

has recommended an increase in Federal funding for diabetes research at the National Institutes of Health over each of the next five years: Now, therefore, be it

Mr. TAUZIN (during the reading). Madam Speaker, I ask unanimous consent that the amendment to the preamble be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Louisiana (Mr. TAUZIN).

The amendment to the preamble was agreed to.

The title of the concurrent resolution was amended so as to read: "A concurrent resolution urging increased Federal funding for juvenile (type 1) diabetes research."

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. TAUZIN. Madam Speaker, I ask unanimous consent that all Members may have five legislative days within which to revise and extend their remarks on H. Con. Res. 36.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

#### MARITIME TRANSPORTATION ANTITERRORISM ACT OF 2002

Mr. LOBIONDO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3983) to ensure the security of maritime transportation in the United States against acts of terrorism, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3983

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

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

(a) SHORT TITLE.—This Act may be cited as the "Maritime Transportation Antiterrorism Act of 2002".

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

Sec. 1. Short title; table of contents.

#### TITLE I—MARITIME TRANSPORTATION SECURITY

Sec. 101. Port security.

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

Sec. 103. Extension of seaward jurisdiction.

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

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

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

Sec. 107. Automatic identification system.

Sec. 108. Mandatory advanced electronic information for cargo.

#### TITLE II—MARITIME POLICY IMPROVEMENT

Sec. 201. Short title.

Sec. 202. Vessel COASTAL VENTURE.

Sec. 203. Expansion of American Merchant Marine Memorial Wall of Honor.

Sec. 204. Discharge of agricultural cargo residue.

Sec. 205. Recording and discharging notices of claim of maritime lien.

Sec. 206. Tonnage of R/V DAVIDSON.

Sec. 207. Miscellaneous certificates of documentation.

Sec. 208. Exemption for Victory Ships.

Sec. 209. Certificate of documentation for 3 barges.

Sec. 210. Certificate of documentation for the EAGLE.

Sec. 211. Waiver for vessels in New World Challenge Race.

Sec. 212. Vessel ASPHALT COMMANDER.

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

Sec. 301. Short title.

##### SUBTITLE A—PERSONNEL MANAGEMENT

Sec. 311. Coast Guard band director rank.

Sec. 312. Compensatory absence for isolated duty.

Sec. 313. Accelerated promotion of certain Coast Guard officers.

##### SUBTITLE B—MARINE SAFETY

Sec. 321. Extension of Territorial Sea for Vessel Bridge-to-Bridge Radiotelephone Act.

Sec. 322. Preservation of certain reporting requirements.

Sec. 323. Oil Spill Liability Trust Fund; emergency fund advancement authority.

Sec. 324. Merchant mariner documentation requirements.

Sec. 325. Penalties for negligent operations and interfering with safe operation.

##### SUBTITLE C—RENEWAL OF ADVISORY GROUPS

Sec. 331. Commercial Fishing Industry Vessel Advisory Committee.

Sec. 332. Houston-Galveston Navigation Safety Advisory Committee.

Sec. 333. Lower Mississippi River Waterway Advisory Committee.

Sec. 334. Navigation Safety Advisory Council.

Sec. 335. National Boating Safety Advisory Council.

Sec. 336. Towing Safety Advisory Committee.

##### SUBTITLE D—MISCELLANEOUS

Sec. 341. Patrol craft.

Sec. 342. Boating safety.

Sec. 343. Caribbean support tender.

Sec. 344. Prohibition of new maritime user fees.

Sec. 345. Great Lakes lighthouses.

Sec. 346. Modernization of National Distress and Response System.

Sec. 347. Conveyance of Coast Guard property in Portland, Maine.

Sec. 348. Harbor safety committees.

Sec. 349. Miscellaneous conveyances.

#### TITLE IV—OMNIBUS MARITIME IMPROVEMENTS

Sec. 401. Short title.

Sec. 402. Extension of Coast Guard housing authorities.

Sec. 403. Inventory of vessels for cable laying, maintenance, and repair.

Sec. 404. Vessel escort operations and towing assistance.

Sec. 405. Search and rescue center standards.

Sec. 406. VHF communications services.

Sec. 407. Lower Columbia River maritime fire and safety activities.

Sec. 408. Conforming references to the former Merchant Marine and Fisheries Committee.

Sec. 409. Restriction on vessel documentation.

Sec. 410. Hypothermia protective clothing requirement.

Sec. 411. Reserve officer promotions.

Sec. 412. Regular lieutenant commanders and commanders; continuation upon failure of selection for promotion.

Sec. 413. Reserve student pre-commissioning assistance program.

Sec. 414. Continuation on active duty beyond thirty years.

Sec. 415. Payment of death gratuities on behalf of Coast Guard 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 V—AUTHORIZATION OF APPROPRIATIONS FOR THE COAST GUARD

Sec. 501. Short title.

Sec. 502. Authorization of appropriations.

Sec. 503. Authorized levels of military strength and training.

#### TITLE I—MARITIME TRANSPORTATION SECURITY

##### SEC. 101. PORT SECURITY.

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

**"Subtitle VI—Miscellaneous**

"Chap. Sec.  
**"701. Port Security** ..... **70101**

**"CHAPTER 701—PORT SECURITY**

"Sec.  
 "70101. Definitions.  
 "70102. United States facility vulnerability assessments.  
 "70103. Catastrophic emergency planning.  
 "70104. Antiterrorism response.  
 "70105. Transportation security cards.  
 "70106. Maritime antiterrorism teams.  
 "70107. Grants.  
 "70108. Foreign port assessment.  
 "70109. Notifying foreign authorities.  
 "70110. Actions when foreign ports not maintaining effective antiterrorism measures.  
 "70111. Crew and passenger manifests.  
 "70112. Civil penalty.

**"§ 70101. Definitions**

"For the purpose of this chapter:

"(1) The term 'Area Maritime Transportation Antiterrorism Plan' means an Area Maritime Transportation Antiterrorism Plan prepared under section 70103(b).

"(2) The term 'catastrophic emergency' means any event caused by a terrorist act in the United States or on a vessel on a voyage to or from the United States that causes, or may cause, substantial loss of human life or major economic disruption in any particular area.

"(3) The term 'facility' means any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction of the United States.

"(4) The term 'National Maritime Transportation Antiterrorism Plan' means the National Maritime Transportation Antiterrorism Plan prepared and published under section 70103(a).

"(5) The term 'owner or operator' means—

"(A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and

"(B) in the case of a facility, any person owning or operating such facility.

"(6) The term 'Secretary' means the Secretary of Transportation.

"(7) The term 'Under Secretary' means the Under Secretary of Transportation for Security.

**"§ 70102. United States facility vulnerability assessments**

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

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

"(2) Upon completion of an assessment under this section for a port, the Secretary shall provide to the owner or operator of each facility in the port a copy of the assessment of the facility under this subsection.

"(c) ACCEPTANCE OF EXISTING ASSESSMENT.—In lieu of conducting such a port vulnerability assessment under this section, the Secretary may accept an assessment conducted by or on behalf of a port authority or marine terminal operator.

**"§ 70103. Catastrophic emergency planning**

"(a) NATIONAL MARITIME TRANSPORTATION ANTITERRORISM PLAN.—(1) The Secretary shall prepare a National Maritime Transportation Antiterrorism Plan for deterring a catastrophic emergency.

"(2) The National Maritime Transportation Antiterrorism Plan shall provide for effi-

cient, coordinated, and effective action to deter and minimize damage from catastrophic emergencies, and shall include the following:

"(A) Assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local governmental agencies.

"(B) Identification of security resources.

"(C) Establishment of procedures for the coordination of activities of—

"(i) Coast Guard maritime antiterrorism teams established under this chapter; and

"(ii) Federal Maritime Antiterrorism Coordinators.

"(D) A system of surveillance and notice designed to safeguard against as well as ensure earliest possible notice of catastrophic emergencies and imminent threats of catastrophic emergencies to the appropriate State and Federal agencies.

"(E) Establishment of criteria and procedures to ensure immediate and effective Federal identification of a catastrophic emergency, or the substantial threat of a catastrophic emergency.

"(F) Designation of—

"(i) areas for which Area Maritime Transportation Antiterrorism Plans are required to be prepared under subsection (b); and

"(ii) a Coast Guard official who shall be the Federal Maritime Antiterrorism Coordinator for each such area.

"(3) The Secretary may, from time to time, as the Secretary considers advisable, revise or otherwise amend the National Maritime Transportation Antiterrorism Plan.

"(4) Actions to deter and minimize damage from catastrophic emergencies shall, to the greatest extent possible, be in accordance with the National Maritime Transportation Antiterrorism Plan.

"(b) AREA MARITIME TRANSPORTATION ANTITERRORISM PLANS.—(1) The Federal Maritime Antiterrorism Coordinator designated under subsection (a)(2)(F) for an area shall—

"(A) submit to the Secretary an Area Maritime Transportation Antiterrorism Plan for the area; and

"(B) solicit advice from local harbor safety advisory committees to assure preplanning of joint terrorism deterrence efforts, including appropriate procedures for deterrence of acts of terrorism.

"(2) The Area Maritime Transportation Antiterrorism Plan shall—

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

"(B) describe the area covered by the plan, including the areas of population or special economic, environmental or national security importance that might be damaged by a terrorist act;

"(C) describe in detail how the plan is integrated with other Area Maritime Transportation Antiterrorism Plans, and with facility antiterrorism plans and vessel antiterrorism plans under this section;

"(D) include any other information the Secretary requires; and

"(E) be updated at least every five years by the Federal Maritime Antiterrorism Coordinator.

"(3) The Secretary shall—

"(A) review and approve Area Maritime Transportation Antiterrorism Plans under this subsection; and

"(B) periodically review previously approved Area Maritime Transportation Antiterrorism Plans.

"(c) VESSEL AND FACILITY ANTITERRORISM PLANS.—(1) Before January 1, 2003, an owner or operator of a vessel or facility described in paragraph (2) shall prepare and submit to the Secretary a antiterrorism plan for the

vessel or facility, for deterring a catastrophic emergency to the maximum extent practicable.

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

"(3) A antiterrorism plan required under this subsection shall—

"(A) be consistent with the requirements of the National Maritime Transportation Antiterrorism Plan and Area Maritime Transportation Antiterrorism Plans;

"(B) identify the qualified individual having full authority to implement antiterrorism actions, and require immediate communications between that individual and the appropriate Federal official and the persons providing personnel and equipment pursuant to subparagraph (C);

"(C) identify, and ensure by contract or other means approved by the Secretary, the availability of antiterrorism measures necessary to deter a catastrophic emergency or a substantial threat of such a catastrophic emergency;

"(D) describe the training, periodic unannounced drills, and antiterrorism actions of persons on the vessel or at the facility, to be carried out under the plan to deter a catastrophic emergency, or a substantial threat of a catastrophic emergency;

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

"(F) be resubmitted for approval of each significant change.

"(4) The Secretary shall—

"(A) promptly review each such plan;

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

"(C) approve any plan that meets the requirements of this subsection; and

"(D) review each plan periodically thereafter.

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

"(A) the plan has been approved by the Secretary; and

"(B) the vessel or facility is operating in compliance with the plan.

"(6) Notwithstanding paragraph (5), the Secretary may authorize a vessel or facility to operate without a antiterrorism plan approved under this subsection, until not later than 1 year after the date of the submission to the Secretary of a plan for the vessel or facility, if the owner or operator certifies that the owner or operator has ensured by contract or other means approved by the Secretary to deter a catastrophic emergency or a substantial threat of a catastrophic emergency.

"(7) The Secretary shall require each operator of a vessel or facility located within or adjacent to waters subject to the jurisdiction of the United States to implement any necessary interim security measures until the antiterrorism plan for that vessel or facility operator is approved.

"(d) NONDISCLOSURE OF INFORMATION.—Notwithstanding any other provision of law, information developed under this chapter is not required to be disclosed to the public, including—

"(1) facility antiterrorism plans, vessel antiterrorism plans, and port vulnerability assessments; and

"(2) other information related to antiterrorism plans, procedures, or programs for vessels or terminals authorized under this chapter.

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

“(1) develop and maintain an antiterrorism cargo identification, tracking, and screening system for containerized cargo shipped to and from the United States either directly or via a foreign port; and

“(2) develop performance standards to enhance the physical security of shipping containers, including standards for seals and locks.

#### “§ 70104. Antiterrorism response

“(a) COORDINATION.—The Secretary shall cooperate with the Director of the Federal Emergency Management Agency to ensure that Federal, State, and local terrorism response resources are coordinated as part of the Director's terrorism response plan for United States ports and waterways.

“(b) VESSEL RESPONSE PLAN SYSTEM.—Before January 1, 2003, the Secretary shall establish a system of antiterrorism response plans for vessels that may be involved in a catastrophic emergency.

#### “§ 70105. Transportation security cards

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

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

“(B) is accompanied by another individual who holds a transportation security card issued under this section and is authorized to be in the area in accordance with the plan.

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

“(b) ISSUANCE OF CARDS.—(1) The Secretary shall issue a transportation security card to an individual specified in paragraph (2), unless the Secretary decides that the individual poses a terrorism security risk warranting denial of the card.

“(2) This subsection applies to—

“(A) an individual allowed unescorted access to a secure area designated in a maritime transportation antiterrorism plan;

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

“(C) a vessel pilot;

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

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

“(c) DETERMINATION OF TERRORISM SECURITY RISK.—(1) An individual may not be denied a transportation security card under subsection (a) unless the Secretary determines that individual—

“(A) has been convicted of a felony that the Secretary believes could be a terrorism security risk to the United States;

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

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

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

“(3) The Secretary shall establish an appeals process under this section for individuals found to be ineligible for a transpor-

tation security card that includes notice and an opportunity for a hearing.

“(4) Upon application, the Secretary may issue a transportation security card to an individual if the Secretary has previously determined, under section 5103a of title 49, that the individual does not pose a security risk.

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

“(A) conduct a background records check regarding the individual; and

“(B) upon completing the background records check, notify the Secretary of the completion and results of the background records check.

“(2) A background records check regarding an individual under this subsection shall consist of the following:

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

“(B) In the case of an alien, a check of the relevant databases to determine the status of the alien under the immigration laws of the United States.

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

“(D) Review of any other national security-related information or database identified by the Attorney General for purposes of such a background records check.

“(e) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—(1) Information obtained by the Attorney General or the Secretary of Transportation under this section may not be made available to the public under section 552 of title 5.

“(2) Any information constituting grounds for denial of a transportation security card under subsection (c)(1) shall be maintained confidentially by the Secretary and may be used only for making determinations under this section.

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

#### “§ 70106. Maritime antiterrorism teams

“(a) IN GENERAL.—The Secretary shall establish maritime antiterrorism teams to safeguard the public and protect vessels, ports, facilities, and cargo on waters subject to the jurisdiction of the United States from terrorist activity.

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

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

#### “§ 70107. Grants

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

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

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

“(b) MATCHING REQUIREMENTS.—(1) Except as provided in paragraph (2), Federal funds for any project under this section shall not exceed 75 percent of the total cost of such project.

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

“(B) If the Under Secretary determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, then the Under Secretary

may approve grants under this section with a matching requirement other than that specified in paragraph (1).

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

“(1) The name of the individual or entity responsible for conducting the project.

“(2) A comprehensive description of the need for the project, and a statement of the project's relationship to the Area Maritime Transportation Antiterrorism Plan that applies to the location where the project will be carried out.

“(3) A description of the qualifications of the individuals who will conduct the project.

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

“(5) Information regarding the source and amount of matching funding available to the applicant, as appropriate.

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

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

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

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

“(4) Amounts appropriated under this section may remain available until expended.

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

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

“(B) The United States Merchant Marine Academy.

“(C) The Appalachian Transportation Institute.

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

#### “§ 70108. Foreign port assessment

“(a) IN GENERAL.—The Secretary shall assess the effectiveness of the antiterrorism measures maintained at—

“(1) a foreign port—

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

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

“(2) any other foreign port the Secretary believes poses a high risk of introducing terrorism to international maritime commerce.

“(b) PROCEDURES.—In conducting an assessment under subsection (a), the Secretary shall assess the effectiveness of—

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

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

“(3) additional security on board vessels;

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

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

“(6) other appropriate measures to deter terrorism against the United States.

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

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

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

“(B) to identify foreign ports that pose a high risk of introducing terrorism to international maritime commerce;

“(2) the Secretary of the Treasury;

“(3) appropriate authorities of foreign governments; and

“(4) operators of vessels.

#### “§ 70109. Notifying foreign authorities

“If the Secretary, after conducting an assessment under section 70108, finds that a port in a foreign country does not maintain effective antiterrorism measures, the Secretary shall notify the appropriate authorities of the government of the foreign country of the finding and recommend the steps necessary to improve the antiterrorism measures in use at the port.

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

“(a) IN GENERAL.—If the Secretary finds that a foreign port does not maintain effective antiterrorism measures, the Secretary may—

“(1) prescribe conditions of entry into the United States for any vessel arriving from that port, or any vessel carrying cargo originating from or transshipped through that port; and

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

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

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

“(2) immediately upon the finding of the Secretary under subsection (a) if the Secretary finds, after consulting with the Secretary of State, that a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from the port.

“(c) STATE DEPARTMENT TO BE NOTIFIED.—The Secretary immediately shall notify the Secretary of State of a finding that a port does not maintain effective antiterrorism measures.

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

#### “§ 70111. Crew and passenger manifests

“(a) IN GENERAL.—The operator of each commercial vessel arriving in the United States from a foreign port shall provide to the Under Secretary by electronic transmission a passenger and crew manifest containing the information specified in subsection (b).

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

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

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

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

“(4) The passport number and country of issuance of each passenger and crew member if required for travel.

“(5) The United States visa number or resident alien card number of each passenger and crew member, as applicable.

“(6) Such other information as the Under Secretary determines is reasonably necessary to ensure maritime safety.

“(c) TRANSMISSION OF MANIFEST.—Subject to subsection (d), a passenger and crew manifest required for a vessel under subsection (a) shall be transmitted to the Under Secretary in advance of the vessel arriving in the United States in such manner, time, and form as the Under Secretary prescribes.

“(d) TRANSMISSION OF MANIFESTS TO OTHER FEDERAL AGENCIES.—Upon request, information provided to the Under Secretary under this section may be shared with other Federal agencies for the purpose of protecting national security.

#### “§ 70112. Civil penalty

“Any person that violates this chapter or any regulation under this chapter shall be liable to the United States for a civil penalty of not more than \$25,000 for each violation.”.

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

“VI. MISCELLANEOUS ..... 70101”.

(c) APPLICATION OF CREW AND PASSENGER MANIFEST REQUIREMENT.—Section 70111 of title 46, United States Code, as enacted by the amendment made by subsection (a), shall apply with respect to any vessel arriving in the United States after the 60-day period beginning on the date of the enactment of this Act.

(d) RULEMAKING REQUIREMENTS.—

(1) INTERIM FINAL RULE AUTHORITY.—The Secretary may issue an interim final rule as a temporary regulation implementing this section (including the amendments made by this section) as soon as practicable after the date of enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code.

(2) INITIATION OF RULEMAKING.—The Secretary may initiate a rulemaking to implement this section (including the amendments made by this section) as soon as practicable after the date of enactment of this section. The final rule issued pursuant to that rulemaking may supersede the interim final rule promulgated under this subsection.

#### SEC. 102. 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 by electronic transmission 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. 103. EXTENSION OF SEAWARD JURISDICTION.

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

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

“In this Act:

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

(2) by adding at the end the following:

“(2) TERRITORIAL WATERS.—The term ‘territorial waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.”.

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

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

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

(3) by adding at the end the following:

“(c) CIVIL PENALTY.—A person violating this Act, or any rule, regulation or order issued under this Act, shall be liable to the United States Government for a civil penalty of not more than \$25,000 for each violation. Each day of a continuing violation shall constitute a separate violation.”.

#### SEC. 104. SUSPENSION OF LIMITATION ON STRENGTH OF COAST GUARD.

(a) PERSONNEL END STRENGTHS.—Section 661(a) of title 14, United States Code, is amended by adding at the end the following: “If at the end of any fiscal year there is in effect a declaration of war or national emergency, the President may defer the effectiveness of any end-strength limitation with respect to that fiscal year prescribed by law for any military or civilian component of the Coast Guard, for a period not to exceed 6 months after the end of the war or termination of the national emergency.”.

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

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

#### SEC. 105. EXTENSION OF DEEPWATER PORT ACT TO NATURAL GAS.

(a) IN GENERAL.—The following provisions of the Deepwater Port Act of 1974 (33 U.S.C.

1501 et seq.) are each amended by inserting "or natural gas" after "oil" each place it appears:

- (1) Section 2(a) (33 U.S.C. 1501(a)).
- (2) Section 3(9) (33 U.S.C. 1502(9)).
- (3) Section 4(a) (33 U.S.C. 1503(a)).
- (4) Section 5(c)(2)(G) and (H) (33 U.S.C. 1504(c)(2)(G) and (H)).

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

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

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

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

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

(1) by redesignating paragraphs (13) through (18) as paragraphs (14) through (19) respectively; and

(2) by inserting after paragraph (12) the following:

"(13) 'natural gas' means either natural gas unmixed, or any mixture of natural or artificial gas, including liquefied natural gas;"

(c) FACILITY APPROVAL.—

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

"(4) This subsection shall not apply to deepwater ports for natural gas."

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

"(4) The Secretary shall approve or deny any application for a deepwater port for natural gas submitted pursuant to this Act not later than 90 days after the last public hearing on a proposed license. The Secretary shall not consider paragraphs (1), (2), and (3) of this subsection for an application for a deepwater port for natural gas."

(d) FACILITY DEVELOPMENT.—Section 8 of the Deepwater Port Act of 1974 (33 U.S.C. 1507) is amended by adding at the end the following:

"(d) MANAGED ACCESS.—Notwithstanding subsections (a) and (b), a licensee may exclusively utilize the entire capacity of the deepwater port and storage facilities for the acceptance, transport, regasification, or conveyance of natural gas produced, processed, marketed, or otherwise obtained by agreement by such licensee or its affiliates. The licensee may make unused capacity of the deepwater port and storage facilities available to other persons, pursuant to reasonable terms and conditions imposed by the licensee, if such use does not otherwise interfere in any way with the acceptance, transport, regasification, or conveyance of natural gas produced, processed, marketed, or otherwise obtained by agreement by such licensee or its affiliates."

"(e) JURISDICTION.—For the purpose of this Act, the acceptance, transport, regasification, or conveyance of natural gas shall be subject to regulation exclusively under this Act until the natural gas from a deepwater port is delivered out of the deepwater port facilities of the licensee."

(e) REGULATIONS.—

(1) Not later than 30 days after the date of the enactment of this Act, the heads of Federal departments or agencies having expertise concerning, or jurisdiction over, any aspect of the construction or operation of deepwater ports for natural gas shall transmit to the Secretary of Transportation written comments as to their expertise or statutory responsibilities pursuant to the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.) or any other Federal law.

(2) As soon as practicable after the date of the enactment of this Act, the Secretary of Transportation shall issue additional final rules that, in the discretion of the Secretary, are determined to be necessary under the

Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.) for the application and issuance of licenses for a deepwater port for natural gas.

#### SEC. 106. ASSIGNMENT OF COAST GUARD PERSONNEL AS SEA MARSHALS AND ENHANCED USE OF OTHER SECURITY PERSONNEL.

(a) IN GENERAL.—Section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)) is amended—

(1) by striking "and" after the semicolon in paragraph (1);

(2) by striking "terrorism." in paragraph (2) and inserting "terrorism; and"; and

(3) by adding at the end the following:

"(3) dispatch properly trained and qualified armed Coast Guard personnel on facilities and vessels to deter or respond to acts of terrorism."

(b) REPORT ON USE OF NON-COAST GUARD PERSONNEL.—The Secretary of Transportation shall evaluate and report to the Congress on—

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

(2) the possibility of using personnel other than Coast Guard personnel to carry out Coast Guard personnel functions under that section and whether additional legal authority would be necessary to use such personnel for such functions; and

(3) the possibility of utilizing the United States Merchant Marine Academy, State maritime academies, or Coast Guard approved maritime industry schools in the United States, to provide training under that section.

#### SEC. 107. AUTOMATIC IDENTIFICATION SYSTEM.

(a) TRANSPONDER REQUIREMENT.—

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

(A) Vessels subject to Public Law 92-63.

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

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

(2) EXEMPTION.—The Secretary may exempt a vessel from paragraph (1) if the Secretary finds that a transponder is not necessary for the safe navigation of the vessel on the waters on which the vessel operates.

(b) REGULATIONS.—The Secretary of Transportation shall issue regulations implementing subsection (a), including requirements for the operation and maintenance of transponders required under subsection (a).

(c) APPLICATION.—Subsection (a) shall apply as follows:

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

(A) any vessel built after that date; and

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

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

(A) a passenger vessel;

(B) a tanker; or

(C) a towing vessel engaged in moving a tank vessel.

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

#### SEC. 108. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO.

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

(1) in the first sentence, by striking "Any manifest" and inserting "(1) Any manifest"; and

(2) by adding at the end the following:

"(2)(A) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo information in advance of such entry in such manner, time, and form as prescribed under regulations by the Secretary. In issuing such regulations, the Secretary shall consult with other appropriate Federal departments and agencies as part of an interagency process, including, but not limited to, the Department of Transportation, the Department of Justice, and the Department of Defense. The Secretary may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary."

"(B) The Secretary shall provide to appropriate Federal departments and agencies cargo information obtained pursuant to subparagraph (A). In carrying out the preceding sentence, the Secretary, to the maximum extent practicable, shall protect the privacy and property rights with respect to the cargo involved."

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

#### TITLE II—MARITIME POLICY IMPROVEMENT

##### SEC. 201. SHORT TITLE.

This title may be cited as the "Maritime Policy Improvement Act of 2002".

##### 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 attorneys 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) ENCOUNTER (United States official number 998174).

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

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

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

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

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

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

#### SEC. 208. EXEMPTION FOR VICTORY SHIPS.

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

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

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

#### SEC. 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 2002”.

**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. 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”.

**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 enforce-

ment 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 nonprofit 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 selective 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 bulk-

head 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, maintain such utility lines and related equipment from an agreed upon demarcation point, and make such utility lines and equipment available for use by the United States, provided that the United States pays for its use of utilities at its 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 navigation 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.

#### TITLE IV—OMNIBUS MARITIME IMPROVEMENTS

##### SEC. 401. SHORT TITLE.

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

##### 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 section 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”;

(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 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 obligated 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 paragraph (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 lighthouse 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”;

(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) REVERSIONARY 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”.

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

**SEC. 501. SHORT TITLE.**

This title may be cited as the “Coast Guard Authorization Act for Fiscal Year 2002”.

**SEC. 502. 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. 503. 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.

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. Madam Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the full committee.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Madam Speaker, I rise in strong support of the Maritime Transportation Anti-terrorism Act of 2002; but I would also like to rise in appreciation for the chairman, the gentleman from New Jersey (Mr. LOBIONDO) for the work that he has done on this legislation, to the gentlewoman from Florida (Ms. BROWN) for her work on this legislation.

Madam Speaker, I would suggest respectfully that this is about the best we can do at this time. It is badly needed, but I would also like to suggest that we have to make sure as we pass this legislation that the intent of what we are trying to do is implemented and does not go far beyond what we are suggesting in this legislation.

It is crucially important that our ports are protected, and we must protect them without interfering with commerce, and we will do so. One of goals of this legislation is to make sure that we will have the ability to not only look at what is on our ships, what is inside our containers, but also the crews of those ships and those that work within our ports.

I would also like to suggest that a port is a likely target and we have to accept that fact. The disruption that would occur, the damage that would happen, the interference with our commerce, lord only knows how much devastation would occur. This bill is a step in the right direction. But, again, I must suggest, Madam Speaker, that what we do here is not necessarily the end result. It is the result of what the agencies do and how they work together.

I want to suggest respectfully that those agencies that have the responsibility, TSA, Immigration, Customs, et cetera, have a responsibility to work together and to share information together so we can make sure that we have a secure port system within our Nation. I hope the American people realize that this is an attempt to make sure that no ports will suffer what happened on September 11, that we will protect our constituencies, we will protect our trade, we will protect this great United States with this legislation.

Ms. BROWN of Florida. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, I rise today in strong support of H.R. 3983, the Maritime Transportation Anti-Terrorism Act of 2002.

The events of September 11, 2001 have changed America forever. Every committee in Congress is examining the

programs and policies within its jurisdiction to determine what they need to do to help protect the United States from terrorist acts. I just returned from a trip with the gentleman from Pennsylvania (Mr. WELDON). We traveled to Russia, China and Korea, and in every single country I brought up the issue of port security. We are working hard to protect our ports and waterways, but we will not be able to do that without protecting and looking into the port of origin.

Each year 95 percent of the United States' imports and exports are moved by ships. U.S. consumers are dependent upon foreign oils for their gas in their cars. U.S. manufacturers are dependent on the just-in-time delivery system of container ships to resupply their manufacturing line. Each year thousands of Americans enjoy cruises out of the ports of my home State of Florida.

On October 3, 2001, I introduced H.R. 3013, the Port and Maritime Security Act of 2001. This legislation is very similar to S.1214 which passed the Senate in December. H.R. 3983 is similar to the approach contained in H.R. 3013. They both require assessments of our Nation's ports. They both require terminal security plans, and they both establish a new grant system to help ports and terminal operators to pay for security improvements.

I believe that H.R. 3983 will lead to a significant improvement in securing the international maritime transportation system from threat of terrorists and from being used to deliver a weapon of mass destruction to the United States.

In addition, H.R. 3983 contains the text of H.R. 3507, the Coast Guard Authorization Act for fiscal year 2002. This noncontroversial legislation passed the House on December 20. The leadership has added it to H.R. 3983 in order to facilitate a conference with the Senate with these matters. I fully support the inclusion of H.R. 3507. To me, the Coast Guard is homeland security, and I am glad to see that we are getting closer to providing them the resources they need to do their job. Working together with Customs and other agencies, we can begin to move forward in protecting our ports and waterways.

I would like to thank the gentleman from Alaska (Mr. YOUNG), the gentleman from New Jersey (Mr. LOBIONDO), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for the bipartisan efforts they have used to develop this legislation. I look forward to working closely with all of them as this bill moves into conference.

Madam Speaker, I urge my colleagues to support H.R. 3983.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of H.R. 3983, the Maritime Trans-

portation Anti-Terrorism Act of 2002. This bill establishes a comprehensive national system to increase anti-terrorism security for our ports and waterways. This legislation was developed to prevent a terrorist attack along our Nation's largest and perhaps our most vulnerable border.

Consisting of 95,000 miles of coastline with hundreds of ports, the United States' maritime industry contributes in excess of \$742 billion to the gross domestic product each year. The goal of H.R. 3983 is to deter terrorist attacks against ocean shipping without adversely affecting the flow of U.S. commerce through our ports.

This bill is the second transportation security bill reported by the Committee on Transportation and Infrastructure. H.R. 3983 was developed in a bipartisan manner in close cooperation with the gentleman from Minnesota (Mr. OBERSTAR) and the gentlewoman from Florida (Ms. BROWN) and their staffs in response to the terrorists' threats to our ports and waterways. I appreciate their hard work in support for this important piece of legislation and thank them for the strong cooperation we have received during this bill.

H.R. 3983 requires the Coast Guard to conduct vulnerability assessments of U.S. ports. The results of the assessments will be used to implement a national maritime transportation planning system consisting of a comprehensive national plan, specific area plans, as well as local vessel and marine facility plans, all tailored to deter a catastrophic terrorist event to the greatest extent possible.

H.R. 3983 also establishes a requirement for the Coast Guard to assess the effectiveness of security systems in certain foreign ports and to deny entry to vessels from foreign ports that do not maintain effective security.

Under H.R. 3983, individuals who enter secure areas on vessels or facilities will be required to have transportation security cards issued by the Secretary of the Transportation. The Secretary may only deny transportation security cards to an individual found to be a terrorist security risk.

The Maritime Transportation Anti-Terrorism Act authorizes \$83 million annually in grants for enhanced facility security at U.S. ports for the next three fiscal years. These grants will help cover the cost of port anti-terrorism improvement and fund proof-of-concept projects to determine which technologies will improve port security the best.

Shipping containers are particularly adaptable to use by terrorists, and H.R. 3983 contains several provisions to include the security of containers. The bill requires the Under Secretary of Transportation to maintain a cargo tracking identification and screening system for shipping containers shipped to and from the United States directly through a foreign port. H.R. 3983 also requires the Secretary of Transportation to establish performance standards to enhance the physical security

of shipping containers, including standards for container seals and locks.

Madam Speaker, this bill contains other important security enhancements concerning vessel crew and passenger manifests, Coast Guard sea marshals, vessel transponders, to track the movement of vessels in the United States water, and some other measures.

The committee amended H.R. 3983 to contain several additional security enhancements and other Coast Guard provisions previously passed by the House. The Coast Guard, as one of the Nation's five armed services, has a key role in homeland security, particularly as it relates to port security and defense readiness. These provisions strengthen the authority of the Coast Guard and the Department of Transportation to confront the terrorist threat that is facing us today.

Strong maritime homeland security requires a strong Coast Guard with the resources it needs to protect our Nation from the terrorist attack. The Coast Guard has proven to have done a magnificent job throughout our Nation's history, but we are all particularly proud of the job they have done since September 11, starting on that fateful day where they oversaw the evacuation of over a million people from Lower Manhattan. The Coast Guard can do their job in an exceptional way if we give them the resources necessary, the manpower, the operating dollars and the assets to do this job.

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This bill will help us along that way. I urge all Members to support this important piece of legislation.

Madam Speaker, I reserve the balance of my time.

Ms. BROWN of Florida. Madam Speaker, I yield as much time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member.

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Madam Speaker, I thank the gentlewoman for yielding me the time.

Enactment of this Maritime Transportation Security Act, otherwise known as the Port Security bill, will close another hole in the security network of the United States, and a critical one.

We have already dealt effectively with aviation security, and implementation of provisions of that legislation is well underway; but we have 95,000 miles of coastline in the United States. Ninety-five percent of the volume of U.S. international trade, both inbound and outbound, comes by the water. We have to protect that coastline and our ports.

Our ports are major cities. Most of our cities were ports before they were cities. America has grown up around the water; 75 percent of the population

of this Nation lives along the water, either the inland waterways or the coastal regions of the United States, including the Great Lakes; but we have not adequately protected our ports and our major cities against terrorist attacks.

This legislation will move us in the right direction. It will create the processes by which the Coast Guard is the preeminent entity in protecting America's coastline, will take the steps, the inspections, set up the processes by which we will protect America's waterways, our ports, our coastal regions. But as in aviation security, there must be a continuum of security protection that will start with the shipper, with the product that is being shipped to the United States. It must be inspected. We must know what it is before it goes into the container and before that container goes on board a ship; and after it arrives in the United States, it must be again inspected to be sure that what was put on board the ship is actually what comes off that ship.

We have learned in aviation safety that there must be redundancy and overlapping systems that protect aviation safety, that make flying as safe as we know it; and so in security there must be an interlocking web of protective measures that begin from the origin of the shipment to its destination.

That is what we must provide in this legislation here and in the conference to come, as the chairman said. When we get this bill through conference, we want to make sure that it is the strongest protective measure that we can provide for our fellow citizens, not just those in the coastal regions but those in the inland cities to which cargo is destined.

I compliment the chairman of the full committee for working together with us on the minority side, the gentleman from New Jersey (Mr. LOBIONDO), the chairman of the subcommittee, and the gentlewoman from Florida (Ms. BROWN), our ranking member on the subcommittee. Members have worked hard. Staff have worked hard. We have worked cooperatively in the best national interest to produce the best bill that we can foresee. I urge its enactment. I urge its passage.

Madam Speaker, I rise today in strong support of H.R. 3983, the "Maritime Transportation Antiterrorism Act of 2002". Last fall, Congress enacted critical legislation to help protect the aviation industry from terrorist attacks. Today, we move forward on legislation to help secure U.S. ports, vessels, and our intermodal transportation system from terrorist attack.

There are more than 95,000 miles of coastline in the United States. Over 6 million shipping containers arrive in the United States each year from foreign ports carrying goods that are vital for consumers and manufacturers. Virtually all of the oil imported into the United States arrives by ship. We are a nation dependent upon international shipping.

Yet this transportation system can also be used as a means of delivering a weapon of mass destruction to the heartland of America.

It would be far easier for a country to put a nuclear bomb in a container and ship it to the United States and have it detonated by a Global Positioning System receiver, than it would be to build a missile system to deliver a nuclear warhead.

The task of securing America's seaports and the cargo we import against terrorist attack is a daunting task. One only has to look at the volume of illegal drugs imported each year by sea to see just how porous our borders are. However, it is a challenge we must address.

H.R. 3983 is modeled on the successfully implemented Oil Pollution Act of 1990 (OPA). OPA established a strong command and control system for emergencies. It clarified that there is ultimately one person to make the decision on how to clean up an oil spill, the Coast Guard on-scene coordinator. H.R. 3983 establishes a similar system to develop and implement plans to deter terrorist attacks on our ports, and on vessels operating in and out of our ports.

However, protecting the United States must begin overseas. By the time that a weapon of mass destruction in a container is delivered to a U.S. port on a ship it is too late. We must begin profiling and screening containers overseas—before cargo is loaded on a ship. H.R. 3983 requires shippers, carriers, and freight forwarders to provide the Transportation Security Administration with information on container contents, the inland truck and rail carriers, the consignee, and other information needed to analyze whether the container may pose a risk to the United States. This information must be provided at least 24 hours before the container is loaded on a ship bound for the United States. That will give our agencies sufficient time to profile the container and work with the foreign government to screen its contents, if that is necessary.

H.R. 3983 also helps protect our marine terminals by establishing a transportation security card system for those individuals that have "unescorted access" to marine facilities. The Department of Transportation currently envisions four levels of security access that can be granted by the card. Level 1 Access simply identifies a person as someone who can have unescorted access to the unsecured areas of a terminal. A Level 4 Access means a person has had a security background check to ensure that he or she is not a "terrorist security threat" and, therefore, that person may have access to areas in a terminal that could cause a catastrophic emergency. On vessels such as a passenger vessel, the bridge and engine room areas may also be designated as a secure area, to ensure that passengers do not try to take control of the vessel.

H.R. 3983 also contains the text of H.R. 3507, the Coast Guard Authorization Act for Fiscal Year 2002, which was passed by the House on December 20, 2001, under Suspension of the Rules. I am hopeful that this will allow the House and Senate to reach an agreement on a current authorization bill for the Coast Guard.

I would like to commend Chairman YOUNG, Subcommittee Chairman LOBIONDO, and Subcommittee Ranking Member BROWN for the cooperative effort that they have put forth to develop bipartisan port security legislation. Together, we will succeed in having meaningful legislation enacted this session to improve the security of the marine transportation system from terrorist attacks.

I urge my colleagues to support the bill.

Ms. HARMAN. Madam Speaker, as the representative of the Port of Los Angeles, the nation's busiest container port with more than 5.183 million container shipments last year, I rise in strong support of H.R. 3983, the Maritime Transportation Antiterrorism Act.

The attacks of September 11 underscored the vulnerability of our ports to potential acts of terrorism. The sheer volume of goods shipped in containers, their unsecure ports of origin, the volatility of many of the goods stored at ports, and the wide expanses which comprise our posts present terrorists with targets and conduits for terror and local officials and law enforcement with formidable challenges.

Given this threat, I first want to say how impressed I was at the speed with which the maritime agencies of our federal, state and local governments responded following September 11.

The women and men of the Coast Guard, Customs, INS, LA and San Pedro Police, the LA County Sheriff, Port Police, National Guard, reservists and auxiliary personnel, and other emergency responders demonstrated their coolness and professionalism in securing the Port of Los Angeles.

They showed unprecedented coordination and courage and, on behalf of the community, I want to extend a "thank you for a job well done". I would also like to give a very special acknowledgement to the leadership of Coast Guard Captain John Holmes, captain of the Port of Los Angeles/Long Beach.

The bill before us provides much-needed resources to the work of these first responders.

In addition to requiring new vulnerability assessments at our ports, the bill also requires the imposition of new transportation security cards for workers with access to secure areas at ports. I compliment the chairman and ranking member for working with maritime labor to ensure that background checks used in issuing the security cards target true risks and I echo the view that any information collected on workers be used solely for security purposes.

The bill also includes several provisions designed to reduce the ability of terrorist to use cargo containers to smuggle terrorists or weapons into the US. In particular, the bill requires security assessments at foreign ports.

But I want also to highlight container security and the need for effective supply chain security measures. Though not addressed in this bill, it is increasingly evident that supply chain security is critical to ensuring that the contents of container cargo are not tampered with during shipment.

Shipment, of course, does not begin with the placing for a container aboard a vessel but, rather with it being loaded—something that often occurs in another country far from the port of embarkation to the United States.

The bill requires the Transportation Department to develop performance standards for

improving the physical security of containers, which should go well beyond seals and locks and include supply chain security. Some innovative tracking and detection technologies are under development and incorporating them in containers will further secure both cargo and our ports.

Madam Speaker, I strongly support this bill. It takes important steps in helping us secure our ports in the fight against terrorism.

The key factor to improved security is the dedication and hard work of thousands of workers employed in and around our ports. From the federal agencies involved to state and local law enforcement, port officials, vessel operators and crew, shippers, dock workers and truckers—security begins with their continued vigilance and I commend them for a job well done and am proud to help provide them with more tools to continue the job.

Mr. LARSEN of Washington. Madam Speaker, I rise in support of H.R. 3983, the Maritime Transportation Anti-terrorism Act.

In the wake of September 11th we must ensure that we are showing vigilance on the topic of port security. Any attacks on our ports could cripple the country economically and disrupt our nation's trade.

Ports serve our key national interests by facilitating the flow of trade and supporting the mobilization and deployment of U.S. Armed Forces. 95% of overseas international trade enters or exits through our nation's ports. In the next twenty years, the amount of trade going through our ports is expected to double. Ports must continue to update and modernize their facilities, not only to accommodate this growth but to preserve their safety and security.

While I do support this legislation, I am concerned that it does not fully address meaningful container security. I believe that H.R. 3983 should mandate that port workers who receive containers inspect the outside seal on each container and that it require mandatory inspection for "empty" containers, which regularly move on and off ships each day.

I am proud to represent the Ports of Everett and Bellingham, both of which greatly contribute to the economic vitality of my district. Their presence makes port security an especially important issue to my constituents and myself. Again, Madam Speaker, I support H.R. 3983 and look forward to its speedy passage.

Mr. SHAW. Madam Speaker, I rise in support of this legislation, which represents the next crucial step in improving America's transportation security. This bill coordinates various federal law enforcement efforts with local port authorities, provides better communications, and helps pay for technology upgrades and other security infrastructure at our ports.

This legislation is of particular importance to the 14 publicly owned deepwater seaports in the State of Florida, including Port Everglades, Port of Palm Beach, and Port of Miami in South Florida. The challenge of protecting against potential threats to security in Florida

is unique due to the state's extensive coastline, vigorous international trade, and passenger cruise activities. Our geography dictates that we must be prepared as a front-line homeland defense point against terrorism, as well as illegal immigration, and drug trafficking.

Florida seaports represent some of the busiest bulk cargo and container ports in the nation, and improved security at our seaports is critical for protection of the state's citizens and millions of visitors, as well as the state's continued economic vitality.

The threat of terrorism and other crimes to Florida seaports has already been documented by the State of Florida as well as each of the Florida seaports. A 1999 state-commissioned study found that the Florida ports are highly vulnerable and recommended comprehensive seaport security plans at each Florida seaport. In 2000, the State of Florida enacted legislation mandating that such plans be undertaken.

As the Chairman of the Florida Congressional delegation, I am pleased that this bill does not penalize the Florida ports that have been pro-active in taking the necessary steps to improve security. A shining example of such a port is Port Everglades in my district. Even before September 11, Port Everglades had laid out a comprehensive security improvement plan. Since that day, the port has expedited its efforts, turning a 48 month plan to improve security into an impressive, 12 month, \$25 million plan that is now halfway completed.

As one of the first House members to introduce seaport security legislation, and the sponsor of the companion to the bill that passed the Senate, I am gratified that the House is taking up this critically important issue. I would like to thank Chairman YOUNG for all his hard work to this point and I look forward to working with him further as we begin discussions with the other chamber. I urge my colleagues to support the bill.

Mr. GOSS. Madam Speaker, the United States has always been fortunate in its history to have two large oceans separating it from many of the troubles that exist elsewhere in the world. This has meant that until recently, the American Homeland had been protected from foreign hostilities for the better part of two centuries. However, the rise of global commerce in combination with a new type of foreign enemy now threatens to undermine this blissful pax americana. The United States has 95,000 miles of open shoreline. Along this breadth of shoreline are located 361 ports and into them pours six million marine containers annually. The scale of the shipping industry is simply stunning. Unfortunately, on any one of these ships or in any of the containers may be unexpected stowaways with deadly plans or weapons. Representing a coastal district in southwest Florida, I know first hand that the Coast Guard does a heroic job of watching

over our borders. But they need help and they need it now. H.R. 3983 is a good first step in this direction. The bill requires that the Secretary of Transportation do a comprehensive review of our vulnerabilities and prepare plans to reduce risk of attack. Further, the bill requires a plan to better coordinate Federal, state, and local efforts in the prevention of maritime terrorism.

I urge my colleagues to support this legislation that will help to better protect our Nation's shoreline and ports.

Mrs. BIGGERT. Madam Speaker, I rise today in support of H.R. 3983, the Maritime Transportation Antiterrorism Act.

I also rise to thank Chairman YOUNG, Coast Guard and Maritime Transportation Subcommittee Chairman LOBIONDO, and the subcommittee staff for all their hard work on this bill.

In June of 2001, they agreed to work with the U.S. Coast Guard, the State of Illinois, the City of Chicago, and me on the project to improve safety and security along Chicago's lakefront. Needless to say, this project became significantly more important after the events of September 11th.

Thanks to the committee's cooperation and assistance, this bill authorizes funding for the construction of a Marine Safety Station on Chicago's lakefront.

This new Chicago 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 other 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 again want to thank the Chairman for working with me to bring this project to fruition.

Mr. BENTSEN. Madam Speaker, I rise today in support of H.R. 3983, the Maritime Transportation Antiterrorism Act of 2002. I commend the work of the House Transportation Committee on port security, but I also want to clearly state that much more remains to be done to secure our coastal areas from maritime threats. As a representative of a district that includes parts of the Port of Houston, the nation's 2nd largest port, I am proud that this House has set aside jurisdictional squabbles and is taking this important action.

First, H.R. 3983 directs the Department of Transportation to conduct security assessments at every one of the nation's 361 seaports. The legislation authorizes \$225 million in grants through 2005 to enhance port security. I would note that the Senate has passed port security legislation with a \$1.1 billion grant program, and I support increasing the House number significantly in conference committee.

Central to H.R. 3983 is the provision directing the newly created Transportation Security Administration (TSA) to develop an identification and screening system for maritime cargo entering the United States. Currently the official papers accompanying cargo manifests are rampantly inaccurate, and I believe Congress needs to remain vigilant after the passage of this legislation to ensure that the TSA does, in

fact, develop an effective system. Interests do exist that desire the least amount of accountability for international cargo, and they must not be allowed to derail TSA's regulatory action directed by this legislation.

In the end, I do not believe that it makes much difference whether the development of a cargo container tracking system is undertaken by TSA or the Customs Service, but it does make a difference if those who are more concerned with jurisdiction and turf are allowed to dominate the process at the expense of those who are singly committed to long-overdue security improvements at our nation's extremely busy international ports. I understand that the conference committee on port security legislation (H.R. 398/S. 1214) will be the decisive forum for this issue, and I urge all future conferees not to delay Congressional action on port security action any longer. If House and Senate committee jurisdictional disputes are allowed to delay maritime terrorism preparedness legislation, it will be a low point in Congressional behavior post-September 11th.

In addition to potential TSA and Customs involvement in new port security measures, this legislation also contains new port security initiatives for the U.S. Coast Guard (USCG), an admirable security force that I have worked closely with on a number of security issues in my district pre- and post-September 11th. I strongly support the provisions of H.R. 3983 establishing USCG anti-terrorism teams and "sea marshals," both of which will act as preventive and first response forces for maritime security. Provisions establishing port employee identification requirements for secure port areas and improved passenger and crew manifest notification are also vitally important. I am pleased that H.R. 3983 authorizes \$5.9 billion for the USCG, over \$800 million more than requested by the Administration in March, as a result of these new tasks and responsibilities the American people are entrusting to their Coast Guard.

Despite the port security progress promised by H.R. 3983, much work will still remain. The security assessments at 361 seaports will certainly uncover a myriad of unanticipated, but glaring needs around the country. The House bill is providing merely \$623,000 in grant authority per port, whereas the Senate bill provides a healthier, but still likely inadequate \$3,047,000 in grant authority per port.

As an example of how expensive this undertaking will be, mobile cargo container scanners cost roughly \$1 million. Only the larger 18 ports in America currently have these devices and most of these ports only have one. In addition to a lack of screening equipment is a lack of Customs personnel necessary to thoroughly examine incoming cargo manifests for high-risk shipments and man the equipment to scan the cargo. Our port security gap is as simple as not enough equipment, men, and inspections. Improving this security situation will cost a large amount of money, probably even more than the \$1.1 billion authorized in the Senate-passed legislation.

I applaud all those that have worked hard on port security legislation this year, especially the USCG, Customs, local law enforcement, and Port of Houston Authority personnel on active security duty in the Houston-Galveston area. I also encourage TSA, Customs, USCG to set aside any disputes and work together for the imperative common good of port security. However, Congress and the American

people must not forget that much remains to be done. I implore future Congresses to continue to revisit the issue of maritime security to see that Congressional improvements, once enacted, are made, and that any new necessary improvements are vigorously pursued. I thank the Speaker, and urge my colleagues to support H.R. 3983.

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

Mr. LOBIONDO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). 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. 3983, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. LOBIONDO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### PORT AND MARITIME SECURITY ACT OF 2001

Mr. LOBIONDO. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1214) to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1214

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

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

(a) SHORT TITLE.—This Act may be cited as the "Port and Maritime Security Act of 2001".

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

Sec. 1. Short title; table of contents.

#### TITLE I—PORT AND MARITIME SECURITY

Sec. 101. Findings.

Sec. 102. National Maritime Security Advisory Committee.

Sec. 103. Initial security evaluations and port vulnerability assessments.

Sec. 104. Establishment of local port security committees.