilitate the commission of an offense under this chapter:

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

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

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

“(C) the presence of an auxiliary tank not installed in accordance with applicable law, or installed in such a manner as to enhance the vessel’s smuggling capability;

“(D) the presence of engines that are excessively over-powered in relation to the design and size of the vessel;

“(E) the presence of materials used to reduce or alter the heat or radar signature of the vessel and avoid detection;

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

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

“(2) The presence or absence of equipment, personnel, or cargo inconsistent with the type or declared purpose of the vessel.

“(3) The presence of excessive fuel, lube oil, food, water, or spare parts, inconsistent with legitimate vessel operation, inconsistent with the construction or equipment of the vessel, or inconsistent with the character of the vessel’s stated purpose.

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

“(5) The failure of the vessel to stop or respond or heave to when hailed by government authority, especially where the vessel conducts evasive maneuvering when hailed.

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

“(7) The presence of controlled substance residue on the vessel, on an item aboard the vessel, or on a person aboard the vessel, of a quantity or other nature which reasonably indicates manufacturing or distribution activity.

“(8) The use of petroleum products or other substances on the vessel to foil the detection of controlled substance residue.

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

#### SEC. 419. WING-IN-GROUND CRAFT.

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

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

“(48) wing-in-ground craft means a vessel that is capable of operating completely above the surface of the water on a dynamic air cushion created by aerodynamic lift due to the ground effect between the vessel and the water’s surface.”.

#### SEC. 420. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS FOR VESSELS.

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

(1) by striking “(A)”; and

(2) by striking subparagraph (B).

**SEC. 421. DELETION OF THUMBPRINT REQUIREMENT FOR MERCHANT MARINERS' DOCUMENTS.**

Section 7303 of title 46, United States Code, is amended by striking “the thumbprint.”.

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

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

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

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

“(a) The Secretary of Transportation may delegate, subject to the supervision and control of the Secretary and under terms set out by regulation, to private entities determined and certified by the Secretary to be qualified, the authority to issue a temporary certificate of documentation for a recreational vessel, if the applicant for the certificate of documentation meets the requirements set out in sections 12102 and 12103 of this chapter.

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

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

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

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

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

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

(2) by adding at the end the following new subsection:

“(g) To the extent consistent with generally recognized practices and procedures of international law, this part applies to a foreign vessel involved in a marine casualty or incident, as defined in the International Maritime Organization Code for the Investigation of Marine Casualties and Incidents, where the United States is a Substantially Interested State and is, or has the consent of, the Lead Investigating State under the Code.”.

**SEC. 424. CONVEYANCE OF COAST GUARD PROPERTY IN HAMPTON TOWNSHIP, MICHIGAN.****(a) REQUIREMENT TO CONVEY.—**

(1) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation (in this section referred to as the “Secretary”) shall convey to BaySail, Inc. (a non-profit corporation established under the laws of the State of Michigan; in this section referred to as “BaySail”), without monetary consideration, all right, title, and interest of the United States in and to property adjacent to Coast Guard Station Saginaw River, located in Hampton Township, Michigan, as identified under paragraph (2). No submerged lands may be conveyed under this section.

(2) IDENTIFICATION OF PROPERTY.—The Secretary, in consultation with the Commandant of the Coast Guard, shall identify, describe, and determine the property to be conveyed under this section.

(3) SURVEY.—The exact acreage and legal description of the property conveyed under paragraph (1), as identified under paragraph (2), and any easements or rights-of-way reserved by the United States under subsection (b), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by BaySail.

(b) TERMS AND CONDITIONS OF CONVEYANCE.—The conveyance of property under this section shall be made subject to any terms and conditions the Secretary considers necessary, including the reservation of easements and other rights on behalf of the United States.

**(c) REVERSORY INTEREST.—**

(1) IN GENERAL.—During the 5-year period beginning on the date the Secretary makes the conveyance authorized by subsection (a), the real property conveyed pursuant to this section, at the option of the Secretary, shall revert to the United States and be placed under the administrative control of the Secretary, if—

(A) BaySail sells, conveys, assigns, exchanges, or encumbers the property conveyed or any part thereof;

(B) BaySail fails to maintain the property conveyed in a manner consistent with the terms and conditions under subsection (b);

(C) BaySail conducts any commercial activity at the property conveyed, or any part thereof, without approval of the Secretary; or

(D) at least 30 days before the reversion, the Secretary provides written notice to the owner that the property or any part thereof is needed for national security purposes.

(2) ADDITIONAL PERIOD.—The Secretary may, before the completion of the 5-year period described in paragraph (1), authorize an additional 5-year period during which paragraph (1) shall apply.

**SEC. 425. CONVEYANCE OF PROPERTY IN TRAVERSE CITY, MICHIGAN.**

Section 1005(c) of the Coast Guard Authorization Act of 1996 (110 Stat. 3957) is amended by striking “the Traverse City Area Public School District” and inserting “a public or private nonprofit entity for an educational or recreational purpose”.

**SEC. 426. ANNUAL REPORT ON COAST GUARD CAPABILITIES AND READINESS TO FULFILL NATIONAL DEFENSE RESPONSIBILITIES.**

Not later than February 15 each year, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, prepared in conjunction with the Commandant of the Coast Guard, setting forth the capabilities and readiness of the Coast Guard to fulfill its national defense responsibilities.

**SEC. 427. EXTENSION OF AUTHORIZATION FOR OIL SPILL RECOVERY INSTITUTE.**

Section 5001(i) of the Oil Pollution Act of 1990 (33 U.S.C. 2731(i)) is amended by striking “10 years” and all that follows through the end of the sentence and inserting “September 30, 2012.”.

**SEC. 428. MISCELLANEOUS CERTIFICATES OF DOCUMENTATION.**

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 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 each of the following vessels:

(1) LAUDERDALE LADY (United States official number 1103520).

(2) SOVEREIGN (United States official number 1028144).

(3) CALEDONIA (United States official number 679530).

**SEC. 429. ICEBREAKING SERVICES.**

The Commandant of the Coast Guard shall not plan, implement, or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-

class harbor tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, that sufficient replacement capability has been procured by the Coast Guard to remediate any degradation in current icebreaking services that would be caused by such decommissioning.

**SEC. 430. FISHING VESSEL SAFETY TRAINING.**

(a) IN GENERAL.—The Commandant of the Coast Guard may provide support, with or without reimbursement, to an entity engaged in fishing vessel safety training including—

(1) assistance in developing training curricula;

(2) use of Coast Guard personnel, including active duty members, members of the Coast Guard Reserve, and members of the Coast Guard Auxiliary, as temporary or adjunct instructors;

(3) sharing of appropriate Coast Guard informational and safety publications; and

(4) participation on applicable fishing vessel safety training advisory panels.

(b) NO INTERFERENCE WITH OTHER FUNCTIONS.—In providing support under subsection (a), the Commandant shall ensure that the support does not interfere with any Coast Guard function or operation.

**SEC. 431. LIMITATION ON LIABILITY OF PILOTS AT COAST GUARD VESSEL TRAFFIC SERVICES.**

(a) IN GENERAL.—Chapter 23 of title 46, United States Code, is amended by adding at the end the following:

**“§ 2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots**

“Any pilot, acting in the course and scope of his or her duties while at a United States Coast Guard Vessel Traffic Service, who provides information, advice, or communication assistance while under the supervision of a Coast Guard officer, member, or employee shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 23 of title 46, United States Code, is amended by adding at the end the following:

“2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots.”.

**SEC. 432. ASSISTANCE FOR MARINE SAFETY STATION ON CHICAGO LAKEFRONT.**

(a) ASSISTANCE AUTHORIZED.—The Secretary of Transportation may use amounts authorized under this section to provide financial assistance to the City of Chicago, Illinois, to pay the Federal share of the cost of a project to demolish the Old Coast Guard Station, located at the north end of the inner Chicago Harbor breakwater at the foot of Randolph Street, and to plan, engineer, design, and construct a new facility at that site for use as a marine safety station on the Chicago lakefront.

**(b) COST SHARING.—**

(1) FEDERAL SHARE.—The Federal share of the cost of a project carried out with assistance under this section may not exceed one third of the total cost of the project or \$2,000,000, whichever is less.

(2) NON-FEDERAL SHARE.—There shall not be applied to the non-Federal share of a project carried out with assistance under this section—

(A) the value of land and existing facilities used for the project; and

(B) any costs incurred for site work performed before the date of the enactment of this Act, including costs for reconstruction of the east breakwater wall and associated utilities.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the other amounts authorized by this Act, for providing financial assistance under this section there is authorized to be appropriated to the Secretary of Transportation \$2,000,000 for fiscal year 2002, to remain available until expended.

**SEC. 433. TONNAGE MEASUREMENT FOR PURPOSES OF ELIGIBILITY OF CERTAIN VESSELS FOR FISHERY ENDORSEMENT.**

Section 12102(c)(5) of title 46, United States Code, is amended by striking “of more than 750 gross registered tons” and inserting “of more than 750 gross tons as measured under chapter 145 or 1900 gross tons as measured under chapter 143”.

**SEC. 434. EXTENSION OF TIME FOR RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT RECALLS.**

Section 4310(c) of title 46, United States Code, is amended—

(1) in paragraph (2)(A) and (B) by striking “5” each place it appears and inserting “10”; and

(2) in paragraph (1)(A), (B), and (C) by inserting “by first class mail or” before “by certified mail”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentlewoman from Florida (Ms. BROWN) 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 Coast Guard Authorization Act of Fiscal Year 2002. Before I discuss this bill, however, I would like to thank the distinguished chairman of the full Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG); our ranking member, the gentleman from Minnesota (Mr. OBERSTAR); and the ranking Democratic member of the Subcommittee on Coast Guard and Maritime Transportation, the gentlewoman from Florida (Ms. BROWN), and their staff for their help and cooperation on this legislation.

H.R. 3507 was developed in a very strong bipartisan manner and deserves the support of all of the Members of this body. The primary purpose of H.R. 3507 is to authorize expenditures for the United States Coast Guard for fiscal year 2002. Title I of the bill authorizes approximately \$5.9 billion for Coast Guard programs and operations for fiscal year 2002. The bill funds the Coast Guard at the levels requested by the President, with an additional \$823 million in Coast Guard operating expenses. Of this amount, \$623 million will provide additional Coast Guard homeland maritime security operating resources. These additional operating resources will also allow the Coast Guard to address chronic budget shortfalls. Many of the Coast Guard’s most urgent needs are similar to those experienced by the Department of Defense, including spare parts shortages and personnel training deficits.

Title I also provides for \$717.8 million for Coast Guard acquisition, construction, and improvement funding. This funding level provides \$58 million for 90

Coast Guard maritime safety and security boats as well as additional detection equipment to help the Coast Guard stop terrorist activities on our waterways and in our ports.

Immediately following the events of September 11, the Coast Guard launched the largest homeland port security operation since World War II. As part of Operation Noble Eagle and Operation Enduring Freedom, the Coast Guard established port and coastline patrols with 55 cutters, 42 aircraft, and hundreds of small boats. Over 2,800 Coast Guard reservists were called to active duty to support maritime homeland security operations in 350 of our Nation’s ports.

Port security units patrol the ports of New York, New Jersey, Boston, Seattle, and Long Beach. The Coast Guard enforced over 118 maritime security zones around Navy vessels, cruise ships, nuclear power plants and other facilities. The Coast Guard now requires a 96-hour advance notice for all ships entering U.S. ports. The new Sea Marshall program is current under way in the ports of San Francisco, Los Angeles, and San Diego.

I want to commend the Coast Guard for their rapid response to the September 11 attacks on our Nation. Fortunately, we have already provided the Coast Guard with a broad legal authorities to implement the necessary security measures in U.S. ports. However, without substantial additional Coast Guard resources, and I want to repeat that, without substantial additional Coast Guard resources, we are not going to be able to significantly enhance maritime security as we should.

Finally, section 404 of this bill requires that a vessel engaged in towing assistance or towing escort must be a vessel of the United States and establishes a civil penalty for violation of the provision. The United States Navy has expressed concern that section 404 could hamper the ability of the Navy to render timely towing and salvage assistance to Navy vessels on a worldwide basis. I want to clarify that the restrictions in section 404 do not apply to U.S. Naval operations.

Mr. Speaker, I want to take this opportunity to commend the men and women of the Coast Guard for the exceptional services that they provide to our Nation on an ongoing basis. America benefits from a strong Coast Guard that is equipped to stop terrorists, drug smugglers, support the country’s defense, and respond to national emergencies. We must now act to put the Coast Guard on sound financial footing to be ready to respond to our increased homeland security demands and other critical duties that the Coast Guard carries out on a daily basis.

The House has already overwhelmingly passed one authorization bill this year, while the other body has yet to act. We would like to urge our friends across the Capitol to pass this authorization bill and support the Coast Guard in the manner which they de-

serve. I urge all Members to support that bill.

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

□ 1145

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, and the gentleman from New Jersey (Mr. LOBIONDO) for their help in bringing this important legislation to the floor. The U.S. Coast Guard is a key player in protecting this country from harm, and we need to make sure that they have the tools they need to do their job.

This bill gives them the authority, but we absolutely must work harder when it comes to funding this premier law enforcement agency. The motto of the Coast Guard is *Semper Paratus*, always ready, and they proved this on September 11. As the tragedy was occurring, the Coast Guard had a plan in place, and within minutes began securing our ports and waterways and protecting our bridges from harm. Whenever we talk about homeland security, we are talking about the U.S. Coast Guard. They are out there every day protecting the world’s citizens from harm.

The Coast Guard is responsible for protecting our ports and waterways, search and rescue missions, stopping drugs, stopping illegal immigration, and protecting our ships and carriers. But even with all of this, the toughest job they have is competing for money in the transportation budget. Let me repeat that. With all that they do, their toughest job is competing for money in the transportation budget. They have a difficult job, and they deserve adequate funding.

This legislation expands compensation and benefits for personnel, improves safety and safety training, upgrades Coast Guard communication systems, renews important advisory groups, and removes barriers to Coast Guard authority. This is a good bill and an important bill, and I am glad we are passing it before the new year begins. I thank the men and women in the U.S. Coast Guard for their hard work, and their dedication to this Nation. Have a wonderful holiday, and keep up the good work.

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

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

Ms. BROWN of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to use my time in a colloquy with the chairman.

Mr. Speaker, the bill does a lot of good things, and some of the more heinous provisions of the bill that troubled me earlier, such as the licensing requirement on charter boat operators

have been removed. Some very bad calls on Jones Act waivers have been removed, and I commend the gentleman for that. Obviously, this bill is important so the folks in the Coast Guard can get paid, and those things that need to be bought can be bought.

This bill still contains about 20 Jones Act waivers that I consider questionable. I understand that they passed the committee earlier in the year under some circumstances that I did not quite agree to. The gentleman from New Jersey and I both come from boat-building country. People in New Jersey are great boat builders; people in Mississippi are great boat builders.

Mr. Speaker, what I really object to when we grant Jones Act waivers is that law that says that every boat that is operated commercially in America must be American owned, American built and American crewed. When we allow somebody to buy a cheaper foreign vessel, it puts those guys who have lived by the rules and bought a boat in Mississippi or New Jersey, which is obviously going to cost more money because they are paying Americans to build it, it puts them at competitive disadvantage, pure and simple, and I do not think it is fair.

Mr. Speaker, because the bill does so many good things, I want to vote for it. The reason I am asking the gentleman for this colloquy is because in my heart I know that we failed our boat builders when we allowed those 20 waivers. I am asking for the chairman, and since the gentleman sets the schedule, if I can get the gentleman's assurance that we are going to take a tougher look in the future, that on every one of these waivers, we have the folks come before the committee, make a case on why that vessel deserves a waiver, which is the way we used to do it, and I would like to see that again.

If a person deserves a waiver, they get it. But as far as issuing blanket waivers, I think it is bad because it is simply not fair to those folks that build boats in this country. That is my first request.

Mr. LoBIONDO. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from New Jersey.

Mr. LoBIONDO. Mr. Speaker, I thank the gentleman from Mississippi (Mr. TAYLOR). I know the gentleman has been a strong supporter of the Coast Guard, and very involved in these issues. I can tell the gentleman that I understand the gentleman's concerns. We thought that which had gone through the process, a process that has integrity, along with the gentleman from Minnesota (Mr. OBERSTAR) and the gentlewoman from Florida (Ms. Brown), and there might have been some miscommunication. I thought the gentleman's office had signed off on some of this as well. I will try to work as closely in the future as is humanly possible.

Mr. TAYLOR of Mississippi. Mr. Speaker, I know we are human beings.

I am just asking for consideration in the future to try and do better.

Mr. Speaker, my second request, as pointed out in the excellent hearing we had last week with the commandant of the Coast Guard, there is still a discrepancy as far as who has responsibility for our U.S. Naval vessels for their waterside security. The Navy thinks big ships, quite frankly. Given their limited budget, they want to buy ships with that money as opposed to small boats. The Coast Guard has a number of areas of responsibility that they are already overstretched on.

My request to the gentleman is if he can schedule a hearing where we have the chief of Naval operations and the commandant of the Coast Guard appear before the committee, and some time between now and next spring, an agreement be reached as to the responsibility for waterside security of our vessels so that what happened to the USS *Cole* never happens again.

Mr. LoBIONDO. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from New Jersey.

Mr. LoBIONDO. Mr. Speaker, I think that is an excellent idea. The gentleman has my commitment that we will try to do that expeditiously when we return next year.

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the chairman.

Mr. LoBIONDO. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SIMMONS) for the purpose of a colloquy.

Mr. SIMMONS. Mr. Speaker, I rise in strong support of H.R. 3507, and thank the gentleman from New Jersey (Mr. LoBIONDO) for his hard work on this legislation and for allowing this colloquy.

The United States Coast Guard Academy is in my district in New London, Connecticut, and it is the only service academy in America that does not have a proper national museum for the service. For over 210 years, the Coast Guard has served as our Nation's guardian of the seas, and over the years, the Coast Guard has established a rich history, but this history cannot be properly told.

That is why earlier this year I introduced legislation to create a national Coast Guard museum in New London as part of the academic program of the Academy. A lot of things have happened, and I am mindful of the many challenges that we face; but I am hopeful that the gentleman from New Jersey (Mr. LoBIONDO) will work with me on this legislation next year to further explore the issue of a national Coast Guard museum.

Mr. LoBIONDO. Mr. Speaker, will the gentleman yield?

Mr. SIMMONS. I yield to the gentleman from New Jersey.

Mr. LoBIONDO. Mr. Speaker, I thank the gentleman from Connecticut and say that the gentleman has done an exceptional job on raising the level of awareness on this particular issue. The

gentleman has been to me certainly if not a dozen times, two dozen times. Unfortunately, the events of September 11 have reorganized our priorities with the Coast Guard to a degree. It is a worthwhile effort, and I would like to work with the gentleman to explore what possibilities that we can enter into to see that this moves along.

Mr. SIMPSON. Mr. Speaker, I thank the gentleman for his response.

Ms. BROWN of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I rise in support of this bill. I got on a plane to come out here from Seattle on Tuesday morning, and sat down next to a man and asked him where he was going, what he was doing. He said my name is Viggo Bertelsen. I am the national commodore of the United States Coast Guard Auxiliary.

Mr. Speaker, I know that they are in town meeting with the commandant from all around the country and talking about the needs of the Coast Guard.

Being from Seattle, I am well aware of what the Coast Guard does. They control shipping in Puget Sound, and have a very big responsibility to prevent collisions in narrow spaces. They are dealing with all of the Customs problems and smuggling in the islands, bringing in drugs and everything else. The Coast Guard has been given many, many very difficult missions, and has not been recognized by the Congress for what they have done.

When I was a psychiatrist in the Navy in the Vietnam era, I had a sailor from the Coast Guard, or Coast Guardsman brought to me one day who had been hung over the side on a chair to paint the insignia on the side of Coast Guard ships. As mentioned before, the motto of the Coast Guard is *semper paratus*. This man was a little unhappy with the Coast Guard, and had written "simply forgot us."

Unfortunately, in many instances in this House, we have simply forgotten the Coast Guard's needs, and I think this is, while not a perfect bill, a step in the right direction, and I hope that all Members will vote for it, and not forget the Coast Guard and what they do.

Mr. LoBIONDO. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I rise today in support of H.R. 3507, the Coast Guard Authorization Act for Fiscal Year 2002, and I also rise to thank the gentleman from New Jersey (Mr. LoBIONDO) and his subcommittee staff for their hard work on this bill.

Last year they agreed to work with the Coast Guard, the State of Illinois, the city of Chicago and me on a project to improve safety and security along Chicago's lakefront. Needless to say, this project became significantly more important after the events of September 11. Thanks to the committee's cooperation and assistance, this bill authorizes construction of a Marine Safety Station on Chicago's lakefront.

This new Chicago Marine Safety Station will house resources and personnel of the U.S. Coast Guard, the Chicago Marine Police and the Illinois Department of Natural Resources Conservation Police. With Coast Guard, State and city resources stretched thin by the need for heightened security in Chicago and U.S. ports, this project will significantly improve public safety and law enforcement efforts in one of the busiest recreational areas in the country.

On behalf of the city of Chicago, the State of Illinois, and all of us who enjoy Chicago's lakefront, I thank the chairman for bringing this project to fruition.

Ms. BROWN of Florida. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I want to thank the gentleman from Washington (Mr. McDERMOTT) for his words of support for the Coast Guard. I would like to ask that all Members, the gentleman from Washington (Mr. McDERMOTT) and all Members who have risen today to speak on the bill, and I believe the overwhelming number of Members who will support this bill, to join with us in our effort when we get to the hard part, and this part today is easy for Members to stand up and say they are supporting the Coast Guard authorization. Well in excess of 400 Members voted in support of this measure when we brought it up the first time, but we have some difficult work to do.

There was recently an article in the Washington Post, I believe last week, that talked about our drug interdiction efforts suffering because of the Coast Guard's lack of resources. This is not what we want to see from this body. This is not what this Nation wants to see, and the only way we will remedy the situation is if we collectively join together, put our shoulders to the same wheel and make sure through the appropriations process that the Coast Guard receives the resources necessary to carry out the mission they have been mandated to do.

Mr. Speaker, I have visited the Coast Guard facilities in my district a number of times. We have the Coast Guard Recruit Training Center, the only one in the Nation in Cape May in the Second Congressional District. I also visited Group Air Station Atlanta City just a couple of weeks ago, and with Captain Durfee, I looked into the eyes of the men and women there, eager to serve their country, well trained, ready to go, boarding ships and checking foreign crews and manifests, making sure our ports are safe, responding to anything in a moment's notice, willing to give up everything for our Nation.

We owe these men and women who have given us so much in their mission of drug interdiction, homeland security, interdiction of illegal immigrants, fishery law enforcement, all the different things, search and rescue operations, all of the things that are in

jeopardy if we cannot get them the resources they need.

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

□ 1200

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

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

I would in closing like to thank the gentlewoman from Florida (Ms. BROWN) and the minority staff for their strong cooperation and help with Coast Guard issues since I have been Chair of this committee. I have appreciated it a great deal. The gentleman from Minnesota (Mr. OBERSTAR) has been there every inch of the way, as has been the gentlewoman from Florida (Ms. BROWN) and their staff. Again, I would like to encourage all the Members to take a close look at the mission that the Coast Guard has been given to do, especially since September 11, and recognize that this is one step in a process that we are fighting through to make sure that these men and women have the resources necessary.

Mrs. CHRISTENSEN. Mr. Speaker, I rise to join Chairman LOBIONDO, and Ranking Member BROWN and my other colleagues in strong support of H.R. 3507, the Coast Guard Authorization Act.

Early in November I had the opportunity to visit with Commander Gene Brooks, of the Greater Antilles Section in San Juan Puerto Rico, which is responsible for my district the U.S. Virgin Islands. What was very clear from that meeting, Mr. Speaker, is that the Coast Guard is in dire need of assets and personnel to carry out their mission.

Since September 11, 2001 this has become more urgent, as much of what they had been deployed elsewhere, and the primary assignment port security and escorting and protecting defense vessels, and hazardous materials, has taken them almost completely away from their role in drugs interdiction, border patrol and marine safety, as well as search and rescue.

Mr. Speaker, my district has several assets of national significance and importance. Additionally, because the Virgin Islands is a border of the United States we need a well-staffed and equipped Coast Guard. Mr. Speaker, the \$5.9 billion authorized by this bill is a good start. I look forward to working with you and the subcommittee to give this and all the agencies, which secure our homeland, and support our armed forces, all the resources they need to do the job.

I urge my colleagues to support H.R. 3507.

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

The SPEAKER pro tempore (Mr. ISAKSON). 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. 3507.

The question was taken.

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

Ms. BROWN of Florida. Mr. Speaker, I object to the vote on the ground that

a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

#### REGARDING MONITORING OF WEAPONS DEVELOPMENT IN IRAQ

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 75) regarding the monitoring of weapons development in Iraq, as required by United Nations Security Council Resolution 687 (April 3, 1991), as amended.

The Clerk read as follows:

H.J. RES. 75

Whereas the Iraqi regime of Saddam Hussein engaged the Islamic Republic of Iran, a nation of more than 55,000,000 Muslims, in a 10-year war, during which Saddam Hussein used chemical weapons against Iran and his own people;

Whereas Saddam Hussein has pursued a policy of ethnic cleansing against the Kurdish people, killing 5,000 Kurdish civilians with a chemical attack on March 16, 1988, and an estimated 50,000 to 182,000 in the forced relocation of Kurdish civilians in 1988;

Whereas on August 2, 1990, Iraq without provocation invaded the State of Kuwait, a nation of more than 1,500,000 Muslims;

Whereas on November 29, 1990, the United Nations Security Council adopted United Nations Security Council Resolution 678, which authorized nations cooperating with the State of Kuwait to use all necessary means to force Iraq to withdraw from Kuwait and to restore international peace and security to the area;

Whereas on January 17, 1991, the regime of Saddam Hussein without provocation fired 7 Scud missiles into the State of Israel, a nation of approximately 1,000,000 Muslims and 50,000 Jews;

Whereas on January 17, 1991, Iraq fired Scud missiles into the Kingdom of Saudi Arabia, a nation of more than 20,000,000 Muslims;

Whereas on January 29, 1991, Iraq attacked the city of Khafji in the Kingdom of Saudi Arabia;

Whereas the regime of Saddam Hussein is a threat to its neighbors and has demonstrated its willingness to use weapons of mass destruction;

Whereas on February 24, 1991, a broad international coalition of 38 Muslim and non-Muslim nations, including the United States, the United Kingdom of Great Britain and Northern Ireland, the State of Kuwait, the Arab Republic of Egypt, the Kingdom of Saudi Arabia, and the Syrian Arab Republic, began a coalition ground operation to liberate Kuwait;

Whereas on April 6, 1991, Iraq accepted the provisions of United Nations Security Council Resolution 687 (April 3, 1991) bringing a formal cease-fire into effect;

Whereas, in accordance with Security Council Resolution 687, Iraq unconditionally accepted the destruction, removal, or rendering harmless of "all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities related thereto", and "all ballistic missiles with a range greater than